B. City-wide Activities

3. Public Amenities

3.1 Introduction

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

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

In response to these issues, this Plan imposes limits on scale or requires consent in order to enable public amenities to occur while managing effects on the amenity of surrounding sites and other users of public places.

3.2 Objectives and Policies

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

Rules

Rule 3.3 Activity Status

3.3.1 Activity Status Introduction

1. The activity status table in Rule 3.3.2 shows the activity status of public amenities activities across all zones, provided any performance standards shown in the far right column are met. The activities in the public amenities category are listed in the nested table in Section 1.3.
2. Performance standards apply to permitted, and restricted discretionary activities.
3. If a permitted activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.
4. If a restricted discretionary activity does not meet one or more performance standards, then the activity status

remains restricted discretionary, unless otherwise indicated in the performance standard.

5. Any site development activities associated with an activity provided for in the activity status table in Rule 3.3.2 are subject to the provisions of the relevant management zone section.
6. Any earthworks associated with an activity provided for in the activity status table in Rule 3.3.2 are subject to the provisions in Section 8A.
7. Any construction and site investigation associated with an activity provided for in the activity status table in Rule 3.3.2 is subject to the provisions in Section 4.
8. Any network utilities associated with an activity provided for in the activity status table in Rule 3.3.2 is subject to the provisions in Section 5.
9. Any modifications to a scheduled heritage building or scheduled heritage structure is managed through the rules for additions and alterations in the relevant management or major facility zone.

Legend

Acronym	Meaning
+	Additional provisions apply (assessment criteria for activities in the overlay need to be viewed)
P	Permitted Activity
RD	Restricted Discretionary Activity
Res	Residential Zones

3.3.2 Activity Status Table - Public Amenities Activities

1.	Performance standards that apply to all public amenities activities				a. Public amenities and signs located on or above the footpath b. Height c. Light spill d. Setback from scheduled tree e. Noise f. Natural hazards performance standards g. Setback from National Grid h. Setback from Critical Electricity Distribution Infrastructure
Activity		Activity status			Performance standards
		a. Res	b. All other zones	c. In a heritage precinct or on a scheduled heritage site	
2.	Public artworks - small scale painted on network utility structures or bus shelters	P	P	P	

3.	All other public artworks - small scale	RD	P	RD+ (in residential heritage precincts)	
4.	Public artworks - large scale	RD	RD	RD+	
5.	Public display boards	RD	RD	RD+	i. Maximum dimensions
6.	Public toilets	RD	RD	RD+	i. Maximum height
7.	All other activities in the public amenities category	P	P	P	i. Maximum height ii. Maximum dimensions

Note 3.3.2A - Other requirements outside of the District Plan

1. Permission must be obtained for any public amenities on Dunedin City Council (DCC) land including reserves and roads, please contact 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
2. Permission must be obtained from the NZ Transport Agency for the erection of any public amenities within the state highway road reserve.
3. An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan or a resource or building consent has been granted.
4. The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol (Appendix A8) manages archaeological sites that may be discovered as a result of earthworks. The protocol applies to any area, not just scheduled archaeological sites.
5. Scheduled archaeological sites are identified on the Planning Map. Archaeological sites may also be found outside these areas, but are more likely to be found within the archaeological alert layer.

Rule 3.4 Notification

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

Rule 3.5 Performance Standards

3.5.1 Public Amenities and Signs Located on or Above the Footpath

Public amenities must comply with Rule 6.7.2.

3.5.2 Height

3.5.2.1 Height in relation to boundary

a. Public amenities that meet the definition of a building must comply with the performance standard for height in relation to boundary of the zone in which they are located.

b. Activities that contravene this performance standard are restricted discretionary activities.

3.5.2.2 Maximum height

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

Public amenity		Maximum height
i.	Public play equipment	9m
ii.	Freestanding flagpoles	9m
iii.	Public display boards	2m
X.	Kāi Tahu tohu whenua (cultural markers)	9m
iv.	Monuments and memorials	5m
v.	All other public amenities	3m

b. Activities that contravene this performance standard are restricted discretionary activities.

3.5.3 Light Spill

Public amenities must comply with Rule 9.3.5.

3.5.4 Maximum Dimensions

1. For flat public display boards, the maximum area of all display faces is 3m², with no single display face exceeding 1.5m² in area.
2. The maximum diameter for bollards is 1m.
3. For place name signs, the maximum area of the display face is 2m².
4. Activities that contravene this performance standard are restricted discretionary activities.

3.5.5 Setback from National Grid

Public amenities must comply with Rule 5.6.1.1.

3.5.6 Setback from Scheduled Tree

Public amenities must comply with Rule 7.5.2.

3.5.7 Setback from Critical Electricity Distribution Infrastructure

Public amenities must comply with Rule 5.6.X.1.

3.5.8 Noise

Public amenities must comply with Rule 9.3.6.

3.5.9 Natural Hazards Performance Standards

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

Public amenities must comply with Rule 11.3.1.1.

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

3.6.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 3.6.2 and 3.6.3:
    a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.

3.6.2 Assessment of all performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
1.	All performance standard contraventions	*Potential circumstances that may support a consent application include:* a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards, site specific factors including topography, make meeting the standard impracticable. c. 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. *General assessment guidance:* d. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

3.6.3 Assessment of public amenities performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Public amenities located on or above the footpath	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.
2.	• Height in relation to boundary • Maximum dimensions • Maximum height	a. Effects on amenity	*Relevant objectives and policies:* i. Objective 3.2.1. ii. Public amenities are designed and located to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the amenity of the surrounding sites and streetscape amenity (Policy 3.2.1.2).
3.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6.

3.6.4 Assessment of restricted discretionary performance standard contraventions in a mapped area			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	In the **Critical Electricity Distribution Infrastructure Corridor mapped area**: • Setback from Critical Electricity Distribution Infrastructure (buildings, structures and city-wide activities)	a. Effects on health and safety	See Rule 5.7.
		b. Effects on efficient and effective operation of network utilities	

Rule 3.7 Assessment of Restricted Discretionary Activities

3.7.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 3.7.2 and 3.7.3:
    a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provide guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.
3. Where a restricted discretionary activity does not meet a performance standard the following occurs:
    a. if the contravention of the performance standard defaults to **restricted discretionary** then:
        i. the activity, as a whole, will be treated as **restricted discretionary**;
        ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard;
        iii. the performance standard contravention will be assessed as indicated in Section 3.6; and
        iv. the matters of discretion in this section will be assessed as indicated.
    b. if the contravention of the performance standard defaults to **discretionary** then:
        i. the activity, as a whole, will be treated as **discretionary**;
        ii. the performance standard contravention will be assessed; and
        iii. the assessment guidance in this section will also be considered.
    c. if the contravention of the performance standard defaults to **non-complying** then:
        i. the activity, as a whole, will be **non-complying**;
        ii. the performance standard contravention will be assessed as indicated in Section 3.8; and
        iii. the assessment guidance in this section will also be considered.

3.7.2 Assessment of all public amenities activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	• Public artworks - large scale • Public artworks - small scale in residential zones (except public artworks - small scale printed on network utility structures or bus shelters)	a. Effects on amenity, and use and enjoyment of public spaces	*Relevant objectives and policies:* i. Objective 3.2.1. ii. Public artworks have positive effects for streetscape amenity (Policy 3.2.1.4.a). iii. Adverse effects of public artworks on surrounding sites are avoided or, if avoidance is not practicable, adequately mitigated (Policy 3.2.1.4.b). *General assessment guidance:* iv. In assessing the effects on amenity, Council will consider the appropriateness of the location and design, and in particular consider the following matters: 1. Artworks should not overly dominate a public space. 2. Artworks must use colours that are appropriate to the location and purpose of the artwork, with consideration of the context of the artwork. 3. The artworks must be made of robust materials and constructed to meet environmental conditions so they will maintain their physical integrity for the life of the artwork. 4. The artwork must be designed and located to not impede pedestrian movement or create concealment places, or significantly obstruct clear sightlines though public spaces. 5. Artworks must be culturally and socially sensitive so as to be inclusive of the wider community, and not present material that would be offensive or inappropriate. 6. Artworks must be located to avoid creating clutter in public spaces. 7. Illuminated artworks must not distract drivers or create nuisance effects for surrounding sites or other activities on the same site by having appropriate direction, movement, and intensity of light. 8. Artworks must not create sound that would be a nuisance to users of a public space, surrounding sites, or other activities on the same site. 9. Kinetic artworks must not distract drivers or be a nuisance to users of a public space, to surrounding sites, or other activities on the same site, as a result of movement or sound.
2.	Public display boards	a. Effects on amenity	*Relevant objectives and policies:* i. Objective 3.2.1. ii. Adverse effects of public display boards on surrounding sites are avoided or, if avoidance is not practicable, adequately mitigated (Policy 3.2.1.3).

3.7.2 Assessment of all public amenities activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
3.	Public toilets	a. Effects on amenity	*Relevant objectives and policies:* i. Objective 3.2.1. ii. Adverse effects of public toilets on surrounding sites are avoided or, if avoidance is not practicable, adequately mitigated (Policy 3.2.1.3). *Potential circumstances that may support a consent application include:* iii. Toilets are set back from side and rear boundaries with residential properties by an adequate distance to avoid effects on surrounding sites.

3.7.3 Assessment of restricted discretionary activities in an overlay zone, mapped area or affecting a scheduled item			
Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	In the **ONF**, **ONL** or **SNL overlay zones**: • Public artworks - large scale	a. Effects on landscape values	See Rule 10.6.
2.	In the **ONCC**, **HNCC** or **NCC overlay zones**: • Public artworks - large scale	a. Effects on natural character of the coast	See Rule 10.6.
3.	In a **heritage precinct** or on a **scheduled heritage site**: • Public artworks - large scale • Public display boards • Public toilets • Public artworks - small scale in a residential heritage precinct (except public artworks - small scale painted on network utility structures or bus shelters)	a. Effects on heritage streetscape character	See Rule 13.6.
4.	In a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4: • Public artworks - large scale • Public display boards • Public toilets	a. Effects on cultural values of Manawhenua	See Rule 14.4.

Rule 3.8 Assessment of Discretionary Activities

3.8.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 3.8.2 provides guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
   b. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
   c. general assessment guidance, including any effects that will be considered as a priority; and
   d. conditions that may be imposed.

3.8.2 Assessment of discretionary performance standards		
Performance standard		Guidance on the assessment of resource consents
1.	• Light spill - where the limit is exceeded by 25% or less • Noise - where the noise limit is exceeded by less than 5dB LAeq (15 min)	*Relevant guidance from other sections (priority considerations):* a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

Rule 3.9 Assessment of Non-complying Activities

3.9.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 3.9.2 provides guidance on how a consent application for the listed non-complying activities will be assessed, including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
   b. general assessment guidance, including any effects that will be considered as a priority.

3.9.2 Assessment of non-complying performance standards		
Performance standard		Guidance on the assessment of resource consents
1.	• Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5dB LAeq (15 min) or more	*Relevant guidance from other sections (priority considerations):* a. See Section 9.8 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	*Relevant guidance from other sections:* a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.X and effects related to the operation, maintenance, upgrading and development of the National Grid.
3.	Hazard exclusion areas (**swale mapped area**) (Rule 11.3.1.1)	*Relevant guidance from other sections (priority considerations):* a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to risk from natural hazards.

4. Temporary Activities

4.1 Introduction

Temporary events, and uses such as concerts, festivals, parades, and market days, occur on a regular basis throughout the city, and primarily in public places. The Plan needs to provide for such activities and recognise the contribution that they make to the social and cultural well-being of communities and to the vitality of the city.

In addition to community focused events, military training exercises, filming, construction and site investigation, temporary helicopter landings, mobile trading, temporary signage, and temporary disaster management accommodation are also provided for within the Plan with a clear set of parameters to ensure any adverse effects arising from the activities are avoided, remedied or mitigated. Temporary activities incorporate both the activities and structures to facilitate the activities.

Temporary activities can also generate adverse effects on surrounding environments, particularly in the form of noise, increased traffic movements and parking requirements. The temporary nature of such activities generally minimises these adverse effects and consequently many events of short duration are tolerated by parts of the community, while other members enjoy what the event has to offer.

4.2 Objectives and Policies

Objective 4.2.1	
Temporary activities are enabled while: a. minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and b. ensuring any adverse effects on people's health and safety are minimised as far as practicable.	
Policy 4.2.1.1	Require temporary activities to be designed and operated to minimise, as far as practicable, adverse effects on: a. the amenity of surrounding properties; b. people's health and safety; and X. the safety and efficiency of the transport network.
Policy 4.2.1.2	Require temporary signs to be located and designed to minimise, as far as practicable, adverse effects on: a. streetscape amenity; and b. the safety and efficiency of the transport network.
Policy 4.2.1.3	Only allow temporary events - large scale, and filming - large scale where they are located and operated to ensure adverse effects on amenity and the transport network will be avoided or, if avoidance is not practicable, adequately mitigated.

Rules

Rule 4.3 Activity Status

4.3.1 Activity status introduction

1. The activity status table in Rule 4.3.2 shows the activity status of temporary activities across all zones, provided any performance standards shown in the far right column are met. The activities in the temporary activities category are listed in the nested table in Section 1.3.
2. Performance standards apply to permitted and restricted discretionary activities.
3. If a permitted activity does not meet one or more performance standards, then the activity status of the

activity is indicated in the relevant performance standard rule.

4. If a restricted discretionary activity does not meet one or more performance standards, then the activity status remains restricted discretionary, unless otherwise indicated in the performance standard.
5. Any site development activities associated with an activity provided for in the activity status table in Rule 4.3.2 are subject to the provisions of the relevant management zone section.
6. Any earthworks associated with an activity provided for in the activity status table in Rule 4.3.2 are subject to the provisions in Section 8A.

Legend

Acronym	Meaning
P	Permitted Activity
RD	Restricted Discretionary Activity

4.3.2 Activity Status Table - Temporary Activities

1.	Performance standards that apply to all temporary activities		a. Development standards b. Light spill
Activity		Activity status	Performance standards
2.	Construction and site investigation	P	a. Noise b. Maximum duration, frequency, and site restoration
3.	Filming - small scale	P	a. Maximum duration, frequency, and site restoration b. Hours of operation c. Noise
4.	Filming - large scale	RD	a. Maximum duration, frequency, and site restoration b. Hours of operation c. Noise
5.	Helicopter movements	P	a. Maximum duration, frequency, and site restoration b. Noise
6.	Military exercises	P	a. Notice to DCC (military exercises) b. Setbacks (military exercises) c. Noise
7.	Mobile trading of readily consumable foods in a public place	P	a. Maximum duration, frequency, and site restoration
8.	Temporary disaster management accommodation	P	

9.	Temporary events - small scale	P	a. Maximum duration, frequency, and site restoration b. Hours of operation c. Noise X. Access
10.	Temporary events - large scale	RD	a. Maximum duration, frequency, and site restoration b. Hours of operation c. Noise X. Access
11.	Temporary signs	P	a. Number, location and design of temporary signs

Note 4.3.2A - Other requirements outside of the District Plan

1. Permission from the Dunedin City Council (DCC) must be obtained for all temporary activities on DCC land including reserves and roads. Please contact the DCC's Transportation Group or Parks and Recreation Department on 03 477 4000 and ensure all appropriate permissions are received including for:
   a. temporary road closures; and
   b. use of reserves or open space.
2. If food will be sold at an event, it is the responsibility of the event organiser to ensure all food operators have approval from the DCC's Environmental Health Department. Please contact Environmental Health Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
3. Activities that involve the sale or provision of alcohol may require a licence. Please contact the DCC's Alcohol Licensing Department on 03 477 4000 for more information.
4. Building consent may be required for some temporary structures. These must be obtained from DCC. Please contact Council's Building Services Department on 03 477 4000 for more information.
5. A licence is required under the Mobile Trading and Temporary Stall Bylaw 2014 to carry out mobile trading. Permission from the DCC must be obtained for all mobile trading activities on DCC land including reserves and roads. Please contact the DCC's Environmental Health Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
6. In addition to the noise limits specified in this section, noise emissions from temporary events will be subject to complaint based Excessive Noise provisions (sections 326-328) of the Resource Management Act 1991. The DCC's Environmental Health Department or their contractors will be responsible for responding to any noise complaints received by the DCC in relation to an event. To ensure there are no surprises on the day of the event it is recommended you liaise with the Environmental Health Department prior to the event, provide contact details for key personnel and agree on a protocol for responding to noise complaints should they arise. For more information, please contact the DCC on 03 477 4000 or visit the DCC website at www.dunedin.govt.nz.
7. Permission must be obtained from the NZ Transport Agency for all temporary activities on state highway road reserve.
8. For construction and site investigation: bore construction and the drilling of land carried out for any other purpose are also managed by rules in the Regional Plan: Water for Otago. Resource consent may be required from the Otago Regional Council for these activities.

Note 4.3.2B - Other relevant District Plan provisions

1. Mobile trading, other than as provided for in Rule 4.3.2.7 is managed as if it were not operating from mobile premises (i.e. the activity status and land use performance standards of the zone in which it is occurring apply).

Rule 4.4 Notification

X. With respect to resource consent applications for the following activities, KiwiRail (or relevant authority) will be considered an affected person in accordance with section 95E of the RMA where its written approval is not provided:

1. contravention of the access performance standard (Rule 4.5.X).

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

Rule 4.5 Performance Standards

4.5.1 Development Standards

1. Any temporary building or structure, or earthworks or site development activity associated with temporary activities must meet the maximum height, height in relation to boundaries, setbacks, hazard exclusion areas, vegetation clearance standards, and earthworks performance standards of the zone in which they are located, except:
   a. temporary signs (see Rule 4.5.7);
   b. setbacks from coast and water bodies, provided the building or structure is set back from the coast or water bodies a minimum of 5m;
   c. any temporary building or structure associated with construction and site investigation are exempt from meeting performance standards for maximum height, height in relation to boundary, and boundary setbacks provided they are erected for no more than 90 days; and
   d. any structure associated with mobile trading or military exercises is exempt from meeting the performance standard for setback from designated rail corridor.
2. NA
3. Activities that contravene this performance standard are restricted discretionary activities.

4.5.2 Hours of Operation

1. Temporary events and filming must not exceed the following hours of operation:

Activity		i. Hours of operation within residential zones or within 100m of a residential zone	ii. Hours of operation within all other zones
a.	Temporary events that do not involve amplified noise	All days: 8.00am - 9.00pm	Sunday - Thursday: 6.00am - 10.00pm Friday and Saturday: 6.00am - 11.00pm (or 11.30pm in the CBD Zone)
b.	Temporary events that involve the operation of amplified sound equipment	Sunday - Thursday: 10.00am - 7.00pm Friday and Saturday: 10.00am - 9.00pm	Sunday - Thursday: 10.00am - 9.00pm Friday and Saturday: 10.00am - 10.00pm (or 11.30pm in the CBD Zone)
c.	Filming	All days: 8.00am - 7.00pm	All days: 7.00am - 9.00pm (or 12.00am midnight in an industrial zone)

   d. Except in all zones the hours of operation for New Years Eve celebrations, including those that involve the operation of amplified sound equipment, is extended until 1.00am the following morning.

2. Activities that contravene this performance standard are restricted discretionary activities.

4.5.3 Maximum Duration, Frequency, and Site Restoration

4.5.3.1 Temporary events and filming

a. Temporary events must not exceed the following maximum durations:

Location		Maximum duration of event
i.	The Oval (Town Belt (The Oval) Town of Dunedin SO 14526)	10 consecutive days
ii.	The Octagon (Sec 1 Reserve No 2 SO 12279 Town of Dunedin) and Museum Reserve (363 and 381 Great King Street)	5 consecutive days
iii.	All other locations	3 consecutive days

iv. Except, site preparation, which must not occur more than two days before an event; and site clean-up and restoration, which must be completed within two days of the completion of the event.

b. No more than five temporary events may occur on a site within any calendar year, except temporary events in public places, churches or other places of worship, and community halls.

c. Filming and temporary events must return sites to their original condition after filming or the temporary event is finished.

d. Activities that contravene this performance standard are restricted discretionary activities.

4.5.3.2 Mobile trading

a. Mobile trading must not operate in any location for a cumulative period exceeding four hours in any 24 hour period, except:
   i. if the activity would otherwise be permitted in the zone;
   ii. if the mobile trading is associated with a temporary event; or
   iii. if the mobile trading is associated with an event occurring as part of a sport and recreation activity or an event occurring in the Recreation Zone or at major facilities, in which case the maximum duration is for a period starting two hours before the start of the event until two hours after the completion of the event.

b. Activities that contravene this performance standard are restricted discretionary activities.

4.5.3.3 Helicopter movements

a. Helicopter movements must not exceed 20 flight movements (a take-off or landing) per calendar month per site.

b. Helicopter movements for emergency services or that support farming activity are exempt from this standard.

c. Activities that contravene this performance standard are restricted discretionary activities.

4.5.3.4 Construction and site investigation

a. Off-site use and storage of plant, tools, gear, materials or relocatable site offices as part of construction and site investigation must:
   i. not exceed a maximum duration of 20 weeks per site in any 12 month period; and
   ii. only be accessed between 7.00am and 6.00pm on weekdays and Saturdays, except public holidays.

b. The following activities are exempt from this performance standard:
   i. off-site use and storage of plant, tools, gear, materials in the Central Business District, CBD Edge Commercial North, CBD Edge Commercial South, Harbourside Edge, Princes, Parry and Harrow Street, South Dunedin Large Format, Warehouse Precinct, Centres, Trade Related, Port, Taieri

Aerodrome, Campus, Industrial, and Industrial Port zones; and

ii. off-site relocatable site offices in all zones where office activity is a permitted activity.

c. Activities that contravene this performance standard are restricted discretionary activities.

Note 4.5.3.3A - Copyright information

1. The limits on helicopter movements in Rule 4.5.3.3 are from NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.

4.5.4 Noise

4.5.4.1 Construction and site investigation noise

a. Construction and site investigation must not exceed the relevant noise limits in Rule 4.5.4.1.a.i, Rule 4.5.4.1.a.ii and Rule 4.5.4.1.a.iii at any building that is occupied during the construction and site investigation works. Noise must be measured and assessed in accordance with NZS6803:1999 Acoustics Construction Noise:

i. Construction and site investigation noise received at any building that is occupied during the construction works in the following locations must not exceed the noise limits in the following table, except where Rule 4.5.4.1.X applies:

1. residential zones;
2. dwellings in rural and rural residential zones; and
3. buildings housing noise sensitive activities in the Recreation Zone, centres zones, SSYP, and major facility zones other than Port Zone:

Time of week	Time period	Duration of work					
		1. Typical duration (dBA)		2. Short-term duration (dBA)		3. Long-term duration (dBA)	
		LAeq	Lmax	LAeq	Lmax	LAeq	Lmax
Weekdays	1. 6.30am - 7.30am	60	75	65	75	55	75
	2. 7.30am - 6.00pm	75	90	80	95	70	85
	3. 6.00pm - 8.00pm	70	85	75	90	65	80
	4. 8.00pm - 6.30am	45	75	45	75	45	75
Saturdays	5. 7.30am - 6.00pm	75	90	80	95	70	85
	6. 6.00pm - 7.30am	45	75	45	75	45	75
Sundays and Public Holidays	7. 7.30am - 6.00pm	55	85	55	85	55	85
	8. 6.00pm - 7.30am	45	75	45	75	45	75

ii. Construction and site investigation noise received at any building that is occupied during the construction and site investigation works in the Industrial, Industrial Port and Port zones at buildings that do not house a noise sensitive activity must not exceed the noise limits in the following table, except where Rule 4.5.4.1.X applies:

Time period	Duration of work

	1. Typical and long-term duration	2. Short-term duration	3. NA
	LAeq (dBA)	**LAeq (dBA)**	**NA**
1. 7.30am - 6.00pm	75	80	NA
2. 6.00pm - 7.30am	80	85	NA

iii. Construction and site investigation noise received at any building that is occupied during the construction and site investigation works in the following locations must not exceed the noise limits in the following table, except where Rule 4.5.4.1.X applies:

1. at any building within CBD, WP, PPH, HE, CEC, SDLF, and TR; and
2. at buildings housing a noise sensitive activity in the Industrial, Industrial Port and Port zones:

Time period	Duration of work	
	1. Typical and long-term duration	2. Short-term duration
	LAeq (dBA)	**LAeq (dBA)**
1. 7.00am - 10.00pm	75	80
2. 10.00pm - 7.00am	60	60

X. Typical and long-term duration construction and site investigation within the Industrial, Industrial Port, Port and commercial and mixed use zones may exceed the relevant noise limits in Rule 4.5.4.1.a.i, Rule 4.5.4.1.a.ii and Rule 4.5.4.1.a.iii where all of the following criteria are met:

i. the exceedances occur on a total of no more than three days per project;

ii. the exceedances only occur between the hours of 7.30am and 6.00pm, Monday to Saturday;

iii. the exceedances comply with a limit of 80dB LAeq (15 min); and

iv. the occupants of all buildings where exceedances are expected have been advised in writing, no less than three days before the works begin, of the location and duration of the works and a contact name and phone number for complaints.

b. NA

c. Activities that contravene this performance standard in any of the following ways are discretionary activities:

i. activities that contravene Rule 4.5.4.1.a by less than 5dBA;

ii. activities that contravene Rule 4.5.4.1.a by 5dBA or more, in the commercial and mixed use zones between 7.00am and 10.00pm;

iii. activities that contravene Rule 4.5.4.1.X.i, iii or iv in the commercial and mixed use zones;

iv. activities that contravene Rule 4.5.4.1.a by 5dBA or more in the Port, Industrial Port and Industrial zones; or

v. activities that contravene Rule 4.5.4.1.X in Port, Industrial Port and Industrial zones.

d. Activities that contravene this performance standard other than provided for in 4.5.4.1.c are non-complying

activities.

e. For the purposes of Rule 4.5.4.1 "short-term duration" means construction and site investigation work at any one location for up to 14 calendar days per project; "typical duration" means construction and site investigation work at any one location for more than 14 calendar days but less than 20 weeks per project; and "long-term duration" means construction and site investigation work at any one location with a duration exceeding 20 weeks per project.

Note 4.5.4.1A - Copyright information

1. The provisions in Rule 4.5.4.1 are from NSZ 6803:1999 Acoustics Construction Noise by permission of Standards New Zealand under licence 001161.

4.5.4.2 Temporary events

a. Temporary events must comply with the performance standard for noise of the zone in which they are located (see Rule 9.3.6).

b. Temporary events in the CBD Zone must comply with the following noise limits:

Time period		Noise limit
i.	Sunday - Thursday: 10.00am - 10.00pm	1. 60dB LAeq (15 min) 2. 75dB LAmax
ii.	Friday and Saturday: 10.00am - 11:30pm	1. 75dB LAeq (15 min) 2. 85dB LAmax

c. Pyrotechnics and firing of a ceremonial cannon are exempt from the performance standards for noise.

d. Noise will be measured in accordance with NZS 6801:2008 Acoustics - Measurement of Environmental Sound and assessed in accordance with NZS 6802:2008 Acoustics - Environmental Noise.

e. Activities that contravene this performance standard by less than 5dB LAeq (15 min) are discretionary activities.

f. Activities that contravene this performance standard by 5dB LAeq (15 min) or more are non-complying activities.

4.5.4.3 Filming (small and large scale)

Filming must comply with the performance standard for noise of the zone in which they are located (see Rule 9.3.6).

4.5.4.X Construction and site investigation vibration

a. Construction and site investigation vibration received at occupied buildings in any zone must not exceed the following amenity vibration limits:

Location	Time Period	Vibration Limit (mm/s PPV)	Assessment Locations

A building housing a noise sensitive activity	7.00am to 10.00pm	2 mm/s PPV	In the corner of the floor of the storey of interest for any occupied multi-storey building, or within 500mm of ground level at the foundation of any occupied single storey building.
	10.00pm to 7.00am	0.3 mm/s PPV	
All other buildings	At all times	2 mm/s PPV	

i. Except that this standard does not apply to:

1. Vibration received at a building on the same site as the construction and site investigation activity where the building and land on which the construction and site investigation activity is undertaken are in the same ownership; or

2. Vibration from construction and site investigation activity undertaken within a road where:
    1. the works cannot practicably comply with the vibration limits specified in standard 4.5.4.X.a;
    2. the number of days on which vibration is predicted to exceed the limits in standard 4.5.4.X.a at any building is three or less;
    3. the works in the road can be undertaken independently from any work on private land that is part of the same project; and
    4. occupants of all buildings where vibration is predicted to exceed the limits are advised in writing no less than three days before the vibration generating construction and site investigation works begin. The written notice must include the location and duration of the works, and a contact name and phone number for enquiries, questions or complaints. This requirement to provide written notice does not apply to emergency works.

3. Vibration that complies with a limit of 5 mm/s PPV unless a lower limit for avoiding building damage in rule 4.5.4.X.b applies, in which case the lower limit must be complied with; and
    1. Vibration occurs on a total of no more than three days at any one building per construction project and only between the hours of 7.00am and 6.00pm; and
    2. The occupants of all buildings where vibration is predicted to exceed 2 mm/s PPV are advised in writing no less than three days before the vibration-generating construction and site investigation works begin. The written advice must include the location and duration of the works, and a contact name and phone number for questions or complaints.

b. Construction and site investigation vibration received at any buildings in any zone must not exceed the following building damage vibration limits:

Location	Time Period	Vibration Limit (mm/s PPV)	Measurement Location
Any building	At all times	The guideline vibration velocity values (PPV) set out in the German Standard DIN 4150-3:2016 *Vibration in buildings - Part 3: Effects on Structures*	In accordance with the requirements of DIN 4150-3:2016

i. Except that this standard does not apply to vibration received at a building on the same site as the

construction and site investigation activity, and the building and land on which the construction and site investigation activity is undertaken are in the same ownership, provided that:

1. where the building or structure is a scheduled heritage building or scheduled heritage structure, a suitably qualified person certifies that the works can be undertaken without causing structural damage to the scheduled heritage building or structure.

ii. Vibration generated by construction and site investigation must be assessed using peak particle velocity (PPV). This is consistent with the metrics used in ISO 4866:2010 Mechanical vibration and shock.

iii. Scheduled heritage buildings and scheduled heritage structures are always considered to be 'structures that are particularly sensitive to vibration and are of great intrinsic value' in terms of assessment under DIN 4150–3:2016.

c. Activities that contravene this performance standard are discretionary activities.

4.5.4.4 Military exercises

a. Noise from military exercises must not exceed the following limits:
   i. For mobile noise sources, the noise limits for construction and site investigation set out in Rule 4.5.4.1 apply.
   ii. For fixed (stationary) noise sources, the following limits as measured at the notional boundary of a building housing any noise sensitive activities apply:

Time (Monday - Sunday)		Noise level at the notional boundary of a building housing any noise sensitive activities
1.	7.00am - 7.00pm	55dB LAeq (15 min)
2.	7.00pm - 10.00pm	50dB LAeq (15 min)
3.	10.00pm - 7.00am	45dB LAeq (15 min) and 75dB LAFmax

b. Noise will be measured in accordance with NZS 6801:2008 Acoustics - Measurement of Environmental Sound and assessed in accordance with NZS 6802:2008 Acoustics - Environmental Noise.

c. The live firing of weapons and explosive events and the firing of blank ammunition are exempt from this performance standard (see Rule 4.5.6).

d. Military exercises that contravene this performance standard are a controlled activity.

4.5.4.5 Helicopter movements

a. Helicopter movements must not result in a maximum sound level (LAFMax) exceeding 70dB at night time (10.00pm - 7.00am) or 90dB during daytime (7.00am - 10.00pm) within any site in a residential zone or within the notional boundary to any noise sensitive activity in rural zones, rural residential zones or the Ashburn Clinic Zone.

b. Helicopter noise will be measured and assessed in accordance with NZS6807:1994 Noise Management & Land Use Planning For Helicopter Landing Areas.

c. Helicopter movements for emergency services are exempt from this standard.

d. Activities that contravene this performance standard by less than 5dB LAeq (15 min) are discretionary activities.

e. Activities that contravene this performance standard by 5dB LAeq (15 min) or more are non-complying activities.

4.5.5 Notice to DCC (Military Exercises)

1. A noise management plan must be provided to the DCC's Environmental Health Department at least 48 hours prior to the commencement of a military exercise involving weapons firing and/or the use of explosives, detailing:
   a. whether the activity involves live firing and/or the use of explosives, or the firing of blank ammunition;
   b. the location of the activity and the boundaries within which the activity will take place;
   c. the timing and duration of the activity; and
   d. distances to buildings housing noise sensitive activities, the potential effect on these activities, and where there is a potential effect, how property occupants will be notified of the military exercise (e.g. leaflet drop, letters, notice in newspaper).

2. Military exercises that contravene this performance standard are a controlled activity.

4.5.6 Setbacks (Military Exercises)

1. Military exercises involving weapons firing and/or the use of explosives must be set back from the notional boundary of any building housing noise sensitive activities as follows:

Activity type		i. Time (Monday - Sunday)	ii. Minimum setback distance
a.	Live firing of weapons or explosives	7.00am - 7.00pm	1500m
b.	Live firing of weapons or explosives	7.00pm - 7.00am	4500m
c.	Firing of blank ammunition	7.00am - 7.00pm	750m
d.	Firing of blank ammunition	7.00pm - 7.00am	2250m

   e. Except where:
      i. peak sound pressure level is below 120dBC between the hours of 7.00 am - 7.00pm; and
      ii. peak sound pressure level is below 90dBC between the hours of 7.00pm - 7.00am.
   f. Activities that contravene this performance standard are controlled activities.

4.5.7 Number, Location and Design of Temporary Signs

4.5.7.1 General

a. Temporary signs visible from a public place must meet all of the following performance standards.
b. Temporary signs may only be illuminated, digital, or projected, in:
   i. CBD, centres, PPH and SSYP zones outside **pedestrian street frontage mapped areas** and heritage precincts;
   ii. CBD Edge Commercial, South Dunedin Large Format and Trade Related zones;
   iii. industrial zones; and
   iv. the Dunedin Hospital, Dunedin International Airport, Edgar Centre, Mercy Hospital, Moana Pool and Stadium major facility zones.

X. Except that election signs may be illuminated, digital, or projected in a **pedestrian street frontage mapped area** that is not within a heritage precinct, provided the sign is not attached to the exterior of a scheduled heritage building.

c. Temporary signs attached to buildings must:
   i. not be attached to a roof;

ii. not exceed the height of the lowest point of a roof, except where mounted against a parapet or gable end, where they must not exceed the height of the parapet or gable end;

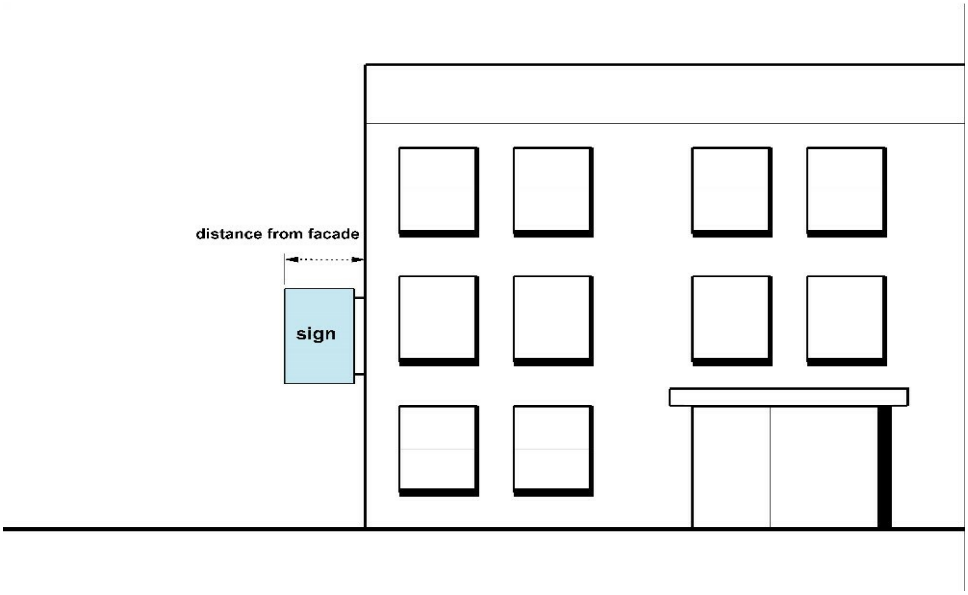
iii. if attached at an angle to the façade (including on a deck or verandah), must not protrude from the façade more than 1m, except for the following zones where signs must not protrude from the façade more than 1.5m (see Figure 4.5.7.1A):

1. CBD, centres, PPH and SSYP zones outside **pedestrian street frontage mapped areas** and heritage precincts;
2. CBD Edge Commercial, South Dunedin Large Format and Trade Related zones;
3. industrial zones, Dunedin International Airport, Port, Stadium and Campus major facility zones.

d. Temporary signs must also comply with:
   i. Rule 6.7.2, where located on or above public footpaths; and
   ii. Rule 6.7.3, where visible from the road.

e. Signs that contravene the performance standard for number, location and design of temporary signs are restricted discretionary activities.

Figure 4.5.7.1A: Signs attached at an angle to the façade



4.5.7.2 Election signs

a. Signs must not be erected more than two months prior to election or polling day and must be removed by midnight prior to election or polling day.

b. Signs on a site must not exceed a maximum number of:
   i. one per candidate or group of candidates for local elections and referenda; and
   ii. one per registered political party, independent or non-party affiliated candidate, for general elections.

c. Signs must not exceed a maximum area per display face of 3m² (see Figure 4.5.7.2A) and a combined maximum area of 6m² for all display faces.

d. Signs where attached to a fence, retaining wall, trailer or vehicle in all zones must not exceed 2m height above ground level.

e. Freestanding signs (see Figure 4.5.7.2A) must not exceed 4m maximum height above ground level, except:

Freestanding signs		
Maximum height above ground level		Location
i.	2m	1. Residential zones
		2. Rural and rural residential zones within an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone
ii.	3m	1. Moana Pool Zone
iii.	6m	1. CBD, centres, PPH and SSYP zones outside **pedestrian street frontage mapped areas** and heritage precincts
		2. Dunedin Hospital Zone
		3. Otago Museum Zone
iv.	8m	1. Trade Related Zone
		2. Industrial zones
		3. Dunedin International Airport Zone
		4. Port Zone
		5. Stadium Zone
		X. South Dunedin Large Format Zone

f. Signs attached to buildings must not exceed the following maximum heights above ground level:

Signs attached to buildings		
Maximum height above ground level		Location
i.	2m	1. Rural and rural residential zones within an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone
X.	4m	1. Residential zones, where not ancillary to a dairy
		2. Rural and rural residential zones outside an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone
		3. CBD, centres, PPH and SSYP zones within a **pedestrian street frontage mapped area** or heritage precinct
		4. Warehouse Precinct or Harbourside Edge zones
		5. Recreation Zone
		6. Ashburn Clinic, Dunedin Botanic Garden, Invermay and Hercus, Mercy Hospital, Moana Pool, Schools, Taieri Aerodrome, Campus or Wakari Hospital zones
ii.	6m	1. Signs ancillary to a dairy in residential zones

Signs attached to buildings		
Maximum height above ground level		Location
iii.	8m	1. CBD, centres, PPH and SSYP zones outside **pedestrian street frontage mapped areas** and heritage precincts
		2. CBD Edge Commercial Zone
		3. Trade Related Zone
		4. Industrial zones
		5. Dunedin Hospital Zone
		6. Dunedin International Airport Zone
		7. Edgar Centre Zone
		8. Otago Museum Zone
		9. Port Zone
		X. South Dunedin Large Format Zone

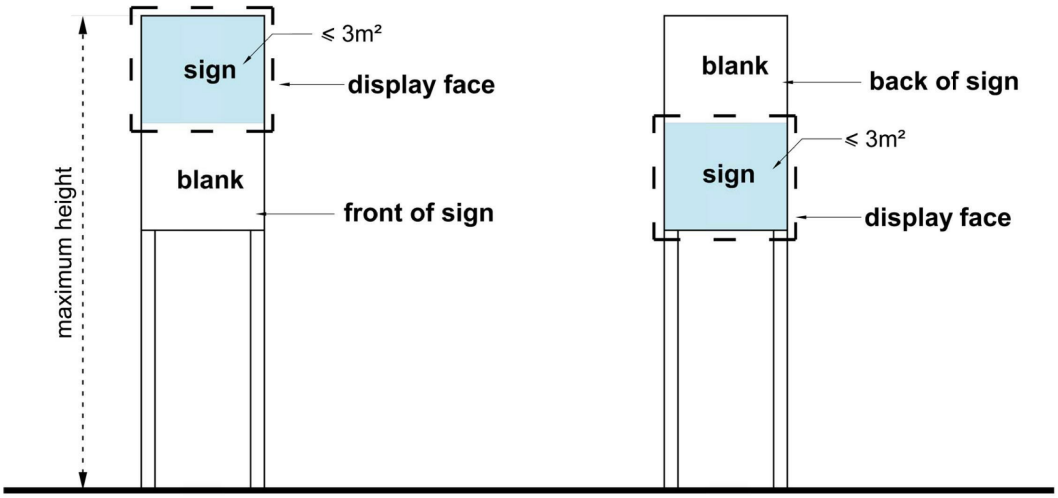
Y. Signs attached to buildings are exempt from Rule 4.5.7.2.f.X.3 in any **pedestrian street frontage mapped area** or heritage precinct, provided that:

i. signs are not mechanically fixed (e.g. screwed or bolted) to a protected part of a scheduled heritage building other than a verandah roof; and

ii. any of the following apply:
   1. the sign is fixed to a verandah roof;
   2. the sign is fixed to an existing lawfully established sign; or
   3. the sign is located inside a building (including where attached to the inside of a window).

g. For the purpose of Rule 4.5.7.2, 'local elections' refers to elections for City or Regional Council, District Health Board or community board; and 'general elections' refers to elections for the New Zealand Government.

Figure 4.5.7.2A: Election signs



4.5.7.3 Event promotion signs

a. Signs must not be erected more than 21 days before an event and must be removed within 3 days of the completion of the event.

b. Signs must be designed such that any names of sponsoring businesses are no more than 50% of the size of the font used for advertising the event.

c. Signs must not exceed:
   i. a maximum height of 2m above ground level;
   ii. a maximum area of:
      1. 3m² on DCC or NZ Transport Agency land within the road reserve; or
      2. 1m² on all other sites; and
   iii. for signs outside the road reserve:
      1. only one sign is allowed to be displayed on a site at a time; and
      2. the total display time of all signs must not exceed 30 days in any calendar year.

d. Event promotion signs on lawfully established public display boards are exempt from these standards.

4.5.7.4 Real estate signs

a. Signs must not exceed:
   i. a maximum of one sign per site;
   ii. on sites with a street frontage greater than 500m, a maximum of one sign for every 500m of frontage; and
   iii. in the CBD, real estate signs in windows and below verandas (including in windows), a maximum of one sign per real estate agent/company.

b. Open home signs and auction signs are exempt from the maximum number of signs.

c. The maximum display time for real estate signs is:
   i. open home signs must only be displayed for the duration of the open home;
   ii. auction signs must be displayed for no more than 14 days before the auction and 3 days after the auction; or
   iii. all real estate signs must be removed within three days after the sale of the property.

d. The maximum size and location of signs is:
   i. auction signs must not exceed 2m² per display face;
   ii. all other signs must not exceed a maximum area of 1m² per display face and a maximum of two display faces.

e. All real estate signs must be located on, or adjacent to, the site to which they relate.

4.5.7.5 Construction signs

1. Construction signs:
   a. must not exceed a total area for all signs of 4m² per site;
   b. must not be displayed for more than 10 days before commencement of construction and must be removed within three days after the completion of construction; and
   c. must be located on the site where the construction activity is occurring.

Note 4.5.7A - Other requirements outside of the District Plan

1. Permission must be obtained from the Dunedin City Council (DCC) for the erection of temporary signs (except real estate signs) on DCC land, including reserves and roads, please contact 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
2. Permission must be obtained from the NZ Transport Agency for erection of temporary signs within state highway road reserve.
3. Approved election sign sites where the DCC give approval for the erection of signs are published on the DCC website www.dunedin.govt.nz.
4. Under clause 13.3.2 of the Traffic and Parking Bylaw 2010, written approval from DCC is required to park a vehicle or trailer displaying advertising or sales material on any road or part of a road, or any piece of land owned or controlled by the Council.

4.5.8 Light Spill

Temporary activities must comply with Rule 9.3.5.

4.5.X Access

1. Temporary events that generate more than 100 vehicle movements per day must not rely solely on an uncontrolled level crossing for access.
2. Activities that contravene this performance standard are restricted discretionary activities.

Rule 4.6 Assessment of Controlled Activities (Performance standard contraventions)

4.6.1 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 4.6.2:
   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.

4.6.2 Assessment of controlled performance standard contraventions			
Performance standard		Matters of control	Guidance on the assessment of resource consents
1.	• Noise (military exercises) • Notice to DCC (military exercises) • Setbacks (military exercises)	a. Effects on amenity of surrounding sites b. Effects on health and safety	*Relevant objectives and policies:* i. Objective 4.2.1. ii. Temporary activities are designed and operated in a way that minimises as far as practicable, adverse effects on: 1. the amenity of surrounding properties; and 2. people's health and safety (Policy 4.2.1.1.a and b). *Conditions that may be imposed to ensure these outcomes include, but are not limited to:* iii. Higher noise levels may be restricted to short durations during daytime hours, or hours agreed with affected neighbours. *General assessment guidance:* iv. The assessment of an application for military exercises that contravenes the noise (military exercises) performance standard Rule 4.5.4.4 will consider the findings of a noise management plan (see Special Information Requirements - Rule 4.11.1).

Rule 4.7 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

4.7.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rule 4.7.2:
   a. lists the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provides guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.

4.7.2 Assessment of all performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	All performance standard contraventions		*Potential circumstances that may support a consent application include:* i. The degree of non-compliance with the performance standard is minor. *General assessment guidance:* ii. Where more than one standard is contravened, the combined effects of the contraventions should be considered. iii. In assessing performance standard contraventions, consideration will be given to all relevant assessment guidance in the underlying zone.
2.	Development standards	See relevant zone for assessment of restricted discretionary activities (performance standard contraventions).	
3.	Hours of operation	a. Effects on amenity of surrounding sites b. Effects on health and safety	*Relevant objectives and policies:* i. Objective 4.2.1 ii. Temporary activities are designed and operated in a way that minimises, as far as practicable, effects on: 1. the amenity of surrounding properties; and 2. people's health and safety (Policy 4.2.1.1.a & b). *Potential circumstances that may support a consent application include:* iii. The extension of hours will not result in unreasonable disturbance from vehicle headlights, vehicle movements, or noise.
4.	Maximum duration, frequency, and site restoration	a. Effects on amenity of surrounding sites b. Effects on health and safety	*Relevant objectives and policies:* i. Objective 4.2.1 ii. Temporary activities are designed and operated in a way that minimises, as far as practicable, effects on: 1. the amenity of surrounding properties; and 2. people's health and safety (Policy 4.2.1.1.a & b). *Potential circumstances that may support a consent application include:* iii. The extension of duration or frequency will not result in unreasonable disturbance from extended periods of noise or vehicle movements. *General assessment guidance:* iv. Council will assess the noise effects of helicopter movements in accordance with the standards set out in NZS6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas.*

4.7.2 Assessment of all performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
5.	Number, location and design of temporary signs	a. Effects on streetscape amenity	*Relevant objectives and policies:* i. Objective 4.2.1 ii. Temporary signs are located and designed to minimise as far as practicable adverse effects on streetscape amenity (Policy 4.2.1.2.a).
		b. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 4.2.1 ii. Temporary signs are located and designed to minimise as far as practicable adverse effects on the safety and efficiency of the transport network (Policy 4.2.1.2.b). *Potential circumstances that may support a consent application include:* iii. The location of the sign will not obscure sightlines, pedestrians, and cyclists or vehicle access. iv. The relevant road controlling authority has provided approval for the proposed design and location of the sign.
X.	Access	a. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 4.2.1 ii. Temporary activities are designed and operated to minimise, as far as practicable, adverse effects on the safety and efficiency of the transport network (Policy 4.2.1.1.c).

Rule 4.8 Assessment of Restricted Discretionary Activities

4.8.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rule 4.8.2:
   a. lists the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provides guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Where a restricted discretionary activity does not meet a performance standard the following occurs:

a. if the contravention of the performance standard defaults to **restricted discretionary** then:
   i. the activity, as a whole, will be treated as **restricted discretionary**;
   ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard;
   iii. the performance standard contravention will be assessed as indicated in Section 4.7; and
   iv. the matters of discretion in this section will be assessed as indicated.

b. if the contravention of the performance standard defaults to **discretionary** then:
   i. the activity, as a whole, will be treated as **discretionary**;
   ii. the performance standard contravention will be assessed as indicated in Section 4.9; and
   iii. the assessment guidance in this section will also be considered.

c. if the contravention of the performance standard defaults to **non-complying** then:
   i. the activity, as a whole, will be **non-complying**;
   ii. the performance standard contravention will be assessed as indicated in Section 4.10; and
   iii. the assessment guidance in this section will also be considered.

4.8.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. • Filming - large scale • Temporary events - large scale	a. Effects on amenity	*Relevant objectives and policies:* i. Objective 4.2.1. ii. Temporary events - large scale, and filming - large scale are located and operated to ensure adverse effects on amenity will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 4.2.1.3).
	b. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 4.2.1. ii. Temporary events - large scale, and filming - large scale are located and operated to ensure adverse effects on the transport network will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 4.2.1.3). *Potential circumstances that may support a consent application include:* iii. A traffic management plan has been approved by the DCC (or NZ Transport Agency where relevant).

Rule 4.9 Assessment of Discretionary Activities

4.9.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 4.9.2 provides guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
   b. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must

always be met in order for an activity to be granted consent;

c. general assessment guidance, including any effects that will be considered as a priority; and

d. conditions that may be imposed.

4.9.2 Assessment of all discretionary performance standard contraventions	
Performance standard	Guidance on the assessment of resource consents
1. Construction and site investigation noise: • activities that contravene Rule 4.5.4.1.a by less than 5dBA • activities that contravene Rule 4.5.4.1.a by 5dBA or more in commercial and mixed use zones between 7.00am and 10.00pm • activities that contravene rules 4.5.4.1.X.i, iii or iv in the commercial and mixed use zones • activities that contravene Rule 4.5.4.1.a by 5dBA or more in the Port, Industrial Port and Industrial zones • activities that contravene Rule 4.5.4.1.X in Port, Industrial Port and Industrial zones. Light spill - where the limit is exceeded by 25% or less	*Relevant objectives and policies (priority considerations):* X. Objective 4.2.1 Y. The activity is designed and operated to minimise, as far as practicable, adverse effects on: i. the amenity of surrounding properties; ii. people's health and safety; and iii. the safety and efficiency of the transport network (Policy 4.2.1.1). *Relevant guidance from other sections (priority considerations):* a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. *General assessment guidance:* Z. For exceedance of construction and site investigation noise limits, Council will consider how noise will be managed and may require a construction noise and vibration management plan to be submitted with the application (see Special Information Requirement – Rule 4.11.2).

4.9.2 Assessment of all discretionary performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
X.	Construction and site investigation vibration	*Relevant objectives and policies:* a. Objective 4.2.1 b. Temporary activities are designed and operated in a way that minimises, as far as practicable, effects on: i. the amenity of surrounding properties; and ii. people's health and safety (Policy 4.2.1.1.a and b). *Relevant guidance from other sections (priority considerations):* c. See Section 13.7 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects related to significant heritage values. *General assessment guidance:* d. In assessing the potential for vibration to cause building damage, resulting in effects on the amenity of surrounding properties, effects on public health and safety, or effects on significant heritage values, Council will consider whether the proposal is in accordance with German Standard DIN 4150–3:2016 Vibrations in Buildings - Part 3: Effects on Structures. e. The assessment will consider the proposed construction noise and vibration assessment and preliminary management plan submitted with the application (see Special Information Requirements - Rule 4.11.2).

Rule 4.10 Assessment of Non-complying Activities

4.10.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 4.10.2 provides guidance on how a consent application for the listed non-complying activities will be assessed, including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
   b. general assessment guidance, including any effects that will be considered as a priority.

4.10.2 Assessment of non-complying performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
1.	Construction and site investigation noise (Rule 4.5.4.1.d) Light spill - where the limit is exceeded by greater than 25%	*Relevant objectives and policies (priority considerations):* X. Objective 4.2.1 Y. The activity is designed and operated to minimise, as far as practicable, adverse effects on: i. the amenity of surrounding properties; ii. people's health and safety; and iii. the safety and efficiency of the transport network (Policy 4.2.1.1). *Relevant guidance from other sections (priority considerations):* a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and the effects related to public health and safety. *General assessment guidance:* Z. For exceedance of construction and site investigation noise limits, Council will consider how noise will be managed and may require a construction noise and vibration management plan (CNVMP) to be submitted with the application (see Special Information Requirements – Rule 4.11.2).

Rule 4.11 Special Information Requirements

4.11.1 Noise management plan

All resource consent applications for military exercises which do not comply with Rule 4.5.6 must be accompanied by a noise management plan prepared by a suitably qualified expert. The noise management plan must contain:

1. a description of the site and activity including times, dates, nature and location of the proposed training activities;
2. a map showing potentially affected noise sensitive activities and predicted LCpeak sound pressure levels for each of these receiver locations and a programme for notification and communication with the occupiers of those sites prior to the activities commencing, including updates during the event;
3. methods to minimise the noise disturbance at sites housing noise sensitive activities; and
4. the method for following up any complaints received during or after the event, and any proposed debriefing meetings with the DCC.

4.11.2 Construction noise and vibration management

1. For applications for contravention of the construction and site investigation noise performance standard (Rule

4.5.4.1) or vibration performance standard (Rule 4.5.4.X), the following information is required:

a. the methodology and sound power levels used to calculate the construction noise levels;

b. a statement that all noise assessments have been undertaken in accordance with NZS 6803:1999;

c. the worst-case and typical construction noise and vibration levels predicted at the most exposed façades of receiving buildings and structures in the surrounding environment;

d. a description of the potential effects and the level of disruption that is expected from the contraventions in the context of the overall project; the level, timing, frequency, duration, and character of the noise and vibration; the activities at receiving sites; and the existing ambient noise levels (where relevant);

e. for vibration that contravenes the building damage limits in Rule 4.5.4.X(b), an assessment of the potential for damage to receiving buildings or structures based on German Standard DIN 4150-3:2016, including whether scheduled heritage buildings or structures, or other buildings sensitive to vibration, are located within the receiving environment; and

f. mitigation proposals for ensuring adverse effects on the amenity and character of the zone, people's health and safety are minimised as far as practicable.

2. For applications for contravention of the construction and site investigation noise performance standard (Rule 4.5.4.1) or vibration performance standard (Rule 4.5.4.X), Council may require a preliminary construction noise and vibration management plan prepared by a suitably qualified person that identifies the best practicable options to mitigate and minimise noise and vibration, and ensure the construction noise and vibration performance standards for the project are met. The management plan is to provide the following details:

a. a description of the general construction methodology, noise and vibration generating equipment to be used for the works, and the nearest neighbouring sites;

b. the construction noise and vibration performance standards for the project;

c. the details of the proposed noise and vibration mitigation measures, including:

i. physical measures such as acoustic barriers and shrouds, and any restrictions on plant size and operating distances;

ii. management measures such as consultation with neighbours before and during the works, restrictions on timing for high-noise and vibration activities, procedures for responding to complaints, training of on-site personnel;

iii. procedures for noise and vibration monitoring; and

iv. for vibration:

1. pre-construction condition surveys and post-construction condition assessment processes for potentially affected buildings and structures (where appropriate); and

2. measures to mitigate vibration effects on scheduled heritage buildings and structures and other buildings sensitive to vibration.

5. Network Utilities

5.1 Introduction

Activities generally managed as network utilities in this Plan include: electricity generators and other energy generators; structures associated with the investigation of energy resources; National Grid electricity transmission infrastructure and other energy distribution infrastructure; water, waste water and stormwater infrastructure; telecommunication and radiocommunication infrastructure; navigational aids; meteorological facilities; and river flow recording facilities.

The exception to this is that “building utilities”, which are structures attached to buildings that form part of the utility systems of that building (for example, roof-top solar panels and satellite dishes), are treated as part of the building or structure to which they are attached. This means that building utilities are managed by the rules for buildings and structures in the management zone sections, and are not subject to the network utilities provisions.

Certain types of infrastructure that are included in the definition of “network utility operation” in the Resource Management Act 1991 (section 166) are not managed as network utilities in this Plan. These include: irrigation infrastructure, which is managed via provisions for structures in the management zones sections; roads, which are managed as transportation activities in Section 6; railways, which are managed via designations; the airport and air traffic control services, which are managed via the Dunedin International Airport Zone section; and the Taieri Aerodrome, which operates as a secondary airport in the event of emergency, and is managed via the Taieri Aerodrome Zone section.

Network utilities support the efficient functioning of the city and contribute directly to the social, economic and cultural well-being, and the health and safety, of people living in Dunedin, including during civil defence operations.

The benefits of renewable electricity generation have been recognised in the National Policy Statement for Renewable Electricity Generation 2011 (NPSREG). The benefits of renewable electricity generation include: maintaining or increasing generation capacity while avoiding, reducing or displacing greenhouse gas emissions; benefits to the security of electricity supply from diversification of the type and/or location of generation; using renewable natural resources rather than finite resources; the reversibility of the adverse effects on the environment of some renewable electricity generation technologies; and avoiding reliance on imported fuels for the purposes of generating electricity.

The National Grid, which is owned and operated by Transpower New Zealand Limited (Transpower), is nationally significant infrastructure. Providing for its ongoing operation, maintenance, upgrade and development will assist in maintaining and enhancing the security of energy supply to Dunedin, the Otago Region and the country. The importance of this infrastructure has been recognised in the development of the National Policy Statement on Electricity Transmission 2008 (NPSET) and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA).

The NPSET requires decision-makers to recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. These benefits include: security of electricity supply; efficient transfer of energy through a reduction of transmission losses; facilitation of the use and development of new electricity generation, including renewable generation; and enhanced supply of electricity through the removal of points of congestion.

The District Plan must give effect to the provisions of the NPSREG and the NPSET.

An effective National Grid is also supported by an efficient and effective electricity distribution network, particularly resilient Critical Electricity Distribution Infrastructure.

While network utilities have social, economic, cultural and environmental benefits, they can also have adverse effects

on landscape, natural character, biodiversity, Manawhenua and heritage values, on public health and safety, and on the amenity and character of residential and other areas.

Land use activities, development and subdivision can also have adverse effects on the efficient operation of network utilities. In relation to the National Grid, the NPSET requires that councils manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised. In relation to Critical Electricity Distribution Infrastructure, the Regional Policy Statement for Otago requires identification of this infrastructure and management of activities adjacent to it to address potential reverse sensitivity issues. In doing so, this Plan will provide for the functional needs and operational needs of this infrastructure.

In response to these issues, this Plan puts in place provisions that enable the establishment, operation, maintenance and upgrading of network utilities while managing the adverse environmental effects that can occur as a result of these activities. The degree of restriction is determined by the sensitivity of the environment in which the particular structures are located and by the functional needs and operational needs of the activity.

In addition, the Plan restricts sensitive activities and other incompatible development in the vicinity of both National Grid infrastructure, and Radio New Zealand’s facilities on the Otago Peninsula, in order to manage potential adverse effects on these utilities.

The controls in the Plan are intended to facilitate efficient and effective infrastructure networks in Dunedin, and provide for the increased development of electricity from renewable resources.

5.2 Objectives and Policies

Objective 5.2.1	
The benefits of network utility activities, including renewable energy generation activities, are recognised by enabling them to establish, operate and upgrade efficiently and effectively, while: a. achieving the amenity and character objectives for the zone, to the degree practicable; and b. achieving the relevant objectives and policies for any applicable overlay zone, scheduled site, or mapped area, for those areas.	
Policy 5.2.1.1	Encourage the use and development of renewable energy generation.
Policy 5.2.1.2	Provide for network utility activities throughout the city where: a. this will have positive effects on economic, social and cultural well-being, public health and safety, or resilience of communities; and b. recognising their functional needs and operational needs, effects can be adequately managed in line with policies 5.2.1.3, 5.2.1.4, 5.2.1.5, 5.2.1.6, 5.2.X.4, 5.2.X.5, 5.2.2.X and the objectives and policies of any relevant overlay zone, scheduled site or mapped area.
Policy 5.2.1.3	Require the operation, repair, minor upgrading and maintenance of existing network utilities, underground or internal network utilities and network utility structures - small scale to be designed and located to enable the provision of network utilities while avoiding or, where avoidance is not practicable, adequately mitigating adverse effects on the amenity and character of the zone.
Policy 5.2.1.4	Require substations, underground or internal network utilities and network utility structures - small scale to be located, designed, and operated to ensure any risk to health and safety is avoided or minimised as far as practicable.
Policy 5.2.1.5	Only allow network utility structures - large scale (in all zones), network utility poles and masts - small scale (in residential and recreation zones), and substations (other than in industrial zones) where the activity is designed and located to avoid or, if avoidance is not practicable, adequately mitigate: a. adverse effects on visual amenity and the character of the zone in which the activity is located; and b. adverse effects on the amenity of any surrounding residential activities.
Policy 5.2.1.6	Only allow new network utilities or additions to existing network utilities in transition overlay zones where network utilities are located to support a logical and efficient future pattern of development.

Objective 5.2.2	
The operational efficiency and effectiveness of network utilities is not compromised by development locating near these activities.	
Policy 5.2.2.1	Require earthworks to be set back from network utilities an adequate distance to avoid: a. damage to existing network utilities; b. obstruction of access to existing underground network utilities; and c. adverse effects on the health and safety of people.
Policy 5.2.2.5	Only allow subdivision and sensitive activities, where these are not otherwise permitted, in the **radio transmitters mapped area** where the potential for reverse sensitivity is avoided or minimised as far as practicable.

Objective 5.2.2	
The operational efficiency and effectiveness of network utilities is not compromised by development locating near these activities.	
Policy 5.2.2.X	Only allow buildings, structures, additions and alterations, public amenities, network utility activities, and earthworks within the **Critical Electricity Distribution Infrastructure Corridor mapped area** where: a. any risk to health and safety is avoided or minimised as far as practicable; and b. adverse effects on the operation, maintenance, upgrading and development of the Critical Electricity Distribution Infrastructure are avoided or, if avoidance is not practicable, insignificant.
Policy 5.2.2.Y	Only allow subdivision activities in the **Critical Electricity Distribution Infrastructure Corridor mapped area** where the subdivision is designed to ensure that any associated future land use and development will: a. avoid, or minimise as far as practicable, any risk to health and safety; b. avoid or, where avoidance is not practicable, have no more than insignificant effects on the operation, maintenance, upgrading and development of Critical Electricity Distribution Infrastructure; and c. avoid or minimise, as far as practicable, the potential for reverse sensitivity.
Policy 5.2.2.Z	Only allow forestry within the **Critical Electricity Distribution Infrastructure Corridor mapped area** where the risk of safety hazards caused by trees falling onto Critical Electricity Distribution Infrastructure can be avoided or minimised as far as practicable.

Objective 5.2.X	
The national significance and benefits of the National Grid are recognised and provided for; National Grid infrastructure is able to be established, operated, maintained and upgraded efficiently and effectively; and the operation, maintenance, upgrading and development of the National Grid is not compromised by other activities.	
Policy 5.2.X.1	a. Enable the operation, repair, minor upgrading and maintenance of the National Grid, and any ancillary activities including earthworks and vegetation clearance, while managing the adverse effects of these activities. b. Where there is a conflict, this Policy prevails over other policies in Section 5, and all policies in Section 10 and Section 13.
Policy 5.2.X.2	a. Provide for the development of, major upgrades to, and new National Grid infrastructure, and any ancillary activities including earthworks and vegetation clearance, while managing the adverse effects of these activities by all of the following: i. recognising there may be some areas in the coastal environment where avoidance of adverse effects is required to protect the identified special values of those areas; ii. seeking to avoid adverse effects on the values of the following: 1. areas of significant indigenous vegetation and significant habitats of indigenous fauna (including but not limited to scheduled Areas of Significant Biodiversity Value); 2. outstanding natural features and outstanding natural landscape overlay zones; 3. outstanding natural coastal character overlay zones; and 4. scheduled heritage items and heritage precincts; iii. where it is not practicable to avoid adverse effects on the values of the areas listed in ii. above because of the functional needs and operational needs of the National Grid, remedy or mitigate adverse effects on those values; iv. avoiding, remedying or mitigating other adverse effects, including effects on the values of areas not covered in clause ii above; and v. consider offsetting for residual adverse effects on indigenous biological diversity. b. Where there is a conflict, this Policy prevails over other policies in Section 5, and all policies in Section 10 and Section 13.
Policy 5.2.X.3	In implementing Policy 5.2.X.2, have regard to: a. the extent to which adverse effects have been addressed through site, route or method selection; and b. for major upgrades, opportunities to reduce existing adverse effects.
Policy 5.2.X.4	Provide for network utility activities, earthworks, fences, farming and horticultural buildings and structures that are small scale or not intensively used (e.g. artificial crop protection and crop support structures), and small buildings in residential zones, within the National Grid Yard, where these activities will not compromise the operation, maintenance, upgrading or development of the National Grid.
Policy 5.2.X.5	Avoid activities within the National Grid Yard, including but not limited to National Grid sensitive activities, where these will: a. compromise the operation, maintenance, upgrading and development of the National Grid; or b. result in reverse sensitivity effects on the National Grid.

Objective 5.2.X	
The national significance and benefits of the National Grid are recognised and provided for; National Grid infrastructure is able to be established, operated, maintained and upgraded efficiently and effectively; and the operation, maintenance, upgrading and development of the National Grid is not compromised by other activities.	
Policy 5.2.X.6	Only allow subdivision activities within the **National Grid Subdivision Corridor mapped area** where the subdivision is designed to ensure that any future land use and development will: a. avoid or minimise as far as practicable the risk to the safety of people and property; b. avoid reverse sensitivity effects on the National Grid; and c. not compromise the operation, maintenance, upgrading and development of the National Grid, or access to it.

Rules

Rule 5.3 Activity Status

5.3.1 Activity status introduction

1. The activity status table in Rule 5.3.2 shows the activity status of network utility activities across all zones, provided any performance standards shown in the far right column are met. The activities in the network utility activities category are listed in the Nested Table in Section 1.3.
2. Performance standards apply to permitted, controlled, and restricted discretionary activities.
3. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.
4. If a restricted discretionary activity does not meet one or more performance standards, then the activity status remains restricted discretionary, unless otherwise indicated in the performance standard.
5. The following activities are managed through the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF), although rules in the District Plan still apply in certain circumstances, as set out in the NESTF:
    a. telecommunication facilities that emit radio-frequency fields;
    b. telecommunication equipment cabinets;
    c. noise from these cabinets, only when located in the road reserve;
    d. new poles and attached antennas, in the road reserve and in rural and rural residential zones only (note that masts are called poles under the NESTF);
    e. new antennas on existing poles, and new antennas on buildings;
    f. small-cell units on existing structures; and
    g. telecommunications lines.
6. The operation, maintenance, upgrading, relocation or removal of existing transmission lines which are part of the National Grid are managed through the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA), unless otherwise stated by a NESETA rule.
7. Any utilities included in the definitions of building utilities or rooftop structures are managed by zone rules and are not considered to be network utility activities.
8. The activity status of network utilities in the major facility zones is determined by the default zone of the major facility as listed in Appendix A9, except for the Port, Dunedin International Airport and Campus zones which are included in the 'all other zones' category in Rule 5.3.2.
9. For all transition overlay zones, the provisions of the proposed (transition) zone apply.

10. Any site development activities associated with an activity provided for in the activity status table in Rule 5.3.2 are subject to the provisions of the relevant management zone section.
11. Any earthworks associated with an activity provided for in the activity status table in Rule 5.3.2 are subject to the provisions in Section 8A.
12. Any construction and site investigation associated with an activity provided for in the activity status table in Rule 5.3.2 is subject to the provisions in Section 4.

Legend

Acronym	Meaning
+	Additional provisions apply (assessment criteria for activities in the overlay need to be viewed)
N/A	Not Applicable
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
RU	Rural Zones
RR	Rural Residential Zones
CMU	Commercial and Mixed Use Zones
WP	Warehouse Precinct Zone
PPH	Princes, Parry and Harrow Street Zone
SSYP	Smith Street and York Place Zone
HE	Harbourside Edge Zone
Ind	Industrial Zones
ONL	Outstanding Natural Landscape Overlay Zone
ONF	Outstanding Natural Feature Overlay Zones
SNL	Significant Natural Landscape Overlay Zone
NCC	Natural Coastal Character Overlay Zone
HNCC	High Natural Coastal Character Overlay Zone
ONCC	Outstanding Natural Coastal Character Overlay Zone
HP	Heritage Precinct
SHS	Scheduled Heritage Site
PPF	**Primary Pedestrian Street Frontage mapped area**
SPF	**Secondary Pedestrian Street Frontage mapped area**
ASBV	Areas of Significant Biodiversity Value

Acronym	Meaning
GPMA	**Groundwater Protection mapped area**
MHWS	Mean High Water Springs
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
NESETA	Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009
NESTF	Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016

5.3.2 Activity status table — Network utility activities

1.	Performance standards that apply to all network utility activities	a. Noise b. Setback from coast and water bodies c. Setback from National Grid d. Setback from scheduled tree

New, or additions and alterations to existing, network utility activities		Activity status				Performance standards
		a. Res and Rec	b. All other zones	c. ONF, HNCC, ONCC	d. SNL, NCC, ONL, ASBV, SHS, HP	
2.	Operation, repair, minor upgrading and maintenance of existing network utilities	P	P	P	P	i. Light spill ii. Maximum duration, frequency, and hours of operation
3.	Underground or internal network utilities	P	P	P	P	i. Technical standards (gas pressure regulating stations and water or energy pipes only) ii. Maximum height iii. Maximum duration, frequency, and hours of operation
4.	Standby or temporary energy generators	P	P	P	P	
5.	Substations	RD	RD (P in Ind)	NC	D	i. Technical standards

Network utility structures - small scale		a. Res and Rec	b. All other zones	c. ONF, HNCC, ONCC	d. SNL, NCC, ONL, ASBV, SHS, HP	Performance standards
6.	Network utility poles and masts - small scale	RD	P	RD	RD	i. Scale thresholds
7.	Wind generators - small scale	P	P	RD	RD	i. Scale thresholds ii. Design standards for wind generators iii. Setbacks for wind generators
8.	Hydro generators - small scale	P	P	RD	RD	i. Scale thresholds ii. Location
9.	Solar panels - small scale	P	P	RD	RD	i. Scale thresholds ii. Site coverage
10.	All other network utility structures - small scale	P	P	RD	P	i. Location ii. Scale thresholds iii. Maximum volume in PPF, SPF, HP and SHS iv. Technical standards v. Clearance from navigable water body
Network utility structures - large scale		a. Res and Rec	b. All other zones	c. ONF, HNCC, ONCC	d. SNL, NCC, ONL, ASBV, SHS, HP	Performance standards
11.	Solar panels - large scale with an area between 200m² and 500m² in a rural or industrial zone	N/A	RD	NC	D	
12.	All other solar panels - large scale	D	D	NC	D+	
13.	Wind generators - large scale	D	D	NC	D+	
14.	Hydro generators - large scale	D	D	NC	D+	
15.	Network utility structures - large scale (amateur radio configurations only)	RD	RD	RD+	RD	
16.	All other network utility structures - large scale	RD	RD	NC	D	

Note 5.3.2A - Other requirements outside of the District Plan

1. For telecommunication facilities, also refer to the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF).
2. For activities on existing high voltage National Grid transmission lines also refer to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA). The NESETA outlines the activity status, conditions and resource consent requirements for electricity transmission activities undertaken as part of the operation of high voltage National Grid transmission lines.
3. For the trimming and pruning of vegetation necessary to protect electricity lines also refer to the Electricity (Hazards from Trees) Regulations 2003.
4. For works within the road reserve a corridor access request may be required by the DCC, see http://www.dunedin.govt.nz/services/roads-and-footpaths/corridor-access-request for further information. For works within a state highway road corridor, an agreement to work on the road corridor will be required from the NZ Transport Agency.
5. Works within the dripline of trees in the road reserve may require approval from the DCC's Parks, Recreation and Aquatics Group Department. For more information, please contact the DCC on 03 477 4000 or visit the DCC website at www.dunedin.govt.nz.
6. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to electricity transmission and distribution lines. Compliance with this code is mandatory. Compliance with this Plan does not ensure compliance with NZECP 34:2001.
7. An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan or a resource or building consent has been granted.
8. The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol (Appendix A8) manages archaeological sites that may be discovered as a result of earthworks. The protocol applies to any area, not just scheduled archaeological sites.
9. Scheduled archaeological sites are identified on the Planning Map. Archaeological sites may also be found outside these areas, but are more likely to be found within the archaeological alert layer.

Note 5.3.2B - General advice

1. Network utility activities are not subject to the natural hazards rules, with the exception of Rule 10.3.3 Setback from the Coast and Water Bodies, which implements Natural Hazards Policy 11.2.1.19. However, the establishment of new network utilities and the operation, minor upgrading, repair and maintenance of existing network utilities should take into account risks associated with natural hazards.

Rule 5.4 Notification

1. With respect to resource consent applications for the following activities, Heritage New Zealand will be considered an affected person in accordance with section 95E of the RMA where its 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. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95E of the RMA where their written approval is not provided:
    1. all restricted discretionary activities that list 'effects 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 to the **wāhi tūpuna mapped area** in Appendix A4.

3. With respect to resource consent applications for the following activities, Transpower NZ Limited will be considered an affected person in accordance with section 95E of the RMA where its written approval is not provided:
    1. activities that contravene performance standard 5.6 'Setback from National Grid'.

4. Applications for resource consent for the following activities will be considered without the need to obtain the written approval of affected persons and will not be notified in accordance with section 95A or 95B of the RMA, unless Council considers special circumstances exist in relation to the application that require public notification:
    1. freestanding network utility structures, in a **primary** or **secondary pedestrian street frontage mapped area**, heritage precincts and scheduled heritage sites, that exceed 0.5m³ in volume (where visible from an adjoining public place) but that do not exceed 4m in height or 5m² in area of footprint.

5. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 5.5 Network Utility Activities Performance Standards

5.5.1 Light Spill

The operation, repair, minor upgrading and maintenance of existing network utilities must comply with Rule 9.3.5.

5.5.2 Location

1. Network utility structures - small scale must co-locate against[1] a building or be attached to a network utility pole or mast if:
   a. within an area of road reserve that adjoins a **primary pedestrian street frontage mapped area**;
   b. within a heritage precinct and visible from an adjoining public place; or
   c. over 0.5m² in area or 500mm in height, located in a Natural Coastal Character Overlay Zone (NCC), visible from an adjoining public place, and located on the seaward side of a coastal road.
2. Pipes (excluding those defined as building utilities) and lines must be located underground, except:
   a. lines in the rural or rural residential zones;
   b. lines attached to existing network utility poles and masts, or to existing buildings or structures;
   c. activities undertaken as part of the operation, repair, minor upgrading and maintenance of existing network utilities (including extensions of overhead lines to serve a single customer); and
   d. pipes or lines provided for under NESETA or NESTF.
3. In a heritage precinct, hydro generators - small scale must be located so that they are not visible from any adjoining public place.
4. Network utility structures - small scale located on outstanding natural features must co-locate against[1] a building or with existing network utility structures, or be attached to network utility poles and masts.
5. Activities that contravene Rule 5.5.2.4 are non-complying activities.
6. Activities that otherwise contravene this performance standard are restricted discretionary activities.

[1] For the purposes of rules 5.5.2.1 and 5.5.2.4, "against" means "as close as practicable to the structure specified in the rule, subject to the requirements of the Building Code".

Note 5.5.2A - Other requirements outside of the District Plan

1. Under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF), activities provided for under the NESTF are exempt from Rule 5.5.2.1 in relation to **primary pedestrian street frontage mapped areas**.

5.5.3 Scale Thresholds

1. The following network utility structures are always considered network utility structures - small scale:
   a. Lines.
2. All other network utility structures must not exceed the scale thresholds set out in Rules 5.5.3.3 to 5.5.3.8 to be considered small scale. Network utility structures that exceed these thresholds are treated as large scale.

Rule 5.5.3.3 Hydro generators - small scale thresholds

Threshold		i. Rural and industrial zones	ii. All other zones
a.	Maximum surface area of stored water	200m²	100m²
b.	Maximum height of weir or dam	2m	1m

Threshold		i. Rural and industrial zones	ii. All other zones
c.	Maximum installed capacity	4MW	500kW

d. Hydro generators that exceed these thresholds are treated as hydro generators - large scale.

Rule 5.5.3.4 Solar panels - small scale thresholds

a. The maximum area of solar panels - small scale is 200m².

b. Solar panels that exceed this scale threshold are treated as solar panels - large scale.

Note 5.5.3.4A - Other relevant District Plan provisions

1. Roof-top solar panels that meet the definition of building utilities are covered by provisions for buildings in the management zone sections, and are not subject to provisions for network utility activities.

Rule 5.5.3.5 Wind generators - small scale thresholds

a. The maximum number of wind generators per site is:

i.	Rural zones	2
ii.	All other zones	1

b. The maximum height of wind generators (to blade tip) is:

i.	Rural and rural residential zones	20m
ii.	Freestanding wind generators in all other zones	2m above the maximum height for buildings and structures in the zone in which the wind generator is located
iii.	Rooftop wind generators in all other zones	i. 2m above the part of the building the generator is attached to (in residential zones, Recreation Zone, CBD and centres zones, and WP, PPH, SSYP and HE zones) ii. The greater of: 2m above the maximum height for buildings and structures in the zone in which the wind generator is located; or 2m above the part of the building the generator is attached to (in all other zones).

c. The maximum rotor diameter of wind generators is:

i.	Rural and rural residential zones	6m
ii.	Industrial zones, Trade Related Zone, South Dunedin Large Format Zone and CBD Edge Commercial zones	No limit on rotor diameter
iii.	All other zones	1.5m

d. Wind generators that exceed these thresholds are treated as wind generators - large scale.

Rule 5.5.3.6 Network utility poles and masts - small scale thresholds

Dimension		Scale threshold		
		i. Res, Rec	ii. All other zones	iii. ONF, HNCC, ONCC, NCC, SNL, ONL
a.	Diameter of head arrays	0.8m	1m - CBD and centres 6m - rural, rural residential and industrial zones 4m - all other zones	0.8m
b.	Diameter of dish antenna	1.2m	1.8m	1.2m
c.	Maximum area of largest antenna face (excluding dish antennas)	1.5m²		
d.	Maximum height	The greater of 1. 25m in the rural, rural residential and industrial zones; or 5m over the maximum height for buildings and structures in the zone in which the activity is located in all other zones (see Figure 5.5.3.6A); or 2. the height required to meet the safety clearance requirements of the New Zealand Electrical Code of Practice for Electrical Distances (NZECP34).		
e.	Height in relation to boundary	In commercial and mixed use and major facility zones, network utility poles and masts on sites adjacent to residential zones must comply with any height in relation to boundary rule that applies to buildings and structures on the same site.		
f.	Maximum cross sectional area of lattice masts	1. 4m² to the point that is half the maximum height of the zone in which the activity is located, and 2. 2.5m² from the point that is half the maximum height of the zone in which the activity is located to the top of the mast (see Figure 5.5.3.6B).		
g.	Cross sectional area of all other poles and masts (excluding any associated cross arms)	2m²		

h. Except:
   i. any lightning rods attached to network utility poles and masts or attached network utility structures are exempt from these thresholds;
   ii. dish antennas in the Dunedin International Airport Zone, industrial zones, and Port Zone are exempt from these thresholds;
   iii. network utility poles and masts in the Dunedin International Airport Zone and Port Zone have no maximum height; and
   iv. wind monitoring masts that are installed for no more than 24 months are exempt from these thresholds.

i. Network utility poles and masts that exceed these thresholds are treated as network utility structures - large scale.

Note 5.5.3.6A - Other requirements outside of the District Plan

1. Under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations

2016 (NESTF), activities provided for under the NESTF are exempt from any scale thresholds in Rule 5.5.3.6 that are more restrictive than the NESTF, except in ONF, HNCC, ONCC, NCC, SNL and ONL overlay zones, in heritage precincts and on scheduled heritage sites.

Figure 5.5.3.6A: Maximum height of new poles or masts in all zones except the rural, rural residential and industrial zones

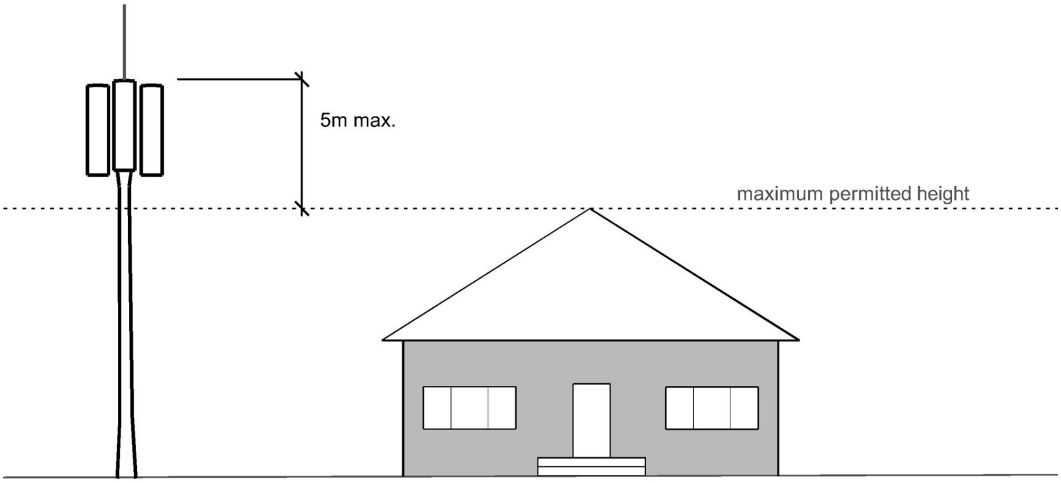
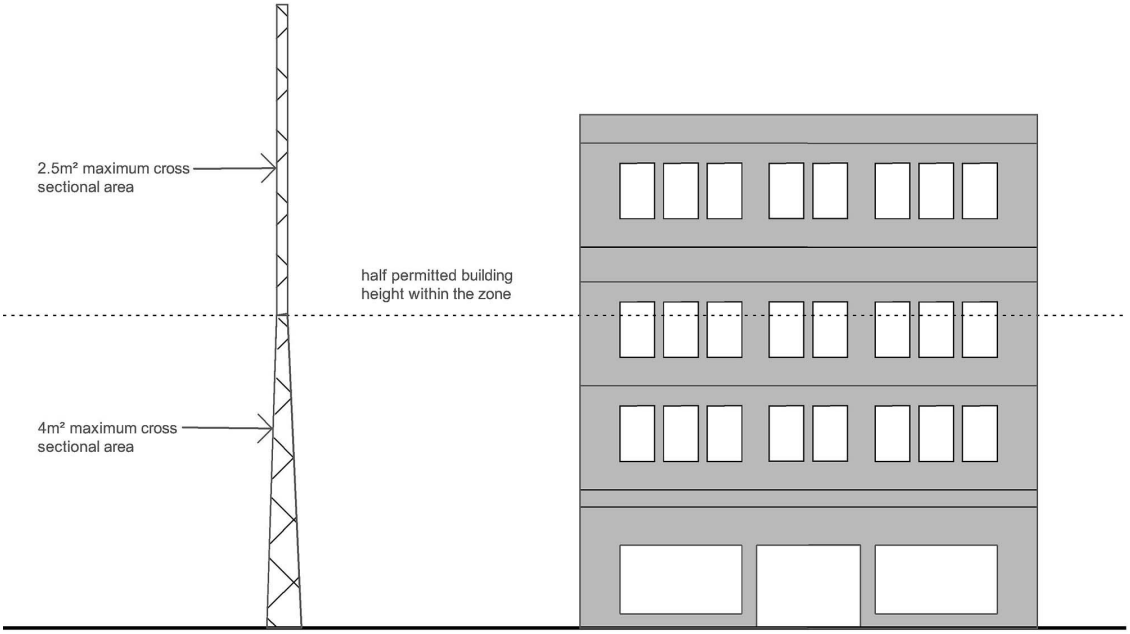


Figure 5.5.3.6B: Cross-sectional area of lattice mast



Rule 5.5.3.7 Amateur radio configurations - small scale thresholds

a. Amateur radio configurations must not exceed the following scale thresholds to be considered network utility structures - small scale.

b. The maximum diameter of amateur radio configurations is:

Part of amateur radio configuration	Maximum diameter

i.	Antenna elements	80mm
ii.	Wire antennas	15mm
iii.	Dish antennas	2m
iv.	Panel antennas	2m, unless less than 2m² in area
v.	Guy wires	12mm

c. The maximum length of horizontal high frequency Yagi antennas is:

Part of antenna		**Maximum length**
i.	Elements	14.9m
ii.	Booms	13m

d. The maximum height of antennas is 5m above the maximum height of the zone in which the activity is located, except that one vertical antenna is permitted to a maximum height of 20m.

e. One pedestal mounted antenna is allowed per site where all of the following are met:
   i. the antenna is pivoted at a maximum of 4m above the ground;
   ii. the maximum diameter of the antenna is 5m; and
   iii. the pedestal and antenna comply with the boundary setbacks and height in relation to boundary performance standards of the zone in which the activity is located.

f. There must be no more than six support structures for wire antennas.

g. Only one support structure may be a lattice mast.

h. The maximum height of poles and support structures is the maximum height for buildings and structures in the zone in which the activity is located, except:
   i. in the commercial and mixed use, rural, and rural residential zones, one support structure (including attached antennas) may have a maximum height of 20m; and
   ii. in all other zones:
      1. one non-retractable support structure (including attached antennas) may have a maximum height of 5m above the maximum height for buildings and structures in the zone where the activity is located; and
      2. one retractable support structure (including attached antennas) up to 20m in height may be used from sunset to sunrise.

i. Amateur radio configurations that exceed these thresholds are treated as network utility structures - large scale.

Rule 5.5.3.8 All other network utility structures - small scale thresholds

a. Network utility structures – *freestanding*

Dimension		Scale threshold - all zones
i.	Height	4m
ii.	Area of footprint	5m²

b. Network utility structures – *attached to buildings, or attached to existing poles or masts*

Dimension		Scale threshold		
		Res, Rec	RTZ, ONF, HNCC, ONCC, NCC, SNL, ONL	All other zones
i.	Height when attached to buildings (including necessary support structures) (see Figure 5.5.3.8A)	2m above the section of the building to which the structure is attached	2m above the section of the building to which the structure is attached	5m above the section of the building to which the structure is attached
ii.	Height when attached to existing poles and masts	5m above the height of the existing pole or mast, or 25m, whichever is the lesser (see Figure 5.5.3.8B)		
iii.	Diameter of head arrays	The relevant threshold stated in Rule 5.5.3.6.a above applies.		
iv.	Diameter of dish antenna	The relevant threshold stated in Rule 5.5.3.6.b above applies.		
v.	Maximum area of largest antenna face (excluding dish antennas)	The relevant threshold stated in Rule 5.5.3.6.c above applies.		

c. Except:
   i. any lightning rods attached to network utility structures are exempt from these thresholds;
   ii. dish antennas in the Dunedin International Airport Zone, industrial zones, and Port Zone are exempt from these thresholds;
   iii. network utility structures in the Dunedin International Airport Zone and Port Zone have no maximum height; and
   iv. wind monitoring masts that are installed for no more than 24 months are exempt from these thresholds.

d. Network utility structures that exceed these thresholds are treated as network utility structures - large scale.

Note 5.5.3.8A - Other requirements outside of the District Plan

1. Under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF), activities provided for under the NESTF are exempt from any scale thresholds in Rule 5.5.3.8 that are more restrictive than the NESTF, except in ONF, HNCC, ONCC, NCC, SNL and ONL overlay zones, in heritage precincts and on scheduled heritage sites.
2. Under Regulations 26, 27, 30, 31, 32 and 33 of the NESTF 2016, once an antenna is established on a new pole, it may be upgraded to a larger structure as a permitted activity. These regulations set out the permitted scale (height, pole width and headframe width) of upgrades in different environments.

Figure 5.5.3.8A: Height of utilities attached to buildings

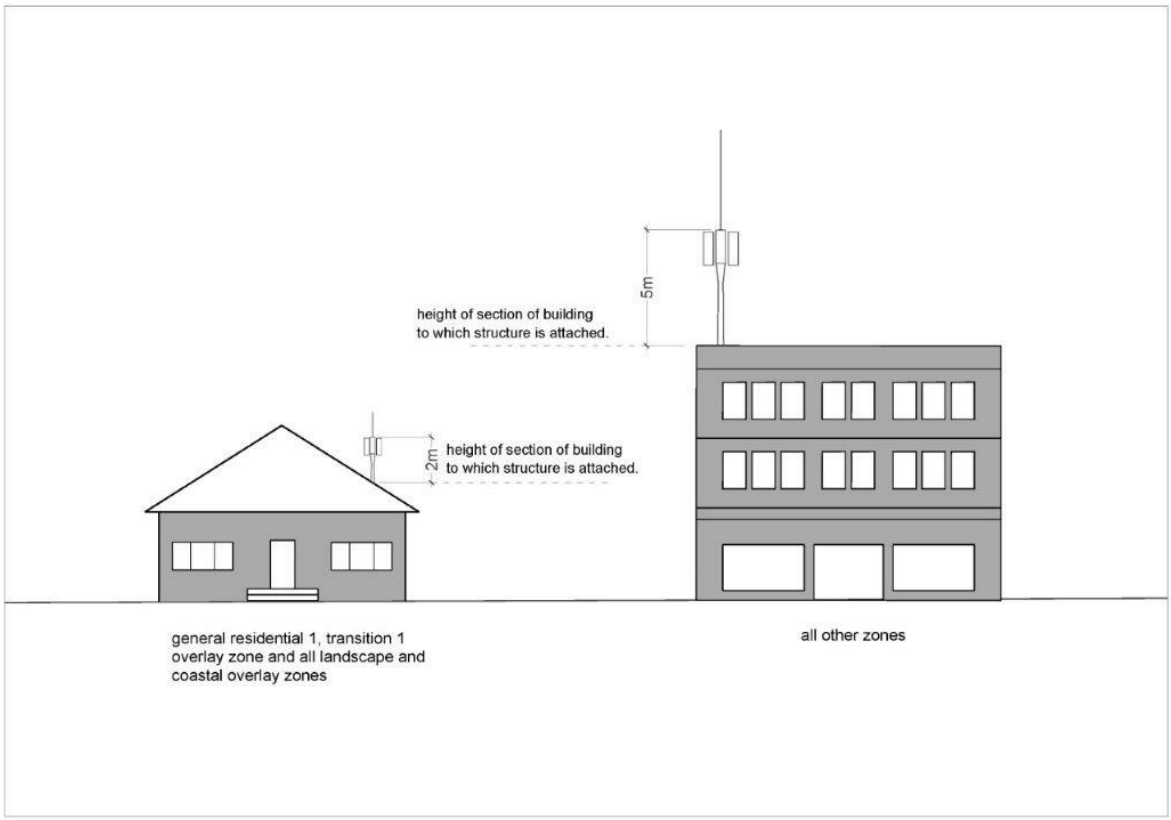
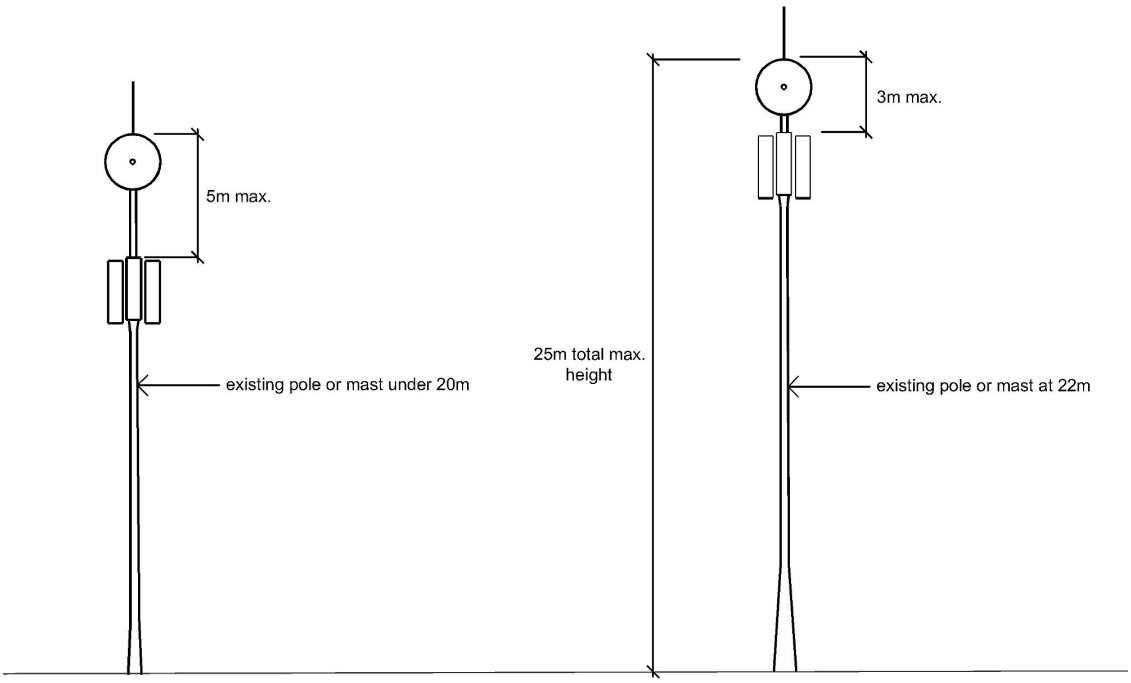


Figure 5.5.3.8B: Height of utilities attached to existing poles or masts



5.5.4 Maximum Volume in Pedestrian Street Frontage mapped areas, Heritage Precincts and Scheduled Heritage Sites

1. In **primary** and **secondary pedestrian street frontage mapped areas**, heritage precincts and scheduled heritage sites, the maximum volume of freestanding network utility structures - small scale that are visible from an adjoining public place is 0.5m³.
2. Network utility structures - small scale that contravene this performance standard are restricted discretionary activities.

Note 5.5.4A - Other requirements outside of the District Plan

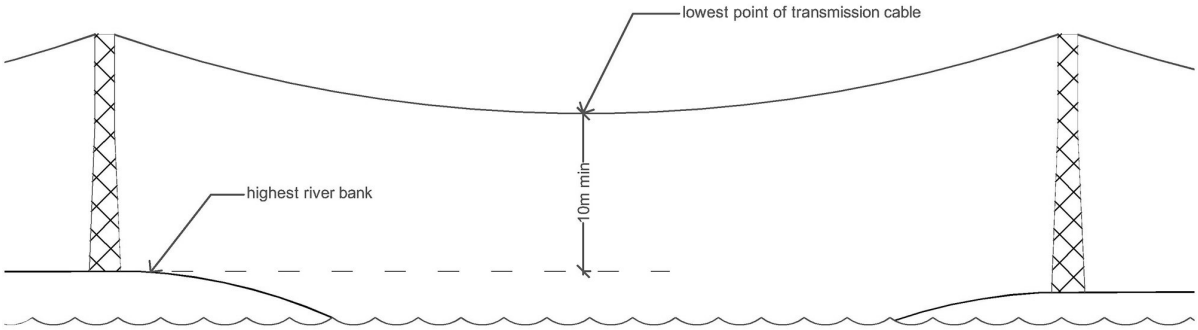
1. Under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF), activities provided for under the NESTF are exempt from Rule 5.5.4 in **primary** and **secondary pedestrian street frontage mapped areas**.

5.5.5 Clearance from Navigable Water Body

a. Network utility structures - small scale that cross navigable water bodies must maintain a minimum clearance of 10m between the lowest point of any lines and the highest point of either river bank (see Figure 5.5.5A), except:
   i. this standard does not apply in the case of lines attached to any existing bridge or structure crossing a navigable water body, where the existing freeboard height above the waterway is not reduced.

b. Network utility structures - small scale that contravene this performance standard are non-complying activities.

Figure 5.5.5A: Height above navigable water body



5.5.6 Noise

All network utility activities must comply with Rule 9.3.6.

5.5.7 Design Standards for Wind Generators

1. Wind generators - small scale must not use lattice towers.
2. In the CBD Zone, centres zones, WP, PPH, SSYP and HE zones, residential zones and the Recreation Zone, wind generators - small scale must be attached to rooftops.
3. For freestanding wind generators - small scale, the maximum diameter of the mast is 600mm.
4. All exterior surfaces of wind generators - small scale must have a light reflectance value (LRV) of 30% or less.

5. Rooftop wind generators must comply with the height in relation to boundary rule that applies to buildings and structures in the zone in which the wind generator is located, except in the Rural, Rural Residential and Industrial zones.
6. Wind generators - small scale that contravene these standards are restricted discretionary activities.

5.5.8 Site Coverage

1. Solar panels - small scale that are ground mounted must comply with any site coverage standards for the zone in which they are located.
2. Solar panels - small scale that contravene this standard are restricted discretionary activities.

5.5.9 Setbacks

5.5.9.1 Setbacks for wind generators

a. Setbacks in industrial zones

Activity		1. Minimum setback from boundaries of any Residential, Recreation or CMU Zone (excluding the Trade Related Zone, South Dunedin Large Format Zone and the CBD Edge Commercial zones)	2. Minimum setback from road and site boundaries
i.	Wind generators - small scale with a rotor diameter less than or equal to 1.5m	N/A	A distance equal to the height of the structure
ii.	Wind generators - small scale with a rotor diameter exceeding 1.5m	100m	A distance equal to the height of the structure

b. Setbacks in rural and rural residential zones
   i. Wind generators - small scale with a rotor diameter less than or equal to 4m, and with a height less than or equal to 15m, must be set back at least 50m from any road or property boundary; and
   ii. Wind generators - small scale with a rotor diameter exceeding 4m, and/or with a height exceeding 15m, must be set back at least 100m from any road or property boundary.

c. Setbacks in commercial and mixed use and major facility zones
Freestanding wind generators - small scale in the Trade Related Zone, South Dunedin Large Format Zone, the CBD Edge Commercial zones and all major facility zones must have a minimum setback as follows:

Location		Setback distance
i.	From site boundaries	Equal to the height of the structure above ground level
ii.	From any residential building on a separate site	Equal to three times the height of the structure above ground level

d. Wind generators - small scale that contravene this performance standard are restricted discretionary activities.

5.5.9.2 Setback from coast and water bodies

Network utility activities must comply with Rule 10.3.3.

5.5.9.3 Setback from scheduled tree

Network utility activities must comply with Rule 7.5.2.

5.5.10 Technical Standards

1. The maximum voltage of overground electricity lines and any associated network utilities is 110kV, or the voltage of existing lines on existing support structures, whichever is greater.
2. The maximum gauge pressure of network utilities for energy transformation, transmission or distribution, including pipes and new underground gas pressure regulating stations is 2000 kilopascals.
3. Activities that contravene the performance standard for maximum gauge pressure are non-complying activities.

5.5.11 Maximum Height

1. Any external protrusions, such as vents and chimneys, associated with underground or internal network utilities are subject to the maximum height performance standard for the zone in which the utility is located, and for the purposes of that standard are considered rooftop structures.
2. Activities that contravene this performance standard are restricted discretionary activities.

5.5.12 Maximum Duration, Frequency, and Hours of Operation

1. Off-site use and storage of plant, tools, gear, materials or relocatable site offices as part of the operation, repair, minor upgrading and maintenance of existing network utilities or underground or internal network utilities must:
   a. not exceed a maximum duration of 20 weeks per site in any 12 month period; and
   b. only be accessed between 7.00am and 6.00pm on weekdays and Saturdays, except public holidays.
2. Activities that contravene this performance standard are restricted discretionary activities.

Rule 5.6 Setbacks from National Grid, Critical Electricity Distribution Infrastructure and Network Utilities

5.6.1 Setback from National Grid

5.6.1.1 Setback from National Grid (new buildings and structures, city-wide activities and National Grid sensitive activities)

a. New buildings and structures, additions and alterations, public amenities, underground or internal network utilities (except where located within an existing building or structure), network utility structures - small scale, network utility structures - large scale, standby or temporary energy generators and National Grid sensitive activities must be set back at least:
   i. 12m from the outside edge of a National Grid support structure foundation or from the boundary of a National Grid substation; and
   ii. 12m from the centre line of any point of a National Grid transmission line.

b. The following activities are exempt from this standard, provided either that they meet the requirements of NZECP 34:2001, or that there is a minimum vertical clearance of 10m between the lowest point of the National Grid conductor and the highest point of any structure:
   i. network utility operation as defined in section 166 of the RMA (excluding the reticulation and storage of water for irrigation purposes);
   ii. fences not more than 2.5m in height and located at least 5m from a National Grid support structure;
   iii. artificial crop protection and crop support structures not more than 2.5m in height and located at least 8m from a National Grid pole support structure (but not a tower), provided that such structures:

1. are removable or temporary to allow a clear working space of 12m from the pole for maintenance and repair purposes; and
2. allow all weather access to the pole and a sufficient area for maintenance equipment, including a crane;

iv. farming or horticultural buildings of any type other than the following are exempt from Rule 5.6.1.1.a.ii only:

X. buildings used for intensive farming;
Y. milking/dairy sheds;
Z. produce packing facilities;
AA. commercial greenhouses; or
AB. residential buildings;

X. stockyards, and ancillary platforms for milking/dairy sheds are exempt from Rule 5.6.1.1.a.ii only;

v. irrigation equipment used for agricultural or horticultural purposes that is not for the distribution of water for commercial supply and does not permanently obstruct existing vehicular access to a National Grid support structure (exempt from Rule 5.6.1.1.a.ii only);

vi. in residential zones, buildings that are not a residential building and that are less than 10m² in area and under 2.5m in height, are exempt from Rule 5.6.1.1.a.ii only; and

Y. official signs.

c. Activities that contravene this performance standard are non-complying activities.

5.6.1.2 Setback from National Grid (earthworks)

a. Earthworks within the National Grid Yard must not exceed the following depths within the following distances of National Grid infrastructure:

1. Distance from National Grid infrastructure		2. Maximum depth of earthworks
X.	Less than 2.2m from a National Grid support structure pi-pole or the stay wire of an overhead transmission line	300mm
Y.	Between 2.2m and 5m from a National Grid support structure pi-pole or the stay wire of an overhead transmission line	750mm
Z.	Less than 6m from the outer edge of the foundation of a National Grid tower or mono-pole support structure	300mm
AA.	Between 6m and 12m from the outer edge of the foundation of a National Grid tower or mono-pole support structure	3m

X. Earthworks within the National Grid Yard must not compromise the stability of any National Grid support structure.

Y. Earthworks within the National Grid Yard must not contravene the ground to conductor clearance distances required by Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).

Z. The following earthworks are exempt from the maximum depth requirements in Rule 5.6.1.2.a:

i. earthworks ancillary to the operation, repair and maintenance of the roading network;

ii. earthworks for the repair, sealing or resealing of a driveway or vehicle track;

iii. earthworks that result in vertical holes less than 500mm in diameter, provided that the earthworks are located more than 1.5m from the outer edge of a National Grid pole or stay wire (this exemption does not apply to earthworks within 12m of the outer edge of National Grid towers);

iv. earthworks associated with post holes for the erection of farm fences or horticulture structures, provided

that the earthworks are located at least 5m from the outer edge of a National Grid support structure;

v. earthworks ancillary to a network utility operation as defined in section 166 of the RMA (excluding the reticulation and storage of water for irrigation purposes) and associated access tracks, provided that the activity is undertaken in accordance with NZECP 34:2001; and

vi. earthworks that are part of cultivation.

b. Activities that contravene this performance standard are non-complying activities.

5.6.1.X Setback from National Grid (subdivision activities)

a. Each resultant site created by a subdivision activity within the **National Grid Subdivision Corridor mapped area** must be of a size and shape that is large enough to locate a building platform outside the National Grid Yard for the following buildings:
   i. all buildings that are intended to be used for National Grid sensitive activities; and
   ii. any other principal buildings for the activity proposed for the resultant site, except where these are for a network utility operation as defined by section 166 of the RMA provided they can meet the requirements of NZECP34:2001.

b. Layout of the subdivision within the **National Grid Subdivision Corridor mapped area** is designed so that vehicular access to National Grid support structures is maintained.

c. Subdivision activities that contravene this performance standard are non-complying activities.

Note 5.6.1A – Other requirements outside of the District Plan

1. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to transmission lines. Compliance with this code is mandatory. Compliance with this plan does not ensure compliance with NZECP 34:2001.
2. Vegetation to be planted near National Grid infrastructure should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

5.6.2 Setback from Network Utilities

1. Earthworks must be set back at least 1.5m from network utility structures, except where the network utility structure is a privately owned asset that is located on a privately owned property and the earthworks are being undertaken by an owner of the asset.

X. Rule 5.6.2.1 does not apply to any of the following types of earthworks:

a. earthworks within 12m of a National Grid support structure, which are managed through Rule 5.6.1;

b. earthworks within 12m of Critical Electricity Distribution Infrastructure which are managed through Rule 5.6.X.2;

c. earthworks ancillary to network utility activities including earthworks associated with roading/accessways leading to and from network utility activities;

d. earthworks ancillary to the maintenance or replacement of underground fuel storage systems;

e. earthworks ancillary to the operation, repair and maintenance of the roading network; and

f. earthworks for Port activities in the Port Zone where the written approval of the network utility operator has been obtained.

Y. Earthworks are exempt from Rule 5.6.2.1 in relation to underground network utility structures where all of the

following criteria are met:

a. the maximum depth of excavation is no more than 350mm;

b. for water, stormwater, or wastewater network utility structures, at completion of the earthworks the minimum depth below finished ground level will be the lesser of:
   i. 750mm; or
   ii. the existing depth of the network utility structures prior to the commencement of earthworks; and

c. for all other network utility structures, at completion of the earthworks the minimum depth below finished ground level will be the lesser of:
   i. 600mm; or
   ii. the existing depth of the network utility structures prior to the commencement of earthworks.

Z. The setbacks required in Rule 5.6.2.1 are to be measured as horizontal distances from the outside edge of the network utility structure.

2. Activities that contravene this performance standard are restricted discretionary activities.

Note 5.6.2A – Other requirements outside of the District Plan

1. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of earthworks in relation to electricity transmission and distribution lines. Compliance with this code is mandatory. Compliance with this Plan does not ensure compliance with NZECP 34:2001.

Note 5.6.2B – General advice

1. To minimise the risk of damage to infrastructure networks and ensure the works can be undertaken safely, the location of underground network utility structures should be identified on site prior to earthworks commencing and their depth confirmed. All regulatory approvals should be obtained before works commence and any damage to network utility structures should be reported immediately to the network utility operator. Repairs should not be attempted without network utility operator approval. Damage to network utility structures is subject to civil law on liability.

5.6.X Setback from Critical Electricity Distribution Infrastructure

5.6.X.1 Setback from Critical Electricity Distribution Infrastructure (buildings, structures and city-wide activities)

a. New buildings, new structures, additions and alterations, public amenities, network utility activities (other than those necessary for the transmission and distribution of electricity) must not be located within the **Critical Electricity Distribution Infrastructure Corridor mapped area**.

b. Activities are exempt from this standard if they meet the requirements of New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).

c. Activities that contravene this performance standard are restricted discretionary activities.

Note 5.6.X.1A General advice

a. The **Critical Electrical Distribution Infrastructure Corridor mapped area** is measured either side of the centreline of above ground Critical Electricity Distribution Infrastructure (except in the case of designated zone substations where the measurement is taken from the designation boundary), as follows:
   i. 5m from the centreline if a 11kV line;
   ii. 8.5m from the centreline of a 33kV line;
   iii. 8.5m from the boundary of the designated zone substations; and
   iv. 9.5m from the centreline of a 66kV or a 110kV line.

5.6.X.2 Setback from Critical Electricity Distribution Infrastructure (earthworks)

a. Earthworks within the **Critical Electricity Distribution Infrastructure Corridor mapped area** must not exceed the following maximum depths within the following distances of Critical Electricity Distribution Infrastructure:

1. Distance from Critical Electricity Distribution Infrastructure		2. Maximum depth of earthworks
i.	Less than 2.2m from a support structure or stay wire of an overhead line	300mm
ii.	Between 2.2m and 5m from a support structure or stay wire of an overhead line	750mm
iii.	Less than 6m from the outer edge of the foundation of a support structure	300mm
iv.	Between 6m and 12m from the outer edge of the foundation of a support structure	3m

b. Earthworks within 12m of Critical Electricity Distribution Infrastructure must not contravene the ground to conductor clearance distances required by Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).

c. Except that the following earthworks are exempt from the maximum depth requirements in Rule 5.6.X.2.a:
   i. earthworks ancillary to the operation, repair, and maintenance of the roading network;
   ii. earthworks for the repair, sealing or resealing of a driveway or vehicle track;
   iii. earthworks that result in vertical holes less than 500mm in diameter, provided that the earthworks are located more than 1.5m from any Critical Electricity Infrastructure Distribution support structure or stay wire;
   iv. earthworks associated with post holes for the erection of farm fences or horticulture structures, provided that the earthworks are located at least 5m from the outer edge of a Critical Electricity Infrastructure Distribution support structure; and

v. earthworks ancillary to a network utility operation as defined in section 166 of the RMA and associated access tracks.

d. Activities that contravene this performance standard are restricted discretionary activities.

Note 5.6.X.2A – Other requirements outside of the District Plan

1. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures, buildings and activities near to overhead lines and underground cables. Compliance with this code is mandatory. Compliance with this Plan does not ensure compliance with NZECP 34:2001.
2. Work near Aurora Energy's overhead lines and power poles requires Close Approach consent. For more information contact Aurora Energy.
3. Vegetation to be planted near Critical Electricity Distribution Infrastructure should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

Rule 5.7 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 5.7.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 5.7.2 - 5.7.5:
   a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Rules 5.7.2 and 5.7.3 apply to network utility activities performance standards generally; Rule 5.7.4 applies to performance standards for setbacks from network utilities. Rule 5.7.5 contains additional provisions that apply to network utility activities performance standards in overlay zones and mapped areas and on scheduled items.

5.7.2 Assessment of all performance standard contraventions	
Performance standard	Guidance on the assessment of resource consents

1.	All performance standard contraventions	*Potential circumstances that may support a consent application include:* a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards, or site specific factors including topography, make meeting the standard impracticable. c. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. d. Non-compliance with a performance standard would improve the design of network utilities in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan.

5.7.3 Assessment of performance standard contraventions (network utility activities)		
Performance standard	Matters of discretion	Guidance on the assessment of resource consents

1.	All performance standard contraventions by any network utility activity that forms part of the National Grid, and any ancillary activities including earthworks and vegetation clearance	a. Benefits of network utility activities b. Functional needs and operational needs of network utility activities c. Effects on character and amenity of the zone d. Effects on health and safety e. Effects on efficient and effective operation of network utilities	i. The objectives and policies referenced below apply, in addition to the objectives and policies referenced elsewhere in rules 5.7.3 and 5.7.4. ii. Objective 5.2.X. iii. The operation, repair, minor upgrading and maintenance of the National Grid, and any ancillary activities including earthworks and vegetation clearance, are enabled, while managing the adverse effects of these activities (Policy 5.2.X.1.a). iv. Where there is a conflict, Policy 5.2.X.1 prevails over other policies in Section 5, and all policies in Section 10 and Section 13 (Policy 5.2.X.1.b). v. The development of, major upgrades to, and new National Grid infrastructure, and any ancillary activities including earthworks and vegetation clearance are provided for, while managing adverse effects of these activities by all of the following: 1. recognising there may be some areas in the coastal environment where avoidance of adverse effects is required to protect the identified special values of those areas; 2. seeking to avoid adverse effects on the values of the following: 1. areas of significant indigenous vegetation and significant habitats of indigenous fauna (including but not limited to scheduled Areas of Significant Biodiversity Value); 2. outstanding natural features and outstanding natural landscape overlay zones; 3. outstanding natural coastal character overlay zones; and 4. scheduled heritage items and heritage precincts. 3. where it is not practical to avoid adverse effects on the values of the areas listed in ii. above because of the functional needs and operational needs of the National Grid, remedy or mitigate adverse effects on those values; 4. avoiding, remedying or mitigating other adverse effects, including effects on the values of areas not covered in clause ii above; and 5. consider offsetting for residual adverse effects on indigenous biological diversity (Policy 5.2.X.2.a). vi. Where there is a conflict, Policy 5.2.X.2 prevails over other policies in Section 5, and all policies in Section 10 and Section 13 (Policy 5.2.X.2.b). vii. In implementing Policy 5.2.X.2, have regard to: 1. the extent to which adverse effects have been addressed through site, route or method selection; and 2. for major upgrades, opportunities to reduce existing adverse effects (Policy 5.2.X.3).

5.7.3 Assessment of performance standard contraventions (network utility activities)			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2.	All performance standard contraventions	a. Benefits of network utility activities	*Relevant objectives and policies:* i. Objectives 2.2.2, 2.3.1, 5.2.1 ii. Policies 2.3.1.7, 2.2.2.3 iii. Network utility activities are provided for throughout the city where: 1. this will have positive effects on economic, social and cultural well-being, public health and safety or resilience of communities; and 2. recognising their functional needs and operational needs, effects can be managed in line with policies 5.2.1.3, 5.2.1.4, 5.2.1.5, 5.2.1.6, 5.2.X.4, 5.2.X.5, 5.2.2.X and the objectives and policies of any relevant overlay zones, scheduled sites or mapped areas (Policy 5.2.1.2). iv. The use and development of renewable energy generation is encouraged (Policy 5.2.1.1). *General assessment guidance:* In assessing the effects of the proposed activity, Council will consider: v. The potential social, economic, cultural and environmental benefits of the proposed activity, including but not limited to: 1. benefits of lifeline utilities to public health and safety, including resilience to natural hazards; 2. benefits of all network utilities to economic, social and cultural well-being; and 3. in the case of energy generation: 1. contributions to national energy objectives or renewable energy generation targets; 2. the benefits, in terms of the efficient use of energy, of locating renewable energy generation close to end use and to electricity transmission or distribution infrastructure; and 3. the benefits of having a distributed network for greater energy resilience. *Potential circumstances which may support a consent application include:* vi. The proposed activity is essential to establish or maintain a network utility service.

5.7.3 Assessment of performance standard contraventions (network utility activities)			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
		b. Functional needs and operational needs of network utility activities	*Relevant objectives and policies:* i. Objectives 2.2.2, 2.3.1, 5.2.1 ii. Policies 2.3.1.7, 2.2.2.3 iii. Network utility activities are provided for throughout the city where: 1. this will have positive effects on economic, social and cultural well-being, public health and safety or resilience of communities; and 2. recognising their functional needs and operational needs, effects can be managed in line with policies 5.2.1.3, 5.2.1.4, 5.2.1.5, 5.2.1.6, 5.2.X.4, 5.2.X.5, 5.2.2.X and the objectives and policies of any relevant overlay zones, scheduled sites or mapped areas (Policy 5.2.1.2). iv. The use and development of renewable energy generation is encouraged (Policy 5.2.1.1). *General assessment guidance:* In assessing the effects of the proposed activity, Council will consider: v. The constraints imposed on size, design and location by the functional needs and operational needs of the network utility. vi. In accordance with Policy 2.3.1.7.c, in assessing the degree to which it is practicable to avoid or minimise adverse effects, Council will consider the functional needs and operational needs of network utilities.
3.	Location	a. Effects on character and amenity of the zone	*Relevant objectives and policies:* i. Objective 5.2.1 ii. Network utility structures are designed and located to enable the provision of network utilities while avoiding or, where avoidance is not practicable, adequately mitigating adverse effects on the amenity and character of the zone (Policy 5.2.1.3). *Potential circumstances which may support a consent application include:* iii. Alternative sites, which would have lesser effects on character and amenity, have been considered but are impracticable for operational reasons. iv. Ground conditions, topography, or other site constraints make placing pipes underground impracticable.

5.7.3 Assessment of performance standard contraventions (network utility activities)			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
4.	Setback from coast and water bodies (rules 10.3.3.1 - 10.3.3.5)	a. Effects on biodiversity values and natural character of riparian margins and the coast	See Rule 10.5
		b. Effects on public access	
		c. Risk from natural hazards	See Rule 11.4
Y.	Maximum duration, frequency, and hours of operation	a. Effects on amenity of surrounding sites	*Relevant objectives and policies:* i. Objective 5.2.1 ii. the activity is designed and located to enable the provision of network utilities while avoiding or, where avoidance is not practicable, adequately mitigating adverse effects on the amenity and character of the zone (Policy 5.2.1.3).
5.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
6.	Technical standards	a. Effects on health and safety	*Relevant objectives and policies (priority considerations):* i. Objective 5.2.1. ii. Network utility activities are located, designed and operated to ensure any risk to health and safety is avoided or minimised as far as practicable (Policy 5.2.1.4). *Potential circumstances which may support a consent application include:* iii. Contravention of the performance standard does not result in a safety risk.
7.	• Design standards for wind generators • Setbacks for wind generators	a. Effects on character and amenity of zone	*Relevant objectives and policies:* i. Objective 5.2.1 ii. Network utility structures are designed and located to enable the provision of network utilities while avoiding or, where avoidance is not practicable, adequately mitigating adverse effects on the amenity and character of the zone (Policy 5.2.1.3). *Potential circumstances which may support a consent application include:* iii. The visibility of wind generators outside the site is limited by their location within the site, or by vegetation, existing buildings and structures, natural landforms or topography. iv. The scale or design is consistent or compatible with surrounding buildings or structures.

5.7.3 Assessment of performance standard contraventions (network utility activities)			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
8.	Site coverage	a. Effects on character and amenity of zone	*Relevant objectives and policies:* i. Objective 5.2.1 ii. Network utility structures are designed and located to enable the provision of network utilities while avoiding or, where avoidance is not practicable, adequately mitigating adverse effects on the amenity and character of the zone (Policy 5.2.1.3).
9.	Maximum height (underground or internal network utilities)	a. Effects on character and amenity of zone	*Relevant objectives and policies:* i. Objective 5.2.1 ii. Network utility structures are designed and located to enable the provision of network utilities while avoiding or, where avoidance is not practicable, adequately mitigating adverse effects on the amenity and character of the zone (Policy 5.2.1.3).

5.7.4 Assessment of performance standard contraventions (setbacks from network utilities)			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2.	Setback from network utilities (earthworks)	a. Effects on health and safety	*Relevant objectives and policies:* i. Objective 5.2.2 ii. Earthworks are set back an adequate distance from network utilities to avoid adverse effects on the health and safety of people (Policy 5.2.2.1.c).
		b. Effects on efficient and effective operation of network utilities	*Relevant objectives and policies:* i. Objective 5.2.2 ii. Earthworks are set back an adequate distance from network utilities to avoid: 1. damage to existing network utilities (Policy 5.2.2.1.a); and 2. obstruction of access to existing underground network utilities (Policy 5.2.2.1.b). *Potential circumstances that may support a consent application include:* iii. The network utility owner or operator has provided written approval for the proposed earthworks. iv. Earthworks comply with the NZ Electrical Code of Practice for Electrical Safe Distances 34:2001.

5.7.5 Assessment of restricted discretionary performance standard contraventions in an overlay zone or mapped area, or affecting a scheduled item			
Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	In a **primary** or **secondary pedestrian street frontage mapped area**: • Location (Rule 5.5.2.1.a) • Maximum volume in **pedestrian street frontage mapped areas**, heritage precincts and scheduled heritage sites	a. Effects on pedestrian amenity	See Rule 18.9
2.	In a heritage precinct: • Location (Rule 5.5.2.1.b, Rule 5.5.2.3) • Maximum volume in **pedestrian street frontage mapped areas**, heritage precincts and scheduled heritage sites	a. Effects on heritage streetscape character	See Rule 13.5
3.	On a scheduled heritage site: • Maximum volume in **pedestrian street frontage mapped areas**, heritage precincts and scheduled heritage sites	a. Effects on heritage values	See Rule 13.5

5.7.5 Assessment of restricted discretionary performance standard contraventions in an overlay zone or mapped area, or affecting a scheduled item			
Activity		Matters of discretion	Guidance on the assessment of resource consents
4.	In the NCC Overlay Zone: • Location (Rule 5.5.2.1.c)	a. Effects on natural character of the coast	See Rule 10.5
X.	In a **wāhi tūpuna mapped area**: • Setback from coast and water bodies	a. Effects on cultural values of Manawhenua	See Rule 14.3.
Y.	In the **Critical Electricity Distribution Infrastructure Corridor mapped area**: • Setback from Critical Electricity Distribution Infrastructure (buildings, structures and city-wide activities) • Setback from Critical Electricity Distribution Infrastructure (earthworks)	a. Effects on health and safety	*Relevant objectives and policies:* i. Objective 5.2.2. ii. Any risk to health and safety is avoided or minimised as far as practicable (Policy 5.2.2.X.a).

5.7.5 Assessment of restricted discretionary performance standard contraventions in an overlay zone or mapped area, or affecting a scheduled item		
Activity	Matters of discretion	Guidance on the assessment of resource consents
	b. Effects on efficient and effective operation of network utilities	*Relevant objectives and policies:* i. Objective 5.2.2. ii. Adverse effects on the operation, maintenance, upgrading and development of the Critical Electricity Distribution Infrastructure are avoided or, if avoidance is not practicable, insignificant (Policy 5.2.2.X.b). *General assessment guidance:* iii. Council will generally refuse consent if earthworks do not comply with Section 2 of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001). iv. In assessing effects on health and safety, Council will consider whether the activity creates a risk of electrical hazard that affects public or individual safety or property. *Potential circumstances that may support a consent application include:* v. Earthworks do not compromise the structural integrity of the Critical Electricity Distribution Infrastructure, or the ability to gain access to infrastructure for maintenance. vi. Written approval is obtained from the owner and/or operator of the Critical Electricity Distribution Infrastructure.

5.7.5 Assessment of restricted discretionary performance standard contraventions in an overlay zone or mapped area, or affecting a scheduled item			
Activity		Matters of discretion	Guidance on the assessment of resource consents
Z.	In the **Critical Electricity Distribution Infrastructure Corridor mapped area**: • Setback from Critical Electricity Distribution Infrastructure (forestry)	a. Effects on health and safety	*Relevant objectives and policies:* i. Objective 5.2.2. ii. The risk of safety hazards caused by trees falling onto Critical Electricity Distribution Infrastructure is avoided or minimised as far as practicable (Policy 5.2.2.Z). *Potential circumstances that may support a consent application include:* iii. Written approval is obtained from the owner and/or operator of the Critical Electricity Distribution Infrastructure. iv. The proposal complies with the Electricity (Hazards from Trees) Regulations 2003.
AA.	Setback from a **stormwater open watercourse mapped area** (Rule 10.3.3.X)	a. Effects on the efficiency and affordability of infrastructure	See Rule 9.5

Rule 5.8 Assessment of Restricted Discretionary Activities

Rule 5.8.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 5.8.2 - 5.8.5:
   a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provide guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Rule 5.8.2 applies to network utility activities generally; Rule 5.8.3 contains additional provisions that apply to network utility activities in overlay zones, mapped areas, heritage precincts, and on scheduled items; Rule 5.8.4 contains additional provisions that apply to subdivision activities in the **radio transmitters mapped area**; Rule 5.8.5 contains additional provisions that apply to subdivision activities in the **National Grid Subdivision Corridor mapped area**. Rule 5.8.X.1 contains additional provisions that apply to subdivision activities in the **Critical Electricity Distribution Infrastructure Corridor mapped area**.
4. Where a restricted discretionary activity does not meet a performance standard the following occurs:
   a. if the contravention of the performance standard defaults to **restricted discretionary** 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 5.7; 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 5.9; 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 5.10; and
      iii. the assessment guidance in this section will also be considered.

5.8.2 Assessment of restricted discretionary network utility activities		
Activity	Matters of discretion	Guidance on the assessment of resource consents

X.	Any restricted discretionary network utility activity that forms part of the National Grid, and any ancillary activities including earthworks and vegetation clearance	a. Benefits of network utility activities b. Functional needs and operational needs of network utility activities c. Effects on character and amenity of the zone d. Effects on surrounding sites' residential amenity	*Relevant objectives and policies:* i. The objectives and policies referenced below apply, in addition to the objectives and policies referenced elsewhere in Rule 5.8.2. ii. Objective 5.2.X. iii. The operation, repair, minor upgrading and maintenance of the National Grid, and any ancillary activities including earthworks and vegetation clearance, are enabled, while managing the adverse effects of these activities (Policy 5.2.X.1.a). iv. Where there is a conflict, Policy 5.2.X.1 prevails over other policies in Section 5, and all policies in Section 10 and Section 13 (Policy 5.2.X.1.b) v. The development of, major upgrades to, and new National Grid infrastructure, and any ancillary activities including earthworks and vegetation clearance are provided for, while managing adverse effects of these activities by all of the following: 1. recognising there may be some areas in the coastal environment where avoidance of adverse effects is required to protect the identified special values of those areas; 2. seeking to avoid adverse effects on the values of the following: 1. areas of significant indigenous vegetation and significant habitats of indigenous fauna (including but not limited to scheduled Areas of Significant Biodiversity Value); 2. outstanding natural features and outstanding natural landscape overlay zones; 3. outstanding natural coastal character overlay zones; and 4. scheduled heritage items and heritage precincts; 3. where it is not practicable to avoid adverse effects on the values of the areas listed in ii. above because of the functional needs and operational needs of the National Grid, remedy or mitigate adverse effects on those values; 4. avoiding, remedying or mitigating other adverse effects, including effects on the values of areas not covered in clause ii above; and 5. consider offsetting for residual adverse effects on indigenous biological diversity (Policy 5.2.X.2.a). vi. Where there is a conflict, Policy 5.2.X.2 prevails over other policies in Section 5, and all policies in Section 10 and 13 (Policy 5.2.X.2.b). vii. In implementing Policy 5.2.X.2, have regard to: 1. the extent to which adverse effects have been addressed through site, route or method selection; and 2. for major upgrades, opportunities to reduce existing adverse effects (Policy 5.2.X.3).

5.8.2 Assessment of restricted discretionary network utility activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	All restricted discretionary network utility activities	a. Benefits of network utility activities	*Relevant objectives and policies:* i. Objectives 2.2.2, 2.3.1, 5.2.1 ii. Policies 2.3.1.7, 2.2.2.3, 2.2.1.11 iii. Network utility activities are provided for throughout the city where: X. this will have positive effects on economic, social and cultural well-being, public health and safety or resilience of communities; and Y. recognising their functional needs and operational needs, effects can be managed in line with policies 5.2.1.3, 5.2.1.4, 5.2.1.5, 5.2.1.6, 5.2.X.4, 5.2.X.5, 5.2.2.X and the objectives and policies of any relevant overlay zone, scheduled site or mapped area (Policy 5.2.1.2). iv. The use and development of renewable energy generation is encouraged (Policy 5.2.1.1). *General assessment guidance:* In assessing the effects of the proposed activity, Council will consider: v. The potential social, economic, cultural and environmental benefits of the proposed activity, including, but not limited to: X. benefits of lifeline utilities to public health and safety, including resilience to natural hazards; Y. benefits of all network utilities to economic, social and cultural well-being; and Z. in the case of energy generation; 1. contributions to national energy objectives or renewable energy generation targets; 2. the benefits, in terms of the efficient use of energy, of locating renewable energy generation close to end use and to electricity transmission or distribution infrastructure; and 3. the benefits of having a distributed network for greater energy resilience. *Potential circumstances that may support a consent application include:* vi. The proposed activity is necessary to establish or maintain a network utility service.

5.8.2 Assessment of restricted discretionary network utility activities		
Activity	Matters of discretion	Guidance on the assessment of resource consents
	b. Functional needs and operational needs of network utility activities	*Relevant objectives and policies:* i. Objectives 2.2.2, 2.3.1, 5.2.1 ii. Policies 2.3.1.7, 2.2.2.3 iii. Network utility activities are provided for throughout the city where: X. this will have positive effects on economic, social and cultural well-being, public health and safety or resilience of communities; and Y. recognising their functional needs and operational needs, effects can be managed in line with policies 5.2.1.3, 5.2.1.4, 5.2.1.5, 5.2.1.6, 5.2.X.4, 5.2.X.5, 5.2.2.X and the objectives and policies of any relevant overlay zone, scheduled site or mapped area (Policy 5.2.1.2). iv. The use and development of renewable energy generation is encouraged (Policy 5.2.1.1). *General assessment guidance:* In assessing the effects of the proposed activity, Council will consider: v. The constraints imposed on size, design and location by the functional needs and operational needs of the network utility. X. In accordance with Policy 2.3.1.7.c, in assessing the degree to which it is practicable to avoid or minimise adverse effects, Council will consider the functional needs and operational needs of network utilities.

5.8.2 Assessment of restricted discretionary network utility activities		
Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on character and amenity of zone	*Relevant objectives and policies:* i. Objective 5.2.1 ii. Network utilities are designed and located to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on visual amenity and the character of the zone in which the activity is located (Policy 5.2.1.5.a). *Potential circumstances that may support a consent application include:* iii. Where practicable, the network utility is designed, located or screened to be unobtrusive. iv. The same network utility poles or masts are to be used to support multiple network utilities. v. The scale or design is consistent or compatible with surrounding buildings or structures. vi. The visibility of the network utility is limited by vegetation, existing buildings or structures and/or natural landforms or topography. vii. Alternative sites, which would have lesser effects on character and amenity, have been considered but are impracticable for operational reasons. viii. Sunlight admission to the footpath and street is maintained. ix. The structure is not situated on visually prominent rural zoned land. x. Landscaping is used to screen the structure from public viewpoints.
	d. Effects on surrounding sites' residential amenity	*Relevant objectives and policies:* i. Objective 5.2.1 ii. Network utilities are designed and located to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the amenity of any surrounding residential activities (Policy 5.2.1.5.b). *Potential circumstances that may support a consent application include:* iii. Alternative sites, which would have lesser effects on the amenity of surrounding residential activities, have been considered but are impracticable for operational reasons.

5.8.2 Assessment of restricted discretionary network utility activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
Y.	Network utility structures - large scale provided for in Rule 5.3.2.16.a and Rule 5.3.2.16.b (rural, rural residential and recreation zones only)	a. Effects on biodiversity values	See Rule 10.6

5.8.3 Assessment of restricted discretionary network utility activities in an overlay zone, mapped area, heritage precinct, or scheduled item			
Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	In the **ONF Overlay Zone**: • Network utility structures - large scale (amateur radio configurations only) • Network utility poles and masts - small scale • Wind generators - small scale • Hydro generators - small scale • Solar panels - small scale • All other network utility structures - small scale	a. Effects on landscape values	See Rule 10.6.
2.	In the **HNCC or ONCC overlay zones**: • Network utility structures - large scale (amateur radio configurations only) • Network utility poles and masts - small scale • Wind generators - small scale • Hydro generators - small scale • Solar panels - small scale • All other network utility structures - small scale	a. Effects on natural character of the coast	See Rule 10.6.
3.	In an **ASBV**: • Network utility poles and masts - small scale • Wind generators - small scale • Hydro generators - small scale • Solar panels - small scale	a. Effects on biodiversity values	See Rule 10.6.

5.8.3 Assessment of restricted discretionary network utility activities in an overlay zone, mapped area, heritage precinct, or scheduled item			
Activity		Matters of discretion	Guidance on the assessment of resource consents
4.	In a **wāhi tūpuna mapped area** where network utility activities are identified as a threat in Appendix A4: • Network utility structures - large scale (amateur radio configurations only) • Network utility poles and masts - small scale • Wind generators - small scale • Hydro generators - small scale • Solar panels - small scale • All other network utility structures - small scale	a. Effects on cultural values of Manawhenua	See Rule 14.4.
5.	In the **SNL or ONL overlay zones**: • Network utility poles and masts - small scale • Wind generators - small scale • Hydro generators - small scale • Solar panels - small scale	a. Effects on landscape values	See Rule 10.6.
6.	In the **NCC Overlay Zone**: • Network utility poles and masts - small scale • Wind generators - small scale • Hydro generators - small scale • Solar panels - small scale	a. Effects on natural character of the coast	See Rule 10.6.
7.	All restricted discretionary activities due to affecting **scheduled heritage sites** • Network utility poles and masts - small scale • Wind generators - small scale • Hydro generators - small scale • Solar panels - small scale	a. Effects on heritage values	See Rule 13.6.

5.8.3 Assessment of restricted discretionary network utility activities in an overlay zone, mapped area, heritage precinct, or scheduled item			
Activity		Matters of discretion	Guidance on the assessment of resource consents
8.	All restricted discretionary activities due to being in a **heritage precinct** • Network utility poles and masts - small scale • Wind generators - small scale • Hydro generators - small scale • Solar panels - small scale	a. Effects on heritage streetscape character	See Rule 13.6.

5.8.4 Assessment of subdivision activities within the radio transmitters mapped area			
Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	General subdivision	a. Reverse sensitivity effects	*Relevant objectives and policies (priority considerations):* i. Objective 5.2.2 ii. The potential for reverse sensitivity is avoided or minimised as far as practicable (Policy 5.2.2.5).

5.8.5 Assessment of subdivision activities in the National Grid Corridor mapped area			
Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	In the **National Grid Subdivision Corridor mapped area**: • All subdivision activities	a. Risk to the safety of people and property	*Relevant objectives and policies:* i. Objective 5.2.X. ii. Subdivision in the **National Grid Subdivision Corridor mapped area** is designed to ensure that any future land use and development will avoid or minimise as far as practicable the risk to the safety of people and property (Policy 5.2.X.6.a). *General assessment guidance:* In assessing risk to the safety of people and property, Council will consider: X. the extent to which the subdivision allows for earthworks, buildings and structures to comply with the safe separation distance requirements in the New Zealand Code of Practice for Safe Electrical Distances (NZECP 34:2001); Y. the extent to which the design and construction of the subdivision allows for activities to be setback from the National Grid to ensure adverse effects on public safety and property are appropriately managed; and Z. the outcome of any consultation with Transpower New Zealand Limited (being the owner and operator of the National Grid).

5.8.5 Assessment of subdivision activities in the National Grid Corridor mapped area		
Activity	Matters of discretion	Guidance on the assessment of resource consents
	b. Reverse sensitivity effects	*Relevant objectives and policies:* i. Objective 5.2.X. ii. Subdivision in the **National Grid Subdivision Corridor mapped area** is designed to ensure that any future land use and development will avoid reverse sensitivity effects on the National Grid (Policy 5.2.X.6.b). *General assessment guidance:* In assessing reverse sensitivity effects, Council will consider: X. the extent to which the subdivision is designed to ensure that any associated future land use and development will avoid reverse sensitivity effects on the National Grid, including through the location of building platforms; Y. the extent to which the design and construction of the subdivision allows for activities to be setback from the National Grid to ensure adverse effects on, and from, the National Grid are appropriately managed; and Z. the outcome of any consultation with Transpower New Zealand Limited (being the owner and operator of the National Grid).
	c. Effects on efficient and effective operation of the National Grid and access to it	*Relevant objectives and policies:* i. Objective 5.2.X. ii. Subdivision in the **National Grid Subdivision Corridor mapped area** is designed to ensure that any future land use and development will not compromise the operation, maintenance, upgrading and development of the National Grid, or access to it (Policy 5.2.X.6.c). *General assessment guidance:* In assessing effects on the efficient and effective operation of the National Grid and access to it, Council will consider: X. the extent to which the subdivision allows for earthworks, buildings and structures to comply with the safe separation distance requirements in the New Zealand Code of Practice for Safe Electrical Distances (NZECP 34:2001); Y. the provision for the on-going efficient operation, maintenance, development and upgrade of the National Grid, including the ability for continued reasonable access to existing transmission lines for maintenance, inspections and upgrading; Z. the nature and location of any proposed vegetation to be planted in the vicinity of the National Grid; and AA. the outcome of any consultation with Transpower New Zealand Limited (being the owner and operator of the National Grid).

5.8.X Assessment of subdivision activities in the Critical Electricity Distribution Infrastructure Corridor mapped area		
Activity	Matters of discretion	Guidance on the assessment of resource consents

1.	In the **Critical Electricity Distribution Infrastructure Corridor mapped area**: • All subdivision activities	a. Effects on health and safety	*Relevant objectives and policies:* i. Objective 5.2.2. ii. Subdivision in the **Critical Electricity Distribution Infrastructure Corridor mapped area** is designed to ensure that any associated future land use and development will avoid effects on the health and safety of people (Policy 5.2.2.Y.a). *Design considerations that may support a consent application include:* iii. The design and layout of the subdivision allows for earthworks, buildings and structures to comply with the safe separation distance requirements in the New Zealand Code of Practice for Safe Electrical Distances (NZECP 34:2001). iv. In assessing effects on health and safety, Council will consider whether the activity creates a risk of electrical hazard that affects public or individual safety or property. *Potential circumstances that may support a consent application include:* v. Written approval is obtained from the owner and/or operator of the electricity infrastructure.
		b. Reverse sensitivity effects	*Relevant objectives and policies:* i. Objective 5.2.2. ii. Subdivision in the **Critical Electricity Distribution Infrastructure Corridor mapped area** is designed to ensure that any associated future land use and development will avoid or minimise the potential for reverse sensitivity (Policy 5.2.2.Y.c). *General assessment guidance:* iii. Written approval is obtained from the owner and/or operator of the Critical Electricity Distribution Infrastructure.

5.8.X Assessment of subdivision activities in the Critical Electricity Distribution Infrastructure Corridor mapped area		
Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on efficient and effective operation of network utilities	*Relevant objectives and policies:* i. Objective 5.2.2. ii. Subdivision in the **Critical Electricity Distribution Infrastructure Corridor mapped area** is designed to ensure that any associated future land use and development will avoid or, where avoidance is not practicable, have not more than insignificant effects on the operation, maintenance, upgrading and development of the electricity infrastructure (Policy 5.2.2.Y.b). *Design considerations that may support a consent application include:* iii. The design and layout of the subdivision clearly identifies the Critical Electricity Distribution Infrastructure and: 1. ensures continued access to existing lines for maintenance, inspections and upgrading; 2. provides for the on-going efficient operation, maintenance, development and upgrade of the Critical Electricity Distribution Infrastructure; 3. enables roads and reserves to be located near to or under lines and building platforms away from lines; and 4. allows buildings and structures to be located and orientated and vegetation positioned in a way that meets the policy test in Policy 5.2.2.Y.b. *Potential circumstances that may support a consent application include:* iv. Written approval is obtained from the owner and/or operator of the Critical Electricity Distribution Infrastructure.

Rule 5.9 Assessment of Discretionary Activities

Rule 5.9.1 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 5.9.2 - 5.9.4 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
   b. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
   c. general assessment guidance, including any effects that will be considered as a priority; and
   d. conditions that may be imposed.

5.9.2 Assessment of discretionary network utility activities	
Activity	Guidance on the assessment of resource consents
1. All discretionary activities, including but not limited to the activities listed below	*Relevant objectives and policies (priority considerations):* a. Objectives 5.2.1, 5.2.X, 2.2.2, 2.3.1, 10.2.1, 2.2.2.3 X. The operation, repair, minor upgrading and maintenance of the National Grid, and any ancillary activities including earthworks and vegetation clearance, are enabled, while managing the adverse effects of these activities (Policy 5.2.X.1.a). Y. Where there is a conflict, Policy 5.2.X.1 prevails over other policies in Section 5, and all policies in Section 10 and Section 13. (Policy 5.2.X.1.b). Z. The development of, major upgrades to, and new National Grid infrastructure, and any ancillary activities including earthworks and vegetation clearance are provided for, while managing adverse effects of these activities by all of the following: i. recognising there may be some areas in the coastal environment where avoidance of adverse effects is required to protect the identified special values of those areas; ii. seeking to avoid adverse effects on the values of the following; 1. areas of significant indigenous vegetation and significant habitats of indigenous fauna (including but not limited to scheduled Areas of Significant Biodiversity Value); 2. outstanding natural features and outstanding natural landscape overlay zones; 3. outstanding natural coastal character overlay zones; 4. scheduled heritage items and heritage precincts iii. where it is not practicable to avoid adverse effects on the values of the areas listed in ii. above because of the functional needs and operational needs of the National Grid, remedy or mitigate adverse effects on those values; iv. avoiding, remedying or mitigating other adverse effects, including effects on the values of areas not covered in clause ii above; and

5.9.2 Assessment of discretionary network utility activities	
Activity	Guidance on the assessment of resource consents
	v. consider offsetting for residual adverse effects on indigenous biological diversity (Policy 5.2.X.2.a). aa. Where there is a conflict, Policy 5.2.X.2 prevails over other policies in Section 5, and all policies in Section 10 and Section 13 (Policy 5.2.X.2.b). bb. In implementing Policy 5.2.X.2, have regard to: i. the extent to which adverse effects have been addressed through site, route or method selection; and ii. for major upgrades, opportunities to reduce existing adverse effects (Policy 5.2.X.3). b. Network utility activities are provided for throughout the city where: X. this will have positive effects on economic, social and cultural well-being, public health and safety or resilience of communities; and Y. recognising their functional needs and operational needs, effects can be managed in line with policies 5.2.1.3, 5.2.1.4, 5.2.1.5, 5.2.1.6, 5.2.X.4, 5.2.X.5, 5.2.2.X and the objectives and policies of any relevant overlay zone, scheduled site or mapped area (Policy 5.2.1.2). c. The use and development of renewable energy generation is encouraged (Policy 5.2.1.1). d. Network utilities are designed and located to avoid or, if avoidance is not practicable, adequately mitigate: i. adverse effects on visual amenity and the character of the zone in which the activity is located; and ii. adverse effects on the amenity of any surrounding residential activities (Policy 5.2.1.5). *General assessment guidance:* e. In assessing the effects of the activity, Council will consider: i. the potential social, economic, cultural and environmental benefits of the proposed activity, including, but not limited to: X. benefits of lifeline utilities to public health and safety, including resilience to natural hazards; Y. benefits of all network utilities to economic, social and cultural well-being; and Z. in the case of energy generation; 1. contributions to national energy objectives and renewable energy generation targets; 2. the benefits, in terms of the efficient use of energy, of locating renewable energy generation close to end use and to electricity transmission or distribution infrastructure; and 3. the benefits of having a distributed network for greater energy resilience; and ii. the constraints imposed on size, design and location by the functional needs and operational needs of the network utility or energy generation activity. cc. In accordance with Policy 2.3.1.7.c, in assessing the degree to which it is practicable to avoid or minimise adverse effects, the Council

5.9.2 Assessment of discretionary network utility activities	
Activity	Guidance on the assessment of resource consents
	will consider the functional needs and operational needs of network utilities. 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. *Potential circumstances that may support a consent application include:* g. The proposed activity is essential for the effective operation of a network utility. h. The proposed activity is to be undertaken in accordance with relevant industry standards. i. The utility is not located on visually prominent land. j. The visibility of the utility is limited by vegetation, existing building/structures, and/or natural forms or topography. k. Landscaping is used to screen the utility from public viewpoints. l. Wind generators - large scale are located a sufficient distance from dwellings to adequately mitigate adverse effects on amenity, taking into account factors such as: the number, scale and geographical spread of turbines; and the degree to which landform or vegetation reduces visual and noise effects from turbines on nearby dwellings. m. Alternative sites, which would have lesser effects on character or amenity, have been considered but are impracticable for operational reasons. *Relevant guidance from other sections (priority considerations):* n. For activities that may have effects on biodiversity values, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1. o. For activities adjacent to water bodies and the coast, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.2. p. See Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua.
2. In the **SNL or ONL overlay zones**: • Network utility structures - large scale other than amateur radio configurations • Solar panels - large scale • Hydro generators - large scale • Wind generators - large scale • Substations	*Relevant guidance from other sections (priority considerations):* a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and effects related to landscape values.

5.9.2 Assessment of discretionary network utility activities		
Activity		Guidance on the assessment of resource consents
3.	In an **ASBV**: • Network utility structures - large scale other than amateur radio configurations • Solar panels - large scale • Hydro generators - large scale • Wind generators - large scale • Substations	*Relevant guidance from other sections (priority considerations):* a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity values.
4.	In the **NCC Overlay Zone**: • Network utility structures - large scale other than amateur radio configurations • Solar panels - large scale • Hydro generators - large scale • Wind generators - large scale • Substations	*Relevant guidance from other sections (priority considerations):* a. See Section 10.7 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.
5.	On a **scheduled heritage site**: • Network utility structures - large scale other than amateur radio configurations • Solar panels - large scale • Hydro generators - large scale • Wind generators - large scale • Substations	*Relevant guidance from other sections (priority considerations):* a. See Rule 13.7 for guidance on the assessment of resource consents in relation to Objective 13.2.2 and effects on heritage values.
6.	In a **heritage precinct**: • Network utility structures - large scale other than amateur radio configurations • Solar panels - large scale • Hydro generators - large scale • Wind generators - large scale • Substations	*Relevant guidance from other sections (priority considerations):* a. See Rule 13.7 for guidance on the assessment of resource consents in relation to Objective 13.2.3 and effects on heritage values.
7.	All discretionary activities identified as a threat in a **wāhi tūpuna mapped area** in Appendix A4	*Relevant guidance from other sections (priority considerations):* a. 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.

5.9.3 Assessment of discretionary performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
1.	Noise - where the limit is exceeded by less than 5dB LAeq (15min)	*Relevant guidance from other sections (priority considerations):* a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
2.	Light spill - where the limit is exceeded by 25% or less	

5.9.4 Assessment of discretionary activities within the radio transmitters mapped area		
Activity		Guidance on the assessment of resource consents
1.	All discretionary activities	*Relevant objectives and policies (priority considerations):* i. Objective 5.2.2 ii. The potential for reverse sensitivity is avoided or minimised as far as practicable (Policy 5.2.2.5).

Rule 5.10 Assessment of Non-complying Activities

Rule 5.10.1 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 5.10.2 - 5.10.5 provide guidance on how a consent application for the listed non-complying activities will be assessed, but do not limit that assessment.

5.10.2 Assessment of all non-complying network utility activities	
Activity	Guidance on the assessment of resource consents
1. All non-complying activities listed below	*Relevant objectives and policies:* a. Objectives 2.2.2, 2.7.1, 2.3.1, 5.2.1, 5.2.X. b. Policies 2.2.2.3, 2.3.1.7, 5.2.1.1, 5.2.1.2, 5.2.X.1, 5.2.X.2, 5.2.X.3. *General assessment guidance:* c. In assessing the significance of effects, consideration will be given to: i. short and long term effects, including effects in combination with other activities; ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent; and iii. any effects otherwise managed through performance standards and consistent with all relevant objectives and policies for the zone. d. In assessing the effects of the activity, the Council will consider: i. the potential social, economic, cultural and environmental benefits of the proposed activity, including, but not limited to: X. benefits of lifeline utilities to public health and safety, including resilience to natural hazards; Y. benefits of all network utilities to economic, social and cultural well-being; and Z. in the case of energy generation: 1. contributions to national energy objectives or renewable energy generation targets; 2. the benefits in terms of the efficient use of energy of locating renewable energy generation close to end use and to electricity transmission or distribution infrastructure; and 3. the benefits of having a distributed network for greater energy resilience; ii. the constraints imposed on size, design and location by the functional needs and operational needs of the network utility or energy generation activity; and iii. whether relevant industry standards are being complied with. e. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. X. In accordance with Policy 2.3.1.7.c, in assessing the degree to which an option is practicable, the Council will consider the functional needs and operational needs of network utilities. *Potential circumstances that may support a consent application include:* f. NA. *Relevant guidance from other sections:*

5.10.2 Assessment of all non-complying network utility activities	
Activity	Guidance on the assessment of resource consents
	g. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua. h. For activities that may have effects on biodiversity values, see Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.1. i. For activities adjacent to water bodies and the coast see Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.2.

5.10.3 Assessment of non-complying network utility activities		
Activity		Guidance on the assessment of resource consents
1.	In the **HNCC or ONCC Overlay Zones**: • Hydro generators - large scale • Solar panels - large scale • Wind generators - large scale • Network utility structures - large scale other than amateur radio configurations • Substations	*Relevant guidance from other sections (priority considerations):* a. See Section 10.8 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.
2.	In the **ONF Overlay Zone**: • Hydro generators - large scale • Solar panels - large scale • Wind generators - large scale • Network utility structures - large scale other than amateur radio configurations • Substations	*Relevant guidance from other sections (priority considerations):* a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and effects related to landscape values.
3.	All non-complying activities identified as a threat in a **wāhi tūpuna mapped area** in Appendix A4	*Relevant guidance from other sections (priority considerations):* a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.

5.10.4 Assessment of non-complying performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
1.	• Clearance from navigable water body (Rule 5.5.5) • Technical standards - Maximum gauge pressure (Rule 5.5.10.2)	*Relevant objectives and policies:* a. Objective 5.2.1. b. Policy 5.2.1.4.
2.	Light spill - where the limit is exceeded by greater than 25%	*Relevant guidance from other sections:* a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety.
3.	Network utility structures - small scale - location within an ONF (Rule 5.5.2.4)	*Relevant guidance from other sections:* a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and effects related to landscape values.

5.10.4 Assessment of non-complying performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
4.	Noise - where the limit is exceeded by 5bD LAeq (15 min) or more	*Relevant guidance from other sections:* a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
5.	• Setback from National Grid (buildings, structures, city-wide activities and National Grid sensitive activities (Rule 5.6.1.1)) • Setback from National Grid (earthworks) (Rule 5.6.1.2) • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) - Setback from National Grid • Setback from National Grid (subdivision activities) (Rule 5.6.1.X and rules 15.7.7, 16.7.6, 17.7.7, 18.7.6, 19.7.6, 20.7.6)	*Relevant objectives and policies:* a. Objective 5.2.X. X. Activities within the National Grid Yard, including but not limited to National Grid sensitive activities, are avoided where these will: i. compromise the operation, maintenance, upgrade and development of the National Grid; or ii. result in reverse sensitivity effects on the National Grid (Policy 5.2.X.5). Y. Subdivision activities are only allowed within the **National Grid Subdivision Corridor mapped area** where the subdivision is designed to ensure that any future land use and development will: i. avoid or minimise as far as practicable the risk to the safety of people and property; ii. avoid the reverse sensitivity effects on the National Grid; and iii. not compromise the operation, maintenance, upgrade and development of the National Grid, or access to it (Policy 5.2.X.6).

5.10.5 Assessment of non-complying activities within the radio transmitters mapped area		
Activity		Guidance on the assessment of resource consents
1.	All non-complying activities	*Relevant objectives and policies (priority considerations):* i. Objective 5.2.2 ii. The potential for reverse sensitivity is avoided or minimised as far as practicable (Policy 5.2.2.5).

6. Transportation

6.1 Introduction

The transport network provides for the movement of people and goods, and is essential to the accessibility and functioning of the city. The establishment and use of an integrated transport network connects the city with other centres and countries, and within the city provides for the safe and efficient movement of all travel modes. The network includes: the Dunedin International Airport, the Port at Port Chalmers and the Port at Dunedin; railways; state highways and local roads; cycleways, footpaths and shared paths; and public transport routes and stops.

Responsible land use planning encourages development patterns that support a variety of travel modes, including walking, cycling, and public transport, for example by enabling dense residential development in close proximity to local services and/or the city centre.

The establishment, maintenance and use of transportation infrastructure can cause adverse effects on the surrounding environment including by reducing amenity where the use of land for vehicle parking has become dominant or by conflicting with the retention of heritage values or the promotion of good quality urban design. Such adverse effects need to be balanced with the practical transportation needs of the city.

In response to these issues, this Plan establishes a range of objectives, policies, and rules with the aim of achieving an integrated transport network that supports sustainable development and growth.

The Dunedin International Airport and the Port at Port Chalmers are managed as major facility zones: Sections 24 and 30 of this Plan contain provisions for these zones. The Port at Dunedin is managed as the Industrial Port Zone, under provisions in Section 19.

This section of the Plan manages other key elements of the transport network, including the operation and development of roads, and the establishment of passenger transportation hubs and heliports.

This section also manages the effects of activities on the functioning of the transport network. Provisions are intended to encourage the accessibility of land use activities by a range of travel modes (including car, walking, cycling, rail and public transport), and to ensure that activities are located and designed in a way that facilitates the safe and efficient operation of the transport network. These provisions are linked to performance standards located in management and major facility zone sections, including minimum mobility car parking and minimum vehicle loading requirements, and design standards for parking and loading areas and vehicle access.

Rail forms an integral part of Dunedin’s transport network. Rail infrastructure including lines is provided for and managed through designations as well as various provisions within the Plan that enable the operation, repair and maintenance of the rail network. The Plan also uses performance standards to ensure that activities adjacent to the railway corridor are designed, located and maintained in such a way as to avoid adverse effects on the safe and efficient operation of the rail network. These standards include requirements for forestry and shelterbelts as well as buildings and structures to be set back from the rail network to ensure the safe and efficient operation of the railway and maintain people’s health and safety and a requirement for acoustic insulation for noise sensitive activities near to the railway line to protect people from noise from the railway.

A road classification system is used to group roads into categories, thereby enabling provisions to be tailored to different categories of road, where appropriate. The classification reflects not only the transportation function of a road but also its role in creating a ‘sense of place’ and its contribution to the surrounding environment; taking into account the surrounding land use and the role the road plays in contributing to the amenity values, identity, and quality of the public space of the adjoining area.

The Plan contains additional provisions where activities are high trip generators. High trip generators are defined as new or additions to parking areas that result in 50 or more new parking spaces; and new or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded. The additional provisions include:

- Special information requirements - High trip generators are generally required to provide an Integrated Transport Assessment, in order to ensure that effects on accessibility, and on the safety and efficiency of the transport network, can be appropriately managed.
- Additional policies and assessment guidance.

These provisions apply in addition to those for the underlying development or land use activity.

6.2 Objectives and Policies

Objective 6.2.1	
Transportation infrastructure is designed and located to ensure the safety and efficiency of the transport network for all travel modes while: a. minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and b. meeting the relevant objectives and policies for any overlay zone, scheduled site, or mapped area in which it is located.	
Policy 6.2.1.1	Enable the operation, repair and maintenance of the roading network and the operation, repair and maintenance of the rail network.
Policy 6.2.1.2	Require road signs to be designed and located to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the safety and efficiency of the transport network for all travel modes.
Policy 6.2.1.X	Require the operation, repair and maintenance of the roading network to be designed and located to ensure the safety and efficiency of the transport network while avoiding or, where avoidance is not practicable, adequately mitigating adverse effects on the amenity and character of the zone.
Policy 6.2.1.3	Only allow new roads or additions or alterations to existing roads where: a. the road is designed to provide for the needs of all users and to integrate with surrounding land uses as appropriate for the surrounding environment and **road classification hierarchy mapped area**; and b. the location and design of the road: i. minimises, as far as practicable, adverse effects on surrounding residential or other sensitive activities, including severance effects, changes to drainage patterns, and vibration, noise, glare and fumes from vehicle movements; and ii. maintains or enhances the safety and efficiency of the overall transport network.
Policy 6.2.1.4	Only allow passenger transportation hubs where they are located and designed to: a. allow for convenient connections with other travel modes; b. ensure the safety of users; c. maintain or enhance the safety and efficiency of the overall transport network; and d. maintain or enhance the amenity of the surrounding environment.
Policy 6.2.1.5	Only allow heliports where they are located and designed to: a. ensure the safety of users; b. maintain the amenity of the surrounding environment; and c. maintain or enhance the safety and efficiency of the overall transport network.

Objective 6.2.2

Land use activities are accessible by a range of travel modes.	
Policy 6.2.2.1	Require land use activities to provide mobility car parking either on or near the site at an amount that is adequate to a. NA b. ensure accessibility for residents, visitors, customers, staff and students (as relevant) who have limited mobility.
Policy 6.2.2.2	Enable the sharing of mobility car parking by different land use activities, where adequate accessibility for all users is maintained.
Policy 6.2.2.Z	Require subdivision activities to provide legal access to resultant sites from a road to ensure that future land use is accessible.
Policy 6.2.2.Y	Only allow high trip generators where the activity is located: a. within convenient walking access of sufficient car parking (including any car parking provided on-site) to meet the needs of the activity and, where public car parking is relied on, the activity will not significantly impact the availability of that car parking to other nearby activities; and b. within convenient walking access of travel modes other than private car, except where the activity is of a nature that makes access by travel modes other than the private car impracticable (e.g. Industrial and Port activities).
Policy 6.2.2.3	Only allow visitor accommodation and supported living facilities to locate on sites where customers and residents will have convenient walking access to centres, or frequent public transport services; access to other appropriate transport services; and/or an appropriate range of on-site services or facilities.
Policy 6.2.2.4	Only allow activities that are likely to generate a significant number of trips by walking, cycling or public transport where: a. for activities likely to generate trips by cycling, there will be safe access for cyclists into and through the site and sufficient secure cycle parking; b. for activities likely to generate trips by walking, there will be safe access for pedestrians into and through the site; and c. for activities likely to generate trips by public transportation, the activity will be located a reasonable walking distance from a frequent public transportation route with safe access for pedestrians from a bus stop to the site.
Policy 6.2.2.X	Only allow medium density social housing in the General Residential 1 or Township and Settlement zones (except in a **no DCC reticulated wastewater mapped area**) where it is located where there is convenient walking access to public transport services.

Objective 6.2.3	
Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel modes and its affordability to the public.	
Policy 6.2.3.1	Require ancillary signs to be located and designed to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the safety and efficiency of the transport network.

Objective 6.2.3	
Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel modes and its affordability to the public.	
Policy 6.2.3.2	Require shelterbelts and small woodlots and forestry to be set back a sufficient distance from: a. roads to avoid or minimise, as far as practicable, road safety hazards caused by shading leading to ice formation; and b. railway lines to avoid or minimise, as far as practicable, the risk of trees falling across railway lines.
Policy 6.2.3.3	Require land use activities to provide adequate vehicle loading and manoeuvring space to support their operations and to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the safety and efficiency of the transport network.
Policy 6.2.3.4	Only allow land use activities where any overspill parking effects that could adversely affect the safety and efficiency of the transport network are avoided or, if avoidance is not practicable, adequately mitigated.
Policy 6.2.3.5	Only allow domestic animal boarding and breeding, rural ancillary retail and rural tourism to be accessed directly from a state highway with a speed limit of 80kmh or over where any adverse effects on the safety and efficiency of the state highway will be avoided or, if avoidance is not practicable, adequately mitigated.
Policy 6.2.3.6	Only allow early childhood education where adequate loading areas for dropping off and picking up children are available, either on-site or on-street, to: a. allow for people to safely enter or exit vehicles; and b. maintain the safety and efficiency of the frontage road.
Policy 6.2.3.7	Only allow emergency services where the operational needs of the activity can be met in a way that will maintain the safety and efficiency of the transport network.
Policy 6.2.3.8	Only allow high trip generators where they are designed and located to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the safety and efficiency of the transport network.
Policy 6.2.3.9	Only allow land use and development activities or subdivision activities that may lead to land use or development activities, where: a. adverse effects on the safety and efficiency of the transport network will be avoided or, if avoidance is not practicable, adequately mitigated; and b. any associated changes to the transportation network will be affordable to the public in the long term.
Policy 6.2.3.10	Require garages and carports to be set back an adequate distance from the road boundary to allow pedestrians and cyclists to see vehicles exiting before they cross the footpath, and to minimise, as far as practicable, the risk to pedestrians and cyclists from garage doors opening over the footpath.
Policy 6.2.3.11	Require public amenities and signs located on or above the footpath to provide for the safe movement of vehicles, pedestrians and cyclists.

Objective 6.2.3	
Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel modes and its affordability to the public.	
Policy 6.2.3.12	Only allow subdivision activities where roads, private ways and pedestrian and cycling connections are appropriate to the scale and location of the subdivision and are designed to: a. provide for the safe and efficient movement of vehicles, pedestrians and cyclists within the subdivision; b. provide connections to surrounding areas and the wider transport network, particularly for buses, pedestrians, and cyclists, in a way that maximises opportunities for active mode and public transport connections to existing or planned: i. centres, public open spaces, schools, cycleways, walkways, public transport stops, and community facilities in the surrounding environment; and ii. neighbouring urban land, including by providing appropriate connections to undeveloped land, whether zoned for future urban use or not, unless that land is inappropriate for urban development, based on the presence of overlay zones or mapped areas protecting significant values or indicating significant site constraints such as natural hazards; and c. use materials that provide good urban design outcomes and, where infrastructure is to be vested in Council, provide good value with respect to on-going costs to ratepayers for maintenance.
Policy 6.2.3.13	Require service stations to be designed to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the safety and efficiency of the transport network and its affordability to the public.
Policy 6.2.3.X	Require new buildings, new structures, and additions and alterations to be set back an adequate distance from the designated rail corridor to minimise, as far as practicable, the risk of objects or people crossing over or onto the rail corridor as a result of use or maintenance of the building or structure.
Policy 6.2.3.Y	Require subdivision activities to provide for new roads where: a. any proposed vehicle accessway will service more than 12 residential sites, or a development with an equivalent amount of vehicle trip demand, unless the location or design of the subdivision makes this inappropriate; b. it is necessary to provide connectivity to potential future urban growth areas in the surrounding environment; or c. it is otherwise necessary to support the safe and efficient operation of the transport network.
Policy 6.2.3.Z	Only allow multi-unit development and subdivision activities where the activity is designed to ensure: a. the safe and efficient operation of waste collection vehicles; and b. any on-street solid waste collection will not obstruct footpaths, private accessways or roads.

Objective 6.2.4
Parking areas, loading areas and vehicle accesses are designed and located to: a. provide for the safe and efficient operation of both the parking or loading area and the transport network; and b. facilitate the safe and efficient functioning of the transport network and connectivity for all travel modes.

Objective 6.2.4	
Parking areas, loading areas and vehicle accesses are designed and located to: a. provide for the safe and efficient operation of both the parking or loading area and the transport network; and b. facilitate the safe and efficient functioning of the transport network and connectivity for all travel modes.	
Policy 6.2.4.1	Require parking and loading areas, including associated manoeuvring and queuing areas, to be designed to ensure: a. the safety of pedestrians travelling on footpaths and travelling through parking areas; b. that vehicle parking and loading will be carried out safely and efficiently; c. that any adverse effects on the safe and efficient functioning of the transport network are avoided or, if avoidance is not practicable, will be no more than minor; d. the safe and convenient access to and from parking and loading areas for vehicles, emergency vehicles, pedestrians and cyclists; and e. that mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths.
Policy 6.2.4.2	Require driveways to be designed to ensure that: a. the surfacing and gradient of the driveway allows it to be used safely and efficiently; b. mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths; c. the width of the driveway is sufficient to allow the type and number of vehicles (including emergency vehicles), likely to be using it to do so safely and efficiently; and d. sufficient distance is provided between shared driveways and dwellings.
Policy 6.2.4.3	Avoid new loading areas that require access over a **primary pedestrian street frontage mapped area**, unless any adverse effects on pedestrian safety and ease of movement would be insignificant.
Policy 6.2.4.4	Require vehicle accesses to be limited in number and width, in order to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on: a. pedestrian and cyclist safety and ease of movement; and b. the safety and efficiency of the multi-modal transport network.
Policy 6.2.4.5	Require new vehicle accesses to be located a sufficient distance from intersections and level crossings to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on safety and efficiency due to: a. vehicles queuing to enter the crossing hindering the efficient functioning of the intersection or level crossing; and b. confusion over whether indicating vehicles are seeking to turn at the crossing or the intersection.
Policy 6.2.4.6	Require sufficient visibility to be available: a. at vehicle crossings, to minimise, as far as practicable, the likelihood of unsafe vehicle manoeuvres; and b. where a road, driveway or vehicle track crosses an operational rail network via a level crossing, to maintain the safety of the road and rail users.

Objective 6.2.4	
Parking areas, loading areas and vehicle accesses are designed and located to: a. provide for the safe and efficient operation of both the parking or loading area and the transport network; and b. facilitate the safe and efficient functioning of the transport network and connectivity for all travel modes.	
Policy 6.2.4.7	Require vehicle accesses onto state highways in the rural and rural residential zones to be designed to: a. safely accommodate the type and number of vehicles likely to be using the access; and b. avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the safety and efficiency of the frontage road.

Rules

Rule 6.3 Activity Status

6.3.1 Activity status introduction

1. The activity status table in Rule 6.3.2 shows the activity status of transportation activities across all zones, provided any performance standards shown in the far right column are met. The activities in the transportation activities category are listed in the Nested Table in Section 1.3.
2. Performance standards apply to permitted, controlled, and restricted discretionary activities.
3. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.
4. If a restricted discretionary activity does not meet one or more performance standards, then the activity status remains restricted discretionary, unless otherwise indicated in the performance standard.
5. Any site development activities associated with an activity provided for in the activity status table in Rule 6.3.2 are subject to the provisions of the relevant management zone section.
6. Any earthworks associated with an activity provided for in the activity status table in Rule 6.3.2 are subject to the provisions in Section 8A.
7. Any construction and site investigation associated with an activity provided for in the activity status table in Rule 6.3.2 is subject to the provisions in Section 4.

Legend

Acronym	Meaning
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity

6.3.2 Activity status of transportation activities

Transportation activity	Activity status	Performance standards

Transportation activity		Activity status	Performance standards
1.	Operation, repair and maintenance of the roading network	P	a. Design and location - road signs X. Maximum duration, frequency, and hours of operation
2.	Operation, repair and maintenance of the rail network	P	a. Noise b. Light spill
3.	New roads or additions or alterations to existing roads	D	
4.	New roads or additions or alterations to existing roads where part of an approved subdivision consent	RD	a. Design and location - road signs b. Setback from scheduled tree
5.	Passenger transportation hubs	D	
6.	Heliports	D	

Note 6.3.2A - Other requirements outside of the District Plan

1. An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan or a resource or building consent has been granted.
2. The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol (Appendix A8) manages archaeological sites that may be discovered as a result of earthworks. The protocol applies to any area, not just scheduled archaeological sites.
3. Scheduled archaeological sites are identified on the Planning Map. Archaeological sites may also be found outside these areas, but are more likely to be found within the archaeological alert layer.

Rule 6.4 Notification

1. The NZ Transport Agency will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided with respect to the following applications for resource consent:
    1. high trip generators on state highways;
    2. any new vehicle accesses onto state highways; and
    3. a subdivision that proposes to have access onto a state highway.

X. The relevant requiring authority for rail will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided with respect to the following applications for resource consent:
    1. contravention of the setback from the designated rail corridor performance standard (Rule 6.7.X).

2. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with s95B 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 to the **wāhi tūpuna mapped area** in Appendix A4.

3. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 6.5 Transportation Activities Performance Standards

6.5.1 Design and Location - Road Signs

1. Any road sign overhanging the footpath must, at its lowest point, be at least 2.6m above the footpath directly beneath the sign.
2. Road signs must not obstruct the carriageway.
3. The maximum area of road signs providing directional information is 0.25m². For road signs providing regulatory or warning information, there is no maximum area.
4. Road signs providing directional information must not be of a design or form that resembles signs providing regulatory or warning information.
5. Road signs providing directional information must not limit the visibility of road signs providing regulatory or warning information.
6. Road signs must not replicate the colours or shapes used for traffic control devices.
7. Activities that contravene this performance standard are restricted discretionary activities.

6.5.2 Setback from Scheduled Tree

New roads or additions or alterations to existing roads where part of an approved subdivision must comply with Rule 7.5.2.

6.5.3 Maximum Duration, Frequency, and Hours of Operation

1. Off-site use and storage of plant, tools, gear, materials or relocatable site offices as part of the operation, repair and maintenance of the roading network must:
   a. not exceed a maximum duration of 20 weeks per site in any 12 month period; and
   b. only be accessed between 7.00am and 6.00pm on weekdays and Saturdays, except public holidays.
2. Activities that contravene this performance standard are restricted discretionary activities.

Rule 6.6 Parking, Loading and Access Standards

6.6.1 Car Parking Design

6.6.1.1 Minimum parking space dimensions

a. Parking spaces provided for residential activities must have the following minimum dimensions, to allow for 85th percentile design motor vehicles (See Appendix 6B, figures 6B.1, 6B.2 and 6B.8):

1. Parking angle		2. Stall width	3. Aisle width	4. Stall depth
i.	90º	2.5m	5.8m	5m
ii.	60º	2.5m	4.9m	5.3m
iii.	45º	2.5m	3.9m	4.9m
iv.	30º	2.5m	3.1m	4.2m
v.	0º (parallel) - on one side	2.3m	3.3m (one-way aisle width) 6.3m (two-way aisle width)	6m
vi.	0º (parallel) - on both sides	2.3m	6.6m	6m

b. Parking spaces provided for all other activities must have the following minimum dimensions, to allow for 99th percentile design motor vehicles (See Appendix 6B, figures 6B.1, 6B.3 and 6B.6):

1. Parking angle		2. Stall width	3. Aisle width	4. Stall depth
i.	90º	2.5m	6.2m	5.2m
ii.	60º	2.5m	5.1m	5.5m
iii.	45º	2.5m	4.2m	5.1m
iv.	30º	2.5m	3.45m	4.3m
v.	0º (parallel) - on one side	2.3m	3.3m (one-way aisle width) 6.3m (two-way aisle width)	6m
vi.	0º (parallel) - on both sides	2.3m	6.6m	6m

c. Except:
   i. For angle parking at 30º, 45º and 60º on one side, with parallel parking on the other, the minimum aisle width is 6.3m.
   ii. Where parking spaces are bounded by permanent obstructions higher than 150mm (such as walls, fences or columns):
      1. The minimum stall widths must be increased by 300mm where there is a permanent obstruction on one side of the parking space and by 600mm where there is a permanent obstruction on both sides of the parking space, in the case of angled parking spaces.

2. The minimum stall depth must be increased by 300mm if one end of the parking space is obstructed or by 600mm if both ends are obstructed and the parallel parking spaces must be located at least 300mm clear of permanent obstructions, in the case of parallel parking spaces.

iii. For aisles bounded on one side by a permanent obstruction, the minimum aisle width must be increased by at least 300mm.

iv. At blind aisles (i.e. parking aisles that are closed at one end), the aisle must be extended at least 1m beyond the last parking space and the last parking space must be widened by at least 300mm if it is bounded by a wall or fence.

d. Blind aisles must be designed so that it is possible for cars to turn around at the closed end of the aisle and drive out forwards.

e. Parking aisles used in off-street parking must be designed as follows.
   i. Parking aisles for 90º parking must be designed for two-way movement even though one-way movement may need to be imposed in some instances.
   ii. Parking aisles for 30º, 45º and 60º parking must be one-way, except where parallel parking is allowed on one side.
   iii. Mobility parking spaces must be provided at a parking angle of 90º and must provide a stall width of 3.6m.

f. Activities that contravene this performance standard are restricted discretionary activities.

Note 6.6.1.1A - Copyright information

1. Dimensions for all parking spaces in Rules 6.6.1.1.a and 6.6.1.1.b have been derived from Clause 2.4 of AS/NZS 2890.1:2004 with the permission of Standards New Zealand under Copyright Licence 000753.
2. The clarifications and additions set out in Rules 6.6.1.1.c-e to the minimum parking space dimensions set out in rules 6.6.1.1.a and 6.6.1.1.b have been reproduced from AS/NZS 2890.1:2004 with the permission of Standards New Zealand under Copyright Licence 000753. Some modifications have been applied.

6.6.1.2 Minimum manoeuvring space dimensions for parking areas

a. Parking areas must provide manoeuvring space that ensures a motor vehicle is not required to reverse onto or off the site in any of the following circumstances:
   i. the site is directly accessed from a motorway, strategic road, arterial road, urban high density corridor, commercial centre street or collector road;
   ii. the parking area provides for five or more non-residential activities;
   iii. the parking area provides for five or more parking spaces that share a common access; or
   iv. the activity is on a rear site.

b. The manoeuvring space required under Rule 6.6.1.2.a must be designed to accommodate the following vehicle sizes:
   i. for non-residential activities: 99th percentile design motor vehicle (See Appendix 6B, Figure 6B.7); or
   ii. for residential activities: 85th percentile design motor vehicle (See Appendix 6B, Figure 6B.9).

c. The manoeuvring space required under Rule 6.6.1.2.a must be of an adequate size to avoid the need for:
   i. a turntable;
   ii. the vehicle specified in Rule 6.6.1.2.b.i to undertake more than one reverse manoeuvre when manoeuvring into or out of any required parking space; and
   iii. the vehicle specified in Rule 6.6.1.2.b.ii to undertake more than two reverse manoeuvres when

manoeuvring into or out of any required parking space.

d. The manoeuvring space required under Rule 6.6.1.2.a may include any right of way that the site on which the manoeuvring is taking place is legally entitled to use.

e. Activities that contravene this performance standard are restricted discretionary activities.

6.6.1.3 Minimum queuing space for parking areas

a. The minimum on-site queuing space for vehicles entering or exiting parking areas is:

Number of parking spaces		Minimum queuing space length
i.	5-20	6m
ii.	21-50	12m
iii.	51-100	18m
iv.	101+	24m

v. Where the parking area has more than one access, the required queuing space may be divided proportionally between the accesses, in accordance with the proportion of traffic volume (number of vehicle movements per access per day) to be served by each access.

vi. Queuing space length is measured from the road boundary to the nearest vehicle control point or point where conflict with vehicles already on the site may arise.

b. Activities that contravene this performance standard are restricted discretionary activities.

6.6.1.4 Gradient of parking areas

1. The gradient of parking areas provided for any activity other than standard residential must not exceed 1 in 20 in any one direction.
2. Activities that contravene this performance standard are restricted discretionary activities.

6.6.1.5 Surfacing and marking of parking areas

a. Parking areas (including associated access and manoeuvring areas) provided for any activity other than standard residential, must:
   i. be designed to ensure that water will not pool on the surface of the parking area, and will enter an appropriate stormwater drain effectively;
   ii. be hard surfaced;
   iii. have individual parking spaces permanently marked; and
   iv. where there are five or more parking spaces in total provided in the parking area, mobility parking spaces must be permanently marked to reserve them for the use of people with mobility parking permits.

b. Activities that contravene this performance standard are restricted discretionary activities.

Note 6.6.1.5A - General advice

1. Areas that are hard surfaced to meet Rule 6.6.1.5 must still meet the performance standards for maximum building site coverage and impermeable surfaces. Products that meet the requirements of hard surfacing and that are also permeable include:
   a. road metal used with a geogrid material, matting, or similar product, installed to manufacturer specifications, that stabilises loose material preventing it from migrating
   b. GobiBlock®
   c. GrassPaver™
   d. PorousPave®
   e. Hydropavers™
   f. PavePro™

6.6.1.6 Lighting of parking areas

a. Parking areas must be illuminated to a minimum maintained level of 2 lux, with high uniformity, during the hours of operation, if all of the following circumstances apply:
   i. the parking area is provided for any activity other than standard residential;
   ii. the parking area is designed to accommodate 4 or more vehicles; and
   iii. the parking area will be used at night.

b. Activities that contravene this performance standard are restricted discretionary activities.

6.6.1.7 Access to parking areas

a. Parking spaces must be designed to allow vehicles using the spaces to enter and exit the site without the need to move a vehicle occupying any other parking or vehicle loading space on the site.

b. Parking areas must be accessed from a clearly defined vehicle crossing and the remainder of the parking area must be designed to be physically separated from, and inaccessible from, the road.

c. Except, Rule 6.6.1.7.a does not apply to cases in which no more than two parking spaces are provided for a single residential unit.

d. Activities that contravene this performance standard are restricted discretionary activities.

6.6.2 Vehicle Loading Design

6.6.2.1 Minimum manoeuvring space dimensions for loading areas

a. Sufficient manoeuvring space must be provided to ensure that no vehicle accessing a vehicle loading area is required to reverse either onto or off a motorway, strategic road, arterial road, urban high density corridor, commercial centre street or collector road.

b. In the Industrial Port Zone and the Port Zone loading areas must be designed and located to avoid the need for vehicles to reverse either onto or off any road. Refer turning circles 8m Rigid Truck (See Appendix 6B, Figure 6B.10); B-train (See Appendix 6B, Figure 6B.11); Coach (See Appendix 6B, Figure 6B.12).

c. Vehicles must not be required to undertake more than one reverse manoeuvre when manoeuvring out of any required loading space. Refer turning circles 8m Rigid Truck (See Appendix 6B, Figure 6B.10); B-train (See Appendix 6B, Figure 6B.11); Coach (See Appendix 6B, Figure 6B.12).

d. Parking spaces and loading spaces may be serviced in whole or in part by a common manoeuvring area.

e. Activities that contravene this performance standard are restricted discretionary activities.

6.6.2.2 Gradient of loading areas

a. The gradient of loading areas must not exceed 1 in 20 in any one direction.

b. Activities that contravene this performance standard are restricted discretionary activities.

6.6.2.3 Surfacing and marking of loading areas

a. Loading areas, including associated access and manoeuvring areas, must:
   i. be hard surfaced;
   ii. be designed to ensure that, if impermeable surfacing is used, water will not pool on the surface of the loading area and will enter an appropriate stormwater drain effectively; and
   iii. be permanently marked.

b. Activities that contravene this performance standard are restricted discretionary activities.

6.6.2.4 Lighting of loading areas

a. Loading areas, including associated access and manoeuvring areas, that are used at night must be illuminated to a minimum maintained level of 2 lux, with high uniformity, during the hours of operation.

b. Activities that contravene this performance standard are restricted discretionary activities.

6.6.2.5 Access to loading areas

a. Required vehicle loading spaces must be designed to allow vehicles using the spaces to enter and exit the site without the need to move a vehicle occupying any other parking or vehicle loading space on the site.

b. New vehicle loading areas must not be accessed across a **primary pedestrian street frontage mapped area.**

c. Loading areas that contravene Rule 6.6.2.5.a are restricted discretionary activities.

d. Loading areas that contravene Rule 6.6.2.5.b are non-complying activities.

6.6.3 Vehicle Access Design and Location

6.6.3.1 Maximum number of vehicle crossings

a. The maximum number of vehicle crossings permitted on each road frontage of any site is:

Frontage length		1. Local road and Industrial road	2. Collector road	3. Arterial road (less than 100kmh) and Urban High Density Corridor	4. Strategic road
i.	0m - 18m	1	1	1	1
ii.	>18m - 60m	2	1	1	1
iii.	>60m - 100m	3	2	1	1
iv.	>100m - 200m	3	3	2	1
v.	>200m	3	3	2	2

b. No new vehicle crossings are permitted onto a commercial centre street except for fire stations.

c. For fire stations, the maximum number of vehicle crossings on each road frontage is two for all sites, except where three vehicle crossings are otherwise permitted.

d. Activities that contravene this performance standard are restricted discretionary activities.

Note 6.6.3.1A - Other relevant District Plan provisions

1. New vehicle crossings are not allowed across **primary pedestrian street frontage mapped areas** (see Rule 18.6.14.2).

6.6.3.2 Minimum sight distance from a vehicle access

a. The minimum sight distance from a new vehicle access onto any state highway:

Speed (km/h)		Sight distance (m)
i.	50	113
ii.	60	140
iii.	70	170

Speed (km/h)		Sight distance (m)
iv.	80	203
v.	90	240
vi.	100	282

b. The minimum sight distance from a new vehicle access onto any road other than a state highway:

Speed (km/h)		Sight distance (m)
i.	50	69
ii.	60	83
iii.	70	97
iv.	80	111
v.	90	125
vi.	100	139

c. Except, where the configuration of the site's boundaries do not allow a vehicle crossing to be constructed that complies with rule 6.6.3.2.b, one vehicle crossing per site is allowed in the position which most nearly complies with Rule 6.6.3.2.b, provided all of the following are met:
   i. the vehicle crossing will serve an existing site and the application does not involve subdivision;
   ii. the vehicle crossing will serve only a single residential dwelling; and
   iii. the vehicle crossing will access a local road with a posted speed limit of 50 km/h or lower.

d. Sight distances must be measured between the points shown on Appendix 6B, Figure 6B.13, at a height of 1.15m above the existing road surface and the proposed road surface level of the side road or vehicle access.

e. Visibility inside the area bounded by the sight lines shown in Appendix 6B, Figure 6B.13 must not be obstructed.

f. Activities that contravene this performance standard are restricted discretionary activities.

Note 6.6.3.2A - General advice

1. Minimum sight distances from new vehicle accesses in Rule 6.6.3.2 are calculated in accordance with Austroads Approach Sight Distance (ASD) values.

6.6.3.3 Maximum width for a vehicle access

a. The maximum width for a vehicle access:

All zones		Maximum vehicle access width (m)
i.	Residential activities	6
ii.	All other activities	9

b. Activities that contravene this performance standard are restricted discretionary activities.

6.6.3.4 Minimum distances of new vehicle crossing from intersections and level crossings

a. The minimum distance of a new vehicle crossing from intersections on roads where the speed limit is less than 70km/h is as follows:

Frontage road		**Intersecting road type**		
		1. Motorway, strategic road, arterial road, urban high density corridor, commercial centre street and industrial road	**2. Collector road**	**3. Local road**
i	Motorway, strategic road, arterial road, urban high density corridor, commercial centre street, and industrial road	30m	30m	30m
ii.	Collector road	20m	20m	10m
iii.	Local road	20m	15m	10m

b. The minimum distance of a new vehicle crossing from intersections on roads where the speed limit is 70 - 90 km/h is as follows:

Frontage road		**Intersecting road type**		
		1. Motorway, strategic road, arterial road, urban high density corridor, commercial centre street and industrial road	**2. Collector road**	**3. Local road**
i.	Motorway, strategic road, arterial road, urban high density corridor, commercial centre street and industrial road	100m	100m	100m
ii.	Collector road and local road	45m	45m	45m

c. Except, where the configuration of the site's boundaries do not allow a vehicle crossing to be constructed that complies with rule 6.6.3.4.a or 6.6.3.4.b, one vehicle crossing may be constructed per site to provide for access, in the position that most nearly complies with the distances set out in rules 6.6.3.4.a or 6.6.3.4.b, provided all of the following are met:
   i. the vehicle crossing will serve an existing site and the application does not involve subdivision; and
   ii. the vehicle crossing will serve only a single residential dwelling.

d. The minimum distance of a new vehicle crossing from intersections on roads where the speed limit is greater than 90 km/h is as follows:

Frontage road	**Intersecting road type**		
	1. Motorway, strategic road, arterial road, urban high density corridor, commercial centre street and industrial road	**2. Collector road**	**3. Local road**

Frontage road		Intersecting road type		
		1. Motorway, strategic road, arterial road, urban high density corridor, commercial centre street and industrial road	2. Collector road	3. Local road
i.	Motorway, strategic road, arterial road, urban high density corridor, commercial centre street and industrial road	200m	200m	200m
ii.	Collector road and local road	60m	60m	60m

e. The minimum distance of a new vehicle crossing from intersections on state highways is as follows:

Posted speed of state highway		Vehicle access onto a state highway	Vehicle access onto a road other than a state highway
i.	Less than 70km/h	30m	20m
ii.	70 - 90km/h	100m	45m
iii.	Greater than 90km/h	200m	60m

f. Distances will be measured as shown in Appendix 6B, Figure 6B.17.

X. For state highways where the minimum distance required by Rule 6.6.3.4.e is different to the minimum distance required by rules 6.6.3.4.a - d based on the road classification hierarchy applying to the state highway, the most restrictive rule applies.

g. The minimum distance between a new vehicle crossing and a level crossing on the same road is 30m.

h. Activities that contravene this performance standard are restricted discretionary activities.

6.6.3.5 Standard of vehicle accesses onto state highways

a. Vehicle accesses onto state highways in the rural and rural residential zones must comply with the following:

1. Volume of traffic using vehicle access (ecm per day)		2. Volume of traffic using state highway (volume per day)	Vehicle access design and sealing	
			3. less than or equal to 1 movement per day of a vehicle weighing over 3.5 tonnes	4. more than 1 movement per day of a vehicle weighing over 3.5 tonnes
i.	1 - 30	less than 10,000	(See Appendix 6B, Figure 6B.14)	(See Appendix 6B, Figure 6B.15)
ii.		10,000 or more	(See Appendix 6B, Figure 6B.15)	(See Appendix 6B, Figure 6B.15)
iii.	31 - 100	less than 10,000	(See Appendix 6B, Figure 6B.15)	(See Appendix 6B, Figure 6B.16)
iv.		10,000 or more	(See Appendix 6B, Figure 6B.16)	(See Appendix 6B, Figure 6B.16)

b. Equivalent car movement (ecm) is calculated as follows:

i. one car moving to and from a property equals 2 ecm;

ii. one truck moving to and from a property equals 6 ecm; and

iii. one truck and trailer moving to and from a property equals 10 ecm.

c. Activities that contravene this performance standard are restricted discretionary activities.

6.6.3.6 Surfacing of driveways

a. Driveways that adjoin a legal road that is hard surfaced, must be constructed with a hard surface for a minimum distance of 5m from the edge of the road (See Appendix 6B, Figure 6B.19).

b. In all zones other than the rural and rural residential zones, the full length of any driveway that serves 2 or more residential properties must be hard surfaced.

c. Activities that contravene this performance standard are restricted discretionary activities.

Note 6.6.3.6A - General advice

1. Driveways that are hard surfaced to meet Rule 6.6.3.6 must still meet the performance standards for maximum building site coverage and impermeable surfaces. Products that meet the requirements of hard surfacing and that are also permeable include:
   a. road metal used with a geogrid material, matting, or similar product, installed to manufacturer specifications, that stabilises loose material preventing it from migrating
   b. GobiBlock®
   c. GrassPaver™
   d. PorousPave®
   e. Hydropavers™
   f. PavePro™

6.6.3.7 Gradient of driveways

a. The maximum change in gradient without transition for driveways is 1 in 8 for summit grade changes or 1 in 6.7 for sag grade changes.

b. The gradient of the first 5m measured from the road boundary into the site must be no greater than 1 in 8.

c. Activities that contravene this performance standard are restricted discretionary activities.

6.6.3.8 Minimum distance between driveways and dwelling

a. Where a driveway serves more than one residential building, the formed section of the driveway must be set back a minimum of 1m from any residential building (See Appendix 6B, figures 6B.4 and 6B.5).

b. Activities that contravene this performance standard are restricted discretionary activities.

6.6.3.9 Width of driveways

a. The minimum widths of driveways are as follows:

All zones except rural and rural residential zones		1. Number of residential units served	2. Minimum legal width	3. Minimum formed width
i.	Residential activities	1 - 6	3.5m	3m
ii.		7+	6m	5m
iii.	All other activities	All	6m	5m
Rural and rural residential zones				
iv.	Residential activities	1 - 3	4m	3.5m
v.		4+	6m	5m
vi.	All other activities	All	6m	5m

b. Activities that contravene this performance standard are restricted discretionary activities.

6.6.3.10 Sightlines to level crossings

a. Driveways, vehicle tracks and roads that cross an operational rail network via a level crossing must maintain clear sightlines within the sight line triangles shown in Appendix 6B, Figure 6B.18.

b. Activities that contravene this performance standard are restricted discretionary activities.

Note 6.6.3A - Other requirements outside of the District Plan

1. Approval for any work in a road, including the establishment of access to properties, must be obtained from the relevant road controlling authority. Under section 317 of the Local Government Act 1974, the Dunedin City Council is the road controlling authority for all in roads in the city, with the following exceptions:
   a. state highways are under the control of the NZ Transport Agency (NZTA), unless the NZTA has delegated control to the Dunedin City Council.
   b. government roads are under the control of the Minister of Transport.
2. Under section 51 (2) of the Government Roading Powers Act 1989, the written permission of the NZTA must be obtained prior to the commencement of any work on any state highway. Early consultation with the NZTA should be undertaken for subdivision or development proposals adjacent to, or seeking access to, state highways.
3. Where the state highway has been declared a limited access road, approval from the NZTA is required for new accesses or changes to existing accesses. The objective of this control is to protect the operation of state highway from uncontrolled property access that can affect the safety, efficiency, functionality and level of service of the state highway. Limited access roads are most commonly in areas with a heightened development pressure. The NZTA should be consulted initially with respect to development along limited access roads.
4. Driveways must comply with the fire safety requirements of the New Zealand Building Code. See Acceptable Solution C/AS1 Part 6: Fire Service Vehicular Access (1 July 2014), which sets out driveway dimensions and design to allow for firefighting. Under this acceptable solution, buildings must be provided with access that allows Fire Service vehicles to reach a position that makes it convenient for firefighters to get into the building and to any Fire Service inlets. For example vehicular access with a minimum width of 4 metres is required to be provided to a hard standing within 20 metres of any inlets. There are additional requirements for buildings containing 'SC and SD purpose groups' as defined in the compliance document. Examples of such buildings include hospitals, care institutions and prisons.
5. Maximum grade changes without transition set out in Rule 6.6.3.7 are reproduced from AS/NZS 2890.1:2004 Parking facilities - Off-street car parking under Copyright Licence 000753.

X. The driveway width requirements set out in Rule 6.6.3 do not apply to roads. Road design requirements are determined on a case by case basis, guided by the DCC Code of Subdivision and Development 2010. Council will assess whether a road (rather than a driveway) will be required when considering subdivision applications in accordance with Policy 6.2.3.Y and assessment rules 6.11.2.7 and 6.11.2.8.

6. Under Section 73 of the Railways Act 2005, permission must be obtained from KiwiRail Holdings Limited (or relevant authority) to allow access across the rail network. All level crossings, new and existing, require a current and valid Deed of Grant to be in place to allow access across the rail corridor. Early consultation with KiwiRail should be undertaken for any subdivision or development proposals seeking access across a railway.

Rule 6.7 General Performance Standards

6.7.1 Service Station Standards

1. Each dispensing facility must be located at least:
   a. 6m from the road boundary; and
   b. 12m from the midpoint of any vehicle crossing.
2. Service stations must provide:
   a. 3 on-site queuing spaces per dispensing facility where there is insufficient manoeuvring space to enable a vehicle to access a pump that is unoccupied without having to wait behind another vehicle using a pump from the same dispensing facility;
   b. 2 on-site queuing spaces per dispensing facility where there is sufficient manoeuvring space to enable a vehicle to access a pump that is unoccupied without having to wait behind another vehicle using a pump from the same dispensing facility;
   c. 3 queuing spaces per car wash; and
   d. queuing spaces must not obstruct any manoeuvring areas or vehicle egress.
3. Activities that contravene this performance standard are restricted discretionary activities.

6.7.2 Public Amenities and Signs Located on or Above the Public Footpath

1. Public amenities, temporary signs and portable freestanding signs, located on public footpaths must provide a minimum width of unobstructed area for pedestrian movement as follows:
   a. 3m in the Central Business District (CBD) Zone; and
   b. 1.5m in all other zones.
2. Public amenities, temporary signs and portable freestanding signs located on public footpaths must:
   a. be located in line with any other permanent or temporary obstruction present on the public footpath at that location, otherwise at the kerb edge of the public footpath;
   b. not be located within 2m of an intersection or pedestrian crossing location;
   c. not be located at the kerb directly adjacent to a bus top, taxi stand, mobility parking or an Authorised Vehicles Only parking space; and
   d. not be painted, drawn, chalked or otherwise created on the surface of any public footpath.
3. Signs that overhang a public footpath must:
   a. be 2.5m above the public footpath at their lowest point;
   b. hang perpendicular to the public footpath;
   c. not extend past the edge of any verandah; and
   d. be a minimum of at least 500mm from the road's edge.

4. Signs, temporary signs, and public amenities, must not:
    a. obstruct the visibility of any traffic control device; or
    b. compromise sightlines from road intersections and vehicle crossings.
5. Signs that contravene this performance standard are restricted discretionary activities.

6.7.3 Signs Visible from Roads

1. The minimum letter height of signs (except for lettering which authorises an election sign) designed to be read by passing motorists must be:
    a. 120mm where the speed limit is less than 70km per hour; and
    b. 160mm where the speed limit is greater than 70km per hour.
2. Signs must not be of a design or form that resembles or conflicts with traffic signs.
3. Illuminated and digital signs must:
    a. have the sign's light source shielded so that its glare does not extend beyond the sign;
    b. have all floodlights or concealed lighting directed solely on the sign;
    c. not use images that are flashing or animated;
    d. have a minimum display time of 10 seconds per image; and
    e. have a maximum luminance (cd/m²) of:
        i. 2000 where the sign has an illuminated area less than or equal to 0.5m²;
        ii. 1600 where the sign has an illuminated area greater than 0.5m², but less than or equal to 2m²;
        iii. 1200 where the sign has an illuminated area greater than 2m², but less than or equal to 5m²;
        iv. 1000 where the sign has an illuminated area greater than 5m², but less than or equal to 10m²; and
        v. 800 where the sign has an illuminated area greater than 10m².
4. Activities that contravene this performance standard are restricted discretionary activities.

6.7.4 Setback from Designated Rail Corridor

1. In the residential, commercial and mixed use, industrial and recreation zones, new buildings, new structures and additions and alterations must be set back a minimum of 4m from the boundary of the designated rail corridor, unless the railway track is underground.
2. This standard does not apply to:
    a. structures that are less than 10m² in area and under 2m in height;
    b. fences;
    c. network utility operation as defined in section 166 of the RMA;
    d. signs attached flat to the facade of buildings and structures;
    e. decks that are 1m or less above ground level; or
    f. activities within 4m of the boundary of the designated rail corridor in the following locations:
        i. the eastern boundary of the site at 382 South Road (Sec 2 SO 23278), Dunedin;
        ii. the north-western boundary of the site at 378 South Road (Part Lot 6 Deeds 67), Dunedin;
        iii. the eastern boundary of the site at 5 Strathallan Street (Crown Land Block LXXIII SO 14451), Dunedin;
        iv. the western boundary of the site at 1 Paterson Road (Lot 1 DP 403630), and the eastern boundary of the site at 2 Paterson Road (Part Lot 2 Deeds 319), Wingatui;
        v. the eastern boundary of the site at 266 Gladstone Road North (Lot 1 DP 24334), and the western boundary of the site at 270 Gladstone Road North (Sec 106 Block SO 19326 East Taieri SD), Mosgiel;
        vi. the western boundary of the site at 714 Kaikorai Valley Road (Lot 1 DP 24411), Burnside;
        vii. the northern boundaries of the sites at 11 and 12 Catherine Street (Lot 3 DP 2963 and Lot 2 DP 1408), Caversham;
        viii. the western boundary of the site at 7 Samuel Street (Part Lot 10 Block VI Deeds 128), and the western and south-eastern boundaries of the site at 6 Neville Street (Lot 1 DP 21976), South Dunedin;
        ix. the north-eastern boundaries of the sites at 2, 4 and 6 Gill Street (Sec 7 Block IX SO 14312, Sec 8 Block IX SO 14312 and Sec 9 Block IX SO 14312), Waikouaiti; and
        x. any boundary of the Hillside Depot designation (D423).
3. Activities that contravene this performance standard are restricted discretionary activities.

Rule 6.8 Subdivision Performance Standards

6.8.1 Access

1. Every resultant site must have a legal accessway, except if the resultant site is:
    a. an esplanade reserve;
    b. a reserve, other than an esplanade reserve, which adjoins a site in the same ownership that has a legal accessway; or
    c. the result of a road stopping process which adjoins a site in the same ownership that has a legal accessway.
2. Activities that contravene this performance standard are restricted discretionary activities.

Note 6.8.1A - Other relevant District Plan provisions

1. Rule 6.6.3 includes the standards for driveways.

Note 6.8.1B - Other requirements outside of the District Plan

1. For subdivisions that access a state highway, approval from the NZ Transport Agency is required.

Rule 6.9 Assessment of Controlled Activities

6.9.1 Assessment of controlled activities			
Activity		Matters of control	Guidance on the assessment of resource consents
1.	Student Hostels (Campus)	a. Effects on accessibility	*Relevant objectives and policies:* i. Objective 6.2.2 ii. For activities that are likely to generate a significant number of trips by walking, cycling or public transport: iii. 1. activities likely to generate trips by cycling have safe access for cyclists into and through the site and secure cycle parking; 2. activities likely to generate trips by walking have safe access for pedestrians into and through the site; and 3. activities likely to generate trips by public transportation are located a reasonable walking distance from a frequent public transportation route with safe access for pedestrians from a bus stop to the site (Policy 6.2.2.4).
		b. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.3 ii. Only allow the activity where any overspill parking effects that could adversely affect the safety and efficiency of the transport network are avoided or, if avoidance is not practicable, adequately mitigated (Policy 6.2.3.4). *Possible circumstances that may support a consent application include:* iii. NA. iv. Where the activity results in the need for the parking of vehicles on-street, this is unlikely to result in adverse effects on the safety and/or efficiency of the transport network.
X.	Scheduled mining activities (SMA008)	a. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.3 ii. Adverse effects on the safety and efficiency of the transport network will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 6.2.3.9.a). *Conditions that may be imposed include:* iii. Requirement that a traffic management plan is prepared by a suitably qualified traffic engineer.

Rule 6.10 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 6.10.1 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 6.10.2 - 6.10.6:
   a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Rule 6.10.3 applies to performance standards located in the management and major facility zones; Rule 6.10.4 applies to performance standards for transportation activities; Rule 6.10.5 applies to performance standards for parking, loading and access standards; Rule 6.10.6 applies to general performance standards.

6.10.2 Assessment of all performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
1.	All performance standard contraventions	*Potential circumstances that may support a consent application include:* a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards, site specific factors including topography, make meeting the standard impracticable. c. 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. *General assessment guidance:* d. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

6.10.3 Assessment of performance standard contraventions (performance standards located in zones)			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Access (subdivision)	a. Effects on accessibility	*Relevant objectives and policies:* i. Objective 6.2.2 ii. The subdivision provides legal access to resultant sites from a road to ensure that future land use is accessible (Policy 6.2.2.Z).
2.	Boundary setbacks - (Rule 15.6.13.1.a.viii.3) garages and carports setback from road boundary	a. Effects on health and safety	*Relevant objectives and policies:* i. Objective 6.2.3 ii. Garages and carports are set back from the road boundary an adequate distance to allow pedestrians and cyclists to see vehicles exiting before they cross the footpath, and to minimise as far as practicable the risk to pedestrians and cyclists from garage doors opening over the footpath (Policy 6.2.3.10).
3.	Density (Rule 15.5.2.5.a) - Papakāika in residential zones	a. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.3 ii. Adverse effects on the safety and efficiency of the transport network will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 6.2.3.9.a). iii. Any associated changes to the transportation network will be affordable to the public in the long term (Policy 6.2.3.9.b).
4.	Forestry and shelterbelts and small woodlots setbacks	a. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.3 ii. Shelterbelts and small woodlots and forestry are set back a sufficient distance from: 1. roads to avoid road safety hazards caused by shading leading to ice formation; and 2. railway lines to avoid or minimise, as far as practicable, the risk of trees falling across railway lines (Policy 6.2.3.2).
5.	Location	a. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.3 ii. Any adverse effects on the safety and efficiency of the state highway will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 6.2.3.5). *Potential circumstances that may support a consent application include:* iii. There are relatively low traffic volumes and/or vehicle speeds on the stretch of the state highway that the site is accessed from.

6.10.3 Assessment of performance standard contraventions (performance standards located in zones)			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Minimum mobility car parking	a. Effects on accessibility	*Relevant objectives and policies:* i. Objective 6.2.2 ii. Land use activities provide mobility car parking either on or near the site at an amount that is adequate to 1. NA. 2. ensure accessibility for residents, visitors, customers, staff and students (as relevant) who have limited mobility (Policy 6.2.2.1). X. Enable the sharing of mobility car parking by different land use activities, where adequate accessibility for all users is maintained (Policy 6.2.2.2). *General assessment guidance:* iii. NA. iv. NA. *Potential circumstances that may support a consent application include:* v. The establishment of required mobility car parking would result in a net loss in the availability of on-street mobility parking in the vicinity of the site. vi. NA. vii. The proposed activity is taking place on an existing site that does not have a vehicle access and one or more of the following circumstances apply: 1. it is not practicable to create a vehicle access that would comply with Rule 6.6.3.4 because the site is located on or near an intersection; 2. it is not practicable to create a vehicle access that would comply with Rule 6.6.3.7 because the site is located on or near a steep slope or cliff; or 3. it is not practicable to create a vehicle access that would comply with Rule 6.6.3.1 because the site has no frontage to a legal road, and any existing access way is not wide enough to meet Rule 6.6.3.9. viii. NA ix. NA x. If mobility parking spaces shared with other land use activities are not exclusively available to the activity during its hours of operation, the applicant is able to demonstrate that the shared mobility parking spaces will meet the parking demand generated by users of the activity. xi. NA xii. NA xiii. NA

6.10.3 Assessment of performance standard contraventions (performance standards located in zones)			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
7.	Minimum vehicle loading	a. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.3 ii. The activity provides adequate vehicle loading space to support operations and to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the safety and efficiency of the transport network (Policy 6.2.3.3). *Potential circumstances that may support a consent application include:* iii. Adequate additional loading space is available on an adjacent or nearby site via binding long-term agreement. iv. Although the activity may result in the need for the loading of vehicles on-street, this is unlikely to result in adverse effects on the safety and/or efficiency of the transport network.
8.	Number, location and design of ancillary signs	a. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.3 ii. Ancillary signs are located and designed to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the safety and efficiency of the transport network (Policy 6.2.3.1). *Potential circumstances that may support consent application include:* iii. The location of the sign will not obstruct or obscure sightlines, pedestrian and cycling or vehicle access.
X.	Density: • social housing in the GR1 Zone or T&S Zone (except in a **no DCC reticulated wastewater mapped area**) (Rule 15.5.2.5.e)	a. Effects on accessibility	*Relevant objectives and policies:* i. Objective 6.2.2. ii. Medium density social housing in the General Residential 1 or Township and Settlement zones (except in a **no DCC reticulated wastewater mapped area**) is located where there is convenient walking access to public transport services (Policy 6.2.2.X).
Y.	In the **former brickworks structure plan mapped area**: • Limits on vehicle movements	a. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.3. ii. Adverse effects on the safety and efficiency of the transport network will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 6.2.3.9.a). iii. Any associated changes to the transportation network will be affordable to the public in the long term (Policy 6.2.3.9.b).

6.10.4 Assessment of transportation activities performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Design and location - road signs	a. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.1 ii. Road signs are designed and located to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the safety and efficiency of the transport network for all travel modes (Policy 6.2.1.2). *Potential circumstances that may support a consent application include:* iii. The relevant road controlling authority has provided approval for the proposed design and location of the sign. iv. Overhanging signs positioned less than 2.6m above the footpath are considered unlikely to adversely affect pedestrian safety or connectivity, due for example to low volumes of pedestrians on the footpath or the presence of existing structures that limit pedestrian movement in the vicinity of the proposed sign.
2.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
3.	Maximum duration, frequency, and hours of operation	a. Effects on amenity of surrounding sites	*Relevant objectives and policies:* i. Objective 6.2.1 ii. The activity is designed and located to ensure the safety and efficiency of the transport network while avoiding or, where avoidance is not practicable, adequately mitigating adverse effects on the amenity and character of the zone (Policy 6.2.1.X).

6.10.5 Assessment of parking, loading and access standards performance standards contraventions		
Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Car parking design • Minimum parking space dimensions (Rule 6.6.1.1) • Minimum manoeuvring space dimensions for parking areas (Rule 6.6.1.2) • Minimum queuing space for parking areas (Rule 6.6.1.3) • Gradient of parking areas (Rule 6.6.1.4) • Surfacing and marking of parking areas (Rule 6.6.1.5) • Lighting of parking areas (Rule 6.6.1.6) • Access to parking areas (Rule 6.6.1.7) Vehicle loading design • Minimum manoeuvring space dimensions for loading areas (Rule 6.6.2.1) • Gradient of loading areas (Rule 6.6.2.2) • Surfacing and marking of loading areas (Rule 6.6.2.3)	a. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.4 ii. Parking and loading areas, including associated manoeuvring and queuing areas, are designed to ensure: 1. the safety of pedestrians travelling on footpaths and travelling through parking areas; 2. that vehicle parking and loading will be carried out safely and efficiently; 3. that any adverse effects on the safe and efficient functioning of the transport network are avoided or, if avoidance is not practicable, are no more than minor; 4. the safe and convenient access to and from parking and loading areas for vehicles, emergency vehicles, pedestrians and cyclists; and 5. that mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths (Policy 6.2.4.1). *Potential circumstances that may support a consent application include:* iii. For non-compliance with minimum manoeuvring space dimensions for parking areas, minimum queuing space for parking areas, access to parking areas or access to loading areas standards: 1. volumes of pedestrian, cycle and vehicle traffic using the frontage road are low and likely to remain low; and/or 2. the peak hours of use of the parking area or loading area will not coincide with peak flows or vehicle queues on the frontage road. iv. For non-compliance with the minimum queuing space for parking areas standard: the proposed queuing space is adequate for the numbers of vehicles considered likely to be using the parking area on a regular basis. v. For non-compliance with gradient, and surfacing and marking, of parking areas standards: there is little likelihood of mud, stone gravel or other material being carried onto public roads of footpaths due to the topography of the site or materials used. vi. For non-compliance with the minimum parking space dimensions standard: the proposed parking spaces are of a sufficient size to accommodate the vehicles likely to be using them. vii. For non-compliance with minimum manoeuvring space dimensions for parking areas: the proposed manoeuvring area will accommodate the vehicles likely to be using it.

6.10.5 Assessment of parking, loading and access standards performance standards contraventions		
Performance standard	Matters of discretion	Guidance on the assessment of resource consents
• Lighting of loading areas (Rule 6.6.2.4) • Access to loading areas (Rule 6.6.2.5.a)		viii. For non-compliance with minimum manoeuvring space dimensions for parking areas or minimum queuing space for parking areas: the parking area is unlikely to be used by heavy vehicles. ix. For non-compliance with minimum manoeuvring space dimensions for parking areas, access to parking areas or access to loading areas: 1. drivers of reversing vehicles can both see, and be seen by, pedestrians, cyclists and drivers of other vehicles; and/or 2. visibility of, and/or visibility from, reversing vehicles will be increased by altering vegetation, fencing and/or other structures. x. For non-compliance with lighting of parking areas or lighting of loading areas standards: 1. the parking or loading area will not be used frequently during the hours of darkness; and/or 2. other light sources in the area give adequate light to provide security and/or visibility for users of the parking or loading area and its surrounds.

6.10.5 Assessment of parking, loading and access standards performance standards contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2.	Vehicle access design and location • Maximum number of vehicle crossings (Rule 6.6.3.1) • Maximum width for a vehicle access (Rule 6.6.3.3)	a. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.4 ii. Vehicle accesses are limited in number and width, in order to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on: 1. pedestrian and cyclist safety and ease of movement; and 2. the safety and efficiency of the multi-modal transport network (Policy 6.2.4.4). *General assessment guidance:* iii. In assessing effects on pedestrian safety with ease of movement, Council will take into account potential changes in levels of pedestrian traffic on the frontage road. Estimates of future pedestrian traffic will take into account the location of the road in relation to the strategic pedestrian network, local centres and schools, and existing and permitted activities in the surrounding area that have the potential to increase pedestrian numbers with priority given to provisions for pedestrian safety and connectivity. *Potential circumstances that may support a consent application include:* iv. Volumes of pedestrian, cycle and vehicle traffic using the frontage road are low and likely to remain low. v. Potential adverse effects from the additional vehicle crossing(s) are minimal due to the physical form of the road, for example the presence of a solid median to prevent right hand turns.
3.	Vehicle access design and location • Minimum sight distance from a vehicle access	a. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.4 ii. Sufficient visibility is available: 1. at vehicle crossings, to minimise, as far as practicable, the likelihood of unsafe vehicle manoeuvres (Policy 6.2.4.6). *Potential circumstances that may support a consent application include:* iii. The speed and/or volume of traffic using the frontage road is low. iv. The volume of traffic that will be using the vehicle access is low. v. The peak hours of use of the vehicle access will not coincide with peak flows on the frontage road. vi. The addition of acceleration, deceleration or solid medians will adequately mitigate potential adverse effects on the safe and efficient functioning of the transport network. vii. The NZ Transport Agency have given their approval for the proposed reduced sight distance in relation to state highways.

6.10.5 Assessment of parking, loading and access standards performance standards contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
4.	Vehicle access design and location • Minimum distances of new vehicle crossing from intersections and level crossings (Rule 6.6.3.4)	a. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.4 ii. New vehicle accesses are located a sufficient distance from intersections and level crossings to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on safety and efficiency due to: 1. vehicles queuing to enter the crossing hindering the efficient functioning of the intersection or level crossing; and 2. confusion over whether indicating vehicles are seeking to turn at the crossing or the intersection creating safety problems. (Policy 6.2.4.5) *Potential circumstances that may support a consent application include:* iii. The volume of traffic using the frontage road is low. iv. The volume of traffic that will be using the vehicle crossing is low. v. Potential adverse effects will be adequately mitigated by the physical form of the road. vi. Potential adverse effects will be adequately mitigated by traffic controls at the intersection.
5.	Vehicle access design and location • Standard of vehicle accesses onto state highways (Rule 6.6.3.5)	a. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.4 ii. Vehicle accesses onto state highways in the rural and rural residential zones are designed to: 1. safely accommodate the type and number of vehicles likely to be using the access; and 2. avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the safety and efficiency of the frontage road (Policy 6.2.4.7). *Potential circumstances that may support a consent application include:* iii. The NZ Transport Agency have given their approval for the proposed vehicle access design in relation to state highways.

6.10.5 Assessment of parking, loading and access standards performance standards contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Vehicle access design and location • Surfacing of driveways (Rule 6.6.3.6) • Gradient of driveways (Rule 6.6.3.7) • Minimum distance between driveways and dwelling (Rule 6.6.3.8) • Width of driveways (Rule 6.6.3.9)	a. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.4 ii. Driveways are designed to ensure that: 1. the surfacing and gradient of the driveway allows it to be used safely and efficiently; 2. mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths; 3. the width of the driveway is sufficient to allow the type and number of vehicles (including emergency vehicles), likely to be using it to do so safely and efficiently; and 4. sufficient distance is provided between shared driveways and dwellings (Policy 6.2.4.2).
7.	Vehicle access design and location • Sightlines to level crossings (Rule 6.6.3.10)	a. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.4 ii. Sufficient visibility is available: 1. Where a driveway, vehicle track or road crosses an operational rail network via a level crossing, to maintain the safety of the road and rail users (Policy 6.2.4.6.b).

6.10.6 Assessment of general performance standards contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Public amenities and signs located on or above the footpath	a. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.3 ii. Public amenities and signs located on or above the footpath are located and designed to provide for the safe movement of vehicles, pedestrians and cyclists (Policy 6.2.3.11). *General assessment guidance:* iii. The public amenity must be designed or located to not impede pedestrian movement, distract drivers, or obstruct sightlines.
		b. Effects on health and safety	See Rule 9.4.3
2.	Service station standards	a. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.3 ii. Service stations are designed to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the safety and efficiency of the transport network and its affordability to the public (Policy 6.2.3.13).
3.	Signs visible from roads	a. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.3 ii. Ancillary signs are located and designed to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the safety and efficiency of the transport network (Policy 6.2.3.1). iii. Public amenities and signs located on or above the footpath provide for the safe movement of vehicles, pedestrians and cyclists (Policy 6.2.3.11).
X.	Setback from designated rail corridor	a. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.3 ii. New buildings, new structures and additions and alterations are set back an adequate distance from the designated rail corridor to minimise, as far as practicable, the risk of objects or people crossing over or onto the rail corridor as a result of use or maintenance of the building or structure (Policy 6.2.3.X).

Rule 6.11 Assessment of Restricted Discretionary Activities

Rule 6.11.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rule 6.11.2:
    a. lists the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provides guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.
3. Where a restricted discretionary activity does not meet a performance standard the following occurs:
    a. if the contravention of the performance standard defaults to **restricted discretionary** 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 6.10; 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 6.12; and
        iii. the assessment guidance in this section will also be considered.
    c. if the contravention of the performance standard defaults to **non-complying** then:
        i. the activity, as a whole, will be **non-complying**; and
        ii. the performance standard contravention will be assessed as indicated in Section 6.13; and
        iii. the assessment guidance in this section will also be considered.

Note 6.11.1A - General advice

1. The DCC requires those persons undertaking development to pay a fair, equitable, and proportionate portion of the costs of capital expenditure to service growth.
2. The DCC's contribution to any off-site upgrades or delivery of higher specification for infrastructure will be based on an assessment of the public vs private benefit of the upgrade. This means that in principle the landowner(s) of the structure plan mapped area and/or new development mapped area will only be required to pay that portion of the costs of the upgrades that is necessary to address the effects of or needs of their proposed development area. Network infrastructure growth costs will generally be funded through development contribution charges as set out in the DCC's Development Contributions Policy (10-year Plan 2021-2031), which details the charges on a per equivalent household unit by area of benefit basis.

3. Where the results of an Integrated Transport Assessment required by Rule 6.14.2 demonstrate the need for either:
   a. Infrastructure upgrades outside of the site, or
   b. Infrastructure built to a higher specification because of the need to provide for new growth areas or improve level of service for existing areas,

   the responsibility and funding for these upgrades will be negotiated between all landowners and the DCC. Where necessary, the DCC will appoint an independent facilitator or mediator to assist in these negotiations.

4. It is further noted that the completion of these upgrades prior to s224 certification or at a certain point in time agreed to in a condition of consent may be required.

6.11.2 Assessment of restricted discretionary activities (activities located in zones)			
Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	All RD activities that are linked to Section 6.11 and that have “effects on the safety and efficiency of the transport network” as a matter of discretion, including but not limited to the activities listed below	a. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.3. ii. Only allow land use and development activities or subdivision activities that may lead to land use or development activities where: 1. adverse effects on the safety and efficiency of the transport network will be avoided or, if avoidance is not practicable, adequately mitigated; and 2. any associated changes to the transportation network will be affordable to the public in the long term (Policy 6.2.3.9). iii. Only allow the activity where any overspill parking effects that could adversely affect the safety or efficiency of the transport network are avoided or, if avoidance is not practicable, adequately mitigated (Policy 6.2.3.4). iv. For activities where no minimum vehicle loading performance standard is specified: 1. the activity provides adequate vehicle loading and manoeuvring space to support its operations and to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the safety and efficiency of the transport network (Policy 6.2.3.3). *General assessment guidance:* v. For activities that are likely to generate trips by bicycle, Council will consider whether the site and vehicle access design provides for the safety of cyclists entering and exiting the road network. vi. For subdivision activities on sites adjoining unsealed rural roads, Council will consider the effectiveness of any proposed mitigation measures to reduce the risk of complaints of dust from the road. *Potential circumstances that may support a consent application include:* vii. Where the activity results in the need for the parking of vehicles on-street, this is unlikely to result in adverse effects on the safety and/or efficiency of the transport network. viii. For subdivision activities adjoining roads that are unsealed, any necessary conditions to reduce the risk of complaints of dust from unsealed roads, for example conditions on the location of building platforms, screening of the road frontage or sealing of roads.

6.11.2 Assessment of restricted discretionary activities (activities located in zones)			
Activity		Matters of discretion	Guidance on the assessment of resource consents
2.	All high trip generators, which include: • New or additions to parking areas, that result in 50 or more new parking spaces (all zones) • New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded	a. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.3. ii. High trip generators are designed and located to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the safety and efficiency of the transport network (Policy 6.2.3.8). *General assessment guidance:* iii. The assessment will consider the findings of an Integrated Transport Assessment (see Special Information Requirements - Rule 6.14.2). iv. For activities that are likely to generate trips by bicycle, Council will consider whether the site and vehicle access design provides for the safety of cyclists entering and exiting the road network. v. In assessing the effects on the safety and efficiency of the transport network, Council will consider: 1. the effects of the physical works on safety on the frontage road. 2. the effects of the physical works on congestion on the frontage road. 3. the effects of the physical works on pedestrian and cycle connectivity and safety. 4. the capital and maintenance costs of the physical work. vi. Council will generally only consider new transportation infrastructure (e.g. traffic signals, roundabouts etc.) as acceptable when there are no other practicable design solutions. *Potential circumstances that may support a consent application include:* vii. Traffic entering and exiting the site does not cause adverse safety or congestion effects on any frontage road. viii. The vehicle movements generated by the activity do not result in overall traffic volume on any frontage road exceeding the capacity of that road. ix. The frontage road has adequate on-road queuing space. x. The activity is located on a frontage road with capacity to absorb the additional vehicle movements associated with the activity. xi. Travel planning interventions are proposed to reduce the number of vehicle movements generated by the activity. xii. Physical works will be used where appropriate (including left in, left out vehicle access; turning bays; traffic signals and roundabouts).

6.11.2 Assessment of restricted discretionary activities (activities located in zones)		
Activity	Matters of discretion	Guidance on the assessment of resource consents
	b. Effects on accessibility	*Relevant objectives and policies:* i. Objective 6.2.2. X. The activity is located: 1. within convenient walking access of sufficient car parking (including any car parking provided on-site) and, where public car parking is relied on, the activity will not significantly impact the availability of that car parking to other nearby activities; and 2. within convenient walking access of travel modes other than private car, except where the activity is not suited to access by these modes (Policy 6.2.2.Y). ii. For activities that are likely to generate a significant number of trips by walking, cycling or public transport: 1. activities likely to generate trips by cycling have safe access for cyclists into and through the site and secure cycle parking; 2. activities likely to generate trips by walking have safe access for pedestrians into and through the site; and 3. activities likely to generate trips by public transportation are located a reasonable walking distance from a frequent public transportation route with safe access for pedestrians from a bus stop to the site (Policy 6.2.2.4). iii. The assessment of high trip generators will generally consider the findings of an Integrated Transport Assessment (see Special Information Requirements - Rule 6.14.2), including the likely parking demand of the land use activity and the availability of public parking in the vicinity of the site. iv. NA. Y. In assessing the effects of the activity on the availability of public car parking to other nearby activities, Council will consider whether changes to the management of public car parking are necessary to mitigate those effects (e.g. changes to time-limits or charging for car parks). Z. In assessing whether an activity is suited to access by travel modes other than private car, Council will consider whether the general public will be accessing the activity, the number of trips anticipated by the general public, and whether the activity is of a nature that makes access by travel modes other than private car a practicable alternative (e.g. for office, retail, or schools) or not (e.g. for restaurant – drive through, or service stations). v. In assessing the appropriateness of the location, Council will consider the road classification of roads where vehicle access is proposed (see Appendix 6A) and, in general, according to that classification, a local road is not an appropriate location for high trip generators.

6.11.2 Assessment of restricted discretionary activities (activities located in zones)			
Activity		Matters of discretion	Guidance on the assessment of resource consents
			Potential circumstances that may support a consent application include: vi. There is safe and convenient access to and within the site for pedestrians. vii. Provision of facilities for people accessing the site by a variety of travel modes (for example dedicated carpool parking, changing rooms, secure bike storage). viii. There are frequent public transport services within 200m of the site. ix. Customer or visitor car parking is designed to ensure that vehicles travel at safe speeds within it (for example by using speed bumps and advisory signage).
3.	All RD activities that are linked to Section 6.11, that have "effects on accessibility" as a matter of discretion, including but not limited to the activities listed below	a. Effects on accessibility	*Relevant objectives and policies:* i. Objective 6.2.2. ii. NA. iii. NA. iv. For activities that are likely to generate a significant number of trips by walking, cycling or public transport: 1. activities likely to generate trips by cycling have safe access for cyclists into and through the site and secure cycle parking; 2. activities likely to generate trips by walking have safe access for pedestrians into and through the site; and 3. activities likely to generate trips by public transportation are located a reasonable walking distance from a frequent public transportation route with safe access for pedestrians from a bus stop to the site (Policy 6.2.2.4).

6.11.2 Assessment of restricted discretionary activities (activities located in zones)			
Activity		Matters of discretion	Guidance on the assessment of resource consents
4.	• Visitor accommodation, including ancillary activities (residential zones, Campus Zone and NEC, NECC) • Supported living facilities (residential zones)	a. Effects on accessibility	*Relevant objectives and policies:* i. Objective 6.2.2. ii. Visitor accommodation and supported living facilities are located on sites where customers and residents will have convenient walking access to centres, frequent public transport services, other appropriate transport services, and/or an appropriate range of on-site services or facilities (Policy 6.2.2.3). iii. For activities that are likely to generate a significant number of trips by walking, cycling or public transport: 1. activities likely to generate trips by cycling have safe access for cyclists into and through the site and secure cycle parking; 2. activities likely to generate trips by walking have safe access for pedestrians into and through the site; and 3. activities likely to generate trips by public transportation are located a reasonable walking distance from a frequent public transportation route with safe access for pedestrians from a bus stop to the site (Policy 6.2.2.4). *General assessment guidance:* iv. Convenient walking access is to be determined taking into account the anticipated mobility levels of the intended customers or residents of the activity. *Potential circumstances that may support a consent application include:* v. Examples of services and facilities required where supported living facilities are not within walking distance of a centre or frequent public transport services are medical services, personal services such as hairdressers, retail services such as dairies or cafés, and sport and leisure activities.
		b. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.3. ii. Only allow the activity where any overspill parking effects that could adversely affect the safety and efficiency of the transport network are avoided or, if avoidance is not practicable, adequately mitigated (Policy 6.2.3.4). *Potential circumstances that may support a consent application include:* iii. NA. iv. Where the activity results in the need for the parking of vehicles on-street, this is unlikely to result in adverse effects on the safety and/or efficiency of the transport network.

6.11.2 Assessment of restricted discretionary activities (activities located in zones)			
Activity		Matters of discretion	Guidance on the assessment of resource consents
5.	• Early childhood education - small scale (Rec, Res, Campus, commercial and mixed use zones) • Early childhood education - large scale (Dunedin Hospital, Moana Pool, Otago Museum, Schools, Campus, Wakari Hospital, commercial and mixed use zones)	a. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.3. ii. Adequate loading areas for dropping off and picking up children are available, either on-site or on-street, to: 1. allow for people to safely enter or exit vehicles; and 2. maintain the safety and efficiency of the frontage road (Policy 6.2.3.6). *General assessment guidance*: iii. In assessing the safety of loading areas for dropping off and picking up children, Council will consider the speed and volume of traffic and width of the road and whether children can enter and exit vehicles safely.
6.	Emergency services (residential zones and Taieri Aerodrome)	a. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.3. ii. The operational needs of the activity can be met in a way that will maintain the safety and efficiency of the transport network (Policy 6.2.3.7).
7.	All subdivision activities (all zones)	a. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.3. ii. Only allow subdivision activities that may lead to land use or development activities where: 1. adverse effects on the safety and efficiency of the transport network are avoided or, if avoidance is not practicable, adequately mitigated; and 2. any associated changes to the transportation network will be affordable to the public in the long term (Policy 6.2.3.9). iii. Subdivision activities provide for new roads where: 1. any proposed vehicle accessway will service more than 12 residential sites, or a development with an equivalent amount of vehicle trip demand, unless the location or design of the subdivision makes this inappropriate; 2. it is necessary to provide connectivity to potential future urban growth areas in the surrounding environment; or 3. it is otherwise necessary to support the safe and efficient

6.11.2 Assessment of restricted discretionary activities (activities located in zones)		
Activity	Matters of discretion	Guidance on the assessment of resource consents
		operation of the transport network (Policy 6.2.3.Y). iv. Roads, private ways, and pedestrian and cycling connections are appropriate to the scale and location of the subdivision and are designed to: 1. provide for the safe and efficient movement of vehicles, pedestrians and cyclists within the subdivision; and 2. provide connections to surrounding areas and the wider transport network, particularly for buses, pedestrians, and cyclists, in a way that maximises opportunities for active mode and public transport connections to existing or planned 1. centres, public open spaces, schools, cycleways, walkways, public transport stops, and community facilities in the surrounding environment, and 2. neighbouring urban land, including by providing appropriate connections to undeveloped land, whether zoned for future urban use or not, unless that land is inappropriate for urban development, based on the presence of overlay zones or mapped areas protecting significant values or indicating significant site constraints such as natural hazards; and 3. use materials that provide good urban design outcomes and, where infrastructure is to be vested in Council, provide good value with respect to ongoing costs to ratepayers for maintenance (Policy 6.2.3.12). *General assessment guidance:* v. Council will generally require any vehicle accessway that serves more than 12 sites to be vested in the DCC as a road but may also require vehicle accessways that serve 12 or fewer sites to be designed as a road and be vested with the DCC, including where required to enable connectivity to potential future urban growth areas. vi. In determining whether the location or design of a subdivision makes it inappropriate to require a road, Council will consider all relevant matters, including, but not limited to, whether: 1. factors such as slope and site dimensions do not enable minimum road design requirements to be met; 2. access can only be achieved by right-of-way over other property; 3. the proposal is related to a multi-unit development or is for a unit title subdivision and ongoing management of accessways over common property is provided for through a body corporate; or 4. legal constraints which the applicant does not have the authority to cancel exist within the site and prevent the

6.11.2 Assessment of restricted discretionary activities (activities located in zones)		
Activity	Matters of discretion	Guidance on the assessment of resource consents
		vesting of road. vii. Council will generally require roads to be designed and constructed in accordance with the Dunedin Code of Subdivision and Development 2010 and/or the most recent NZS 4404. Council will only consider proposals designed to a lesser standard when they are submitted with engineering information that demonstrates why the standards are unachievable. viii. Council will consider the effects of subdivision and subsequent development on the safety and efficiency of the state highway network, and may require written approval from Waka Kotahi NZ Transport Agency. ix. In assessing whether a development creates “an equivalent amount of vehicle trip demand” Council will generally assume that 12 residential sites would normally create 98 vehicle movements per day (or 8.2 per site) based on these sites being developed with 1 residential unit per site. Where Council determines that a subdivision is designed to enable or encourage a significant number of the sites to be developed with duplexes or multiple units, Council may require a road to service 12 or fewer sites. X. Council may require an integrated transport assessment (ITA) to be submitted with the application (see Special Information Requirement – Rule 6.14.2). *Conditions that may be imposed include:* x. Easements for pedestrian and/or vehicle access either on or off the site. xi. A requirement to vest a road or roads with the DCC. xii. Council will generally require roads to be designed and constructed in accordance with the Dunedin Code of Subdivision and Development 2010 and/or the most recent NZS 4404. *Design considerations that may support a consent application include:* xiii. Shared driveways are low speed environments, and where appropriate provide for the storage of rubbish and recycling bins, as well as turning facilities for refuse collection vehicles where necessary. xiv. In the commercial and mixed use zones and the industrial zones, connections are proposed to link parking areas and provide vehicle access behind buildings to minimise the need for new vehicle accesses. xv. The location and gradient of any new intersection or access ensures the safety and efficiency of the transport network. xvi. The design of any driveways is appropriate with respect to

6.11.2 Assessment of restricted discretionary activities (activities located in zones)			
Activity		Matters of discretion	Guidance on the assessment of resource consents
			the length and potential number of private units to be served.
8.	Subdivision activities that include a new road (all zones)	a. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.3. ii. Roads are appropriate to the scale and location of the subdivision and are designed to: 1. provide for the safe and efficient movement of vehicles, pedestrians and cyclists within the subdivision; and 2. provide connections to surrounding areas and the wider transport network, particularly for buses, pedestrians, and cyclists, in a way that maximises opportunities for active mode and public transport connections to existing or planned: 1. centres, public open spaces, schools, cycleways, walkways, public transport stops, and community facilities in the surrounding environment, and 2. neighbouring urban land, including by providing appropriate connections to undeveloped land, whether zoned for future urban use or not, unless that land is inappropriate for urban development, based on the presence of overlay zones or mapped areas protecting significant values or indicating significant site constraints such as natural hazards; and 3. use materials that provide good urban design outcomes and, where infrastructure is to be vested in Council, provide good value with respect to ongoing costs to ratepayers for maintenance (Policy 6.2.3.12). *General assessment guidance*: iii. In assessing the transport network design, Council will make reference to the Dunedin City Council Code of Subdivision and Development 2010 and/or the most recent NZS 4404. iv. In assessing the effects on the safety and efficiency of the transport network, Council will consider any changes to traffic volumes on other parts of the network as a result of the subdivision. v. In assessing whether adequate connections to surrounding areas have been provided, Council will consider whether the road layout makes adequate allowance for connections to potential future areas of urban expansion (even where these areas are not yet identified in the Planning Map). *Conditions that may be imposed include:* vi. Easements for pedestrian and/or vehicle access either on or off the site. vii. The standard of pedestrian and/or cycle paths required. viii. The standard of street lighting or private access lighting

6.11.2 Assessment of restricted discretionary activities (activities located in zones)		
Activity	Matters of discretion	Guidance on the assessment of resource consents
		required. ix. A requirement for roads to be designed and constructed in accordance with the Dunedin Code of Subdivision and Development 2010 and/or the most recent NZS 4404. x. The location of roading connections to potential future growth areas. xi. A requirement to vest the road or roads with the DCC. *Design considerations that may support a consent application include:* xii. Road networks use a permeable 'grid' network design that connects to surrounding streets and/or enables future connections to un-developed areas, except where this is not possible because of natural features or the surrounding patterns of development. Where cul-de-sacs must be provided, pedestrian and cycling links to surrounding roads are provided, if physically possible. xiii. The design provides for all parking, loading and access standards to be met. xiv. Appropriate construction standards, materials, design palettes, and products are employed with consideration of both the on-going maintenance costs to ratepayers and appropriate character and amenity standards. xv. The design provides safe and convenient access for pedestrians and cyclists or other active modes to any public places, including the coast, water bodies or reserves.

6.11.2 Assessment of restricted discretionary activities (activities located in zones)			
Activity		Matters of discretion	Guidance on the assessment of resource consents
9.	In all residential zones: • All subdivision activities • New buildings or additions and alterations to buildings that result in a multi-unit development In the Campus Zone and all commercial and mixed use zones where residential activity is permitted (see rules 18.3.3 – 18.3.5): • All subdivision activities for residential activity	a. Effects on the safety and efficiency of the transport network.	*Relevant objectives and policies:* i. Objective 6.2.3. ii. The activity is designed to ensure: 1. the safe and efficient operation of waste collection vehicles; and 2. any on-street solid waste collection will not obstruct footpaths, private accessways or roads (Policy 6.2.3.Z). *General assessment guidance:* iii. In assessing the design of subdivisions and multi-unit development, Council will consider whether: 1. bins can be moved easily between the on-street collection point and appropriate on-site storage to discourage bins from being left on the street outside collection times; and 2. the number of bins that the units will be supplied with can fit along the street frontage without blocking the footpath. iv. For proposals that do not enable safe and efficient collection of solid waste by Dunedin City Council standard services, Council will consider the contents of a Waste Management Plan which demonstrates how private solid waste collection services will be provided to ensure Policy 6.2.3.Z is achieved. *Conditions that may be imposed:* v. For larger multi-unit complexes, the requirement for on-site waste collection in a location that provides for safe site ingress and egress for solid waste collection vehicles. vi. Upgrades to the footpath or other parts of the road to allow on-street collection in a way that enables safe pedestrian movement. vii. For subdivisions accessed via private ways, requirement for an easement granting Right of Way to Dunedin City Council for the purpose of solid waste collection. viii. For subdivisions accessed via private ways, requirements for the design and dimensions of the private way to provide safe ingress and turning areas for solid waste collection vehicles and suitable areas for bins to be placed for collection.
10.	In the **former brickworks structure plan mapped area**: • All other industrial activities in the industrial activities category	a. Effects on the safety and efficiency of the transport network	*Relevant objectives and policies:* i. Objective 6.2.3. ii. Adverse effects on the safety and efficiency of the transport network will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 6.2.3.9.a). iii. Any associated changes to the transportation network will be affordable to the public in the long term (Policy 6.2.3.9.b).

Note 6.11.2A - General advice

1. For guidance on best practice for cycle facility design see the Auckland Transport's *Transport Design Manual*.

Rule 6.12 Assessment of Discretionary Activities

Rule 6.12.1 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 6.12.2 and 6.12.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
   b. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
   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.

6.12.2 Assessment of discretionary activities in management and major facility zones	
Activity	Guidance on the assessment of resource consents

6.12.2 Assessment of discretionary activities in management and major facility zones	
Activity	Guidance on the assessment of resource consents
1. All discretionary activities that are linked to Section 6.12, including but not limited to the activities listed below	*Relevant objectives and policies:* i. Objectives 6.2.2 and 6.2.3 ii. Adverse effects on the safety and efficiency of the transport network will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 6.2.3.9.a). iii. Any associated changes to the transportation network will be affordable to the public in the long term (Policy 6.2.3.9.b). iv. Land use activities provide mobility car parking either on or near the site at an amount that is adequate to: 1. NA. 2. ensure accessibility for residents, visitors, customers, staff and students (as relevant) who have limited mobility (Policy 6.2.2.1). v. For activities that are likely to generate a significant number of trips by walking, cycling or public transport: 1. activities likely to generate trips by cycling have safe access for cyclists into and through the site and secure cycle parking; 2. activities likely to generate trips by walking have safe access for pedestrians into and through the site; and 3. activities likely to generate trips by public transportation are located a reasonable walking distance from a frequent public transportation route with safe access for pedestrians from a bus stop to the site (Policy 6.2.2.4). *Potential circumstances that may support a consent application include:* vi. Service stations that include the ancillary sale of food or household consumables provide adequate cycle parking and marked pedestrian access to provide for customers who access the site by walking or cycling.

6.12.3 Assessment of discretionary transportation activities	
Activity	Guidance on the assessment of resource consents

6.12.3 Assessment of discretionary transportation activities	
Activity	Guidance on the assessment of resource consents
1. All discretionary transportation activities	*Relevant objectives and policies (priority considerations):* a. See Section 9.7 for guidance on the assessment of discretionary resource consents in relation to Objective 9.2.2 and effects related to public health and safety. b. Where in a **ONCC, HNCC or NCC overlay zone**, see Section 10.7 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. c. Where in a **ONF, ONL or SNL overlay zone**, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and effects related to landscape values. d. For activities that may have effects on biodiversity values, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1. e. For activities adjacent to water bodies and the coast, see section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.2. f. Where on **a heritage site** see Section 13.7 for guidance on the assessment of resource consents in relation to Objective 13.2.2 and effects on heritage values. g. See Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua.

6.12.3 Assessment of discretionary transportation activities		
Activity		Guidance on the assessment of resource consents
2.	New roads or additions or alterations to existing roads	*Relevant objectives and policies (priority considerations):* a. Objectives 6.2.1 and 6.2.4 b. Policy 2.2.1.11 c. The road is designed to provide for the needs of all users, and to integrate with surrounding land uses as appropriate for the surrounding environment and **road classification hierarchy mapped area** (Policy 6.2.1.3.a). d. The location and design of the road: i. minimises as far as practicable adverse effects on surrounding residential or other sensitive activities, including severance effects, changes to drainage patterns, and vibration, noise, glare and fumes from vehicle movements; and ii. maintains or enhances the safety and efficiency of the overall transport network (Policy 6.2.1.3.b). e. Sufficient visibility is available where a driveway, vehicle track or road crosses an operational rail network via a level crossing, to maintain the safety of the road and rail users (Policy 6.2.4.6.b). *General assessment guidance:* f. Council will assess whether new roads or additions or alterations to roads provide for the safe and efficient movement of cyclists using the road, considering the road space allocation and design, and based on the anticipated role of the road in any cycle networks. g. In considering the appropriateness of the road design, Council will consider the function of the road, including but not limited to the elements described in Appendix 6A. h. Council will require new roads, driveways or vehicle tracks that cross an operational rail network via a level crossing to maintain clear sightlines within the sight line triangles shown in Figure 6B.18 Railway Level Crossing Sight Line Requirements.

6.12.3 Assessment of discretionary transportation activities		
Activity		Guidance on the assessment of resource consents
3.	Passenger transportation hubs	*Relevant objectives and policies (priority considerations):* a. Objective 6.2.1 b. Passenger transportation hubs are located and designed to: i. allow for convenient connections with other travel modes; ii. ensure the safety of users; iii. maintain or enhance the safety and efficiency of the overall transport network; and iv. maintain or enhance the amenity of the surrounding environment (Policy 6.2.1.4). *General assessment guidance:* c. For off-street passenger transportation hubs, Council will consider whether the site and vehicle access design provide for the safety of cyclists entering and exiting the road network. d. Council will generally require passenger transportation hubs to provide safe and secure cycle parking facilities.
4.	Heliports	*Relevant objectives and policies (priority considerations):* a. Objective 6.2.1 b. Heliports are located and designed to: i. ensure the safety of users; ii. maintain the amenity of the surrounding environment; and iii. maintain or enhance the safety and efficiency of the overall transport network (Policy 6.2.1.5). *General assessment guidance:* c. Council will assess the noise effects of helicopter movements in accordance with the standards set out in NZS6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas.*

Note 6.12A - General advice

1. For guidance on best practice for cycle facility design see the Auckland Transport's *Transport Design Manual*.

Rule 6.13 Assessment of Non-complying Activities

Rule 6.13.1 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 6.13.2 - 6.13.3 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
   b. general assessment guidance, including any effects that will be considered as a priority.

6.13.2 Assessment of non-complying activities located in management zone or major facility zone sections	
Activity	Guidance on the assessment of resource consents
1. All non-complying activities that are linked to Section 6.13, including but not limited to the activities listed below	*Relevant objectives and policies (priority considerations):* a. Objectives 6.2.2, 6.2.3 and 6.2.4 *General assessment guidance:* b. In assessing the significance of effects, consideration will be given to: i. both short and long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of precedent being set by the granting of a resource consent.

6.13.3 Assessment of non-complying performance standard contraventions	
Activity	Guidance on the assessment of resource consents
1. In a **primary pedestrian street frontage mapped area**: • Access to loading areas (Rule 6.6.2.5.b)	*Relevant objectives and policies (priority considerations):* a. Objective 6.2.4 b. Adverse effects on pedestrian safety and ease of movement would be insignificant (Policy 6.2.4.3).

Rule 6.14 Special Information Requirements

6.14.1 - NA

6.14.2 Integrated transport assessment

1. Council will generally require an Integrated Transport Assessment (ITA) for applications for high trip generators unless the application is for a small expansion of an existing activity, provided the effects on accessibility and on the safety and efficiency of the transport network are likely to be no more than minor.
2. Council may require an ITA for applications for subdivision:
   a. that creates lots (including balance lots) with the potential for use or development that, individually or cumulatively, meets or exceeds the thresholds in Appendix 6C; or
   b. where use or development of the land enabled by subdivision could exacerbate a known pre-existing transport issue.
3. ITAs required by Council must:
   a. include the information set out in clauses 4 to 11 below;
   b. be prepared by a suitably qualified person;
   c. provide a level of detail commensurate with the scale of the subdivision, land use or development activity; and
   d. reflect the scale of any transportation and road safety issues in the associated transportation network.

Item		Details to be included
4.	Description of baseline conditions	Description of the site's existing characteristics, any existing land use(s), the trip generation of existing land use(s), the existing transport environment including transport networks, safety, vehicle parking, accessibility by public transport, cycle and foot.
5.	Description of the proposal	Description of the proposed land use, proposed vehicle and pedestrian access arrangements, proposed vehicle parking, proposed vehicle loading, proposed cycle parking, any other facilities proposed to improve access by any transport mode.
6.	Travel characteristics	Estimated trip generation for all modes.
7.	Planned transportation infrastructure changes	Description of any planned upgrades to the transport network near the site that may be relevant to the activity. For subdivision, the internal roading design, layout, and connection points to the existing transportation network for all modes of transport in accordance with the Dunedin Code of Subdivision and Development 2010 or NZS 4404:2010.

8.	Accessibility of the activity	Explanation of how accessible the activity will be for each mode, including the following information: • How will the predicted demand for vehicle parking, vehicle loading, pedestrians and cycle parking be met? What facilities will there be on or near the site for users of each mode? • How safe will it be for each mode to access the site? • What facilities will be provided on-site for pedestrians to safely walk within the site? • Details of the demand predicted to be placed on public vehicle and cycle parking facilities (on- and off-street), and an assessment of the capacity of public facilities to absorb that demand.
9.	Assessment of effects on accessibility and on the safety and efficiency of the transport network	For high trip generators, an explanation of how the activity will support Objective 6.2.2 and relevant associated policies, in relation to the accessibility of the land use activity by a range of travel modes. For high trip generators and subdivision, an explanation of how the activity will support Objective 6.2.3 and relevant associated policies, in relation to effects on the safety and efficiency of the transport network for all modes.
10.	Mitigation and options to influence travel choice	Description of measures that are proposed to mitigate effects on accessibility, safety and effects on the transport network.
11.	Summary	Summary of the main aspects of the transport assessment.

Appendices

Appendix 6A. Road Classification Hierarchy

6A.1 Description of the Road Classification Hierarchy

The road classification hierarchy is used to distinguish roads into categories, as some of the rules in the District Plan only apply to some of the roads in a particular category.

The classification reflects not only the transport function of a road but also the place function or its contribution to the surrounding environment, taking into account the surrounding land use, and the role the road plays in contributing to the amenity values, identity and public space of the adjoining area.

6A.2 Road Classification

Classification	Description
Motorway	Any NZ Transport Agency classified motorway. High speed routes where movement of motorised vehicles is the sole purpose. Pedestrians and cyclists are generally prohibited and property access is limited and controlled.
Strategic road	High capacity roads (including state highways) that form part of the national and/or regional network. A strategic road provides through movement for freight, tourists and vehicular traffic; and connect main centres, outlying settlements and goods to markets. A strategic road is constructed and managed to a high standard to ensure it operates safely and efficiently . In urban areas, these roads also support local transport, various modes of transport and a mixed land use environment. Provision is made for pedestrians in urban areas, and where provided, cycle facilities should be physically separated from traffic. Public transport operates on these roads but stops are limited.
Arterial road	Roads (including an urban high density corridor) that connect, distribute and collect within and between residential, rural, commercial and industrial areas; as well as providing access to properties. In urban areas, these roads support a range of travel modes including frequent public transport services and considerable pedestrian and cycle activity. On an arterial road, it may be appropriate to prioritise road space allocation/road design to support safe cycling and/or public transportation. This can result in less space for on-street parking. In rural areas, an arterial road carries moderate volumes of general traffic, including a higher percentage of heavy vehicles serving key sites of primary industry. Although it may also support some residential development, an arterial road in a rural area is not expected to meet the same standards that apply in urban areas such as kerb and channel gutters and street lighting.
Urban High Density Corridor	A high use arterial road in a densely developed environment. These corridors typically support a combination of moderate to high traffic volumes, moderate to high pedestrian volumes, frequent bus services, cycling, freight movements, medium density residential land use, and commercial or tertiary education activity. Through traffic should be catered for, however it is expected that the form and speed of the corridor will evolve to support the integration of the transport corridor function with adjacent land use. On-street parking is generally provided where space allows, but priority is given to public transport and to cycle and pedestrian infrastructure over parking, where space is limited.

Classification	Description
Commercial Centre Streets	Roads located within the Central Business District and centres zones, the CBD edge mixed use zones and other commercial zones. It is expected that the form of these streets will evolve to support a complementary integration of the transport corridor function with adjacent land use. The design elements of these streets should be conducive to a high level of pedestrian activity; and to supporting active frontages and high-quality public spaces. The highest level of safety, connectivity, accessibility and amenity for pedestrians, cyclists and public transport users should be provided on these streets. Where parking is provided in urban areas, it should increasingly be provided off-street rather than on-street, and toward the periphery of the centre or zone.
Collector road	Roads in local neighbourhoods that collect and distribute local traffic. A collector road provides a local through movement function as well as access to properties. In urban areas, a collector road supports some public transport services, with frequent stopping points. Considerable pedestrian and cycle activity is expected, so the road layout should be designed to discourage speed.
Local road	Roads that are not intended to act as main through routes for motorised vehicle traffic but primarily provide for access to properties. These roads can be different in nature depending on the land use environments they serve. In residential environments, layout and design discourages speed as the intention is to provide an environment that supports safe and balanced access for cars, pedestrians and cyclists. A local road may support bus routes.
Industrial road	Roads that have a primary role of providing access to industrial sites. Sufficient width needs to be maintained for the manoeuvring of larger and heavier vehicles. Footpaths and on-street parking are generally provided, but where necessary, space should be prioritised for the manoeuvring needs of heavy vehicles. Speeds are managed to a level consistent with safe on-street manoeuvring, and high levels of access to properties for heavy vehicles should be provided. Parking should generally be controlled to serve the primary purpose of industrial access. An industrial road may support alternative cycle routes.

Appendix 6B. Transportation Figures

Figure 6B.1 On-site car parking dimensions

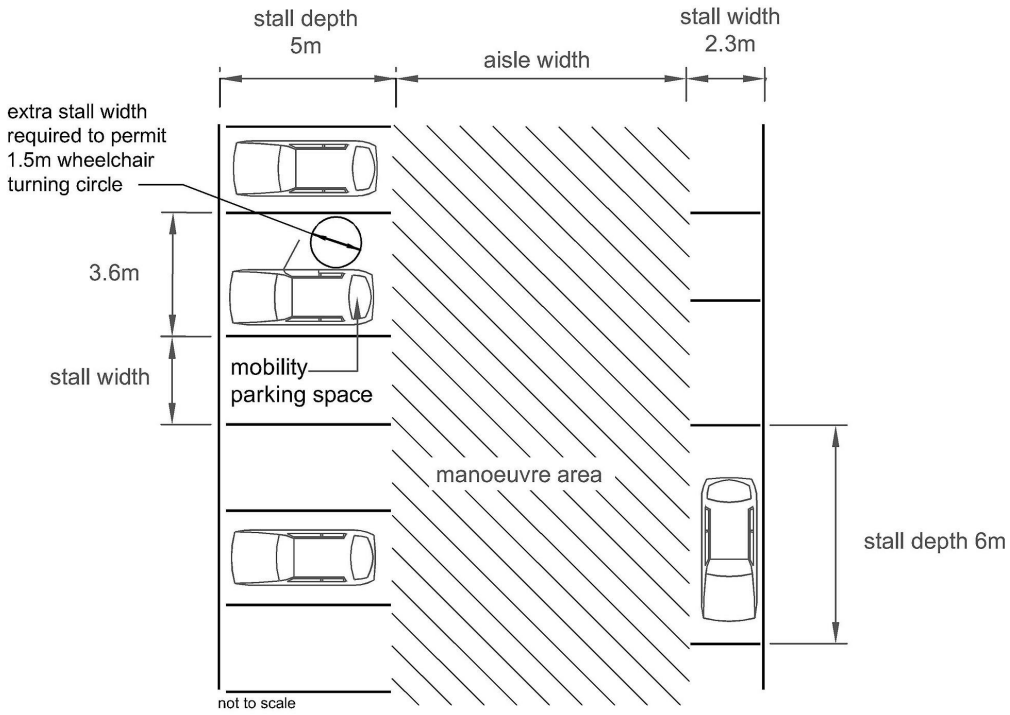


Figure 6B.2 Typical parking layout 85th percentile vehicles

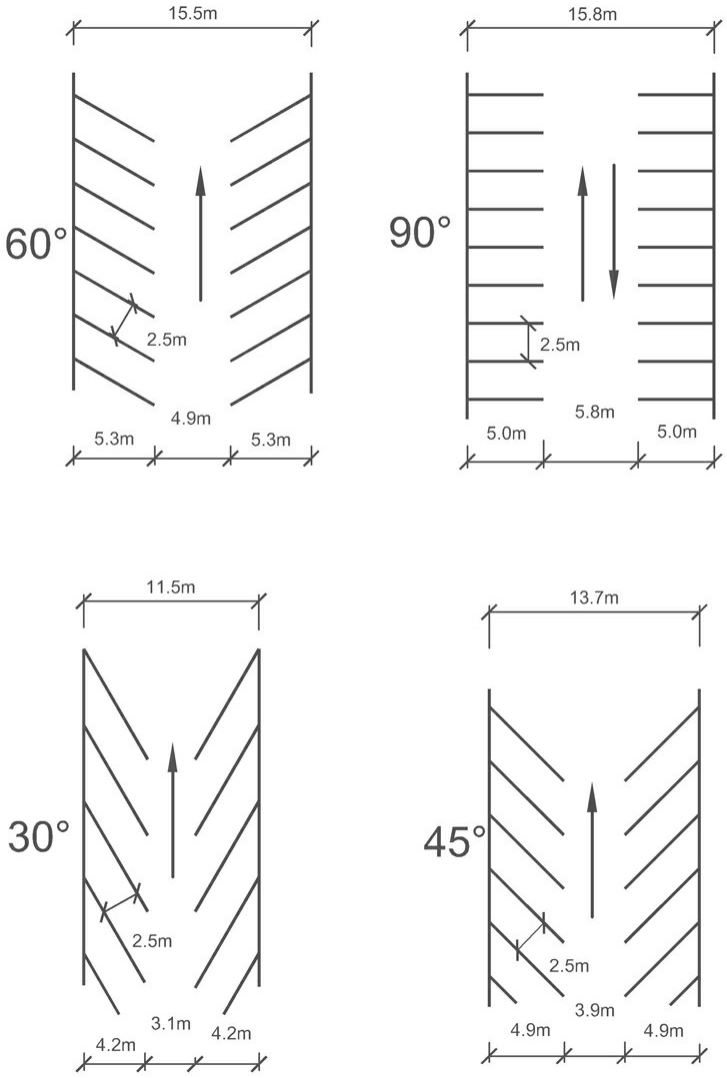


Figure 6B.3 Typical parking layout 99th percentile vehicles

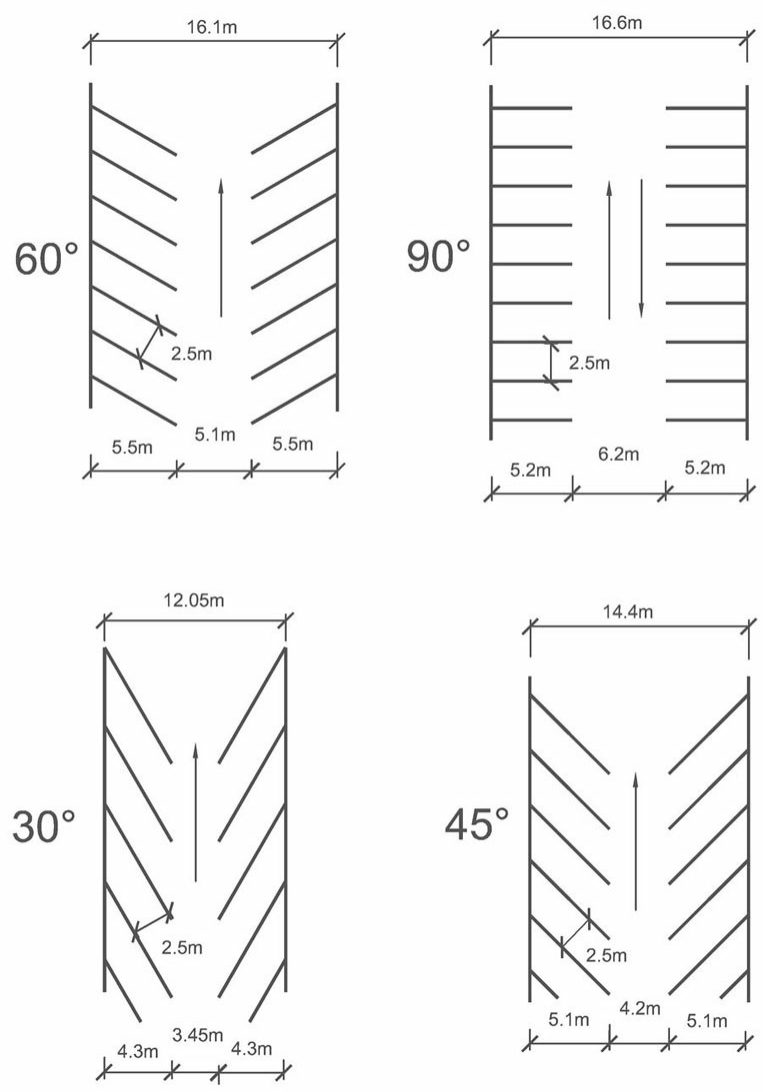


Figure 6B.4 Minimum separation distance between residential building and driveway

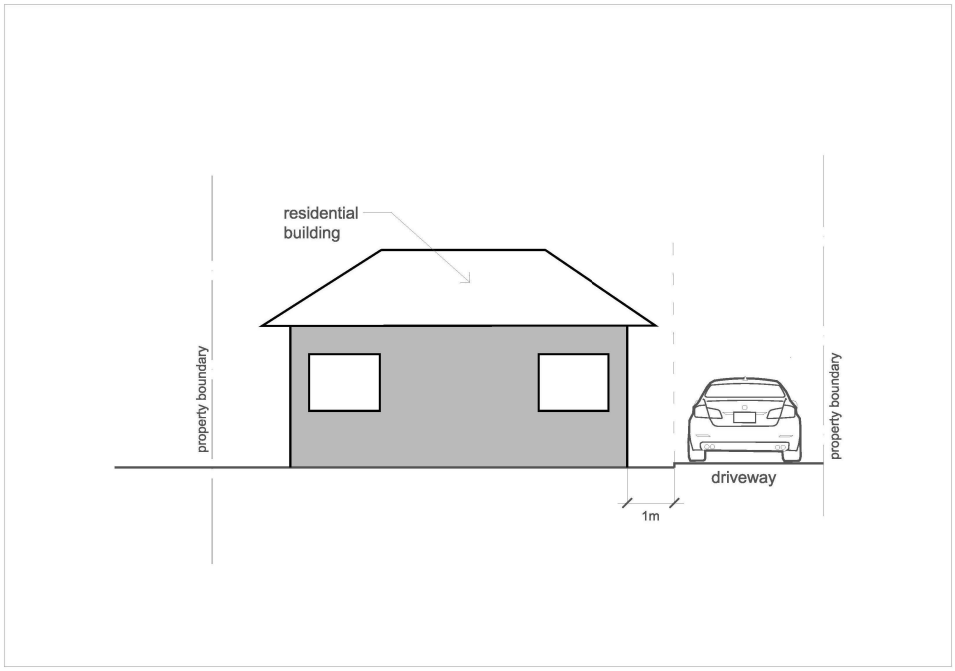
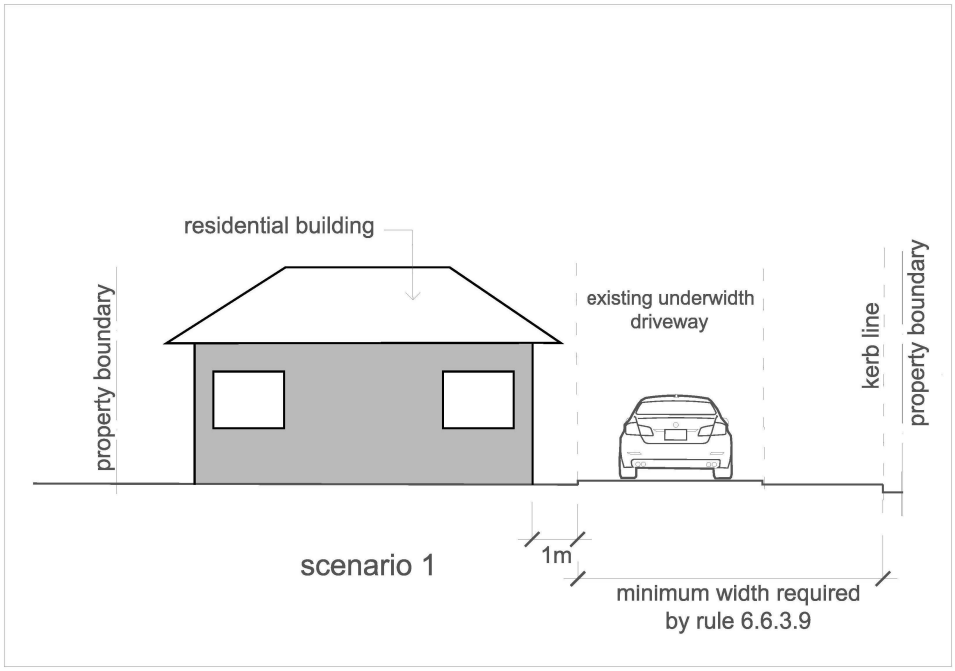


Figure 6B.5 Minimum separation distance between new residential building and existing under-width driveway: possible scenarios



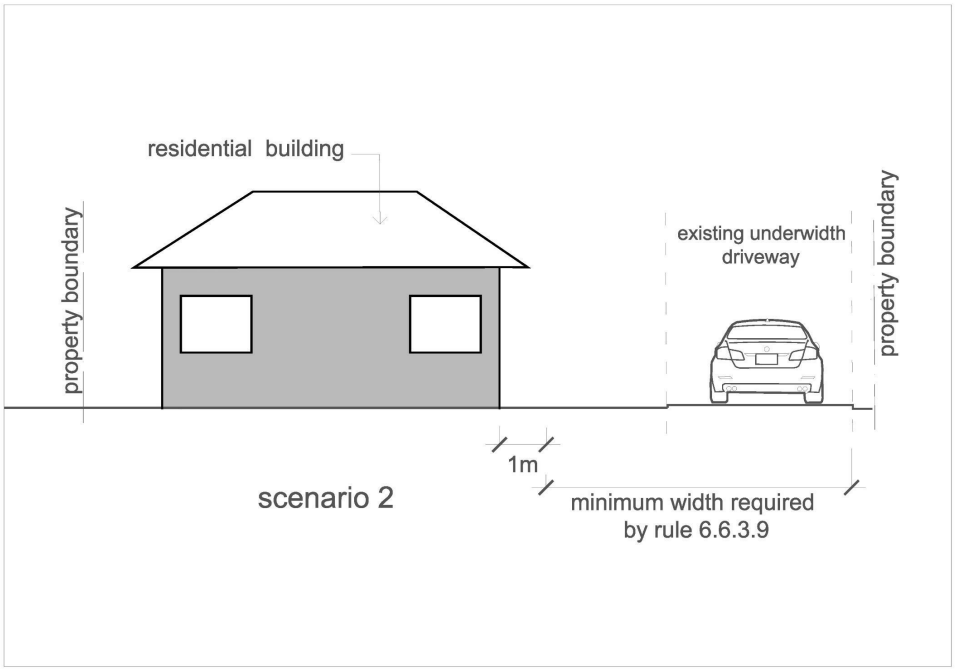


Figure 6B.6 99th percentile vehicle dimensions

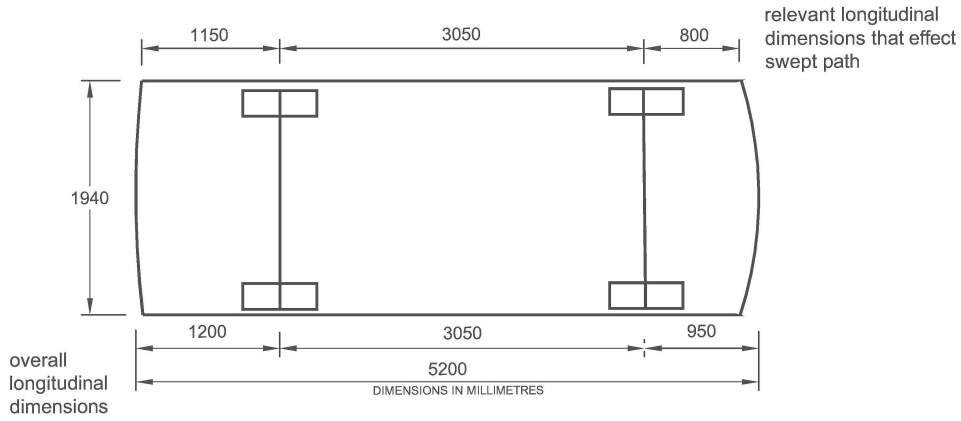
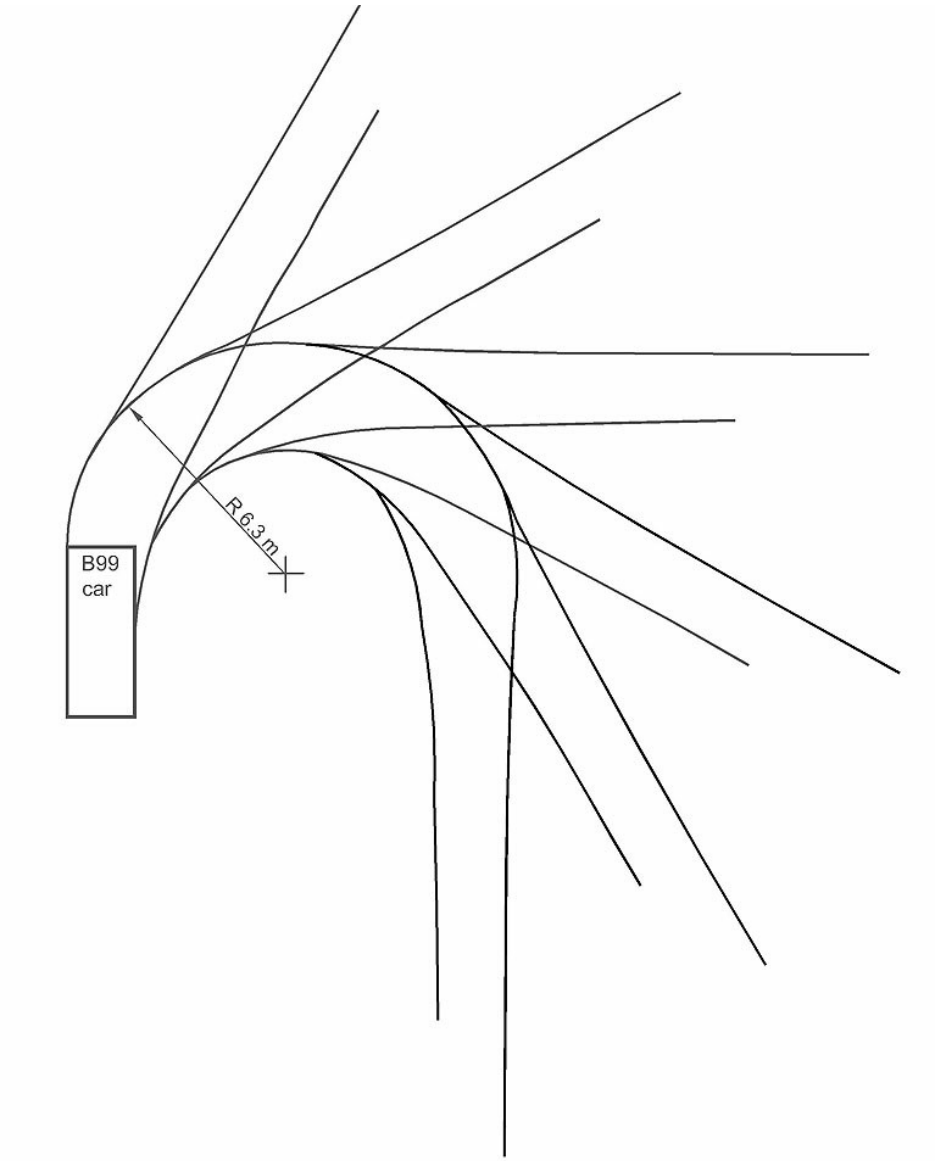


Figure 6B.7 99th percentile vehicle turning circle



LEGEND:

= Denotes the B99 base dimension swept path

Recommended clearances (300mm) must be added to each side of the tracking curve
NOTE: This is minimum radius turn for a B99 vehicle

Figure 6B.8 85th percentile vehicle dimensions

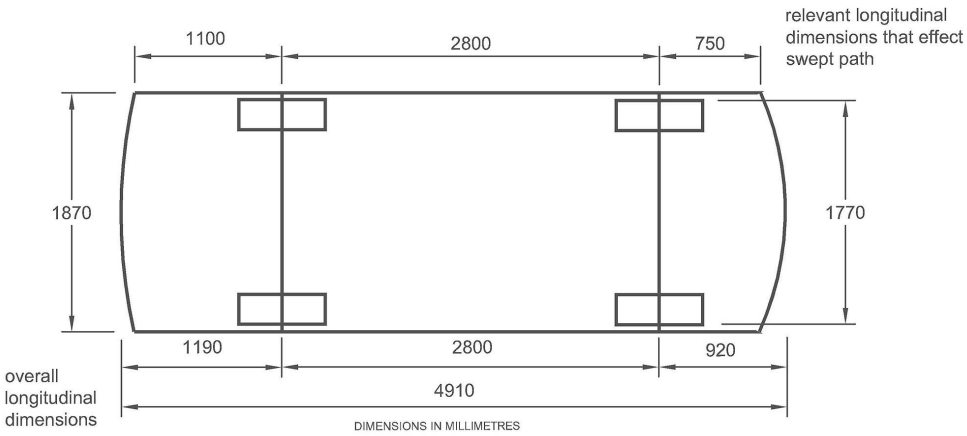
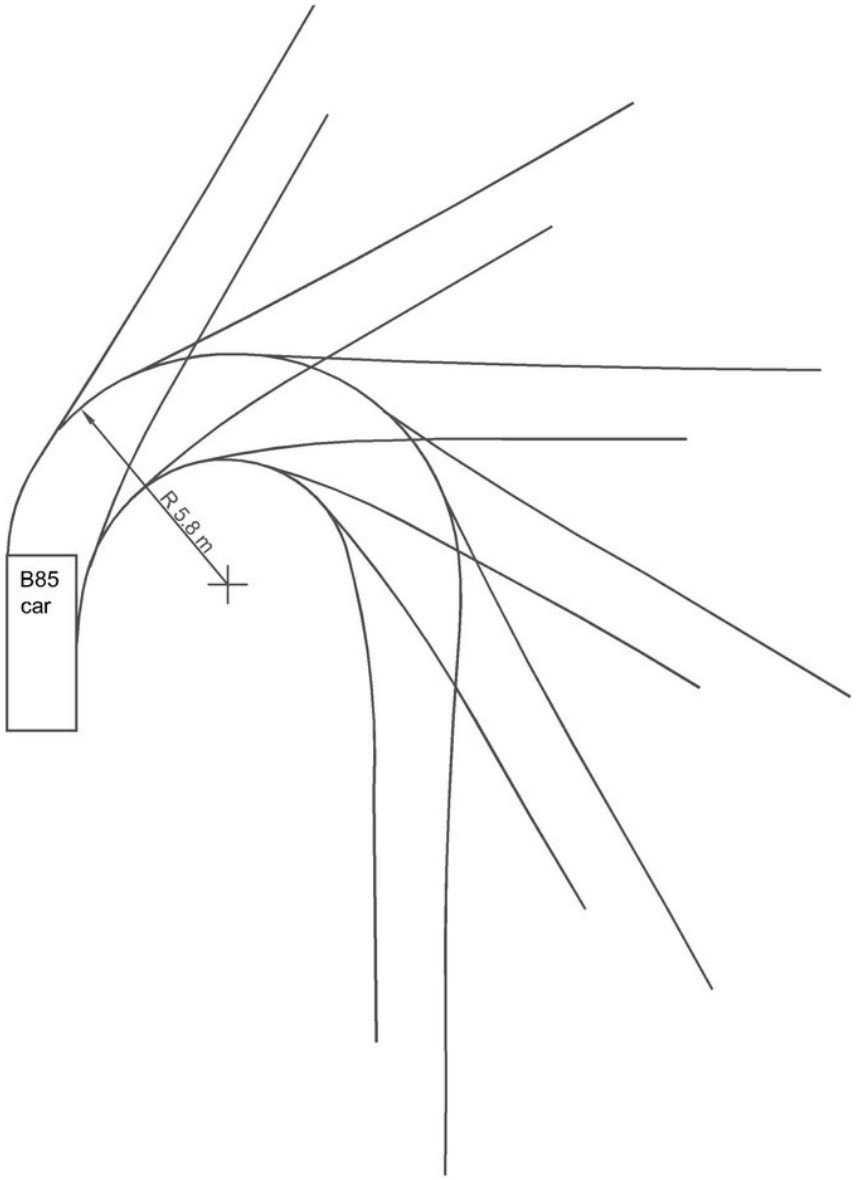


Figure 6B.9 85th percentile vehicle turning circle



LEGEND:

= Denotes the B85 base dimension swept path

Recommended clearances (300mm) must be added to each side of the tracking curve
NOTE: This is minimum radius turn for a B85 vehicle

Figure 6B.10 8m rigid truck turning circle

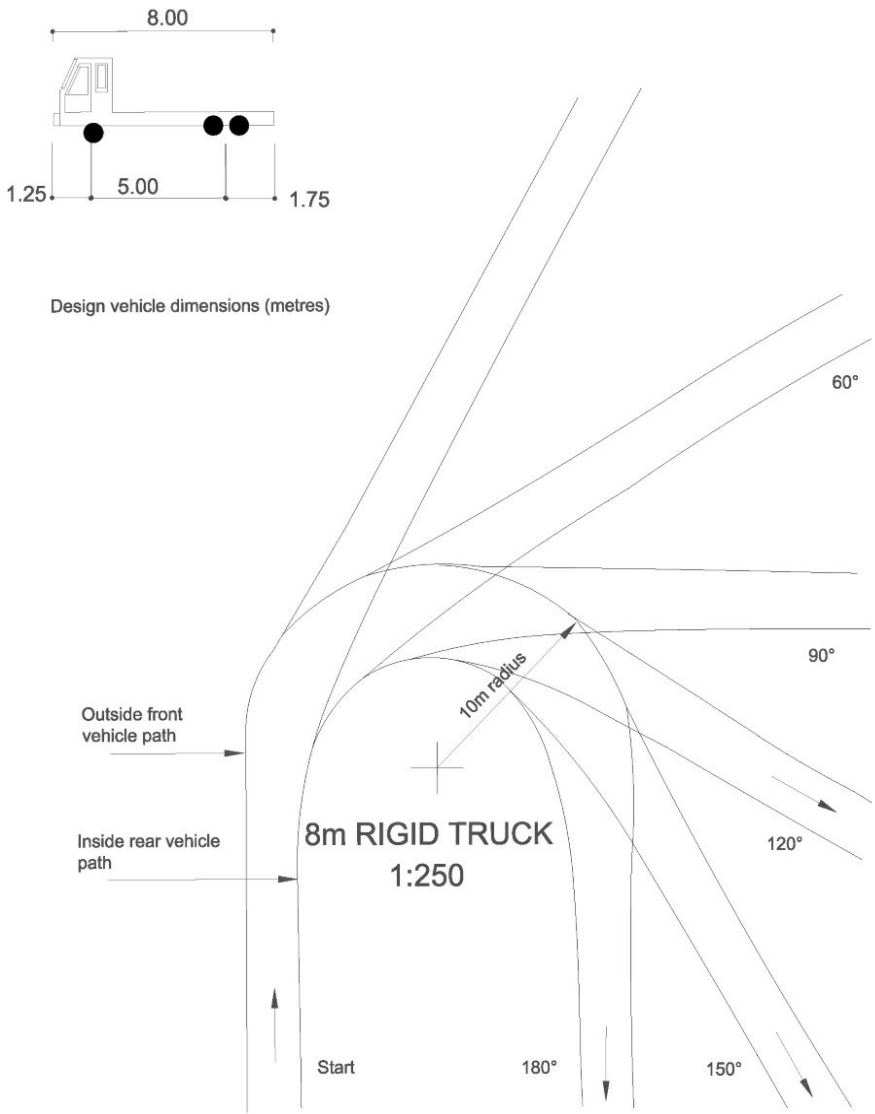


Figure 6B.11 B-train truck turning circle

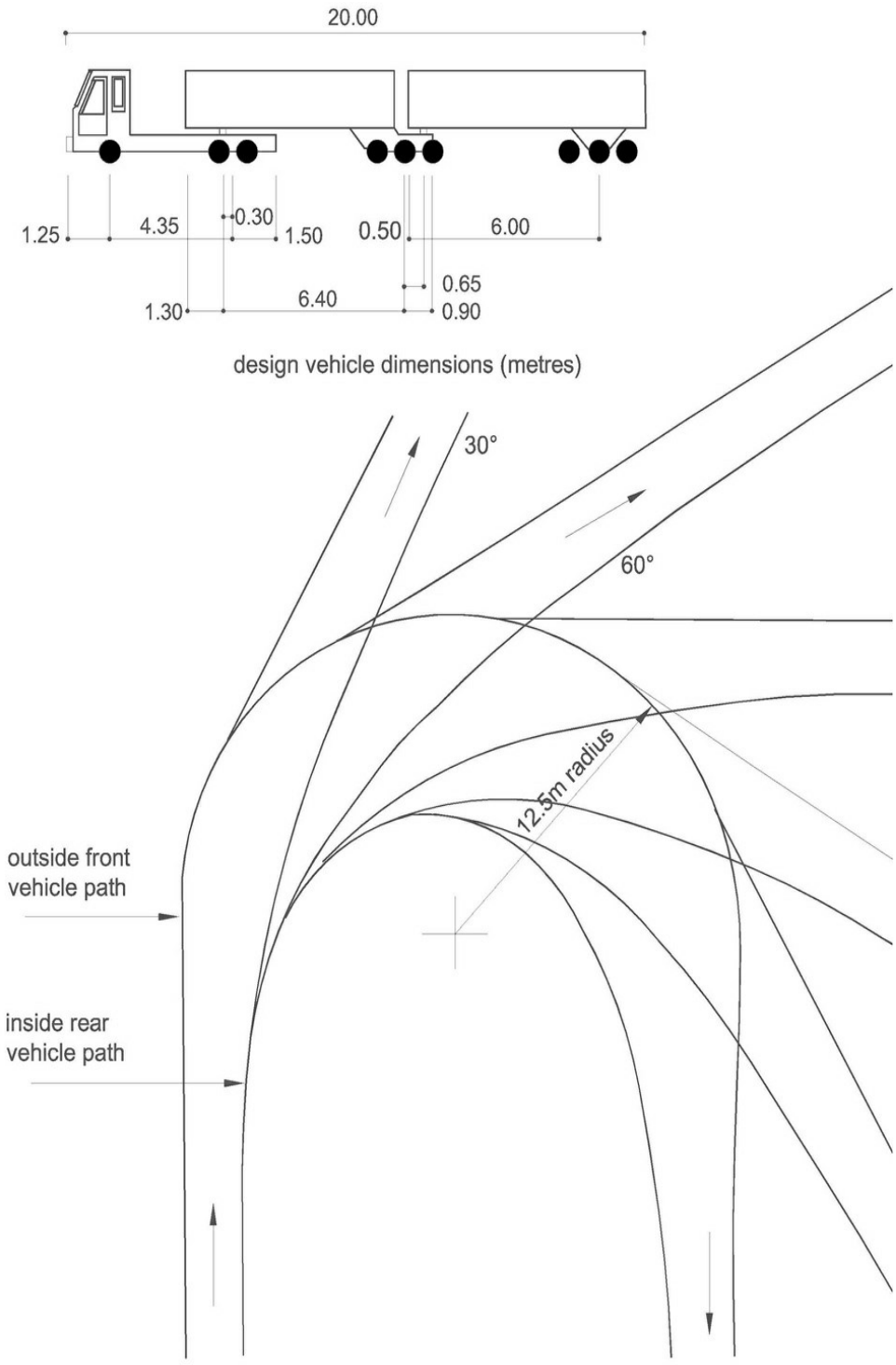
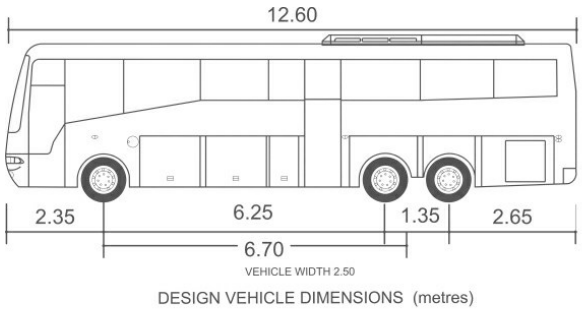


Figure 6B.12 Coach turning circle



DESIGN VEHICLE DIMENSIONS (metres)

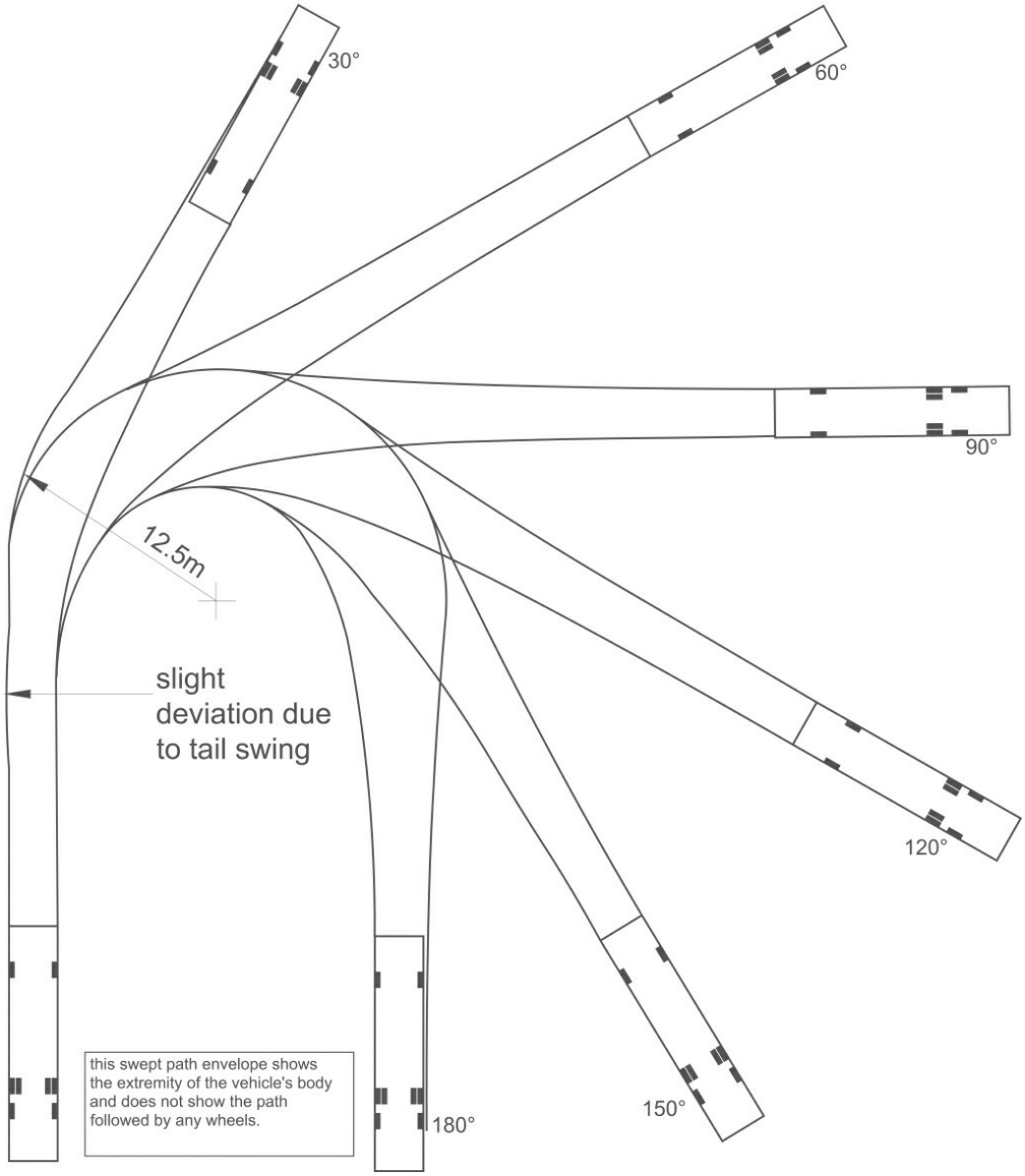


Figure 6B.13 Method for determining minimum sight distance from a new vehicle access

Method for Determining Sight Distance from a New Vehicle Access

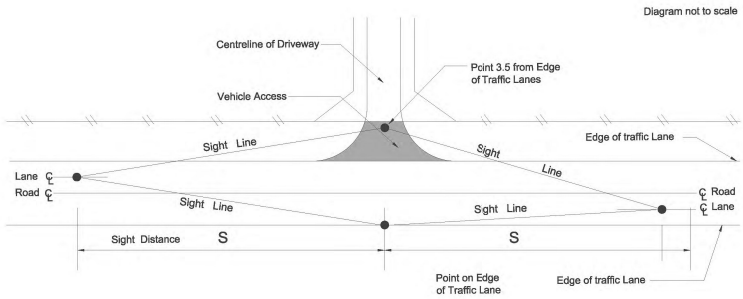
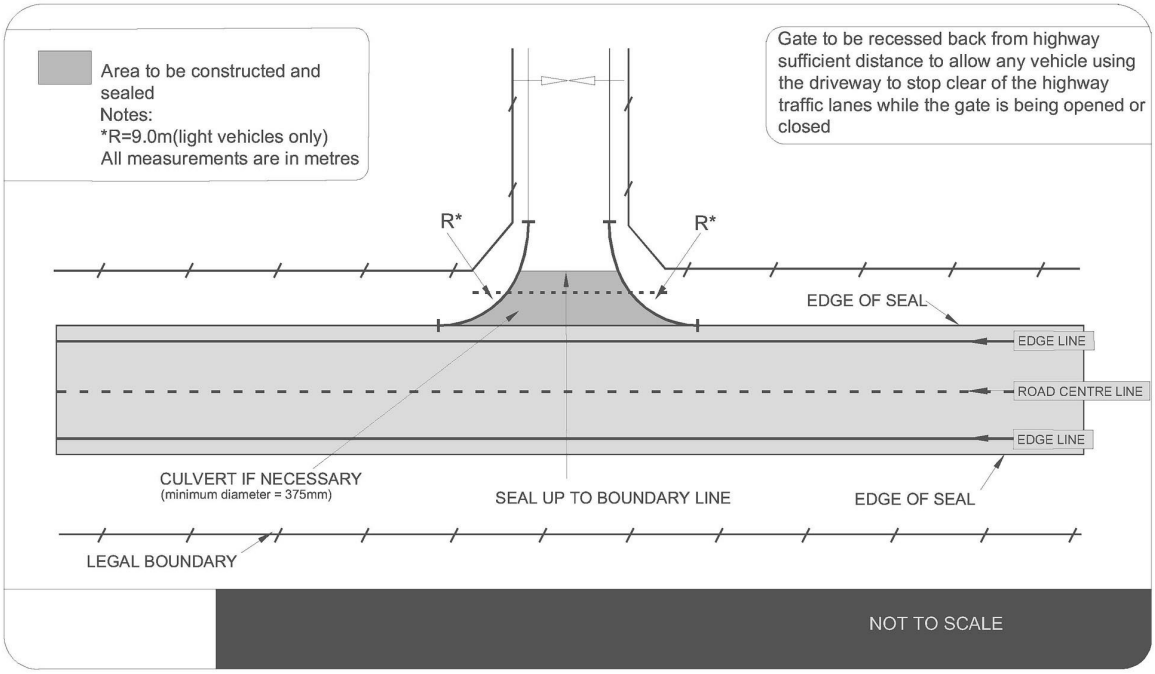
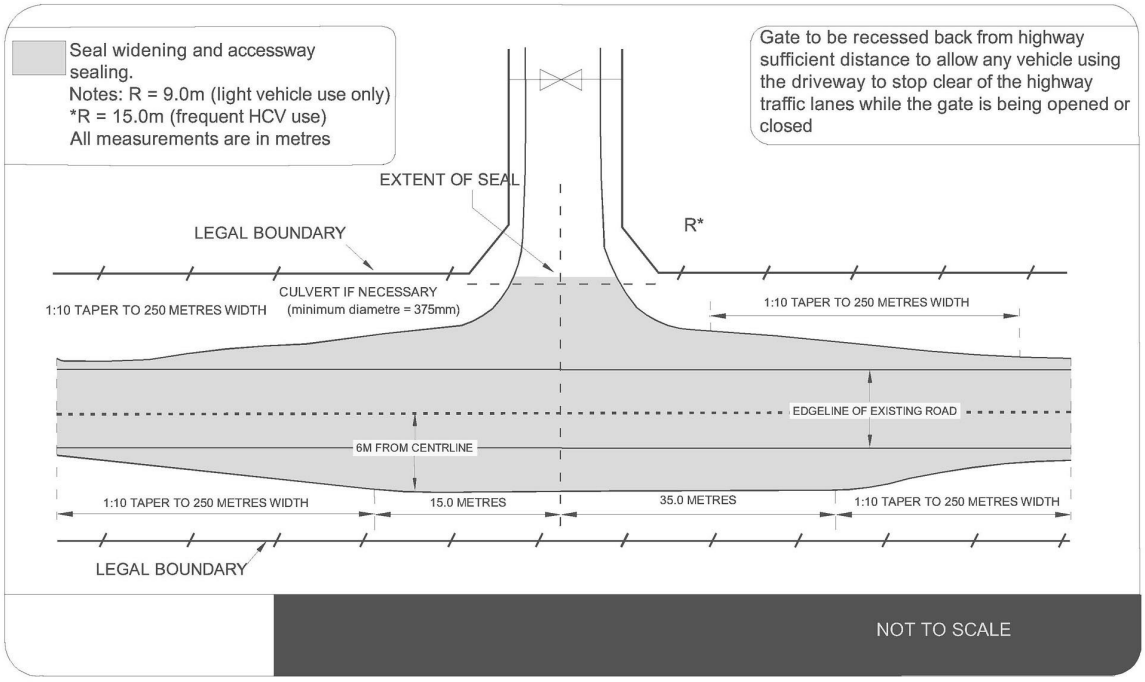


Figure 6B.14 Vehicle access onto a state highway sealing diagram



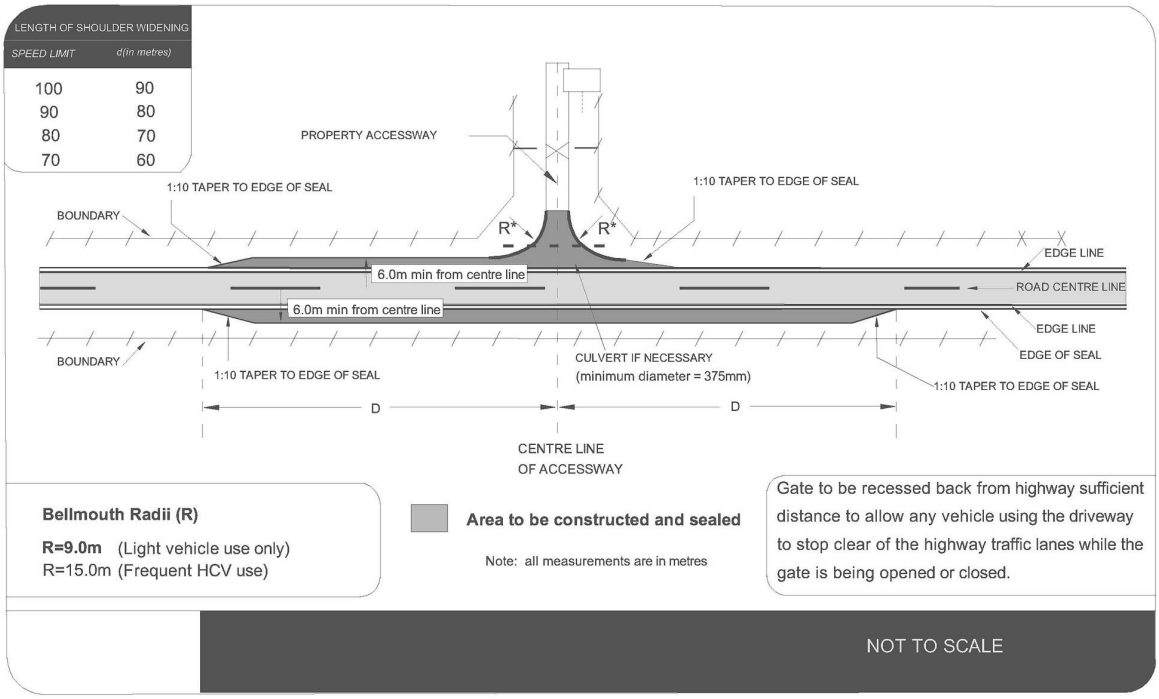
Refer also to Figure 6B.19

Figure 6B.15 Vehicle access onto a state highway - sealing with localised widening



Refer also to Figure 6B.19

Figure 6B.16 Vehicle access onto a state highway - sealing with full seal widening



Refer also to Figure 6B.19

Figure 6B.17 Method to determine minimum distance between vehicle crossing and intersection

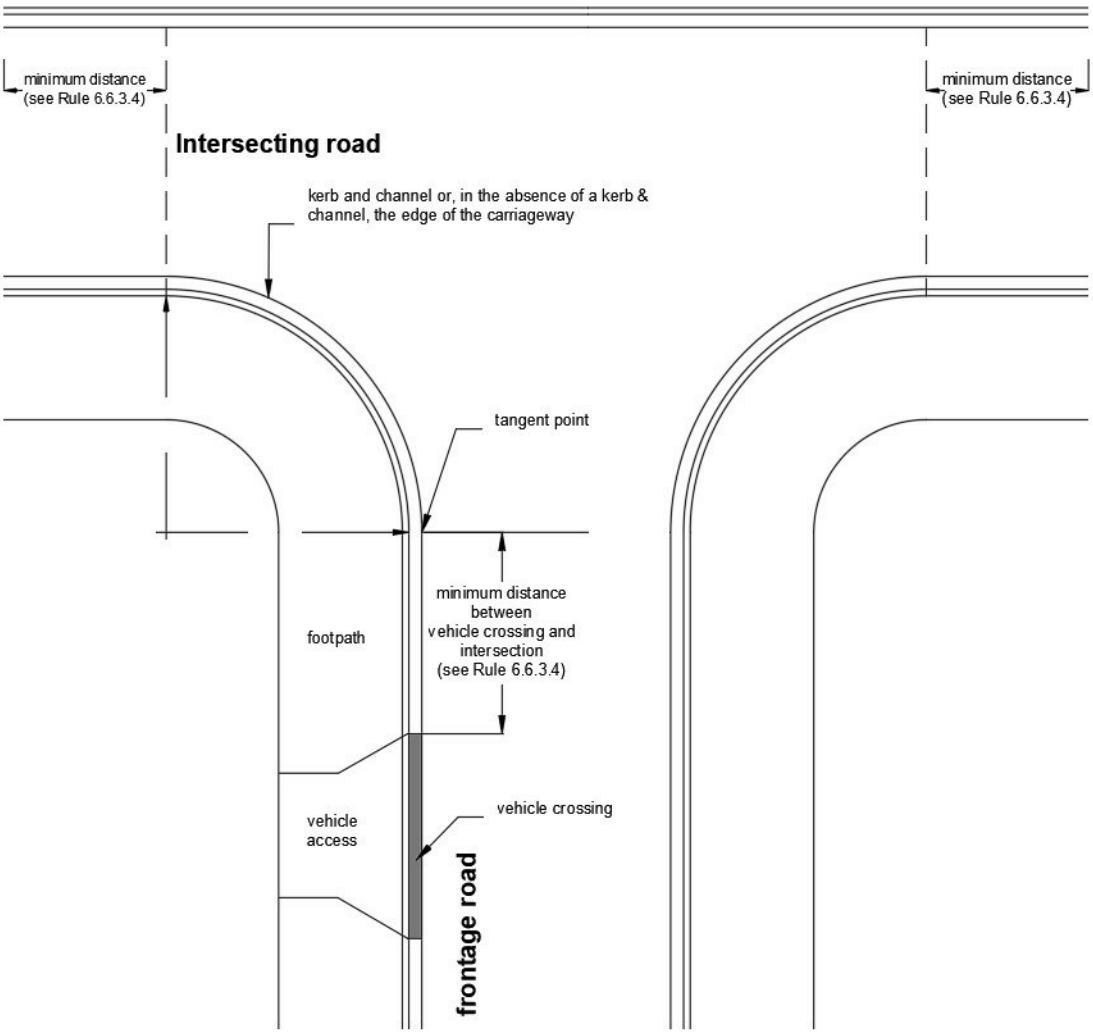


Figure 6B.18 Railway level crossing sight line restrictions

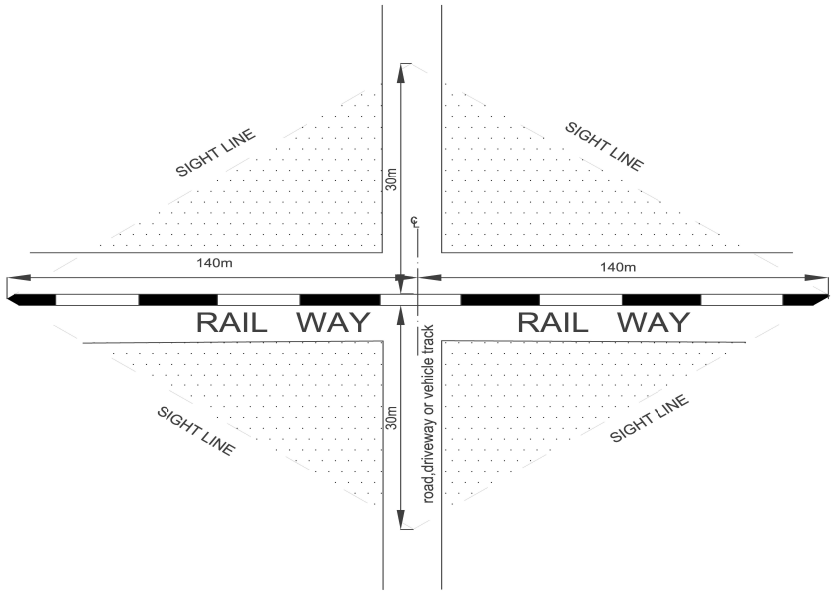
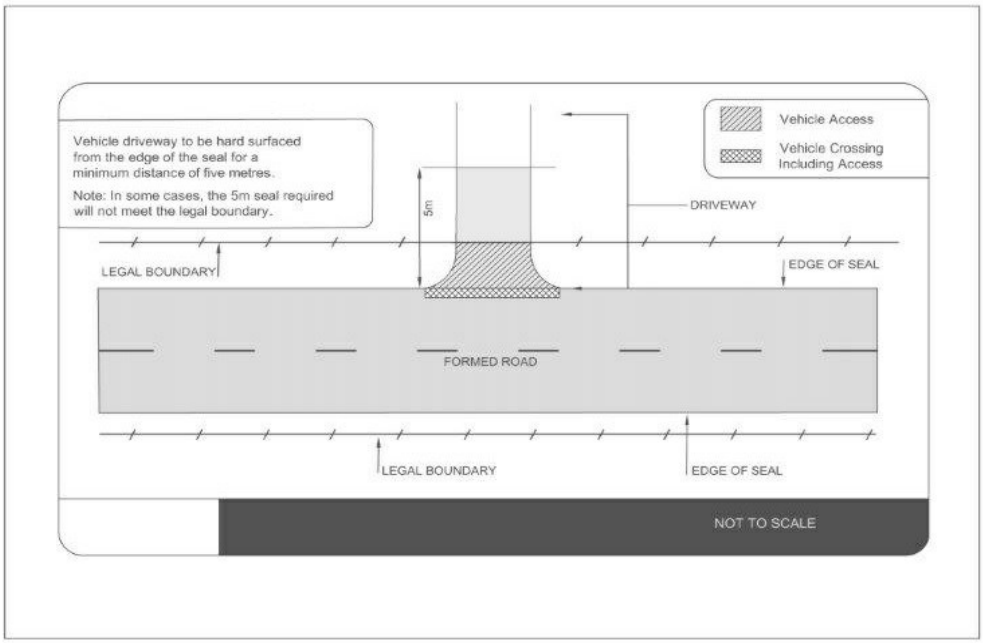


Figure 6B.19 Vehicle driveway surfacing diagram



Appendix 6C. High Trip Generators Thresholds

Land use activity	Thresholds for whether a new activity or expansion of an existing activity (but excluding the existing activity) meets the definition of High Trip Generator
Office, except training and education	2,000m² gross floor area
Training and education Rural research – large scale	250 full time equivalent students
Restaurant – drive through	100m² gross floor area
Retail, except bulky goods retail and trade related retail	250m² gross floor area
Bulky goods retail Trade related retail	550m² gross floor area
Service stations	2 dispensing facilities
Visitor accommodation, except campgrounds	50 visitor accommodation units
Supported living facilities, except student hostels in the Campus Zone	150 beds
Standard residential	50 residential units
Community and leisure – large scale	As per activity definition
Early childhood education – large scale	As per activity definition
Healthcare	300m² gross floor area
Hospital	2,200m² gross floor area or 40 beds (whichever is met first)
Industry	5,000m² gross floor area

Land use activity	Thresholds for whether a new activity or expansion of an existing activity (but excluding the existing activity) meets the definition of High Trip Generator
Port	10,000m² gross floor area
Schools	70 students
Conference, meeting and function Entertainment and exhibition Restaurants Sport and recreation Landfills Mining Rural tourism – large scale Prisons and detention centres	50 vehicle movements within any hour of the day or 250 heavy vehicle movements per day, whichever is met first. These thresholds apply to vehicle movements occurring on the public road network only.

7. Scheduled Trees

7.1 Introduction

As well as enhancing the landscape, trees also help to reduce noise, provide shelter and habitats for birds and other animals; assist with the avoidance of natural hazards such as landslips and erosion; and provide 'natural' impact and contrast with the built elements of the environment. Trees are living, dynamic organisms that provide an identity and presence. Certain trees may also have value as botanical specimens or have historical or other cultural significance.

Trees are of particular importance in urban areas where they are the largest, most significant natural elements in the landscape at the level of the street environment and they provide a sense of scale and setting. The most visually attractive urban areas of the city are those where trees make a substantial visual impact. However, in populated urban areas, trees are often also perceived to have negative impacts, usually by those living adjacent to such trees who are concerned about shading and safety.

The importance of trees is not restricted to urban areas and it is recognised that trees also play an important role in rural areas in terms of protecting rural amenity through improving soil and slope stability.

Without protection important trees could be damaged or removed without an opportunity for the effects of the modification or removal being evaluated or alternative options explored.

7.2 Objectives and Policies

Objective 7.2.1	
The contribution made by significant trees to the visual landscape and history of neighbourhoods is maintained.	
Policy 7.2.1.1	Enable the removal of a scheduled tree where they are certified as being dead or in terminal decline by a suitably qualified arborist or where subject to an order for removal in terms of section 333 of the Property Law Act 2007.
Policy 7.2.1.2	Avoid the removal of a scheduled tree (except as provided for in Policy 7.2.1.1) unless: a. there is a significant risk to personal/public safety or a risk to personal safety that is required to be managed under health and safety legislation; b. the tree poses a substantial risk to a scheduled heritage building or scheduled heritage structure; c. there is a moderate to significant risk to buildings; d. the removal of the tree is necessary to avoid significant adverse effects on existing infrastructure and network utilities; e. removal of the tree will result in significant positive effects in respect of the efficient use of land; or f. removal of the tree is required to allow for significant public benefit that could not otherwise be achieved, and the public benefit outweighs the adverse effects of loss of the tree.
Policy 7.2.1.3	Only allow the modification of a scheduled tree where: a. the work is undertaken in accordance with best arboricultural practice by a suitably qualified arborist and will maintain or improve the health of the tree; b. any adverse effects from the modification of the tree on amenity values are avoided or, if avoidance is not practicable, no more than minor; and c. the modification is necessary to improve the health of the tree or to mitigate adverse effects of the tree on safety, sunlight access, or damage to property or infrastructure.
Policy 7.2.1.4	Require earthworks, public amenities, network utility activities, new roads and additions and alterations to roads, buildings, structures, additions and alterations and site development activities that involve the laying of an impermeable surface, to be set back from a scheduled tree an adequate distance, or, where appropriate, to use trenchless methods, to avoid: a. damage to the scheduled tree; and b. potential future adverse effects caused by the tree on amenity values, structural integrity of buildings or infrastructure, or safety that may lead to future demand to remove the tree.

Rules

Rule 7.3 Activity Status

7.3.1 Activity Status Introduction

1. The activity status table in Rule 7.3.2 shows the activity status of scheduled trees activities across all zones, provided any performance standards shown in the far right column are met. The activities in the scheduled trees activities category are listed in the Nested Tables in Section 1.3.
2. Performance standards apply to permitted, controlled, and restricted discretionary activities.
3. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.
4. If a restricted discretionary activity does not meet one or more performance standards, then the activity status remains restricted discretionary, unless otherwise indicated in the performance standard.
5. Any site development activities associated with an activity provided for in the activity status table in Rule 7.3.2 is subject to the provisions of the relevant management zone section.
6. Any earthworks associated with an activity provided for in the activity status table in Rule 7.3.2 are subject to the provisions in Section 8A.
7. Any construction and site investigation associated with an activity provided for in the activity status table in Rule 7.3.2 is subject to the provisions in Section 4.

Legend

Acronym	Meaning
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity

7.3.2 Activity status table - scheduled trees

Activity		Activity status	Performance standards
1.	Removal of a scheduled tree that is: dead, in terminal decline or with extreme failure, or subject to a court order for removal	RD	
2.	Modification of a scheduled tree	RD	a. Best arboricultural practice
3.	Removal and any other work on a scheduled tree that will lead to the death or terminal decline of a scheduled tree	NC	

Rule 7.4 Notification

1. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A of the RMA:
    1. Removal and any other work on a scheduled tree that will lead to the death or terminal decline of a scheduled tree, except where:
        a. the tree is dead or in terminal decline and the application is accompanied by written documentation by a suitably qualified arborist to this effect; or

        b. the scheduled tree is within the Campus Zone.

2. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 7.5 Performance Standards

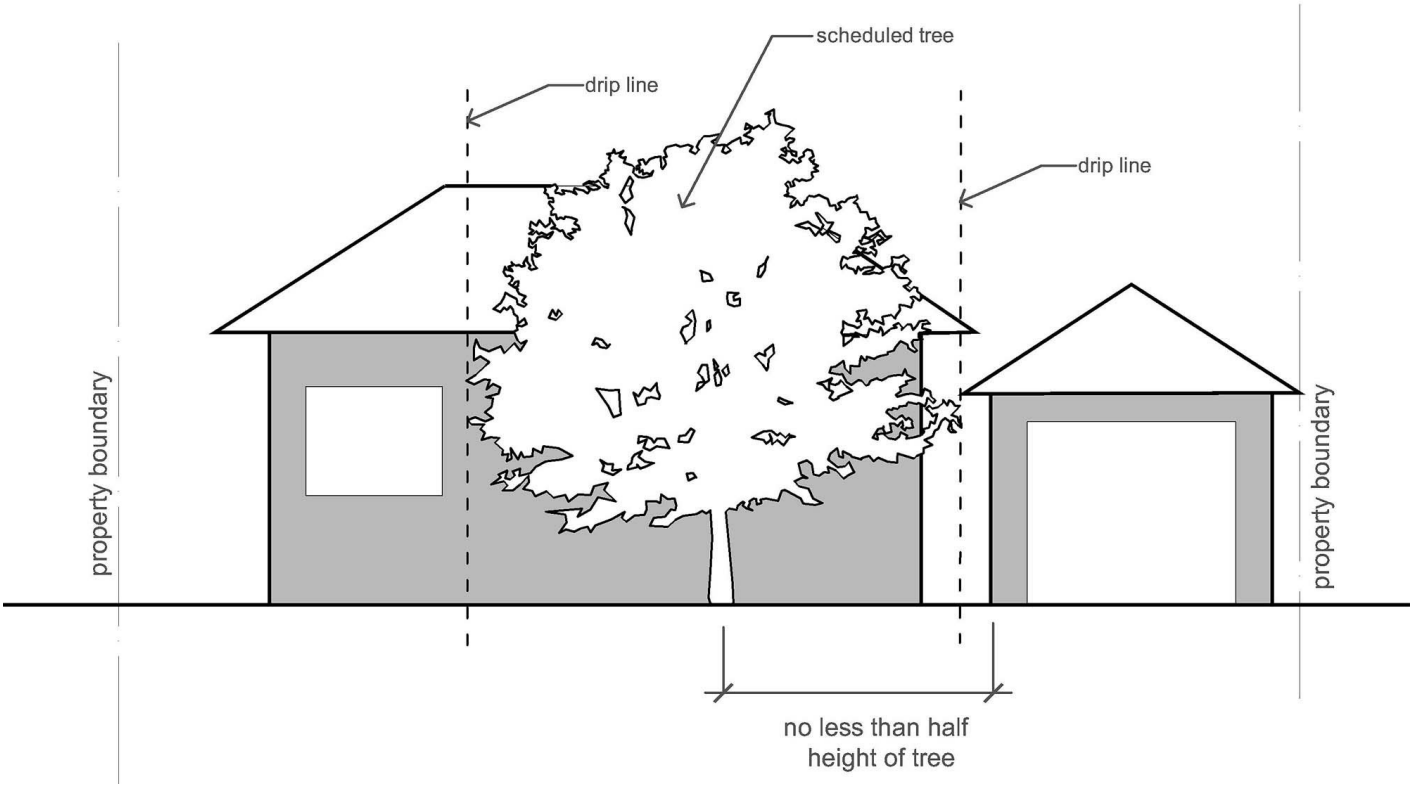
7.5.1 Best Arboricultural Practice

1. Work is undertaken by a suitably qualified arborist using best arboricultural practice.
2. Activities that contravene this performance standard are non-complying activities.

7.5.2 Setback from Scheduled Tree

1. The following activities must not take place under the dripline of a scheduled tree, or within a distance from the trunk equivalent to half the height of the tree, whichever is the greater, if they involve ground excavation or the installation of impermeable surfaces on the ground (see Figure 7.5.2A):
   a. new buildings;
   b. new structures;
   c. new additions and alterations;
   d. public amenities;
   e. earthworks activities;
   f. new roads or additions or alterations to roads;
   g. network utility activities; and
   h. site development activities.
2. Activities employing trenchless methods are exempt from this standard where all of the following are met:
   a. the entry and exit points are outside the dripline of a scheduled tree, or a distance from the trunk equivalent to half the height of the tree, whichever is the greater (see Figure 7.5.2A);
   b. the tunnel is a minimum of 1m below ground level;
   c. the work is undertaken under the supervision of a suitably qualified arborist, who has determined that the work will not damage the health or stability of the scheduled tree; and
   d. ten working days' notice of the work is provided to the DCC which includes the location of the work and the name of the supervising arborist.
3. Activities that contravene this performance standard are restricted discretionary activities.

Figure 7.5.2A: Setback from scheduled tree



Rule 7.6 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

7.6.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rule 7.6.2:
   a. lists the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provides guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.

7.6.2 Assessment of performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Setback from scheduled tree	a. Effects on long term health of tree	*Relevant objectives and policies:* i. Objective 7.2.1. ii. Earthworks, public amenities, new roads and additions and alterations to roads, network utility activities, buildings, structures, additions and alterations and site development activities that involve the laying of an impermeable surface, are set back from a scheduled tree an adequate distance, or where appropriate trenchless methods are used, to avoid: 1. damage to the scheduled tree; and 2. potential future adverse effects caused by the tree on amenity values, structural integrity of buildings or infrastructure, or safety that may lead to future demand to remove the tree (Policy 7.2.1.4). *General assessment guidance:* iii. In assessing effects on the scheduled tree, any consequential amenity effects from pressure to remove tree and tree removal will also be assessed.

Rule 7.7 Assessment of Restricted Discretionary Activities

7.7.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rule 7.7.2:
    a. lists the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provides guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
4. Where a restricted discretionary activity does not meet a performance standard the following occurs:
    a. if the contravention of the performance standard defaults to **restricted discretionary** then:
        i. the activity, as a whole, will be treated as **restricted discretionary**;
        ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard;
        iii. the performance standard contravention will be assessed as indicated in Rule 7.6; and
        iv. the matters of discretion in this section will be assessed as indicated.
    b. if the contravention of the performance standard defaults to **discretionary** then:
        i. the activity, as a whole, will be treated as **discretionary**;
        ii. the performance standard contravention will be assessed; and
        iii. the assessment guidance in this section will also be considered.
    c. if the contravention of the performance standard defaults to **non-complying** then:
        i. the activity, as a whole, will be **non-complying**;
        ii. the performance standard contravention will be assessed as indicated in Rule 7.8; and
        iii. the assessment guidance in this section will also be considered.

7.7.2 Assessment of restricted discretionary activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	Modification of a scheduled tree	a. Effects on long term health of tree	*Relevant objectives and policies:* i. Objective 7.2.1. ii. The work is undertaken in accordance with best arboricultural practice by a suitably qualified arborist and will maintain or improve the health of the tree (Policy 7.2.1.3.a). *General assessment guidance:* iii. The assessment of the long term health of the tree in relation to modification will consider the report from a suitably qualified arborist (see Special Information Requirements - Rule 7.9).
		b. Effects on amenity	*Relevant objectives and policies:* i. Objective 7.2.1. ii. Any adverse effects from the modification of the tree on amenity values are avoided or, if avoidance is not practicable, no more than minor (Policy 7.2.1.3.b). *General assessment guidance:* iii. In assessing adverse effects on amenity values, Council will consider the information held in the STEM assessment for the tree. iv. The assessment of the long term health of the tree in relation to modification will consider the report from a suitably qualified arborist (see Special Information Requirements - Rule 7.9).
		c. Positive effects of tree modification	*Relevant objectives and policies:* i. Objective 7.2.1. ii. The modification is necessary to improve the health of the tree to mitigate adverse effects of the tree on safety, sunlight access, or damage to property or infrastructure (Policy 7.2.1.3.c). *General assessment guidance:* iii. The assessment of the long term health of the tree in relation to modification will consider the report from a suitably qualified arborist (see Special Information Requirements - Rule 7.9).
2.	Removal of a scheduled tree that is: dead, in terminal decline or with extreme failure, or subject to a court order for removal	a. Effects on amenity	*Relevant objectives and policies:* i. Objective 7.2.1. ii. Removal of a scheduled tree is enabled where it is certified as being dead or in terminal decline by a suitably qualified arborist or where subject to an order for removal in terms of section 333 of the Property Law Act 2007 (Policy 7.2.1.1). *General assessment guidance:* iii. The assessment of the long term health of the tree in relation to modification will consider the report from a suitably qualified arborist (see Special Information Requirements - Rule 7.9).

Rule 7.8 Assessment of Non-complying Activities

7.8.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 7.8.2 provides guidance on how a consent application for the listed non-complying activities will be assessed, including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
   b. general assessment guidance, including any effects that will be considered as a priority.
3. 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.

7.8.2 Assessment of non-complying activities	
Activity	Guidance on the assessment of resource consents
1. Removal and any other work on a scheduled tree that will lead to the death or terminal decline of a scheduled tree	*Relevant objectives and policies (priority considerations):* a. Objectives 7.2.1, 2.4.1. b. Policy 2.4.1.2. c. Avoid the removal of a scheduled tree (except as provided for in Policy 7.2.1.1) unless: i. there is a significant risk to personal/public safety or a risk to personal safety that is required to be managed under health and safety legislation; ii. the tree poses a substantial risk to a scheduled heritage building or scheduled heritage structure; iii. there is a moderate to significant risk to buildings; iv. the removal of the tree is necessary to avoid significant adverse effects on existing infrastructure and network utilities; v. removal of the tree will result in significant positive effects in respect of the efficient use of land; or vi. removal of the tree is required to allow for significant public benefit that could not otherwise be achieved, and the public benefit outweighs the adverse effects of loss of the tree (Policy 7.2.1.2).

7.8.3 Assessment of non-complying performance standard contraventions	
Performance standard	Guidance on the assessment of resource consents
1. Best arboricultural practice	*Relevant objectives and policies (priority considerations):* a. Objectives 7.2.1, 2.4.1. b. Policy 2.4.1.2. c. Only allow the modification of a scheduled tree where: i. the work is undertaken in accordance with best arboricultural practice by a suitably qualified arborist and will maintain or improve the health of the tree; ii. any adverse effects from the modification of the tree on amenity values are avoided or, if avoidance is not practicable, no more than minor; and iii. the modification is necessary to improve the health of the tree or to mitigate adverse effects of the tree on safety, sunlight access, or damage to property or infrastructure (Policy 7.2.1.3).

Rule 7.9 Special Information Requirements

7.9.1 Arborist documentation

1. Any application for the removal of a scheduled tree due to the tree being dead or in terminal decline must include written documentation by a suitably qualified arborist to this effect.
2. Any application for the modification of a scheduled tree must include written documentation by a suitably qualified arborist that the modification will be in accordance with good arboricultural practice, and will not lead to the death or terminal decline of the scheduled tree.
3. Any application for the removal of a scheduled tree due to a court order must include a copy of that court order.

8. Natural Hazard Mitigation Activities

8.1 Introduction

Natural hazard mitigation activities include natural hazard mitigation structures and natural hazard mitigation earthworks and the repair, maintenance and emergency activities that are necessary to manage or reduce the risk and effects of natural hazards. Mitigation works do not entirely remove the risk from natural hazards, and the works themselves can cause adverse effects that require careful management, for example effects on biodiversity through the removal of vegetation. Also, in some instances, natural hazard mitigation activities have the potential to create, exacerbate or transfer risk.

There are many existing natural hazard mitigation works in Dunedin, particularly on the Taieri Plain, for example floodbanks and spillways, many of which are public works and some of which are privately owned. Existing works sometimes require maintenance and alterations and there can be requirements for new or emergency works.

The Plan manages the effects of natural hazard mitigation activities, including on the amenity and character of surrounding areas where mitigation works are proposed, through the consent process unless the works are repair, maintenance or emergency activities.

8.2 Objectives and Policies

Objective 8.2.1	
Natural hazard mitigation activities are enabled where they are the most effective and appropriate way of avoiding or mitigating the risks of natural hazards, and are designed and located to: a. minimise, as far as practicable, any adverse effects on the amenity and character of the zone; and b. meet the objectives and policies of the Plan related to all relevant overlay zones or mapped areas and any scheduled heritage item.	
Policy 8.2.1.1	Enable the repairs and maintenance of natural hazard mitigation structures and natural hazard mitigation earthworks features.
Policy 8.2.1.2	Only allow natural hazard mitigation earthworks and natural hazard mitigation structures where any significant adverse effects on the amenity and character of the surrounding area will be avoided or minimised as far as practicable.
Policy 8.2.1.3	Enable emergency natural hazard mitigation where necessary during a natural hazard event to provide immediate protection to life or property.

Rules

Rule 8.3 Activity Status

8.3.1 Activity status introduction

1. The activity status table in Rule 8.3.2 shows the activity status of natural hazard mitigation activities across all zones. The activities in the natural hazard mitigation activities category are listed in the nested table in Section 1.3.
2. Performance standards apply to permitted, controlled and restricted discretionary activities.
3. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.
4. If a restricted discretionary activity does not meet one or more performance standards, then the activity status remains restricted discretionary, unless otherwise indicated in the performance standard.
5. Any site development activities associated with an activity provided for in the activity status table in Rule 8.3.2 are subject to the provisions of the relevant management zone section.
6. Any earthworks, other than those that meet the definition of hazard mitigation earthworks, associated with an activity provided for in the activity status table in Rule 8.3.2 are subject to the provisions in Section 8A.
7. Any construction and site investigation associated with an activity provided for in the activity status table in Rule 8.3.2 is subject to the provisions in Section 4.

Legend

Acronym	Meaning
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
ONCC	Outstanding Natural Coastal Character Overlay Zone
HNCC	High Natural Coastal Character Overlay Zone
NCC	Natural Coastal Character Overlay Zone
ONF	Outstanding Natural Feature Overlay Zone
ONL	Outstanding Natural Landscape Overlay Zone
SNL	Significant Natural Landscape Overlay Zone

8.3.2 Activity status table - Natural hazard mitigation activities

Activity		Activity Status
1.	Emergency natural hazard mitigation	P
2.	Repairs and maintenance of natural hazard mitigation earthworks features or natural hazard mitigation structures	P
3.	Natural hazard mitigation earthworks	D
4.	Natural hazard mitigation structures	D

Note 8.3.2A - Other relevant District Plan provisions

1. Shelterbelts and small woodlots for land instability mitigation is managed as an activity in zones.

Note 8.3.2B - General advice

1. Activities located below the level of mean high water springs are managed by the Otago Regional Council.
2. Land based activities involving, or in close proximity to, defences against water are managed by the following Otago Regional Council mechanisms:
   a. Regional Plan: Water for Otago;
   b. Otago Regional Council Flood Protection Management Bylaw; and
   c. Otago Regional Council designations in this District Plan.
3. Activities within the coastal marine area are managed via the Regional Plan: Coast for Otago.

Note 8.3.2C - Other requirements outside of the District Plan

1. An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan or a resource or building consent has been granted.
2. The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol (Appendix A8) manages archaeological sites that may be discovered as a result of earthworks. The protocol applies to any area, not just scheduled archaeological sites.
3. Scheduled archaeological sites are identified on the Planning Map. Archaeological sites may also be found outside these areas, but are more likely to be found within the archaeological alert layer.

Rule 8.4 Notification

1. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
    1. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat to the **wāhi tūpuna mapped area** in Appendix A4.

2. Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided with respect to applications for resource consent in the following locations:
    1. hazard 1 and hazard 1A (flood) overlay zones; and
    2. **swale mapped areas**.

3. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 8.5 Assessment of Discretionary Activities

8.5.1 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 with respect to matters over which it has restricted its discretion.
2. Rule 8.5.2 provides guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
    a. relevant objectives and policies, with respect to s104(1)(b)(vi);
    b. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
    c. general assessment guidance; and
    d. conditions that may be imposed.

8.5.2 Assessment of discretionary natural hazard mitigation activities	
Activity	Guidance on the assessment of resource consents
1. • Natural hazard mitigation earthworks • Natural hazard mitigation structures	*Relevant objectives and policies:* a. Objective 8.2.1. b. Natural hazard mitigation earthworks and natural hazard mitigation structures avoid or minimise, as far as practicable, significant adverse effects on the amenity and character of the surrounding area (Policy 8.2.1.2). *General assessment guidance:* c. 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. d. In assessing whether natural hazard mitigation activities are the most appropriate way to minimise risk on the site and on other sites, natural hazard mitigation activities will only be considered appropriate where there are no non-structural solutions that would be effective. *Relevant guidance from other sections (priority considerations):* e. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity values. f. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.2 and effects related to biodiversity values and natural character of riparian margins and the coast. g. Where in a **ONCC, HNCC** or **NCC overlay zone**, see Section 10.7 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. h. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.4 and effects on public access. i. Where in a **ONF, ONL** or **SNL overlay zone**, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and effects related to landscape values. j. See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risks from natural hazards. k. Where in a **heritage precinct** or on a **heritage site** see Section 13.7 for guidance on the assessment of resource consents in relation to objectives 13.2.2 and 13.2.3 and effects on heritage values. l. Where in a **wāhi tūpuna mapped area**, 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.

8A. Earthworks

8A.1 Introduction

Earthworks are an essential prerequisite for the use and development of Dunedin's land resource.

If not managed adequately, earthworks have the potential to result in adverse effects on rivers, lakes, streams, wetlands, coastal waters and groundwater, visual amenity, landscape, the natural character of the coast, indigenous flora and fauna, high class agricultural soils, and archaeological and cultural sites. Earthworks also have the potential to result in injury to people and damage to property, exacerbate certain existing hazards, create new hazards, and, if carried out at contaminated sites, release hazardous substances into the environment. Additionally, during construction and site investigation, earthworks can cause adverse effects on local amenity and on locally, regionally and nationally important infrastructure, such as the transportation network, the reticulated water, foul sewer and stormwater networks, and the National Grid.

To manage the potential adverse effects of earthworks, mechanisms are included in the District Plan. These mechanisms include controls on the location, scale and design of earthworks, implementation of appropriate mitigation measures, and the avoidance of earthworks in sensitive locations. The aim of this management approach is to minimise adverse environmental effects and to prevent adverse effects on the safety of people and property.

Other regulatory and nonregulatory methods also control the effects of earthworks. Certain earthworks are carried out as part of building work; these are subject to the New Zealand Building Code and may require a building consent under the Building Act 2004. Other regulatory mechanisms through which earthworks of certain types are controlled include the Heritage New Zealand Pouhere Taonga Act 2014, the Regional Plan: Waste for Otago, the Regional Plan: Water for Otago and the Otago Regional Council Flood Protection Management Bylaw 2008.

8A.2 Objectives and Policies

Objective 8A.2.1	
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 8A.2.1.1	Require earthworks, and associated retaining structures, to be designed and located to avoid or minimise, as far as practicable, adverse effects on the stability of land, buildings, and structures by: a. being set back an adequate distance from property boundaries, buildings, structures and cliffs; and b. using a batter gradient that will be stable over time.
Policy 8A.2.1.2	Require earthworks and any associated retaining structures, to be designed, located and undertaken in a way that minimises, as far as practicable, adverse effects on surrounding sites and the wider area, including from: a. sediment run-off onto any property, or into any stormwater pipes, drains, channels or soakage systems; and b. dust nuisance on the amenity of surrounding sites.
Policy 8A.2.1.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where the following effects will be avoided or, if avoidance is not practicable, adequately mitigated: a. adverse effects on visual amenity and character; b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and c. adverse effects on the stability of land, buildings, and structures.
Policy 8A.2.1.4	Require earthworks ancillary to forestry to be carried out in accordance with industry best practice guidelines.

Rules

Rule 8A.3 Activity Status

8A.3.1 Activity status introduction

1. The activity status table in Rule 8A.3.2 shows the activity status of earthworks activities across all zones, provided any performance standards shown in the far right column are met. The activities in the earthworks category are listed in the Nested Table in Section 1.3.
2. Performance standards apply to permitted, and restricted discretionary activities.
3. If a permitted activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.
4. If a restricted discretionary activity does not meet one or more performance standards, then the activity status remains restricted discretionary, unless otherwise indicated in the performance standard.
5. Any site development activities associated with an activity provided for in the activity status table in Rule 8A.3.2 is subject to the provisions of the relevant management zone section.
6. Any construction and site investigation associated with an activity provided for in the activity status table in Rule 8A.3.2 is subject to the provisions in Section 4.

Legend

Acronym	Meaning
P	Permitted Activity
RD	Restricted Discretionary Activity
Res	Residential Zone

8A.3.2 Activity status table - earthworks activities

1.	Performance standards that apply to all earthworks activities		a. Archaeological sites b. Batter gradient c. Setback from property boundary, buildings, structures and cliffs d. Setback from National Grid (earthworks) e. Setback from network utilities X. Setback from Critical Electricity Distribution Infrastructure (earthworks) f. Sediment control g. Removal of high class soils h. NZ Environmental Code of Practice for Plantation Forestry i. Setback from scheduled tree j. Dust control
Activity		Activity status	Performance standards
2.	Earthworks – small scale	P	a. Earthworks - small scale thresholds
3.	Earthworks – large scale	RD	a. Setback from coast and water bodies

Note 8A.3.2A - Other requirements outside the District Plan

1. The National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 applies to any piece of land on which an activity described in the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken, or is more likely than not to have been undertaken. On land of this kind, any change of use, disturbance of soil, soil sampling, removal, replacement or upgrade of fuel tanks, and any subdivision will trigger the provisions of the NES, and may require a resource consent. The requirements of the NES are site specific; the DCC Resource Consents team can provide advice on likely requirements in relation to a particular property or activity. Information is also available from the Ministry for the Environment at www.mfe.govt.nz/land/nes-assessing-and-managing-contaminants-soil-protect-human-health/about-nes.
2. The Otago Regional Plan: Water manages earthworks undertaken on the bed of any lake or river, and earthworks associated with drilling or bore construction (excluding the deposition of fill resulting from these activities).
3. The Otago Regional Plan: Waste manages discharges from offal pits, farm landfills and greenwaste landfills, and excavation and use of composting pits, silage pits and silage stacks.

X. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of earthworks in relation to electricity transmission and distribution lines. Compliance with this code is mandatory. Compliance with this Plan does not ensure compliance with NZECP 34:2001.

Y. Earthworks for commercial forestry are subject to the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 (NESCF).

Rule 8A.4 Notification

1. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
   a. large scale earthworks in a **wāhi tūpuna mapped area** where the activity is identified as a principal threat to values in Appendix A4; and
   b. activities that contravene the sediment control performance standard in a **wāhi tupuna mapped area**.
2. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 8A.5 Earthworks Performance Standards

8A.5.1 Earthworks - Small Scale Thresholds

8A.5.1.1 General

The following earthworks are always considered earthworks - small scale:

a. post holes for the erection of fences;
b. post holes for permitted or approved buildings or signs;
c. NA;
d. earthworks in the Port Zone;
e. earthworks in the rural or rural residential zones, outside flood hazard overlay zones, associated with burying material infected by unwanted organisms as declared by the Ministry for Primary Industries' Chief Technical Officer or an emergency declared by the Minister for Primary Industries under the Biosecurity Act 1993;
f. earthworks subject to an approved building consent, except in the rural or rural residential zones or where they are located more than 1.8m from the building;
g. earthworks for the erection of new fences or the construction of recreation tracks or vehicle tracks, where the fence or track is associated with a permitted land use or city-wide activity, provided that the earthworks:
   i. do not result in a change in finished ground level that exceeds 1m; and
   ii. do not exceed 2m in width if located in an ASBV or ONF, ONCC, HNCC or NCC overlay zone, or 3m in width outside these areas.
h. earthworks ancillary to the operation, repair and maintenance of the roading network;
i. earthworks ancillary to the operation, repair and maintenance of the rail network;
j. earthworks ancillary to forestry; and
k. earthworks ancillary to the operation, repair, minor upgrading and maintenance of existing network utilities.

8A.5.1.2 Scale thresholds for earthworks not listed in Rule 8A.5.1.1

a. Earthworks not listed in Rule 8A.5.1.1 must not exceed the scale thresholds in Rule 8A.5.1.3, Rule 8A.5.1.4 or Rule 8A.5.1.5 to be considered earthworks - small scale. Earthworks that exceed these thresholds are treated as earthworks - large scale.
b. For earthworks subject to Rule 8A.5.1.3, Rule 8A.5.1.4 or Rule 8A.5.1.5, where earthworks are located in one or more of the overlay zones or mapped areas indicated within those rules, the most restrictive scale threshold applies for the purposes of determining activity status.
c. Resource consents will be assessed against all scale thresholds that are contravened.

8A.5.1.3 Maximum change in finished ground level for earthworks not listed in Rule 8A.5.1.1

a. The maximum change in finished ground level to be considered earthworks - small scale is as follows:

Zone/Overlay		Maximum change in finished ground level
i.	Residential, CMU, Industrial, Recreation, Dunedin Botanic Garden, Dunedin Hospital, Edgar Centre, Mercy Hospital, Moana Pool, Otago Museum, School, Stadium, Campus and Wakari Hospital zones	1.5m
ii.	Rural, Rural Residential, Ashburn Clinic, Dunedin International Airport, Invermay and Hercus, and Taieri Aerodrome zones	2m
iii.	GPMA	1m Maximum depth of 250mm (except as required for the foundation of buildings)
iv.	ONF, UBMA, SHS, ONL, ONCC, HNCC	1m
v.	SNL, NCC	1.5m
vi.	1. In an ASBV; 2. Within 20m of a water body[1] or MHWS in the Rural, and Invermay and Hercus Zones; or 3. Within 5m of a water body[1] or MHWS in all other zones.	0.5m
vii.	Haz1 (flood) & Haz1A (flood) Haz2 (flood) & Haz3 (flood, alluvial fan)	0.5m
viii.	Haz1 (land instability) & Haz2 (land instability)	1m

b. The following activities are exempt from Rule 8A.5.1.3.a.ii:
   i. Earthworks in the rural zones, as part of a farming activity for the construction of offal pits, silage pits and farm landfills.

X. The following activities are exempt from Rule 8A.5.1.3.a.vi.3 (within 5m of MHWS):
   i. Earthworks ancillary to port activities in the Industrial Port Zone.

[1] See Rule 10.3.3.7 for how setbacks from water bodies will be measured.

8A.5.1.4 Maximum area for earthworks not listed in Rule 8A.5.1.1

a. The maximum area of earthworks to be considered earthworks - small scale is as follows:

Zone/Overlay		Maximum Area
i.	GPMA, ONF, UBMA, SHS	50m²
ii.	ONL, ONCC, HNCC	100m²
iii.	SNL, NCC	200m²
iv.	1. In an ASBV; 2. Within 20m of a water body[1] or MHWS in the Rural, and Invermay and Hercus Zones; or 3. Within 5m of a water body[1] or MHWS in all other zones.	25m²

b. In zones other than rural zones, the maximum area stated in Rule 8A.5.1.4.a is the cumulative total area of

earthworks undertaken on any site in any two calendar-year period.

c. In rural zones, more than one earthworks activity up to the maximum area stated in Rule 8A.5.1.4.a may be undertaken provided that each earthworks activity is located at least 1km from any other earthworks taking place on the same site within the same two calendar year period.

d. The following activities are exempt from this standard:
   i. Earthworks ancillary to network utility activities.
   X. Earthworks ancillary to the maintenance or replacement of underground fuel storage systems.

X. The following activities are exempt from Rule 8A.5.1.4.a.iv.3 (within 5m of MHWS):
   i. Earthworks ancillary to port activities in the Industrial Port Zone.

[1] See Rule 10.3.3.7 for how setbacks from water bodies will be measured.

8A.5.1.5 Maximum volume of combined cut and fill for earthworks not listed in Rule 8A.5.1.1

a. The maximum volume of combined cut and fill to be considered earthworks - small scale is as follows:

Location		**Slope**					
		Less than or equal to 12°	**Greater than 12° but less than or equal to 15°**	**Greater than 15° but less than or equal to 20°**	**Greater than 20° but less than or equal to 26°**	**Greater than 26° but less than or equal to 35°**	**Greater than 35°**
i.	All zones	30m³ per 100m² of site	25m³ per 100m² of site	15m³ per 100m² of site	10m³ per 100m² of site	0m³ fill, 5m³ cut per 100m² of site	0m³
ii.	GPMA, ONF, UBMA, SHS	10m³	10m³	10m³	10m³	0m³ fill, 10m³ cut	0m³
iii.	ONL, ONCC, HNCC	20m³	20m³	20m³	20m³	0m³ fill, 20m³ cut	0m³
iv.	SNL, NCC	50m³	50m³	50m³	50m³	0m³ fill, 50m³ cut	0m³
v.	1. In an ASBV; 2. Within 20m of a water body or MHWS in the Rural, and Invermay and Hercus zones; or 3. Within 5m of a water body or MHWS in all other zones.	1m³	1m³	1m³	1m³	0m³ fill, 1m³ cut	0m³
vi.	Haz1 (flood) & Haz1A (flood)	0m³ fill	0m³ fill	0m³ fill	0m³ fill	0m³ fill	0m³
X.	Haz2 (flood) & Haz3 (flood, alluvial fan) in a residential zone	40m³ fill	40m³ fill	40m³ fill	40m³ fill	0m³ fill	0m³

Location		Slope					
		Less than or equal to 12°	**Greater than 12° but less than or equal to 15°**	**Greater than 15° but less than or equal to 20°**	**Greater than 20° but less than or equal to 26°**	**Greater than 26° but less than or equal to 35°**	**Greater than 35°**
Y.	Haz2 (flood) & Haz3 (flood, alluvial fan) in a rural or rural residential zone	7.5m³ per 100m² of site, or 100m³, whichever is the lesser	6.25m³ per 100m² of site, or 100m³, whichever is the lesser	3.75m³ per 100m² of site, or 100m³, whichever is the lesser	2.5m³ per 100m² of site, or 100m³, whichever is the lesser	0m³ fill, 1.25m³ cut per 100m² of site, or 100m³, whichever is the lesser	0m³
Z.	Haz2 (flood) & Haz3 (flood, alluvial fan) in all other zones	20m³ fill	20m³ fill	20m³ fill	20m³ fill	0m³ fill	0m³
viii.	Haz1 (land instability)	10m³	10m³	10m³	10m³	0m³ fill, 10m³ cut	0m³
ix.	Haz2 (land instability)	20m³	20m³	20m³	20m³	0m³ fill, 20m³ cut	0m³
x.	**Swale mapped area** **Dune system mapped area**	0m³	0m³	0m³	0m³	0m³	0m³

b. The maximum volume of combined cut and fill set out in Rule 8A.5.1.5.a is the maximum cumulative volume on any site within any two calendar year period, except that in rural zones:
   i. more than one earthworks activity up to the maximum volume stated in Rule 8A.5.1.5.a.i, X, Y, Z, viii or ix may be undertaken provided that each earthworks activity is located at least 400m from any other earthworks taking place on the same site within the same two calendar year period; and
   ii. more than one earthworks activity up to the maximum volume stated in Rule 8A.5.1.5.a.ii, iii, iv or v may be undertaken provided that each earthworks activity is located at least 1km from any other earthworks taking place on the same site within the same two calendar year period.

c. Where the part of the site in which the earthworks are located is in more than one slope category, the most restrictive volume threshold applies.

d. The following activities are exempt from this standard:
   i. Earthworks ancillary to network utility activities.
   ii. Earthworks in the rural zones as part of a farming activity for the construction of offal pits, silage pits and farm landfills (exempt from Rule 8A.5.1.5.a.i only).
   X. Earthworks ancillary to the maintenance or replacement of underground fuel storage systems.

X. The following activities are exempt from Rule 8A.5.1.5.a.v.3 (within 5m of MHWS):
i. Earthworks ancillary to port activities in the Industrial Port Zone.

Note 8A.5.1.5A - Other requirements outside of the District Plan

1. Clause E1 – Surface water of the New Zealand Building Code (Building Regulations 1992, Schedule 1) contains requirements regarding buildings and sitework (including earthworks) in relation to managing surface water and effects on other property.
2. Earthworks that will divert water may require resource consent under the Otago Regional Plan: Water.
3. If earthworks affect the flow of water, this effect is also subject to the common law principle of natural servitude.

Note 8A.5.1.5B - Other relevant District Plan provisions

1. Earthworks for the purpose, or effect, of natural hazard mitigation (for example earth stop-banks and land contour changes) are considered to be natural hazard mitigation earthworks and require resource consent under Rule 8.3.2.

8A.5.2 Archaeological Sites

Earthworks must comply with Rule 13.3.3.

8A.5.3 Batter Gradient

1. Earthworks must:
   a. have a maximum cut batter gradient of 1h:1v (i.e. rising 1m over a 1m distance); and
   b. have a maximum fill batter gradient of 2h:1v (i.e. rising 1m over a 2m distance).
2. Earthworks ancillary to forestry are exempt from the batter gradient performance standard.
3. Activities that contravene this performance standard are restricted discretionary activities.

8A.5.4 Setback from Property Boundary, Buildings, Structures and Cliffs

1. Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m² footprint, 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 8A.5.4A);
      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 8A.5.4A); and
      iii. 300mm, as measured from the crest of any cut (see Figure 8A.5.4A).
   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 8A.5.4B), except:
      i. retaining walls supporting a cut that have been granted building consent are exempt from this standard.
   c. Earthworks ancillary to network utility activities, earthworks ancillary to the operation, repair and maintenance of the roading network, earthworks ancillary to the operation, repair and maintenance of the rail network, earthworks ancillary to the maintenance or replacement of underground fuel storage systems and earthworks ancillary to forestry are exempt from the setback from property boundary, buildings, structures and cliffs performance standard.
2. Activities that contravene this performance standard are restricted discretionary activities.

Figure 8A.5.4A: Unsupported cut and fill (elevation view)

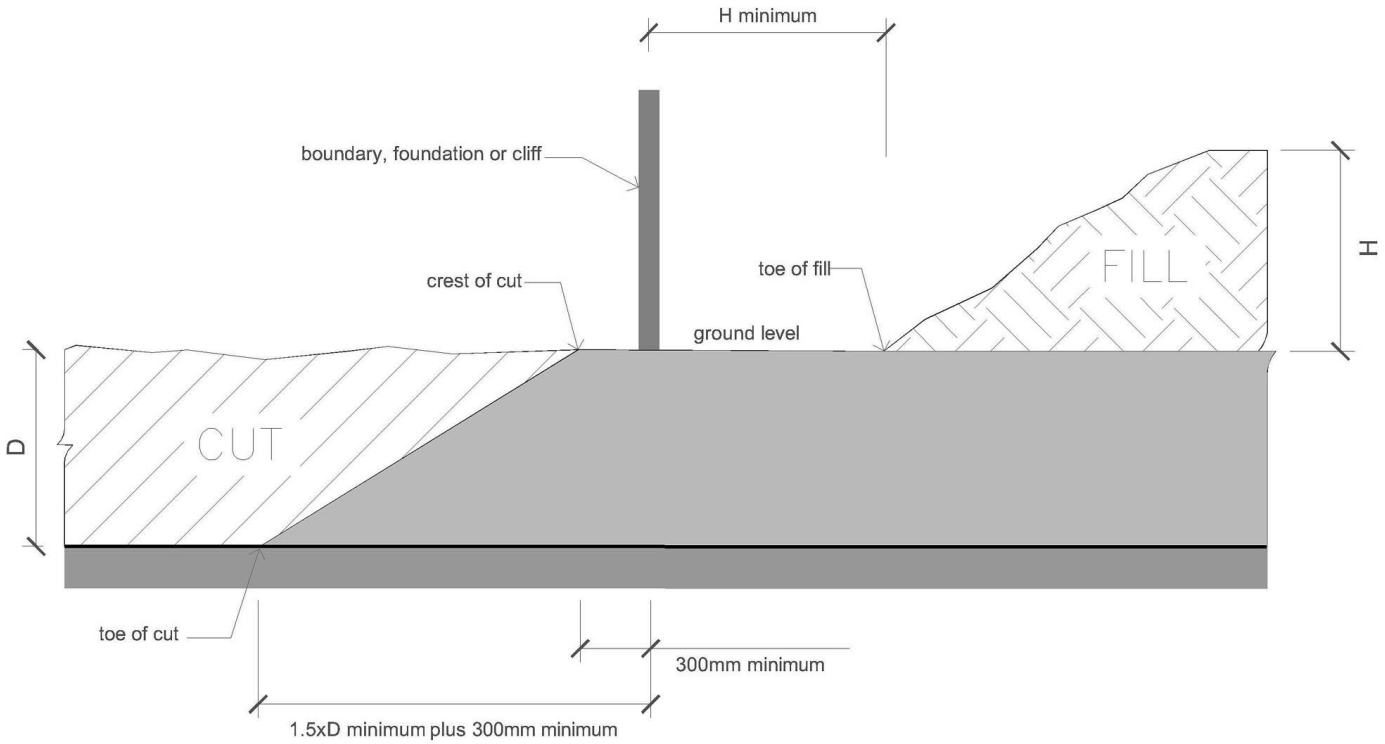
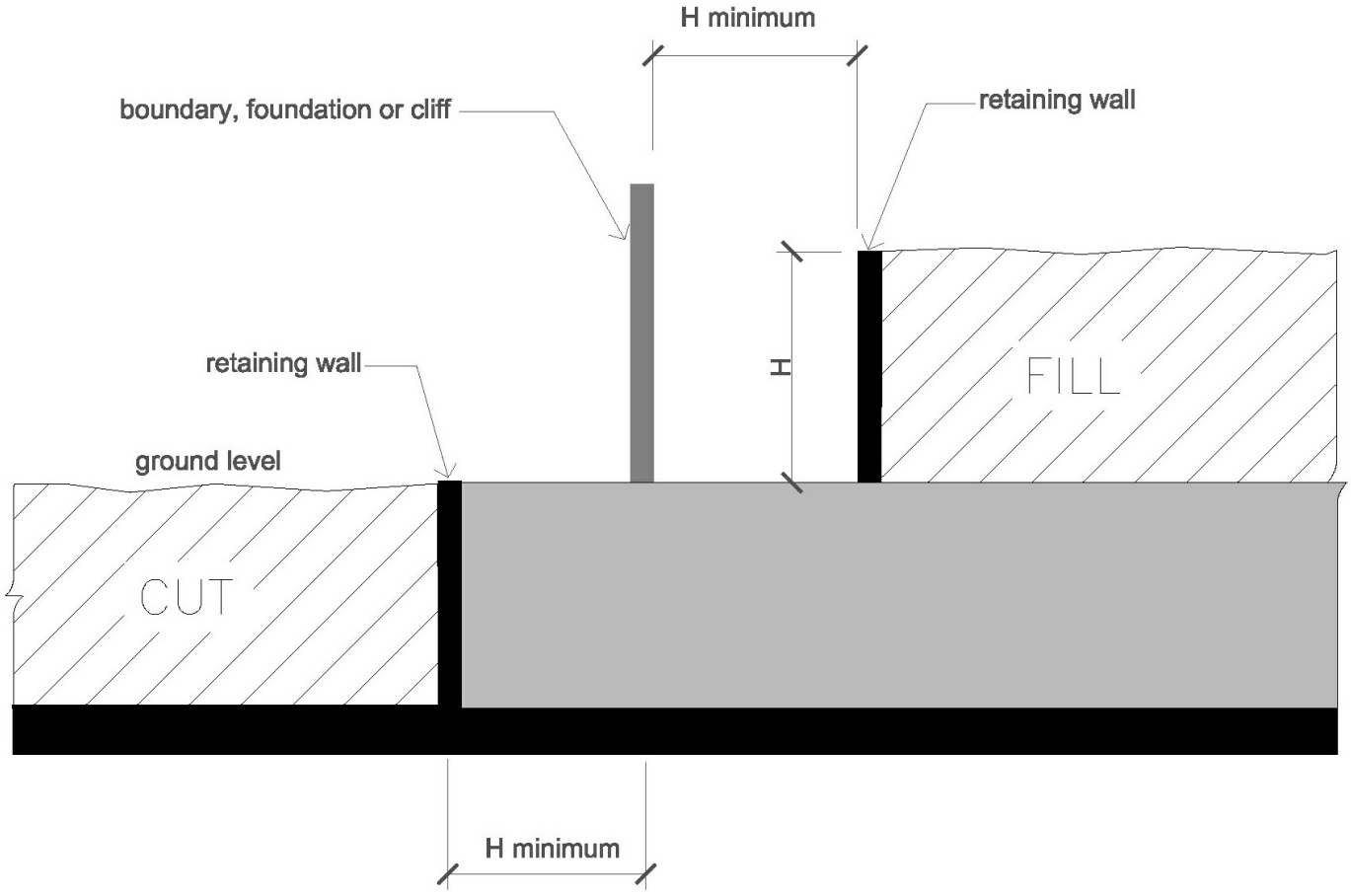


Figure 8A.5.4B: Cut and fill supported by retaining walls (elevation view)



8A.5.5 Setback from National Grid (Earthworks)

Earthworks must comply with Rule 5.6.1.2.

8A.5.X Setback from Critical Electricity Distribution Infrastructure

Earthworks must comply with Rule 5.6.X.2.

8A.5.6 Setback from Network Utilities

Earthworks must comply with Rule 5.6.2.

8A.5.7 Sediment Control

1. Earthworks must be undertaken using best practice sediment control management to prevent sediment entering water bodies, stormwater networks, or the coastal marine area, or going across property boundaries.
2. Activities that contravene this performance standard are restricted discretionary activities.

Note 8A.5.7A - Other requirements outside of the District Plan

1. Discharges of sediment, or of water containing sediment, may require resource consent under the Regional Plan: Water for Otago.
2. Discharges of sediment that cross property boundaries may be contrary to the common law principle of natural servitude.

8A.5.8 Removal of High Class Soils

1. Earthworks must not remove topsoil or subsoil that is located within the **high class soils mapped area** from the site, except this rule does not apply within:
   X. the **Ayr Street structure plan mapped area**.
   Y. the **North Road structure plan mapped area**.
   Z. the **Henderson Street structure plan mapped area**.
   AA. the **South East Mosgiel structure plan mapped area**.
2. Activities that contravene this performance standard are restricted discretionary activities.

8A.5.9 NZ Environmental Code of Practice for Plantation Forestry

1. Earthworks ancillary to forestry must be in accordance with the New Zealand Environmental Code of Practice for Plantation Forestry 2007.
2. Activities that contravene this performance standard are restricted discretionary activities.

Note 8A.5.9A – Other requirements outside of the District Plan

1. Earthworks for commercial forestry are subject to the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 (NESCF).

8A.5.10 Setback from Coast and Water Bodies

Earthworks - large scale must comply with Rule 10.3.3

8A.5.11 Setback from Scheduled Tree

All earthworks must comply with Rule 7.5.2

8A.5.12 Dust Control

1. Earthworks must be undertaken in a manner that avoids or minimises, as far as practicable, creating a dust nuisance beyond any property boundary, by using best practice dust control management. For the sake of clarity dust nuisance includes:
   a. suspended solids in the air beyond the site boundary; or
   b. suspended solids traceable from a dust source settling on the ground, building or structure on a neighbouring site, or water.
2. Activities that contravene this performance standard are restricted discretionary activities.

Rule 8A.6 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

8A.6.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 8A.6.2 - 8A.6.4:
   a. lists the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provides guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.

8A.6.2 Assessment of all performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
1.	All performance standard contraventions	*Potential circumstances that may support a consent application include:* i. The degree of non-compliance with the performance standard is minor. *General assessment guidance:* ii. Where more than one standard is contravened, the combined effects of the contraventions should be considered. iii. In assessing performance standard contraventions, consideration will be given to all relevant assessment guidance in the underlying zone.

8A.6.3 Assessment of performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Batter gradient	a. Effects on the stability of land, buildings and structures	*Relevant objectives and policies:* i. Objective 8A.2.1. ii. Earthworks and associated retaining structures are designed and located to avoid or minimise, as far as practicable, adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 8A.2.1.1.b).
2.	Setback from property boundary, buildings, structures and cliffs	a. Effects on the stability of land, buildings and structures	*Relevant objectives and policies:* i. Objective 8A.2.1. ii. Earthworks and associated retaining structures are designed and located to avoid or minimise, as far as practicable, adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 8A.2.1.1.a).
3.	Sediment control	a. Effects on surrounding sites	*Relevant objectives and policies:* i. Objective 8A.2.1. ii. Earthworks and any associated retaining structures are designed, located and undertaken in a way that minimises, as far as practicable, adverse effects on surrounding sites and the wider area (Policy 8A.2.1.2.a).
		b. Effects on biodiversity values and natural character values of riparian margins and coast	See Rule 10.5.
		c. Effects on efficiency and affordability of infrastructure	See Rule 9.5.
4.	NZ Environmental Code of Practice for Plantation Forestry	a. Degree of compliance with New Zealand Code of Practice for Plantation Forestry	*Relevant objectives and policies:* i. Objective 8A.2.1. ii. Earthworks ancillary to forestry are carried out in accordance with industry best practice guidelines (Policy 8A.2.1.4).
5.	Setback from coast and water bodies (rules 10.3.3.1 – 10.3.3.5)	a. Effects on biodiversity values and natural character values of riparian margins and the coast	See Rule 10.5.
		b. Effects on public access	
		c. Risk from natural hazards	See Rule 11.4.

8A.6.3 Assessment of performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6.
8.	Setback from network utilities	a. Effects on health and safety	See Rule 5.7.
		b. Effects on efficient and effective operation of network utilities	
9.	Dust control	a. Effects on amenity of surrounding sites	*Relevant objectives and policies:* i. Objective 8A.2.1. ii. Earthworks and any associated retaining structures are designed, located and undertaken in a way that minimises, as far as practicable, adverse effects from dust nuisance on the amenity of surrounding sites (Policy 8A.2.1.2.b).

8A.6.4 Assessment of restricted discretionary performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	In a **high class soils mapped area**: • removal of high class soils	a. Maintenance of high class soils resource	*Relevant objectives and policies:* i. Objectives 16.2.4 and 17.2.4. ii. Earthworks in a **high class soils mapped area** retain soils on the site (policies 16.2.4.1 and 17.2.4.1). *Potential circumstances that may support a consent application include:* iii. The development will involve productive rural activities. iv. The site design will minimise the effect of the activity on the high class soils contained on the site. v. The soils are being removed to enhance the productivity of another site.
2.	In a **wāhi tūpuna mapped area**: • sediment control • setback from coast and water bodies	a. Effects on cultural values of Manawhenua	See Rule 14.3.
X.	In the **Critical Electricity Distribution Infrastructure Corridor mapped area**: • Setback from Critical Electricity Distribution Infrastructure (earthworks)	a. Effects on health and safety b. Effects on efficient and effective operation of network utilities	See Rule 5.7.
Y.	Setback from a **stormwater open watercourse mapped area** (Rule 10.3.3.X)	a. Effects on the efficiency and affordability of infrastructure	See Rule 9.5

Rule 8A.7 Assessment of Restricted Discretionary Activities

8A.7.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 8A.7.2 and 8A.7.3:
    a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provide guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.
3. Where a restricted discretionary activity does not meet a performance standard the following occurs:
    a. if the contravention of the performance standard defaults to **restricted discretionary** then:
        i. the activity, as a whole, will be treated as **restricted discretionary**;
        ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard;
        iii. the performance standard contravention will be assessed as indicated in Section 8A.6; and
        iv. the matters of discretion in this section will be assessed as indicated.
    b. if the contravention of the performance standard defaults to **discretionary** then:
        i. the activity, as a whole, will be treated as **discretionary**;
        ii. the performance standard contravention will be assessed; and
        iii. the assessment guidance in this section will also be considered.
    c. if the contravention of the performance standard defaults to **non-complying** then:
        i. the activity, as a whole, will be **non-complying**;
        ii. the performance standard contravention will be assessed as indicated in Section 8A.8; and
        iii. the assessment guidance in this section will also be considered.

8A.7.2 Assessment of restricted discretionary earthworks activities		
Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Earthworks - large scale (all zones)	a. Effects on visual amenity b. Effects on amenity of surrounding properties	*Relevant objectives and policies:* i. Objective 8A.2.1. ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 8A.2.1.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 8A.2.1.3.b). *Potential circumstances that may support a consent application include:* iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or affect existing vegetation or landscaping. *Conditions that may be imposed include:* vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished. *General assessment guidance:* xii. For earthworks in the rural zones, Council will consider the effects on the values specified in Objective 16.2.3, and the effects on the rural character values identified in Appendix A7.

8A.7.2 Assessment of restricted discretionary earthworks activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
		c. Effects on the stability of land, buildings, and structures	*Relevant objectives and policies:* i. Objective 8A.2.1. ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 8A.2.1.3.c). *Potential circumstances that may support a consent application:* 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 8A.9.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards. *Conditions that may be imposed include:* v. Maximum slopes of cut and fill batters. vi. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. vii. Temporary shoring requirements to maintain stability before a wall is constructed. viii. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
2.	Earthworks - large scale (rural zones only)	a. Effects on biodiversity values	See Rule 10.6.
3.	Earthworks - large scale that exceed scale thresholds within: • 20m of a water body or MHWS in rural zones or the Invermay and Hercus Zone • 5m of a water body or MHWS in all other zones	a. Effects on biodiversity values and natural character of riparian margins and the coast	See Rule 10.6.
		b. Effects on public access	

8A.7.3 Assessment of restricted discretionary activities in an overlay zone, mapped area or affecting a scheduled item			
Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	In the **ONF, ONL** or **SNL overlay zones**: • Earthworks - large scale (that exceed scale thresholds for an ONF, ONL or SNL)	a. Effects on landscape values	See Rule 10.6.
2.	In the **ONCC, HNCC** or **NCC overlay zones**: • Earthworks - large scale (that exceed scale thresholds for an ONCC, HNCC or NCC)	a. Effects on natural character of the coast	See Rule 10.6.
3.	In an **ASBV**: • Earthworks - large scale (that exceed scale thresholds for an ASBV)	a. Effects on biodiversity values	See Rule 10.6.
4.	In a **wāhi tūpuna mapped area** where activity is identified as a threat: • Earthworks - large scale that exceed any threshold	a. Effects on cultural values of Manawhenua	See Rule 14.4.
5.	In a **hazard overlay zone**: • Earthworks - large scale (that exceed the scale threshold for a hazard overlay zone or **swale** or **dune system mapped area**)	a. Risk from natural hazards	See Rule 11.5.
6.	In a **groundwater protection mapped area** (**GPMA**): • Earthworks - large scale (that exceed scale thresholds for a **GPMA**)	a. Effects on health and safety	See Rule 9.6.
7.	In a **UBMA**: • Earthworks - large scale (that exceed the scale thresholds for a **UBMA**)	a. Effects on biodiversity values	See Rule 10.6.
8.	On a **scheduled heritage site**: • Earthworks - large scale (that exceed the scale thresholds for a **scheduled heritage site**)	a. Effects on heritage values	See Rule 13.6.

Rule 8A.8 Assessment of Non-complying Activities

8A.8.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 8A.8.2 provides guidance on how a consent application for the listed non-complying activities will be assessed, including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
   b. general assessment guidance, including any effects that will be considered as a priority.

8A.8.2 Assessment of non-complying activities		
Activity		Guidance on the assessment of resource consents
1.	All non-complying activities that are linked to Section 8A.8	*Relevant objectives and policies (priority considerations):* a. Objective 8A.2.1. *General assessment guidance:* b. In assessing the significance of effects, consideration will be given to: i. short to long term effects, including effects in combination with other activities; ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the grant of resource consent; and iii. any effects otherwise managed through performance standards and consistent with all relevant objectives and policies for the zone. 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.
2.	Archaeological sites (earthworks)	*Relevant guidance from other sections (priority considerations):* a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.4 and effects related to the inappropriate development and use in Dunedin's archaeological sites.
X.	Setback from National Grid (earthworks)	See Rule 5.10.

Rule 8A.9 Special Information Requirements

8A.9.1 Geotechnical investigation report

1. A geotechnical investigation report may be requested by Council for earthworks - large scale and/or where the earthworks are proposed:
   a. on a site with a slope angle between 15º (3.7h:1v slope ratio, or 27% slope grade) and 26º (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 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 26º 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.