

15. Residential Zones

15.1 Introduction

Dunedin's residential environments are diverse in character and include a variety range **{Res 743.44}** of housing types ranging from apartments to stand-alone residential buildings. This diversity stems from successive waves of settlement and **{Res 743.44}** the prior zoning regimes, and will continue through the approaches proposed in the Second-Generation-Plan (2GP) this Plan**{PO cl.16}**.

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

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

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

In response to these issues, the 2GP Plan **{PO cl.16}** ~~proposes to~~ **{Res cl.16}** encourages the development of attractive, safe and compact residential environments through controlling matters including the siting of appropriate activities in residential zones, the design, location and scale of land use activities and buildings, the avoidance of certain activities in sensitive locations, and impacts on the efficiency and affordability of public infrastructure, and services, and the transport network **{PO 881.167}**.

Many of the provisions for the residential zones are designed to manage the potential for development to adversely affect the amenity and character of streets and neighbourhoods. In some cases, provisions are designed to ensure new houses have a similar character to existing houses; however, in some areas the provisions may allow for houses of a different character in order to support the development of high quality medium density housing. In these areas, which include the Inner City Residential Zone and General Residential 2 Zone, the desired 'future character' includes houses that may be different in style or even size, but that are designed to be attractive and integrate well with surrounding housing. This outcome is achieved through a mixture of performance standards for bulk and location and rules that require consent for larger buildings and multi-unit developments (3 or more units). Resource consents for these developments will consider whether: **{Res 293.154 and 495.11}**

- the building design and placement is appropriate for the context of the site, including considering the appropriateness of form (roof pitch, scale, massing, window placement, entrance detailing and/or proportion) and materials **{Res 293.154}**
- adequate green space is provided. **{Res 293.154, 417.10 and 843.3}**

Parts of the residential zones are also managed through heritage precincts, which include more controls on new development as well as alterations to existing buildings if they are scheduled heritage buildings or identified 'character-contributing' buildings. Natural Hazard overlays also apply to some parts of residential zones. **{Res 293.154}**

This management approach proposed in the 2GP **{Res cl.16}** will result in residential zones that support the needs of residents, provide a range of housing types and sizes; maintain and improve amenity values; enhance streetscapes; maintain and enhance efficient and affordable water and waste infrastructure networks; enable land use activities that are accessible by a range of travel methods modes **{Trans 881.19}**, and contribute to compact living environments.

In addition to the various residential zones, it is noted that hazard and heritage overlays apply to parts of Dunedin's residential environment. **{Res 293.154}** The various residential zones proposed in the 2GP this Plan **{Res cl.16}** are briefly briefly **{Res cl.16}** described below.

15.1.1 Zone descriptions

15.1.1.1 General Residential 1

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

15.1.1.2 General Residential 2

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

15.1.1.3 Inner City Residential

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

15.1.1.4 Low Density Residential

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

15.1.1.5 Large Lot Residential 1

The Large Lot Residential 1 Zone includes a small number of residential areas which that have needed **{Res cl.16}** to be developed at a lower density to maintain existing bush or open areas, or because of land instability issues, or where development and subdivision with larger lot sizes is considered more appropriate to maintain other values or respond to other issues. **{Res 360.121}**

15.1.1.6 Large Lot Residential 2

The Large Lot Residential 2 Zone includes a small number of residential areas that have needed **{Res cl.16}** to be developed at a lower density, with large sites, either to maintain bush or open areas, because of land instability issues, or to maintain the amenity values of the surrounding area, or where development and subdivision with larger lot sizes is appropriate to maintain other values or respond to other issues. **{Res 360.122}**

15.1.1.7 Township and Settlement

The Township and Settlement Zone is a mix of larger residential settlements supported by a commercial area, and

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

15.2 Objectives and Policies

Objective 15.2.1	
Residential zones are primarily reserved for residential activities and only provide for a limited number of compatible activities, including: visitor accommodation, community activities, major facilities <u>major facility activities</u> {CP 945.29} , and commercial activities that support the day-to-day needs of residents.	
Policy 15.2.1.1	Provide for a range of residential and community activities, where the effects of these activities can <u>will</u> {PO cl.16} be managed in line with objectives 15.2.2, 15.2.3, and 15.2.4, and 15.2.5 and their policies. {Res cl.16}
Policy 15.2.1.2	Provide for a limited range of <u>major facility activities</u> and {CP 945.58} commercial activities, including dairies, registered health practitioners, training and education, and visitor accommodation, where the effects of these activities can <u>will</u> {PO cl.16} be managed in line with objectives 15.2.3 and 15.2.4, and their policies.
Policy 15.2.1.3	Limit the size of working from home and dairies in residential zones to a size that: <ol style="list-style-type: none"> is compatible with the character and amenity of the residential zone; and does not detract from the vibrancy and functioning of the centres hierarchy.
Policy 15.2.1.4	Require activities ancillary to visitor accommodation to be located and designed to cater to patrons of the primary activity rather than the general public.
Policy 15.2.1.5	Avoid commercial activities, other than those expressly provided for, from locating in residential zones, unless: <ol style="list-style-type: none"> the activity will not detract from the vibrancy and functioning of the centre's <u>centres</u> hierarchy {CMU cl.16}; and the site is adjacent to a centre and it provides a logical extension to a centre; and the centre is at, or very close to, capacity; and the site development <u>activities are</u> {Res cl.16} done in accordance with the performance standards of the street typology (if relevant) of the adjacent centre zoned sites; and the development maximises opportunities for integration with the centre; or if the site is in the Township and Settlement Zone: <ol style="list-style-type: none"> the commercial activity would have significant positive effects in terms of supporting the needs of the community and visitors to the area; and the activity is unable to be located in, or adjacent to, the nearest centre, or no centre exists within the relevant township or settlement; and the location is appropriate for the proposed activity; and any adverse effects from noise, vehicle movements, and on-street parking supply can <u>will</u> {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated.
Policy 15.2.1.6	Avoid industrial activities, rural activities, and major facilities <u>facility activities</u> {MF cl.16} other than those expressly provided for, sport and recreation that involves motor vehicles, and any other activities not compatible with the character and amenity of the residential zone.
Policy 15.2.1.7 {CP 634.39}	<u>Provide for service stations on a strategic road or arterial road, where it is not practicable, due to a lack of site availability and/or special locational requirements, to locate in the PPH, TR, CEC, industrial or centre zones. {CP 634.39}</u>

Objective 15.2.2

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

Policy 15.2.2.1	Require residential development to achieve a high quality of on-site amenity by: <ol style="list-style-type: none"> providing functional, sunny, and accessible outdoor living spaces that allow enough space for on-site food production, leisure, <u>green space</u> {Res 417.10 and 843.3} and/or {Res 317.19} recreation; having adequate separation distances between residential buildings; retaining adequate open space uncluttered by buildings; and having adequate space available for service areas.
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Objective 15.2.3

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

Policy 15.2.3.1	Require buildings and structures to be of a height and setback from boundaries that ensures there are no more than minor effects on the sunlight access of current and future residential buildings and their outdoor living spaces.
Policy 15.2.3.2	Require working from home, dairies, training and education, and community and leisure - small scale to operate in a way (including hours of operation) that avoids or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigates, noise or other adverse effects on the amenity of surrounding residential properties.
Policy 15.2.3.3	Require buildings and structures in the Inner City Residential Zone to be of a height and setback from boundaries that: <ol style="list-style-type: none"> enables a high quality, medium density form of development; that is consistent with the existing streetscape character of the zone; and {Res cl.16'} is consistent with the existing streetscape character of the zone; and {Res cl.16'} avoids or, if avoidance is not practicable, adequately mitigates, ensures a reasonable level of outdoor amenity by minimising {PO 308.497} adverse effects on sunlight access on outdoor spaces at the rear of <u>adjacent</u> {Res cl.16} sites.
Policy 15.2.3.4	Only allow schools, <u>emergency services</u> , {CP 945.30} early childhood education, community and leisure - large scale, sport and recreation, registered health practitioners, training and education, visitor accommodation, supported living facilities, <u>service stations</u> {CP 634.39} and stand-alone car parking where they are designed and located to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigate, adverse effects on the amenity of surrounding residential properties.
Policy 15.2.3.5	Only allow cemeteries where they are designed and located: <ol style="list-style-type: none"> to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate, adverse effects on the amenity of surrounding residential properties; and to avoid reverse sensitivity from surrounding permitted activities to avoid, as far as practicable {PO 308.497}, the potential for reverse sensitivity {PO 1046.5}.
Policy 15.2.3.6	Avoid sport and recreation that involves motor vehicles unless the adverse effects on the amenity of surrounding properties will be no more than minor.

¹ Res cl.16: Improves clarity.

Objective 15.2.4	
Subdivision aActivities and development {Res 908.3} maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood.	
Policy 15.2.4.1	Require development to maintain or enhance streetscape amenity by ensuring: <ul style="list-style-type: none"> a. garages, carports and car parking do not dominate the street; b. there are adequate <u>green space</u> {Res 417.10 and 843.3} areas free from buildings or hard surfacing; c. buildings' height, <u>and</u> boundary setbacks, and scale reflect the existing or intended future residential character; d. shared service areas are not visible from ground level from outside the site; and e. outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or create nuisance effects.
Policy 15.2.4.2	Require residential activity to be at a density that reflects the existing residential character or intended future character of the zone.
Policy 15.2.4.3	Limit the size of family flats to a size that: <u>Restrict the tenancy and design of family flats to:</u> {PO 207.1 and 394.63} <ul style="list-style-type: none"> a. reflects their purpose as providing a second residential unit for people related to residents of the main residential unit; and avoid, as far as practicable, the risk they will be used for a separate, non-ancillary, residential activity: {PO 207.1 and 394.63} b. <u>avoid, as far as practicable, future pressure to subdivide off family flats; and</u> {PO 207.1 and 394.63} c. <u>minimise, as far as practicable,</u> {PO 906.34 and 308.497} any adverse effects on the amenity and character of the neighbourhood.
Policy 15.2.4.4	Require fences to be of a height and design that contributes positively to the streetscape amenity and character of the neighbourhood.
Policy 15.2.4.5	Require ancillary signs to be located and designed to maintain residential amenity including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles and not being oversized or too numerous for what is necessary for that purpose.
Policy 15.2.4.6	Only allow subdivision activities where the subdivision is designed to ensure any future land use and development will: <ul style="list-style-type: none"> a. maintain the amenity of the streetscape b. reflect the current or future intended character of the neighbourhood; c. provide for development to occur without unreasonable earthworks or engineering requirements; and d. provide for quality housing.

Objective 15.2.4

Subdivision a Activities and development **{Res 908.3}** maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood.

Policy 15.2.4.7	Only allow schools, <u>emergency services</u> , {CP 945.30} early childhood education, community and leisure - large scale, sport and recreation, registered health practitioners, training and education, visitor accommodation, supported living facilities, restaurants or retail ancillary to sport and recreation, <u>service stations</u> {CP634.39} and stand-alone car parking where they are designed and located to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigate, adverse effects on streetscape amenity.
Policy 15.2.4.8 {Res 491.2 and 743.30}	<u>Only allow buildings over 300m² footprint or multi-unit developments where they are designed to ensure that streetscape and neighbourhood amenity and character is maintained or enhanced.</u> {Res 491.2 and 743.30}

EW cl.16: As a clause 16 amendment, Objective 15.2.5 and its policies have been moved to new city-wide activity section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

Rules

Rule 15.3 Activity Status

15.3.1 Rule location

The activity status tables in rules 15.3.3 to 15.3.6 specify the activity status of land use activities, development activities, and subdivision activities in the residential zones and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

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

15.3.2 Activity status introduction

1. The activity status tables in rules 15.3.3 - 15.3.5 show the activity status of activities in the residential zones and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

Additional activity status rules in hazard overlay zones

6. For the purpose of the hazards provisions, activities are categorised as natural hazards {NH cl.16} sensitive activities, natural hazards {NH cl.16} potentially sensitive activities or natural hazards {NH cl.16} least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
7. In the Hazard 1 (flood) Overlay Zone or the Hazard 2 (flood) Overlay Zone, the activity statuses rules in Rule 15.3.6 apply to the following activities:
 - a. new {NH 908.3} natural hazards {NH cl.16} sensitive activities;
 - b. and natural hazards {NH cl.16} potentially sensitive activities, and
 - c. some new buildings, and additions and alterations to buildings, that create more than 60m² of new ground floor area {NH. cl.16}

8. Where the activity status in Rule 15.3.6 differs from that in rules 15.3.3 - 15.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 15.3.6, performance standards for development activities within hazard overlay zones are included in Rules 15.3.4.
10. Activities in a hazard overlay zone must comply with all of the rules in rules 15.3.3 - 15.3.6.

Performance Standards

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

¹ **NH cl.16:** The content from Table 15.3.6 has been moved to Table 15.3.X, with the exception that column c has been removed, pursuant to clause 16. This was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are show in the new location.

Legend

Acronym	Activity status Meaning {PO cl.16}
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
GR1	General Residential 1 Zone
GR2	General Residential 2 Zone
ICR	Inner City Residential Zone
LDR	Low Density Residential Zone
LLR1	Large Lot Residential 1 Zone
LLR2	Large Lot Residential 2 Zone
TS	Township and Settlement Zone
RHP {Res cl.16}	Residential Heritage Precinct {Res cl.16}
ASCV ASBV {NatEnv 958.60}	Areas Scheduled area of Significant Conservation Biodiversity Value {NatEnv 958.60}
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones

15.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		<ul style="list-style-type: none"> a. Acoustic insulation (noise sensitive activities only) b. Electrical interference c. Light spill d. Noise e. Setback from nNational gGrid (National Grid sensitive activities only) {NH cl.16} f. Structure plan mapped area performance standards (where relevant) {ULS cl.16}
Residential activities		Activity status	Performance standards
2.	Supported living facilities	RD	<ul style="list-style-type: none"> a. Minimum car parking b. Outdoor living space c. Service areas
3.	Standard residential	P	<ul style="list-style-type: none"> a. Density b. Minimum car parking c. Outdoor living space d. Service areas e. <u>Family flats</u> {PO 876.1, 207.1 and others}
4.	Working from home	P	<ul style="list-style-type: none"> a. Hours of operation b. Maximum gross floor area c. Minimum car parking
Community activities		Activity status	Performance standards
5.	Community and leisure - small scale	P	<ul style="list-style-type: none"> a. Minimum car parking b. Hours of operation
6.	Community and leisure - large scale	RD	<ul style="list-style-type: none"> a. Minimum car parking b. Hours of operation
7.	Conservation	P	
8.	Early childhood education - small scale	RD	<ul style="list-style-type: none"> a. Minimum car parking
9.	Early childhood education - large scale	D	
10.	Sport and recreation that involves motor vehicles	NC	
11.	All other sport and recreation activities activity {PO cl.16}	D	
Commercial activities		Activity status	Performance standards

12.	Ancillary licensed premises	Same status as underlying activity	
13.	Dairies	RD	a. Hours of operation b. Maximum gross floor area
14.	Registered health practitioners	D	
15.	Restaurants, or retail, ancillary to sport and recreation	D	
16.	Restaurants, retail, or conference, meeting and function activity, ancillary to visitor accommodation	RD	a. Location
<u>X.</u>	<u>Service stations on a strategic road or arterial road {CP 634.39}</u>	NC <u>D</u> { CP 634.39 }	
<u>AB.</u>	<u>Service stations, other than on a strategic road or arterial road {CP 634.39}</u>	NC	
17.	Stand-alone car parking	D	
18.	Training and education	RD	a. Hours of operation b. Minimum car parking
19.	Visitor accommodation in the George Street North residential heritage precinct	P	a. Density b. Minimum car parking { Res cl.16 '}
20.	Visitor accommodation, other than in George Street North residential heritage precinct	RD	a. Density b. Minimum car parking c. Minimum vehicle loading
21.	All other activities in the commercial activities category	NC	
Major facility activities		Activity status	Performance standards
22.	Cemeteries	RD	
<u>Y.</u>	<u>Emergency Services {CP 945.30}</u>	NC <u>RD</u> { CP 945.30 }	a. Minimum car parking { CP 945.30 }
23.	Schools	D	
24.	All other activities in the major facility activities category	NC	
Rural activities		Activity status	Performance standards
25.	Grazing	P	
<u>Z.</u>	<u>Scheduled Mining Activity {CP 874.2 and others}</u>	NC <u>P</u> { CP 874.2 and others }	a. <u>Scheduled Mining Activity {CP 874.2 and others}</u>
<u>AA.</u>	<u>Mining</u>	NC	

26.	All other activities in the rural activities category	NC	
Industrial activities		Activity status	Performance standards
27.	All activities in the industrial activities category	NC	

¹ **Res cl.16:** Error - no performance standards for this.

Note 15.3B.3A- General advice

1. Papakāika activity (a sub-activity of standard residential activity) **{Res cl. 16}** is intended to allow descendants of the original native reserve grantees to live on this land. If papakāika is developed and is subsequently no longer required for the use of Manawhenua in accordance with the papakāika definition, resource consent will be required to allow its use as other residential development. In this situation, the provisions that govern residential activity, including density of residential development, will apply. It is strongly recommended that the use of relocatable buildings is considered for papakāika development in order to avoid potential future problems of being unable to obtain consent for ownership or occupation of dwellings by people other than descendants of the original grantees.
2. Where papakāika is on Māori Land, the provisions of the Te Ture Whenua Māori Act 1993 or subsequent legislation apply.
3. New marae can may **{PO cl.16}** only be established with the agreement of Manawhenua.

15.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		<ul style="list-style-type: none"> a. <u>Natural Hazards Performance Standards Hazard overlay zones development standards {NH cl.16}</u> b. Maximum building site coverage and impermeable surfaces c. <u>Setback from coast and water bodies {NatEnv cl.16}</u> d. <u>Setback from national grid {NU cl.16}</u> e. Setback from scheduled tree f. Structure plans mapped area performance standards (where relevant) {ULS cl.16}
2.	Performance standards that apply to all buildings and structures activities		<ul style="list-style-type: none"> a. Boundary setbacks b. Building length c. Fire fighting d. Height in relation to boundary e. Maximum height f. Number, location and design of ancillary signs g. <u>Setback from coast and water bodies {NatEnv cl.16}</u> h. <u>Setback from National Grid {NU cl.16}</u>
Buildings and structures activities In all locations, including areas covered by rows 3 - 36 below {Res cl.16}		Activity status	Performance standards
X.	<u>New buildings and additions and alterations that result in: {Res 743.46}</u> <ul style="list-style-type: none"> • <u>a building that is greater than 300m² footprint or</u> • <u>a multi-unit development in the ICR and GR2 zones {Res 743.46}</u> 	RD	
Z.	<u>Fences {Res cl.16}</u>	P	a. <u>Fence height and design</u>
Buildings and structures activities not in a residential heritage precinct or in a residential heritage precinct but not visible from an adjoining public place (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure – See rows 19-24) In locations not covered by rows 7 - 36 below. {Res cl.16}		Activity status	Performance standards

3.	New buildings, and additions and alterations to buildings, that result in a building that is less than or equal to 300m ²	P	
4.	New buildings, and additions and alterations that result in a building, that is greater than 300m² {Res cl.16}	RD	
5.	Fences {Res cl.16'}	P	a. Fence height and design
6.	All other <u>buildings and</u> {Res cl.16'} structures <u>activities</u> {Res cl.16'}	P	
Buildings and structures activities in a residential heritage precinct that are visible from an adjoining public place		Activity status	Performance standards
7.	New buildings	RD	
8.	Repair and maintenance of a non character-contributing building	P	
9.	Repair and maintenance of a character-contributing building or non-protected part of a scheduled heritage building	P	a. Materials and design
10.	Earthquake strengthening or restoration of a character-contributing building or non-protected parts of a scheduled heritage building	P	a. Materials and design
11.	Demolition or removal for relocation of a character-contributing building or non-protected part of a scheduled heritage building	RD	
AA.	<u>Signs attached to buildings or structures</u> {Her cl.16 ⁵ }	P	
12.	<u>All other</u> {Her cl.16} additions and alterations to a character-contributing building or non-protected part of a scheduled heritage building (other than earthquake strengthening or restoration)	RD	
13.	Additions and alterations to a non character-contributing building that involve: <ul style="list-style-type: none"> • an increase in the footprint of 10m² <u>or more</u> {Her cl.16³} • an increase in the height of the building by more than 2m; or • the replacement of a pitched roof with a <u>flat roof mono pitch roof</u> {Her cl.16}. 	RD <u>C</u> {Her 308.358}	
14.	All other additions and alterations to non character-contributing buildings	P	
15.	Fences {Res cl.16'}	P	a. Fence height and design
16.	<u>New</u> {PO cl.16} retaining walls less than 1m high	P	

17.	All other <u>new</u> {PO cl.16} structures up to 2.5m high and 2m ² footprint	P	
18.	Structures greater than 2.5m high and 2m ² footprint <u>All new {PO cl.16} structures not covered by rows 16 and 17 above. (Res cl. 16⁶)</u>	RD	
Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		Activity status	Performance standards
19.	Repairs and maintenance	P	a. Materials and design
20.	Restoration of a building or structure that has a <u>Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1)</u> {Her 547.91}	P C {Her 547.91}	a. Materials and design
Y.	<u>Restoration of all other scheduled heritage buildings and structures {Her 547.91}</u>	P	a. Materials and design
21.	Earthquake strengthening where external features only are protected	C	a. Materials and design
BB.	<u>Signs attached to buildings or structures {Her cl.16⁵}</u>	P	
22.	All other additions and alterations	RD	
23.	Demolition	NC	
24.	Removal for relocation	RD	
Development activities on a scheduled heritage site, where visible from an adjoining public place or a public place within the heritage site		Activity status	Performance standards
25.	<u>New {Her cl.16} structures no more than 2.5m high or 2m² footprint</u>	P	
26.	All other <u>new</u> {PO cl.16} structures	RD	
27.	New buildings	RD	
28.	Parking, loading and access	RD	a. Parking, loading and access standards
Site development activities in all areas (except as covered by rows 25 - 28 above)		Activity status	Performance standards
29.	Earthworks – small scale {EW cl 16³}	P	a. Earthworks standards
30.	Earthworks – large scale {EW cl 16³}	RD	a. Earthworks standards
31.	Parking, loading and access	P	a. Parking, loading and access standards b. Location and screening of car parking

32.	New <u>or additions to</u> parking areas, <u>or extensions to existing parking areas</u> that result in the creation of {Trans cl.16} 50 or more new parking spaces.	RD	a. Parking, loading and access standards b. Location and screening of car parking
33.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements b. <u>Setback from coast and water bodies</u> {NatEnv cl.16}
34.	Outdoor storage	P	a. Location and screening of outdoor storage
35.	Vegetation clearance	P	a. Vegetation clearance standards (UCMA and hazard overlay zones) {NatEnv cl.16}
36.	All other site development activities	P	

¹ **Res cl.16:** Headings and location of rules moved to enable more substantive changes to be more logically read (no substantive changes to rules content).

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

³ **Her cl.16:** Added for plan clarity.

⁴ **Res cl.16:** Buildings and structures activities were meant to be included but it was incorrectly recorded as just structures.

⁵ **Her cl.16:** Rule restructured as a result of change to definition of additions and alterations and new definition of signs attached to buildings and structures. No substantive change to provisions.

⁶ **Res cl.16:** Minor wording change to clarify relationship of rules

Note 15.36.4A- General advice

1. ~~Under the Heritage New Zealand Pouhere Taonga Act 2014 it is an offence to modify or destroy an archaeological site without obtaining an archaeological authority from Heritage New Zealand (HNZ). An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand {Her 547.80}.~~ This is the case regardless of whether the land on which the site is located is **{Her 547.80}** designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
2. An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
4. The **archaeological alert layer mapped area** identifies sites and areas that have a strong likelihood of containing archaeological remains, however remains may be present anywhere within the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.

15.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status	Performance standards
1.	Cross lease, company lease and unit title subdivision	RD	<ul style="list-style-type: none"> a. Access b. Esplanade reserves and strips c. Fire fighting d. Service connections e. Shape
2- { ULS cl.16' }	Subdivision activities in structure plan areas { ULS cl.16' }	RD { ULS cl.16' }	<ul style="list-style-type: none"> a. Structure plans {ULS cl.16'} b. Service connections {ULS cl.16'}
3.	General subdivision	RD	<ul style="list-style-type: none"> a. Access b. Esplanade reserves and strips c. Fire fighting d. Minimum site size e. Service connections f. Shape g. Structure plan mapped area performance standards (where relevant) {ULS cl.16}

¹**ULS cl.16:** Rules 15.3.5.2 and 15.3.5.3 have been combined. There is no substantive change.

Note 15.3.5A - Other RMA considerations {PO 490.4}

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

15.3.6 Change to activity status in Hazard 1, Hazard 2 and Hazard 3 Overlay Zones {NH cl.16¹}

Activity {NH cl.16}		a. Haz1 {NH cl.16}	b. Haz2 {NH cl.16}	c. Haz3 {NH cl.16}
1. {NH cl.16}	Potentially sensitive activities permitted in residential zone {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}	— {NH cl.16}
2. {NH cl.16}	Potentially sensitive activities not permitted in residential zone {NH cl.16}	NC {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}
3. {NH cl.16}	Sensitive activities {NH cl.16}	NC {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}
4. {NH cl.16}	In a hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, <i>which create more than 1m² of new ground floor area</i> {NH cl.16}	RD {NH cl.16}	— {NH cl.16}	— {NH cl.16}
5. {NH cl.16}	In a hazard 1 or 2 overlay zone, other than the hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, <i>which create more than 36m² of new ground floor area</i> {NH cl.16}	RD {NH cl.16}	RD {NH cl.16}	— {NH cl.16}

¹ **NH cl. 16:** The content from Table 15.3.6 has been moved to Table 15.3.X, with the exception that column c has been removed, pursuant to clause 16. This was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are shown in the new location.

15.3.X Activity status in Hazard 1 (flood) Overlay Zone and Hazard 2 (flood) Overlay Zone {NH 637.74 and others}

		Activity status	
Activity		a. Haz1 (flood) {NH 73.4 and others}	b. Haz2 (flood) {NH 73.4 and others}
X.	Natural hazards sensitive activities {NH 634.74}	NC	⌀ RD {NH 634.74 ¹ }
Y.	Natural hazards potentially sensitive activities {NH 634.74}	⌀ NC {NH 634.74 ¹ }	P ⌀ RD {NH 634.74 ¹ }
4.	In a hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, which create more than 1m ² of new ground floor area {NH 73.4 and others}	RD {NH 73.4}	— {NH 73.4}
5.	In a hazard 1 or 2 overlay zone, other than the hazard 1 (land instability) Overlay Zone, {NH 73.4 and others} New buildings, and additions and alterations to buildings, which create more than 36m ² of new ground floor area	RD	RD

¹ **NH 634.74:** Note that “potentially sensitive activities permitted in residential zone” had no additional rules (shown as

an em-dash) under the notified Plan but the distinction between this activity and “potentially sensitive activities not permitted in residential zone” (which was notified as a discretionary activity) was removed and both activities were changed to restricted discretionary in response to this submission.

Note 15.3.6A - Guidance on existing use rights applying to land use activities in hazard overlay zones
Other RMA considerations {Res cl.16}

1. For the purposes of the natural hazards provisions only, with respect to section 10 of the RMA (existing use rights) **{NH 634.81}**, Council will generally consider that a land use activity is similar in character, intensity, and scale where:
 - a. for a residential activity, there is less than 25m² increase in ground floor area of any residential building(s), in any consecutive 10 year period; or
 - b. for a residential activity, a new building is to be used solely as a garage or shed; or
 - c. for all other natural hazards **{NH cl.16}** sensitive activities and natural hazards **{NH cl.16}** potentially sensitive activities, the ground floor area of any buildings increases by less than 100% in any consecutive 10 year period.

Accordingly, these activities will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 15.3.6. {NH 634.81} However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of the land use activity.

Rule 15.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or section 95B of the Act RMA, **{Res cl.16}** unless Council considers special circumstances exist in relation to the application that require public notification:
 1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand;
 2. contravention of the materials and design **{Her cl.16}** performance standard (Rule 13.3.2) 'Materials and design' **{Her cl.16}** where the building or structure is not listed by Heritage New Zealand; and
 3. In the **Holyhead Street structure plan mapped area**, **{ULS cl.16}** subdivision activities in accordance with the **Holyhead Street structure plan** and notations Rule 15.7A Holyhead Street structure plan mapped area performance standards **{ULS cl.16}**.
2. ~~Applications for resource consent for the following activities will be publicly notified in accordance with section 95A(2) of the RMA: **{Her 308.362}**~~
 1. ~~demolition of a protected part of a scheduled heritage building or scheduled heritage structure: **{Her 308.362}**~~
3. With respect to resource consent applications, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided for the following:
 1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand;
 2. contraventions of the materials and design **{Her cl.16}** performance standard (Rule 13.3.2) 'Materials and design' **{Her cl.16}** where the building or structure is listed by Heritage New Zealand; and
 3. contravention of the archaeological sites **{Her cl.16}** performance standard (Rule 13.3.3) 'Archaeological sites' **{Her cl.16}**.
4. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. cemeteries;
 2. all restricted discretionary activities that list 'effect on cultural values of Manawhenua' as a matter for discretion; and
 3. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4.
5. With respect to sections 95D(b) and 95E(2)(a) of the RMA, Council will not consider family flats as part of the permitted baseline in considering residential density effects in the residential zones.
6. ~~In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons: **{PO cl.16}**~~
7. With respect to resource consent applications for the following activities, the Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. activities in the hazard 1 or hazard 1A **{NH 908.37}** (flood) overlay zones; and
 2. activities in **swale mapped areas**. **{NH cl.16}**
8. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the

RMA.

¹ **PO cl.16:** Clause removed as superfluous.

² **NH cl.16:** Rule 15.7 was notified as Rule 11.8.3 in the Natural Hazards Section but has been transferred to this section for clarity. This does not result in a substantive change to the effect of provisions.

Rule 15.5 Land Use Performance Standards

15.5.1 Acoustic Insulation

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

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

15.5.2 Density

1. Residential ~~Standard residential~~ **{Res cl.16}** activities must not exceed the following **{Res cl.16}** density limits set out in Table 15.5.2.A, except **{Res cl.16}**:

Zone		i. Minimum site area for a residential unit (excluding family flats)	ii. Maximum development potential per site	iii. Number of family flats permitted per site {PO cl.16}
a.	General Residential 1 Zone	1 per 500m ²	1 habitable room per 100m ²	4 {PO cl.16}
b.	General Residential 2 Zone not within an infrastructure constraint mapped area or the South Dunedin mapped area	N/A	1 habitable room per 45m ²	0 {PO cl.16}
c.	General Residential 2 Zone within an infrastructure constraint mapped area	N/A	1 habitable room per 100m ²	0 {PO cl.16}
d.	General Residential 2 Zone within the South Dunedin mapped area	N/A	1 habitable room per 60m ²	0 {PO cl.16}
e.	Inner City Residential Zone	N/A	1 habitable room per 45m ²	0 {PO cl.16}
f.	Low Density Residential Zone	1 per 750m ²	1 habitable room per 150m ²	4 {PO cl.16}
g.	Large Lot Residential 1 Zone	1 per 2000m ²	1 habitable room per 400m ²	4 {PO cl.16}
h.	Large Lot Residential 2 Zone	1 per 3500m ²	1 habitable room per 700m ²	4 {PO cl.16}
i.	Township and Settlement Zone not within the no DCC reticulated wastewater mapped area	1 per 500m ²	1 habitable room per 100m ²	4 {PO cl.16}

Zone	i. Minimum site area for a residential unit (excluding family flats)	ii. Maximum development potential per site	iii. Number of family flats permitted per site {PO cl.16 ³ }
j. Township and Settlement Zone within the no DCC reticulated wastewater mapped area	1 per 1000m ²	1 habitable room per 200m ²	4 {PO cl.16}

k. Except: {Res cl.16}

i. In all zones, other than the GR2 and ICR zones: {Res cl.16⁴}

1. A single residential unit may be erected on an existing a site (created before 26 September 2015) {Res 368.1} of any size not in a **no DCC reticulated wastewater mapped area** {Res 542.2 and 542.3} provided all other performance standards are met.

2. one family flat is allowed per site in association with a standard residential activity provided the maximum development potential per site is not exceeded. {PO cl. 16⁵}

ii. Within the **East Taieri structure plan**, up to 20% of the land used for residential purposes with in the region marked "Area A", may be developed at a density of one residential unit per 300m². {ULS cl.16⁶}

2. For the purposes of this standard:

- the calculation of habitable rooms includes rooms in family flats and sleep outs;
- the calculation of minimum site area excludes access legs provided for rear sites; and
- the calculation of maximum development potential only applies in the Inner City Residential and General Residential 2 Zones, and for determining whether a family flat can be developed in other zones.

3. ~~In the General Residential 2 Zone, more than one residential unit must not be built on sites smaller than 400m² {Res 368.1}~~

4. ~~In the Inner City Residential Zone, more than one residential unit must not be built on sites smaller than 200m² {Res 368.1}~~

5. Family flats:

- must not exceed 60m²; {PO cl.16⁷}
- must be ancillary to a primary residential unit on the same site. {PO cl.16⁸}

6. More than one residential building (other than a family flat) may only be built on a site if all residential buildings are able to meet all the following performance standards if they were ever subdivided onto separate sites:

- site coverage;
- height in relation to boundary;
- setbacks; and
- access.

7. ~~Residential Standard residential {Res cl.16¹}~~ activity that contravenes the performance standard for density is a non-complying activity, except the following are restricted discretionary activities: {Res cl.16²}

- ~~papakāika that contravenes the performance standards for density is a restricted discretionary activity: {Res cl.16²};~~
- standard residential in the General Residential 2 Zone (**infrastructure constraint mapped area**) that

contravenes the performance standards for maximum development potential per site ~~is a restricted discretionary activity: {Res cl.16²}~~, provided the maximum development potential per site of the activity proposed does not exceed 1 habitable room per 45m²;

- c. ~~contravention of Rule 15.5.2.6 (all residential units are able to meet bulk and location performance standards) {Res cl. 16²} is a restricted discretionary activity; and {Res cl.16²}~~
- d. ~~residential activity on an existing site not in a no DCC reticulated wastewater mapped area is a restricted discretionary activity {Res 542.2 and 542.3}~~

- 8. Visitor accommodation must have a maximum of one visitor accommodation unit per 80m² of site area;
- 9. Visitor accommodation that ~~contravenes this standard~~ exceeds one visitor accommodation unit per 80m² of site area {Res cl. 16³} is a non-complying activity.

¹ **Res cl.16:** Improves clarity by accurately referring to the activity

² **Res cl.16:** Improves structure and clarity of rule

³ **PO cl 16:** Moved to Rule 15.5.2.1.k.2.

⁴ **Res cl.16:** This is a re-arranging of content in Rule 15.5.2. There is no substantive change, unless as shown under other submission points.

⁵ **PO cl.16:** : Replaces column iii in 15.5.2.1

⁶ **ULS cl.16:** This rule has been moved to 15.7A.1.2

⁷ **PO cl 16:** Moved to new Family Flat performance standard

⁸ **PO cl 16:** Moved to definition of Family Flats

Note 15.5.2A - General advice

1. Maximum development potential may not be achievable on all sites as site size, shape, topography, and design will all influence development potential. {Res 452.3 and 394.45}

15.5.3 Electrical Interference

Land use activities must comply with Rule 9.3.2.

15.5.4 Blank Page {Confirmed for deletion - Res cl.16}

This page has no content {Res cl.16}

15.5.5 Hours of Operation

Activity	Hours of operation
1. Working from home (excluding homestay)	7.00am - 7.00pm
2. Dairies	6.00am - 10.00pm
3. Sport and recreation, and {Res cl.16³} Community and leisure	Sunday - Thursday: 6.00am - 10.30pm Friday - Saturday: 6.00am - 12.00am (midnight)
4. Training and education	8.00am - 8.00pm

- 5. Working from home hours of operation do not apply to activities that:
 - a. are located entirely within a building; and
 - b. do not involve machinery operation, visitors, customers, or deliveries.
- 6. ~~Flood lighting and sportsfield lighting on sites adjoining a residential zone must not operate from 10pm - 7am.~~ {Res cl.16³}

7. Special church celebrations, including Christmas midnight mass, are exempt for this standard, provided they occur no more than 3 times in a calendar year.
8. Activities that contravene the performance standard for hours of operation are restricted discretionary activities. {PO cl.16}

¹ **Res cl.16:** Sport and recreation has a discretionary activity status and performance standards do not apply to discretionary activities.

15.5.6 Light Spill

Land use activities must comply with Rule 9.3.5.

15.5.7 Location

1. For restaurants, retail, or conference, meeting and function activities **{PO cl.16}** ancillary to visitor accommodation, all customer pedestrian access must not be orientated to the street frontage.
2. Land use activities that contravene the performance standard for location are restricted discretionary activities. {PO cl.16}

15.5.8 Maximum Gross Floor Area

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

3. Working from home or dairies that contravene the performance standard for maximum gross floor area are non-complying activity discretionary activities. {Res 997.3}

Note 15.5.8A - Other requirements outside of the District Plan

1. Registration must be obtained from the DCC's Environmental Health Department for any working from home activities activity {PO cl.16} which involves food products, hairdressing, beauty therapy or tattooing. Please contact the DCC's Environmental Health Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
2. Approval from DCC's Alcohol Licensing Department may be required for working from home activities activity {PO cl.16} that involves the sale or distribution of alcohol. Please contact the DCC on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.

15.5.9 Minimum Car Parking

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

Activity	Minimum car parking rate
1. Standard residential in Inner City Residential Zone	a. 1 - 5 habitable rooms on a site: 1 parking space b. 6 - 8 habitable rooms on a site: 2 parking spaces c. Greater than 8 habitable rooms on a site: 2 parking spaces plus 1 space for every 4 habitable rooms (or part thereof) d. Except: <ul style="list-style-type: none"> i. where sites with less than 5 habitable rooms have no existing parking, no additional parking is required for additions that increase the number of habitable rooms to 5 (or fewer), provided no additional residential units are created; ii. where the provision of an on-site parking space for sites with 1-5 habitable rooms would result in the loss of an on-street parking space, no parking space is required. iii. <u>where a residential building that existed as at 26 September 2015 (date of notification of the Plan) is divided into more residential units, no additional parking is required provided that no additional habitable rooms are created.</u> {Trans 927.3}
2. Standard residential in all other residential zones	a. 1 - 4 habitable rooms: 1 parking space b. 5 or more habitable rooms: 2 parking spaces
3. Working from home	On-site car parking must be provided for all vehicles associated with the activity
4. Supported living facilities	a. Student hostels <ul style="list-style-type: none"> i. hostels with 1 - 10 residents: 1 parking space ii. hostels with 11 - 20 residents: 2 parking spaces iii. hostels with 21 - 30 residents: 3 parking spaces iv. hostels with greater than 30 residents: 3 parking spaces plus 1 additional space for every 10 additional residents (or part thereof) v. <u>Except student hostels in the Campus Zone or within 500m walking distance of the Campus Zone have no minimum car parking requirements.</u> {Trans 308.276} b. Rest homes <ul style="list-style-type: none"> i. 1 parking space for every 3 beds. c. Retirement villages <ul style="list-style-type: none"> i. 1 parking space for every residential unit, and 1 parking space for every 3 beds for any rest home type component of the retirement village.
5. Community and leisure	1 parking space for every 5 persons the facility can accommodate at any one time

Activity		Minimum car parking rate
6.	Visitor accommodation (other than in George Street North Residential Heritage Precinct)	1. 1 parking space per 3 guest rooms, where the activity is based upon guest rooms (e.g. hotels); 2. 1 parking space per visitor accommodation unit, where the activity is based on units (e.g. motels); and 3. 1 parking space per visitor accommodation unit on a campground.
7.	Early childhood education - small scale	1 parking space per 2 full time equivalent staff members plus one parking space for parent/guardian use per 6 children the facility is licensed for.
8.	Training and education	1 parking space per 30m ² of gross floor area.
X.	<u>Emergency services {CP 945.30}</u>	a. <u>For fire stations: 5 parking spaces per fire engine bay. {CP 945.30}</u> b. <u>For all other activities: 1 parking space per 100m² gross floor area. {CP 945.30}</u>

9. Activities other than standard residential must provide mobility parking spaces as follows:

Total number of parking spaces provided		Minimum number of these that must be mobility parking spaces
a.	1 - 20	1 parking space
b.	21 - 50	2 parking spaces
c.	For every additional 50 parking spaces	1 additional parking space

10. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for accessible car parking.
11. Parking spaces may be shared between land use activities (i.e. the same parking spaces may be used to fulfil the minimum car parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap.
12. Residential and office activities (excluding registered health practitioners) undertaken entirely within a scheduled heritage building do not need to provide any additional car parking other than what is already on-site and may remove any car parking that does not meet the performance standards for location of car parking.
13. For the purposes of calculating minimum car parking:
- Where the minimum car parking performance standard results in the requirement for a fractional space, any fraction under one half will be disregarded and any fraction of one half or greater will be counted as one space.
 - Parking loading and access areas within a building will be excluded from the assessment of gross floor area for the purpose of calculating the minimum car parking requirement.
14. For activities where the minimum car parking performance standard is based on the gross floor area, the following areas will be excluded from the assessment of gross floor area:
- any parking area and associated manoeuvring space, including aisle; and
 - any loading area and associated manoeuvring space. {Res cl.16¹}
15. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

¹ **Res cl.16:** Rule 15.5.9.14 has been added to clarify how 'gross floor area' is to be interpreted, for the purposes of

the minimum car parking performance standard in this zone. This does not change the effect of provisions.

Note 15.5B.9A - Other relevant District Plan provisions

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

15.5.10 Minimum Vehicle Loading

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

Activity	Minimum vehicle loading rate {Trans cl.16}
a. Visitor accommodation with more than 50 visitor accommodation units (except in relation to scheduled heritage buildings in the George Street North Residential Heritage Precinct)	1 loading space to accommodate the turning circle of a coach, as shown on Figure 6.14L 6B.12 {Trans cl.16}

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

Note 15.5C.10A - Other relevant District Plan provisions

1. Vehicle loading must comply with the vehicle loading design performance standards in Section 6.6: Parking, Loading and Access Performance **{Res cl.16}** Standards.

15.5.11 Noise

Land use activities must comply with Rule 9.3.6.

15.5.12 Outdoor Living Space

15.5.12.1 Minimum area of outdoor living space for standard residential activities activity **{PO cl.16} **{Res cl.16¹}****

- a. Standard residential activity and supported living facilities that offer individual residential units **{Res cl.16¹}** must provide a minimum of outdoor living space per residential unit as follows:

Number of habitable rooms in unit		i. Ground level units in ICR, GR2, and campus zones, and retirement villages in all residential zones {Res cl.16¹}	ii. Ground level units in all other zones (excluding retirement villages) {Res cl.16¹}	iii. Minimum area of outdoor living space provided as decks, balconies or roof terraces for first floor and above units Units not at ground level {Res cl.16¹}
i.	1	15m ²	25m ²	6m ²
ii.	2	15m ²	25m ²	10m ²
iii.	3	20m ²	35m ²	10m ²
iv.	More than 3 habitable rooms	20m ² + 5m ² per additional habitable room over 3 habitable rooms	35m ² + 5m ² per additional habitable room over 3 habitable rooms	10m ²

- v. For the purposes of this standard, family flats will only count toward the total number of habitable

rooms on a site and will not be calculated as a separate residential unit requiring additional outdoor living space to that provided for the primary residential unit, as long as the family flat has direct access to at least 25m² of outdoor living space. Except: family flats that have direct access to at least 25m² of outdoor living space provided for the primary residential unit do not need to provide additional outdoor living space. **{Res cl.16¹}**

- vi. Outdoor Required outdoor {Res cl.16¹} living space for residential units must be for the exclusive use of the individual residential unit, ~~except shared outdoor living space may be provided for residential units located above ground floor (first floor and above units) and for family flats {Res cl.16¹}~~ however, for the sake of clarity, this does not require that the area to be fenced or otherwise partitioned from another unit's outdoor living space. **{Res cl.16¹}**

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

¹ **Res cl.16:** This is not new content but is a re-organisation of existing content.

15.5.12.2 Minimum area of outdoor living space for supported living facilities. {Res cl.16¹}

- a. Supported living facilities that offer individual residential units, must provide a minimum area of outdoor living space per residential unit as follows:

Number of habitable rooms in unit		Minimum area
i.	1-2	15m ²
ii.	3	20m ²
iii.	More than 3 habitable rooms	20m ² + 5m ² per additional habitable room over 3 habitable rooms

- b. Required outdoor living space for individual residential units must be for the exclusive use of the residential unit, however for the sake of clarity, this does not require that the area to be fenced or otherwise partitioned from another unit's outdoor living space. **{Res cl.16¹}**

- c. For supported living facilities, such as rest homes or student hostels, which only provide bedrooms or beds for residents (not residential units), shared outdoor living space must be provided as follows:

Type of room		Minimum area of outdoor living space per bedroom
i.	<u>Individual Single occupancy {Res cl.16¹}</u> bedrooms	5m ²
ii.	<u>Bedrooms Multiple occupancy bedrooms {Res cl.16¹}</u> hospital rooms/dorms <u>designed to (rooms used to accommodate 2 or more residents) {Res cl.16¹}</u>	10m ²

- d. Shared outdoor living space may be provided as a mixture of ground level ~~green space, balconies balcony,~~ decks or terraces spaces {Res cl.16¹}, provided at least 60% is at ground level, and each space is at least 20m².
- e. Where a facility provides a mixture of residential units and bed/bedroom only options, such as a retirement village, the outdoor living space must comply with the respective standards above based on the amount of each type of accommodation.

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

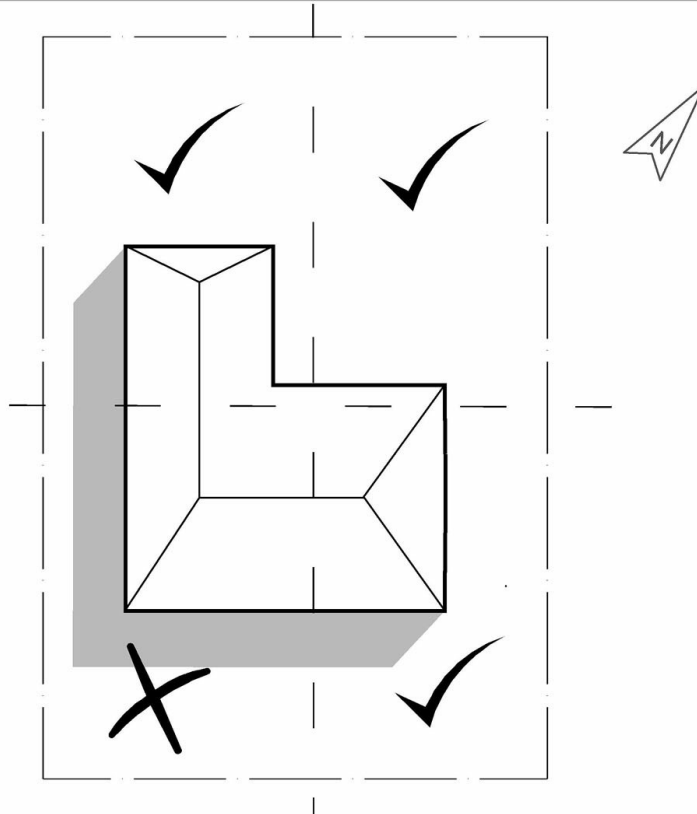
¹ **Res cl.16:** This is not new content but is a re-organisation of existing content (aside from changes marked as such above)

15.5.12.3 Quality and location of outdoor living space for all residential activities {Res cl.16¹}

- a. Outdoor living space provided at ground level **{Res cl.16¹}** must:
 - i. be clear of buildings and structures, except for pools, building eaves, pergolas, decks and terraces;
 - ii. have an average vertical grade not exceeding 1:12 degrees (vertical:horizontal) in any direction;
 - iii. ~~if provided at ground level,~~ **{Res cl.16¹}** have dimensions no less than 3m;
 - iv. ~~must~~ **{Res cl.16¹}** be usable for its intended purpose and not used for vehicle parking, manoeuvring, driveways, or pedestrian accessways to other residential units or properties, or other uses; and
 - v. include at least one continuous **{Res cl.16¹}** area ~~of~~ **{Res cl.16¹}** no smaller than 15m².
- b. Outdoor living space provided not at ground level must: **{Res cl.16¹}**
 - i. if provided as a deck, balcony, **{Res cl.16¹}** or roof terrace, have dimensions no less than 1.8m.
- c. All outdoor living space must: **{Res cl.16¹}**
 - i. be located on the northern, eastern or western sides of residential buildings as per Figure 15.5A; and
 - ii. be directly accessible from a principal living area, except if provided as shared outdoor living space for supported living facilities **{Res cl.16¹}**.
- d. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

¹ **Res cl.16:** This is not new content but is a re-organisation of existing content (aside from changes marked as such above)

Figure 15.5A: Location of outdoor living space



15.5.13 Service Areas

1. Residential activity with 3 or more residential units on a site must provide service areas with a minimum area of 2.5m² per residential unit. Service area requirements are in addition to outdoor living space requirements.
2. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

15.5.14 Setback from National Grid

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

15.5.15 Family Flats {Confirmed for addition - PO 207.1, 876.1 and others}

15.5.15.1 Family Flats - Tenancy {PO 207.1, and others}

- a. Family flats must: **{PO cl.16}**
 - i. only be occupied by: **{PO cl.16}**
 1. a person or persons related to or dependent on the household that lives in the primary residential unit on the same site; or **{PO cl.16}**
 2. employed on-site as a domestic or child-care worker by the household that lives in the primary residential unit on the same site; and **{PO 539.3 and 708.2}**
 - ii. not be on a different tenancy agreement to the primary residential unit. **{PO 207.1 and 394.63}**
- b. Standard residential activity that contravenes this performance standard is a non-complying activity. **{PO 207.1 and 394.63}**

¹ **PO cl.16:** As a clause 16 amendment this has been moved here from definition of family flats.

15.5.15.2 Family Flats - Design {PO 876.1 and others}

- a. Family flats must: {PO cl.16² and cl.16³}
 - i. not exceed a maximum gross floor area {PO cl.16¹} of 60m²: {PO cl.16³}
 - ii. be on the same available water and waste infrastructure connection, or the same non-reticulated wastewater disposal system as the primary residential unit: {PO cl.16³}
 - iii. be on the same household electricity account; and {PO 876.1}
 - iv. share the same vehicle access as the primary residential unit. {PO 876.1}
- b. Standard residential activity that contravenes this performance standard is a restricted discretionary activity. {PO 876.1, 372.1 and 207.2}

¹ **PO cl.16:** Added to improve clarity and for consistency with wording in other sections of this Plan

² **PO cl.16:** As a clause 16 amendment this has been moved from the density performance standard

³ **PO cl.16:** As a clause 16 amendment this has been moved here from the definition of family flats.

15.5.16 Scheduled Mining Activity {Confirmed for addition - CP 874.2 and others}

1. Fairfield Sandpit No. 1 must meet the performance standards listed below. {CP 874.2 and others}
2. If Fairfield Sandpit No. 1 contravenes any of these standards it will be considered a new mining activity and will be subject to the rules that apply to mining in Rule 15.3. {CP 874.2 and others}

15.5.16.3 Maximum annual extraction {CP 874.2 and others}

- a. Fairfield Sandpit No. 1 must not exceed a maximum annual limit of 10,000 tonnes. {CP 874.2 and others}

15.5.16.4 Operating limits {CP 874.2 and others}

- a. Fairfield Sandpit No. 1: {CP 874.2 and others}
 - i. may only operate: Monday to Friday 6.00am to 8.00pm and Saturday 7.00am to 5.00pm: {CP 874.2 and others}
 - ii. must not use blasting: {CP 874.2 and others}
 - iii. must not undertake aggregate processing; and {CP 874.2 and others}
 - iv. must not quarry within 15m of any adjoining property boundary which is used for residential purposes. {CP 874.2 and others}

15.5.16.5 Noise {CP 874.2 and others}

Fairfield Sand Pit No. 1 must comply with Rule 9.3.6, subject to the following: {CP 874.2 and others}

- a. an adjustment of minus 5 dBA for noise emissions having special audible characteristics; and {CP 874.2 and others}
- b. noise level readings for the purpose of determining compliance with the noise conditions must be provided by the quarry operator for two hours, at times representative of the operation and at which maximum noise levels can be assessed. For continuous operations, readings must take place at 12 monthly intervals; for intermittent operations readings must be provided at the time of every subsequent operation of the site. {CP 874.2 and others}

15.5.16.6 Landscaping and Rehabilitation {CP 874.2 and others}

- a. Fairfield Sand Pit No. 1 must undertake a programme of screen planting designed to mitigate adverse visual

effects as viewed from adjacent residential areas, road and other viewing areas, and a programme of landscaping to encourage the revegetation of areas that are no longer being mined. The programmes must ensure that: {CP 874.2 and others}

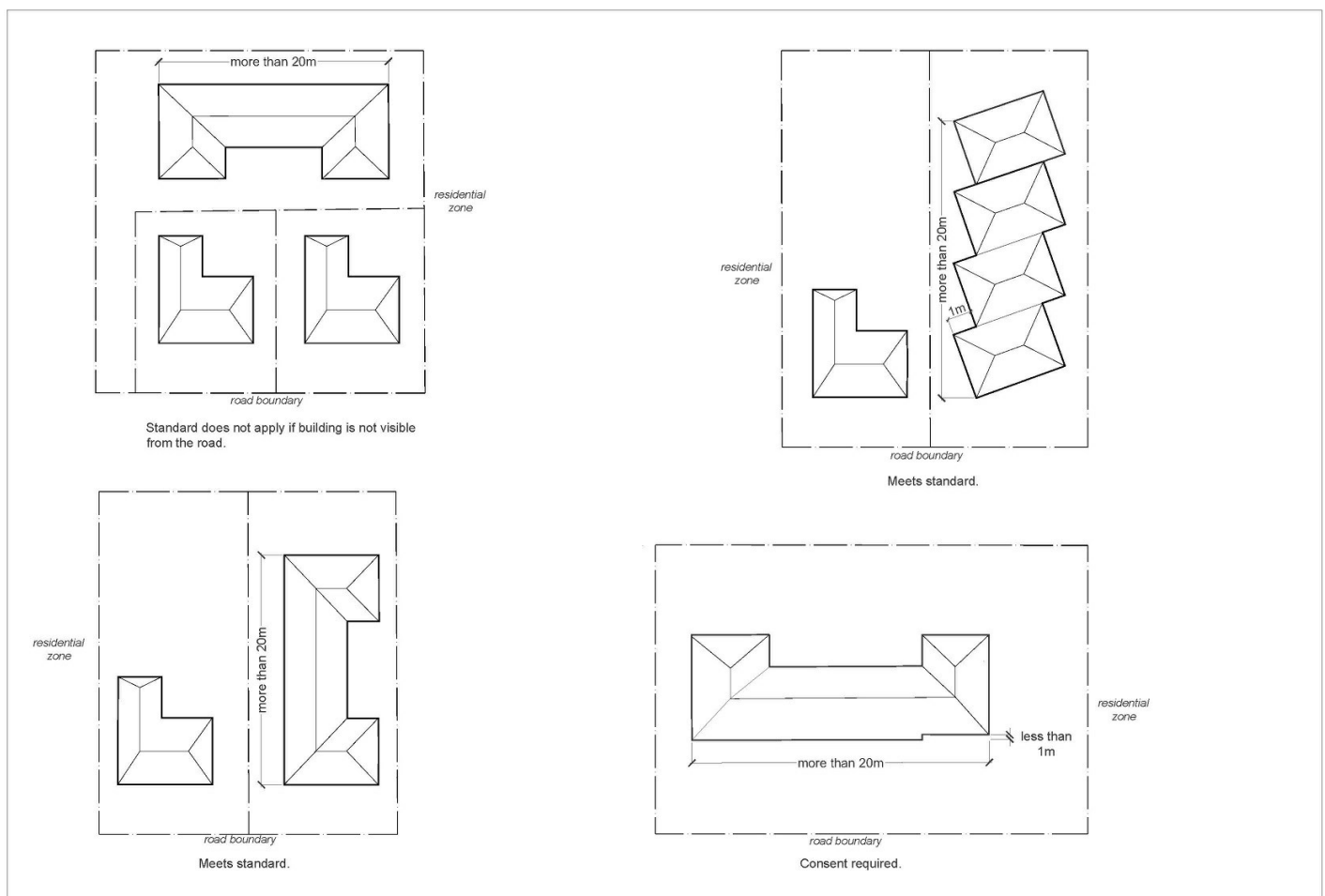
- i. all planting is in accordance with a landscape plan prepared by a qualified landscape architect; {CP 874.2 and others}
 - ii. all vegetation established as part of this programme is maintained in a healthy state at all times; {CP 874.2 and others}
 - iii. where practical, existing screening vegetation within 15m of any adjoining property boundary which is used for residential purposes will be retained; and {CP 874.2 and others}
 - iv. the site is rehabilitated to an appearance and character similar to that of the surrounding environment. {CP 874.2 and others}
- b. Fairfield Sand Pit No. 1 must ensure the edge of the quarried area is designed and certified by a suitably qualified geotechnical engineer to ensure that the edge will not adversely affect any adjoining property boundary. {CP 874.2 and others}

Rule 15.6 Development Performance Standards

15.6.1 Building Length

1. New buildings and additions and alterations must not result in a building with a continuous {Res 740.9} dimension (building length) that is greater than 20m measured parallel to boundaries along the boundary with a road or a residential-zoned property {Res cl.16}, except along any boundary length where the building shares the wall with the adjacent building.
2. For the purposes of this rule a 'continuous dimension' will be measured as follows for walls that modulate: where modulation involves a step-back of 1 metre or more in depth it will be counted as a new wall, but where modulation is less than 1 metre in depth it will be considered a continuous dimension. {Res 740.9}
3. Buildings that are not visible from an adjoining public place are exempt from this standard. {Res 740.9}
4. New buildings, and additions and alterations that contravene the performance standard building length are restricted discretionary activities. {PO cl.16}

Figure 15.6.1A: Building Length {Res cl.16}



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

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

15.6.3 Fence Height and Design

1. Fences must not exceed the following height limits (except as provided for in 15.6.3.3 below): **{Res cl.16}**

Location {Res cl.16}		Maximum height {Res cl.16}
a. {Res cl.16}	Along the road boundary with a state highway {Res cl.16}	2m {Res cl.16}
b. {Res cl.16}	Along all other road boundaries {Res cl.16}	1.4m {Res cl.16}
c. {Res cl.16}	Along a side or rear boundary with a reserve in the recreation zone or residential zone. {Res cl.16}	1.4m {Res cl.16}
d. {Res cl.16}	For sites within a residential heritage precinct, along the part of a side boundary that is within the road boundary setback required by Rule 15.6.14 (see Figure 15.6C) {Res cl.16}	1.4m {Res cl.16}
e. {Res cl.16}	Along all other side and rear boundaries {Res cl.16}	2m {Res cl.16}
f. {Res cl.16}	Between residential buildings on a site {Res cl.16}	2m {Res cl.16}

2. Fences along boundaries include fences that are not exactly on the boundary but are within the boundary setbacks required by Rule 15.6.14. **{Res cl.16}**
3. Where the maximum height of a fence is 1.4m, the height of a fence may be increased to a maximum height of 2m provided that a minimum of 40% of the entire structure is visually permeable (see-through), or the portion above 1.4m height is visually permeable. Visually permeable refers to construction using trellis, lattice, wrought iron, or spaced palings (palings maximum width 150mm, spacing minimum width 25mm) or other materials that provide gaps that can be seen through (see Figure 15.6D and Figure 15.6E). **{Res cl.16}**
4. For the purposes of calculating maximum height, where a fence or wall is erected atop a retaining wall, the height will be calculated as the combined height measured from ground level to the top of the fence or wall. **{Res cl.16}**

15.6.3.1 Maximum Height **{Res cl.16¹}**

- a. The maximum height of fences along boundaries (including within the boundary setbacks required by Rule 15.6.14) is 2m, except:
- for sites within a residential heritage precinct, fences along the part of a side boundary that is within the road boundary setback required by Rule 15.6.14 (see Figure 15.6C) the maximum height is 1.4m.
- b. For the purposes of calculating maximum height, where a fence is erected atop a retaining wall, the height will be calculated as the combined height measured from ground level to the top of the fence. **{Res cl.16¹}**
- c. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

¹ **Res cl.16:** As a clause 16 amendment this has been rearranged from the notified version to provide clarity. This

does not effect the outcome of the provision. Any changes as a result of submissions are indicated.

15.6.3.2 Visual Permeability **{Res cl.16¹}**

- a. Fences along road boundaries or boundaries adjoining a reserve (including within the boundary setbacks required by Rule 15.6.14) must be constructed to a length and/or height that maintains visual permeability for 50% of the length of the boundary measured at a height of 1.4m above ground level (see Figure 15.6D). **{Res 190.1 and others}**
- b. The following fences are exempt from this requirement: **{Res cl.16¹}**
 - i. fences along the road boundary of a state highway: **{Res cl.16¹}**
 - ii. fences required to meet Rule 15.6.9 (Location and Screening of Outdoor Storage); and **{MF 308.375 and 308.497}**
 - iii. boundaries with a reserve that is not in the Recreation Zone or a residential zone. **{Res cl.16¹}**
- c. Fences that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

¹ **Res cl.16:** As a clause 16 amendment this has been rearranged from the notified version to provide clarity. This does not effect the outcome of the provision. Any changes as a result of submissions are indicated.

Figure 15.6C: Side boundary fences in heritage precincts

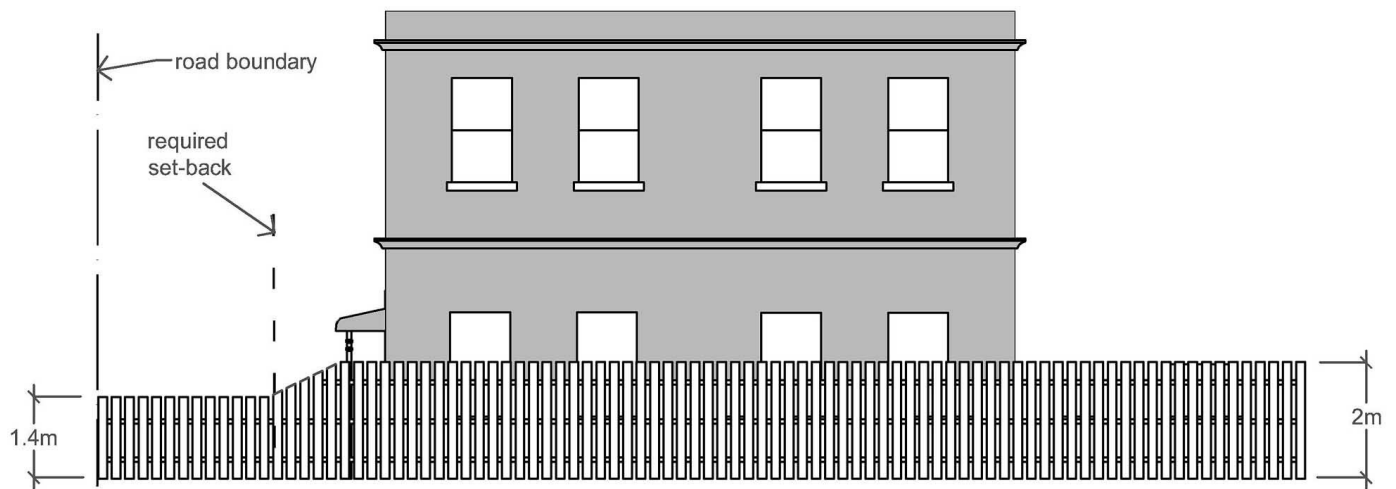


Figure 15.6D: ~~Example of visually permeable fencing~~ Examples of fencing that meet Rule 15.6.3.2 - Visual Permeability **{Res 190.1 and others}**

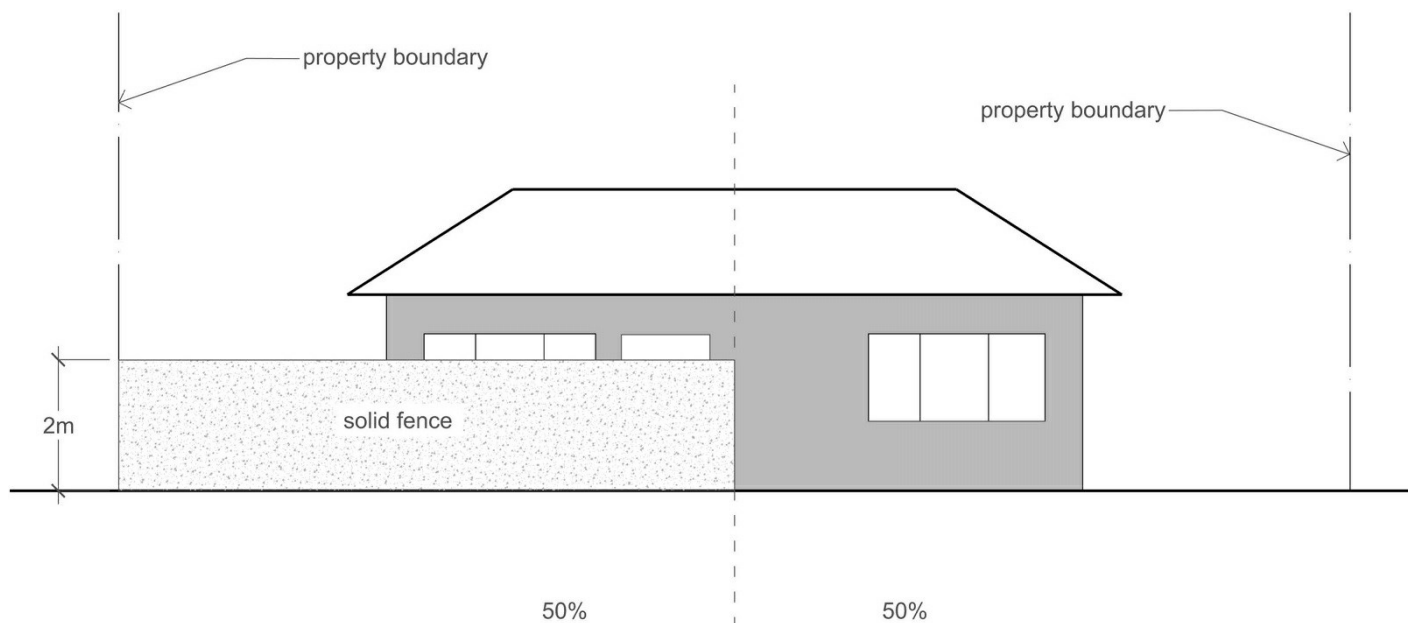
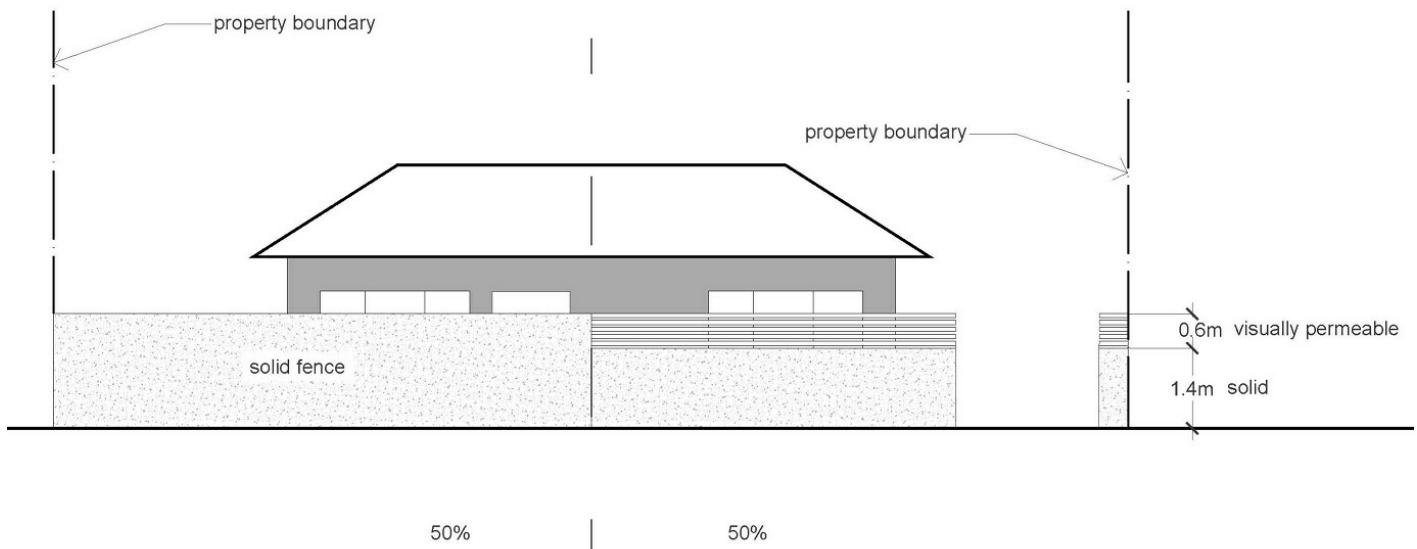


Figure 15.6E: Example of visually permeable fencing



15.6.4 Fire Fighting

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

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

15.6.5.1 Hazard exclusion areas (swale mapped area)

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

¹ **NH cl.16:** Rule reworded to be consistent with Rule 11.3.1.

15.6.5.2 Maximum area of vegetation clearance in the hazard overlay zones

Vegetation clearance in the Hazard 1 or 2 (land instability) Overlay **{Res cl.16}** Zones must comply with Rule 11.3.2.

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

New buildings (including residential buildings) to be used for sensitive activities in the Hazard 1 (flood), Hazard 2 (flood), Hazard 3 (flood) or Hazard 3 (coastal) Overlay Zones must comply with Rule 11.3.3. **{NH 917.27, NH 947.53 and others}**

15.6.5.4 Relocatable buildings

New buildings (including residential buildings) to be used for sensitive activities containing residential activity on the ground floor **{NH 360.239 and NH 961.1}** in the Hazard 3 (coastal) Overlay Zone must comply with Rule 11.3.4.

15.6.5.5 Outdoor storage {was 'Outdoor storage standard' - NH cl.16}

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

15.6.6 Hazardous Substances Quantity Limits and Storage Requirements

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

15.6.7 Height

Note 15.6.7A - General advice {Res 452.3 and 394.45}

The permitted height of buildings and structures is controlled by both the maximum height standard and height in relation to boundary standard. The absolute maximum height specified in the 'maximum height performance standard' may not be achievable on all sites due to site dimensions and topography. {Res 452.3 and 394.45}

15.6.7.1 Height in relation to boundary {Res cl.16¹}

- a. On all side and rear boundaries that adjoin a site with a residential zone or a Residential Transition Overlay Zone {Res 740.18}, new buildings and additions and alterations to buildings must not protrude through the following planes:
 - i. in the General Residential 1 Zone, a plane rising at an angle of 45 degrees measured from a point 2.5m above ground level; or for parts of the site where the width of the site as measured at right angles to the side or rear boundaries is under 16m (see Figure 15.6J), or that have a slope angle of 6 degrees or more and where the ground level at the nearest boundary is lower than the existing ground level of the building platform (see Figure 15.6K), through a plane raising at an angle of 55 degrees from a point 2.5m above ground level. {Res 546.1 and 490.21}
 - ii. in the Inner City Residential Zone, a plane rising at an angle of 45 degrees measured from a point 3m above ground level (see Figure 15.6F-2); or for parts of the site where the width of the site as measured at right angles to the side or rear boundaries is under 16m (see Figure 15.6J), or that have a slope angle of 6 degrees or more and where the ground level at the nearest boundary is lower than the existing ground level of the building platform (see Figure 15.6K), through a plane raising at an angle of 55 degrees from a point 3m above ground level. {Res 546.1 and 490.21}
 - iii. in the General Residential 2 Zone, a plane rising at an angle of ~~45~~ 55 {Res 740.21} degrees measured from a point 3m above ground level (see Figure 15.6F-1);
 - iv. in all other residential zones, a plane rising at an angle of 45 degrees measured from a point 2.5m above ground level (see Figure 15.6F-3)
 - v. except:
 1. in the Inner City Residential Zone, for any new buildings and additions or alterations to buildings within ~~13~~ 16m {Res 740.20 and others} of the road boundary, the height in relation to boundary will be measured from 6.5m above ground level at side boundaries, provided that all buildings on the remainder of the site are set back from the side boundaries by at least 2m (see Figure 15.6G);
 2. where new buildings or additions and alterations are built to a common wall, any part of a building where the height and angle of the roofline are the same as the adjoining building is exempt from this standard Figure 15.6I {Res cl.16²};
 3. gable ends and dormers may protrude through the height in relation to boundary plane by a maximum of ~~4~~ 2m {Res 740.1} (see Figure 15.6H); and
 4. rooftop structures are exempt from the performance standard for height in relation to boundary.
- b. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

¹ **Res cl.16:** Note rule reformatted to make it easier to read and additional figures added as a clause 16 change. All substantive changes are shown against the reformatted rule.

² **Res cl.16:** Figure 15.6I reflects notified rule and is being added to include clarity.

15.6.7.2 Maximum height

- a. The maximum height for **{Res cl.16}** New buildings and structures, and additions and alterations must not exceed the following maximum height {Res cl.16} above ground level is {Res cl.16}:

		1. Maximum height in the Inner City Residential Zone	2. Maximum height in all other residential zones
i.	Family flat (stand-alone building)	Not provided for	4-5 3m (from ground level to the bottom of the eaves) {Res 740.11 and 372.2}
ii.	Garages and carports in road boundary setback	3-3m (from ground level to the bottom of the eaves) {Res 740.16}	3-3m (from ground level to the bottom of the eaves) {Res 740.16}
iii.	All other buildings and structures within setbacks from boundaries, except as provided for in Rule 15.6.14.1	2m	2m
d. {ULS cl.16}	Within Lots 1-10 of the Formby Street Structure Plan (see Appendix 15B) {ULS cl.16}	— {ULS cl.16}	6m {ULS cl.16}
e. {Res 137.1 and 681.1}	Within the Huriawa height restriction mapped area (see mapped area below) {Res 137.1 and 681.1}	— {Res 137.1 and 681.1}	4-5m {Res 137.1 and 681.1}
iv.	All other buildings and structures	12m	9m

- v. Except, **{Res 137.1 and 681.1}**

- rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more than one third of that limit.
- within the **Huriawa height restriction mapped area** (see Figure 15.6.7.2A) **{Res 137.1 and 681.1}**
 - buildings on sites between Rockal Street and Kilda Street must not protrude through a horizontal plane 4.5m above ground level at the Sulisker Street boundary of the site; **{Res 137.1 and 681.1}**
 - buildings on sites between Rona Street and Rockal Street must not exceed 4.5m. **{Res 137.1 and 681.1}**

- b. Buildings or structures must not protrude through the height restriction for the Taieri Aerodrome approach and take-off fans shown on the **Taieri Aerodrome flight fan mapped area**.
- c. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

¹ **ULS cl.16:** This rule has been moved to 15.7A.4 - Formby Street Structure Plan Mapped Area Performance

Standards.

Figure 15.6F: Height in relation to boundary **{Res 740.21 and others}**

Figure 15.6F-1: General Residential 2 Zone **{Res 740.21 and others}**

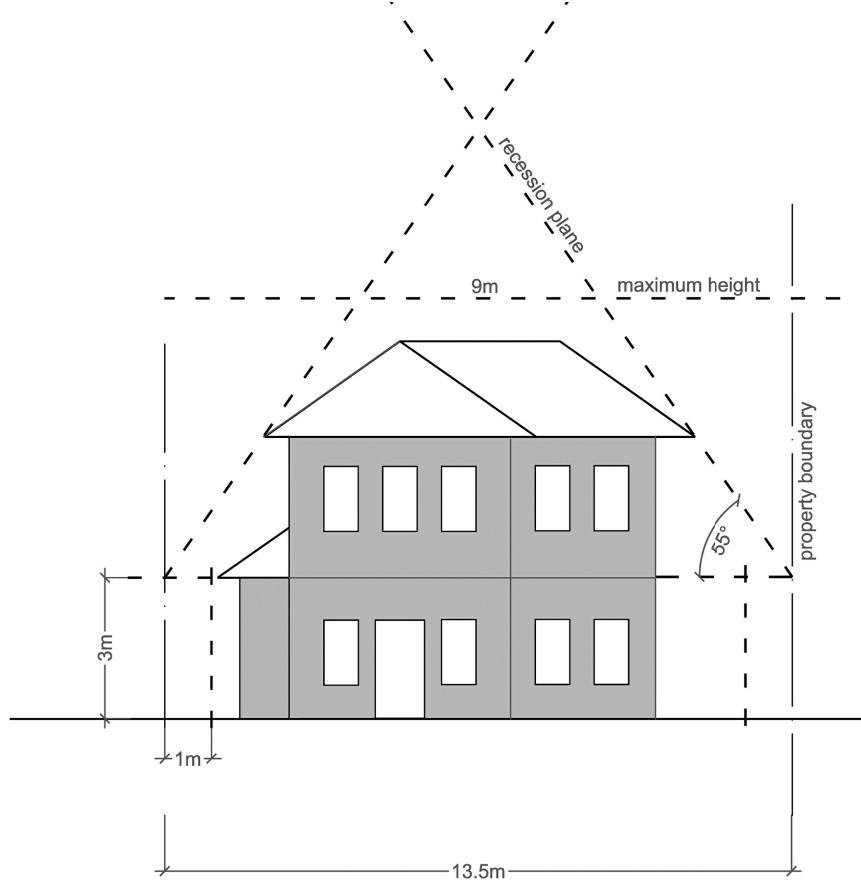


Figure 15.6F-2: Inner City Residential Zone **{Res 740.21 and others}**

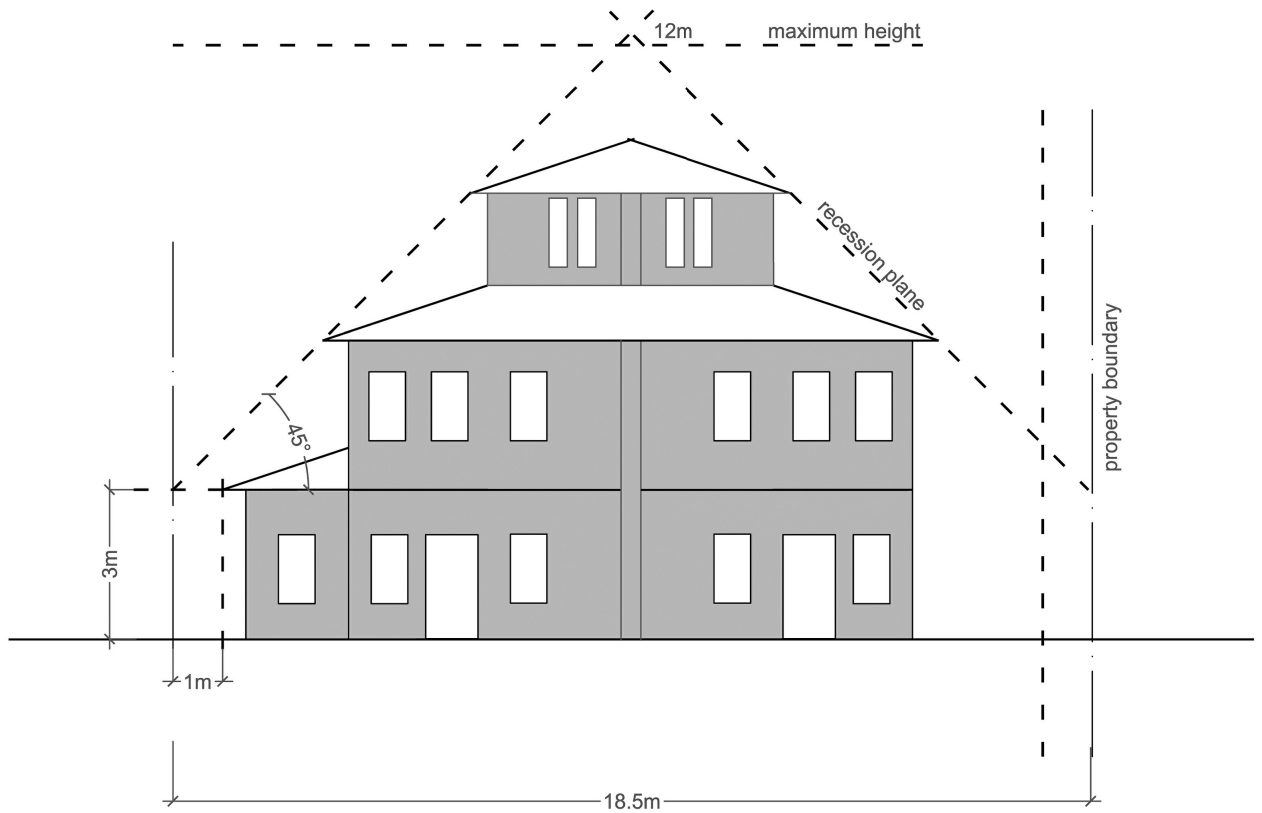


Figure 15.6F-3: All other residential zones **{Res 740.21 and others}**

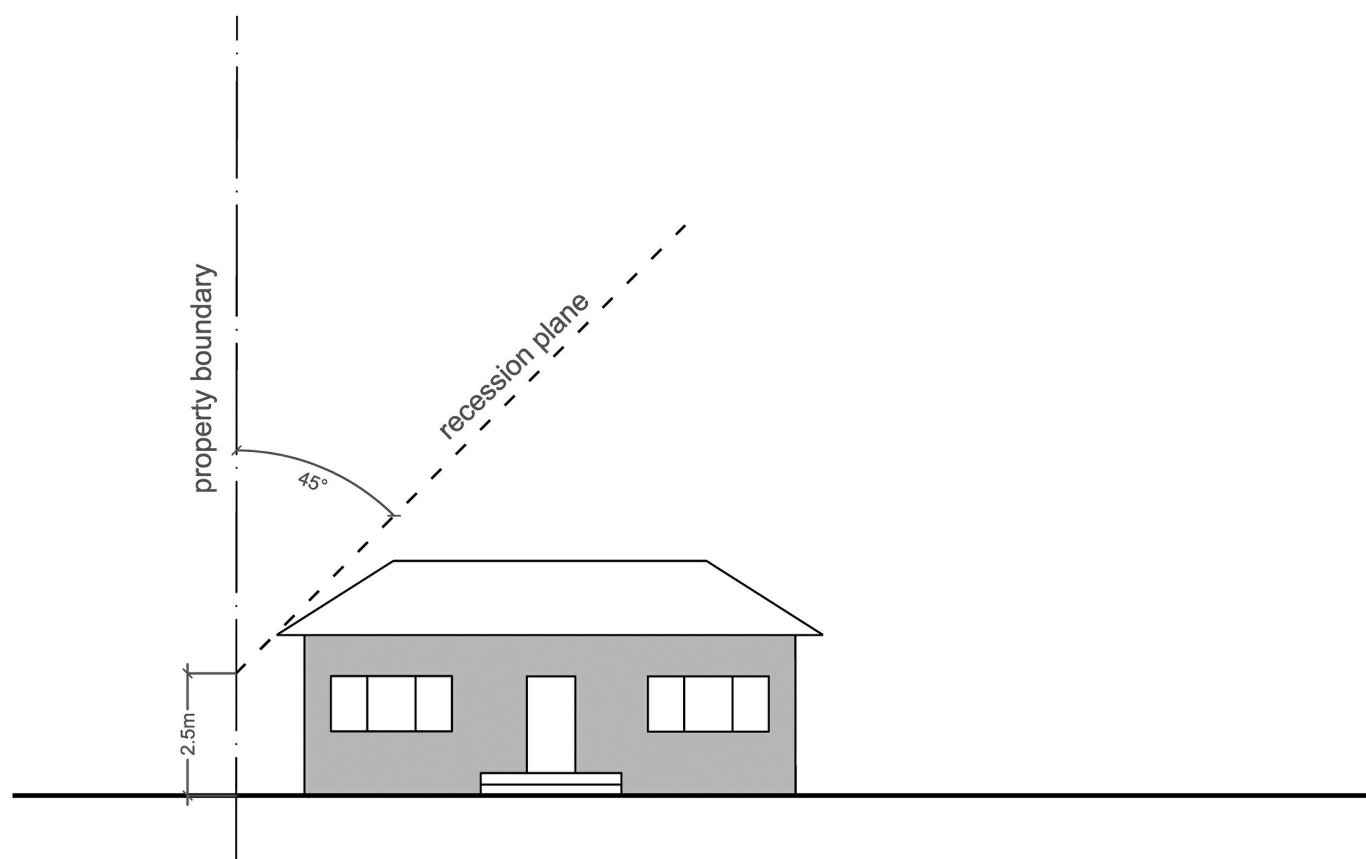


Figure 15.6G: Inner City Residential Zone height in relation to boundary special provision **{Res 740.21 and others¹}**

¹ **Res 740.21 and others:** This image has changed from the Notified Plan.

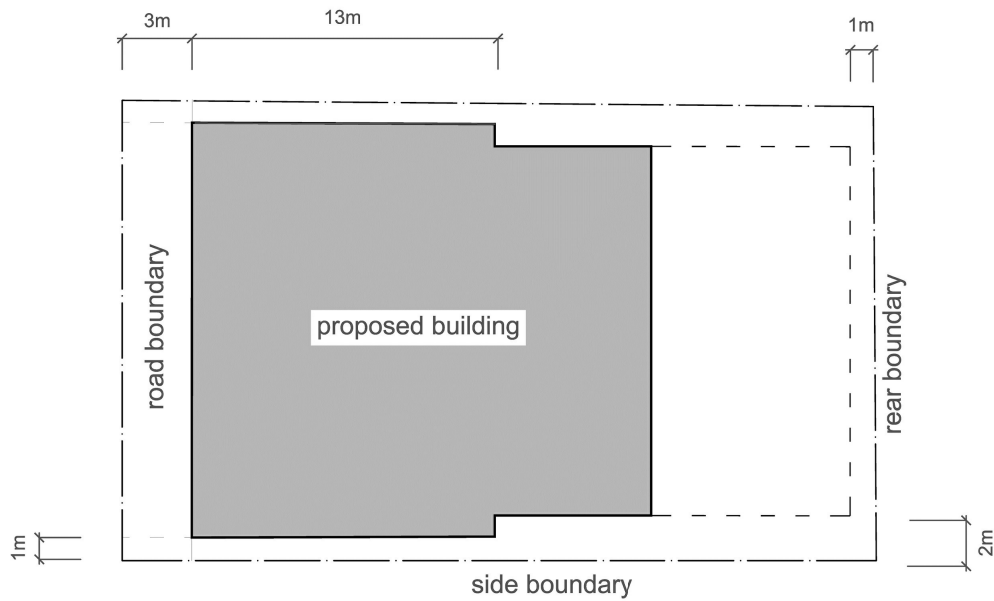


Figure 15.6H: Gable ends and dormers protruding through height plane {Res 740.1}

¹ **Res 740.1:** As a result of submissions, this image has changed.

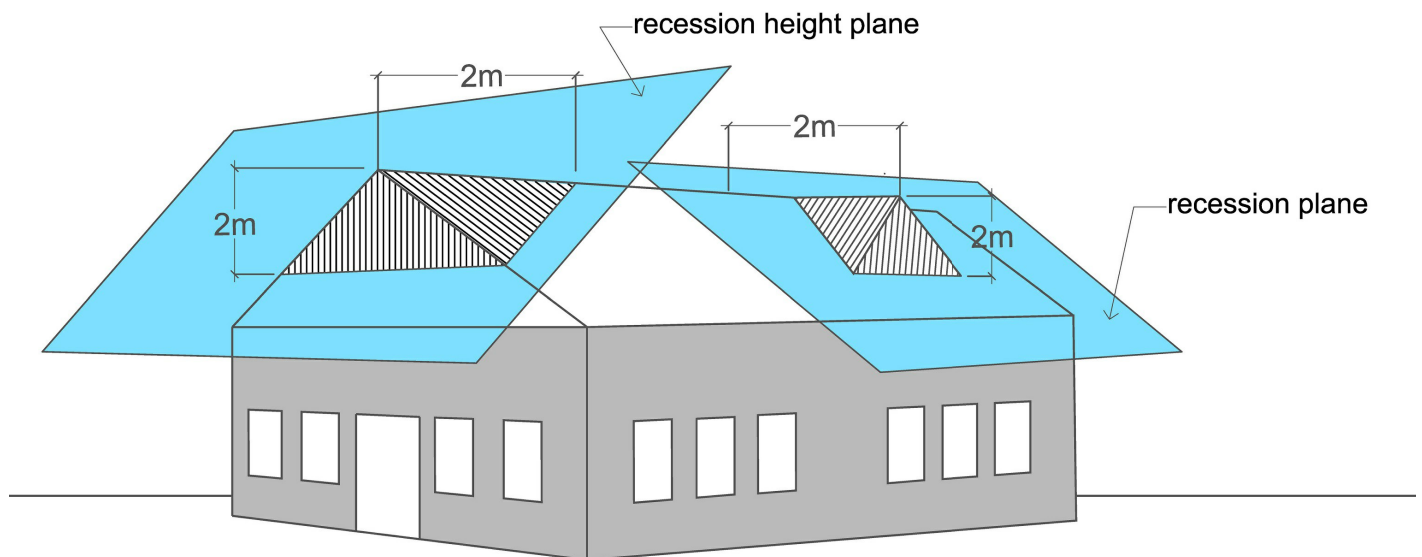


Figure 15.6I: Roof line mirror image where shared wall **{Res cl.16}**

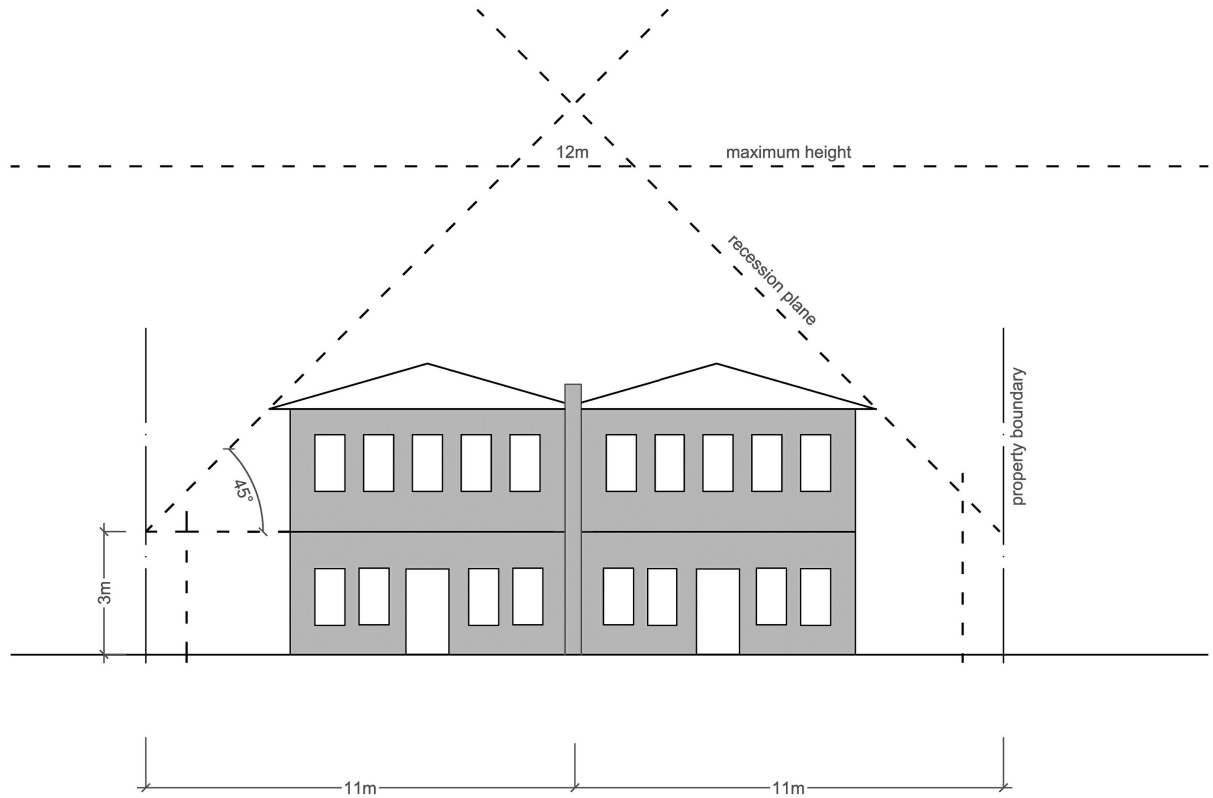


Figure 15.6J: Site width exception rule **{Res 546.1}**

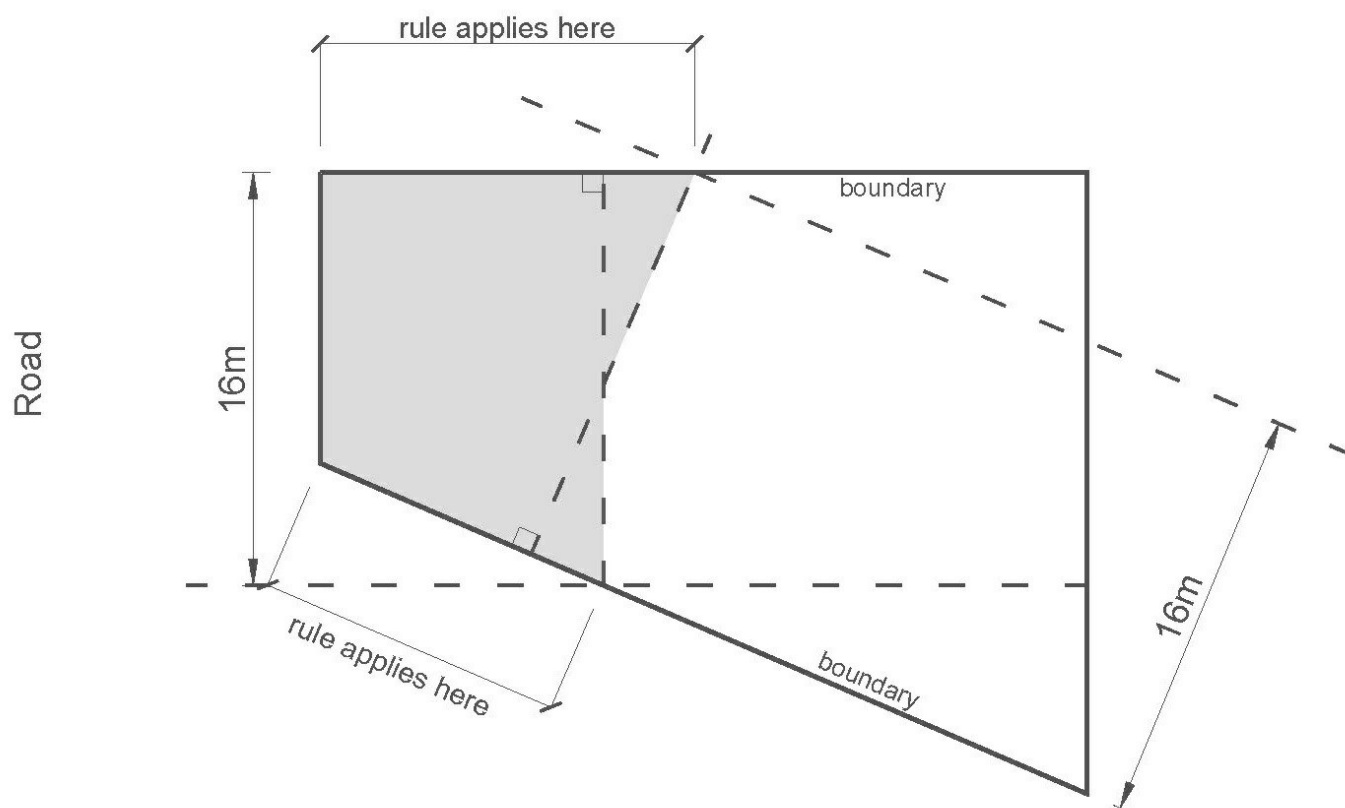


Figure 15.6K: Sloping Site exception rule {Res 546.1}

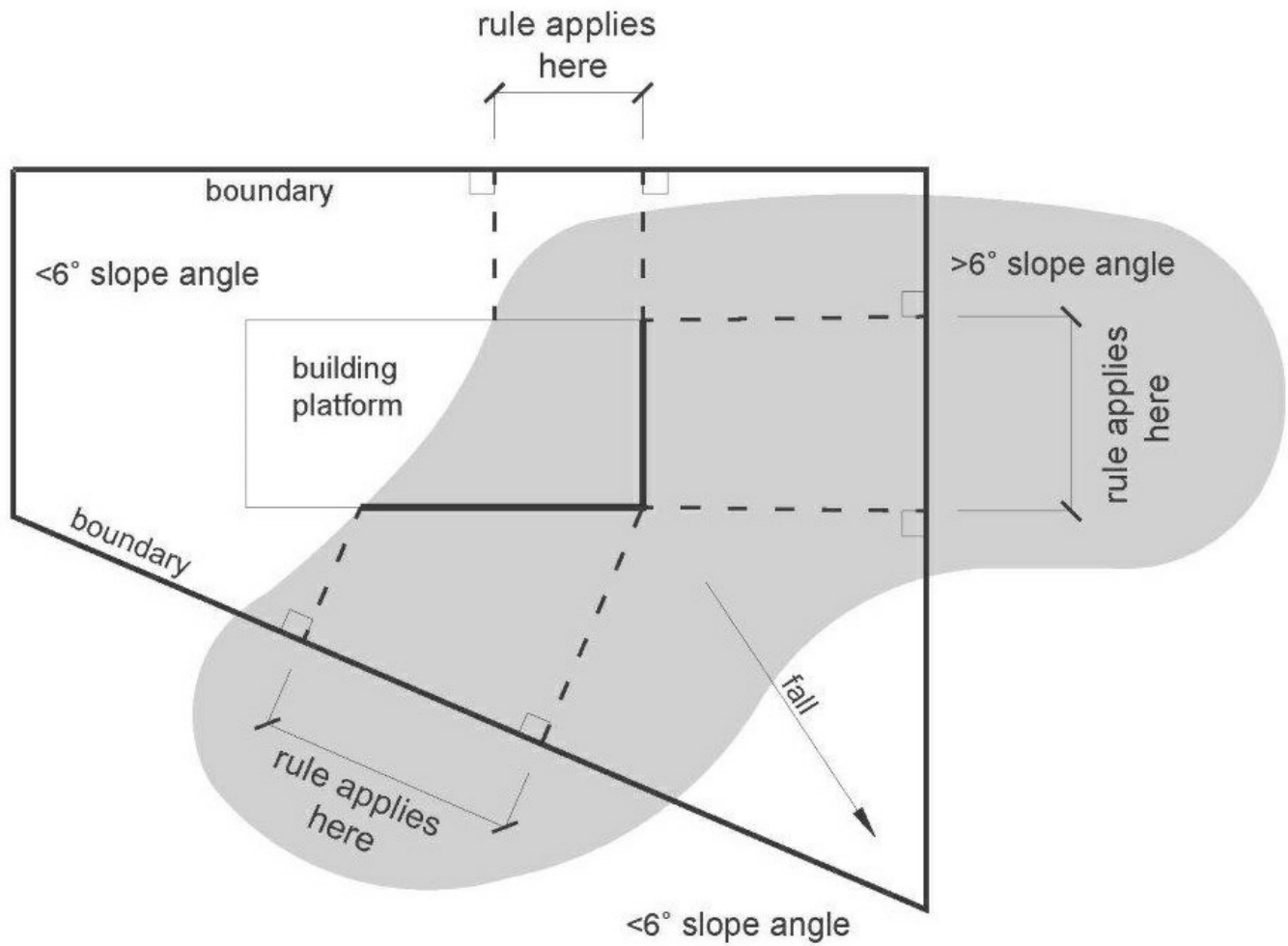
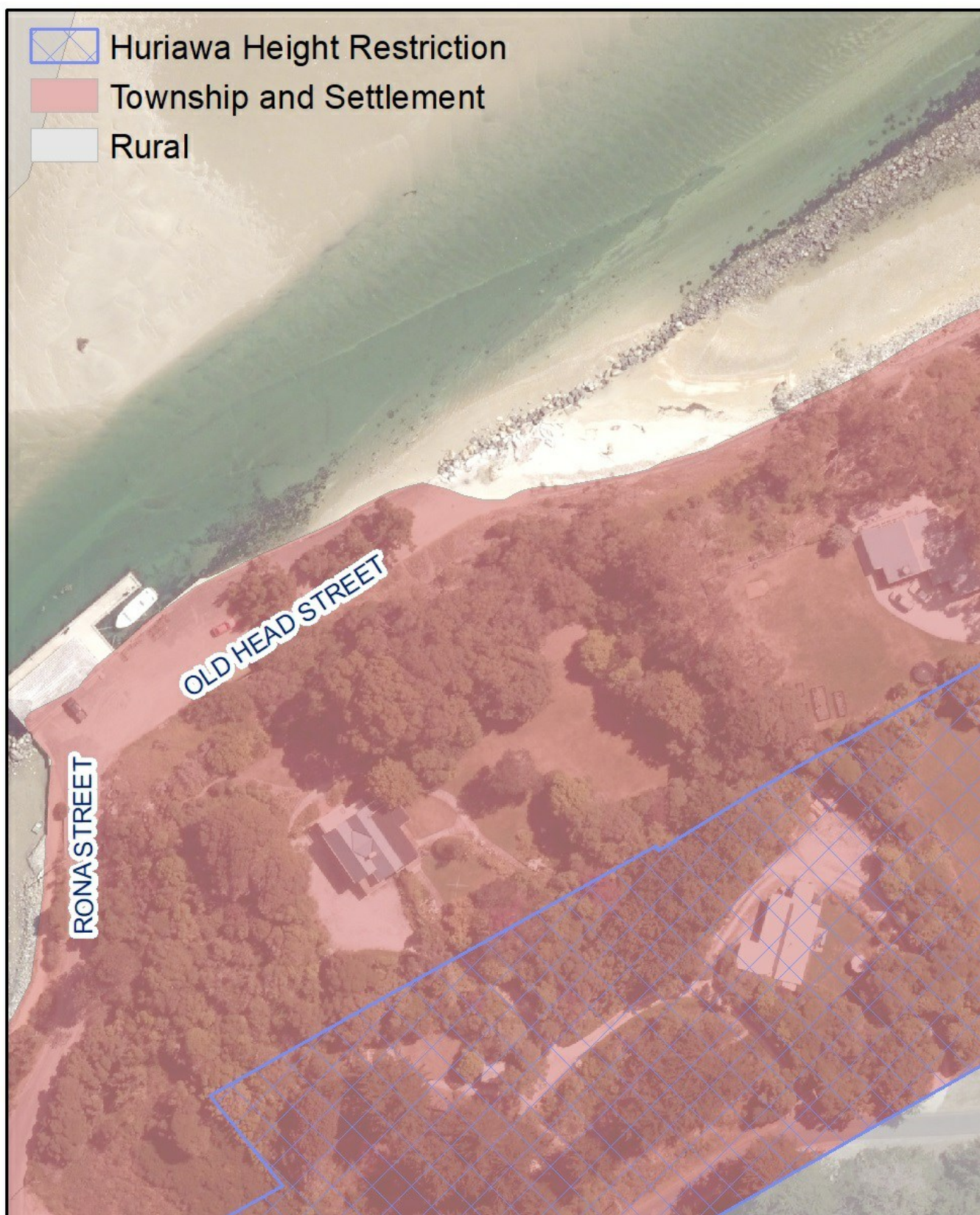
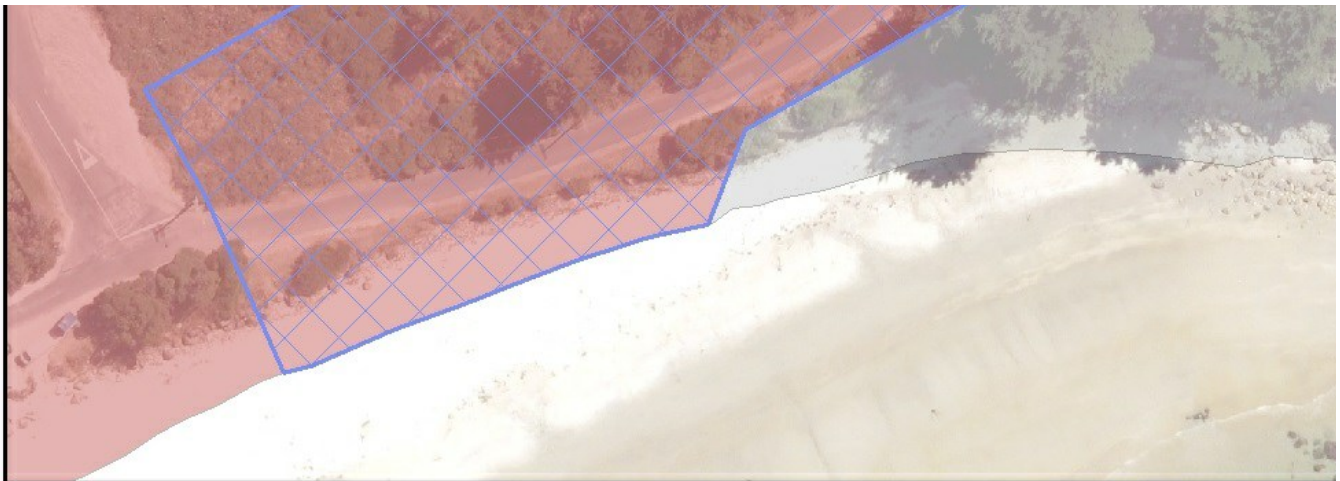


Figure 15.6.7.2A: Huriawa Height Restriction Mapped Area {Res 137.1 and 681.1}

¹ Res 137.1 and 681.1: This image has changed from the notified Plan.





15.6.8 Location and Screening of Car Parking

1. In residential heritage precincts, parking areas must not be visible from an adjoining public place, unless they are set back a minimum of 4m from the road boundary. In all residential areas, parking, loading and access areas and garages and carports must not occupy more than 50% of the area of the front yard that is part of the road boundary setback required by Rule 15.6.14. {Res 360.109}
2. In all other residential areas, parking, loading and access areas and garages and carports must not occupy more than 50% of the area of the front yard that is part of the road boundary setback required by Rule 15.6.14. In residential heritage precincts, parking areas must not be visible from an adjoining public place, unless they are set back a minimum of 4m from the road boundary. {Res 360.109}
3. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

15.6.9 Location and Screening of Outdoor Storage

1. Shared service areas provided for 3 or more residential units must be located or screened so they are not visible at ground level from residential activities within the site, residential activities on adjacent sites, or public places.
2. Outdoor storage, including service areas, must not encroach into required parking, loading, manoeuvring, or outdoor living areas.
3. Materials stored outside must be stored in a way that prevents them contaminating any off-site area.
4. Outdoor storage in the Hazard 1 (flood) Overlay Zone must comply with Rule 11.3.5. {Res cl.16}
5. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

15.6.10 Materials and Design

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

15.6.11 Maximum Building Site Coverage and Impermeable Surfaces

1. Development activities must not result in exceed the following maximum building **{Res cl.16}** site coverage limits: in Table 15.6.11A being exceeded: **{Res cl.16}**

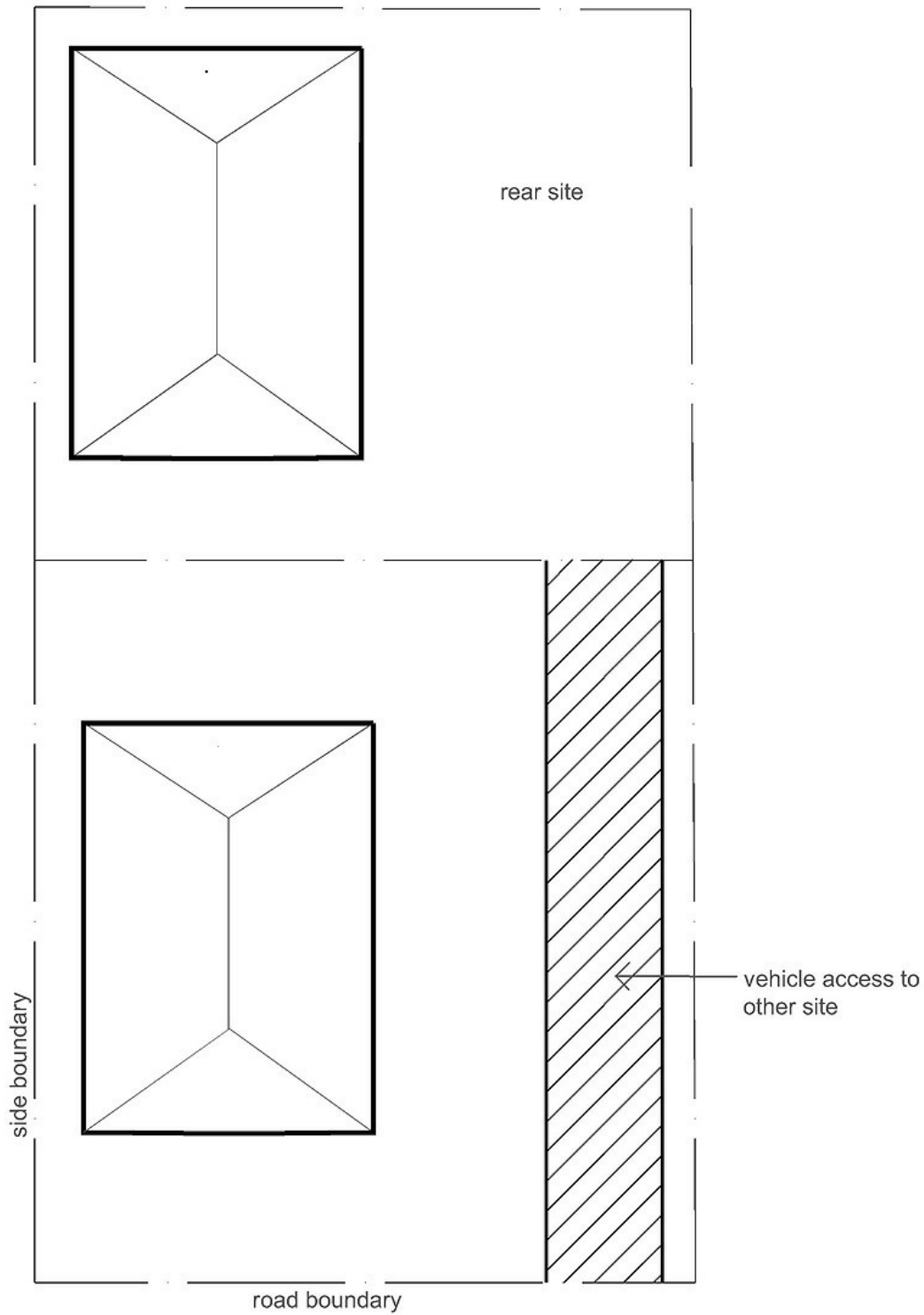
Zone		i. Maximum building {Res cl.16} site coverage: buildings and structures with a footprint greater than 10m ² (% of site)	ii. Maximum building {Res cl.16} site coverage: buildings and structures and any impermeable surfaces (% of site)
a.	General Residential 1 Zone	40%	70%
b.	General Residential 2 Zone	50%	80%
c.	Inner City Residential Zone	60%	80%
d.	Low Density Residential Zone	35%	65%
e.	Large Lot Residential 1 and 2 Zones	30%	50%
f.	Township and Settlement Zone	40%	70%
g.	Township and Settlement Zone in a no DCC reticulated wastewater mapped area	30%	50%

2. Column i gives ~~maximum site coverage, as a percentage of the site, for buildings and structures with a footprint greater than 10m².~~ **{Res cl.16}**
3. Column ii gives the ~~maximum site coverage, as a percentage of the site, for buildings, structures with a footprint greater than 10m²~~ **{Res cl.16}**, and any impermeable surfaces: **{Res cl.16}**
4. For the purpose of this standard, the footprint area of buildings is measured from the external side of walls and excludes any eaves or spouting: **{PO cl.16}**
5. Any vehicle access that provides access to another site and access leg for rear sites will be excluded from the calculation of total site area for the purpose of calculating site coverage in column i but included in the calculation of site coverage in column ii (see Figure 15.6I).
6. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

¹ **Res cl.16:** Makes rule formatting easier to follow.

² **PO cl.16:** This clause is deleted as the requirement is included in the new definition of footprint.

Figure 15.6l: Site coverage calculation



15.6.12 Number, Location and Design of Ancillary Signs

15.6.12.1 General

- a. Signs visible from a public place must meet all of the following performance standards, except that regulatory signs, directional signs and warning signs that do not exceed 0.25m² are exempt from these standards. **{CMU 271.18}**
- b. Signs must also comply with:
 - i. Rule 6.7.2 where located on or above the footpath outside dairies **{PO cl.16}**; and
 - ii. Rule 6.7.3 where visible from a road.
- c. ~~Signs must be ancillary signs.~~ **{PO cl.16}**
- d. Signs must not be illuminated or digital, except signs ancillary to visitor accommodation in the George Street North Residential Heritage Precinct and North Ground Residential Precinct. **{Res 437.2}**
- e. Signs that contravene the performance standard for number, location, and design of ancillary signs are restricted discretionary activities. **{PO cl.16}**

¹ **PO cl.16:** Amended to reflect requirements of Rule 6.7.2

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

15.6.12.2 All signs in residential zones

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

15.6.12.3 All signs (ancillary to residential activities)

- a. Maximum one sign per site, either attached to a building, freestanding or attached to a fence or retaining wall.
- b. The height, above ground level, at the highest point of any sign:
 - i. attached to a residential building, is 4m; and
 - ii. where attached to a fence, retaining wall or freestanding, is 2m.
- c. Signs must have a maximum area of 0.6m² per display face.
- d. Portable freestanding signs must not be located on the road reserve.

15.6.12.4 All signs (ancillary to dairies)

- a. The height, above ground level, at the highest point of any sign attached to a building is 6m.
- b. Signs attached to a verandah fascia must not exceed a height of 0.5m, or the height of a verandah fascia, whichever is greater.
- c. The maximum area of walls up to 4m above ground level, or the bottom of a verandah, whichever is the lesser that signs may occupy is 50%.
- d. One sign with a maximum display face of 2m² is allowed per building between 4 and 6m in height above ground level.
- e. Signs attached at right angles to the façade of a building (including attached to the underside of a verandah), must not exceed:

- i. a maximum of 2 signs per site; and
 - ii. a maximum area per display face of 1.5m²
- f. Portable freestanding signs on footpaths outside dairies must not exceed:
- i. a maximum height of 0.9m above ground level;
 - ii. a maximum width of 0.6m; and
 - iii. a maximum of 1 portable freestanding sign per street frontage of dairy.

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

- a. Maximum 1 sign per site attached to a building.
- b. The height, above ground level, at the highest point of any sign, attached to a building is 4m.
- c. Signs must have a maximum area per display face of 1.5m², except signs ancillary to visitor accommodation may have a maximum area of 2m² per display face in the George Street North Residential Heritage Precinct and North Ground Residential Precinct. {Res 437.2}

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

- a. Maximum of 1 permanently fixed freestanding sign or 1 portable freestanding sign per site.
- b. Freestanding signs must be positioned entirely within site boundaries.
- c. The maximum dimensions of freestanding signs are:
 - i. maximum height of 2m;
 - ii. maximum area of 1.5m² per display face, except signs ancillary to visitor accommodation may have a maximum area of 2m² per display face in the George Street North Residential Heritage Precinct and North Ground Residential Heritage Precinct; {Res 437.2}
 - iii. maximum width of 0.6m; and
 - iv. maximum depth of 0.4m.

Note 15.6A – Other relevant District Plan provisions {PO cl.16¹}

- 1. ~~Commercial advertising is a non-complying land use activity in all zones except the Airport Zone. {PO cl.16}~~
- 2. ~~See Section 3 Public Amenities for the rules related to public noticeboards. {PO cl.16}~~
- 3. ~~See Section 4 Temporary Activities for the rules related to temporary signs. {PO cl.16}~~

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

Note 15.6B.12A - Other requirements outside of the District Plan

- 1. For additional restrictions that may apply to signs, see also:
 - a. ~~New Zealand NZ {Trans 881.17}~~ Transport Agency *Traffic Control Devices Manual, Part 3, Advertising Signs and Signs on State Highways Bylaw {Trans 881.137}*.
 - b. Dunedin City Council Commercial Use of Footpaths Policy.
 - c. Dunedin City Council Roadway Bylaw.
 - d. Dunedin City Council Traffic and Parking Bylaw.

15.6.13 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

15.6.14 Setbacks

15.6.14.1 Boundary setbacks

- a. New buildings and structures, and additions and alterations, must ~~be~~ have a minimum **{Res 945.35}** set back from boundaries, as follows:

Zone		1. Setback from any road boundary	2. Setback from side and rear boundaries	3. Setback from boundary with right of way
i.	General Residential 1 Zone	4.5m	2m	1m
ii.	General Residential 2 Zone (except for Gardens, Mornington, Mosgiel, South Dunedin, and Caversham mapped areas)	4.5m	2m	1m
iii.	General Residential 2 Zone (Gardens, Mornington, Mosgiel, South Dunedin, and Caversham mapped areas)	3m	1m	1m
iv.	Inner City Residential Zone	3m	1m	1m
v.	Low Density Residential Zone	4.5m	2m	1m
vi.	Large Lot Residential 1 and 2 Zones	4.5m	4m	1m
vii.	Township and Settlement Zone (except as for Formby Street structure plan) {ULS cl.16}	4.5m	2m	1m
viii.	In the Formby Street Structure Plan , on the side or rear boundary (as relevant) on the eastern site boundary of Lots 1-10 (as shown on the Formby Street Structure Plan) {ULS cl.16}	4.5m {ULS cl.16}	10m {ULS cl.16}	1m {ULS cl.16}

ix. Except:

- where residential buildings are located on a site between two sites (including corner sites) **{Res 23.1}** with residential buildings that do not meet the standard for setback from the road boundary, then the minimum setback may be reduced to the depth of the larger of the two existing setbacks, as shown in Figure 15.6J¹. Existing setbacks will be measured from the main part of residential buildings and will exclude any garages or carports within the setback from the road boundary **{Res 23.1}**;
- where buildings are built to the boundary and share a common wall no setback is required for the length of the buildings where joined (see Figure 15.6K);
- in all areas, except Large Lot Residential Zones, for stand-alone and attached garages and carports that have their entry facing the road **and** are no greater than 4m high and 4.5m in width (measured as parallel to the road boundary), the setback is reduced to 0.5m from the road boundary or 1m from the edge of any formed footpath or cycleway (whichever is greatest); the setback from any road boundary may be reduced to 0.5m for garages (stand-alone and



attached) and carports no greater than 4.5m in width (as measured parallel to the road boundary) that have their entry facing the road and that meet Rule 15.6.7.2.b (maximum height) {Res 740.16}

4. the setback from the side and rear boundary for stand-alone and attached garages and carports no greater than 3.3 4m {Res 360.107} high and 6m in length (measured as parallel to the boundary) is reduced to 1m; and the setback from the side and rear boundary may be reduced to 1m for garages (stand-alone and attached) and carports that are no greater than 6m in length (as measured parallel to the boundary) and that meet Rule 15.6.7.2.b (maximum height) {Res 740.16}
5. decks less than 0.5m above ground level, structures less than 2m² in floor-area footprint {PO cl.16³} and 2m in height, and all fences are exempt from this standard.
6. for new buildings or additions and alterations to buildings in the Inner City Residential Zone being built in accordance with Rule 15.6.7.1.a.iii.1 (alternate height in relation to boundary performance standard) where a 2m minimum setback is required in accordance with that rule. {Res 360.107}

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

¹ Note: for the purposes of this rule 'existing setbacks' will be measured from the main part of residential buildings and will not include any garages or carports, or other parts of buildings that occupy less than 50% of the building frontage (within the setback), e.g. bay windows, porches, steps, or decks (See Figure 15.6J-2). Where the main part of an existing buildings is not parallel to the road boundary (e.g. not consistently the same distance from the road boundary), the nearest point of the building from the boundary will be used to determine the existing setback. {Res 23.1}

² **ULS cl.16:** Rule has moved to 15.7A.2.1

³ **PO cl.16:** Floor area is replaced by footprint (which is now defined) to improve plan clarity as a minor and inconsequential amendment.

Figure 15.6J-1: Setback from road boundary consistent with neighbour **{Res 23.1}**

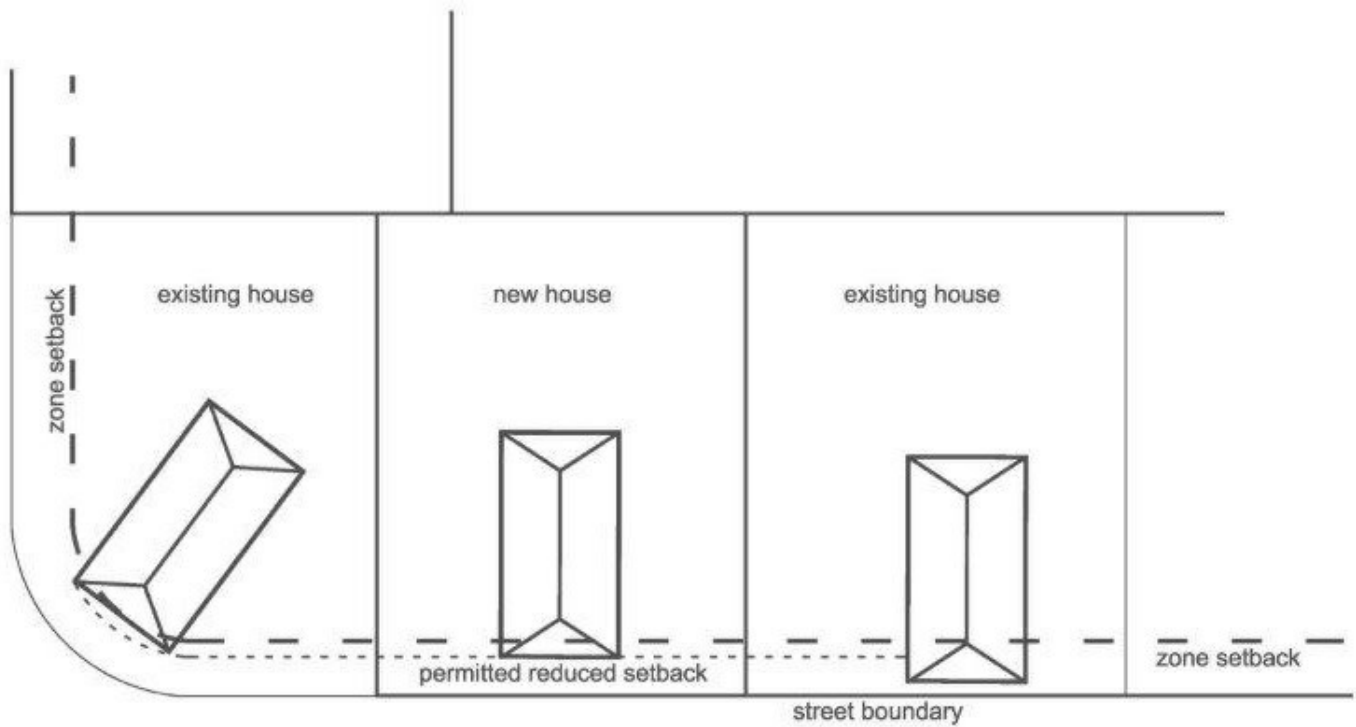


Figure 15.6J-2: Determining existing setbacks {Res 23.1}

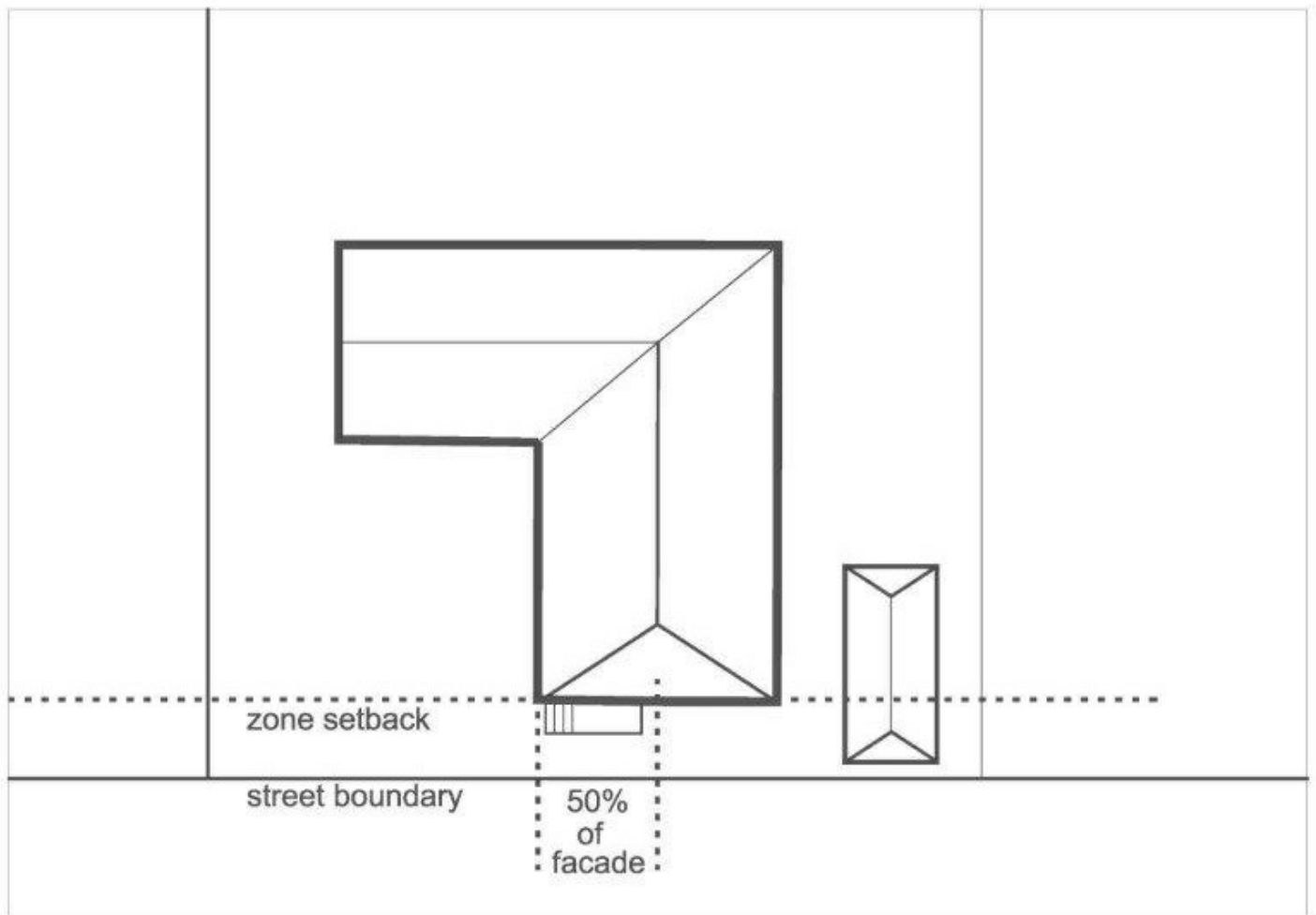
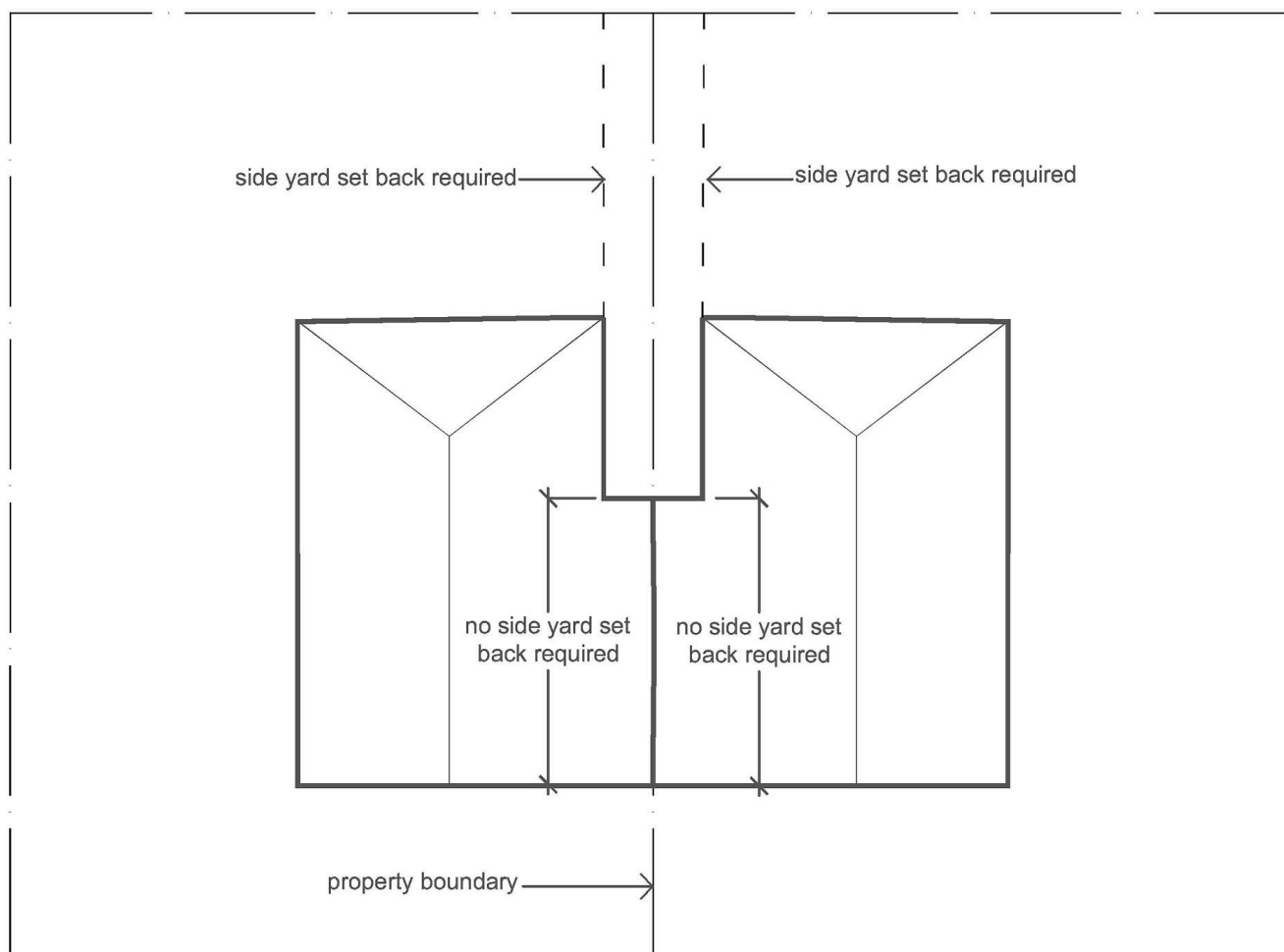


Figure 15.6K: Setbacks for buildings sharing common wall



15.6.14.2 Setback from scheduled tree

New buildings and structures, additions and alterations, ~~earthworks~~, **{EW cl.16}** and any site development activities that involve the installation of impermeable surfacing must comply with Rule 7.5.2.

¹ **EW cl.16:** As a clause 16 amendment, reference to earthworks in the setback from scheduled tree standards in all management and major facility zones have been moved to setback standards in the new city-wide section (Rule 8A.5.11). Any amendments to provisions as a result of submissions are shown there.

15.6.14.3 Setback from coast and water bodies

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

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

15.6.14.4 Setback from National Grid

New buildings and structures, and additions and alterations, ~~and earthworks~~ **{EW cl.16}** must comply with Rules 5.6.1.1. and 5.6.1.2 **{EW cl.16}**

¹ **EW cl.16:** As a clause 16 amendment, reference to earthworks in the setback from National Grid standards in all management and major facility zones have been moved to setback standards in the new city-wide section (Rule 8A.5.5). Any amendments to provisions as a result of submissions are shown there.

15.6.15 Structure Plans ~~{Confirmed for deletion and replaced by 15.7A - ULS cl.16}~~

1. ~~Development activities must be designed and located to ensure all of the requirements of the following structure plans can be met:~~ **{ULS cl.16}**¹
 - a. ~~East Taieri Structure Plan~~ (see Appendix 15A); **{ULS cl.16}**
 - b. ~~Formby Street Structure Plan~~ (see Appendix 15B); **{ULS cl.16}**
 - c. ~~Mosgiel East Structure Plan~~ (see Appendix 15C); and **{ULS cl.16}**
 - d. ~~Holyhead Street Structure Plan~~ (see Appendix 15D). **{ULS cl.16}**
2. ~~Development that contravenes the performance standard for structure plans is a non-complying activity.~~ **{ULS cl.16}**¹

¹ **ULS cl.16:** note that this section has been moved to Rule 15.7A.

East Taieri Structure Plan Mapped Area

Note: Image has been moved to 15.7A. **{ULS cl.16}**

Formby Street Structure Plan Mapped Area

Note: Image has been moved to 15.7A. **{ULS cl.16}**

Mosgiel East Structure Plan Mapped Area

Note: Image has been moved to 15.7A. **{ULS cl.16}**

Holyhead Street Structure Plan Mapped Area

Note: Image has been moved to 15.7A. **{ULS cl.16}**

15.6.16 Vegetation Clearance Standards

15.6.16.1 - Maximum area of vegetation clearance (UBMA) **{NatEnv cl.16}**

Vegetation clearance in an **urban conservation biodiversity** **{NatEnv 958.60}** mapped area (UCMA UBMA **{NatEnv 958.60}**) must comply with Rule 10.3.2.1.

15.6.16.2 - Maximum area of vegetation clearance in a hazard overlay zone **{NatEnv cl.16}**

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

Rule 15.7 Subdivision Performance Standards

15.7.1 Access

Subdivision activities must comply with Rule 6.8.1.

15.7.2 Esplanade Reserves and Strips

Subdivision activities must comply with Rule 10.3.1.

15.7.3 Fire Fighting

Subdivision activities must comply with Rule 9.3.3.

15.7.4 Minimum Site Size

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

Zone		Minimum site size
a.	General Residential 1 Zone	500m ²
b.	General Residential 2 Zone 1. not within an infrastructure constraint mapped area ; or 2. within the Mosgiel infrastructure constraint mapped area (<u>Mosgiel</u>) {Res cl.16} .	300m ²
c.	General Residential 2 Zone within an infrastructure constraint mapped area , except for the Mosgiel infrastructure constraint mapped area (<u>Mosgiel</u>) {Res cl.16} .	500m ²
d.	Inner City Residential Zone	200m ²
e.	Low Density Residential Zone	750m ²
f.	Large Lot Residential Zone 1	2000m ²
g.	Large Lot Residential Zone 2	3500m ²
h.	Township and Settlement Zone	500m ²
i.	Township and Settlement Zone <u>within a</u> {Res cl.16} no DCC reticulated wastewater mapped area	1000m ²

- j. Except resultant sites created and used solely for the following purposes are exempt from the minimum site size:
 - i. Scheduled ASGV ASBV **{NatEnv 958.60}** or QEII covenant;
 - ii. reserve;
 - iii. access;
 - iv. utility; or
 - v. road.
2. General subdivision that contravenes ~~does not comply with~~ **{Trans cl.16}** the standard for minimum site size is non-complying, except in the following circumstances where the subdivision is restricted discretionary:
 - a. a two or more three-**{Res 490.24 and others}** site subdivision where one resultant site is below, but not less than, 75% of **{Res 490.24 and others}** the minimum site size and the average of the site sizes meets the minimum site size performance standard; and



- b. the subdivision does not result in any resultant site being of a size that could be further subdivided in accordance with the minimum site size performance standards; and
- c. the undersized resultant site is large enough to contain a building platform of at least 7m by 10m that meets the performance standards of this Plan including, but not limited to:
 - i. outdoor living space;
 - ii. minimum car parking space;
 - iii. setbacks from boundaries, water bodies, significant trees, National Grid transmission lines; and
 - iv. esplanade reserves and strips.
 - v. maximum building site coverage and impermeable surfaces **{Res cl.16}**

Note 15.7.4A - Other relevant District Plan provisions {Res cl.16}

Note that Rule 15.3.4.4 requires restricted discretionary resource consent for new buildings and additions and alterations that result in a multi-unit development. Landowners undertaking subdivision may wish to apply for subdivision and land use consent simultaneously if three or more units are proposed in a development. **{Res cl.16}**

15.7.5 Service Connections

Subdivision activities must comply with Rule 9.3.7.

15.7.6 Shape

1. Each resultant site that is intended to be developed must be of a size and shape that is large enough to contain a building platform of at least 7m by 10m that meets the performance standards of this Plan including, but not limited to:
 - a. outdoor living space;
 - b. minimum car parking;
 - c. setbacks from boundaries, water bodies, scheduled trees, ~~national grid~~ **{NU 806.11}**; and
 - d. esplanade reserves or strips.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must ~~not contain~~ **{NU 806.11}**:
 - a. not contain **{NU 806.11}** scheduled heritage buildings or structures; or
 - b. not contain **{NU 806.11}** right-of-way easements.
 - c. be located at least 12m from the outer edge of a National Grid support structure or centreline of an overhead National Grid transmission line. **{NU806.11}**
3. For unreticulated areas, resultant sites must provide for a waste disposal area to be located at least 50m from any water body and Mean High Water Springs. **{PHS 1071.56}**
4. Sites created and used solely for the following purposes are exempt from the shape standard:
 - a. Scheduled ASCV ASBV **{NatEnv 958.60}** or QEII covenant;
 - b. reserve;
 - c. access;
 - d. network utility; or
 - e. road.
5. Subdivision activities that do not meet this standard are restricted discretionary activities, except that

subdivision activities that do not meet Rule 15.7.6.2.c are non-complying activities. {NU806.11}

15.7.7 Structure Plans {Confirmed to be replaced 15.7A - ULS cl.16}

1. Subdivision of land subject to a Structure Plan must be in accordance with the relevant Structure Plan as follows: **{ULS cl.16¹}**
 - a. ~~East Taieri Structure Plan~~ (Appendix 15A); **{ULS cl.16¹}**
 - b. ~~Formby Street Structure Plan~~ (Appendix 15B); **{ULS cl.16¹}**
 - c. ~~Mosgiel East Structure Plan~~ (Appendix 15C); or **{ULS cl.16¹}**
 - d. ~~Holyhead Street Structure Plan~~ (Appendix 15D); **{ULS cl.16¹}**
2. Subdivision not in accordance with an approved Structure Plan is a non-complying activity. **{ULS cl.16¹}**

¹ **ULS cl.16:** note that this section has been moved to Rule 15.7A.

Rule 15.7A - Structure Plan Mapped Area Performance Standards {Confirmed for addition - ULS cl.16}

1. Subdivision of land in a structure plan mapped area must be in accordance with the relevant structure plan mapped area performance standards. **{ULS cl.16¹}**
2. Development activities in a structure plan mapped area must be designed and located to ensure all of the requirements of the structure plan mapped area performance standards can be met. **{ULS cl.16²}**

¹ **ULS cl.16:** Content has moved from Rule 15.7.7.1

² **ULS cl.16:** Content has moved from Rule 15.6.15.1

15.7A.3 – East Taieri Structure Plan Mapped Area Performance Standards {Confirmed to replace Appendix 15A - ULS cl.16}

Additional performance standards {ULS cl.16¹}

¹ **ULS cl.16:** Rules 15.7A.3.1, 15.7A.3.3, 15.7A.3.4 and Figure 15.7A.X have moved from Appendix 15A.

15.7A.3.1 Subdivision {ULS cl.16¹}

- a. Transport network
 - i. Access links to Gladstone Rd, Riccarton Rd, and Cemetery Rd must be provided for full development of the site to occur.
 - ii. The legal road width of a collector road must be a minimum of 20m wide, including footpaths 2m wide, and cycle lanes 1.5m wide.
 - iii. The legal road width of a local road must be a minimum of 16m wide, including footpaths a minimum 1.5m wide.
- b. Reserve
 - i. A 4000m² recreation reserve must be provided within the region marked 'Area A' on the structure plan. The reserve is to have road frontages of at least 20m, and the detailed location of this reserve must be shown in a resource consent application for subdivision of land in the area and vest in Council accordingly.

15.7A.3.2 Density {ULS cl.16²}

Up to 20% of the land used for residential purposes within the region marked "Area A", may be developed at a density of one residential unit per 300m². **{ULS cl.16¹}**

² **ULS cl.16:** moved from Rule 15.5.2.1.k.ii

15.7A.3.3 Development requirements or conditions of subdivision consent **{ULS cl.16¹}**

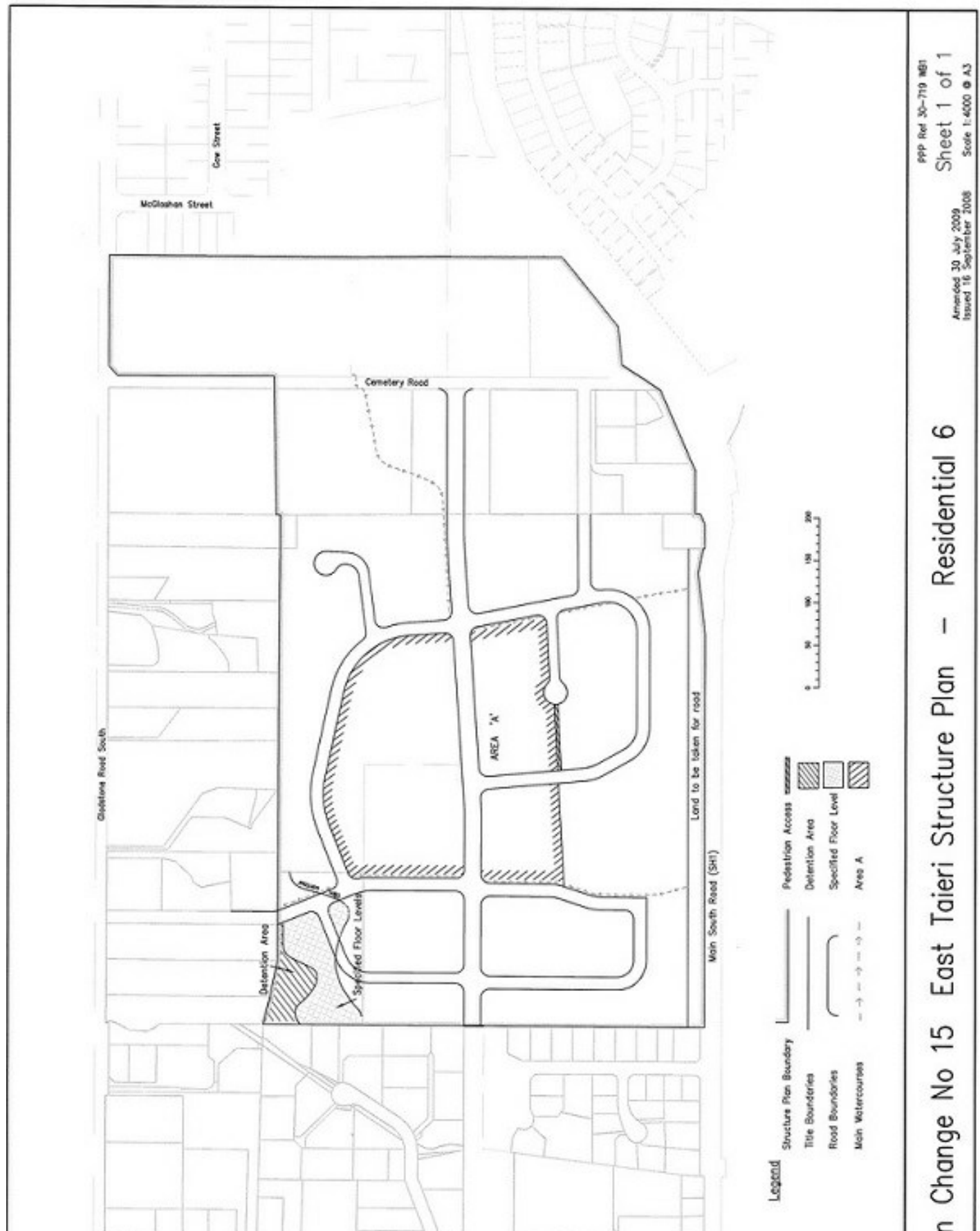
- a. Stormwater network
 - i. On-site stormwater systems (retention/detention and secondary flowpaths, etc.) must be designed for 1 in 100 (1%) annual exceedance probability event. A stormwater retention/detention pond to service the **structure plan mapped {ULS cl.16} area** must be established in the general location of the area marked "detention area" on the structure plan and developed to the satisfaction of Council.
 - ii. Local stormwater reticulation systems must be designed for a 1 in 10 (10%) annual exceedance probability event.
 - iii. Development within the 'specified floor level' area shown on the structure plan is to be designed to adequately address potential flooding issues, with finished floor levels ~~equal to or greater than the floor level shown on the flood minimum floor level mapped area~~, or if not shown on that map, at least ~~500mm above ground level~~ for dwellings above the 1:50 year flood level in accordance with the NZ Building Code {Res cl.16¹}
- b. Reserve
 - i. The reserve must have a consistent boundary treatment where it adjoins residential properties, installed by the developer prior to vesting in Council. The reserve must be flattened and grassed to a standard that can be cut with a ride-on mower, and free of buildings, tree stumps, or other obstacles, prior to vesting in Council.

¹ **Res cl.16:** Correction to align with provisions in the Dunedin City District Plan 2006.

15.7A.3.4 Information requirements

- a. Subdivision applications must include an Integrated Traffic Assessment (ITA) (refer Rule 6.13.2).
- b. Subdivision applications must include information outlining:
 - a. the techniques to be used to manage stormwater, and the location and extent to which these techniques are accommodated on-site; and
 - b. how the integrity of the stormwater mitigation and management measures will not be compromised during and after subdivision; and
 - c. a maintenance plan for stormwater infrastructure, including actions to be taken to ensure the on-going management and maintenance of on-site mitigation measures and the responsibilities for this; and
 - d. design details highlighting the adequacy of the proposed measures and identifying areas of greatest risk; and
 - e. how subdivision within the 'specified floor level' area shown on the structure plan is to be designed to adequately address potential flooding issues.
5. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply. {ULS cl.16}
6. Activities that contravene this performance standard are a non-complying activity. {ULS cl.16}

Figure 15.7A.X: East Taieri Structure Plan {ULS cl.16'}





15.7A.4 – Formby Street Structure Plan Mapped Area Performance Standards {Confirmed to replace Appendix 15B - ULS cl.16}

Additional performance standards {ULS cl.16¹}

¹ **ULS cl.16:** Rules 15.7A.4.1.a - 15.7A.4.1.b and Figure 15.7A.X have moved from Appendix 15B.

15.7A.4.1 Subdivision

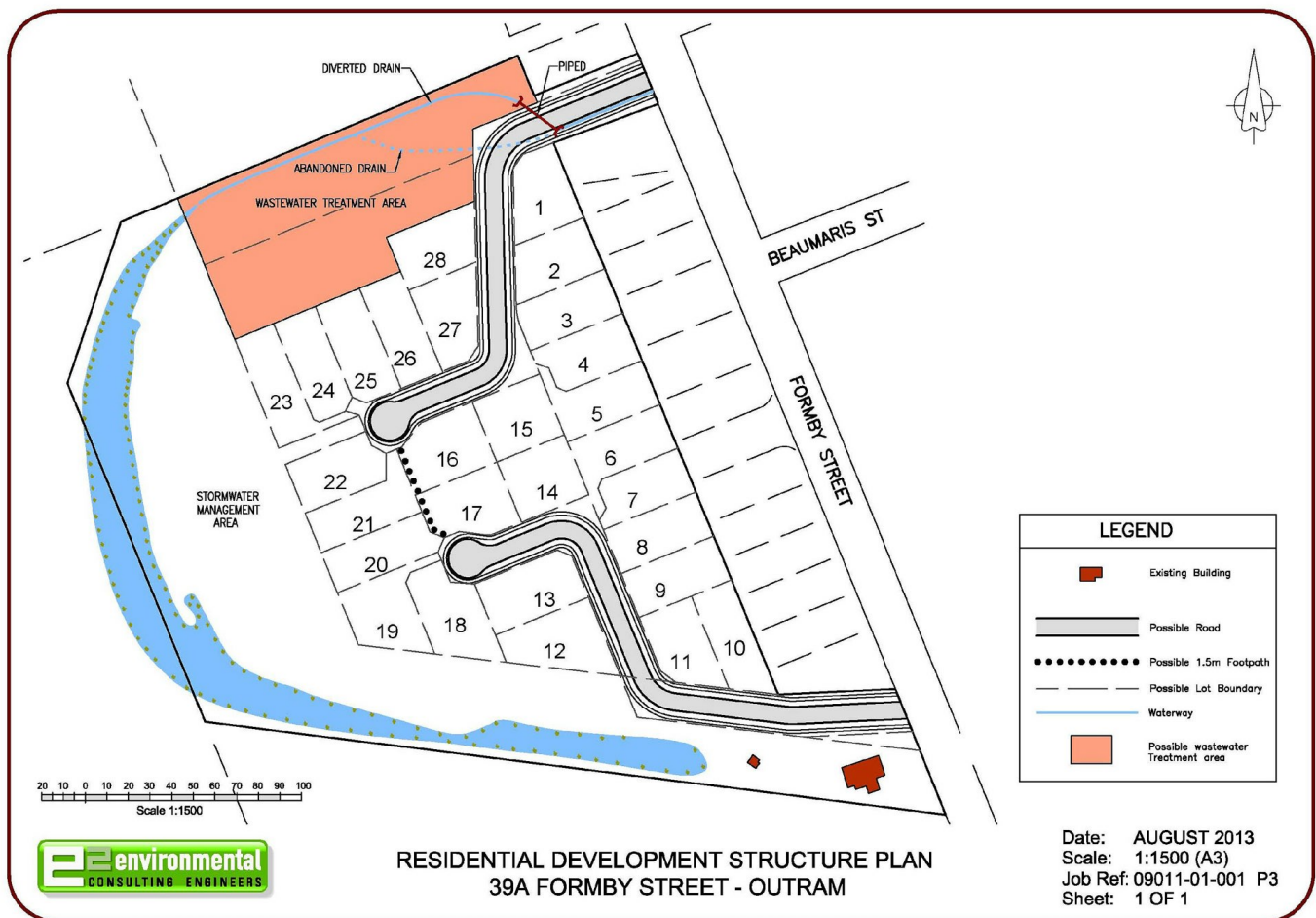
- a. Wastewater network
 - i. Proprietary wastewater treatment facility must be established in the area marked "wastewater treatment area" on the structure plan.
- b. Transport network
 - i. A public pedestrian accessway with a minimum width of 1.5m must be established along the "possible 1.5m footpath" line marked on the structure plan.
 - ii. The legal road width of the two cul-de-sacs must be at least 16m, with a footpath on at least one side of each of the cul-de-sacs.
- c. New buildings and structures, and additions and alterations, on Lots 1-10 must have a minimum set back from the side or rear boundary (as relevant) on the eastern site boundary, of 10m. **{ULS cl.16²}**
- d. The maximum height for new buildings and structures, and additions and alterations above ground level on Lots 1-10 is 6m. **{ULS cl.16³}**

² **ULS cl.16:** Moved from Rule 15.6.14

³ **ULS cl.16:** Moved from Rule 15.6.7.2

2. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply. **{ULS cl.16}**
3. Activities that contravene this performance standard are a non-complying activity. **{ULS cl.16}**

Figure 15.7A.X: Formby Street Structure Plan



15.7A.5 – Mosgiel East Structure Plan Mapped Area Performance Standards {Confirmed to replace Appendix 15C - ULS cl.16}

Additional performance standards {ULS cl.16¹}

¹ **ULS cl.16:** Rules 15.7A.5.1, 15.7A.5.2 15.7A.5.3 and Figure 15.7A.X have moved from Appendix 15C.

15.7A.5.1 Subdivision

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

15.7A.5.2 Development requirement or condition of subdivision consent

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

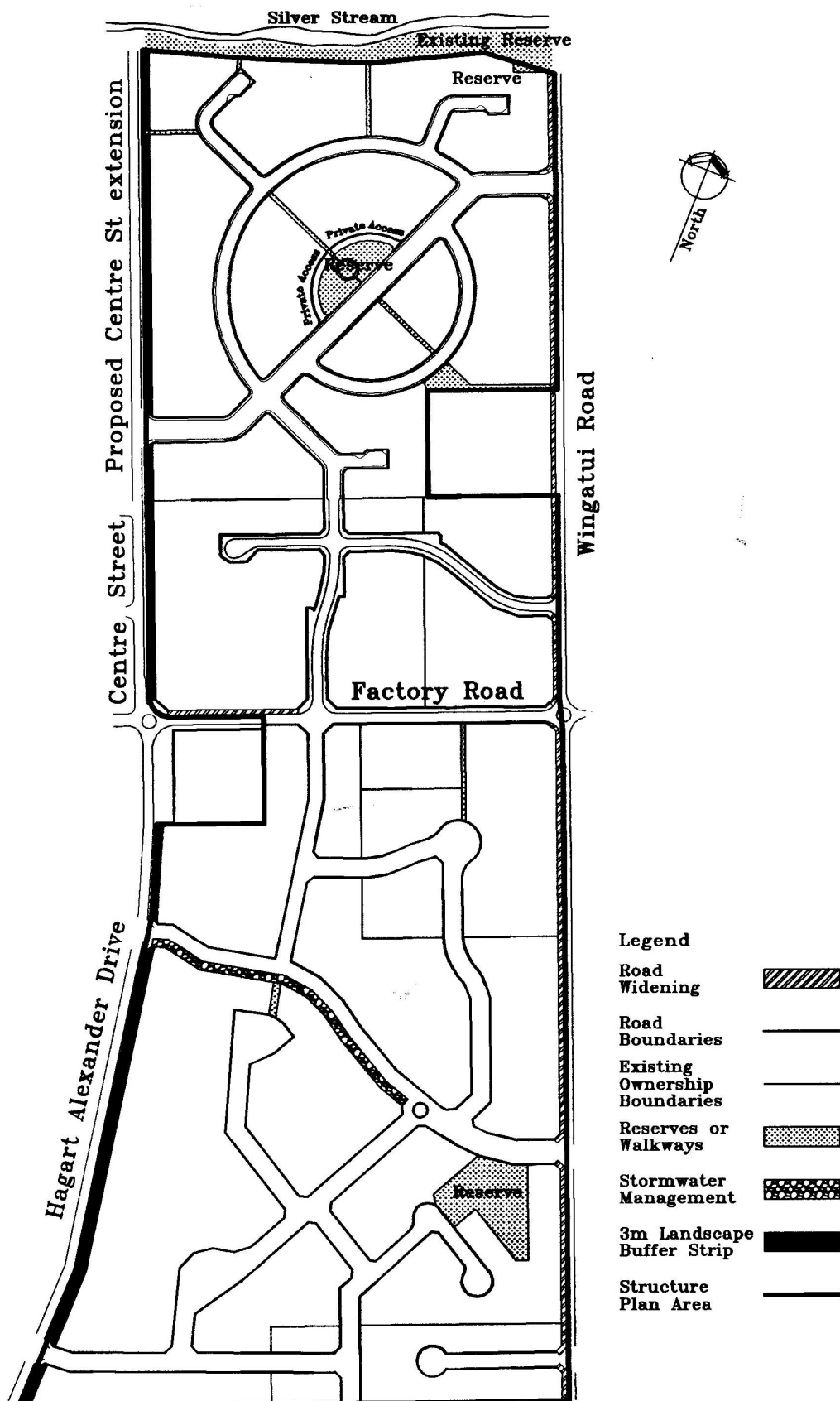
15.7A.5.3 Information requirements

- a. Subdivision and land use applications must include information outlining:
 - i. the techniques to be used to manage stormwater and the extent to which these techniques are accommodated on-site; and
 - ii. how the integrity of the stormwater mitigation and management measures will not be compromised during and after a subdivision; and
 - iii. a maintenance plan for stormwater infrastructure, including actions to be taken to ensure the on-going management and maintenance of on-site mitigation measures and the responsibilities for this; and
 - iv. design details highlighting the adequacy of the proposed measures and identifying areas of greatest risk.
4. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply. {ULS cl.16}
5. Activities that contravene this performance standard are a non-complying activity. {ULS cl.16}

Figure 15.7A.X: Mosgiel East Structure Plan



MOSGIEL EAST STRUCTURE PLAN



15.7A.6 – Holyhead Street Structure Plan Mapped Area Performance Standards {Confirmed to replace Appendix 15D - ULS cl.16}

Additional performance standards {ULS cl.16}

¹ **ULS cl.16:** Rules 15.7A.6.1, 15.7A.6.2 and Figure 15.7A.X have moved from Appendix 15D.

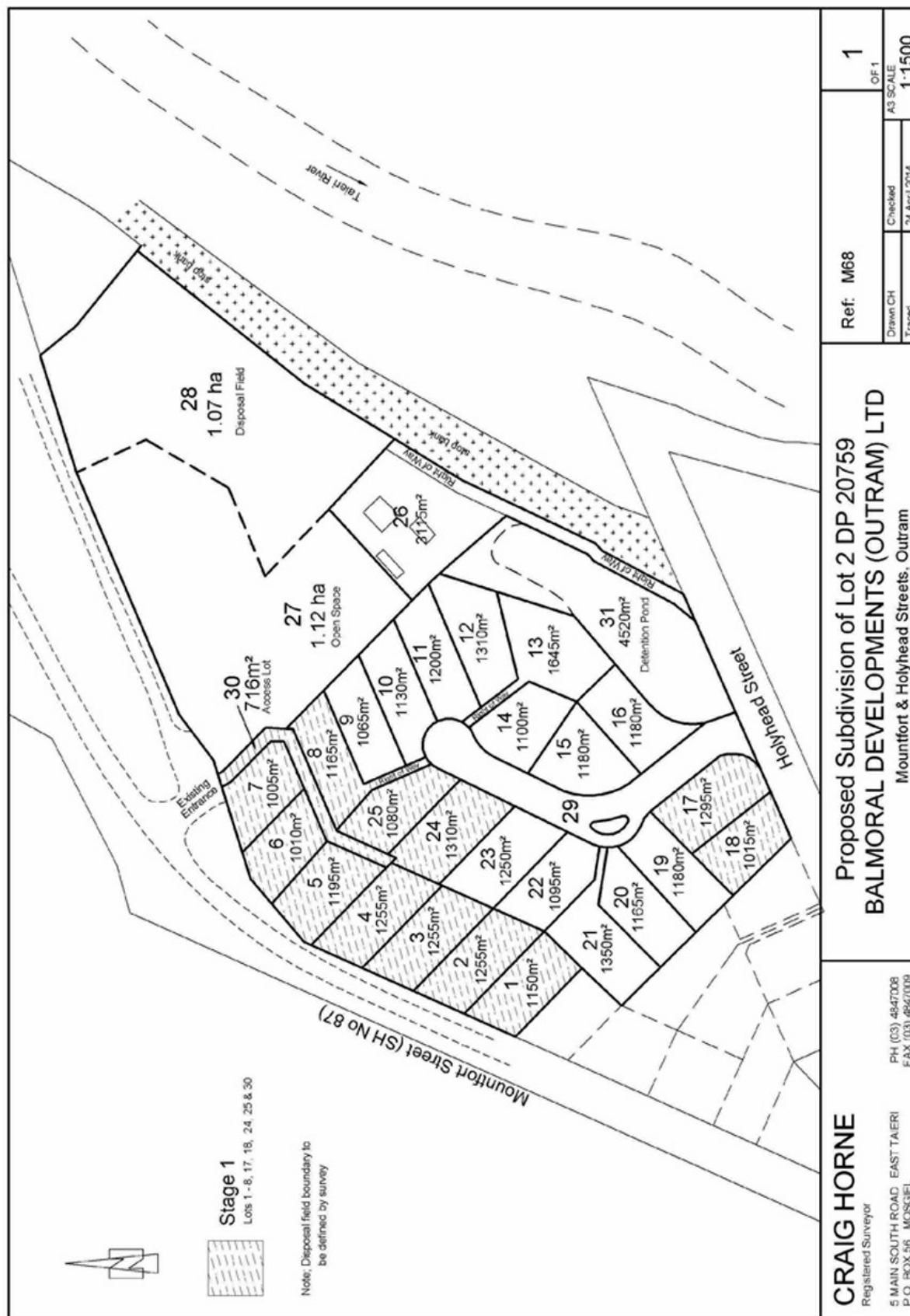
15.7A.6.1 Subdivision

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

15.7A.6.2 Development requirement or condition of subdivision consent

- a. Vehicle access
 - i. Lot 29 must be formed as an access road either once all of Lots 1-8 (inclusive), 24 and 25 have residential development established on them, or before any residential development is established on any of Lots 9-16 (inclusive) or any of Lots 19-23 (inclusive).
3. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply. **{ULS cl.16}**
4. Activities that contravene this performance standard are a non-complying activity. **{ULS cl.16}**

Figure 15.7A.X: Holyhead Street Structure Plan

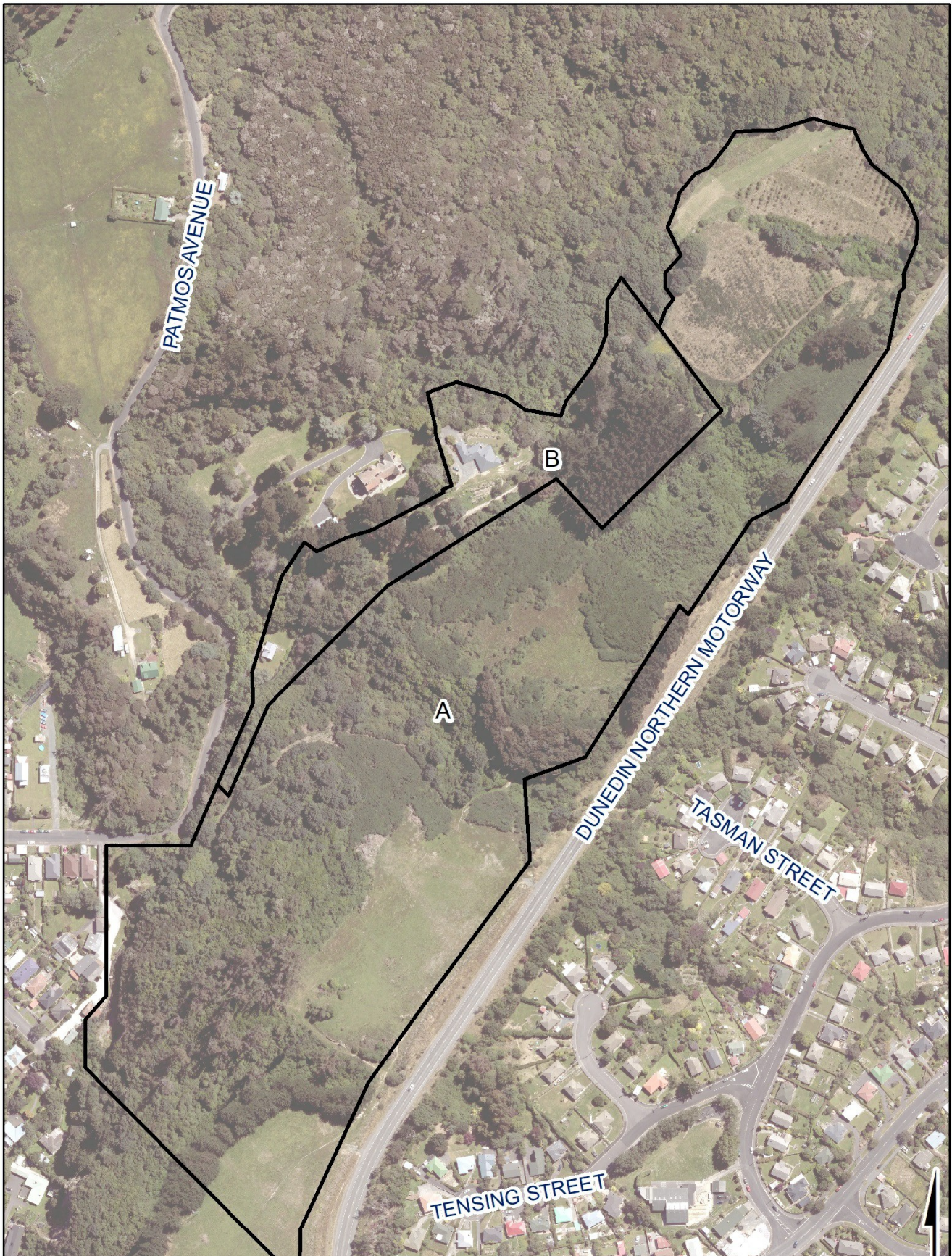


15.7A.7 – Patmos Avenue Structure Plan Mapped Area Performance Standards {Confirmed for addition - ULS 740.6 and others}

Additional performance standards

1. Vehicle access must not be provided through the part of 28 Patmos Avenue that is outside the Patmos Avenue Structure Plan mapped area. {ULS 740.6 and others}
2. The minimum site size for new resultant sites in the area marked A on the Patmos Avenue Structure Plan (Figure 15.7A.X) is 1,000m². {ULS 740.6 and others}
3. The minimum site size for new resultant sites in the area marked B on the Patmos Avenue Structure Plan (Figure 15.7A.X) is 2,000m². {ULS 740.6 and others}
4. Construction of dwellings must not take place until all roading, stormwater, wastewater and water supply infrastructure is in place for that stage of the development, and connections to future stages, and adjoining sites, are provided for. {ULS 740.6 and others}
5. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply. {ULS 740.6 and others}
6. Subdivision, land use and development activities that contravene this performance standard are a non-complying activity. {ULS 740.6 and others}

Figure 15.7A.X: Patmos Avenue Structure Plan {ULS 740.6 and others}





15.7A.8 - Torquay Street Structure Plan Mapped Area Performance Standards {Confirmed for addition - ULS 1043.1}

Additional performance standards

1. 'Lot 100' as shown in the Torquay Street Structure Plan (Figure 15.7A.8) may not be subdivided from the residential dwelling marked 'existing dwelling'. {ULS 1043.1}
2. No dwelling may be constructed in Areas A or B as shown on the Torquay Street Structure Plan (Figure 15.7A.8). {ULS 1043.1}
3. Construction of dwellings must not take place until: {ULS 1043.1}
 - a. all roading, stormwater, wastewater and water supply infrastructure is in place for that stage of the development, and connections to future stages, and adjoining sites, are provided for; and {ULS 1043.1}
 - b. the public pathway shown in the Torquay Street Structure Plan (Figure 15.7A.8) is constructed. {ULS 1043.1}
3. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply. {ULS cl.16}
4. Activities that contravene this performance standard are a non-complying activity. {ULS cl.16}

Figure 15.7A.8: Torquay Street Structure Plan {ULS 1043.1}



15.7A.9 - Emerson Street Structure Plan Mapped Area Performance Standards {Confirmed for addition - ULS 875.1}

Additional performance standards

1. The layout of any subdivision must include provision for vehicle access to Mulford Park recreation reserve for maintenance purposes. {ULS 875.1}
2. The layout of any subdivision must provide for roading access to 18 Roy Crescent. {ULS 875.1}
3. Construction of dwellings must not take place until all roading, stormwater, wastewater and water supply infrastructure is in place for that stage of the development, and connections to future stages, and adjoining sites, are provided for. {ULS 875.1}
4. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply. {ULS cl.16}
5. Activities that contravene this performance standard are a non-complying activity. {ULS cl.16}

Figure 15.7A.X: Emerson Street Structure Plan {ULS 875.1}

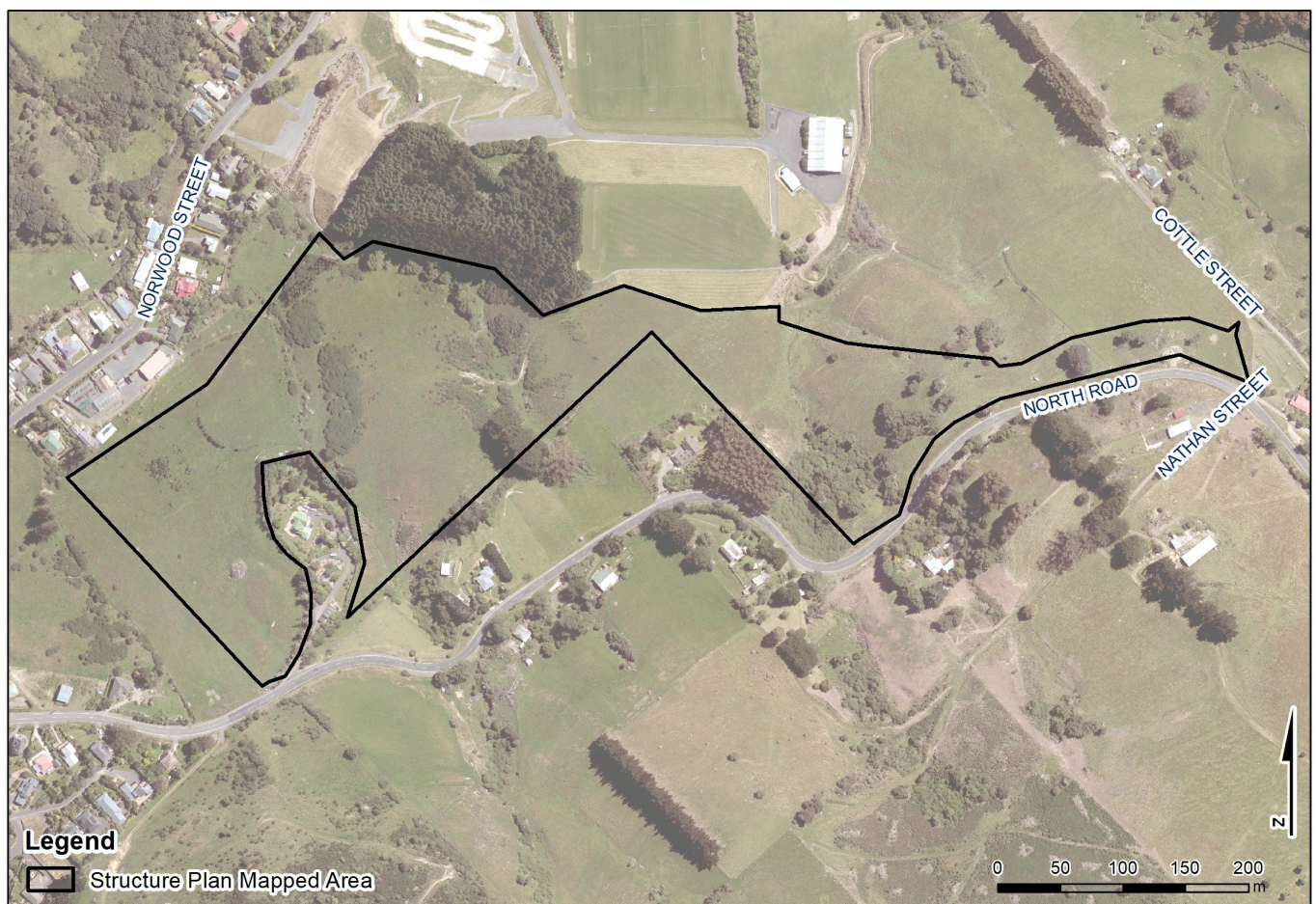


15.7A.10 - North Road Structure Plan Mapped Area Performance Standards {Confirmed for addition - ULS 350.6}

Additional performance standards

1. Vehicle access must be provided between Norwood Street and North Road. {ULS 350.6}
2. Construction of dwellings must not take place until all roading, stormwater, wastewater and water supply infrastructure is in place for that stage of the development, and connections to future stages, and adjoining sites, are provided for. {ULS 350.6}
3. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply. {ULS cl.16}
4. Activities that contravene this performance standard are a non-complying activity. {ULS cl.16}

Figure 15.7A.X: North Road Structure Plan mapped area {ULS 350.6}



15.7A.11 - Bradford Structure Plan Mapped Area Performance Standards {Confirmed for addition - ULS 350.6}

Additional performance standards

1. The layout of any subdivision must provide for: {ULS 350.6}
 - a. pedestrian access from Glenelg Street through to Bradford School; and {ULS 350.6}
 - b. vehicle access between Ronay Street and Bradford Street. {ULS 350.6}
2. Construction of dwellings must not take place until all roading, stormwater, wastewater and water supply infrastructure is in place for that stage of the development, and connections to future stages, and adjoining sites, are provided for. {ULS 350.6}
3. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply. {ULS cl.16}
4. Activities that contravene this performance standard are a non-complying activity. {ULS cl.16}

Figure 15.7A.X: **Bradford Structure Plan mapped area {ULS 350.6}**



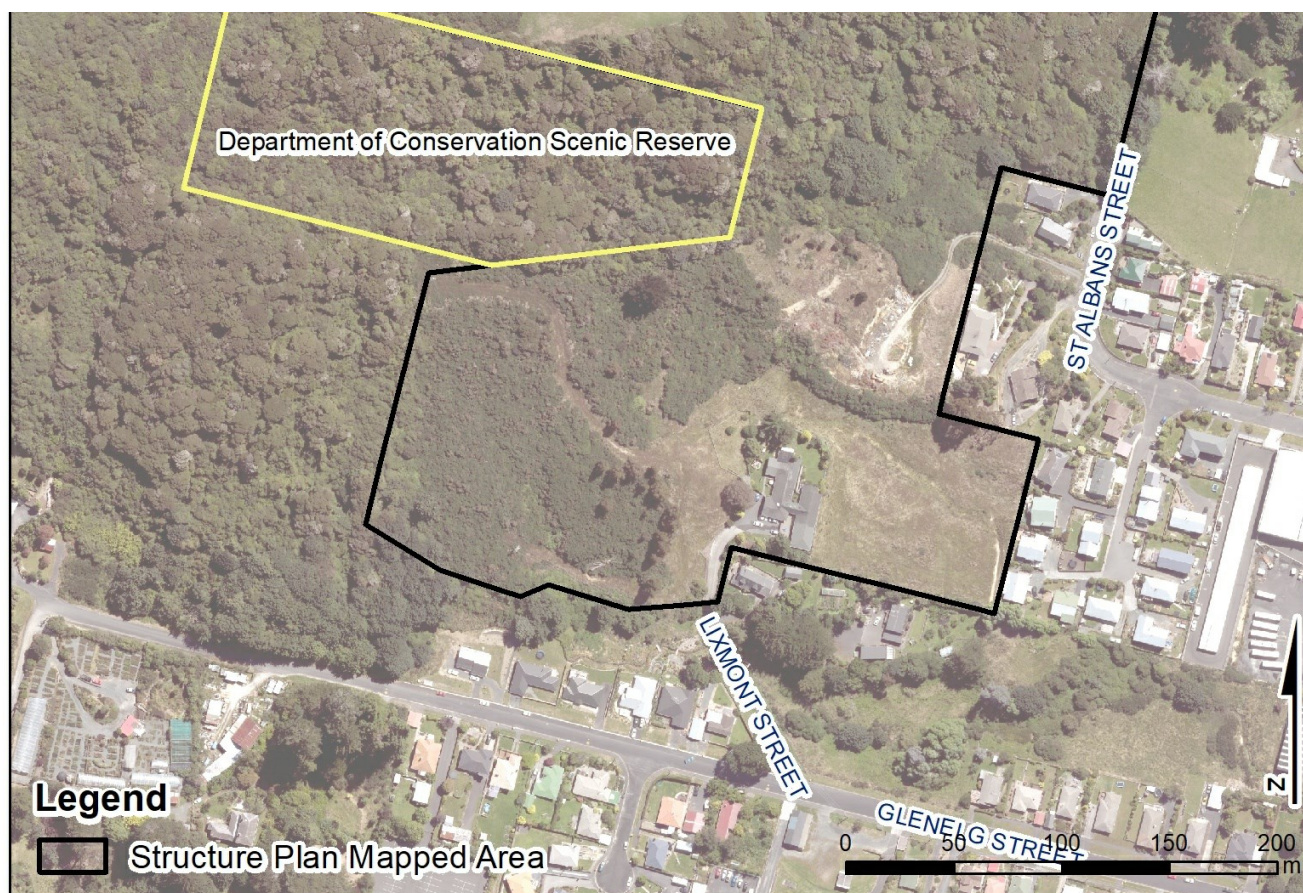
15.7A.12 - St Albans Street Structure Plan Mapped Area Performance Standards {Confirmed for addition - ULS 350.6}

Additional performance standards

1. The layout of any subdivision must provide for: {ULS 350.6}
 - a. pedestrian access to the Department of Conservation reserve at PT Sec 121 Lixmont Street; {ULS 350.6}
 - b. pedestrian access to the DCC Reserve at 79 Cockerell Street, to enable access to Brockville Road; and {ULS 350.6}
 - c. vehicle access between Lixmont Street, St Albans Street and Ettrick Street. {ULS 350.6}
2. Construction of dwellings must not take place until all roading, stormwater, wastewater and water supply infrastructure is in place for that stage of the development and connections to future stages, and adjoining sites, are provided for. {ULS 350.6}
3. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply. {ULS cl.16}
4. Activities that contravene this performance standard are a non-complying activity. {ULS cl.16}

Figure 15.7A.X: **St Albans Structure Plan mapped area {ULS 350.6}**



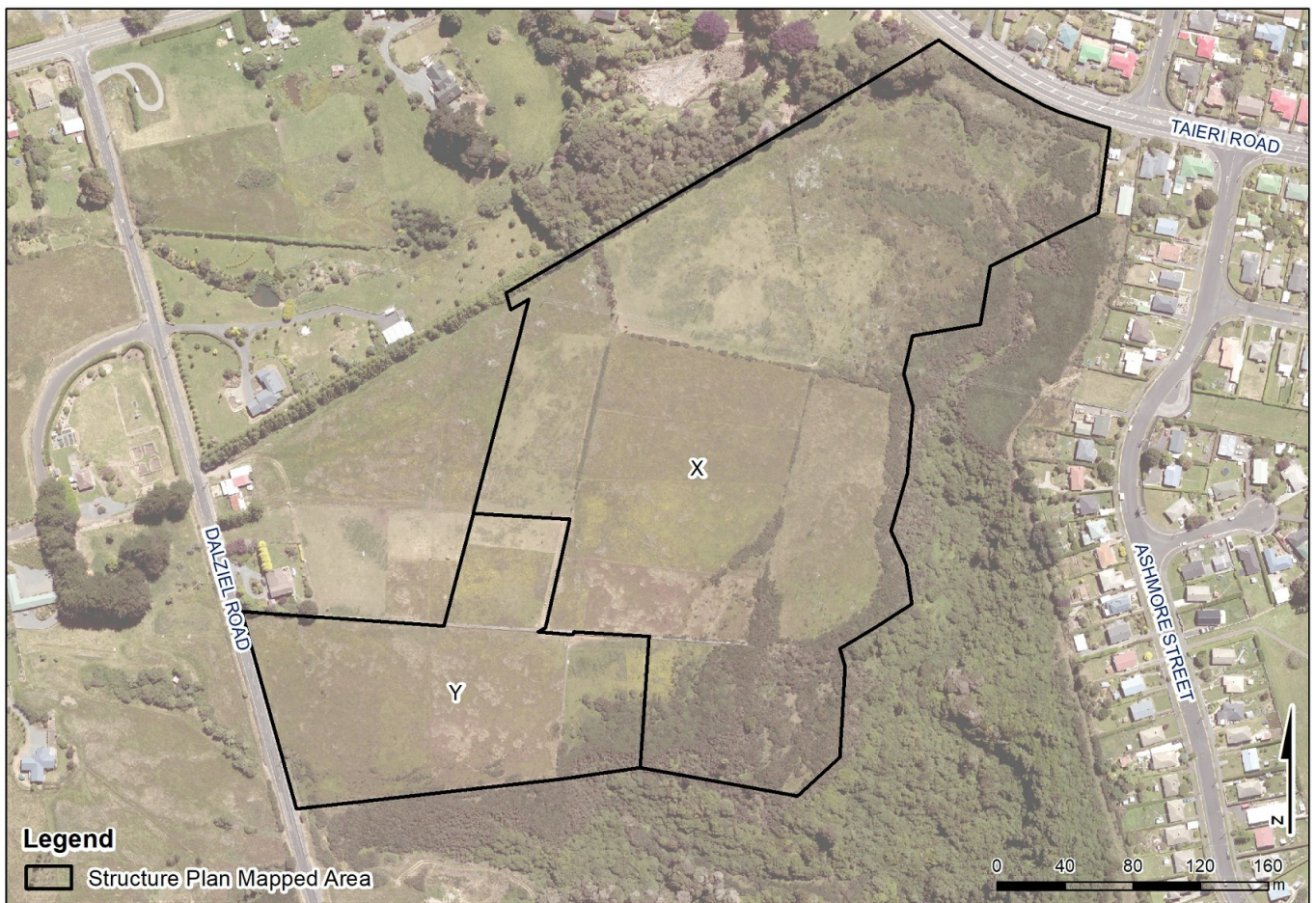


15.7A.13 - Dalziel Road Structure Plan Mapped Area Performance Standards {Confirmed for addition ULS 688.2 and 688.3}

Additional performance standards

1. Vehicle access to Area X on the Dalziel Road Structure Plan (Figure 15.7A.X) must be provided from Taieri Road. {ULS 688.2 and 688.3}
2. Vehicle access to Area Y on the Dalziel Road Structure Plan (Figure 15.7A.X) must be provided from Dalziel Road. {ULS 688.2 and 688.3}
3. Construction of dwellings must not take place until all roading, stormwater, wastewater and water supply infrastructure is in place for that stage of the development and connections to future stages, and adjoining sites, are provided for. {ULS 688.2 and 688.3}
4. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply. {ULS cl.16}
5. Activities that contravene this performance standard are a non-complying activity. {ULS cl.16}

Figure 15.7A.X: Dalziel Road Structure Plan {ULS 688.2 and 688.3}



Rule 15.8 Assessment of Controlled Activities

Rule 15.8.1 Introduction

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rule 15.8.2:
 - a. lists the matters over which Council has reserved its control; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
 - ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. ~~the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and {Res cl.16}~~
 - iii. the performance standard contravention will be assessed as indicated in Section 15.9; and
 - iv. the matters of control become matters of discretion and will be assessed as indicated in this section.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 15.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 15.12; and
 - iii. the assessment guidance in this section will also be considered.

15.8.2 Assessment of controlled activities

Activity	Matters of control	Guidance on the assessment of resource consents
<p>1. <u>Affecting a scheduled heritage building or a scheduled heritage structure: {Her cl.16}</u></p> <ul style="list-style-type: none"> • Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected. • Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1 {Her 547.91} 	<p>a. Effects on heritage values</p>	<p>See Rule 13.4</p>
<p>2. <u>In a heritage precinct, additions and alterations to a non character-contributing building that involve: {Her 308.358}</u></p> <ul style="list-style-type: none"> • <u>an increase in the footprint of 10m² or more {Her 308.358}</u> • <u>an increase in the height of the building by more than 2m; or {Her 308.358}</u> • <u>the replacement of a pitched roof with a mono pitch roof. {Her 308.358}</u> 	<p>a. <u>Effect on heritage streetscape character {Her 308.358}</u></p>	<p>See Rule 13.4 {Her 308.358}</p>

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

Rule 15.9.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 15.9.2 - 15.9.6:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rules 15.9.2 - 15.9.5 15.9.6 apply as follows: ~~to performance standards in the residential zones; Rule 15.9.6 contains additional provisions that apply to performance standards in overlay zones, mapped areas, heritage precincts and on scheduled items.~~ **{Res cl.16}**
 - a. Rule 15.9.2 applies to all performance standard contraventions;
 - b. Rule 15.9.3 applies to land use performance standard contraventions;
 - c. Rule 15.9.4 applies to development performance standard contraventions;
 - d. Rule 15.9.5 applies to subdivision performance standard contraventions; and
 - e. Rule 15.9.6 applies to performance standards that apply in an overlay zone, mapped area, heritage precinct or affecting a scheduled heritage item. **{Res cl.16}**

15.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards or topography, or other site specific factors, 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. <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> d. Where more than one standard is contravened, the combined effects of the contraventions should be considered. e. In balancing consideration of the objectives and policies related to the maintenance of heritage values or heritage precinct streetscape character and those related to general amenity, greater weight will usually be placed on heritage policies.

15.9.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Density - (Rule 15.5.2.6) <u>all residential units are able to meet bulk and location performance standards</u> {Res cl.16}	a. Effects on on-site amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 15.2.2 ii. Residential development achieves high quality on-site amenity for residents (Policy 15.2.2.1). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iii. Non-compliance with Rule 15.5.2.6 will be assessed based on which performance standard(s) the second residential building does not provide for compliance with, if subdivided in future. See assessment rules in relation to performance standard contraventions for: <ul style="list-style-type: none"> 1. site coverage; 2. height in relation to boundary; 3. setbacks; and 4. access.
2.	Density - (Rule 15.5.2.7.a) {Res cl.16} Papakāika	a. Effects on cultural values of Manawhenua	See Rule 14.3
		b. Effects on health and safety	See Rule 9.4
		c. Effects on the safety and efficiency of the transport network	See Rule 6.9
3.	Density - (Rule 15.5.2.7.b) {Res cl.16} standard residential in General Residential 2 Zone infrastructure constraint mapped area	a. Effects on efficiency and/or {Res cl.16} affordability of infrastructure	See Rule 9.4

15.9.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
X.	Family flats - Design { PO 876.1 and others }	a. Effects on neighbourhood residential character and amenity { PO 876.1 and others }	<p><i>Relevant objectives and policies: {PO 876.1 and others}</i></p> <p>i. <u>Objective 15.2.4 {PO 372.1}</u></p> <p>ii. <u>The design of family flats avoids, as far as practicable, the risk they will be used for a separate, non-ancillary residential activity, or future pressure to subdivide off family flats, and minimises, as far as practicable, any adverse effects on the amenity and character of the neighbourhood (Policy 15.2.4.3). {PO 207.1 and 394.63}</u></p> <p><i>Potential circumstances that may support a consent application include: {PO 394.47 and 491.3}</i></p> <p>iii. <u>The family flat is in the same residential building as the primary residential unit. {PO 394.47 and 491.3}</u></p> <p>iv. <u>The design of the family flat matches the design of the primary residential building. {PO 491.3}</u></p> <p>v. <u>Landscaping or other forms of screening will be used to reduce the visibility of the family flat. {PO 394.47 and 491.3}</u></p> <p>vi. <u>The family flat will not be easily viewed from outside the site. {PO 394.47 and 491.3}</u></p> <p>vii. <u>The extra area is required due to the occupant's needs. {PO 372.1}</u></p> <p>viii. <u>The size of the family flat is unlikely to create future pressure for it to be subdivided or be consented to operate as a second residential activity on the site. {PO 207.2 and 372.1}</u></p>
4. { Res 542.2 and 542.3 }	Residential activity on an existing site not in a no-DCC reticulated wastewater mapped area { Res 542.2 and 542.3 }	a. Effects on health and safety { Res 542.2 and 542.3 }	See Rule 9.4 { Res 542.2 and 542.3 }
5.	Electrical interference	a. Effects on health and safety	See Rule 9.4

15.9.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Hours of operation	a. Effects on surrounding sites' residential amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 15.2.3 ii. Working from home, dairies, training of education, and community and leisure operate in a way (including hours of operation), that avoids or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigates, effects on the amenity of surrounding properties (Policy 15.2.3.2). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The extension of hours will not result in unreasonable disturbance from vehicle headlights, deliveries/pick-ups, vehicle movements, or other noise.
7.	Location	a. Effects on the vibrancy and economic and social success of the CBD and centres.	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 15.2.1 ii. Activities ancillary to visitor accommodation are located and designed to cater to patrons of the primary activity rather than the general public (Policy 15.2.1.4). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The ancillary activity is designed and managed so as to be unlikely to attract external customers. iv. There will be no external advertising on buildings facing the street, for the ancillary activity.
8.	Minimum car parking	a. Effects on accessibility b. <u>Effects on the safety and efficiency of the transport network</u> {Transcl.16'}	See Rule 6.9
9.	Minimum vehicle loading	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

15.9.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
10.	Outdoor living space	a. Effects on on-site amenity for residents	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 15.2.2 ii. Residential development achieves high quality on-site amenity by providing functional, sunny, and accessible outdoor living spaces that allow enough space for on-site food production, leisure, <u>green space</u> {Res 417.10 and 843.3} and/or {Res 317.19} recreation (Policy 15.2.2.1.a). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The property is within a short walking distance from public green space. iv. <u>Juliet balconies (balconies less than the width required by the rule, including zero depth) with glass doors that can be opened to create an opening greater than 1m wide and allow direct sunlight into the principal living area, may be acceptable if alternate shared outdoor living space is available and easily accessed and it is more compatible with the design of the dwelling than alternative balcony forms.</u> {Res 740.10}
11.	Service areas	a. Effects on on-site amenity for residents	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 15.2.2 ii. Adequate space is available for service areas (Policy 15.2.2.1.d).

¹ **Trans cl.16:** Under Transportation section assessment rules (Rule 6.9.3.6.b), 'effects on safety and efficiency of the transport network' is a matter of discretion for contraventions of minimum car parking performance standards. However, this matter of discretion was inadvertently omitted from notified Section 15 assessment rules. The correction of this error, via the addition of Rule 15.9.3.8.b, does not result in a substantive change to the effect of provisions.

15.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Boundary setback	a. Effects on surrounding sites' residential amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 15.2.3 ii. Buildings and structures are of a height and setback from boundaries that ensures no more than minor effects on the sunlight access of current and future residential buildings and their outdoor amenity spaces (Policy 15.2.3.1). iii. <u>In the Inner City Residential Zone, buildings and structures are of a height and setback from boundaries that avoids or, if avoidance is not practicable, adequately mitigates adverse effects on sunlight access on outdoor space at the rear of adjacent sites (Policy 15.2.3.3.c). {Res cl.16²}</u> <p><u>Potential circumstances that may support a consent application include: {Res cl.16²}</u></p> <ul style="list-style-type: none"> iv. Residential buildings on neighbouring sites receive adequate natural light and privacy. v. <u>The reduced setback will mirror the setback of the adjacent residential building, both in minimum distance from the boundary, and the maximum extent to which the encroachment occurs along the boundary (including length and height). {Res 740.15}</u> vi. <u>There are no windows from living or sleeping areas proposed along the wall of the new building or existing along the wall of any adjacent parallel residential building. {Res 740.15}</u>

15.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
	b. Effects on neighbourhood residential character and amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 15.2.4 ii. Development maintains or enhances streetscape amenity by ensuring buildings' height, boundary setbacks, and scale reflect existing or intended future residential character (Policy 15.2.4.1.c). iii. <u>In the Inner City Residential Zone, buildings and structures are of a height and setback from boundaries that:</u> <ul style="list-style-type: none"> 1. <u>enables a high quality, medium density development (Policy 15.2.3.3.a); {Res cl.16}</u> 2. <u>is consistent with the existing streetscape character of the zone (Policy 15.2.3.3.b); {Res cl.16}</u> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. The boundary setback is consistent with surrounding properties. v. Landscaping or fences screen or soften the visual effects of buildings. vi. The building is designed to integrate with residential buildings on the site and contribute to residential character and amenity e.g. similar materials to residential buildings, and roof pitch.
2. Boundary setback - (Rule 15.6.14.1.a.ix.3) <u>garages and carports setback from road boundary {Res cl.16}</u>	a. Effects on health and safety	See Rule 6.9

15.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	Building length	a. Effects on neighbourhood residential character and amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 15.2.4 ii. Development maintains or enhances streetscape amenity by ensuring buildings' scale reflect existing or intended future residential character (Policy 15.2.4.1.c). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The bulk of the building is broken up by: <ul style="list-style-type: none"> 1. varying building elevations; 2. setting parts of the building back; 3. using different textures; 4. architectural features; or 5. other forms of building modulation. iv. The visual impact of the building length is screened and softened by landscaping, fencing, or other screening, which provides an attractive interface for surrounding properties. v. The building is set back from boundaries an adequate distance to avoid shading or visual effects on adjacent residential properties or public places. vi. Topography of the site mitigates the effects of the building scale on adjacent residential properties or public places. vii. <u>In the case of buildings to be used for emergency services, there is a need for longer buildings to meet operational requirements. {Res 945.32}</u>
4.	Earthworks standards: • Batter gradient {EW cl 16'}	a. Effects on the stability of land, buildings and structures	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 15.2.5 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 15.2.5.1.b).
5.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs {EW cl 16'}	a. Effects on the stability of land, buildings and structures	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 15.2.5 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 15.2.5.1.a).

15.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Earthworks standards: <ul style="list-style-type: none"> Setback from national grid {EW cl 16'} Setback from network utilities {EW cl 16}' 	a. Effects on efficient and effective operation of network utilities	See Rule 5.7
		b. Effects on health and safety	
7.	Earthworks standards: <ul style="list-style-type: none"> Sediment control {EW cl 16'} 	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 15.2.5 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems <u>or the coastal marine area {EW 1071.106}</u> (Policy 15.2.5.2.b):
		b. Effects on biodiversity values and natural character of the riparian margins and the coast	See Rule 10.4
		c. Effects on efficiency and/or affordability of infrastructure	See Rule 9.4
8.	Fence height and design	a. Effects on health and safety	See Rule 9.4
		b. Effects on neighbourhood residential character and amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.4 ii. Fences are of a height and design that contributes positively to the streetscape amenity and character of the neighbourhood (Policy 15.2.4.4). <i>Potential circumstances that may support a consent application include:</i> iii. The increased height or reduced visual permeability is necessary to meet protection requirements, to provide security, minimise noise effects from a busy road or activity, or for public well-being. iv. An attractive interface with the street is achieved. v. The fence will be screened by landscaping.
9.	Fire fighting	a. Effects on health and safety	See Rule 9.4

15.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
10.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
11.	<ul style="list-style-type: none"> Maximum height Height in relation to boundary 	a. Effects on surrounding sites' residential amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 15.2.3 ii. Buildings and structures are of a height and setback from boundaries that ensures no more than minor effects on the sunlight access of current and future residential buildings and their outdoor living spaces (Policy 15.2.3.1). iii. <u>In the Inner City Residential Zone, buildings and structures are of a height and setback from boundaries that avoids or, if avoidance is not practicable, adequately mitigates adverse effects on sunlight access on outdoor space at the rear of adjacent sites (Policy 15.2.3.3.c). {Res cl.16}</u>
		b. Effects on neighbourhood residential character and amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 15.2.4 ii. Development maintains or enhances streetscape amenity by ensuring buildings' height, boundary setbacks, and scale reflect existing or intended future residential character (Policy 15.2.4.1.c). iii. <u>In the Inner City Residential Zone, buildings and structures are of a height and setback from boundaries that:</u> <ul style="list-style-type: none"> 1. <u>enables a high quality, medium density development (Policy 15.2.3.3.a). {Res cl.16}</u> 2. <u>is consistent with the existing streetscape character of the zone (Policy 15.2.3.3.b). {Res cl.16}</u> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. The height and/or height in relation to boundary is consistent with surrounding properties. v. Landscaping or fences screen or soften the visual effects of buildings. vi. Natural landforms or topography (e.g. cliffs, tall trees on adjacent reserves) provide a backdrop to the building.

15.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
12.	Location and screening of car parking	a. Effects on neighbourhood residential character and amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 15.2.4, 6.2.1 ii. Garages, carports, and car parking do not dominate the street (Policy 15.2.4.1a). <p><i>Potential circumstances that may support a consent application include: {Res cl.16}</i></p> <ul style="list-style-type: none"> iii. Landscaping or other features soften the impact of these activities. iv. <u>In order to meet Rule 6.6.1.2.a.i (requirement to not reverse onto a motorway, strategic road, arterial road, urban high density corridor, commercial centre street, or collector road), there are no reasonably practicable alternatives other than to contravene the standard.</u> {Res 403.3}
13.	Location and screening of outdoor storage	a. Effects on neighbourhood residential character and amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 15.2.4 ii. Development maintains or enhances streetscape amenity by ensuring shared service areas are not visible from ground level from outside the site (Policy 15.2.4.1.d). iii. Development maintains or enhances streetscape amenity by ensuring outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or create nuisance effects (Policy 15.2.4.1.e).
14.	Maximum building site coverage and impermeable surfaces	a. Effects on on-site amenity for residents	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 15.2.2 ii. Residential development achieves high quality on-site amenity by retaining adequate open space uncluttered by buildings (Policy 15.2.2.1.c).
		b. Effects on neighbourhood residential character and amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 15.2.4 ii. Development maintains or enhances streetscape amenity and by ensuring there are adequate <u>green space</u> {Res 417.10 and 843.3} areas free from buildings or hard surfacing (Policy 15.2.4.1.b).
		c. Effects on efficiency and/or {Res cl.16} affordability of infrastructure	See Rule 9.4

15.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
15.	Number, location and design of ancillary signs	a. Effects on neighbourhood residential character and amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.4 ii. Ancillary signs are located and designed to maintain residential amenity by being of an appropriate size and number to convey information about the name, location and nature of the activity or on-site to passing pedestrians and vehicles and not being {Res cl.16} oversized or too numerous for what is necessary for that purpose (Policy 15.2.4.5).
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
16.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
17.	Setback from coast and water bodies	a. Effects on biodiversity values and natural character of riparian margins and the coast	See Rule 10.4
		b. Effects on public access	
		c. Risk from natural hazards	See Rule 11.4
18.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6

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

² **Res cl.16:** Policy reference was not included in the performance standard contravention assessment.

15.9.5 Assessment of subdivision performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Access	a. Effects on accessibility	See Rule 6.9
2.	Esplanade reserves and strips	a. Effects on biodiversity values and the natural character of riparian margins and the coast	See Rule 10.4
		b. Effects on public access	
3.	Fire fighting	a. Effects on health and safety	See Rule 9.4
4.	Minimum site size (three-site subdivision where one resultant site is below the {Res cl.16} Minimum site size - (Rule 15.7.4.2)	a. Effects on neighbourhood residential character and amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 2.4.1 ii. Resultant sites are of a size: <ul style="list-style-type: none"> 1. that provides for compliance of all relevant land use and development performance standards; and 2. where in a structure plan mapped {ULS cl.16} area, reflects the requirements of the structure plan mapped area performance standards structure plan {ULS cl.16} (Policy 2.4.1.8). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The adjustment of site boundaries is necessary to achieve: <ul style="list-style-type: none"> 1. a more balanced division of site sizes relative to an existing residential buildings size, location or access requirements; 2. better alignment with topographical or other site development constraints; or 3. the protection of heritage items, significant trees, indigenous vegetation, or waterways on a site.
5.	Service connections	a. Effects on efficiency and/or {Res cl.16} affordability of infrastructure	See Rule 9.4

15.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
6. Shape	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> a. Objective 2.4.1 b. Subdivision is designed to ensure any future land use or development is able to meet the performance standards in the zone, or where in a structure plan mapped {ULS cl.16} area, reflects the requirements of the structure plan mapped area performance standards structure plan {ULS cl.16}, unless: <ul style="list-style-type: none"> i. a resource consent is approved for a development that does not meet the performance standard and the subdivision is intended for and capable of providing for that approved development; or ii. the resultant site is required for: <ul style="list-style-type: none"> 1. Scheduled ASCV ASBV {NatEnv 958.60}; QEII covenant; or 2. reserve; or 3. access; or 4. utility; or 5. road (Policy 2.4.1.8). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> c. Non-compliance with the performance standard for shape will be assessed based on which performance standard(s) the shape of the resultant site does not provide for compliance with. See matters of discretion and assessment rules in relation to performance standard contraventions for: <ul style="list-style-type: none"> i. outdoor living space; ii. minimum car parking; iii. boundary setbacks; iv. setbacks from water bodies; v. setback from scheduled tree; and vi. setback from National Grid. vii. earthworks standards (building platform slope). {Res cl.16} d. <u>For contravention of the building platform slope part of the shape performance standard (Rule 15.7.6.2), see the matters of discretion and assessment rules in relation to earthworks - large scale (Rule 8A.7.2.1). {Res cl.16}</u> <p><i>Conditions that may be imposed:</i></p> <ul style="list-style-type: none"> e. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site. f. A building platform may be required to be registered against the title by way of consent notice. 	

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>1. In a hazard overlay zone or swale mapped area:</p> <ul style="list-style-type: none"> • Hazard exclusion areas (Rule 11.3.1.1) – Swale mapped area • <u>Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) overlay zones) {NH cl.16}</u> • <u>Relocatable buildings (Hazard 3 (coastal) Overlay Zone) {NH cl.16}</u> • <u>Outdoor Storage (Hazard 1 (flood) Overlay Zone) {NH cl.16}</u> • Hazard overlay zones development standards {NH cl.16} • Hazardous substances quantity limits and storage requirements 	<p>a. Risk from natural hazards</p>	<p>See Rule 11.4</p>
<p>2. In an urban conservation biodiversity mapped area: {NatEnv 958.60}</p> <ul style="list-style-type: none"> • Vegetation clearance standards: <u>Maximum area of vegetation clearance (UBMA) {NatEnv cl.16}</u> 	<p>a. Effects on biodiversity <u>values</u> {NatEnv 958.60}</p>	<p>See Rule 10.4</p>
<p>3. In a Huriawa height restriction mapped area:</p> <ul style="list-style-type: none"> • Maximum height 	<p>a. Effects on cultural values of Manawhenua</p>	<p>See Rule 14.3</p>
<p>4. In a heritage precinct:</p> <ul style="list-style-type: none"> • Fence height and design • Materials and design • Maximum height • Height in relation to boundary • <u>Location and screening of car parking {Res 360.109}</u> • <u>Number, location and design of ancillary signs (Rule 15.6.12.6.d) - Free standing signs ancillary to commercial and community activities in the George Street North Residential Heritage Precinct and North Ground Residential Heritage Precinct {Res cl.16}</u> 	<p>a. Effects on heritage streetscape character</p>	<p>See Rule 13.5</p>

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
5. In a wāhi tūpuna mapped area : <ul style="list-style-type: none"> • Esplanade reserves and strips • Setback from coast and water bodies 	a. Effects on cultural values of Manawhenua	See Rule 14.3
6. Affecting a scheduled heritage item building or scheduled heritage structure {Her cl.16} : <ul style="list-style-type: none"> • Materials and design 	a. Effects on heritage values	See Rule 13.5
7. In the Taieri Aerodrome flight fan mapped area : <ul style="list-style-type: none"> • Maximum height (Rule 15.6.7.2.hb) {Res cl.16} 	a. Effects on <u>health and safety</u> operation of Taieri Aerodrome {PHS cl.16}	See Rule 9.4

Rule 15.10 Assessment of Restricted Discretionary Activities

Rule 15.10.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 15.10.2 - 15.10.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. ~~Rules 15.10.2 – 15.10.4 apply to activities in the residential zones; Rule 15.10.5 contains additional provisions that apply to activities in overlay zones, mapped areas, heritage precincts and on scheduled items. {Res cl.16}~~
Rules 15.10.2 - 15.10.5 apply as follows:
 - a. Rule 15.10.2 applies to restricted discretionary land use activities;
 - b. Rule 15.10.3 applies to restricted discretionary development activities;
 - c. Rule 15.10.4 applies to restricted discretionary subdivision activities; and
 - d. Rule 15.10.5 applies to activities that are restricted discretionary due to a rule that applies in an overlay zone, mapped area, heritage precinct, or affecting a scheduled heritage item. {Res cl.16}
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
5. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 15.9; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 15.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 15.12; and

iii. the assessment guidance in this section will also be considered.

6. With respect to section 104(2), Council will not consider family flats as part of the permitted baseline in considering residential density effects in the residential zones.

15.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>1. All RD land use activities, including:</p> <ul style="list-style-type: none"> early childhood education – small scale visitor accommodation (including ancillary activities); activities listed below <p><u>All restricted discretionary land use activities in the residential zones, including but not limited to the activities listed below {PO cl.16}</u></p>	a. Effects on accessibility	See Rule 6.10
	b. Effects on the safety and efficiency of the transport network	
	c. Effects on surrounding sites' residential amenity	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> Objective 15.2.3 Activities are designed to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4). <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> In assessing the effects on amenity, Council will: <ol style="list-style-type: none"> consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movements on the adjoining road, and the appropriateness of higher levels of vehicle movements based on the Road Classification Hierarchy in Appendix 6A; and consider for visitor accommodation and supported living facilities whether communal outdoor gathering areas are located or screened to be minimise effects on adjacent residential properties; and {Res cl.16} consider the relevant policies for development activities, including policies 15.2.3.1, 15.2.3.3, 15.2.4.1. <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> Performance standards for development activities are met. <p><i>Conditions that may be imposed include:</i></p> <ol style="list-style-type: none"> Conditions on signage, lighting, hours of operation. Delivery time restrictions. Requirements for fencing or landscaping of car parking areas to minimise adverse visual and nuisance effects from lighting and/or vehicle headlights on surrounding properties. <ol style="list-style-type: none"> For early childhood education centres: {Res cl.16} <ol style="list-style-type: none"> acoustic insulation, acoustic fencing, low noise surfaces for play areas, or other such treatments; and {Res cl.16}

15.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
		<p>2. use of a noise management plan: {Res cl.16'}</p> <p>ix. For campgrounds: {Res cl.16'}</p> <ol style="list-style-type: none"> 1. Limits on the scale of the activity: {Res cl.16'} 2. Location of dump stations (for disposal of waste from motor homes) away from boundaries with residential properties: {Res cl.16'} 3. Restrictions on location and hours of operation of generators to minimise any effects from noise on neighbours: {Res cl.16'} 4. Road upgrades necessary to handle the amount and type of vehicles anticipated: {Res cl.16'} 5. Location, screening, or acoustic fencing of communal outdoor living/ gathering areas: {Res cl.16'}
	d. Effects on streetscape amenity and character	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> i. Objective 15.2.4 ii. Activities are designed and located to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate, adverse effects on streetscape amenity (Policy 15.2.4.7). <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> iii. In assessing the effects on amenity, Council will: <ol style="list-style-type: none"> 1. consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movements on the adjoining road, and the appropriateness of higher levels of vehicle movements based on the Road Classification Hierarchy in Appendix 6A; and 2. consider the relevant policies for development activities, including policies 15.2.3.1, 15.2.3.3, 15.2.4.1. <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> iv. Performance standards for development activities are met.

15.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. Cemeteries	a. Effects on surrounding sites' residential amenity.	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 15.2.3 ii. Cemeteries are designed and located to avoid or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigate, adverse effects on the amenity of surrounding sites residential properties {Res cl.16} and avoid reverse sensitivity from surrounding permitted, as far as practicable {PO 308.497}, the potential for reverse sensitivity {PO 1046.5} (Policy 15.2.3.5). <p><i>General assessment guidance/Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> iii. In assessing the effects on amenity, Council will consider the location of graves being a suitable distance away from boundaries and any screening or landscaping proposed. These aspects may be included as conditions of consent.
	b. Effects on cultural values of Manawhenua	See Rule 14.4
X. Emergency Services {CP 945.30}	a. Effects on the safety and efficiency of the transport network {CP 945.30}	See Rule 6.10 {CP 945.30}
	b. Effects on surrounding sites' residential amenity {CP 945.30}	<p><i>Relevant objectives and policies: {CP 945.30}</i></p> <ul style="list-style-type: none"> i. Objective 15.2.3 {CP 945.30} ii. Activities are designed to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4). {CP 945.30} <p><i>General assessment guidance {Res cl.16}</i></p> <ul style="list-style-type: none"> iii. In assessing the effects on amenity, Council will consider: {CP 945.30} <ul style="list-style-type: none"> 1. whether the facility has been designed to minimise effects on surrounding sites amenity. {CP 945.30} 2. the functional requirements and operational needs of the emergency service when considering the above matters. {CP 945.41}
	c. Positive effects for natural hazard resilience {NH 908.35}	<p><i>Relevant objectives and policies: {NH 908.35}</i></p> <ul style="list-style-type: none"> i. Policy 2.2.1.11 {NH 908.35}

15.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Restaurants, retail, or conference, meeting and function ancillary to visitor accommodation	a. Effects on the vibrancy and economic and social success of CBD and centres	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 15.2.1 ii. Activities ancillary to visitor accommodation are located and designed to cater to patrons of the primary activity rather than the general public (Policy 15.2.1.4). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The ancillary activity is designed and managed so as to be unlikely to attract external customers. iv. There will be no external advertising on buildings facing the street, for the ancillary activity. v. Communal outdoor gathering areas are located or screened to minimise effects on adjacent residential properties. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> vi. Entrances to be located internally to the visitor accommodation. vii. No signs related to the ancillary activity to be visible from a public place.
4. Supported living facilities	a. Effects on efficiency and/or {Res cl.16} affordability of infrastructure	See Rule 9.5
	b. Effects on <u>surrounding sites'</u> <u>residential amenity</u> {Res cl.16}	<p><i>Relevant objectives and policies: {Res cl.16}</i></p> <ul style="list-style-type: none"> i. <u>Objective 15.2.3. {Res cl.16}</u> ii. <u>Supported living facilities are designed to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4).</u> {Res cl.16} <p><i>Potential circumstances that may support a consent application: {Res cl.16}</i></p> <ul style="list-style-type: none"> iii. <u>Communal outdoor gathering areas are located or screened to minimise effects on adjacent residential properties.</u> {Res cl.16}

15.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
5. <u>Early childhood education - small scale</u> {Res cl.16 ² }	a. Effects on surrounding sites' residential amenity {Res cl.16 ² }	<p><u>Relevant objectives and policies:</u></p> <ul style="list-style-type: none"> i. <u>Objective 15.2.3.</u> ii. <u>Early childhood education - small scale are designed to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4).</u> <p><u>Potential circumstances that may support a consent application include:</u></p> <ul style="list-style-type: none"> iii. <u>For early childhood education centres:</u> <ul style="list-style-type: none"> 1. <u>acoustic insulation, acoustic fencing, low noise surfaces for play areas, or other such treatments; and</u> 2. <u>use of a noise management plan.</u> {Res cl.16²}
6. <u>Visitor accommodation</u> {Res cl.16 ² }	a. Effects on surrounding sites' residential amenity {Res cl.16 ² }	<p><u>Relevant objectives and policies:</u></p> <ul style="list-style-type: none"> i. <u>Objective 15.2.3.</u> ii. <u>Visitor accommodation is designed to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4).</u> <p><u>Potential circumstances that may support a consent application include:</u></p> <ul style="list-style-type: none"> iii. <u>Communal outdoor gathering areas are located or screened to minimise effects on adjacent residential properties.</u> iv. <u>For campgrounds:</u> <ul style="list-style-type: none"> 1. <u>Limits on the scale of the activity.</u> 2. <u>Location of dump stations (for disposal of waste from motor homes) away from boundaries with residential properties.</u> 3. <u>Restrictions on location and hours of operation of generators to minimise any effects from noise on neighbours.</u> 4. <u>Road upgrades necessary to handle the amount and type of vehicles anticipated.</u> 5. <u>Location, screening, or acoustic fencing of communal outdoor living/ gathering areas.</u> {Res cl.16²}

¹ Res cl.16: Moved to new line.

² Res cl.16: Moved from general assessment of all activities Rule 15.10.2.1 into new row.

15.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>1. New buildings or additions and alterations to buildings that result in:</p> <ul style="list-style-type: none"> a building that is greater than 300m² footprint or {Res cl. 16} a multi-unit development in the ICR and GR2 zones {Res 743.46} 	<p>a. Effects on streetscape amenity and character</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> Objective 15.2.4 <u>Buildings over 300m² footprint and multi-unit developments are designed to maintain or enhance streetscape and neighbourhood amenity and character (Policy 15.2.4.8) {Res 491.2 and 743.30}</u> <u>Development maintains or enhances streetscape amenity by ensuring buildings' height, boundary setbacks, and scale reflect the existing or intended future residential character (Policy 15.2.4.1.e). {Res cl.16}</u> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> In assessing the effects on amenity Council will consider whether building design reflects, and is conducive with, the residential scale. The cumulative effect of buildings on the streetscape amenity will also be considered. <u>In assessing the effects on streetscape amenity and character, Council will consider: {Res 491.2 and 743.30}</u> <ol style="list-style-type: none"> <u>building design and placement in terms of appropriateness for the context of the site, including: considering the appropriateness of form (roof pitch, scale, massing, window placement, entrance detailing, and/or proportion) and materials {Res 491.2 and 743.30}</u> <u>any landscaping proposed and its effectiveness in enhancing amenity and/or mitigating adverse effects {Res 491.2 and 743.30}</u> <u>the level of visibility from the street {Res 491.2 and 743.30}</u> <u>the location of any car parking {Res 491.2 and 743.30}</u> <u>whether the development provides adequate green space and maintains an appropriate balance of green space vs built and hard features {Res 491.2 and 743.30}</u> <u>whether the development has the potential to adversely affect any heritage streetscape values in the immediate neighbourhood {Res 491.2 and 743.30}</u> <u>In general, where a new building is located within an integrated group of buildings that contribute strongly to the heritage streetscape character of the immediate neighbourhood, design maintains the coherence of the group and the contribution it makes to the overall character and amenity. {Res 491.2 and 743.30}</u> <p><i>Conditions that may be imposed include:</i></p> <ol style="list-style-type: none"> Requirements for design features to break up the bulk of the building, for example by varying building elevations, by setting parts of the building back, use of different textures, by the use of

15.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
		<p>architectural features, or modulation.</p> <p>viii. The visual effects of the building is screened and softened by landscaping, fencing, or other screening, which provides an attractive interface with the street.</p> <p>ix. The building is set back from boundaries adequate distance to avoid shading or visual effects on adjacent residential properties or public places.</p> <p>x. Topography of the site mitigates the effects of the building scale on adjacent residential properties or public places.</p>
<p>2. <u>High trip generators:</u> {Trans cl.16³}</p> <ul style="list-style-type: none"> • New or additions to parking areas, or extensions to existing parking areas that result in the creation of 50 or more new parking spaces {Trans cl.16} 	<p>a. Effects on the safety and efficiency of the transport network</p> <p>b. Effects on accessibility {Trans cl.16⁴}</p>	See Rule 6.10

15.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Earthworks – large-scale (that exceed the scale thresholds for the residential zones) {EW cl.16}	<p>a. Effects on visual amenity and character</p> <p>b. Effects on the amenity of surrounding properties</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 15.2.5 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 15.2.5.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 15.2.5.3.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> 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 effect existing vegetation or landscaping. <p><i>Conditions that may be imposed include, but are not limited to:</i></p> <ul style="list-style-type: none"> 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.

15.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on the stability of land, buildings, and structures	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 15.2.5 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 15.2.5.3.c). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. A geotechnical report confirms the existing ground is suitably stable for the proposed works, and proposed works will not create instability risks for surrounding land, buildings, or structures (see Special Information Requirements - Rule 15.13.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards. <p><i>Conditions that may be imposed include, but are not limited to:</i></p> <ul style="list-style-type: none"> 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.
4. Earthworks – large scale (that exceed scale thresholds within 5m of a water body or MHWS) {EW cl.16 ² }	<p>a. Effects on biodiversity and natural character of riparian margins and the coast</p> <p>b. Effects on public access</p>	See Rule 10.5

¹ **Res cl.16:** Scale of new buildings over 300m² now managed in Policy 15.2.4.8, therefore reference to this policy no longer relevant.

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

³ **Trans cl.16:** A reference to 'high trip generators' has been added here, to clarify that this activity is assessed as a high trip generator under Transportation section rules. This does not result in a substantive change to the effect of provisions.

⁴ **Trans cl.16:** Under Transportation section rules, 'effects on accessibility' as well as 'effects on safety and efficiency of the transport network' are matters of discretion for high trip generators. However, 'effects on accessibility' was inadvertently omitted from notified Section 15 assessment rules. The correction of this error does

not result in a substantive change to the effect of provisions.

Table 15.10.4 Assessment of restricted discretionary subdivision activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	All subdivision activities	a. Effects on neighbourhood residential character and amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 15.2.4 ii. Subdivision is designed to ensure any future land use and development will: <ul style="list-style-type: none"> 1. maintain the amenity of the streetscape; 2. maintain or compliment the <u>reflect the current or future intended</u> {Res cl.16} character of the neighbourhood; 3. provide for development to occur without unreasonable earthworks or engineering requirements; and 4. provide for quality housing (Policy 15.2.4.6). <p><i>Design considerations that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The layout of the subdivision takes into account solar orientation and is designed to ensure future development will facilitate a high level of passive solar gain. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> iv. Building platforms registered against the title by way of consent notice.
		b. Risk from natural hazards	See Rule 11.5
		c. Effects on efficiency and/or {Res cl.16} affordability of infrastructure	See Rule 9.5
		d. Effects on the safety and efficiency of the transport network	See Rule 6.10
2.	All subdivision activities that involve a new road	a. Effects on the safety and efficiency of the transport network	

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>1. In a hazard overlay zone:</p> <ul style="list-style-type: none"> • Earthworks – large scale (that exceed scale thresholds for a hazard (land instability) overlay zone) {EW cl.16’} • Earthworks – large scale (that exceed scale thresholds for a hazard (flood) overlay zone) {EW cl.16’} • Earthworks – large scale (that exceed scale thresholds for a swale mapped area) {EW cl.16’} 	<p>a. Risk from natural hazards</p>	<p>See Rule 11.5–</p>
<p>2 In a Hazard 1 (land instability) Overlay Zone (see Rule 15.3.6):</p> <ul style="list-style-type: none"> • New buildings, and additions and alterations to buildings, which create more than 1m² of new ground floor area {NH 73.4 and others} 	<p>a. Risk from natural hazards– {NH 73.4 and others}</p>	<p>See Rule 11.5 {NH 73.4 and others}</p>
<p>3. In a hazard 1 or 2 (flood) {NH 73.4 and others} overlay zone other than the hazard 1 (land instability) Overlay Zone {NH 73.4 and others} (see Rule 15.3.6):</p> <ul style="list-style-type: none"> • New buildings, and additions and alteration to buildings, which create more than 36m² of new ground floor area 	<p>a. Risk from natural hazards</p>	<p>See Rule 11.5</p>
<p>4. In the Hazard 3 (coastal) Overlay Zone all hazard overlay zones, swale mapped areas and dune system mapped areas: {NH 949.25, NH 634.69 and NH cl.16}</p> <ul style="list-style-type: none"> • All subdivision activities 	<p>a. Risk from natural hazards {PHS cl.16}</p>	<p>See Rule 11.5</p>
<p>5. In a geologically sensitive mapped area (GSA):</p> <ul style="list-style-type: none"> • Earthworks – large scale (that exceed underlying zone scale thresholds) {NH cl.16’} 	<p>a. Risk from natural hazards–</p>	<p>See Rule 11.5–</p>

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>6. In a UCMA UBMA: {NatEnv 958.60}</p> <ul style="list-style-type: none"> • Earthworks – large scale (that exceed the scale thresholds for a UCMA) {EW cl.16’} • All subdivision activities 	<p>a. Effects on biodiversity <u>values</u> {NatEnv 958.60}</p>	<p>See Rule 10.5</p>
<p>7. In a heritage precinct:</p> <ul style="list-style-type: none"> • All RD activities due to being in a heritage precinct 	<p>a. Effects on heritage streetscape character</p>	<p>See Rule 13.6</p>
<p>8. On Activities affecting {Her cl.16} a scheduled heritage site:</p> <ul style="list-style-type: none"> • Earthworks – large scale (that exceed the scale thresholds for a SHS) {EW cl.16’} • New buildings and all other structures on a scheduled heritage site, where visible from an adjoining public place or a public place within the a-heritage {Her cl.16} site • Parking, loading and access on a scheduled heritage site, where visible from an adjoining public place or a public place within the a-heritage {Her cl.16} site • All subdivision activities 	<p>a. Effects on heritage values</p>	<p>See Rule 13.6</p>
<p>9. Activities {Her cl.16} affecting a scheduled heritage building or a scheduled heritage structure:</p> <ul style="list-style-type: none"> • Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure All other additions and alterations {Her cl.16} • Removal for relocation • All subdivision activities <u>on sites containing a scheduled heritage building or scheduled heritage structure</u> {Her cl.16} 	<p>a. Effects on heritage values</p>	<p>See Rule 13.6</p>

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
10.	In a wāhi tūpuna mapped area : <ul style="list-style-type: none"> • All subdivision activities • Earthworks – large scale (that exceed the scale thresholds for the residential zones) {EW cl.16¹} 	a. Effects on cultural values of Manawhenua	See Rule 14.4
11.	In the Hazard 2 (flood) Overlay Zone : {NH 634.74} <ul style="list-style-type: none"> • <u>Natural hazards {NH cl.16} sensitive activities {NH 634.74}</u> • <u>Natural hazards {NH cl.16} potentially sensitive activities {NH 634.74}</u> 	a. <u>Risk from natural hazards {NH 634.74}</u>	See Rule 11.5 {NH 634.74}
12. {NU 806.11}	In the National Grid Corridor mapped area : {NU806.11} <ul style="list-style-type: none"> • <u>All subdivision activities {NU 806.11}</u> 	a. <u>Effects on health and safety {NU806.11}</u> b. <u>Reverse sensitivity effects {NU806.11}</u> c. <u>Effects on efficient and effective operation of network utilities {NU806.11}</u>	See Rule 5.8 {NU 806.11}

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

² **NH cl.16:** As a clause 16 amendment, geologically sensitive areas are not part of this Plan, and are included in the data map for information purposes only.

Rule 15.11 Assessment of Discretionary Activities

Rule 15.11.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 15.11.2 - 15.11.43 **{Res cl.16}** provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. Rules 15.11.2 - 15.11.3 apply as follows:
 - a. Rule 15.11.2 applies to discretionary land use activities; and
 - b. Rule 15.11.3 applies to discretionary performance standard contraventions. **{Res cl.16}**
4. With respect to section 104(2), Council will not consider family flats as part of the permitted baseline in considering residential density effects in the residential zones.
5. ~~Rules 15.11.2 - 15.11.3 apply to activities in the residential zones; Rule 15.11.4 contains additional provisions that apply to activities in overlay zones. **{NH cl.16}**~~
6. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

15.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary <u>land use activities listed below</u> {PO cl.16}	<p><i>General assessment guidance</i></p> <p>a. 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. {Res cl.16}</p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>b. See Section 6.11 for guidance on the assessment of resource consents in relation to Objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network <u>and its affordability to the public</u> {Trans 881.63}.</p> <p>c. <u>See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety</u> {PHS cl.16}</p> <p>d. <u>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</u> {MW 1071.3}</p>

15.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
2.	<p>Registered health practitioners</p> <p><i>Relevant objectives and policies (priority considerations)</i></p> <ul style="list-style-type: none"> a. Objective 15.2.3 b. Registered health practitioners are designed <u>and located</u> {Res cl.16} to avoid, or if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> c. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movement on the adjoining road, with consideration of the Road Hierarchy in Appendix 6A. <p><i>Potential circumstance that may support a consent application include</i></p> <ul style="list-style-type: none"> d. The scale of the facilities is appropriate to the residential environment, providing for a small number of registered health practitioners, rather than a medical centre, which should be located in a centre. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> e. Delivery/pick up time restrictions. f. Landscaping to minimise amenity effects of lighting, vehicle headlights, or parking areas on surrounding properties. g. Number of registered practitioners to be employed.
3.	<ul style="list-style-type: none"> • Early childhood education - large scale • Schools <p><i>Relevant objectives and policies (priority considerations)</i></p> <ul style="list-style-type: none"> a. Objective 15.2.3 b. Schools and early childhood education are designed and located to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> c. In assessing the effects on amenity Council will consider whether buildings and outdoor areas are designed and located to reduce noise emissions. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> d. Delivery time restrictions e. Landscaping to minimise amenity effects of lighting, vehicle headlights or parking areas on surrounding properties. f. Mitigation measures to minimise noise such as insulation, acoustic fencing, low noise surfaces for play areas, or other such treatments. g. A noise management plan may be required.

15.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
4. Sport and recreation (not involving the use of motor vehicles)	<p><i>Relevant objectives and policies (priority considerations)</i></p> <ul style="list-style-type: none"> a. Objective 15.2.3 b. Sport and recreation is designed and located to avoid or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigate, adverse effects on the amenity of surrounding residential properties(Policy 15.2.3.4). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> c. In assessing the effects on amenity Council will consider whether buildings and outdoor areas are designed and located to reduce noise emissions. d. Amount of parking proposed is appropriate for the activity and will not result in impacts or parking pressure on the surrounding residential environment. e. Hours of operation proposed are appropriate for the residential environment. f. The scale of the facilities is appropriate to the residential environment. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> g. Landscaping to minimise amenity effects of lighting, vehicle headlights or parking areas on surrounding properties. h. Hours of operation. i. Car parking requirements.
5. Stand-alone car parking	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 15.2.3 b. Stand-alone car parking is of a scale and is designed and located operated {Res cl.16} in a way that avoids, or if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigates, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> c. In assessing the effects on the amenity of surrounding residential properties, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movement on the adjoining road, with consideration of the Road Hierarchy in Appendix 6A. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> d. Requirements for fencing or landscaping of car parking areas to minimise adverse visual or nuisance effects from lighting and/ or vehicle headlights on surrounding properties.

15.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
<p>6. Restaurants or retail ancillary to sport and recreation</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 15.2.4 b. Sport and recreation facilities are designed and operated in a way that avoids, or if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigates, adverse effects on streetscape amenity(Policy 15.2.4.7). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> c. The ancillary activity is designed and managed so as to be unlikely to attract external customers. d. There will be no external advertising on buildings facing the street, for the ancillary activity.

15.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
<p>7. {CP 634.39} <u>Service stations on a strategic road or arterial road {CP 634.39}</u></p>	<p><u>Relevant objectives and policies (priority considerations): {CP 634.39}</u></p> <ul style="list-style-type: none"> a. <u>Objectives 15.2.1, 15.2.3 and 15.2.4. {CP 634.39}</u> b. <u>Provide for service stations on a strategic road or arterial road only where it is not practicable, due to a lack of site availability and/or special locational requirements, to locate in the PPH, TR, CEC, industrial or centre zones (Policy 15.2.1.7). {CP 634.39}</u> c. <u>Service stations are designed and located to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4). {CP 634.39}</u> d. <u>Service stations are designed and located to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on streetscape amenity (Policy 15.2.4.7). {CP 634.39}</u> <p><u>General assessment guidance: {CP 634.39}</u></p> <ul style="list-style-type: none"> e. <u>In assessing the effects on the amenity of surrounding residential properties and the streetscape amenity, Council will consider the: {CP 634.39}</u> <ul style="list-style-type: none"> i. <u>design and location of buildings, forecourts/yards and signs: {CP 634.39}</u> ii. <u>location of access/egress points: {CP 634.39}</u> iii. <u>effects of vehicle movements on the site; and {CP 634.39}</u> iv. <u>the hours of operation, light spill, noise and location of service station development in relation to site boundaries. {CP 634.39}</u> f. <u>See Rule 6.11.2.2 for guidance on the assessment of the effects on the safety and efficiency of the transportation network, and other transportation effects. {CP 634.39}</u> <p><u>Conditions that may be imposed include: {CP 634.39}</u></p> <ul style="list-style-type: none"> g. <u>Requirements for fencing, landscaping and/or setbacks of buildings, forecourts/yards, signs and access/egress points to minimise adverse visual or nuisance effects from noise, lighting and/or vehicle headlights on surrounding properties. {CP 634.39}</u> h. <u>Restrictions on hours of operation. {CP 634.39}</u> i. <u>Restrictions on on-site lighting. {CP 634.39}</u> j. <u>Requirements for screening of storage areas. {CP 634.39}</u> k. <u>Requirement to control dust. {CP 634.39}</u> l. <u>Conditions related to building design, scale and bulk including roof lines, height, façade articulation, colour and materials to ensure compatibility with surrounding residential amenity. {CP 634.39}</u>

15.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
	634.39} m. <u>Restrictions on signage.</u> {CP 634.39}

15.11.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> Acoustic insulation Noise - where the limit is exceeded by less than 5dB LAeq (15min) Light spill - where the limit is exceeded by 25% or less 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.</p>
2. <u>Maximum gross floor area for working from home and dairies</u> {Res 997.3}	<p><i>Relevant objectives and policies (priority considerations) {Res 997.3}</i></p> <p>a. <u>Objective 15.2.3</u> {Res 997.3}</p> <p>b. <u>Working from home and dairies operate in a way that avoids or, if avoidance is not practicable, adequately mitigates, noise or other adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.2).</u> {Res 997.3}</p> <p>c. <u>The size of working from home and dairies is compatible with the character and amenity of the residential zones (Policy 15.2.1.3.a).</u> {Res 997.3}</p> <p>d. <u>The size of working from home and dairies does not detract from the vibrancy and functioning of the centres hierarchy (Policy 15.2.1.3.b).</u> {Res 997.3}</p> <p><i>Potential circumstances that may support a consent application include: {Res 997.3}</i></p> <p>e. <u>The degree of non-compliance with the performance standard is minor.</u> {Res 997.3}</p> <p><i>General assessment guidance: {Res 997.3}</i></p> <p>f. <u>In assessing the effects on amenity, Council will consider if: {Res 997.3}</u></p> <p>i. <u>the increased scale of the activity will result in increased vehicle movements or parking requirements, or the need for additional outdoor storage.</u> {Res 997.3}</p> <p>ii. <u>the scale of the activity is appropriate to the residential environment and is secondary to the residential activity.</u> {Res 997.3}</p>

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

Activity {NH634.74}	Guidance on the assessment of resource consents {NH634.74}
1. In the hazard 1 overlay zones (see Rule 15.3.6): {NH634.74} <ul style="list-style-type: none"> Potentially sensitive activities permitted in residential zones {NH634.74} 	See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH634.74}
2. In the hazard 2 overlay zones (see Rule 15.3.6): {NH634.74} <ul style="list-style-type: none"> Potentially sensitive activities not permitted in residential zones {NH634.74} Sensitive activities {NH634.74} 	See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH634.74}

Rule 15.12 Assessment of Non-complying Activities

Rule 15.12.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 15.12.2 - 15.12.5 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. With respect to section 104(2), Council will not consider family flats as part of the permitted baseline in considering residential density effects in the residential zones.
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

15.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
<p>1. All non-complying <u>land use</u> activities <u>listed below</u> {PO cl.16}</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 15.2.1</p> <p><i>General assessment guidance:</i></p> <p>b. In assessing the significance of effects, consideration will be given to:</p> <ul style="list-style-type: none"> 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. iii. any effects otherwise managed through performance standards and consistent with all relevant objectives and policies for the zone. iv. Manawhenua values and the relationship between manawhenua and the natural environment is maintained, including the cultural values and traditions associated with: {MW cl.16} <ul style="list-style-type: none"> 1. wāhi tūpuna; and {MW cl.16} 2. the customary use of mahuik kai (Objective 14.2.1); {MW cl.16} v. If located outside a wāhi tūpuna mapped area, Kai Tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi tūpuna is located, or the linkages between wāhi tūpuna {MW 1071.109} <p>c. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.</p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>d. <u>See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public.</u> {Trans cl.16¹}</p> <p>e. <u>See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety</u> {PHS cl.16}</p> <p>f. <u>See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua</u> {MW cl.16}</p>

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

15.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. Sport and recreation that involves motor vehicles	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objectives 15.2.1, 2.2.6 b. Policies 15.2.1.6, 2.2.6.21.f {Res cl.16}
2. Commercial advertising	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 2.4.1 b. Policy 2.4.1.6.c
3. All non-complying commercial activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 15.2.1 b. Strategic Directions - Objectives 2.4.3, 2.3.2 c. Commercial activities, other than those expressly provided for, are avoided from locating in residential zones, unless: <ul style="list-style-type: none"> i. the activity will not detract from the vibrancy and functioning of the centre's centres {CMU cl.16} hierarchy; and ii. the site is adjacent to a centre and it provides a logical extension to a centre; and iii. the centre is at, or very close to, capacity; and iv. the site development activities are {Res cl.16} done in accordance with the performance standards of the street typology (if relevant) of the adjacent centre zoned sites; and v. the development maximises opportunities for integration with the centre; or vi. if the site is in the Township and Settlement Zone: <ul style="list-style-type: none"> 1. the commercial activity would have significant positive effects in terms of supporting the needs of the community and visitors to the area; and 2. the activity is unable to be located in, or adjacent to, the nearest centre, or no centre exists within the relevant township or settlement; and 3. the location is appropriate for the proposed activity; and 4. any adverse effects from noise, vehicle movements, and on-street parking supply can <u>will</u> {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated (Policy 15.2.1.5). <p><u>General assessment guidance {CMU 877.2}</u></p> <ul style="list-style-type: none"> d. <u>In assessing the effects on the vibrancy and functioning of the centres hierarchy, Council will also consider effects on the economic feasibility of any redevelopment necessary to maintain the vibrancy and attractiveness of those centres. {CMU 877.2}</u>

15.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
4. <ul style="list-style-type: none"> Crematoriums Landfills {MW cl.16²} 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 15.2.1, Policy 15.2.1.6</p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>b. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua {MW cl.16¹}</p>
5. <ul style="list-style-type: none"> All major facility activities (excluding crematoriums, {MW cl.16²} cemeteries, emergency services, {CP 945.30} and schools) All rural activities (excluding grazing and scheduled mining activity {CP 874.2 and others} landfills {MW cl.16²}) All industrial activities 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 15.2.1</p> <p>b. Policy 15.2.1.6</p> <p>c. Where in a wāhi tūpuna mapped area, see Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua {MW cl.16¹}</p>
6. In the hazard 1 (flood) {NH 73.4 and others} overlay zones: (see Rule 15.3.6): {Res cl.16} <ul style="list-style-type: none"> Natural hazards Ppotentially {NH cl.16} sensitive activities not permitted in residential zones: {NH 634.74} Natural hazards Ssensitive {NH cl.16} activities 	See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards.

¹ **MW cl.16:** Assessment deleted as now located at 15.12.2.1.f

² **MW cl.16:** Rules 15.12.3.4 and 15.12.3.5 have been combined.

15.12.4 Assessment of non-complying development activities

Activity	Guidance on the assessment of resource consents
1. Demolition of a protected part of a scheduled heritage building or scheduled heritage structure	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects on heritage values.</p>

15.12.5 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Density	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Strategic Directions - Objectives 2.7.1 (policies 2.7.1.1, 2.7.1.3), 2.4.1 (Policy 2.4.1.5) b. Objective 15.2.4, Policy 15.2.4.2, Policy 15.2.4.3 c. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.
X. <u>Density - visitor accommodation</u> {Res cl.16}	<p><i>Relevant objectives and policies (priority considerations): {Res cl.16}</i></p> <ul style="list-style-type: none"> a. <u>Objective 15.2.3</u> {Res cl.16} b. <u>Policy 15.2.3.4</u> {Res cl.16}
2. <ul style="list-style-type: none"> • Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5dB LAeq (15 min) or more • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
3. Setback from National Grid	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.1 <u>5.22 {NU 918.29}</u> and effects related to the efficient and effective operation of network utilities, and public health and safety.
4. Maximum gross floor area for working from home and dairies {Res 997.3}	<p><i>Relevant objectives and policies (priority considerations): {Res 997.3}</i></p> <ul style="list-style-type: none"> a. Objectives 15.2.1, 2.4.3 {Res 997.3} b. The size of working from home and dairies is compatible with the character and amenity of the residential zones (Policy 15.2.1.3.a): {Res 997.3} c. The size of working from home and dairies does not detract from the vibrancy and functioning of the centres hierarchy (Policy 15.2.1.3.b): {Res 997.3} d. The degree of non-compliance with the performance standard is minor: {Res 997.3} e. Policy 2.4.3.4 {Res 997.3}

15.12.5 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
5. Minimum site size	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objectives 15.2.4, 9.2.1</p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>b. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.</p>
6. Structure plans mapped area performance standards {ULS cl.16}	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Strategic Directions - Objective 2.4.1, Policy 2.4.1.8</p>
7. Archaeological sites (earthworks) {EW cl.16}	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.
8. <u>Family Flats - Tenancy {PO 207.1 and 394.63}</u>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Strategic Directions - 2.4.1 (Policy 2.4.1.5)</p> <p>b. <u>Objective 15.2.4</u></p> <p>c. <u>The tenancy of family flats avoids, as far as practicable, the risk they will be used for a separate, non-ancillary residential activity, or future pressure to subdivide off family flats, and minimises, as far as practicable, any adverse effects on the amenity and character of the neighbourhood (Policy 15.2.4.3). {PO 207.1 and 394.63}</u></p>
9. <u>Shape (Rule 15.7.6.2.c) - setback of building platforms from National Grid {NU 806.11}</u>	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. <u>See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.2 and effects related to the efficient and effective operation of network utilities, and reverse sensitivity. {NU 806.11}</u></p>

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

Rule 15.13 Special Information Requirements

EW cl.16: As a clause 16 amendment, Rule 15.3.1 Geotechnical investigation report has been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

15.13.2 Papakāika - ownership and occupation

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

Appendices {Confirmed for deletion - ULS cl.16}

Appendix 15B. Formby Street Structure Plan {Confirmed to be replaced by 15.7A.2 - ULS cl.16¹}

¹ **ULS cl.16:** The content of this section has been moved to Rule 15.7A.2

Appendix 15A. East Taieri Structure Plan and Notations {Confirmed to be replaced by 15.7A.1 - ULS cl.16¹}

¹ **ULS cl.16:** The content of this section has been moved to Rule 15.7A.1

Appendix 15C. Mosgiel East Structure Plan and Notations {Confirmed to be replaced by 15.7A.3 - ULS cl.16¹}

¹ **ULS cl.16:** The content of this section has been moved to Rule 15.7A.3

Appendix 15D. Holyhead Street Structure Plan {Confirmed to be replaced by 15.7A.4 - ULS cl.16¹}

¹ **ULS cl.16:** The content of this section has been moved to Rule 15.7A.4