

21. Ashburn Clinic

21.1 Introduction

The Ashburn Clinic is located at 496 Taieri Road, Halfway Bush, Dunedin. The hospital occupies an area of approximately eight hectares and is owned and operated by the Ashburn Hall Charitable Trust. Ashburn Clinic provides in-patient and out-patient mental health care.

The Ashburn Clinic was originally established in Dunedin in 1882, then known as Ashburn Hall, and provided an alternative to public asylums of that time. The clinic is a private trust which provides a range of essential mental health services to the region. With this in mind, the Ashburn Clinic Zone has been designed to enable the services which are offered by Ashburn Clinic to be provided for, while providing greater certainty to the community regarding what land use activities can be expected to occur on the Ashburn Clinic [site](#).

The [site](#) itself is surrounded by the rural residential zone, which is characterised by relatively low density residential development, and is also in close proximity to the general residential zone. There is a high level of residential amenity in the area, and the [site](#) and wider area has a high level of established vegetation. While the buildings on the Ashburn Clinic [site](#) are generally larger than would otherwise be expected in the surrounding residential environments, these are contained within a large [site](#) which is extensively bordered by trees and vegetation.

The Ashburn Clinic Zone recognises the existing and foreseeable future use of Ashburn Clinic [site](#) and, at the same time, appropriately manages any adverse effects of development on the surrounding rural residential zone.

21.2 Objectives and Policies

Objective 21.2.1	
Ashburn Clinic is able to operate efficiently and effectively as a hospital and medical training and research facility.	
Policy 21.2.1.1	Enable hospital activity in the Ashburn Clinic Zone.
Policy 21.2.1.2	Enable land that is surplus to the needs of Ashburn Clinic to transition to the Rural Residential 1 Zone, so that future development that is not related to hospital activity can be managed in accordance with the objectives and policies of that zone.
Policy 21.2.1.3	Provide for activities that are ancillary to hospital activity where they are designed and operated in line with Objective 21.2.2 and its policies.
Policy 21.2.1.4	Only allow activities that are not ancillary to hospital activity where all of the following apply: - the activities are related to or support Ashburn Clinic, or have other operational requirements that mean they need to locate in the zone; - they will support the efficient and effective operation of Ashburn Clinic; - they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - they are designed and operated in line with Objective 21.2.2 and its policies.
Policy 21.2.1.5	Only allow general subdivision in the Ashburn Clinic Zone where: - it is in accordance with the provisions of the Rural Residential Zone 1; and - the general subdivision does not adversely affect the effective and efficient operation of Ashburn Clinic.

Objective 21.2.2

Land use activities and development necessary for Ashburn Clinic to meet the reasonably foreseeable health needs of the community are enabled, while ensuring development:

- a. achieves a reasonable standard of on-site amenity for patients, staff and visitors; and
- b. maintains or enhances the residential amenity of surrounding sites.

Policy 21.2.2.1	Require development to provide a reasonable standard of on-site amenity by retaining open spaces uncluttered by buildings.
Policy 21.2.2.2	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 and privacy of current and potential future residential buildings and their outdoor living spaces.
Policy 21.2.2.3	Require development to maintain or enhance the visual amenity of the surrounding rural residential zone by ensuring all the following are met: a. buildings and structures are of a height and setback that reduces their visual impact and preserves open space values; and b. service areas are not visible from ground level outside the site.
Policy 21.2.2.4	Require landscaping of the boundary of parking areas where adjacent to the road frontage to screen or soften these areas and ensure a high standard of visual amenity when viewed from the road.
Policy 21.2.2.5	Require ancillary signs visible from outside the zone to be located and designed to maintain streetscape amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose.
Policy 21.2.2.6	Require ancillary commercial activities to be designed, located and operated to primarily serve staff, patients and visitors of Ashburn Clinic.
Policy 21.2.2.7	Require forestry and tree planting to be set back an adequate distance to avoid significant effects from shading on residential dwellings on surrounding properties.

Objective 21.2.3

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

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

Policy 21.2.3.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: a. being set back an adequate distance from property boundaries, buildings, structures and cliffs; and b. using a batter gradient that will be stable over time.

Objective 21.2.3

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

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

Policy 21.2.3.2	Require earthworks and any associated retaining structures to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: a. limiting the scale of earthworks that are provided for as a permitted activity; and b. requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.
Policy 21.2.3.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: a. adverse effects on visual amenity and character; b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and c. adverse effects on the stability of land, buildings, and structures.
Policy 21.2.3.4	Require earthworks ancillary to forestry to be carried out in accordance with industry best practice guidelines.

Rules

Rule 21.3 Activity Status

21.3.1 Rule location

The activity status tables in Rule 21.3.3 to 21.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Ashburn Clinic Zone and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

1. Public Amenities (Section 3)
2. Temporary Activities (Section 4)
3. Network Utilities and Energy Generation (Section 5)
4. Transportation Activities (Section 6)
5. Scheduled Trees (Section 7)
6. Natural Hazard Mitigation (Section 8)

21.3.2 Activity status introduction

1. The activity status tables in Rules 21.3.3 - 21.3.5 show the activity status of activities in the Ashburn Clinic Zone and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.6 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested table in Section 1.6 is intended to be a complete list of activities and categories of activities. For any activity that is not covered by any of the defined activities in the nested table, the activity status will be non-complying if the activity status of "all" or "all other" activities in the most closely related category is non-complying, otherwise it will be discretionary.

Performance Standards

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

Legend

Acronym	Activity status
—	No additional provisions apply or not relevant
P	Permitted activity
C	Controlled activity
RD	Restricted discretionary activity
D	Discretionary activity
NC	Non-complying activity

21.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Electrical interference b. Light spill c. Noise
Major facility activities		Activity status	Performance standards
2.	Hospital	P	a. Minimum car parking
3.	All other activities in the major facility activities category	NC	
Community activities		Activity status	Performance standards
4.	Community and leisure - small scale	P	
5.	Conservation	P	
6.	All other activities in the community activities category	D	
Commercial activities		Activity status	Performance standards
7.	Commercial activities <i>ancillary to hospital activity</i>	P	a. Location
8.	Registered health practitioners	P	
9.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
10.	Rest homes	P	
11.	All other activities in the residential activities category	D	
Industrial activities		Activity status	Performance standards
12.	All activities in the industrial activities category	NC	
Rural activities		Activity status	Performance standards
13.	Grazing	P	

14.	Farming	D	
15.	Forestry	D	
16.	All other activities in the rural activities category	NC	

21.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. Setback from coast and water bodies b. Setback from scheduled tree
Buildings and structures activities		Activity status	Performance standards
2.	All buildings and structures activities	P	a. Boundary setbacks b. Maximum height c. Number, location and design of ancillary signs
Site development activities		Activity status	Performance standards
3.	Earthworks - small scale	P	a. Earthworks standards
4.	Earthworks - large scale	RD	a. Earthworks standards
5.	Service areas	P	a. Location and screening of services areas
6.	Parking, loading and access	P	a. Parking, loading and access standards b. Boundary treatments and other landscaping
7.	New parking areas, or extensions to existing parking areas <i>(that result in the creation of 50 or more new parking spaces.)</i>	RD	a. Boundary treatments and other landscaping b. Parking, loading and access standards
8.	Storage and use of hazardous substances	P	a. Hazardous Substances quantity limits and storage requirements
9.	Tree planting	P	a. Forestry and tree planting setbacks b. Tree species
10.	Vegetation clearance	P	a. Protected areas
11.	All other site development activities	P	

21.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status	Performance standards
1.	General subdivision	RD	a. Subdivision performance standards
2.	Cross lease, company lease and unit title subdivision	NC	

21.3.6 Transition to Rural Residential 1 Zone

On receipt of written notice from both the landowner and operator of Ashburn Clinic (if different) to Dunedin City Council in relation to all or part of the land within the Ashburn Clinic Zone, the provisions of the Ashburn Clinic Zone will no longer apply to that parcel of land and the provisions of the rural residential zone will apply in full.

Note 21.3A - General advice

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

Rule 21.4 Notification

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

Rule 21.5 Land Use Performance Standards

21.5.1 Electrical Interference

Land use activities must comply with Rule 9.3.2.

21.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

21.5.3 Location

For ancillary commercial activities, customer access must only be available from inside hospital buildings.

21.5.4 Minimum Car Parking

1. Hospital activity must provide a minimum of 80 of parking spaces, including three mobility parking spaces.
2. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility car parking.

Note 21.5A - Other relevant District Plan provisions

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

21.5.5 Noise

Land use activities must comply with Rule 9.3.6.

Rule 21.6 Development Performance Standards

21.6.1 Boundary Treatments and Other Landscaping

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

21.6.2 Earthworks Standards

21.6.2.1 Earthworks - small scale thresholds

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

Zone/Area		Ashburn Clinic Zone
i.	Maximum change in ground level	2.0m
Slope Categories		Maximum volume of combined cut and fill
ii.	Less than or equal to 12°	30m ³ per 100m ² of site
iii.	Greater than 12° but less than or equal to 15°	25m ³ per 100m ² of site
iv.	Greater than 15° but less than or equal to 20°	15m ³ per 100m ² of site
v.	Greater than 20° but less than or equal to 26°	10m ³ per 100m ² of site
vi.	Greater than 26° but less than or equal to 35°	0m ³ fill 5m ³ cut per 100m ² of site
vii.	Greater than 35°	0m ³

- b. Where the part of the site in which the earthworks are located is in more than one slope category, the most restrictive scale threshold applies.
- c. Scale thresholds will be calculated as the cumulative total of earthworks on any site in a two calendar-year period.
- d. Earthworks *ancillary to network utilities activities* are only required to comply with Rule 21.6.2.1.a.i - maximum change in ground level threshold.
- e. Earthworks *ancillary to the operation, repair, and maintenance of the roading network* and earthworks *ancillary to forestry* are exempt from the performance standard earthworks - small scale thresholds.
- f. Earthworks that exceed the earthworks - small scale thresholds are treated as earthworks - large scale, which are a restricted discretionary activity.

21.6.2.2 Batter gradient

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

21.6.2.3 Setback from property boundary, buildings, structures and cliffs

Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m², and the top or toe of any cliff, the following minimum distances:

- a. Earthworks not supported by retaining walls:
 - i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see
 - ii. a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (See Figure 21.6A); and
 - iii. 300mm, as measured from the crest of any cut (See Figure 21.6A).
- b. Retaining walls supporting a cut or fill must be set back a distance at least equal to the height of the retaining walls See Figure 21.6B), except:

- i. retaining walls supporting a cut that have been granted building consent are exempt from this standard.
- c. Earthworks *ancillary to network utilities* activities, earthworks *ancillary to the operation, repair, and maintenance of the roading network* and earthworks *ancillary to forestry* are exempt from the setback from property boundary, buildings, structures and cliffs performance standard.

Figure 21.6A Unsupported cut and fill (elevation view)

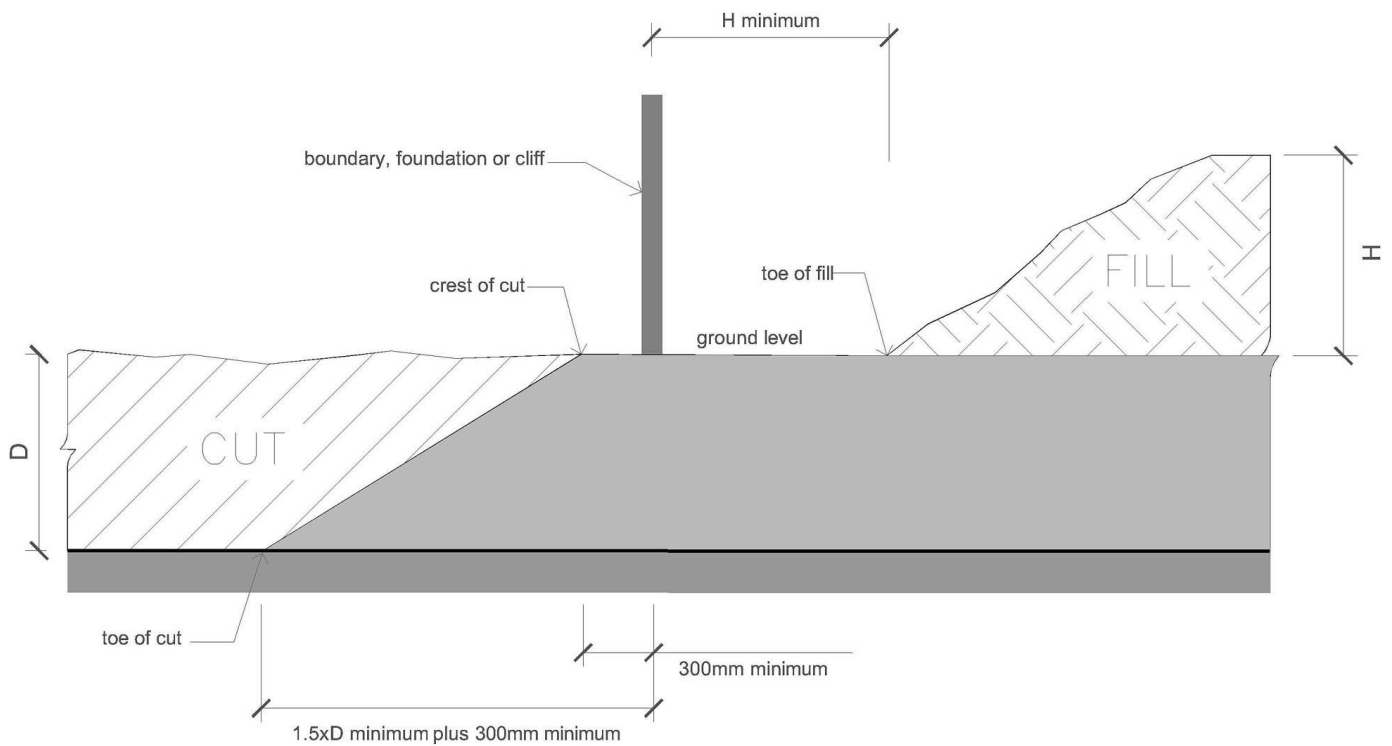
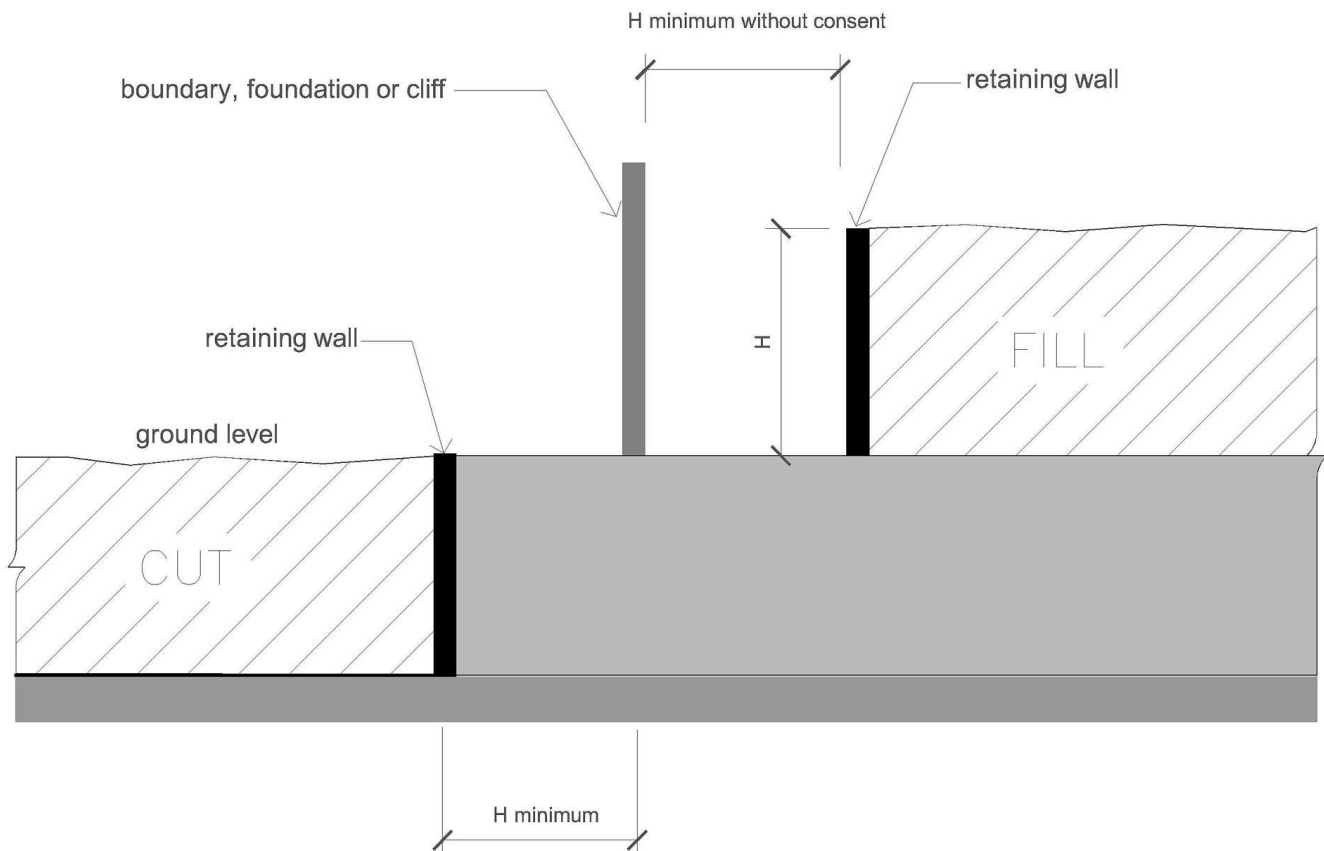


Figure 21.6B Cut and fill supported by retaining walls (elevation view)



21.6.2.4 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

21.6.2.5 Sediment control

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

21.6.2.6 NZ Environmental Code of Practice for Plantation Forestry

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

21.6.3 Hazardous Substances Quantity Limits and Storage Requirements

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

21.6.4 Location and Screening of Service Areas

1. Service areas must be located or screened so that they are not visible at ground level from adjacent: residential activities, residential zoned properties, or public places.
2. Service areas must not encroach into required parking, loading, or manoeuvring areas.

21.6.5 Maximum Height

1. The maximum height of new buildings and structures, and additions and alterations, must not exceed 12m above ground level.

2. Rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more than one third of that limit.

21.6.6 Number, Location and Design of Ancillary Signs

21.6.6.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are not visible from outside the Asburn Clinic Zone;
 - ii. 'regulatory' (requiring or prohibiting specified actions), 'warning' (informing of hazards or of other features requiring a safe response), or 'directional' (identifying the location of, or direction to destinations, routes, building entrances, and vehicle accesses) signs
 - iii. 'building names' (excluding sponsorship names).
- b. Signs related to ancillary retail and ancillary restaurant activities must not be visible outside the Asburn Clinic Zone.
- c. Signs must comply with Rule 6.7.3 where visible from a road.
- d. Signs must not be illuminated or digital.
- e. Signs other than those specified in Rules 21.6.6.2 and 21.6.6.3 are not allowed.

21.6.6.2 Freestanding signs

- a. The maximum number of permanently fixed freestanding signs is one per 50m of frontage.
- b. The maximum number of portable freestanding signs is one per 50m of frontage.
- c. The maximum dimensions of freestanding signs are:
 - i. maximum height of 4m;
 - ii. maximum area of 8m²;
 - iii. maximum width of 2m; and
 - iv. maximum depth of 400m.
- d. Freestanding signs, must not obstruct driveways, parking or loading areas.
- e. Freestanding signs, must be located within the site and cannot be located on the road reserve.

21.6.6.3 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign, attached to a building is 4m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached to a building must:
 - i. not exceed one sign per 30m of road frontage;
 - ii. have a maximum area per display face of 2m²;
 - iii. have a maximum of two display faces per sign;
 - iv. where attached to the façade of a building, must not project more than 1m from the façade to which it is attached; and
 - v. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

Note 21.6A - Other relevant District Plan provisions

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

Note 21.6B - Other requirements outside of the District Plan

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

21.6.7 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

21.6.8 Protected Areas

Vegetation clearance must comply with Rule 10.3.2.3.

21.6.9 Setbacks

21.6.9.1 Boundary setbacks

- a. New buildings and structures, and additions and alterations must have a minimum setback from boundaries of 10m.
- b. Except:
 - i. buildings or structures less than 10m² and less than 2m high may be located within the boundary setbacks where the total length of the buildings facing a boundary and within the setback does not exceed 7m in length and there are no windows or openings along the wall facing the boundary;
 - ii. fences and ancillary signs are exempt from the performance standard.
- c. Public entrances to buildings must be located at least 10m from a boundary with the rural residential zone.

21.6.9.2 Setback from coast and water bodies

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

21.6.9.3 Setback from scheduled tree

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

21.6.9.4 Forestry and tree planting setbacks

Forestry and tree planting must comply with Rule 16.6.11.2.

21.6.10 Tree Species

Tree planting must comply with Rule 10.3.4.

Rule 21.7 Subdivision Performance Standards

General subdivision must comply with the performance standards for the Rural Residential 1 Zone within Rule 17.7.

Rule 21.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 21.8.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 21.8.2 - 21.8.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

21.8.2 Assessment of all performance standard contraventions	
Performance standard	Guidance on the assessment of resource consents
1. Performance standard contraventions	<i>Relevant objectives and policies:</i> a. Objective 21.2.1 <i>Potential circumstances that may support a consent application include:</i> b. The degree of non-compliance with the performance standard is minor c. The need to meet other performance standards or <u>site</u> specific factors, make meeting the standard impracticable. d. Topography or other <u>site</u> specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. e. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. <i>General assessment guidance:</i> f. Where more than one standard is contravened, the combined effects of the contraventions should be considered. g. In balancing consideration of the objectives and policies related to the maintenance of heritage values and those related to general amenity, greater weight will usually be placed on heritage policies.

21.8.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Electrical interference	a. Effects on health and safety	See Rule 9.4
2.	Location (<i>ancillary commercial activities</i>)	a. Effects on rural residential amenity b. Effects on the vibrancy and economic and social success of the Central Business District Zone and centres hierarchy	<i>Relevant objectives and policies:</i> i. Objective 21.2.2 ii. Ancillary commercial activities are designed, located and operated to primarily serve staff, patients and visitors of Ashburn Clinic (Policy 21.2.2.6). <i>Potential circumstances that may support a consent application include:</i> iii. The ancillary activity is unlikely to attract external customers and become a stand-alone activity.
3.	Minimum car parking	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility	See Rule 6.9

21.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Boundary treatments and other landscaping	a. Effects on rural residential amenity	<i>Relevant objectives and policies:</i> i. Objective 21.2.2 ii. The boundary of parking areas are landscaped to screen or soften these areas and ensure a high standard of visual amenity when viewed from the road (Policy 21.2.2.4). <i>Potential circumstances that may support a consent application include:</i> iii. The parking areas are small and/or surrounded by mature vegetation such that the effects on visual amenity are minor. iv. Alternative landscaping or screening is effective in visually softening large areas of hard surfaces, when viewed from the road.

21.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2.	- Boundary setbacks - Maximum height	a. Effects on the amenity of surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 21.2.2 ii. Buildings and structures are of a height and setback from boundaries that ensures there are no more than minor effects on the sunlight access and privacy of current and potential future residential buildings and their outdoor living spaces (Policy 21.2.2.2). <i>Potential circumstances that may support a consent application include:</i> iii. There is consistency with the setbacks of surrounding properties. <i>In assessing the application council will consider:</i> iv. Existing sunlight access to neighbouring properties v. Cumulative effects from incremental development.
		b. Effects on rural residential amenity	<i>Relevant objectives and policies:</i> i. Objective 21.2.2 ii. Buildings and structures are of a height and setback that reduces their visual effect and preserves open space values (Policy 21.2.2.3.a). <i>Potential circumstances that may support a consent application include:</i> iii. There is consistency with the setbacks of surrounding properties. <i>Conditions that may be imposed include:</i> iv. Landscaping requirements to screen or soften the impacts effect of buildings or fences.
3.	Earthworks standards: Batter gradient	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 21.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 21.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> iii. Maximum slopes of cut and fill batters. iv. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. v. Temporary shoring requirements to maintain stability before a wall is constructed. vi. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.

21.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
4.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 21.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 21.2.3.1.a).
5.	Earthworks standards: • Setback from network utilities	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7
6.	Earthworks standards: • Sediment control	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 21.2.3 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems (Policy 21.2.3.2.b).
		b. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
7.	Earthworks standards: • NZ Environmental Code of Practice for Plantation Forestry	a. Degree of compliance with New Zealand Code of Practice for Plantation Forestry	<i>Relevant objectives and policies:</i> i. Objective 21.2.3 ii. Earthworks ancillary to forestry are carried out in accordance with industry best practice guidelines (Policy 21.2.3.4).

21.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
8.	Forestry and tree planting setbacks	a. Effect on amenity of surrounding properties	Tree planting is set back an adequate distance to avoid significant effects from shading on residential dwellings on surrounding properties (Policy 21.2.2.7).
		b. Effects on health and safety	See Rule 9.4
		c. Effects on safety and efficiency of the transport network	See Rule 6.9
9.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards	See Rule 11.4
10.	Location and screening of service areas	a. Effects on rural residential amenity	<i>Relevant objectives and policies:</i> i. Objective 21.2.2 ii. The visual amenity of the surrounding rural residential zone is maintained or enhanced by ensuring service areas are not visible from ground level outside the <u>site</u> (Policy 21.2.2.3.b). <i>Potential circumstances that may support a consent application include:</i> iii. Screening would unduly restrict the usability of the service area. iv. The <u>site</u> layout prevents the service area from being visible from any public place without additional screening being required.
11.	Number, location and design of ancillary signs	a. Effects on rural residential amenity	<i>Relevant objectives and policies:</i> i. Objective 21.2.2 ii. Ancillary signs visible outside the zone are located and designed to maintain or enhance streetscape amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose (Policy 21.2.2.5).
		b. Effects on safety and efficiency of the transport network	See Rule 6.9
12.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

21.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
13.	Protected areas	a. Effects on biodiversity and the natural character of riparian margins and the coast	See Rule 10.4
14.	Setback from coast and water bodies	a. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		b. Effects on public access	
		c. Risk from natural hazards	See Rule 11.4
15.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
16.	Tree species	a. Effects on biodiversity values	See Rule 10.4

21.8.5 Assessment of subdivision performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Subdivision performance standards	See Rule 17.9

Rule 21.9 Assessment of Restricted Discretionary Activities

Rule 21.9.1 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 21.9.2 - 21.9.3:
 - 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. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
4. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) 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 21.8; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 21.10; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 21.11; and
 - iii. the assessment guidance in this section will also be considered.

21.9.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents

1.	Earthworks - large scale (that exceed the scale thresholds for the Ashburn Clinic Zone)	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 21.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 21.2.3.3.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 21.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> 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. <i>Conditions that may be imposed include, but are not limited to:</i> 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.
		c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 21.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 21.2.3.3.c). <i>Potential circumstances that may support a consent application include:</i> 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 21.12.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards.

21.9.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. New parking areas, or extensions to existing parking areas (<i>that result in the creation of 50 or more new parking spaces.</i>)	a. Effects on the safety and efficiency of transport network	See Rule 6.10

21.9.3 Assessment of restricted discretionary subdivision activities

Subdivision activities	Matters of discretion	Guidance on the assessment of resource consents
1. General subdivision	a. Effect on the efficient and effective operation of Ashburn Clinic	<i>Relevant objectives and policies:</i> i. Objective 21.2.1, 2.3.1 ii. General subdivision does not adversely affect the efficient and effective operation of Ashburn Clinic (Policy 21.2.1.5.b). iii. Hospitals are enabled to continue to operate efficiently and effectively, while minimising as far as practical any adverse effects on surrounding areas, and protected from activities that may lead to reverse sensitivity issues (Policy 21.2.1.6).
	See Rule 17.10	

Rule 21.10 Assessment of Discretionary Activities

Rule 21.10.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 21.10.2 - 21.10.4 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

21.10.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities, including: • all activities in the community activities category except community and leisure - small scale and conservation • all activities in the residential activities category except rest homes • farming • forestry • activities listed below	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.1 b. Objective 21.2.1 c. The activity does not detract from, or preferably contributes to, the strategic directions objectives. d. Activities that are ancillary to hospital activity are designed and operated in line with Objective 21.2.2 and its policies (Policy 21.2.1.3). e. Activities that are not ancillary to hospital activity: i. are related to or support the Ashburn Clinic, or have other operational requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Ashburn Clinic; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. are designed and operated in line with Objective 21.2.2 and its policies (Policy 21.2.1.4). <i>Potential circumstances that may support a consent application include:</i> f. The activity is in accordance with relevant objectives, policies and performance standards of the rural residential zone. g. For discretionary land use activities, whether any associated development activities meet relevant development performance standards, or are otherwise consistent with relevant objectives and policies for development. h. All relevant land use performance standards are met, including noise and light spill standards. <i>General assessment guidance:</i> i. In assessing the significance of effects, consideration will be given to: i. short to long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. j. In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.

21.10.3 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
1. Community and leisure - large scale	See Section 6.11 for guidance on the assessment of resource consents in relation to Objective 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network.

21.10.4 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. - Noise - where the limit is exceeded by up to 5dB LAeq (15min) - Light spill - where the limit is exceeded by 25% or less	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.

Rule 21.11 Assessment of Non-complying Activities

Rule 21.11.1 Introduction

- 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.
- Rules 21.11.2 - 21.11.4 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - general assessment guidance, including any effects that will be considered as a priority.
- 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.

21.11.2 Assessment of all non-complying activities

Activity	Guidance of the assessment of resource consents
1. All non-complying land use activities	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.1 b. Objective 21.2.1 c. Activities that are not ancillary to hospital activity: i. are related to or support Ashburn Clinic, or have other operational requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Ashburn Clinic; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. are designed and operated in line with Objective 21.2.2 and its policies (Policy 21.2.1.4). <i>General assessment guidance:</i> d. In assessing the significance of effects consideration will be given to: i. both short and long term effects, including effects in combination with other activities; ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent; and iii. any effects otherwise managed through performance standards and consistent with all relevant objectives and policies for the zone. e. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.

21.11.3 Assessment of non-complying land use activities

Activity	Guidance of the assessment of resource consents
1. Commercial advertising	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c

21.11.4 Assessment of all non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5dB LAeq (15 min) or more • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)	See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

Rule 21.12 Special Information Requirements

21.12.1 Geotechnical investigation report

1. A geotechnical investigation report may be requested by Council for earthworks of a large scale and/or where the earthworks are proposed:
 - a. on a site with a slope angle between 15° (3.7h:1v slope ratio, or 27% slope grade) and 26° (2h:1v slope ratio, or 50% slope grade);
 - b. on a site identified as hazard-prone in Council's Hazard Information Management System; or
 - c. on any other site that the Council, with good cause, suspects to be hazard-prone.
2. A geotechnical investigation report must be provided for earthworks on all sites with a slope greater than a 26° angle (2h:1v slope ratio, or 50% slope grade).
3. All requested geotechnical investigation reports must be prepared by a suitably qualified expert who is experienced in the practice of geotechnical engineering and registered under the Chartered Professional Engineers Act of New Zealand 2002 and who has professional indemnity insurance.
4. The geotechnical investigation report must address the following factors:
 - a. special design or construction requirements;
 - b. special foundation requirements;
 - c. services;
 - d. access;
 - e. effluent disposal;
 - f. non-engineered fills; and
 - g. a statement of professional opinion as to the suitability of the land for the proposed development.

22. Dunedin Botanic Garden

22.1 Introduction

The Dunedin Botanic Garden is located in North Dunedin, on an extensively landscaped site of approximately 30 hectares. The Garden is owned and operated by the Dunedin City Council.

The Garden was New Zealand's first botanic garden, opening in 1863, and has since developed to provide a wide range of recreational opportunities and significant amenity, horticultural and conservation plant collections. The Garden has an information centre, café and aviary, and provides volunteer activities, education programmes and regular entertainment events in the lower garden band rotunda.

The Garden is managed as one of Dunedin's reserves, under a broad reserve management plan administered by the Dunedin City Council. Future development at the Dunedin Botanic Garden is guided by its Strategic Development Plan which was launched in 2006 and sets the framework for managing the garden for a 30-40 year period. The Development Plan includes proposals to relocate buildings, enhance existing projects and develop a suite of new projects. Development within the next 10 years may include a visitor information and education facility in the upper garden, additions to the Lister Garden, a model vegetable/fruit garden, extensions to the water garden and a children's adventure playground. Ongoing development involves renewal and redevelopment of plantings within the garden, and these should not be considered as permanent. The lower garden contains three scheduled heritage buildings and structures: the Wolf Harris fountain, the Bandstand soundshell and the Winter Garden.

The Garden is surrounded by several zones, which provide for a range of different land use activities. To the east of the Garden is a large recreation zone which includes sports grounds and the Northern Cemetery. To the north, south and west are residential zones with varying densities of residential development. At the north-western edge of the Garden is a further recreation sports field, the 'Gardens Ground', and also the North East Valley suburban centre, which includes a mix of commercial and community activities.

The Dunedin Botanic Garden Zone has been designed to enable the activities necessary for the continued functioning of the Garden, while providing certainty to the community regarding what land use activities can be expected to occur on the Dunedin Botanic Garden site. The types and mix of activities appropriate within the zone, and the potential future uses of the site, have been important factors in determining the extent of, and rules for, the Dunedin Botanic Garden Zone. The zone recognises the existing and foreseeable future uses of the Garden site and, at the same time, appropriately manages potential adverse effects while ensuring compatibility with the wide variety of surrounding environments.

22.2 Objectives and Policies

Objective 22.2.1	
The Dunedin Botanic Garden is able to operate efficiently and effectively.	
Policy 22.2.1.1	Enable Dunedin Botanic Garden activity.
Policy 22.2.1.2	Provide for activities that are ancillary to Dunedin Botanic Garden activity where they are designed and operated in line with Objective 22.2.2 and its policies.
Policy 22.2.1.3	Only allow activities that are not ancillary to Dunedin Botanic Garden activity where: - they are related to or support the Dunedin Botanic Garden, or have other operational requirements that mean they need to locate in the zone; - they will support the efficient and effective operation of the Dunedin Botanic Garden; - they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - they are designed and operated in line with Objective 22.2.2 and its policies.
Policy 22.2.1.4	Only allow subdivision where it does not adversely affect the efficient and effective operation of Dunedin Botanic Garden.

Objective 22.2.2	
Land use activities and development necessary for the continued operation of the Dunedin Botanic Garden are enabled, while ensuring development and land use activities: - achieve a good standard of on-site amenity for staff and visitors; and - maintain or enhance the amenity of the surrounding residential areas.	
Policy 22.2.2.1	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 and privacy of current and potential future residential buildings and their outdoor living spaces; and - any adverse effects on neighbourhood amenity are avoided or, if avoidance is not possible, are no more than minor.
Policy 22.2.2.2	Require development to maintain or enhance on-site and neighbourhood amenity by ensuring service areas are not visible from ground level within or outside the site.
Policy 22.2.2.3	Require landscaping of the boundary of parking areas where adjacent to a road frontage to screen or soften these areas and ensure a high standard of visual amenity when viewed from the road.
Policy 22.2.2.4	Require fences on road boundaries to be of a height and design that contributes positively to neighbourhood amenity.
Policy 22.2.2.5	Require ancillary signs visible from outside the zone to be located and designed to maintain streetscape amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose.
Policy 22.2.2.6	Require ancillary restaurants and retail to be designed, located and operated to primarily serve visitors to the Dunedin Botanic Garden.

Objective 22.2.3

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

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

Policy 22.2.3.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: a. being set back an adequate distance from property boundaries, buildings, structures and cliffs; and b. using a batter gradient that will be stable over time.
Policy 22.2.3.2	Require earthworks and any associated retaining structures to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: a. limiting the scale of earthworks that are provided for as a permitted activity; and b. requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.
Policy 22.2.3.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: a. adverse effects on visual amenity and character; b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and c. adverse effects on the stability of land, buildings, and structures.

Rules

Rule 22.3 Activity Status

22.3.1 Rule location

The activity status tables in Rules 22.3.3 to 22.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Dunedin Botanic Garden Zone and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

1. Public Amenities (Section 3)
2. Temporary Activities (Section 4)
3. Network Utilities and Energy Generation (Section 5)
4. Transportation Activities (Section 6)
5. Scheduled Trees (Section 7)
6. Natural Hazard Mitigation (Section 8)

22.3.2 Activity status introduction

1. The activity status tables in Rules 22.3.3 - 22.3.5 show the activity status of activities in the Dunedin Botanic Garden Zone and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.6 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested table in Section 1.6 is intended to be a complete list of activities and categories of activities. For any activity that is not covered by any of the defined activities in the nested table, the activity status will be non-complying if the activity status of "all" or "all other" activities in the most closely related category is non-complying, otherwise it will be discretionary.

Additional activity status rules in hazard overlay zones

6. For the purpose of the hazards provisions, activities are categorised as sensitive activities, potentially sensitive activities or least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
7. In the hazard 2 overlay zones, the activity statuses in Rule 22.3.6 apply to the following activities:
 - i. new sensitive activities and potentially sensitive activities, and
 - ii. some new buildings.
8. Where the activity status in Rule 22.3.6 differs from that in Rule 22.3.3 - 22.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 22.3.6, performance standards for development activities within hazard overlay zones are included in Rule 22.3.3 - 22.3.5.
10. Activities in a hazard overlay zone must comply with all of the rules in 22.3.3 - 22.3.6.

Performance Standards

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

Legend

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

22.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Electrical interference b. Light spill c. Noise
Major facility activities		Activity status	Performance standards
2.	Dunedin Botanic Garden	P	a. Minimum car parking
3.	All other activities in the major facility activities category	NC	
Community activities		Activity status	Performance standards
4.	Community and leisure	P	
5.	Conservation	P	
6.	All other activities in the community activities category	D	
Commercial activities		Activity status	Performance standards

7.	Commercial activities <i>that are ancillary to Dunedin Botanic Garden activity</i>	P	a. Location
8.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
9.	All activities in the residential activities category	D	
Industrial activities		Activity status	Performance standards
10.	All activities in the industrial activities category	NC	
Rural activities		Activity status	Performance standards
11.	All activities in the rural activities category	NC	

22.3.4 Activity status tables - development activities

1.	Performance standards that apply to all development activities		a. Setback from coast and water bodies
2.	Performance standards that apply to all buildings and structures activities		a. Boundary setbacks b. Height in relation to boundary c. Maximum height d. Minimum floor level e. Fire fighting f. Number, location and design of ancillary signs
Building and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 5 - 9)		Activity status	Performance standards
3.	Fences	P	a. Fence height and design
4.	All other buildings and structures activities	P	
Building and structures activities that affect a protected part of a scheduled building or scheduled heritage structure		Activity status	Performance standards
5.	Repairs and maintenance or <u>restoration</u>	P	a. Materials and design
6.	Earthquake strengthening <i>where external features only are protected</i>	C	a. Materials and design
7.	All other additions and alterations	RD	
8.	Demolition	NC	
9.	Removal for relocation	RD	
Site development activities		Activity status	Performance standards
10.	Service area	P	a. Location and screening of service area

11.	Parking, loading and access	P	a. Boundary treatments and other landscaping b. Parking, loading and access standards
12.	New parking areas, or extensions to existing parking areas <i>(that result in the creation of 50 or more new parking spaces.)</i>	RD	a. Boundary treatments and other landscaping b. Parking, loading and access standards
13.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements
14.	Earthworks - small scale	P	a. Earthworks standards
15.	Earthworks - large scale	RD	a. Earthworks standards
16.	All other site development	P	

22.3.5 Activity status - subdivision activities

Subdivision activities		Activity Status	Performance standards
1.	General subdivision	RD	a. Subdivision performance standards
2.	Cross lease, company lease and unit title subdivision	NC	

22.3.6 Change to activity status in Hazard 2 and Hazard 3 Overlay Zones

Activity		a. Haz2	b. Haz3
1.	Potentially sensitive activities not permitted in Dunedin Botanic Garden Zone	D	—
2.	Sensitive activities	D	—
3.	In the hazard 2 overlay zones, new buildings, and additions and alteration to buildings, which create more than 60m ² of new ground floor area	RD	—

Note 22.3A - Guidance on existing use rights applying to land use activities in hazard overlay zones

- For the purposes of the natural hazards provisions only, with respect to section 10 of the RMA, Council will generally consider that a land use activity is similar in character, intensity, and scale where:
 - for a residential activity, there is less than 25m² increase in ground floor area of any residential building(s), in any consecutive 10 year period; or
 - for a residential activity, a new building is to be used solely as a garage or shed; or
 - for all other sensitive activities and potentially sensitive activities, the ground floor area of any buildings increases by less than 100% in any consecutive 10 year period.
- However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of the land use activity.

Note 22.3B - General advice

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

Rule 22.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or section 95B of the Act, unless Council considers special circumstances exist in relation to the application that require public notification:
 1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
 2. contravention of performance standard 13.3.2 'Materials and design' where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided for the following:
 1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand; and
 2. contraventions of performance standard 13.3.2 'Materials and design' where the building or structure is not listed by Heritage New Zealand.
3. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A(2) of the RMA:
 1. demolition of a protected part of a scheduled heritage building or scheduled heritage structure.
4. In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons.
5. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 22.5 Land Use Performance Standards

22.5.1 Electrical Interference

Land use activities must comply with Rule 9.3.2.

22.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

22.5.3 Location

Ancillary retail and restaurant activities must not be located adjacent to a road frontage.

22.5.4 Minimum Car Parking

1. Dunedin Botanic Garden activity must provide a minimum of 94 parking spaces, including three mobility parking spaces.
2. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility car parking.

Note 22.5A - Other relevant District Plan provisions

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

22.5.5 Noise

Land use activities must comply with Rule 9.3.6.

Rule 22.6 Development Performance Standards

22.6.1 Boundary Treatments and Other Landscaping

1. Where a parking area is built within 5m of a road frontage, a landscaping area with a minimum 1.5m width must be provided along the full length of the road frontage (except for where vehicle access is provided), with an average of one tree for every 5m of frontage.
2. Landscaping areas must:
 - a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
 - b. have an average of one tree for every 5m of frontage;
 - c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - d. be designed to allow surface water run-off from surrounding areas to enter;
 - e. be protected by a physical barrier that prevents cars from accidentally driving into or damaging plants;
 - f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a height of 5m within 10 years of planting;
 - g. be planted prior to occupation or completion of any relevant building(s) or site development; and
 - h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any required road frontage landscaping.

22.6.2 Earthworks Standards

22.6.2.1 Earthworks - small scale thresholds

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

Zone/Area		1. Dunedin Botanic Garden Zone	2. Within 5m of a water body ¹ or MHWS	3. Haz2 & Haz3 (Flood)
i.	Maximum change in ground level	1.5m	0.5m	—
ii.	Maximum area	—	25m ²	—
Slope categories		Maximum volume of combined cut and fill		
iii.	Less than or equal to 12°	30m ³ per 100m ² of site	1m ³	20m ³ fill
iv.	Greater than 12° but less than or equal to 15°	25m ³ per 100m ² of site	1m ³	20m ³ fill
v.	Greater than 15° but less than or equal to 20°	15m ³ per 100m ² of site	1m ³	20m ³ fill
vi.	Greater than 20° but less than or equal to 26°	10m ³ per 100m ² of site	1m ³	20m ³ fill

Zone/Area		1. Dunedin Botanic Garden Zone	2. Within 5m of a water body ¹ or MHWS	3. Haz2 & Haz3 (Flood)
vii.	Greater than 26° but less than or equal to 35°	0m ³ fill 5m ³ cut per 100m ² of site	0m ³ fill 1m ³ cut	0m ³ fill
viii.	Greater than 35°	0m ³	0m ³	0m ³

- b. Where the part of the site in which the earthworks are located is in more than one slope category, the most restrictive scale threshold applies.
- c. Scale thresholds will be calculated as the cumulative total of earthworks on any site in a two calendar-year period.
- d. Earthworks *ancillary to network utilities* activities are only required to comply with Rule 22.6.2.1.a.i - maximum change in ground level threshold.
- e. Earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the performance standard earthworks - small scale thresholds.
- f. Earthworks that exceed the earthworks - small scale thresholds are treated as earthworks - large scale, which are a restricted discretionary activity.
- g. This performance standard does not apply to earthworks associated with planting, removal of plants, creation, maintenance and removal of plant beds and walking tracks.

¹See Rule 10.3.3 for how setbacks from waterbodies will be measured.

22.6.2.2 Batter gradient

Earthworks must:

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

22.6.2.3 Setback from property boundary, buildings, structures and cliffs

- a. Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m², and the top or toe of any cliff, the following minimum distances:
 - i. Earthworks not supported by retaining walls:
 1. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 22.6A);
 2. a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (See Figure 22.6A); and
 3. 300mm, as measured from the crest of any cut (See Figure 22.6A).
 - ii. Retaining walls supporting a cut or fill must be set back a distance at least equal to the height of the retaining walls (See Figure 22.6B), except:
 1. retaining walls supporting a cut that have been granted building consent are exempt from this standard.
- b. This performance standard does not apply to earthworks associated with planting, removal of plants, creation, maintenance and removal of plant beds and walking tracks.
- c. Earthworks *ancillary to network utilities* activities and earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the setback from property boundary, buildings,

structures and cliffs performance standard.

Figure 22.6A Unsupported cut and fill (elevation view)

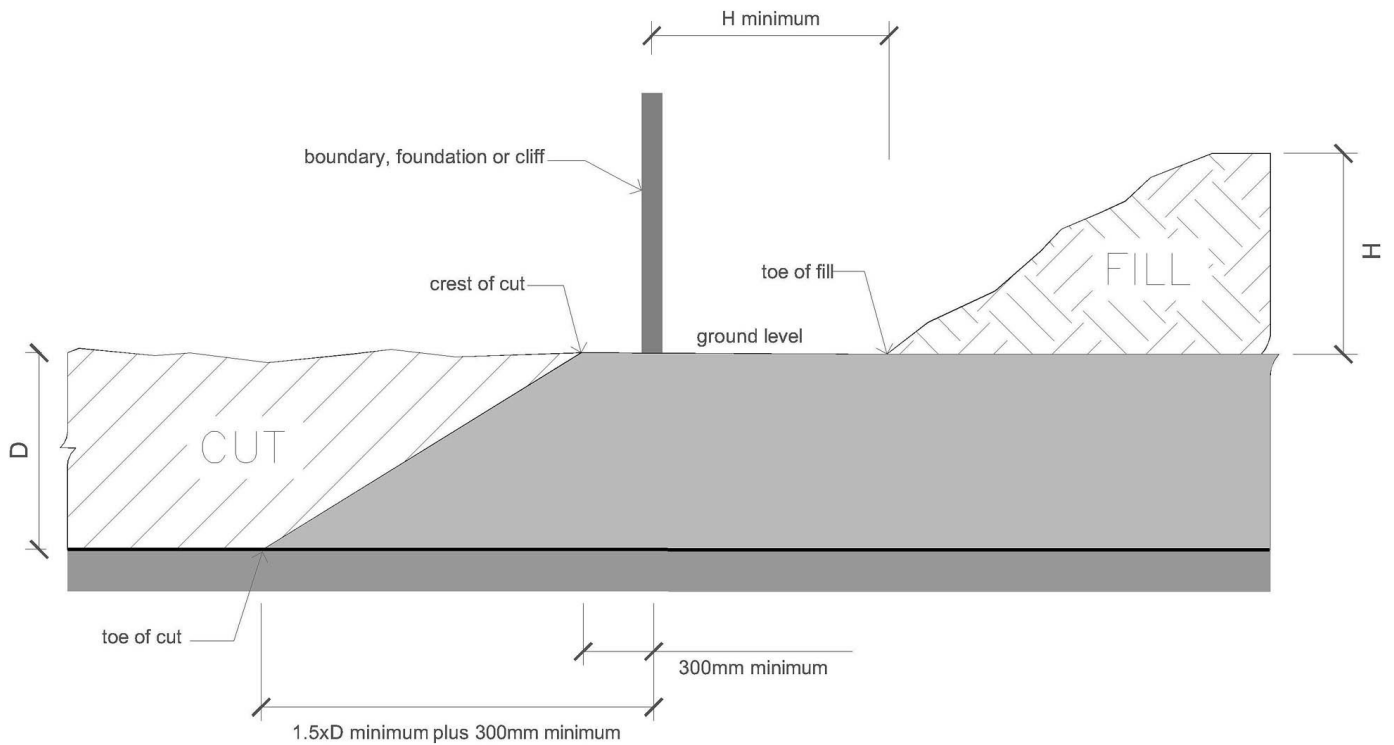
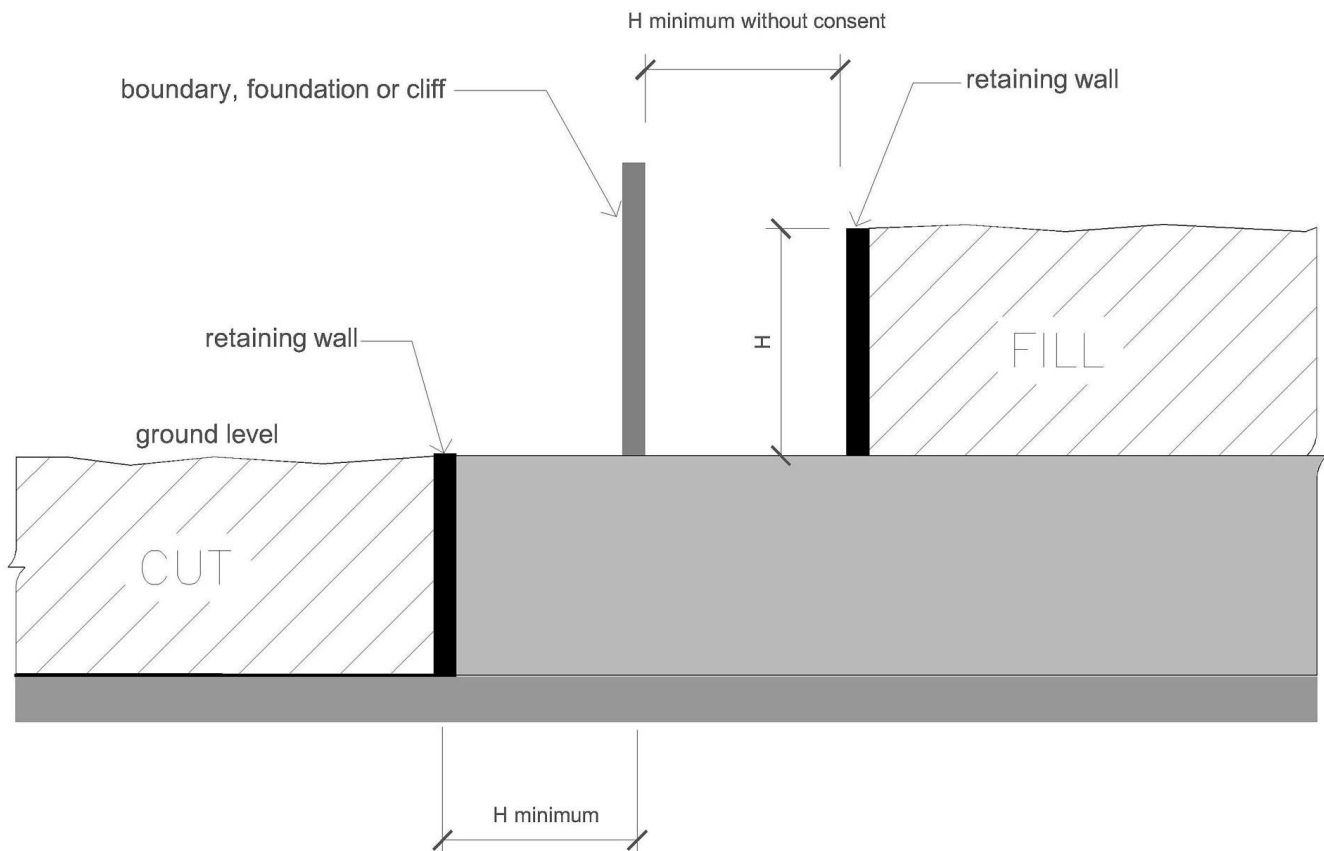


Figure 22.6B Cut and fill supported by retaining walls (elevation view)



22.6.2.4 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

22.6.2.5 Sediment control

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

22.6.3 Fence Height and Design

- Fences must not exceed the following height limits, except as provided for below:

Location		Maximum height
a.	Along the road boundary with a state highway	2m
b.	Along all other road boundaries	1.4m
c.	Along a side or rear boundary with a residential zone	1.4m
e.	Along all other side and rear boundaries	2m

- Fences along boundaries include fences that are not exactly on the boundary but are within the boundary setbacks required by Rule 22.6.12.
- 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 100mm, spacing minimum width 25mm) or other materials that provide gaps that can be seen through (see Figure 15.6D and Figure 15.6E).

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.

22.6.4 Fire Fighting

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

22.6.5 Hazardous Substances Quantity Limits and Storage Requirements

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

22.6.6 Height

22.6.6.1 Height in relation to boundary

Buildings and structures adjoining the residential zone must not protrude through a plane rising at an angle of 45 degrees measured from a starting point of 2.5m vertically above ground level at the zone boundary (see Figure 15.6F), except:

- a. a gable end or dormer may project beyond the plane where it is:
 - i. no greater than 1m in height measured parallel to the nearest adjacent boundary; and/or
 - ii. no greater than 1m in depth measured horizontally at 90 degrees to the nearest adjacent boundary.

22.6.6.2 Maximum height

- a. The maximum height of new buildings and structures, and additions and alterations, must not exceed 12m above ground level.
- b. Rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit by more than 4m.

22.6.7 Location and Screening of Service Areas

1. Service areas must be located or screened so that they are not visible at ground level from adjacent: residential activities, residential zoned properties, or public places.
2. Service areas must not encroach into required parking, loading or manoeuvring areas.

22.6.8 Materials and Design

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

22.6.9 Minimum Floor Level

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

22.6.10 Number, Location and Design of Ancillary Signs

22.6.10.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are not visible from outside the Dunedin Botanic Garden Zone;
 - ii. 'regulatory' (requiring or prohibiting specified actions), 'warning' (informing of hazards or of other features requiring a safe response), or 'directional' (identifying the location of, or direction to destinations, routes, building entrances and vehicle accesses) signs; and

- iii. building names (excluding commercial sponsorship names).
- b. Signs related to ancillary retail and ancillary restaurant activities must not be visible outside the Dunedin Botanic Garden Zone.
- c. Signs must comply with Rule 6.7.3 where visible from a road.
- d. Signs must not be illuminated or digital.
- e. Signs other than those specified in Rules 22.6.10.2 and 22.6.10.3 are not allowed .

22.6.10.2 Signs attached to buildings

- a. The height above ground level at the highest point of any sign attached to a building is 4m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached to a building must:
 - i. not exceed one sign per 30m of building façade;
 - ii. have a maximum area per display face of 2m²;
 - iii. have a maximum of two display faces per sign;
 - iv. where attached to the façade of a building, must not project more than 1m from the façade to which it is attached; and
 - v. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

22.6.10.3 Freestanding signs

- a. The maximum number of freestanding signs is one per entrance to the Dunedin Botanic Garden plus one per 100m of road frontage.
- b. The maximum dimensions of freestanding signs are:
 - i. maximum height of 3m;
 - ii. maximum area of 2m²;
 - iii. maximum width of 2m; and
 - iv. maximum depth of 400m.
- c. Freestanding signs must not obstruct driveways, parking or loading areas.
- d. Freestanding signs must be located within the site and cannot be located on the road reserve.

Note 22.6A - Other relevant District Plan provisions

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

Note 22.6B - Other requirements outside of the District Plan

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

22.6.11 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

22.6.12 Setbacks

26.6.12.1 Boundary setbacks

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

Building	Setback from road boundary or other zone boundary
a. Buildings, structures and additions and alterations not exceeding 9m in height or 250m ² gross floor area	4.5m
b. All other buildings, structures and additions and alterations	10m

- c. Except fences and ancillary signs are exempt from the performance standard.
- d. All public entrances to buildings must be located at least 10 metres from a boundary with the residential zone.

25.6.12.2 Setback from coast and water bodies

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

Rule 22.7 Subdivision Performance Standards

General subdivision must comply with Rule 20.7.

Rule 22.8 Assessment of Controlled Activities

Rule 22.8.1 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 22.8.2:
 - a. lists the matters over which Council has reserved its control; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
 - ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 22.9; 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 22.11; 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 22.12; and
 - iii. the assessment guidance in this section will also be considered.

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

Rule 22.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 22.9.1 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 22.9.2 - 22.9.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

22.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards, or site specific factors including topography, make meeting the standard impracticable. c. The nature of activities on surrounding sites, topography of the site and/or surrounding sites, or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. d. Non-compliance with a 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. <i>General assessment guidance:</i> e. Where more than one standard is contravened, the combined effects of the contraventions should be considered. f. In balancing consideration of the objectives and policies related to the maintenance of heritage values and those related to general amenity, greater weight will usually be placed on heritage policies.

22.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Electrical interference	a. Effects on health and safety	See Rule 9.4

22.9.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2.	Location	a. Effects on the vibrancy, and economic and social success of the CBD and centres hierarchy	<i>Relevant objectives and policies:</i> i. Objective 22.2.1 ii. Ancillary restaurants and retail are designed, located and operated to primarily serve visitors to the Dunedin Botanic Garden (Policy 22.2.2.6).
3.	Minimum car parking	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility	

22.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	- Boundary setbacks - Height in relation to boundary - Maximum height	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 22.2.2 ii. There are no more than minor effects on the sunlight access and privacy of current and potential future residential buildings and their outdoor living spaces (22.2.2.1.a). iii. Any adverse effects on neighbourhood amenity are avoided or, if avoidance is not possible, are no more than minor (22.2.2.1.b).
2.	Boundary treatments and other landscaping	a. Effects on neighbourhood amenity	

22.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	Earthworks standards: • Batter gradient	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 22.2.3 ii. Earthwork 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 22.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> iii. Maximum slopes of cut and fill batters. iv. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. v. Temporary shoring requirements to maintain stability before a wall is constructed. vi. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
4.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 22.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 22.2.3.1.a).
5.	Earthworks standards: • Setback from network utilities	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7

22.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Earthworks standards: • Sediment control	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 22.2.3 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems (Policy 22.2.3.2.b).
		b. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
7.	Fence height and design	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 22.2.2 ii. Fences on road boundaries are of a height and design that contributes positively to neighbourhood amenity (Policy 22.2.2.4). <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 streetscape is achieved. v. The fence will be screened by landscaping.
		b. Effects on health and safety	See Rule 9.4
8.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards	See Rule 11.4

22.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
9.	Location and screening of service areas	a. Effects on on-site amenity	<i>Relevant objectives and policies:</i> i. Objective 22.2.2 ii. Development maintains or enhances on-site amenity and neighbourhood amenity by ensuring service areas are not visible from ground level within or outside the site (Policy 22.2.2.2).
		b. Effects on neighbourhood amenity	
10.	Materials and design	a. Effects on heritage values (work on scheduled heritage buildings/structures)	See Rule 13.5
11.	Minimum floor level (hazard overlays)	a. Risk from natural hazards	See Rule 11.4
12.	Number, location and design of ancillary signs	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 22.2.2 ii. Ancillary signs visible from outside the zone are located and designed to maintain streetscape amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose (Policy 22.2.2.5).
		b. Effects on safety and efficiency of the transport network	See Rule 6.9
13.	Setback from coast and water bodies	a. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		b. Effects on public access	
		c. Risk from natural hazards	See Rule 11.4
14.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

22.9.5 Assessment of subdivision performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Subdivision performance standards	See Rule 20.9

Rule 22.10 Assessment of Restricted Discretionary Activities

Rule 22.10.1 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 22.10.2 and 22.10.3:
 - 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. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
4. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) 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 22.9; 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 22.11; 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 22.12; and
 - iii. the assessment guidance in this section will also be considered.

22.10.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. • All other additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure • Removal for relocation	a. Effects on heritage values	See Rule 13.6

22.10.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. Earthworks - large scale (that exceed the scale thresholds for the Dunedin Botanic Garden Zone)	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 22.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 22.2.3.3.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 22.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> 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 impact upon existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to:</i> 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.

22.10.2 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	<i>Relevant objectives and policies:</i> i. Objective 22.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 22.2.3.3.c). <i>Potential circumstances that may support a consent application include:</i> 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 22.13.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards.
3. Earthworks - large scale (that exceed scale thresholds within 5m of a water body or MHWS)	a. Effects on biodiversity values and natural character of riparian margins and the coast b. Effects on public access	See Rule 10.5
4. Earthworks - large scale (that exceed scale thresholds for a hazard (flood) overlay zone)	a. Risk from natural hazards	See Rule 11.5
5. In the hazard 2 overlay zones (see Rule 22.3.6): • New buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area	a. Risk from natural hazards	See Rule 11.5

22.10.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
6. New parking areas, or extensions to existing parking areas (<i>that result in the creation of 50 or more new parking spaces.</i>)	a. Effects on the safety and efficiency of transport network	See Rule 6.10

22.10.3 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. General subdivision	a. Effects on the efficient and effective operation of Dunedin Botanic Garden	<i>Relevant objective and policies:</i> i. Objective 22.2.1 ii. Subdivision does not adversely affect the efficient and effective operation of Dunedin Botanic Garden (Policy 22.2.1.4).
	See Rule 20.10	

Rule 22.11 Assessment of Discretionary Activities

Rule 22.11.1 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 22.11.2 - 22.11.4 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

22.11.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities including: • all residential activities • all activities in the community activities category except community and leisure and conservation activities • all activities listed below	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.1, 2.3.3 b. Objective 22.2.1 c. The activity does not detract from, or preferably contributes to, the strategic directions objectives. d. Activities that are ancillary to Dunedin Botanic Garden activity are designed and operated in line with Objective 22.2.2 and its policies (Policy 22.2.1.2). e. Activities that are not ancillary to Dunedin Botanic Garden activity: i. are related to or support the Dunedin Botanic Garden, or have other operational requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Dunedin Botanic Garden; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. are designed and operated in line with Objective 22.2.2 and its policies (Policy 22.2.1.3). <i>Potential circumstances that may support a consent application include:</i> f. For discretionary land use activities, whether any associated development activities meet relevant development performance standards, or are otherwise consistent with relevant objectives and policies for development. g. All relevant land use performance standards are met, including noise and light spill standards. <i>General assessment guidance:</i> h. In assessing the significance of effects, consideration will be given to: i. short to long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. i. 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.

22.11.3 Assessment of discretionary development activities

Activity	Guidance on the assessment of resource consents
1. In the hazard 2 overlay zones (see Rule 22.3.6): • Potentially sensitive activities not permitted in Dunedin Botanic Garden Zone • Sensitive activities	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.

22.11.4 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • Noise - where the limit is exceeded by up to 5dB LAeq (15min) • Light spill - where the limit is exceeded by 25% or less	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.

Rule 22.12 Assessment of Non-complying Activities

Rule 22.12.1 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 22.12.2 - 22.12.5 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

22.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying land use activities	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.3.1, 2.3.3 b. Objective 22.2.1 c. Activities that are not ancillary to Dunedin Botanic Garden activity: i. are related to or support Dunedin Botanic Garden, or have other operational requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Dunedin Botanic Garden; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. are designed and operated in line with Objective 22.2.2 and its policies (Policy 22.2.1.3). <i>General assessment guidance:</i> d. In assessing the significance of effects consideration will be given to: i. short and long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. e. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.

22.12.3 Assessment of non-complying land use activities

Activity		Guidance on the assessment of resource consents
1.	Commercial advertising	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c

22.12.4 Assessment of non-complying development activities

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

22.12.5 Assessment of non-complying performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	• Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5dB LAeq (15 min) or more • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)	See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

Rule 22.13 Special Information Requirements

22.13.1 Geotechnical investigation report

1. A geotechnical investigation report may be requested by Council for earthworks of a large scale and/or where the earthworks are proposed:
 - a. on a site with a slope angle between 15° (3.7h:1v slope ratio, or 27% slope grade) and 26° (2h:1v slope ratio, or 50% slope grade);
 - b. on a site identified as hazard-prone in Council's Hazard Information Management System; or
 - c. on any other site that the Council, with good cause, suspects to be hazard-prone.
2. A geotechnical investigation report must be provided for earthworks on all sites with a slope greater than a 26° angle (2h:1v slope ratio, or 50% slope grade).
3. All requested geotechnical investigation reports must be prepared by a suitably qualified expert who is experienced in the practice of geotechnical engineering and registered under the Chartered Professional Engineers Act of New Zealand 2002 and who has professional indemnity insurance.
4. The geotechnical investigation report must address the following factors:
 - a. special design or construction requirements;
 - b. special foundation requirements;
 - c. services;
 - d. access;
 - e. effluent disposal;
 - f. non-engineered fills; and
 - g. a statement of professional opinion as to the suitability of the land for the proposed development.

23. Dunedin Hospital

23.1 Introduction

Dunedin Hospital is the primary medical facility for the Otago and Southland regions, and is situated on Great King Street in Dunedin's central city. The hospital spans two blocks, covering an area of approximately 3 hectares. The hospital is operated by the Southern District Health Board.

The hospital has been at its present site since 1865 and provides 388 beds across a number of wards. It includes a helipad which enables emergency medical services to be provided across the region. The hospital employs over 3,000 staff, providing medical services across all specialties and a broad array of sub-specialties. The hospital also serves as a teaching hospital, with strong links to both the University of Otago and Otago Polytechnic. Ancillary activities associated within the hospital include cafés, a gift shop and a childcare facility.

Significant re-development of the hospital site is anticipated within the next ten years, allowing facilities to be upgraded. This may involve the construction of new buildings and re-development of existing ones.

The site is surrounded by a number of zones, providing for a wide range of different land use activities. To the north and east is the Campus Zone, which provides for activities essential to the functioning of the University of Otago and Otago Polytechnic. To the west is General Residential 2 Zone. To the west and the south are commercial mixed use zones, which provide for a range of commercial activities.

The Dunedin Hospital and its associated activities have the potential to generate effects, particularly on the amenity of the central city. The zone recognises the existing and foreseeable future uses of the Dunedin Hospital site, provides certainty to the community regarding what land use activities can be expected to occur, while appropriately managing potential adverse effects and ensuring compatibility with the surrounding environments.

23.2 Objectives and Policies

Objective 23.2.1	
Dunedin Hospital is able to operate efficiently as a medical training and research facility.	
Policy 23.2.1.1	Enable hospital and community activities in the Dunedin Hospital Zone.
Policy 23.2.1.2	Provide for activities ancillary to hospital activity where they are designed and operated in line with Objective 23.2.2 and its policies.
Policy 23.2.1.3	Only allow activities that are not ancillary to hospital activity where all the following apply: a. the activities are related to or support Dunedin Hospital, or have other operational requirements that mean they need to locate in the zone; b. they will support the efficient and effective operation of Dunedin Hospital; c. they are not more appropriately located in another zone in line with Objective 23.2.2 and its policies; and d. they are designed and operated in line with Objective 23.2.2 and its policies.
Policy 23.2.1.4	Enable land that is surplus to the needs of Dunedin Hospital to transition to the Campus Zone, so that future development that is not related to hospital activity can be managed in accordance with the objectives and policies of that zone.
Policy 23.2.1.5	Only allow subdivision activities where: a. they are in accordance with the provisions of the Campus Zone; and b. the subdivision does not adversely affect the efficient and effective operation of Dunedin Hospital.
Objective 23.2.2	
Land use activities and development necessary for Dunedin Hospital to meet the reasonably foreseeable health needs of the community is enabled, while ensuring development achieves: a. a reasonable standard of on-site amenity for patients, staff and visitors; and b. a reasonable level of streetscape amenity.	
Policy 23.2.2.1	Require development to maintain or enhance streetscape amenity by ensuring: a. an attractive street interface is maintained through landscaping where buildings are not built to the street frontage; b. an architecturally interesting façade through building modulation and use of glazing; and c. service areas to be located or screened so they are not visible from ground level of a public place.
Policy 23.2.2.2	Only allow buildings above 20m in height where: a. they contribute positively to the skyline vista of the city, by being of a quality and contextually appropriate architectural design; and b. they are designed to minimise as far as practicable adverse effects of shading and wind on pedestrian amenity.
Policy 23.2.2.3	Only allow buildings over 48m in height where: a. the height is essential to the operation of hospital activities; and b. the height exceedence is minimal.

Objective 23.2.2

Land use activities and development necessary for Dunedin Hospital to meet the reasonably foreseeable health needs of the community is enabled, while ensuring development achieves:

- a. a reasonable standard of on-site amenity for patients, staff and visitors; and
- b. a reasonable level of streetscape amenity.

Policy 23.2.2.4	Only allow early childhood education - large scale where it will not constrain (have reverse sensitivity effects on) other neighbouring activities.
Policy 23.2.2.5	Require buildings to provide a good level of pedestrian amenity by providing shelter over pedestrian entrances.
Policy 23.2.2.6	Require ancillary signs visible from outside the zone to be located and designed to maintain streetscape amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose.

Objective 23.2.3

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

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

Policy 23.2.3.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: a. being set back an adequate distance from property boundaries, buildings, structures and cliffs; and b. using a batter gradient that will be stable over time.
Policy 23.2.3.2	Require earthworks and any associated retaining structures to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: a. limiting the scale of earthworks that are provided for as a permitted activity; and b. requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.
Policy 23.2.3.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: a. adverse effects on visual amenity and character; b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and c. adverse effects on the stability of land, buildings, and structures.

Rules

Rule 23.3 Activity Status

23.3.1 Rule location

The activity status tables in Rules 23.3.3 to 23.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Dunedin Hospital Zone, except rules for the following city-wide activities, which are contained in Part B of the Plan:

1. Public Amenities (Section 3)
2. Temporary Activities (Section 4)
3. Network Utilities and Energy Generation (Section 5)
4. Transportation Activities (Section 6)
5. Scheduled Trees (Section 7)
6. Natural Hazard Mitigation (Section 8)

23.3.2 Activity status introduction

1. The activity status tables in Rule 23.3.3 - 23.3.5 show the activity status of activities in the Dunedin Hospital Zone, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.6 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested table in Section 1.6 is intended to be a complete list of activities and categories of activities. For any activity that is not covered by any of the defined activities in the nested table, the activity status will be non-complying if the activity status of "all" or "all other" activities in the most closely related category is non-complying, otherwise it will be discretionary.

Performance Standards

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

Legend

Acronym	Activity status
—	No additional provisions apply or not relevant
P	Permitted activity
C	Controlled activity
RD	Restricted discretionary activity
D	Discretionary activity
NC	Non-complying activity

23.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Acoustic insulation (noise sensitive activities) b. Electrical interference c. Light spill d. Noise
Major facilities activities		Activity status	Performance standards
2.	Hospital	P	a. Minimum car parking
3.	All other activities in the major facility activities category	NC	
Community activities		Activity status	Performance standards
4.	Early childhood education - small scale	P	a. Minimum car parking
5.	Early childhood education - large scale	RD	
6.	Conservation	P	
7.	All other activities in the community activities category	D	
Commercial activities		Activity status	Performance standards
8.	Commercial activities <i>ancillary to hospital</i>	P	
9.	Registered health practitioners	P	
10.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
11.	All activities in the residential activities category	NC	
Industrial activities		Activity status	Performance standards
12.	All activities in the industrial activities category	NC	
Rural activities		Activity status	Performance standards

13.	All activities in the rural activities category	NC	

23.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. Setback from scheduled tree
2.	Performance standards that apply to all buildings and structures activities		a. Number, design and location of ancillary signs b. Hazard overlay zones development standards c. Maximum height
Buildings and structures activities		Activity status	Performance standards
3.	All buildings and additions and alterations to buildings	P	a. Boundary treatments and other landscaping b. Minimum glazing and building modulation c. Verandahs
4.	All other buildings and structures activities	P	
Site development activities		Activity status	Performance standards
5.	Service areas	P	a. Location and screening of service areas
6.	Parking, loading and access	P	a. Boundary treatments and other landscaping b. Parking, loading and access standards
7.	New parking areas, or extensions to existing parking areas (<i>that result in the creation of 50 or more new parking spaces.</i>)	RD	a. Boundary treatments and other landscaping b. Parking, loading and access standards
8.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements
9.	Earthworks - small scale	P	a. Earthworks standards
10.	Earthworks - large scale	RD	a. Earthworks standards
11.	All other site development	P	a. Boundary treatments and other landscaping

23.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status	Performance standards
1.	Subdivision activities	RD	a. Subdivision performance standards

23.3.6 Transition to Campus Zone

On receipt of written notice from both the owner and operator (if different) of Dunedin Hospital to Dunedin City Council in relation to all or part of the land within the Dunedin Hospital Zone, the provisions of the Dunedin Hospital Zone will no longer apply to that parcel of land and the provisions of the Campus Zone will apply in full.

Note 23.3A - General advice

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

Rule 23.4 Notification

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

Rule 23.5 Land Use Performance Standards

23.5.1 Acoustic Insulation

In-patient areas must comply with Rule 9.3.1.

23.5.2 Electrical Interference

Land use activities must comply with Rule 9.3.2.

23.6.3 Light Spill

Land use activities must comply with Rule 9.3.5.

23.5.4 Minimum Car Parking

1. Hospital activity must provide a minimum of 212 parking spaces, including 6 mobility parking spaces. These must be provided within 250m of the Dunedin Hospital Zone.
2. Early childhood education - small scale: 1 parking space per 5 full time equivalent staff members plus one parking space for parent/guardian use per 6 children the facility is licensed for.
3. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility car parking.

Note 23.5A - Other relevant District Plan provisions

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

23.5.5 Noise

Land use activities must comply with Rule 9.3.6.

Rule 23.6 Development Performance Standards

23.6.1 Boundary Treatments and Other Landscaping

1. Where a building is not built within 5m of a road frontage, a landscaping area with a minimum width of 1.5m must be provided along the full length of the road frontage (except for where vehicle access is provided).
2. Landscaping areas must:
 - a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
 - b. have an average of one tree for every 5m of frontage;
 - c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - d. be designed to allow surface water run-off from surrounding areas to enter;
 - e. be protected by a physical barrier that prevents cars from accidentally driving into or damaging plants;
 - f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a height of 5m within 10 years of planting;
 - g. be planted prior to occupation or completion of any relevant building(s) or site development; and
 - h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any required road frontage landscaping.

23.6.2 Earthworks Standards

23.6.2.1 Earthworks - small scale thresholds

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

Zone/Area		1. Dunedin Hospital Zone
i.	Maximum change in ground level	1.5m
ii.	Maximum volume of combined cut and fill	30m ³ per 100m ² of site

- b. Earthworks *ancillary to network utilities* activities are only required to comply with Rule 23.6.2.1.a.i - maximum change in ground level threshold.
- c. Earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the performance standard earthworks - small scale thresholds.
- d. Scale thresholds will be calculated as the cumulative total of earthworks on any site in a two calendar-year period.
- e. Earthworks that exceed the earthworks - small scale thresholds are treated as earthworks - large scale, which are a restricted discretionary activity.

23.6.2.2 Batter gradient

Earthworks must:

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

23.6.2.3 Setback from property boundary, buildings, structures and cliffs

Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m², and the top or toe of any cliff, the following minimum distances:

- a. Earthworks not supported by retaining walls:
 - i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 23.6A);
 - ii. a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (see Figure 23.6A); and
 - iii. 300mm, as measured from the crest of any cut (see Figure 23.6A).
- b. Retaining walls supporting a cut or fill must be setback a distance at least equal to the height of the retaining walls (see Figure 23.6B), except:
 - i. retaining walls supporting a cut that have been granted building consent are exempt from this standard.
- c. Earthworks *ancillary to network utilities* activities and earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the setback from property boundary, buildings, structures and cliffs performance standard.

Figure 23.6A Unsupported cut and fill (elevation view)

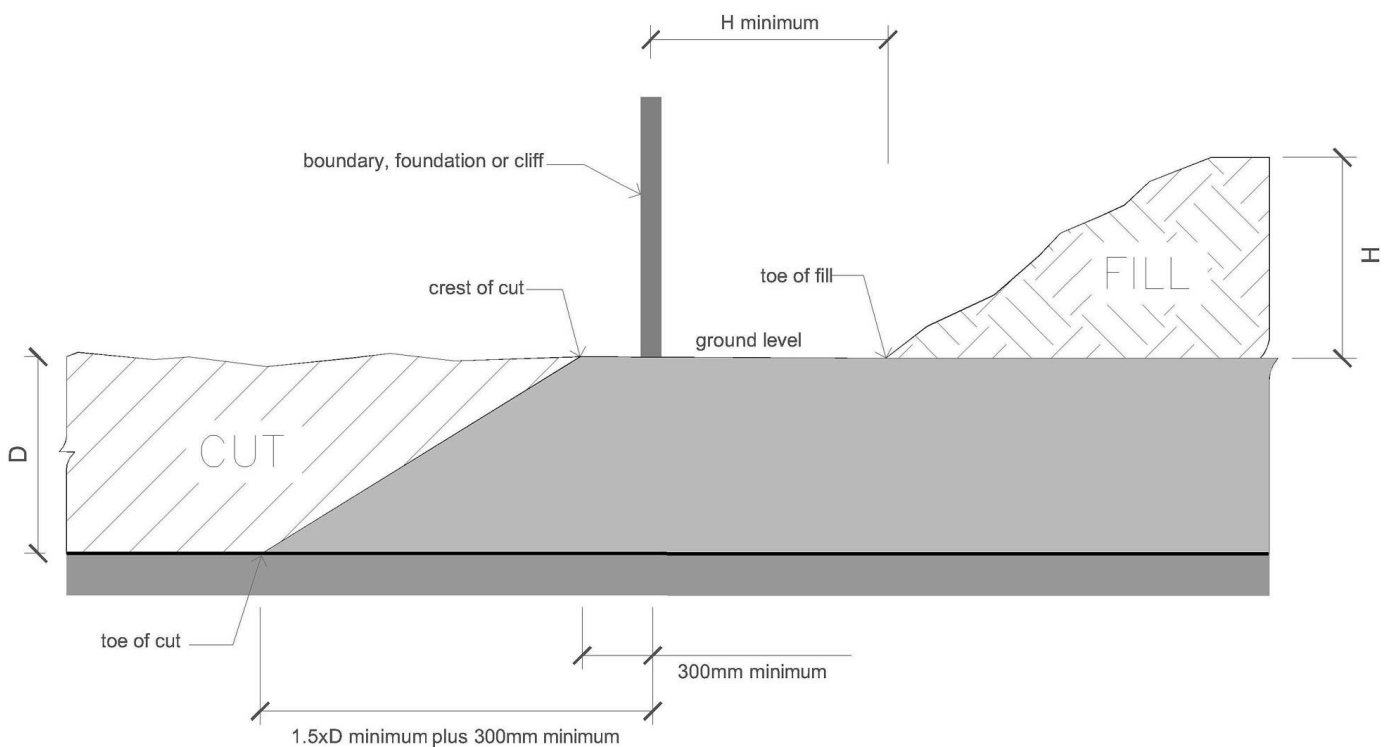
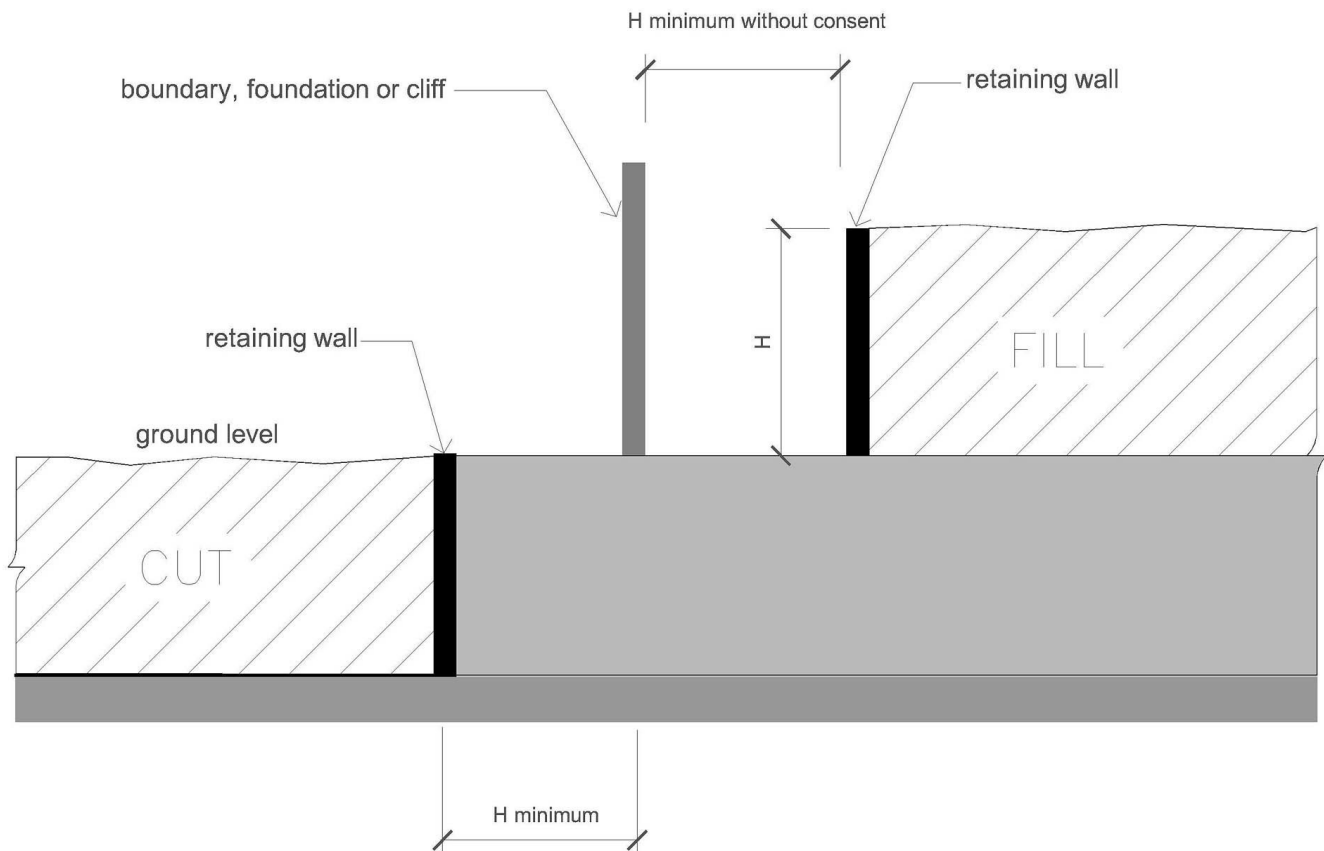


Figure 23.6B Cut and fill supported by retaining walls (elevation view)



23.6.2.4 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

23.6.2.5 Sediment control

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

23.6.3 Hazard Overlay Zones Development Standards

23.6.3.1 Minimum floor level

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

23.6.3.2 Relocatable buildings

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

23.6.4 Hazardous Substances Quantity Limits and Storage Requirements

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

23.6.5 Location and Screening of Service Areas

1. Service areas must be located or screened so that they are not visible at ground level from adjacent: residential activities, residential zoned properties, or public places.

2. Service areas must not encroach into required parking, loading or manoeuvring areas.

23.6.6 Maximum Height

1. The maximum height of new buildings and structures, and additions and alterations, must not exceed 20m above ground level.
2. Rooftop structures are exempt from the performance standard for maximum height, provided they do not exceed the maximum height limit by more than 5m.
3. Activities that contravene the performance standard for maximum height but are no greater than 48m in height are a restricted discretionary activity.
4. Activities that contravene the performance standard for maximum height and are over 48m in height are a discretionary activity.

23.6.7 Minimum Glazing and Building Modulation

1. The minimum building modulation and minimum glazing requirements for any parts of buildings which face (are parallel to) and are visible from the road frontage is as follows:
 - a. minimum distance between building modulation elements 20m; or
 - b. minimum glazing of 20%.
2. The required glazing will be calculated as a percentage of the total wall area (from floor to ceiling) that faces the road frontage and that includes clear glass. In the case of curved walls, the wall area will be calculated as the part of the wall which is 45° either side of a point directly facing (parallel to) the road frontage (see Figure 18.6F)
3. Except that the minimum glazing standard in Rule 23.6.7.1 does not apply to scheduled heritage buildings.

23.6.8 Number, Design and Location of Ancillary Signs

1. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - a. signs that are not visible from outside the Dunedin Hospital Zone;
 - b. 'regulatory' (requiring or prohibiting specified actions), 'warning' (informing of hazards or of other features requiring a safe response), or 'directional' (identifying the location of, or direction to destinations, routes, building entrances, and vehicle accesses) signs; and
 - c. 'building names' (excluding sponsorship names).
2. Signs located above the footpath must comply with Rule 6.7.2.
3. Signs must comply with Rule 6.7.3 where visible from a road.
4. Signs related to ancillary retail and ancillary restaurant activities must not be visible outside the Dunedin Hospital Zone.
5. Signs higher than 4m above ground level must only display the business name or major facility name.
6. Signs other than those specified in Rules 23.6.8.7 and 23.6.8.8 are not allowed .

23.6.8.7 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign, attached to a building is 8m.
- b. Signs must not be attached to roofs.

- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached flat against a building must:
 - i. not cumulatively exceed 15% of the total wall area (excluding windows) that face the road frontage, or 8m², whichever is lesser; and
 - ii. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.
- e. If attached on the underside of a verandah or protruding from a building façade, must:
 - i. where attached to the façade of a building, have a maximum area per display face of 2m²;
 - ii. where attached to the façade of a building, must not project more than 1.5m from the façade to which it is attached;
 - iii. have a maximum of 2 display faces per sign; and
 - iv. not exceed 1 sign per 15m of road frontage.

23.6.8.8 Freestanding signs

- a. The maximum number of permanently fixed freestanding signs is 1 per 50m of road frontage.
- b. The maximum number of portable freestanding signs within the zone is 2.
- c. The maximum dimensions of freestanding signs are:
 - i. maximum height of 6m for permanently fixed freestanding signs;
 - ii. maximum height of 4m for portable freestanding signs;
 - iii. maximum area of 12m² per display face for permanently fixed freestanding signs;
 - iv. maximum area of 8m² per display face for portable freestanding signs;
 - v. maximum width of 2m; and
 - vi. maximum depth of 400mm.
- d. Freestanding signs, must not obstruct driveways, parking or loading areas.
- e. Freestanding signs must be located within the site and cannot be located on the road reserve.

Note 23.6A - Other relevant District Plan provisions

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

Note 23.6B - Other requirements outside of the District Plan

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

23.6.9 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

23.6.10 Setback from Scheduled Tree

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

23.6.11 Verandahs

New buildings or additions and alterations to the façade of buildings must have a verandah that covers the full width of the main pedestrian entrance.

Rule 23.7 Subdivision Performance Standards

Subdivision activities must comply with Rule 34.7.

Rule 23.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 23.8.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 23.8.2 - 23.8.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

23.8.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Performance standard contraventions	<i>Relevant objectives and policies:</i> a. Objective 23.2.1 <i>Potential circumstances that may support a consent application include:</i> b. The degree of non-compliance with the performance standard is minor c. The need to meet other performance standards, or <u>site</u> specific factors, make meeting the standard impracticable. d. Topography or other <u>site</u> specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. e. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. <i>General assessment guidance:</i> f. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

23.8.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Electrical interference	a. Effects on health and safety	See Rule 9.4

23.8.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2.	Minimum car parking	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
		b. Effects on accessibility	

23.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Boundary treatments and other landscaping	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 23.2.2 ii. Streetscape amenity is maintained or enhanced by maintaining an attractive street interface through landscaping where buildings are not built to the street frontage (Policy 23.2.2.1.a).
2.	Earthworks standards: • Batter gradient	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 23.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 23.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> iii. Maximum slopes of cut and fill batters. iv. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. v. Temporary shoring requirements to maintain stability before a wall is constructed. vi. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
3.	Earthworks standards: • Setback from property boundary, buildings, structure and cliffs	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 23.2.3 ii. Earthwork 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 23.2.3.1.a).

23.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
4.	Earthworks standards: Setback from network utilities	a. Effects on efficient and effective operation of network utilities	See Rule 5.7
		b. Effects on health and safety	
5.	Earthworks standards: Sediment control	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 23.2.3 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems (Policy 23.2.3.2.b).
		b. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
6.	Hazard overlay zones development standards: - Minimum floor level - Relocatable buildings	a. Risk from natural hazards	See Rule 11.4
7.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards	See Rule 11.4

23.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
8.	Location and screening of service areas	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 23.2.2 ii. Streetscape amenity is maintained or enhanced by locating or screening service areas so they are not visible from ground level of a public place (Policy 23.2.2.1.c). <i>Potential circumstances that may support a consent application include:</i> iii. Screening would unduly restrict the usability of the site.
9.	Maximum height	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 23.2.2 ii. Buildings contribute positively to the skyline vista of the city, by being of a quality and contextually appropriate architectural design (Policy 23.2.2.2.a).
		b. Effects on pedestrian amenity	<i>Relevant objectives and policies:</i> i. Objective 23.2.2 ii. Buildings are designed to minimise as far as practicable adverse effects of shading and wind on pedestrian amenity (Policy 23.2.2.2.b).
10.	Minimum glazing and building modulation	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 23.2.2 ii. Development maintains or enhances streetscape amenity by ensuring an architecturally interesting façade through building modulation and use of glazing (Policy 23.2.2.1.b).
11.	Number, location and design of ancillary signs	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 23.2.2 ii. Ancillary signs visible from outside the zone are located and designed to maintain streetscape amenity, by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose (Policy 23.2.2.6). <i>Potential circumstances that may support a consent application include:</i> iii. An attractive streetscape is maintained.
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
12.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

23.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
13.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
14.	Verandahs	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 23.2.2 ii. Buildings provide a good level of pedestrian amenity by providing shelter over pedestrian entrances (Policy 23.2.2.5). <i>Potential circumstances that may support a consent application include:</i> iii. The design and location of the building, and/or design of the verandah, allows for appropriate shelter of pedestrians from the weather.

23.8.5 Assessment of subdivision performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Subdivision performance standards	See Rule 34.9

Rule 23.9 Assessment of Restricted Discretionary Activities

Rule 23.9.1 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 23.9.2 - 23.9.4:
 - 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. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
4. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) 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 23.8; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 23.10; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 23.11; and
 - iii. the assessment guidance in this section will also be considered.

23.9.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Early childhood education - large scale	a. Effects on the safety and efficiency of the transport network	See Rule 6.10
	b. Effects on ability of commercial activities to operate	<i>Relevant objectives and policies:</i> i. Early childhood education - large scale does not constrain (have reverse sensitivity effects on) neighbouring activities (Policy 23.2.2.4).

23.9.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents

1. Earthworks - large scale (that exceed the scale thresholds for the Dunedin Hospital Zone)	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 23.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 23.2.3.3.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 23.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> 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 impact upon existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to:</i> 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.
	c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 23.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 23.2.3.3.c). <i>Potential circumstances that may support a consent application include:</i> 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 23.12.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards

23.9.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. New parking areas, or extensions to existing parking areas (<i>that result in the creation of 50 or more new parking spaces.</i>)	a. Effects on the safety and efficiency of transport network	See Rule 6.10

23.9.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Subdivision activities	a. Effects on the efficient and effective operation of Dunedin Hospital	<i>Relevant objectives and policies:</i> i. Objective 2.3.1 ii. Objective 23.2.1 iii. Subdivision activities do not adversely affect the efficient and effective operation of Dunedin Hospital (Policy 23.2.1.5.b).
	See Rule 34.10	

Rule 23.10 Assessment of Discretionary Activities

Rule 23.10.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 23.10.2 and 23.10.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

23.10.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities, including: - all activities in the community activities category except early childhood education and conservation - activities listed below	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.1 b. Objective 23.2.1 c. Activities that are ancillary to hospital activity are designed and operated in line with Objective 23.2.2 and its policies (Policy 23.2.1.2). d. Activities that are not ancillary to hospital activity: i. are related to or support the Dunedin Hospital, or have other operational requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Dunedin Hospital; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. are designed and operated in line with Objective 23.2.2 and its policies (Policy 23.2.1.3). <i>Potential circumstances that may support a consent application include:</i> e. For discretionary land use activities, whether any associated development activities meet relevant development performance standards, or are otherwise consistent with relevant objectives and policies for development. f. All relevant land use performance standards are met, including noise and light spill standards. <i>General assessment guidance:</i> g. In assessing the significance of effects, consideration will be given to: i. short to long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. h. 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.

23.10.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • Acoustic insulation • Noise - where the limit is exceeded by up to 5dB LAeq (15min) • Light spill - where the limit is exceeded by 25% or less	See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
2. Maximum height (buildings over 48m in height)	<i>Relevant objectives and policies (priority considerations):</i> - Objective 23.2.2 - Buildings over 48m in height are only allowed where: - the height is essential to the operation of hospital activities; and - the height exceedence is minimal (Policy 23.2.2.3). - Buildings contribute positively to the skyline vista of the city, by being of a quality and contextually appropriate architectural design (Policy 23.2.2.2.a). - Buildings are designed to minimise as far as practicable adverse effects of shading and wind on pedestrian amenity (Policy 23.2.2.2.b).

Rule 23.11 Assessment of Non-complying Activities

Rule 23.11.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 23.11.2 - 23.11.4 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

23.11.2 Assessment of all non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities including those listed below	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.1 b. Objective 23.2.1 c. Activities not ancillary to hospital activity: i. are related to or support Dunedin Hospital, or have other operational requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Dunedin Hospital; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. are designed and operated in line with Objective 23.2.2 and its policies (Policy 21.2.1.3). <i>General assessment guidance:</i> d. In assessing the significance of effects consideration will be given to: i. both short and long term effects, including effects in combination with other activities; ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent; and iii. any effects otherwise managed through performance standards and consistent with all relevant objectives and policies for the zone. e. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.

23.11.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. Commercial advertising in all zones	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c

23.11.4 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5dB LAeq (15 min) or more • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)	See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

Rule 23.12 Special Information Requirements

23.12.1 Geotechnical investigation report

1. A geotechnical investigation report may be requested by Council for earthworks of a large scale and/or where the earthworks are proposed:
 - a. on a site with a slope angle between 15° (3.7h:1v slope ratio, or 27% slope grade) and 26° (2h:1v slope ratio, or 50% slope grade);
 - b. on a site identified as hazard-prone in Council's Hazard Information Management System; or
 - c. on any other site that the Council, with good cause, suspects to be hazard-prone.
2. A geotechnical investigation report must be provided for earthworks on all sites with a slope greater than a 26° angle (2h:1v slope ratio, or 50% slope grade).
3. All requested geotechnical investigation reports must be prepared by a suitably qualified expert who is experienced in the practice of geotechnical engineering and registered under the Chartered Professional Engineers Act of New Zealand 2002 and who has professional indemnity insurance.
4. The geotechnical investigation report must address the following factors:
 - a. special design or construction requirements;
 - b. special foundation requirements;
 - c. services;
 - d. access;
 - e. effluent disposal;
 - f. non-engineered fills; and
 - g. a statement of professional opinion as to the suitability of the land for the proposed development.

24. Dunedin International Airport

24.1 Introduction

Dunedin International Airport is situated at Momona. It occupies an area of approximately 300 hectares and is owned and operated by Dunedin International Airport Limited (DIAL). The airport is surrounded by rural zoned land.

Dunedin International Airport is an integral part of the local and regional transport network, providing a link to national and international destinations for passengers, goods and freight. There has been steady growth in passenger numbers and freight volumes, both domestic and international, and a continuation of this growth is expected. The airport is a physical resource that provides for the economic and social well-being of the Dunedin area and beyond.

The operation of the airport is undertaken in accordance with two designations (Aerodrome and Runway Extension, and Flight Path Protection), which extend across the majority of the Dunedin International Airport Zone and beyond. The designations focus upon ensuring the safe and efficient operation of the airport activities, while securing a future runway extension and providing a limited range of associated airport activities.

The zone includes the airport and immediately adjacent rural land, together with the site occupied by Momona Garage. Momona village is zoned residential. The Dunedin International Airport Zone recognises the function of the Dunedin International Airport within the transport network, sustainable management of the resource and the need to manage effects of activities located at the airport. The zone enables an integrated approach to the management of the airport resource.

The intention is that development within the Dunedin International Airport Zone is clearly associated with the operation and functions of the airport. This will ensure land within the zone is retained for its primary operational functions. The provisions allow for the continued use and development of Dunedin International Airport and provide certainty for airport operators and the community, while managing effects on neighbouring land uses.

24.2 Objectives and Policies

Objective 24.2.1	
Dunedin International Airport is able to operate efficiently and effectively.	
Policy 24.2.1.1	Enable airport activity at Dunedin International Airport.
Policy 24.2.1.2	Provide for commercial activities ancillary to airport activity, office activity, service stations and visitor accommodation where they are designed and operated in line with Objective 24.2.2 and its policies.
Policy 24.2.1.3	Only allow activities that are not ancillary to airport activity where: - they are related to or support Dunedin International Airport, or have other operational requirements that mean they need to locate in the zone; - they will support the efficient and effective operation of Dunedin International Airport; - they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - they are designed and operated in line with Objective 24.2.2 and its policies.
Policy 24.2.1.4	Enable land that is surplus to the needs of Dunedin International Airport to transition to the Taieri Plains Rural Zone, so that future development that is not related to airport activity can be managed in accordance with the objectives and policies of that zone.
Policy 24.2.1.5	Only allow subdivision where: - it is in accordance with the provisions of the rural zones; and - the subdivision does not adversely affect the efficient and effective operation of Dunedin International Airport.

Objective 24.2.2	
Land use activities and development necessary to meet the reasonably foreseeable needs of Dunedin International Airport is enabled, while ensuring it: - achieves a high standard of on-site amenity for airport users; and - minimises adverse effects on rural amenity as far as practicable.	
Policy 24.2.2.1	Require buildings and structures to be of a height and setback that reduces their visual impact on the rural environment.
Policy 24.2.2.2	Require landscaping of new buildings, parking areas and outdoor storage areas, to ensure a high standard of visual amenity is maintained adjacent to public roads and the rural zones.
Policy 24.2.2.3	Require development to maintain on-site and rural amenity by ensuring service areas are not visible from publicly accessible areas within or outside the zone.
Policy 24.2.2.4	Require ancillary signs to be located and designed to maintain visual amenity for airport users, including by being of an appropriate size and number to convey information about the name, location and nature of the activities on-site, and not being too numerous or oversized for that purpose.
Policy 24.2.2.5	Require commercial activity ancillary to airport activity to be designed, located and operated to primarily serve staff and visitors to the Dunedin International Airport.

Objective 24.2.2

Policy 24.2.2.6	Enable tourism advertising signage promoting Otago and Southland's tourism industry in order to facilitate the economic and social prosperity of the two regions, while ensuring the size, number and location of tourism advertising signage does not significantly affect the amenity of the airport as an international gateway, and any effects on the rural amenity outside the Dunedin International Airport Zone are minor.

Objective 24.2.3

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

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

Policy 24.2.3.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: a. being set back an adequate distance from property boundaries, buildings, structures and cliffs; and b. using a batter gradient that will be stable over time.
Policy 24.2.3.2	Require earthworks and any associated retaining structures to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: a. limiting the scale of earthworks that are provided for as a permitted activity; and b. requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.
Policy 24.2.3.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: a. adverse effects on visual amenity and character; b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and c. adverse effects on the stability of land, buildings, and structures.

Rules

Rule 24.3 Activity Status

24.3.1 Rule location

The activity status tables in Rules 24.3.3 to 24.3.6 specify the activity status of land use activities, development activities, and subdivision activities in the Dunedin International Airport Zone and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

1. Public Amenities (Section 3)
2. Temporary Activities (Section 4)
3. Network Utilities and Energy Generation (Section 5)
4. Transportation Activities (Section 6)
5. Scheduled Trees (Section 7)
6. Natural Hazard Mitigation (Section 8)

24.3.2 Activity status introduction

1. The activity status tables in Rules 24.3.3 - 24.3.6 show the activity status of activities in the Dunedin International Airport Zone and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.6 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested table in Section 1.6 is intended to be a complete list of activities and categories of activities. For any activity that is not covered by any of the defined activities in the nested table, the activity status will be non-complying if the activity status of "all" or "all other" activities in the most closely related category is non-complying, otherwise it will be discretionary.

Additional activity status rules in hazard overlay zones

6. For the purpose of the hazards provisions, activities are categorised as sensitive activities, potentially sensitive activities or least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
7. In the hazard 2 overlay zones, the activity statuses in Rule 24.3.6 apply to the following activities:
 - i. new sensitive activities and potentially sensitive activities, and
 - ii. some new buildings.
8. Where the activity status in Rule 24.3.6 differs from that in Rule 24.3.3 - 24.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 24.3.6, performance standards for development activities within hazard overlay zones are included in Rule 24.3.3 - 24.3.5.

10. Activities in a hazard overlay zone must comply with all of the rules in 24.3.3 - 24.3.6.

Performance Standards

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

Legend

Acronym	Activity status
—	No change to activity status or not relevant (intersect does not exist)
P	Permitted activity
C	Controlled activity
RD	Restricted Discretionary activity
D	Discretionary activity
NC	Non-complying activity
Pr	Prohibited
Acronym	Zone/overlay zone name
DIA	Dunedin International Airport Zone
ANIC	Airport Noise Inner Control mapped area
Haz2	Hazard 2 Overlay Zones

24.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities			i. Acoustic insulation (noise sensitive activities) ii. Electrical interference iii. Light spill iv. Noise
Major facility activities		Activity status		Performance standards
		a. DIA	b. ANIC	
2.	Airport	P	—	i. Minimum car parking
3.	Emergency services	P	—	
4.	All other activities in the major facility activities category	NC	—	

Commercial activities		a. DIA	b. ANIC	Performance standards
5.	Commercial activities <i>ancillary to airport activity</i>	P	—	i. Location
6.	Conference, meeting and function <i>ancillary to visitor accommodation</i>	P	—	
7.	Office	D	—	
8.	Service stations	RD	—	i. Service station performance standards
9.	Visitor accommodation	P	—	a. Minimum car parking b. Minimum vehicle loading
10.	Tourism advertising	P	—	a. Number and location of tourism signs
11.	All other activities in the commercial activities category	NC	—	
Residential activities		a. DIA	b. ANIC	Performance standards
12.	Standard residential	NC	Pr	
13.	Working from home	P	Pr	
14.	Supported living facilities	NC	Pr	
Community activities		a. DIA	b. ANIC	Performance standards
15.	Conservation	P	—	
16.	All other activities in the community activities category	NC	—	
Rural activities		a. DIA	b. ANIC	Performance standards
17.	Farming	P	—	
18.	Grazing	P	—	
19.	All other activities in the rural activities category	NC	—	
Industrial activities		a. DIA	b. ANIC	Performance standards
20.	All activities in the industrial activities category	D	—	

24.3.4 Activity status table - development activities

Building and structures activities		Activity status	Performance standards
1.	All buildings and structures activities	P	a. Boundary setbacks b. Fire fighting c. Maximum height d. Minimum floor level e. Number, location and design of ancillary signs

Site development activities		Activity status	Performance standards
2.	Earthworks - small scale	P	a. Earthworks standards
3.	Earthworks - large scale	RD	a. Earthworks standards
4.	Outdoor storage	P	a. Boundary treatments and other landscaping
5.	Service areas	P	a. Location and screening of service areas
6.	Parking, loading and access	P	a. Boundary treatments and other landscaping b. Parking, loading and access standards
7.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements
8.	All other site development activities	P	

24.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status	Performance standards
1.	Subdivision activities	RD	a. Subdivision performance standards

24.3.6 Change to activity status in Hazard 2 Overlay Zones

Activity		Haz2
1.	Potentially sensitive activities not permitted in Dunedin International Airport Zone	D
2.	Sensitive activities	D
3.	New buildings, and additions and alterations to buildings, which create more than 60m ² of new ground floor area	RD

Note 24.3A - Guidance on existing use rights applying to land use activities in hazard overlay zones

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

Note 24.3B - General advice

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

Note 24.3C - General advice

1. Dunedin International Airport Limited holds two designations, D273 and D274, for airport-related activity and structures.
2. Airways Corporation of New Zealand Limited hold a number of designations for airport-related structures.
3. Details of the designations can be found in Appendix A1.4.

Rule 24.4 Notification

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

Rule 24.5 Land Use Performance Standards

24.5.1 Acoustic Insulation

Noise sensitive activities in the **airport noise outer control mapped area** and the **airport noise inner control mapped area** must comply with Rule 9.3.1.

24.5.2 Electrical Interference

Land use activities must comply with Rule 9.3.2.

24.5.3 Light Spill

1. On-site lighting (other than runway, navigational and other operational lighting) within the Dunedin International Airport Zone must be positioned, directed and maintained so that light spill outside of the zone does not exceed 16 Lux when measured:
 - a. 10 metres outside the zone boundary;
 - b. in both the horizontal and vertical planes; and
 - c. with the runway, navigation and associated operational lighting turned off.
2. Rule 24.6.3.1 does not apply where the adjoining zone is the residential zone.
3. Light spill measured at the boundary of the residential zone or any site used for residential purposes or zoned residential must not exceed the following limits:

Time		Limit
a.	7am- 10pm	10 Lux
b.	10pm - 7am	3 Lux

- a. except, this standard does not apply to headlights of motor vehicles, operating on roads or driveways/vehicle tracks, but it does apply to parking/loading areas with over 5 vehicles.
 - b. any outdoor lighting must ensure that direct or indirect illumination does not exceed 3 lux at the windows of residential buildings within residential zones.
4. Activities that contravene the performance standard for light spill are non-complying activities.

24.5.4 Location

For office activity and commercial activities ancillary to airport activity (except vehicle rental facilities), customer access must only be available from inside terminal buildings.

24.5.5 Minimum Car Parking

1. Airport activity must provide a minimum of 971 parking spaces, including 20 mobility parking spaces.
2. Visitor accommodation must provide:
 - a. 1 parking space per 3 guest rooms, where the activity is based upon guest rooms (e.g. hotels);
 - b. 1 parking space per visitor accommodation unit, where the activity is based on units (e.g. motels); and
3. Visitor accommodation must provide mobility parking spaces as follows:

Total number of parking spaces provided		Minimum number of these that must be mobility parking spaces
i.	1 - 20	1 parking space

Total number of parking spaces provided		Minimum number of these that must be mobility parking spaces
ii.	21 - 50	2 parking spaces
iii.	For every additional 50 parking spaces	1 additional parking space

4. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility car parking.
5. Where the minimum car parking performance standard results in the requirement for a fractional space, any fraction under one half will be disregarded and any fraction of one half or greater will be counted as one space.

Note 24.5A - Other relevant District Plan provisions

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

24.5.6 Minimum Vehicle Loading

1. Visitor accommodation units with greater than 50 individual rooms must provide one loading space, to accommodate a coach with minimum dimensions as shown in Rule 6.14 as Figure 6.14L.
2. Required vehicle loading must be designed and constructed to comply with Rule 6.6.2.

24.5.7 Noise

Land use activities must comply with Rule 9.3.6.

24.5.8 Service Station Performance Standards

Service stations must comply with Rule 6.7.1.

24.5.9 Number and Location of Tourism Signs

Tourism advertising located outside terminal buildings must not:

1. exceed a total maximum signage area of 200m²;
2. be visible from a public place outside the Dunedin International Airport Zone;
3. exceed 8m in height;
4. exceed 400 m in depth;
5. have any display face that exceeds 18 m²; or
6. obstruct parking, loading or access areas.

Rule 24.6 Development Performance Standards

24.6.1 Boundary Setbacks

1. New buildings and structures, and additions and alterations, must be set back 20m from any boundary with a rural zone or any road.
2. Except fences, ancillary signs and all buildings and structures in section 73 IV Maungatua Survey District (CT 15D/487) are exempt from the performance standard.

24.6.2 Boundary Treatments and Other Landscaping

1. For all parking areas, new buildings and outdoor storage areas within 5m of Miller Road, Otokia Road, Centre Road or a rural zone, a landscaping area with a minimum width of 1.5m must be provided along the full length of the road frontage (except for where vehicle access is provided).
2. Landscaping areas must:
 - a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
 - b. have an average of one tree for every 5m of frontage;
 - c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - d. be designed to allow surface water run-off from surrounding areas to enter;
 - e. be protected by a physical barrier that prevents cars from accidentally driving into or damaging plants;
 - f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a height of 5m within 10 years of planting;
 - g. be planted prior to occupation or completion of any relevant building(s) or site development; and
 - h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any required road frontage landscaping.
4. For any parking areas greater than 200m² (excluding loading areas) a minimum of 1m² of additional landscaped area must be provided for every parking space, either within or adjoining the parking area.

24.6.3 Earthworks Standards

24.6.3.1 Earthworks - small scale thresholds

- a. Earthworks must not exceed the following scale thresholds to be considered earthworks - small scale. Where earthworks are located in the Haz2 overlay zone, the most restrictive scale threshold applies for the purposes of determining activity status. Resource consents will be assessed against all scale thresholds that are contravened.

Zone/Area		1. Dunedin International Airport Zone	2. Haz2 (Flood)
i.	Maximum change in ground level	2.0m	—
ii.	Maximum volume of combined cut and fill	30m ³ per 100m ² of site	20m ³ fill

- b. Earthworks *ancillary to network utilities* activities are only required to comply with Rule 24.6.3.1.a.i - maximum change in ground level threshold.
- c. Earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the

performance standard earthworks - small scale thresholds.

- d. Scale thresholds will be calculated as the cumulative total of earthworks on any site in a two calendar-year period.
- e. Earthworks that exceed the earthworks - small scale thresholds are treated as earthworks - large scale, which are a restricted discretionary activity.

24.6.3.2 Batter gradient

Earthworks must:

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

24.6.3.3 Setback from property boundary, buildings, structures and cliffs

Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m², and the top or toe of any cliff, the following minimum distances:

- a. Earthworks not supported by retaining walls:
 - i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 24.6A);
 - ii. a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (see Figure 24.6A); and
 - iii. 300mm, as measured from the crest of any cut (see Figure 24.6A).
- b. Retaining walls supporting a cut or fill must be setback a distance at least equal to the height of the retaining walls (see Figure 24.6B), except:
 - i. retaining walls supporting a cut that have been granted building consent are exempt from this standard.
- c. Earthworks *ancillary to network utilities* activities and earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the setback from property boundary, buildings, structures and cliffs performance standard.

Figure 24.6A Unsupported cut and fill (elevation view)

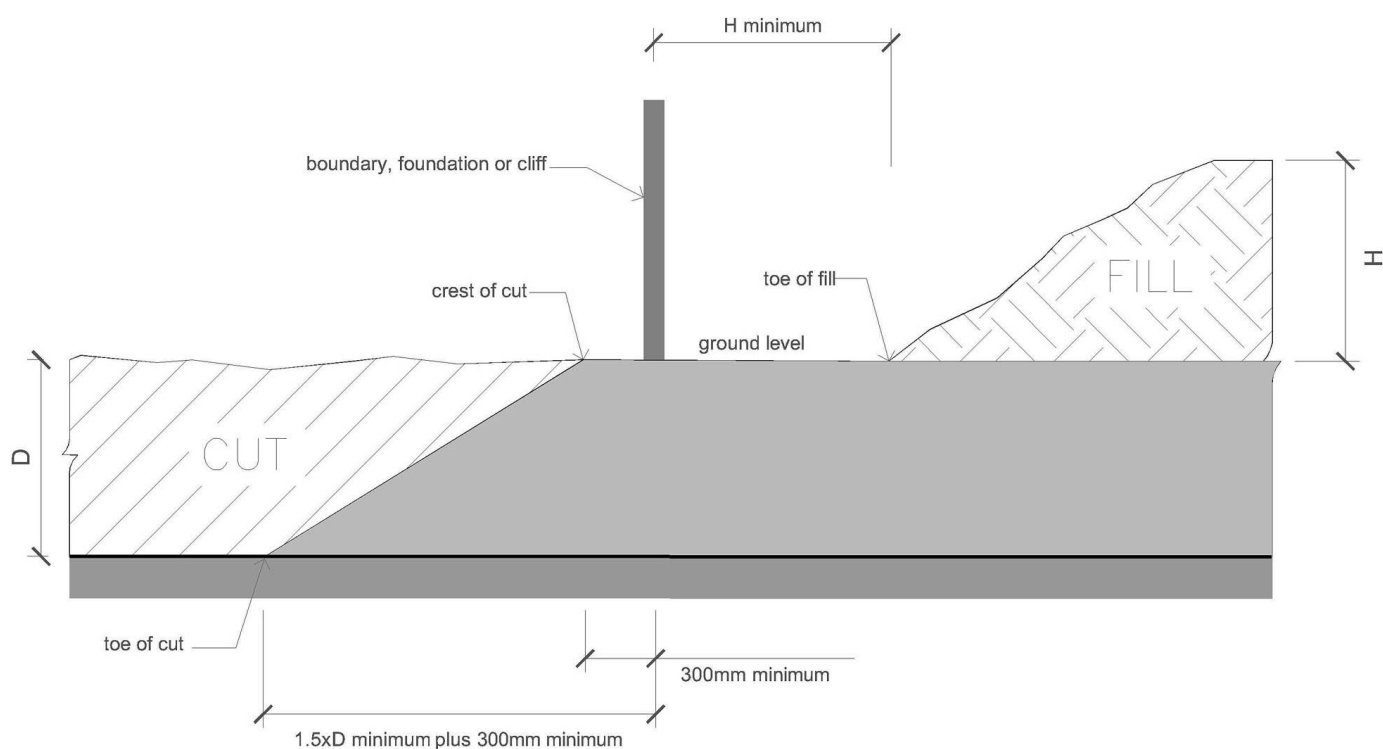
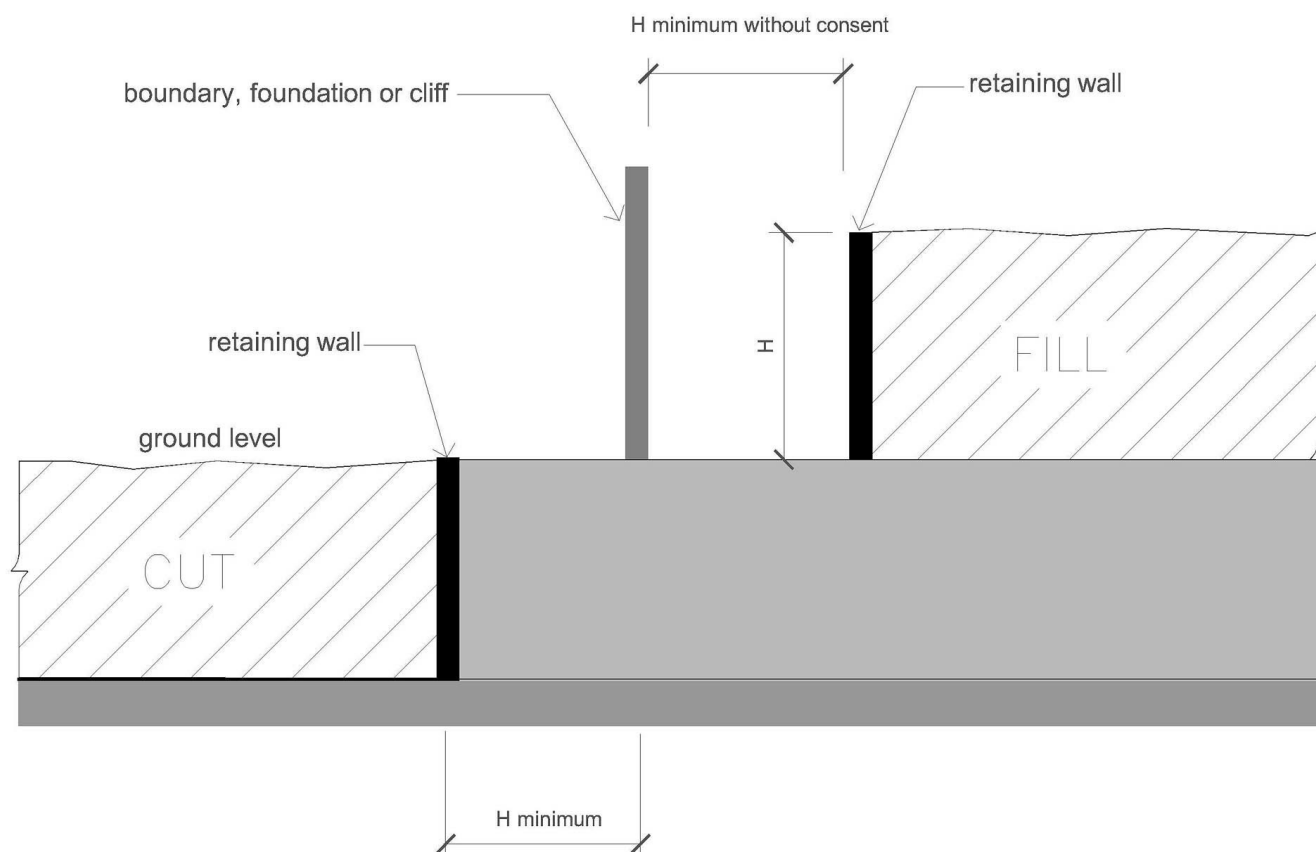


Figure 24.6B Cut and fill supported by retaining walls (elevation view)



24.6.3.4 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

24.6.3.5 Sediment control

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

24.6.4 Fire Fighting

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

24.6.5 Hazardous Substances Quantity Limits and Storage Requirements

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

24.6.6 Location and Screening of Service Areas

1. Service areas must be located or screened so that they are not visible at ground level from adjacent: residential activities, residential zoned properties, or publicly accessible places within or outside the zone.
2. Service areas must not encroach into required parking, loading or manoeuvring areas.

24.6.7 Maximum Height

1. The maximum height of new buildings and structures, and additions and alterations, must not exceed 20m above ground level.
2. Rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more than 5m.

24.6.8 Minimum Floor Level

New buildings (including residential buildings) to be used for sensitive activities in the Hazard 2 (flood) Overlay Zone must comply with Rule 11.3.3.

24.6.9 Number, Location and Design of Ancillary Signs

24.6.9.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are not visible from any public place outside the Dunedin International Airport Zone;
 - ii. 'regulatory' (requiring or prohibiting specified actions), 'warning' (informing of hazards or of other features requiring a safe response), or 'directional' (identifying the location of, or direction to destinations, routes, building entrances, and vehicle accesses) signs; and
 - iii. 'building names' (excluding sponsorship names).
- b. Signs located on or above the footpath must comply with Rule 6.7.2.
- c. Signs must comply with Rule 6.7.3 where visible from a road.
- d. Signs related to commercial activities, except service station activity, must not be visible from a public place outside the Dunedin International Airport Zone.
- e. Signs higher than 4m above ground level must only display the business name or major facility name.
- f. Signs other than those specified in Rules 24.6.9.2 and 24.6.9.3 are not allowed .

24.6.9.2 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign, attached to a building is 8m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached flat against a building must:
 - i. not cumulatively exceed 15% of the total wall area (excluding windows) that face the road frontage, or 8m², whichever is lesser; and
 - ii. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.
- e. If attached on the underside of a verandah or protruding from a building façade, signs must:
 - i. where attached to the façade of a building, not protrude more than 1.5m from the façade;
 - ii. have a maximum area per display face of 2m²;
 - iii. have a maximum of 2 display faces per sign;
 - iv. not exceed 1 sign per 15m of road frontage; and
 - v. not exceed 3 signs per building, for buildings with a single premise.

24.6.9.3 Freestanding signs

- a. The maximum number of freestanding signs is:
 - i. 1 per 50m of road frontage (including private airport roads) for permanently fixed freestanding signs; and
 - ii. 1 per 15m of road frontage (including private airport roads) for portable freestanding signs.
- b. Freestanding signs must not exceed:
 - i. 8m in height for permanently fixed freestanding signs;
 - ii. 4m in height for portable freestanding signs;
 - iii. an area of 16m² per display face for permanently fixed freestanding signs;
 - iv. an area of 8m² per display face for portable freestanding signs;
 - v. a width of 2m; and
 - vi. a depth of 400mm.
- c. Portable freestanding signs must be positioned entirely within site boundaries and not be located on the road reserve.
- d. Freestanding signs must not obstruct driveways, parking or loading areas.

Note 24.6A - Other relevant District Plan provisions

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

Note 24.6B - Other requirements outside of the District Plan

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

24.6.10 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

Rule 24.7 Subdivision Performance Standards

Subdivision activities must comply with performance standards for the Taieri Plains Rural Zone within Rule 17.7.

Rule 24.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 24.8.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 24.8.2 - 24.8.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

24.8.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> 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. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. d. Non-compliance with a 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. <i>General assessment guidance:</i> e. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

24.8.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Location (<i>commercial activities ancillary to airport activity</i>)	a. Effects on the vibrancy, and economic and social success of the CBD and centres hierarchy	<i>Relevant objectives and policies:</i> i. Objective 24.2.2 ii. Commercial activity ancillary to airport activity is designed, location and operated to primarily service staff and visitors to the Dunedin International Airport (Policy 24.2.2.5).

24.8.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2.	Minimum car parking	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
		b. Effects on accessibility	
3.	Minimum vehicle loading	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
4.	Number and location of tourism signs	a. Effects on rural amenity and amenity at Dunedin International Airport	<i>Relevant objectives and policies:</i> i. Objective 24.2.1 ii. The size, number and location of tourism advertising signage does not significantly affect the amenity of the airport as an international gateway, and any effects on the rural amenity outside the Dunedin International Airport Zone are minor (Policy 24.2.2.6).
5.	Service station standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

24.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Boundary setbacks	a. Effects on rural amenity	<i>Relevant objectives and policies:</i> i. Objective 24.2.2 ii. Buildings and structures are of a setback that reduces their visual effects on the rural environment (Policy 24.2.2.1).
2.	Boundary treatments and other landscaping	a. Effects on on-site amenity	<i>Relevant objectives and policies:</i> i. Objective 24.2.2 ii. Landscaping of new buildings, parking areas, and outdoor storage areas ensures a high standard of visual amenity is maintained adjacent to public roads and the rural zones (Policy 24.2.2.2).
		b. Effects on rural amenity	

24.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	Earthworks standards: • Batter gradient	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 24.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 24.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> iii. Maximum slopes of cut and fill batters. iv. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. v. Temporary shoring requirements to maintain stability before a wall is constructed. vi. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
4.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 24.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 24.2.3.1.a).
5.	Earthworks standards: • Setback from network utilities	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7

24.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Earthworks standards: • Sediment control	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 24.2.3 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems (Policy 24.2.3.2.b).
		b. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
7.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards	See Rule 11.4
8.	Location and screening of service areas	a. Effects on on-site amenity	<i>Relevant objectives and policies:</i> i. Objective 24.2.2
		b. Effects on rural amenity	ii. Development maintains on-site and rural amenity by ensuring service areas are not visible from publicly accessible areas within or outside the zone (Policy 24.2.2.3).
9.	Maximum height	a. Effects on rural amenity	<i>Relevant objectives and policies:</i> i. Objective 24.2.2 ii. Buildings and structures are of a height that reduces their visual effect on the rural environment (Policy 24.2.2.1).
		b. Effects on cultural values of manawhenua	See Rule 14.3
10.	Minimum floor level (hazard overlays)	a. Risk from natural hazards	See Rule 11.4

24.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
11.	Number, location and design of ancillary signs	a. Effects on rural amenity	<i>Relevant objectives and policies:</i> i. Objective 24.2.2 ii. Ancillary signs are located and designed to maintain visual amenity for airport users, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site, and not being oversized or too numerous for that purpose (Policy 24.2.2.4).
		b. Effects on safety and efficiency of the transport network	See Rule 6.9
12.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

24.8.5 Assessment of subdivision performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Subdivision performance standards	See Rule 16.9

Rule 24.9 Assessment of Restricted Discretionary Activities

Rule 24.9.1 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 24.9.2 - 24.9.4:
 - 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. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
4. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) 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 24.8; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 24.10; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 24.11; and
 - iii. the assessment guidance in this section will also be considered.

24.9.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Service stations	a. Effects on safety and efficiency of transport network	See Rule 6.10

24.9.3 Assessment of all restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Earthworks - large scale (that exceed the scale thresholds for the Dunedin International Airport Zone)	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 24.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 24.2.3.3.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 24.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> 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. <i>Conditions that may be imposed include, but are not limited to:</i> 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.
	c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 24.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 24.2.3.3.c). <i>Potential circumstances that may support a consent application include:</i> 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 24.12.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards

24.9.3 Assessment of all restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. Earthworks - large scale (that exceed scale thresholds for a hazard (flood) overlay zone)	a. Risk from natural hazards	See Rule 11.5
3. In the hazard 2 overlay zones (see Rule 24.3.6): New buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area	a. Risk from natural hazards	See Rule 11.5
4. Parking areas which creates 50 or more new parking spaces	a. Effects on safety and efficiency of transport network	See Rule 6.10
5. Service stations	a. Effects on safety and efficiency of transport network	See Rule 6.10
	b. Effects on accessibility	

24.9.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All subdivision activities	a. Effects on the efficient and effective operation of Dunedin International Airport	<i>Relevant objectives and policies:</i> i. Objective 24.2.1 ii. Subdivision activities do not adversely affect the efficient and effective operation of Dunedin International Airport (Policy 24.2.1.5.b).
	See Rule 16.9	

Rule 24.10 Assessment of Discretionary Activities

Rule 24.10.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 24.10.2 - 24.10.4 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent applications;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. 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.

24.10.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities, including: • office • all activities in the industrial activities category • activities listed below	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.1 b. Objective 24.2.1 c. Activities that are ancillary to Dunedin International Airport activity are operated in line with Objective 22.4.2.2 and its policies (Policy 24.2.1.2). d. Activities that are not ancillary to Dunedin International Airport activity: i. are related to or support the Dunedin International Airport, or have other operational requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Dunedin International Airport; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. are designed and operated in line with Objective 24.2.2 and its policies (Policy 24.2.1.3). <i>Potential circumstances that may support a consent application include:</i> e. For discretionary land use activities, whether any associated development activities meet relevant development performance standards, or are otherwise consistent with relevant objectives and policies for development. f. All relevant land use performance standards are met, including noise and light spill standards. <i>General assessment guidance:</i> g. In assessing the significance of effects, consideration will be given to: i. short to long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. h. 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.

24.10.3 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
1. In the hazard 2 overlay zones (see Rule 24.3.6): • Potentially sensitive activities not permitted in Dunedin International Airport Zone • Sensitive activities	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.

24.10.4 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • Acoustic insulation • Noise - where the limit is exceeded by up to 5dB LAeq (15min) • Light spill - where the limit is exceeded by 25% or less	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.

Rule 24.11 Assessment of Non-complying Activities

Rule 24.11.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 24.11.2 - 24.11.4 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

24.11.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.1, Policy 2.3.1.1 b. Objective 24.2.1, Policy 24.2.1.3 <i>General assessment guidance:</i> c. In assessing the significance of effects consideration will be given to: i. both short and long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. d. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.

24.11.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. Commercial advertising (<i>except tourism advertising</i>)	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c

24.11.4 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Archaeological sites	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.

24.11.4 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
2. • 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)	See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

Rule 24.12 Special Information Requirements

24.12.1 Geotechnical investigation report

1. A geotechnical investigation report may be requested by Council for earthworks of a large scale and/or where the earthworks are proposed:
 - a. on a site with a slope angle between 15° (3.7h:1v slope ratio, or 27% slope grade) and 26° (2h:1v slope ratio, or 50% slope grade);
 - b. on a site identified as hazard-prone in Council's Hazard Information Management System; or
 - c. on any other site that the Council, with good cause, suspects to be hazard-prone.
2. A geotechnical investigation report must be provided for earthworks on all sites with a slope greater than a 26° angle (2h:1v slope ratio, or 50% slope grade).
3. All requested geotechnical investigation reports must be prepared by a suitably qualified expert who is experienced in the practice of geotechnical engineering and registered under the Chartered Professional Engineers Act of New Zealand 2002 and who has professional indemnity insurance.
4. The geotechnical investigation report must address the following factors:
 - a. special design or construction requirements;
 - b. special foundation requirements;
 - c. services;
 - d. access;
 - e. effluent disposal;
 - f. non-engineered fills; and
 - g. a statement of professional opinion as to the suitability of the land for the proposed development.

25. Edgar Centre

25.1 Introduction

The Edgar Centre is located at 116 Portsmouth Drive, Andersons Bay, and occupies a site of approximately three hectares in area. The site fronts onto the harbour, and is surrounded on the other three sides by industrially zoned land, which provides predominantly for industrial and large scale retail activities.

The Edgar Centre is a large indoor venue and includes a number of arenas and meeting spaces that are used for social and competitive sport, functions, meetings, expos and concerts from local, national and international artists. A large car parking area services the Centre.

The key resource management issues are that land use activities on the Edgar Centre site have the potential to generate effects, particularly traffic, which may adversely affect the operation of surrounding industrial land uses or the safe and efficient operation of the transport network. Portsmouth Drive is classed as an 'industrial amenity route' and is managed to ensure the maintenance of views across the harbour and ensure a higher level of amenity for pedestrians and cyclists using it. The Edgar Centre Zone recognises the existing and foreseeable future uses of the site, providing certainty to the community and appropriately managing any adverse effects on the surrounding industrial zone and transport network.

25.2 Objectives and Policies

Objective 25.2.1	
The Edgar Centre is able to operate efficiently and effectively.	
Policy 25.2.1.1	Enable major recreation facility activity in the Edgar Centre Zone.
Policy 25.2.1.2	Provide for activities ancillary to major recreation facility activity where they are designed and operated in line with Objective 25.2.2 and its policies.
Policy 25.2.1.3	Only allow activities that are not ancillary to major recreation facility activity where: - they are related to or support the Edgar Centre, or have other operational requirements that mean they need to locate in the zone; - they will support the efficient and effective operation of the Edgar Centre; - they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - they are designed and operated in line with Objective 25.2.2 and its policies.
Policy 25.2.1.4	Enable land that is surplus to the needs of the Edgar Centre to transition to the Industrial Zone, so that future development that is not related to major recreation facility activity can be managed in accordance with the objectives and policies of that zone.
Policy 25.2.1.5	Only allow subdivision activities where: - they are in accordance with the provisions of the Industrial Zone; and - the subdivision does not adversely affect the efficient and effective operation of the Edgar Centre.

Objective 25.2.2

Land use activities and development necessary for the Edgar Centre to meet the reasonably foreseeable needs of the community are enabled, while ensuring they:

1. achieve a reasonable standard of on-site amenity for facility users; and
2. maintain or enhance the amenity of surrounding areas as far as practicable.

Policy 25.2.2.1	Require buildings and structures to be of a height that: a. is similar to the existing height of buildings of the surrounding industrial zone; and b. avoids significant adverse effects on views from Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula.
Policy 25.2.2.2	Only allow buildings and structures to exceed the maximum height limit where: a. the height is essential to the operation of the Edgar Centre; and b. all practicable measures have been taken to avoid or minimise the visual effects of the height limit exceedance.
Policy 25.2.2.3	Require development along Portsmouth Drive (amenity route mapped area) to provide a high level of streetscape amenity by: a. providing landscaping of a height and density adequate to maintain or enhance the amenity of the route; and b. setting back buildings an adequate distance to allow this landscaping.
Policy 25.2.2.4	Require ancillary signs visible from outside the zone to be located and designed to maintain streetscape amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose.
Policy 25.2.2.5	Require ancillary commercial activities to be designed, located and operated to primarily serve staff and visitors to the Edgar Centre.

Objective 25.2.3

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

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

Policy 25.2.3.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: a. being set back an adequate distance from property boundaries, buildings, structures and cliffs; and b. using a batter gradient that will be stable over time.
Policy 25.2.3.2	Require earthworks and any associated retaining structures to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: a. limiting the scale of earthworks that are provided for as a permitted activity; and b. requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.

Objective 25.2.3

Policy 25.2.3.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: a. adverse effects on visual amenity and character; b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and c. adverse effects on the stability of land, buildings, and structures.

Rules

Rule 25.3 Activity Status

Rule 25.3.1 Rule location

The activity status tables in Rule 25.3.3 - 25.3.5 in Rule 25.3.2 specify the activity status of land use activities, development activities, and subdivision activities in the Edgar Centre Zone, except rules for the following city-wide activities, which are contained in Part B of the Plan:

1. Public Amenities (Section 3)
2. Temporary Activities (Section 4)
3. Network Utilities and Energy Generation (Section 5)
4. Transportation Activities (Section 6)
5. Scheduled Trees (Section 7)
6. Natural Hazard Mitigation (Section 8)

25.3.2 Activity status introduction

1. The tables in Rules 25.3.3 - 25.3.5 show the activity status of activities in the Edgar Centre Zone provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.6 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested table in Section 1.6 is intended to be a complete list of activities and categories of activities. For any activity that is not covered by any of the defined activities in the nested table, the activity status will be non-complying if the activity status of "all" or "all other" activities in the most closely related category is non-complying, otherwise it will be discretionary.

Performance Standards

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

Legend

Acronym	Activity status
—	No additional provisions apply or not relevant

Acronym	Activity status
P	Permitted activity
C	Controlled activity
RD	Restricted discretionary activity
D	Discretionary activity
NC	Non-complying activity

25.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Electrical interference b. Light spill c. Noise
Major facility activities		Activity status	Performance standards
2.	Major recreation facility	P	a. Minimum car parking
3.	All other activities in the major facility activities category	NC	
Community activities		Activity status	Performance standards
4.	Early childhood education <i>ancillary to major recreation facility</i>	D	
5.	Early childhood education <i>not ancillary to major recreation facility</i>	NC	
6.	All other activities in the community activities category	P	
Commercial activities		Activity status	Performance standard
7.	Commercial activities <i>ancillary to major recreation facility</i>	P	a. Location
8.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
9.	All activities in the residential activities category	NC	
Industrial activities		Activity status	Performance standards
10.	All activities in the industrial activities category	D	
Rural activities		Activity status	Performance standards
11.	All activities in the rural activities category	NC	

25.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. Boundary treatments and other landscaping
Buildings and structures activities		Activity status	Performance standards
2.	All buildings and structures activities	P	a. Maximum height b. Number, location and design of ancillary signs c. Hazard overlay zones development standards d. Boundary setbacks
Site development activities		Activity status	Performance standards
3.	Parking, loading and access	P	a. Parking, loading and access standards
4.	New parking areas, or extensions to existing parking areas <i>(that result in the creation of 50 or more new parking spaces)</i>	RD	a. Parking, loading and access standards
5.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements
6.	Earthworks - small scale	P	a. Earthworks standards
7.	Earthworks - large scale	RD	a. Earthworks standards
8.	All other site development activities	P	

25.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status	Performance standards
1.	All subdivision activities	RD	a. Subdivision performance standards

25.3.6 Transition to the Industrial Zone

On receipt of written notice from both the owner and operator (if different) of the Edgar Centre to Dunedin City Council confirming that all or part of the land within the Edgar Centre Zone is surplus to requirements, the provisions of the Edgar Centre Zone will no longer apply to that parcel of land and the provisions of the Industrial Zone will apply in full. [wording to be finalised]

Note 25.3A - General advice

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

Rule 25.4 Notification

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

Rule 25.5 Land Use Performance Standards

25.5.1 Electrical Interference

Land use activities must comply with Rule 9.3.2.

25.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

25.5.3 Location

For ancillary commercial activities, customer access must only be available from inside the Edgar Centre buildings.

25.5.4 Minimum Car Parking

1. Major recreation facility activity must provide a minimum of 400 parking spaces, including nine mobility parking spaces. These must be provided either within or on land close to the Edgar Centre Zone.
2. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility car parking.

Note 25.5A - Other relevant District Plan provisions

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

25.5.5 Noise

Land use activities must comply with Rule 9.3.6.

Rule 25.6 Development Performance Standards

25.6.1 Boundary Setbacks

1. New buildings and structures, and additions and alterations to buildings and structures must have a minimum set back from Portsmouth Drive (**amenity route mapped area**) of 10.5m.
2. Except fences and ancillary signs are exempt from this standard.

25.6.2 Boundary Treatments and Other Landscaping

1. Along the Portsmouth Drive frontage, a landscaping area with a minimum width of 1.5m must be provided along the full length of the road frontage (except for where vehicle access is provided).
2. Landscaping areas must:
 - a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
 - b. have an average of one tree for every 5m of frontage;
 - c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - d. be designed to allow surface water run-off from surrounding areas to enter;
 - e. be protected by a physical barrier that prevents cars from accidentally driving into or damaging plants;
 - f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a height of 5m within 10 years of planting;
 - g. be planted prior to occupation or completion of any relevant building(s) or site development; and
 - h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any required road frontage landscaping.

25.6.3 Earthworks Standards

25.6.3.1 Earthworks - small scale thresholds

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

Zone/Area		1. Edgar Centre Zone
i.	Maximum change in ground level	1.5m
ii.	Maximum volume of combined cut and fill	30m ³ per 100m ² of site

- b. Earthworks *ancillary to network utilities* activities are only required to comply with Rule 25.6.3.1.a.i - maximum change in ground level threshold.
- c. Earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the performance standard earthworks - small scale thresholds.
- d. Scale thresholds will be calculated as the cumulative total of earthworks on any site in a two calendar-year period.
- e. Earthworks that exceed the earthworks - small scale thresholds are treated as earthworks - large scale, which are a restricted discretionary activity.

25.6.3.2 Batter gradient

Earthworks must:

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

25.6.3.3 Setback from property boundary, buildings, structures and cliffs

Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m², and the top or toe of any cliff, the following minimum distances:

- a. Earthworks not supported by retaining walls:
 - i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 25.6A);
 - ii. a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (see Figure 25.6A); and
 - iii. 300mm, as measured from the crest of any cut (see Figure 25.6A).
- b. Retaining walls supporting a cut or fill must be setback a distance at least equal to the height of the retaining walls (see Figure 25.6B), except:
 - i. retaining walls supporting a cut that have been granted building consent are exempt from this standard.
- c. Earthworks *ancillary to network utilities* activities and earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the setback from property boundary, buildings, structures and cliffs performance standard.

Figure 25.6A Unsupported cut and fill (elevation view)

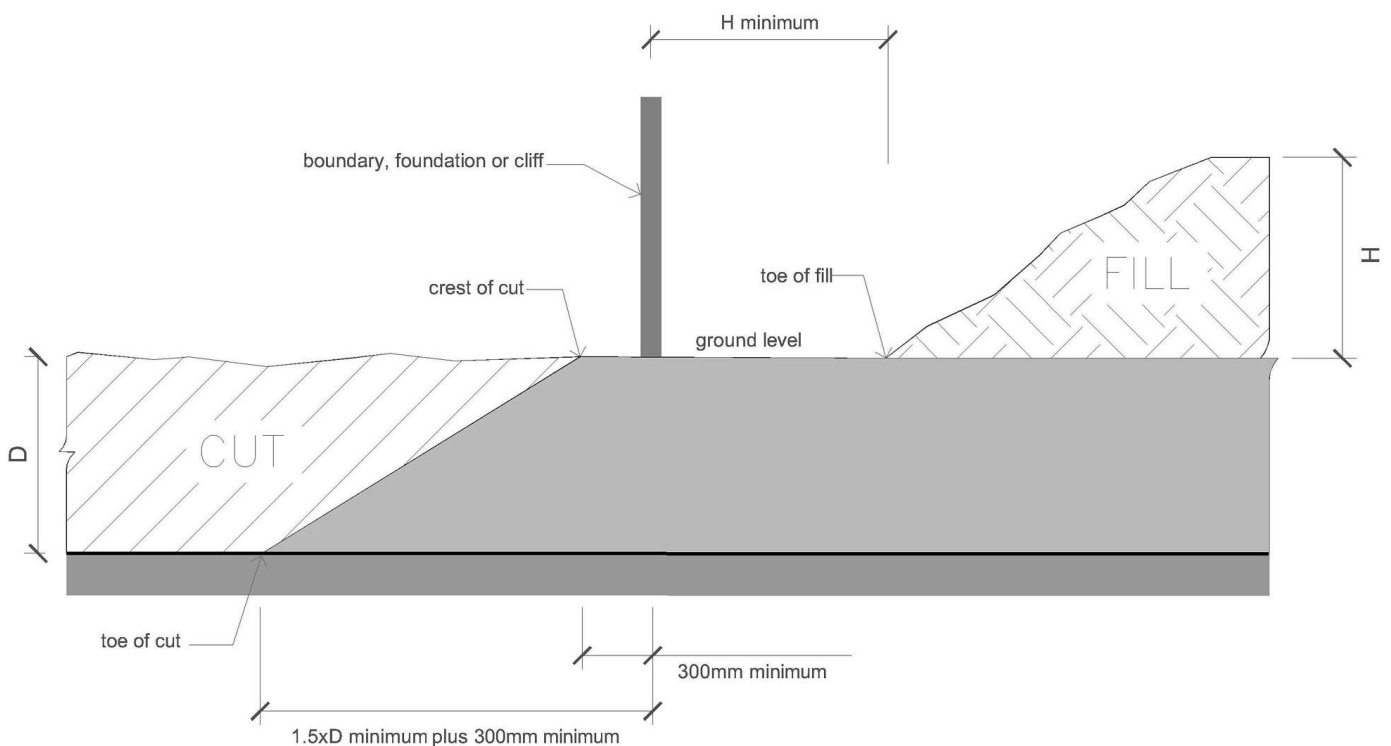
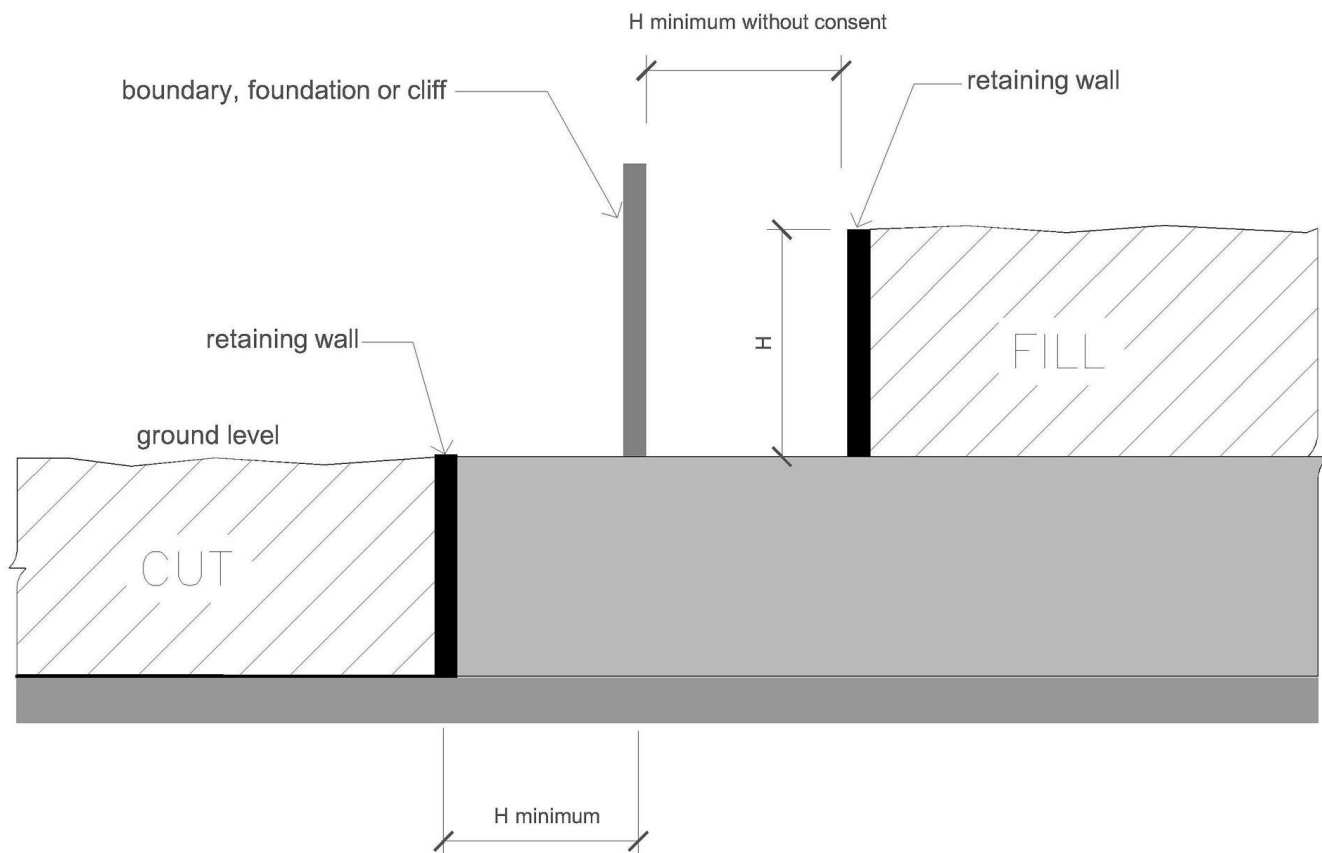


Figure 25.6B Cut and fill supported by retaining walls (elevation view)



25.6.3.4 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

25.6.3.5 Sediment control

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

25.6.4 Hazard Overlay Zones Development Standards

25.6.4.1 Minimum floor level

New buildings (including residential buildings) to be used for sensitive activities in the Hazard 3 (coastal) Overlay Zone must comply with Rule 11.3.3.

25.6.4.2 Relocatable buildings

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

25.6.5 Hazardous Substances Quantity Limits and Storage Requirements

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

25.6.6 Maximum Height

1. The maximum height of new buildings and structures, and additions and alterations, must not exceed 18m above ground level.

2. Rooftop structures are exempt from the performance standard for maximum height, provided they do not exceed the maximum height limit for all other buildings and structures by more than 5m.

25.6.7 Number, Location and Design of Ancillary Signs

25.6.7.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are not visible from outside the Edgar Centre Zone;
 - ii. 'regulatory' (requiring or prohibiting specified actions), 'warning' (informing of hazards or of other features requiring a safe response), or 'directional' (identifying the location of, or direction to destinations, routes, building entrances, and vehicle accesses) signs; and
 - iii. 'building names' (excluding sponsorship names).
- b. Signs related to activities ancillary to major recreation facility must not be visible outside the Edgar Centre Zone.
- c. Signs located above the footpath must comply with Rule 6.7.2.
- d. Signs must comply with Rule 6.7.3 where visible from a road.
- e. Signs other than those specified in Rules 25.6.7.2 and 25.6.7.3 are not allowed.

25.6.7.2 Signs attached to buildings

- a. The height above ground level of the highest point of any sign must not exceed 8m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs must not exceed the following number and cumulative maximum area:

Location	Number of signs	Cumulative maximum area
Facade facing Portsmouth Drive	5	75m ²
Facade facing Midland Street	3	56m ²
Facade facing Teviot Street	2	26.5m ²

- e. Signs attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.
- f. Signs attached on the underside of a verandah or protruding from a building facade must:
 - i. where attached to the facade of a building, have a maximum area per display face of 2m²;
 - ii. where attached to the facade of a building, must not project more than 1.5m from the facade to which it is attached;
 - iii. have a maximum of two display faces per sign; and
 - iv. not exceed one sign per 15m of building facade.

25.6.7.3 Freestanding signs

- a. The maximum number of freestanding signs within the zone is two.
- b. The maximum dimensions of freestanding signs are:
 - i. maximum height of 4m;
 - ii. maximum area of 8m² per display face;

- iii. maximum width of 2m; and
 - iv. maximum depth of 400m.
- c. Freestanding signs must not obstruct driveways, parking or loading areas.
- d. Freestanding signs must be located within the site and cannot be located on the road reserve.

Note 25.6A - Other relevant District Plan provisions

- 1. Commercial advertising is a non-complying land use activity in all zones.
- 2. See Section 3 Public Amenities for the rules related to public noticeboards.
- 3. See Section 4 Temporary Activities for the rules related to temporary signs.

Note 25.6B - Other requirements outside of the District Plan

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

25.6.8 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

Rule 25.7 Subdivision Performance Standards

Subdivision activities must comply with Rule 19.7.

Rule 25.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 25.8.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 25.8.2 - 25.8.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

25.8.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards or <u>site</u> specific factors make meeting the standard impracticable. c. Topography or other <u>site</u> specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. d. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. <i>General assessment guidance:</i> e. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

25.8.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Electrical interference	a. Effects on health and safety	See Rule 9.4
2. Location	a. Effects on the vibrancy, and economic and social success of the CBD and centres hierarchy	<i>Relevant objectives and policies:</i> i. Objective 25.2.2 ii. Ancillary commercial activities are designed, located and operated to primarily serve staff and visitors to the Edgar Centre (Policy 25.2.2.5).

25.8.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
3. Minimum car parking	a. Effects on accessibility b. Effects on the safety and efficiency of transport network	See Rule 6.9

25.8.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance in the assessment of resource consents
1. Boundary setback	a. Effect on streetscape amenity	<i>Relevant objectives and policies:</i> - Objective 25.2.2 - Buildings along Portsmouth Drive are set back an adequate distance to allow landscaping to provide a high level of streetscape amenity (Policy 25.2.2.3.b).
2. Boundary treatments and other landscaping	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> - Objective 25.2.2 - Landscaping is provided at a height and density to maintain or enhance the amenity of Portsmouth Drive (Policy 25.2.2.3.a). <i>Potential circumstances that may support a consent application include:</i> - The <u>site</u> is laid out in an alternative manner to achieve better outcomes for streetscape amenity.
3. Earthworks standards: Batter gradient	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> - Objective 25.2.3 - 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 25.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> - Maximum slopes of cut and fill batters. - Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. - Temporary shoring requirements to maintain stability before a wall is constructed. - Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.

25.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance in the assessment of resource consents
4.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 25.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 25.2.3.1.a).
5.	Earthworks standards: • Setback from network utilities	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7
6.	Earthworks standards: • Sediment control	a. Effects on surrounding sites b. Effects on biodiversity values and natural character of the coast and riparian margins c. Effects on the efficiency and/or affordability of infrastructure	<i>Relevant objectives and policies:</i> i. Objective 25.2.3 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems (Policy 25.2.3.2.b). See Rule 10.4 See Rule 9.4
7.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety b. Risk from natural hazards	See Rule 9.4 See Rule 11.4

25.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance in the assessment of resource consents
8.	Maximum Height	a. Effects on heightscape of the industrial zone	<i>Relevant objectives and policies:</i> i. Objective 25.2.2 ii. Buildings and structures are a similar height to existing buildings within the Industrial Zone (Policy 25.2.2.1.a). iii. Buildings and structures only exceed the maximum height limit where: 1. the height is essential to the operation of the Edgar Centre; and 2. all practicable measures have been taken to avoid or minimise the visual effects of the height limit exceedance (Policy 25.2.2.2).
		b. Effects on important view shafts	<i>Relevant objectives and policies:</i> i. Objective 25.2.2 ii. Buildings and structures are a height that avoids significant adverse effects on views from the central city and Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula (Policy 25.2.2.1.b).
9.	Hazard overlay zones development standards: • Relocatable buildings • Minimum floor level	a. Risk from natural hazards	See Rule 11.4
10.	Number, location and design of ancillary signs	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 25.2.2 ii. Ancillary signs visible from outside the zone are located and designed to maintain streetscape amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose (Policy 25.2.2.4).
		b. Effects on safety and efficiency of the transport network	See Rule 6.9
11.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

25.8.5 Assessment of subdivision performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Subdivision performance standards	See Rule 19.9

Rule 25.9 Assessment of Restricted Discretionary Activities

Rule 25.9.1 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 25.9.2 - 25.9.3 list:
 - a. 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. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
4. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) 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 25.8; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 25.10; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 25.11; and
 - iii. the assessment guidance in this section will also be considered.

25.9.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents

1. Earthworks - large scale (that exceed the scale thresholds for the Edgar Centre Zone)	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 25.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 25.2.3.3.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 25.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> 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. <i>Conditions that may be imposed include, but are not limited to:</i> 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.
	c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 25.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 25.2.3.3.c). <i>Potential circumstances that may support a consent application include:</i> 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 25.12.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards

25.9.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. New parking areas, or extensions to existing parking areas (<i>that result in the creation of 50 or more new parking spaces.</i>)	a. Effects on the safety and efficiency of transport network	See Rule 6.10

25.9.3 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All subdivision activities	a. Effects on the efficient and effective operation of the Edgar Centre	<i>Relevant objectives and policies:</i> i. Objectives 25.2.1, 6.2.3 ii. Subdivision activities do not adversely affect the efficient and effective operation of the Edgar Centre (Policy 25.2.1.5.b).
	See Rule 19.10	

Rule 25.10 Assessment of Discretionary Activities

Rule 25.10.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 25.10.2 - 25.10.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

25.10.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities including: • early childhood education ancillary to major recreation facility • all activities in the industrial activities category • activities listed below	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.3.1, 2.3.3 b. Objective 25.2.1 c. Activities that are ancillary to major recreation facility activity are designed and operated in line with Objective 25.2.2 and its policies (Policy 25.2.1.2). d. Activities that are not ancillary to major recreation facility activity: i. are related to or support the Edgar Centre, or have other operational requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Edgar Centre; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. are designed and operated in line with Objective 25.2.2 and its policies (Policy 25.2.1.3). <i>Potential circumstances that may support a consent application include:</i> e. For discretionary land use activities, whether any associated development activities meet relevant development performance standards, or are otherwise consistent with relevant objectives and policies for development. f. All relevant land use performance standards are met, including noise and light spill standards. <i>General assessment guidance:</i> g. In assessing the significance of effects, consideration will be given to: i. short to long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. h. 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.

25.10.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. - Noise - where the limit is exceeded by up to 5dB LAeq (15min) - Light spill - where the limit is exceeded by 25% or less	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.

Rule 25.11 Assessment of Non-complying Activities

Rule 25.11.1 Introduction

- 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.
- Rules 25.11.2 and 25.11.3 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - general assessment guidance, including any effects that will be considered as a priority.
- 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.

25.11.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.3, Policy 2.3.3.2 b. Objective 25.2.1 c. Activities not ancillary to Edgar Centre activity: i. are related to or support Edgar Centre, or have other operation requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Edgar Centre; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. are designed and operated in line with Objective 25.2.2 and its policies (Policy 25.2.1.3). <i>General assessment guidance:</i> d. In assessing the significance of effects consideration will be given to: i. both short and long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. e. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.
2. Commercial advertising in all zones	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c

25.11.3 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5dB LAeq (15 min) or more • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)	See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

Rule 25.12 Special Information Requirements

25.12.1 Geotechnical investigation report

1. A geotechnical investigation report may be requested by Council for earthworks of a large scale and/or where the earthworks are proposed:
 - a. on a site with a slope angle between 15° (3.7h:1v slope ratio, or 27% slope grade) and 26° (2h:1v slope ratio, or 50% slope grade);
 - b. on a site identified as hazard-prone in Council's Hazard Information Management System; or
 - c. on any other site that the Council, with good cause, suspects to be hazard-prone.
2. A geotechnical investigation report must be provided for earthworks on all sites with a slope greater than a 26° angle (2h:1v slope ratio, or 50% slope grade).
3. All requested geotechnical investigation reports must be prepared by a suitably qualified expert who is experienced in the practice of geotechnical engineering and registered under the Chartered Professional Engineers Act of New Zealand 2002 and who has professional indemnity insurance.
4. The geotechnical investigation report must address the following factors:
 - a. special design or construction requirements;
 - b. special foundation requirements;
 - c. services;
 - d. access;
 - e. effluent disposal;
 - f. non-engineered fills; and
 - g. a statement of professional opinion as to the suitability of the land for the proposed development.

26. Invermay and Hercus

26.1 Introduction

Invermay Research Centre (Invermay) is owned by AgResearch Limited and is located near the eastern outskirts of Mosgiel. The main Invermay site is accessed from Puddle Alley and consists of a 23 hectare research hub. There is an adjacent research farm (approximately 495 hectares) and a second research farm (approximately 50 hectares) a short distance to the north of the main Invermay site, straddling Silverstream Valley Road. These farms are zoned rural, but additional research related activities are provided for within these areas.

The Invermay site is tenanted by a range of commercial organisations, which also have a rural research focus. They include an agricultural training provider, veterinary diagnostic services, food origin testing, food safety testing and veterinary services. The site is also used for veterinary nurse training by Otago Polytechnic. The site therefore acts as a hub for organisations with a similar rural focus.

The Hercus Taieri Resource Unit (Hercus), at 270 Factory Road, is a bio-medical research and support facility. The site contains a scheduled heritage building 'Taieri House', which provides staff accommodation, and several outbuildings.

The Invermay and Hercus research and education facilities are of sufficient scale and importance to the rural economy to warrant special consideration in the District Plan as a major facility, to provide for their continued use, intensification and expansion. The buildings and types of activities undertaken at Invermay and Hercus are different to farming activities generally undertaken in the rural zones. There is opportunity to establish other research and education-related organisations and facilities on the site, which in turn will have economic benefits to Dunedin and surrounding areas. Accordingly, the Invermay and Hercus Zone provisions have been designed to facilitate ongoing research and education, and ancillary activities that complement this function.

26.2 Objectives and Policies

Objective 26.2.1	
Invermay and Hercus research facilities are able to operate and develop efficiently and effectively.	
Policy 26.2.1.1	Enable Invermay/Hercus activity.
Policy 26.2.1.2	Provide for retail and conference, meeting and function that are ancillary to Invermay/Hercus activity or rural activity where they are designed and operated in line with Objective 26.2.2 and its policies.
Policy 26.2.1.3	Only allow activities that are not ancillary to Invermay/Hercus activity where: - they are related to or necessary to support the Invermay Research Centre and Hercus Taieri Resource Unit, or have other operational requirements that mean they need to locate in the zone; - they will support the efficient and effective operation of Invermay Research Centre and Hercus Taieri Resource Unit; - they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - they are designed and operated in line with Objective 26.2.2 and its policies.
Policy 26.2.1.4	Enable land that is surplus to the needs of the Invermay Research Centre and Hercus Taieri Resource Unit to transition to the default zone listed in Appendix A9, so that future development that is not related to Invermay/Hercus activity can be managed in accordance with the objectives and policies of that zone.
Policy 26.2.1.5	Only allow subdivision activities where: - they are in accordance with the provisions of the default zone listed in Appendix A9; and - the subdivision does not adversely affect the efficient and effective operation of the Invermay Research Centre and Hercus Taieri Resource Unit.

Objective 26.2.2	
Land use activities and development necessary for the continued operation of the Invermay Research Centre and Hercus Taieri Resource Unit is enabled, while ensuring development maintains the amenity of adjacent rural areas as far as practicable.	
Policy 26.2.2.1	Require buildings that house animals to be set back from <u>site</u> boundaries so that any adverse effects on sensitive activities on adjoining sites, such as residential activities are avoided or, if avoidance is not possible, are no more than minor.
Policy 26.2.2.2	Require buildings and structures to be of a height and setback from boundaries to minimise adverse effects on rural amenity.
Policy 26.2.2.3	Require landscaping of parking areas to ensure a high standard of visual amenity is maintained from adjoining public roads.
Policy 26.2.2.4	Require ancillary signs visible from outside the zone to be located and designed to maintain rural amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose.

Objective 26.2.2

Land use activities and development necessary for the continued operation of the Invermay Research Centre and Hercus Taieri Resource Unit is enabled, while ensuring development maintains the amenity of adjacent rural areas as far as practicable.

Policy 26.2.2.5	Require ancillary commercial activities to be designed, located and operated to primarily serve staff and visitors to the Invermay Research Centre and Hercus Taieri Resource Unit.

Objective 26.2.3

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

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

Policy 26.2.3.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: a. being set back an adequate distance from property boundaries, buildings, structures and cliffs; and b. using a batter gradient that will be stable over time.
Policy 26.2.3.2	Require earthworks and any associated retaining structures to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: a. limiting the scale of earthworks that are provided for as a permitted activity; and b. requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.
Policy 26.2.3.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: a. adverse effects on visual amenity and character; b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and c. adverse effects on the stability of land, buildings, and structures.
Policy 26.2.3.4	Require earthworks ancillary to forestry to be carried out in accordance with industry best practice guidelines.

Rules

Rule 26.3 Activity Status

Rule 26.3.1 Rule location

The activity status tables in Rules 26.3.3 - 26.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Invermay and Hercus Zone and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

1. Public Amenities (Section 3)
2. Temporary Activities (Section 4)
3. Network Utilities and Energy Generation (Section 5)
4. Transportation Activities (Section 6)
5. Scheduled Trees (Section 7)
6. Natural Hazard Mitigation (Section 8)

Rule 26.3.2 Activity status introduction

1. The tables in Rules 26.3.3 - 26.3.5 show the activity status of activities in the Invermay and Hercus Zone, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.6 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested table in Section 1.6 is intended to be a complete list of activities and categories of activities. For any activity that is not covered by any of the defined activities in the nested table, the activity status will be non-complying if the activity status of "all" or "all other" activities in the most closely related category is non-complying, otherwise it will be discretionary.

Performance Standards

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

Legend

Acronym	Activity status
—	No change to activity status or not relevant (intersect does not exist)
P	Permitted activity

Acronym	Activity status
C	Controlled activity
RD	Restricted discretionary activity
D	Discretionary activity
NC	Non-complying activity
Acronym	Zone/overlay zone name
Haz3	Hazard 3 Overlay Zones

26.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Electrical interference b. Light spill c. Noise
Major facility activities		Activity status	Performance standards
2.	Invermay/Hercus activity	P	
3.	All other activities in the major facility activities category	NC	
Community activities		Activity status	Performance standards
4.	Community and leisure	P	
5.	Conservation	P	
6.	All other activities in the community activities category	D	
Commercial activities		Activity status	Performance standards
7.	Retail <i>ancillary to Invermay/Hercus activity</i>	P	
8.	Conference, meeting and function <i>ancillary to Invermay/Hercus activity</i>	P	
9.	Veterinary services	P	
10.	Training and education	P	
11.	All other office activities	D	
12.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
13.	All activities in the residential activities category	NC	
Industrial activities		Activity status	Performance standards
14.	All activities in the industrial activities category	D	
Rural activities		Activity status	Performance standards

15.	Farming	P	
16.	Grazing	P	
17.	Forestry	P	a. Forestry and tree planting setbacks
18.	Landfills	NC	
19.	All other activities in the rural activities category	D	

26.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. Setback from coast and water bodies b. Setback from scheduled tree
2.	Performance standards that apply to all buildings and structures activities		a. Minimum floor level b. Boundary setbacks c. Maximum height d. Number, location and design of ancillary signs
Building and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 4-8)		Activity status	Performance standards
3.	All buildings and structures activities	P	
Building and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		Activity status	Performance standards
4.	Repairs and maintenance or <u>restoration</u>	P	a. Materials and design
5.	Earthquake strengthening <i>where external features only are protected</i>	C	a. Materials and design
6.	All other additions and alterations	RD	
7.	Demolition	NC	
8.	Removal for relocation	RD	
Site development activities		Activity status	Performance standards
9.	Parking, loading and access	P	a. Boundary treatments and other landscaping b. Parking, loading and access standards
10.	New parking areas, or extensions to existing parking areas <i>(that result in the creation of 50 or more new parking spaces.)</i>	RD	a. Boundary treatments and other landscaping b. Parking, loading and access standards
11.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements

12.	Outdoor storage	P	
13.	Earthworks - small scale	P	a. Earthworks standards
14.	Earthworks - large scale	RD	a. Earthworks standards
15.	All other site development activities	P	

26.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status	Performance standards
1.	Subdivision activities	RD	a. Subdivision performance standards

¹See Appendix A9 for a list of default zones

26.3.6 Transition to default zone

On receipt of written notice from both the owner and operator (if different) of the Invermay Research Centre to Dunedin City Council confirming that all or part of the land contained within land parcel Lot 4 DP 23060 is no longer required for Invermay Research Centre requirements, the provisions of the Invermay and Hercus Zone will no longer apply to that piece of land and the provisions of the Industrial Zone will apply in full.

On receipt of written notice from both the owner and operator (if different) of the Hercus Taieri Resource Unit, to Dunedin City Council confirming that land parcel Lot 1 DP 6164 is no longer required for Hercus Taieri Resource Unit requirements, the provisions of the Invermay and Hercus Zone will no longer apply to that parcel of land and the provisions of the Taieri Plains Rural Zone will apply in full.

Note 26.3A - General advice

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

Rule 26.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or section 95B of the Act, unless Council considers special circumstances exist in relation to the application that require public notification:
 1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
 2. contravention of performance standard 13.3.2 'Materials and design' where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided for the following:
 1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand; and
 2. contraventions of performance standard 13.3.2 'Materials and design' where the building or structure is not listed by Heritage New Zealand.
3. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A(2) of the RMA:
 1. demolition of a protected part of a scheduled heritage building or scheduled heritage structure.
4. In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons.
5. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 26.5 Land Use Performance Standards

26.5.1 Electrical Interference

Land use activities must comply with Rule 9.3.2.

26.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

26.5.3 Noise

Land use activities must comply with Rule 9.3.6.

Rule 26.6 Development Performance Standards

26.6.1 Boundary Treatments and Other Landscaping

1. Where a parking area is built within 5m of a road frontage, a landscaping area with a minimum 1.5m width must be provided along the full length of the road frontage (except for where vehicle access is provided), with an average of one tree for every 5m of frontage.
2. Landscaping areas must:
 - a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
 - b. have an average of one tree for every 5m of frontage;

- c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - d. be designed to allow surface water run-off from surrounding areas to enter;
 - e. be protected by a physical barrier that prevents cars from accidentally driving into or damaging plants;
 - f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a height of 5m within 10 years of planting;
 - g. be planted prior to occupation or completion of any relevant building(s) or site development; and
 - h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any required road frontage landscaping.

26.6.2 Earthworks Standards

26.6.2.1 Earthworks - small scale thresholds

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

Zone/Area		1. Invermay and Hercus Zone	2. GPA	3. Within 20m of a water body ¹ or MHWS	4. Haz3 (Flood)
i.	Maximum change in ground level	2m	1m	0.5m	—
ii.	Maximum area	—	50m ²	25m ²	—
Slope categories		Maximum volume of combined cut and fill			
iii.	Less than or equal to 12°	30m ³ per 100m ² of site	10m ³	1m ³	20m ³ fill
iv.	Greater than 12° but less than or equal to 15°	25m ³ per 100m ² of site	10m ³	1m ³	20m ³ fill
v.	Greater than 15° but less than or equal to 20°	15m ³ per 100m ² of site	10m ³	1m ³	20m ³ fill
vi.	Greater than 20° but less than or equal to 26°	10m ³ per 100m ² of site	10m ³	1m ³	20m ³ fill
vii.	Greater than 26° but less than or equal to 35°	0m ³ fill 5m ³ cut per 100m ² of site	0m ³ fill 10m ³ cut	0m ³ fill 1m ³ cut	0m ³ fill
viii.	Greater than 35°	0m ³	0m ³	0m ³	0m ³

- b. Where the part of the site in which the earthworks are located is in more than one slope category, the most restrictive scale threshold applies.
- c. Earthworks must not exceed 250mm in depth in a **groundwater protection mapped area**, except earthworks required for the foundations of buildings.
- d. Scale thresholds for earthworks will be calculated as the cumulative total of earthworks on any site in a two calendar-year period.

- e. Earthworks *ancillary to network utilities* activities are only required to comply with Rule 26.6.2.1.a.i - maximum change in ground level threshold.
- f. Earthworks *ancillary to the operation, repair, and maintenance of the roading network* and earthworks *ancillary to forestry* are exempt from the performance standard earthworks - small scale thresholds.
- g. Earthworks that exceed the earthworks - small scale thresholds are treated as earthworks - large scale, which are a restricted discretionary activity.

¹See Rule 10.3.3 for how setbacks from waterbodies will be measured.

26.6.2.2 Batter gradient

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

26.6.2.3 Setback from property boundary, buildings, structures and cliffs

Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m², and the top or toe of any cliff, the following minimum distances:

- a. Earthworks not supported by retaining walls:
 - i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 26.6A);
 - ii. a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (see Figure 26.6A); and
 - iii. 300mm, as measured from the crest of any cut (see Figure 26.6A).
- b. Retaining walls supporting a cut or fill must be set back a distance at least equal to the height of the retaining walls (see Figure 26.6B), except:
 - i. retaining walls supporting a cut that have been granted building consent are exempt from this standard.
- c. Earthworks *ancillary to network utilities* activities, earthworks *ancillary to the operation, repair, and maintenance of the roading network* and earthworks *ancillary to forestry* are exempt from the setback from property boundary, buildings, structures and cliffs performance standard.

Figure 26.6A Unsupported cut and fill (elevation view)

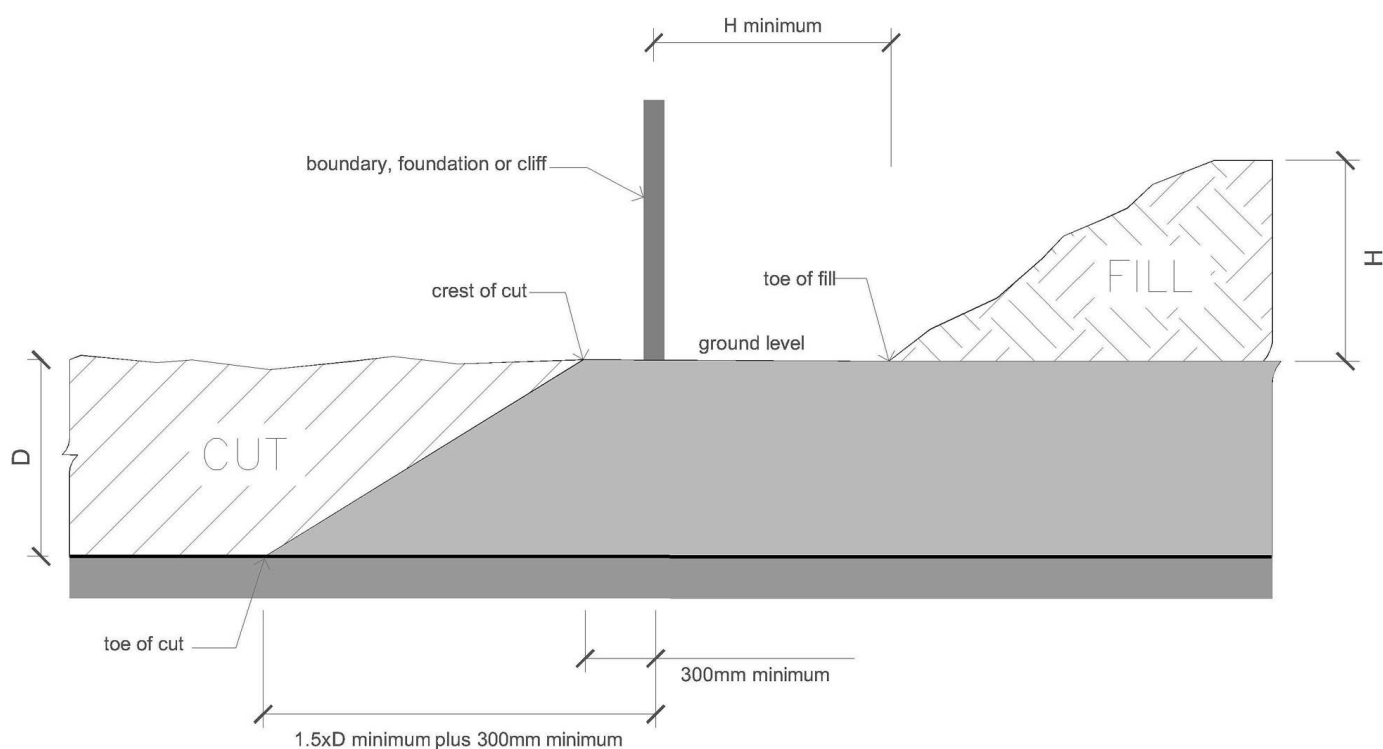
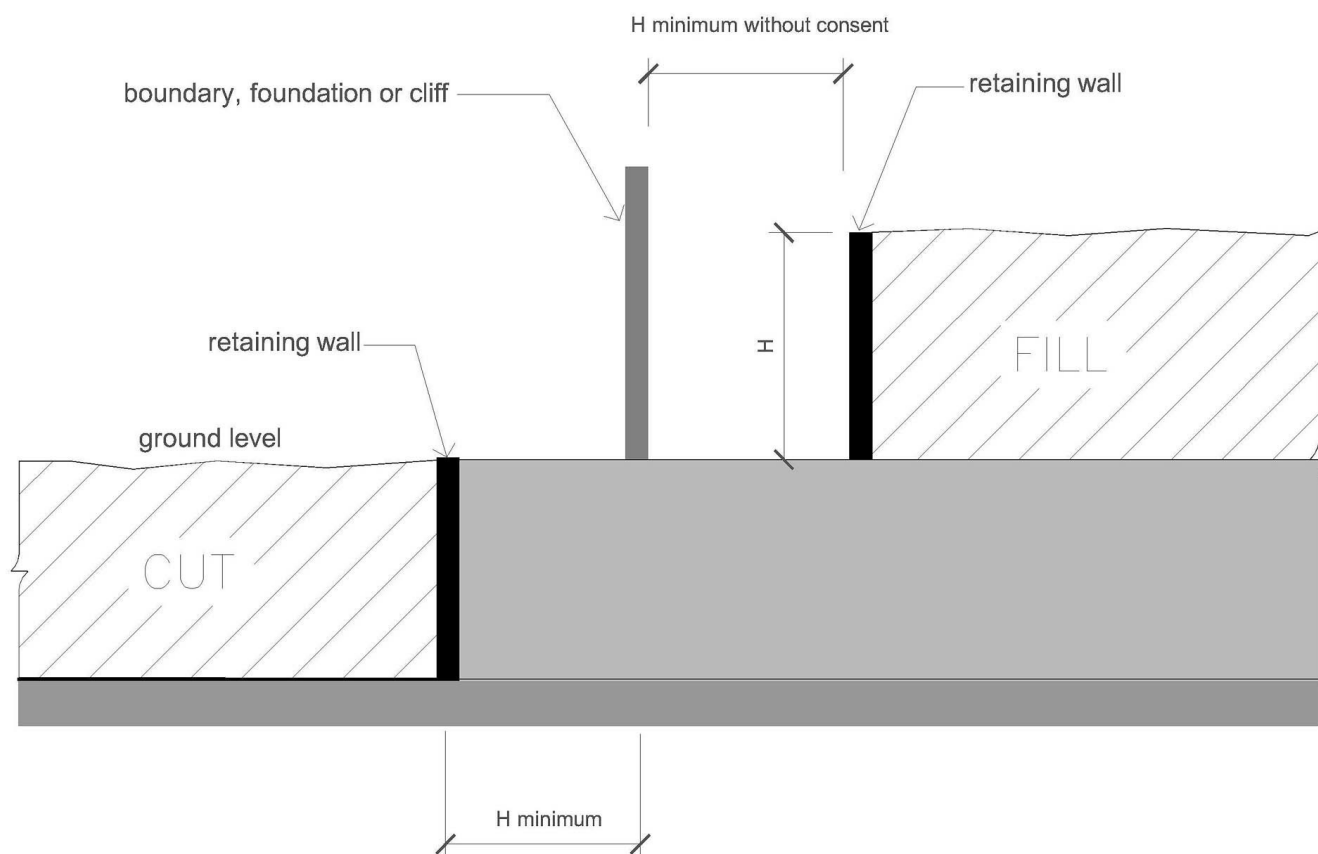


Figure 26.6B Cut and fill supported by retaining walls (elevation view)



26.6.2.4 Setback from network utilities

Earthworks must comply with Rule 5.6.2

26.6.2.5 Sediment control

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

26.6.2.6 Removal of high class soils

Earthworks must not remove topsoil or subsoil from the site, in any **high class soils mapped area**.

26.6.2.7 NZ Environmental Code of Practice for Plantation Forestry

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

26.6.3 Hazardous Substances Quantity Limits and Storage Requirements

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

26.6.4 Materials and Design

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

26.6.5 Maximum Height

1. The maximum height of new buildings and structures, and additions and alterations, must not exceed 20m above ground level.
2. Rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more 5m.

26.6.6 Minimum Floor Level

New buildings (including residential buildings) to be used for sensitive activities in the Hazard 3 (flood) Overlay Zone must comply with Rule 11.3.3.

26.6.7 Number, Location and Design of Ancillary Signs

26.6.7.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are not visible from outside the Invermay and Hercus Zone;
 - ii. 'regulatory' (requiring or prohibiting specified actions), 'warning' (informing of hazards or of other features requiring a safe response), or 'directional' (identifying the location of, or direction to destinations, routes, building entrances, and vehicle accesses) signs
 - iii. 'building names' (excluding sponsorship names).
- b. Signs must comply with Rule 6.7.3 where visible from a road.
- c. Signs must not be illuminated or digital.
- d. Signs related to ancillary retail and ancillary conference, meeting and function activities, and other commercial activities provided for, must not be visible outside the Invermay and Hercus Zone.
- e. Signs other than those specified in Rules 26.6.7.2 and 26.6.7.3 are not allowed.

26.6.7.2 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign, attached to a building is 4m.

- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached to a building must:
 - i. not exceed one sign per 30m of road frontage;
 - ii. have a maximum area per display face of 2m²;
 - iii. have a maximum of two display faces per sign;
 - iv. where attached to the façade of a building, must not project more than 1m from the façade to which it is attached; and
 - v. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

26.6.7.3 Freestanding signs

- a. The maximum number of permanently fixed freestanding signs is one per 50m of frontage.
- b. The maximum number of portable freestanding signs is one per 50m of frontage.
- c. The maximum dimensions of freestanding signs are:
 - i. maximum height of 4m;
 - ii. maximum area of 8m²;
 - iii. maximum width of 2m; and
 - iv. maximum depth of 400mm.
- d. Freestanding signs, must not obstruct driveways, parking or loading areas.
- e. Freestanding signs, must be located within the [site](#) and can not locate on the road reserve.

Note 26.6A - Other relevant District Plan provision

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

Note 26.6B - Other requirements outside of the District Plan

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

26.6.8 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

26.6.9 Setbacks

26.6.9.1 Boundary setbacks

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

Activity	i. Setback from road zone	ii. Setback from other zone boundaries
a. Residential buildings	20m	40m
b. Buildings not housing animals	20m	6m
c. Buildings housing animals	20m	12m

- d. Except fences and ancillary signs are exempt from the performance standard.

26.6.9.2 Setback from scheduled tree

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

26.6.9.3 Setback from coast and water bodies

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

26.6.9.4 Forestry and tree planting setbacks

Forestry and tree planting must comply with Rule 16.6.11.2.

Rule 26.7 Subdivision Performance Standards

1. For subdivision of land contained within land parcel Lot 4 DP 23060, subdivision activities must comply with Rule 19.7.
2. For subdivision of land contained within land parcel Lot 1 DP 6164, subdivision activities must comply with performance standards for the Taieri Plains Rural Zone within Rule 16.7.

Rule 26.8 Assessment of Controlled Activities

Rule 26.8.1 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 26.8.2:
 - a. lists the matters over which Council has reserved its control; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
 - ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 26.9; 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 26.11; 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 26.12; and
 - iii. the assessment guidance in this section will also be considered.

26.8.2 Assessment of all controlled activities

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

Rule 26.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 26.9.1 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 26.9.2 - 26.9.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

26.9.2 Assessment of all performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the the performance standard is minor b. The need to meet other performance standards or topography, or other <u>site</u> specific factors, make meeting the standard impracticable. c. Topography or other <u>site</u> specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. d. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. <i>General assessment guidance:</i> e. Where more than one standard is contravened, the combined effects of the contraventions should be considered. f. In balancing consideration of the objectives and policies related to the maintenance of heritage values or heritage precinct streetscape character and those related to general amenity, greater weight will usually be placed on heritage policies

26.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Electrical interference	a. Effects on health and safety	See Rule 9.4

26.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	- Boundary setbacks - Maximum height	a. Effects on rural character	<i>Relevant objectives and policies:</i> i. Objective 26.2.2 ii. Buildings and structures are of a height and setback from boundaries that minimises adverse effects on rural amenity (Policy 26.2.2.2). <i>Potential circumstances that may support a consent application include:</i> iii. Where there are already existing buildings on the <u>site</u> in breach of the same setback, a breach of the boundary setback standard may be considered acceptable where this would promote rural character and the maintenance of open space through the clustering of buildings on the site.
		b. Effect on surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 26.2.2 ii. Buildings that house animals are set back from <u>site</u> boundaries so that any adverse effects on sensitive activities on adjoining sites, such as residential activities, are avoided or, if avoidance is not possible, are no more than minor (Policy 26.2.2.1). <i>Potential circumstances that may support a consent application include:</i> iii. Where a building used to house animals contravenes the boundary setback standard, the type and/or number of animals or the frequency of housing them means that there will be no more adverse effects from noise, odour or dust on sensitive activities on adjoining sites.
2.	Boundary treatments and other landscaping	a. Effect on rural character	<i>Relevant objectives and policies:</i> i. Objective 26.2.2 ii. Landscaping of parking / loading areas ensures a high standard of visual amenity is maintained from adjoining public roads (Policy 26.2.2.3).

26.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	Earthworks standards: • Batter gradient	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 26.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 26.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> iii. Maximum slopes of cut and fill batters. iv. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. v. Temporary shoring requirements to maintain stability before a wall is constructed. vi. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
4.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 26.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 26.2.3.1.a).
5.	Earthworks standards: • Setback from network utilities	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7

26.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Earthworks standards: • Sediment control	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 26.2.3 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems (Policy 26.2.3.2.b).
		b. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
7.	Earthworks standards: • Removal of high class soils	a. Maintenance of high class soils resource	See Rule 16.9
8.	Earthworks standards: • NZ Environmental Code of Practice for Plantation Forestry	a. Degree of compliance with New Zealand Code of Practice for Plantation Forestry	<i>Relevant objectives and policies:</i> i. Objective 26.2.3 ii. Earthworks ancillary to forestry are carried out in accordance with industry best practice guidelines (Policy 26.2.3.4).
9.	Forestry and tree planting setbacks	a. Effects on amenity of surrounding properties	See Rule 16.9
		b. Effects on health and safety	See Rule 9.4
		c. Effects on the safety and efficiency of the transport network	See Rule 6.9
10.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards	See Rule 11.4

26.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
11.	Materials and design	a. Effects on heritage values	See Rule 13.5
12.	Minimum floor level (hazard overlays)	a. Risk from natural hazards	See Rule 11.4
13.	Number, location and design of ancillary signs	a. Effects on rural character	<i>Relevant objectives and policies:</i> i. Objective 26.2.2 ii. Ancillary signs visible from outside the zone are located and designed to maintain rural amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose (Policy 26.2.2.4).
		b. Effects on safety and efficiency of the transport network	See Rule 6.9
14.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
15.	Setback from coast and water bodies	a. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		b. Effects on public access	
		c. Effect on cultural values of manawhenua	See Rule 14.3
		d. Risk from natural hazards	See Rule 11.4
16.	Setback from scheduled tree	a. Effect on long term health of tree and any consequential amenity effects from pressure to remove tree	See Rule 7.6

26.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Subdivision performance standards	a. For subdivision of land contained within land parcel Lot 4 DP 23060, see Rule 19.9. b. For subdivision of land contained within land parcel Lot 1 DP 6164, see Rule 16.9.

Rule 26.10 Assessment of Restricted Discretionary Activities

Rule 26.10.1 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 26.10.2 - 26.10.3:
 - 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. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
4. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) 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 26.9; 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 26.11; 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 26.12; and
 - iii. the assessment guidance in this section will also be considered.

26.10.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All other additions and alterations and removal for relocation that affects a protected part of a scheduled heritage building or scheduled heritage structure	a. Effects on heritage values	See Rule 13.6

26.10.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. Earthworks - large scale (that exceed the scale thresholds for the Invermay and Hercus Zone)	a. Effects on visual amenity and character	<i>Relevant objectives and policies:</i> i. Objective 26.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 26.2.3.3.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 26.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> 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. <i>Conditions that may be imposed include, but are not limited to:</i> 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.
	b. Effects on the amenity of surrounding properties	
	c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 26.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 26.2.3.3.c). <i>Potential circumstances that may support a consent application:</i> 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 26.13.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards.

26.10.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Earthworks - large scale (that exceed scale thresholds within 20m of a water body or MHWS)	a. Effects on biodiversity values and natural character of riparian margins and the coast b. Effects on public access	See Rule 10.5
4. Earthworks - large scale (that exceed a scale threshold for a GPA)	a. Effects on health and safety	See Rule 9.5
5. - Earthworks - large scale (that exceed scale thresholds for a land instability hazard area) - Earthworks - large scale (that exceed scale thresholds in a flood hazard area)	a. Risk from natural hazards	See Rule 11.5
6. New parking areas, or extensions to existing parking areas (<i>that result in the creation of 50 or more new parking spaces.</i>)	a. Effects on the safety and efficiency of transport network	See Rule 6.10

26.10.3 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment resource consents
1. All subdivision activities	a. Effects on the efficient and effective operation of Invermay Research Centre and Hercus Taieri Resource Unit	Relevant objectives and policies: i. Objective 26.2.1, 2.3.1 ii. Subdivision does not adversely affect the efficient and effective operation of the Invermay Research Centre and Hercus Taieri Resource Unit (Policy 26.2.1.5.b).
		For subdivision of land contained within land parcel Lot 4 DP 23060, see Rule 19.10.
		For subdivision of land contained within land parcel Lot 1 DP 6164, see Rule 16.10.

Rule 26.11 Assessment of Discretionary Activities

Rule 26.11.1 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 26.11.2 - 26.11.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent applications;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

26.11.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities including: - all other activities in the community activities category and rural activities category - all other office activities - all activities in the industrial activities category - activities listed below	<i>Relevant objectives and policies (priority considerations):</i> - Objective 2.3.1 - Objective 26.2.1 - Activities that are not ancillary to Invermay/Hercus activity: - are related to or necessary to support the Invermay Research Centre and Hercus Taieri Resource Unit, or have other operation requirements that mean they need to locate in the zone; - support the efficient and effective operation of Invermay Research Centre and Hercus Taieri Resource Unit; - are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - are designed and operated in line with Objective 26.2.2 and its policies (Policy 26.2.1.3). <i>Potential circumstances that may support a consent application include:</i> - For discretionary land use activities, whether any associated development activities meet relevant development performance standards, or are otherwise consistent with relevant objectives and policies for development (see Rule 26.9 for performance standard contraventions). - All relevant land use performance standards are met, including noise and light spill standards. <i>General assessment guidance:</i> - In assessing the significance of effects, consideration will be given to: - short to long term effects, including effects in combination with other activities; and - the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. - 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.

26.11.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • Noise - where the limit is exceeded by up to 5dB LAeq (15min) • Light spill - where the limit is exceeded by 25% or less	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.

Rule 26.12 Assessment of Non-complying Activities

Rule 26.12.1 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 26.12.2 - 25.12.5 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

26.12.2 Assessment of all non-complying activities	
Activity	Guidance on the assessment of resource consents
1. All non-complying activities	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.1 b. Objective 26.2.1 c. Activities not ancillary to Invermay/Hercus activity: i. are related to or necessary to support Invermay Research Centre and Hercus Taieri Resource Unit, or have other operation requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Invermay Research Centre and Hercus Taieri Resource Unit; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. they are designed and operated in line with Objective 26.2.2 and its policies (Policy 26.2.1.3). <i>General assessment guidance:</i> d. In assessing the significance of effects consideration will be given to: i. both short and long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. e. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.

26.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. Commercial advertising in all zones	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c

26.12.4 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 structures	See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects on heritage values.

21.12.5 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5dB LAeq (15 min) or more • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)	See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

Rule 26.13 Special Information Requirements

26.13.1 Geotechnical investigation report

1. A geotechnical investigation report may be requested by Council for earthworks of a large scale and/or where the earthworks are proposed:
 - a. on a site with a slope angle between 15° (3.7h:1v slope ratio, or 27% slope grade) and 26° (2h:1v slope ratio, or 50% slope grade);
 - b. on a site identified as hazard-prone in Council's Hazard Information Management System; or
 - c. on any other site that the Council, with good cause, suspects to be hazard-prone.
2. A geotechnical investigation report must be provided for earthworks on all sites with a slope greater than a 26° angle (2h:1v slope ratio, or 50% slope grade).
3. All requested geotechnical investigation reports must be prepared by a suitably qualified expert who is experienced in the practice of geotechnical engineering and registered under the Chartered Professional Engineers Act of New Zealand 2002 and who has professional indemnity insurance.
4. The geotechnical investigation report must address the following factors:
 - a. special design or construction requirements;
 - b. special foundation requirements;
 - c. services;
 - d. access;
 - e. effluent disposal;
 - f. non-engineered fills; and
 - g. a statement of professional opinion as to the suitability of the land for the proposed development.

27. Mercy Hospital

27.1 Introduction

The Mercy Hospital site is approximately 4ha in area and is located at 72 Newington Avenue, Maori Hill, Dunedin. The hospital was originally established in 1936 and relocated to the current Maori Hill site in 1969. Mercy Hospital provides a unique service to the South Canterbury, Otago and Southland regions, providing a comprehensive range of specialist assessment, diagnostic and treatment services. The Mercy Hospital Zone has been designed to enable the services offered by Mercy Hospital to be provided for, and to provide greater certainty to the community regarding what land use activities can be expected to occur on the Mercy Hospital site.

The site is surrounded by the General Residential 1 Zone, with predominantly residential use interspersed with commercial activities such as private dentists and medical specialists. There is a high level of residential amenity, with extensive established vegetation in the neighbouring area.

Residents are exposed to very low levels of non-residential noise. While the buildings on the Mercy Hospital site are generally large in scale, they are contained within an extensive site with well established stands of trees and open space. The values of the vegetated area on the eastern part of the site is recognised via its inclusion within the **urban conservation mapped area** (UCMA). Marinoto House, which forms part of Mercy Hospital, is listed on the Heritage New Zealand List and Schedule A1.1 of this Plan.

Mercy Hospital and its associated activities have the potential to generate effects, including traffic, noise, landscape and visual effects, which may impact on surrounding land uses. The Mercy Hospital Development Plan (Appendix 27A) identifies development anticipated over the next 10 years. Other development is provided for, subject to meeting standards relating to height and setback. The type and mix of activities appropriate within the zone, and the ability of the site to absorb change, have been important factors in determining how the Mercy Hospital site will develop over time. The Mercy Hospital Zone recognises the existing and foreseeable future use of the Mercy Hospital site and, at the same time appropriately manages any adverse effects on the surrounding residential zone.

27.2 Objectives and Policies

Objective 27.2.1	
Mercy Hospital is able to operate efficiently and effectively as a hospital.	
Policy 27.2.1.1	Enable hospital activity in the Mercy Hospital Zone.
Policy 27.2.1.2	Provide for activities that are ancillary to hospital activity where they are designed and operated in line with Objective 27.2.2 and its policies.
Policy 27.2.1.3	Only allow activities that are not ancillary to hospital activity where all of the following apply: - the activities are related to or support Mercy Hospital, or have other operational requirements that mean they need to locate in the zone; - they will support the efficient and effective operation of Mercy Hospital; - they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - they are designed and operated in line with Objective 27.2.2 and its policies.
Policy 27.2.1.4	Enable land that is surplus to the needs of Mercy Hospital to transition to the General Residential 1 Zone, so that future development that is not related to hospital activity can be managed in accordance with the objectives and policies of that zone.
Policy 27.2.1.5	Only allow subdivision activities where: - they are in accordance with the provisions of the General Residential 1 Zone; and - the subdivision does not adversely affect the efficient and effective operation of Mercy Hospital.

Objective 27.2.2	
Land use activities and development necessary for Mercy Hospital to meet the reasonably foreseeable health needs of the community is enabled, while ensuring development: - achieves a good standard of on-site amenity for patients, staff and visitors; and - maintains or enhances the amenity of surrounding residential sites and areas, as far as practicable.	
Policy 27.2.2.1	Require buildings and structures to be either: - in accordance with the Mercy Hospital development plan; or - of a height, setback from boundaries and size that ensures: - there are no more than minor effects on the sunlight access and privacy of current and potential future residential buildings and their outdoor living spaces; and - any adverse effects on neighbourhood amenity are avoided or, if avoidance is not possible, are no more than minor.
Policy 27.2.2.2	Require development to maintain or enhance neighbourhood amenity by ensuring service areas are not visible from ground level outside the site.
Policy 27.2.2.3	Require landscaping of the boundary of parking areas where adjacent to a road frontage to screen or soften these areas and ensure a high standard of visual amenity where viewed from the road.
Policy 27.2.2.4	Require fences on road boundaries to be of a height and design that contributes positively to neighbourhood amenity.

Objective 27.2.2

Policy 27.2.2.5	Require ancillary signs visible from outside the zone to be located and designed to maintain streetscape amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose.
Policy 27.2.2.6	Require ancillary commercial activities to be designed, located and operated to primarily serve staff, patients and visitors to Mercy Hospital.

Objective 27.2.3

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

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

Policy 27.2.3.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: a. being set back an adequate distance from property boundaries, buildings, structures and cliffs; and b. using a batter gradient that will be stable over time.
Policy 27.2.3.2	Require earthworks and any associated retaining structures to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: a. limiting the scale of earthworks that are provided for as a permitted activity; and b. requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.
Policy 27.2.3.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: a. adverse effects on visual amenity and character; b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and c. adverse effects on the stability of land, buildings, and structures.

Rules

Rule 27.3 Activity Status

27.3.1 Rule location

The activity status tables in Rule 27.3.3 - 27.3.5 specify the activity status of land use activities, development activities and subdivision activities in the Mercy Hospital Zone, except rules for the following city-wide activities, which are contained in Part B of the Plan:

1. Public amenities (Section 3)
2. Temporary activities (Section 4)
3. Network utilities and energy generation (Section 5)
4. Transportation activities (Section 6)
5. Scheduled Trees (Section 7)
6. Natural Hazard Mitigation (Section 8)

27.3.2 Activity status introduction

1. The tables in Rules 27.3.3 - 27.3.5 show the activity status of activities in the Mercy Hospital Zone provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.6 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested table in Section 1.6 is intended to be a complete list of activities and categories of activities. For any activity that is not covered by any of the defined activities in the nested table, the activity status will be non-complying if the activity status of "all" or "all other" activities in the most closely related category is non-complying, otherwise it will be discretionary.

Performance Standards

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

Legend

Acronym	Activity status
—	No additional provisions apply or not relevant
P	Permitted activity
C	Controlled activity
RD	Restricted discretionary activity
D	Discretionary activity
NC	Non-complying activity

27.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Electrical interference b. Light spill c. Noise
Major facility activities		Activity status	Performance standards
2.	Hospital	P	a. Minimum car parking
3.	All other activities in the major facility activities category	NC	
Community activities		Activity status	Performance standards
4.	Community and leisure - small scale	P	
5.	Community and leisure - large scale	D	
6.	Conservation	P	
7.	All other activities in the community activities category	D	
Commercial activities		Activity status	Performance standards
8.	Commercial activities <i>ancillary to hospital activity</i>	P	a. Location
9.	Registered health practitioners	P	
10.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
11.	All activities in the residential activities category	D	
Industrial activities		Activity status	Performance standards
12.	All activities in the industrial activities category	NC	
Rural activities		Activity status	Performance standards
13.	All activities in the rural activities category	NC	

27.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. Maximum building site coverage and impermeable surfaces b. Setback from scheduled tree
Building and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 5-9)		Activity status	Performance standards
2.	All building and structures activities <i>in accordance with the Mercy Hospital Development Plan (Appendix 27A)</i>	P	a. Number, location and design of ancillary signs
3.	Fences	P	a. Fence height and design
4.	All other building and structures activities	P	a. Boundary setbacks b. Height in relation to boundary c. Maximum height d. Number, location and design of ancillary signs e. Footprint of building
Building and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		Activity status	Performance standards
5.	Repairs and maintenance or <u>restoration</u>	P	a. Materials and design
6.	Earthquake strengthening <i>where external features only are protected</i>	C	a. Materials and design
7.	All other additions and alterations	RD	
8.	Demolition	NC	
9.	Removal for relocation	RD	
Site development activities		Activity status	Performance standards
10.	Earthworks - small scale	P	a. Earthworks standards
11.	Earthworks - large scale	RD	a. Earthworks standards
12.	Service areas	P	a. Location and screening of service areas
13.	Parking, loading and access	P	a. Parking, loading and access standards b. Boundary treatments and other landscaping
14.	New parking areas, or extensions to existing parking areas <i>(that result in the creation of 50 or more new parking spaces.)</i>	RD	a. Boundary treatments and other landscaping b. Parking, loading and access standards

15.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements
16.	Vegetation clearance	P	a. Maximum area of vegetation clearance
17.	All other site development activities	P	

27.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status	Performance standards
1.	Subdivision activities	RD	a. Subdivision performance standards

27.3.6 Transition to General Residential 1 Zone

On receipt of written notice from both the owner and operator (if different) of Mercy Hospital to Dunedin City Council in relation to all or part of the land within the Mercy Hospital Zone, the provisions of the Mercy Hospital Zone will no longer apply to that parcel of land and the provisions of the General Residential 1 Zone (for land outside the **urban conservation mapped area**) or Recreation Zone (for land within the **urban conservation mapped area**), will apply in full.

Note 27.3A - General advice

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

Rule 27.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or 95B of the Act, unless Council considers special circumstances exist in relation to the application that require public notification:
 1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
 2. contravention of performance standard 13.3.2 'Materials and design' where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications for the following activities, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand; and
 2. activities that contravene performance standard 13.3.2 'Materials and design' where the building or structure is listed by Heritage New Zealand.
3. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A(2) of the RMA:
 1. demolition of a protected part of a scheduled heritage building or scheduled heritage structure.
4. In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons.
5. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 27.5 Land Use Performance Standards

27.5.1 Electrical Interference

Land use activities must comply with Rule 9.3.2.

27.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

27.5.3 Location

For ancillary commercial activities, customer access must only be available from within the facility.

27.5.4 Minimum Car Parking

1. Hospital activity must provide 1.9 parking spaces per 100m² of gross floor area. This minimum car parking requirement is cumulative for all hospital activities on the site, except that if a resource consent is held for an exemption to this rule, the gross floor area provided for by this resource consent is excluded from future calculations.
2. The following areas within the building will be excluded from the assessment of gross floor area for the purpose of calculating the minimum car parking requirement: any parking area and associated manoeuvring space, including parking aisle; any loading area and associated manoeuvring space.
3. Where additional gross floor area is proposed, any additional parking spaces required to comply with this standard must be provided and operational before construction commences on the additional gross floor area,

unless resource consent is obtained to exempt or reduce the minimum car parking requirement for the extension or activity.

4. Hospital activities must provide mobility parking spaces as follows:

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

5. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility car parking.
6. Where the minimum car parking performance standard results in the requirement for a fractional space, any fraction under one half will be disregarded and any fraction of one half or greater will be counted as one space.

Note 27.5A - Other relevant District Plan provisions

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

27.5.5 Noise

Land use activities must comply with Rule 9.3.6.

Rule 27.6 Development Performance Standards

27.6.1 Boundary Treatments and Other Landscaping

- Where a parking area is built within 5m of a road frontage, a landscaping area with a minimum 1.5m width must be provided along the full length of the road frontage (except for where vehicle access is provided), with an average of one tree for every 5m of frontage.
- Landscaping areas must:
 - have an average of one tree for every 5m of frontage;
 - not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - be designed to allow surface water run-off from surrounding areas to enter;
 - be protected by a physical barrier that prevents cars from accidentally driving into or damaging plants;
 - be planted prior to occupation or completion of any relevant building(s) or site development; and
 - be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.

27.6.2 Earthworks Standards

27.6.2.1 Earthworks - small scale thresholds

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

Zone/Area	1. Mercy Hospital Zone	2. UCMA

i.	Maximum change in ground level	1.5m	1m
ii.	Maximum area	—	50m ²
Slope categories		Maximum volume of combined cut and fill	
iii.	Less than or equal to 12°	30m ³ per 100m ² of site	10m ³
iv.	Greater than 12° but less than or equal to 15°	25m ³ per 100m ² of site	10m ³
v.	Greater than 15° but less than or equal to 20°	15m ³ per 100m ² of site	10m ³
vi.	Greater than 20° but less than or equal to 26°	10m ³ per 100m ² of site	10m ³
vii.	Greater than 26° but less than or equal to 35°	0m ³ fill 5m ³ cut per 100m ² of site	0m ³ fill 10m ³ cut
viii.	Greater than 35°	0m ³	0m ³

- b. Where the part of the site in which the earthworks are located is in more than one slope category, the most restrictive scale threshold applies.
- c. Earthworks *ancillary to network utilities* activities are only required to comply with Rule 27.6.2.1.a.i - maximum change in ground level threshold.
- d. Earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the performance standard earthworks - small scale thresholds.
- e. Scale thresholds will be calculated as the cumulative total of earthworks on any site in a two calendar-year period.
- f. Earthworks that exceed the earthworks - small scale thresholds are treated as earthworks - large scale, which are a restricted discretionary activity.

27.6.2.2 Batter gradient

Earthworks must:

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

27.6.2.3 Setback from property boundary, buildings, structures and cliffs

Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m², and the top or toe of any cliff, the following minimum distances:

- a. Earthworks not supported by retaining walls:
 - i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 27.6A);
 - ii. a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (See Figure 27.6A); and
 - iii. 300mm, as measured from the crest of any cut (See Figure 27.6A).
- b. Retaining walls supporting a cut or fill must be set back a distance at least equal to the height of the retaining walls See Figure 27.6B), except:
 - i. retaining walls supporting a cut that have been granted building consent are exempt from this standard.
- c. Earthworks *ancillary to network utilities* activities and earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the setback from property boundary, buildings,

structures and cliffs performance standard.

Figure 27.6A Unsupported cut and fill (elevation view)

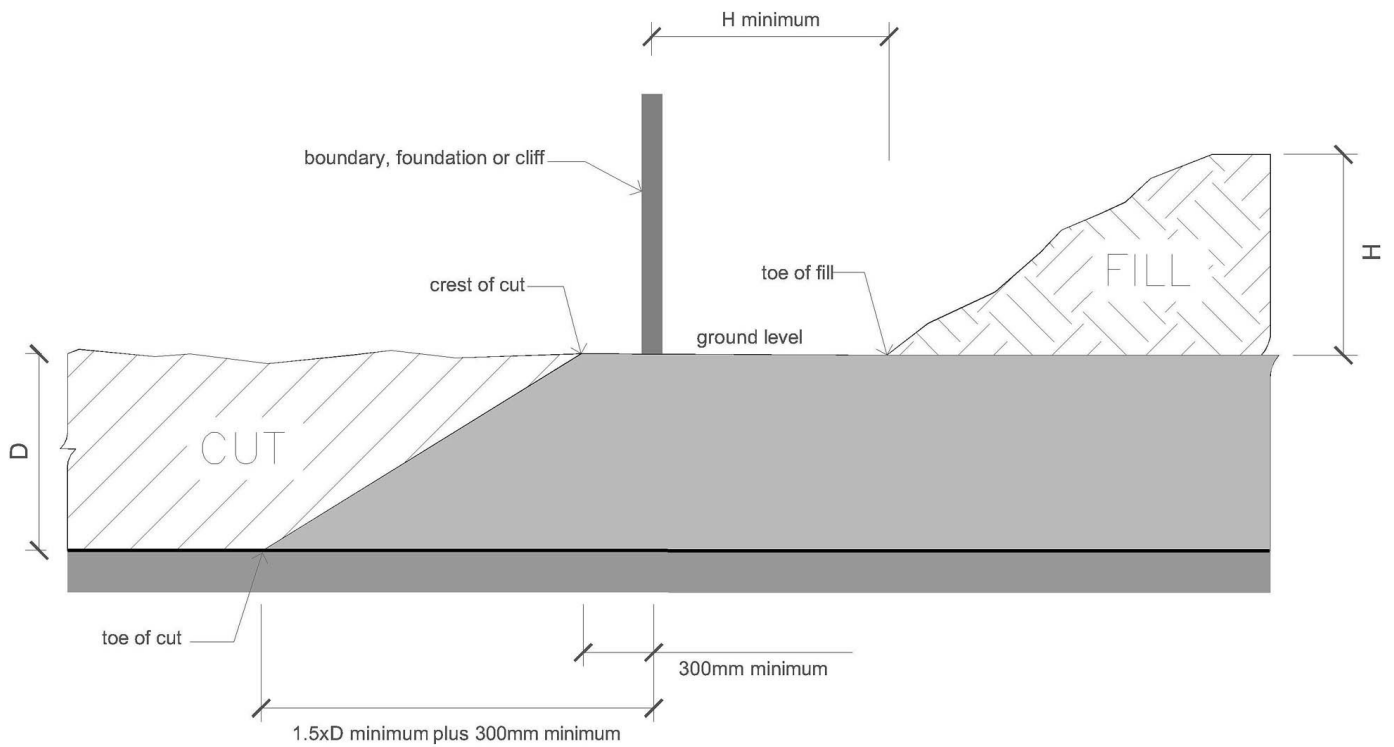
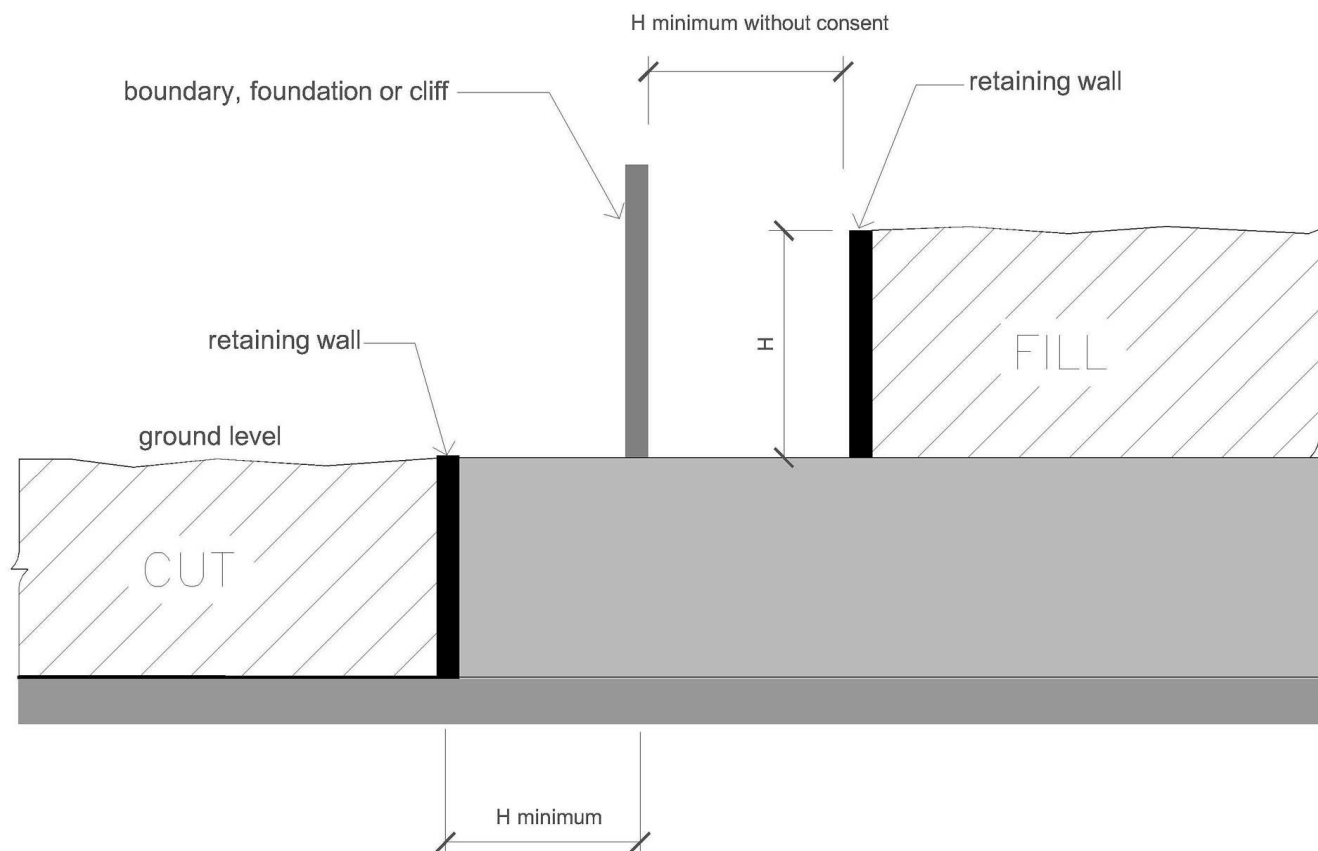


Figure 27.6B Cut and fill supported by retaining walls (elevation view)



27.6.2.4 Setback from network utilities

Earthworks must comply with Rule 5.6.2

27.6.2.5 Sediment control

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

27.6.3 Fence Height and Design

- Fences must not exceed the following height limits, except as provided for below:

Location		Maximum height
a.	Along all road boundaries	1.4m
b.	Along a side or rear boundary with a residential zone	1.4m
c.	Along all other side and rear boundaries	2m

- Fences along boundaries include fences that are not exactly on the boundary but are within the boundary setbacks required by Rule 27.6.12.1.
- 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 100mm, spacing minimum width 5mm) or materials that provide gaps that can be seen-through (see Figure 15.6D and Figure 15.6E).

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.

27.6.4 Footprint of building

1. The footprint of buildings, structures and additions and alterations not in accordance with the Mercy Hospital Development Plan must not exceed 100m².
2. Contravention of this performance standard is a discretionary activity.

27.6.5 Hazardous Substances Quantity Limits and Storage Requirements

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

27.6.6 Height

27.6.6.1 Height in relation to boundary

Buildings or structures and additions and alterations that are not in accordance with the Mercy Hospital Development Plan must not protrude through a plane rising at an angle of 45 degrees measured from a starting point of 2.5m vertically above ground level at the zone boundary (see Figure 15.6F), except:

- a. rooftop structures are exempt from the performance standard for height in relation to boundary;
- b. a gable end or dormer may project beyond the plane where it is:
 - i. no greater than 1m in height measured parallel to the nearest adjacent boundary; and/or
 - ii. no greater than 1m in depth measured horizontally at 90 degrees to the nearest adjacent boundary.

27.6.6.2 Maximum Height

- a. The maximum height of new buildings and structures, and additions and alterations that are not in accordance with the Mercy Hospital Development Plan must not exceed 9m above ground level.
- b. Rooftop structures are exempt from the performance standard for maximum height provided they do not exceed the maximum height by more than one third of that limit.

27.6.7 Location and Screening of Service Areas

1. Service areas must be located or screened so that they are not visible at ground level from adjacent: residential activities, residential zoned properties, or public places.
2. Service areas must not encroach into required parking, loading or manoeuvring areas.

27.6.8 Materials and Design

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

27.6.9 Maximum Area of Vegetation Clearance

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

27.6.9 Maximum Building Site Coverage and Impermeable Surfaces

1. The site coverage of buildings must not exceed 40%; and
2. Impermeable surfaces and buildings must not exceed 70% total site coverage.

27.6.10 Number, Location and Design of Ancillary Signs

27.6.10.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are not visible from outside the Mercy Hospital Zone;

- ii. 'regulatory' (requiring or prohibiting specified actions), 'warning' (informing of hazards or of other features requiring a safe response), or 'directional' (identifying the location of, or direction to destinations, routes, building entrances, and vehicle accesses) signs; and
 - iii. 'building names' (excluding sponsorship names).
- b. Signs related to ancillary retail and ancillary restaurant activities must not be visible outside the Mercy Hospital.
 - c. Signs must comply with Rule 6.7.3 where visible from a road.
 - d. Signs other than those specified in Rules 27.6.9.2 and 27.6.9.3 are not allowed.

27.6.10.2 Freestanding signs

- a. The maximum number of freestanding signs is one per 50m of frontage.
- b. The maximum dimensions of freestanding signs are:
 - i. maximum height of 4m;
 - ii. maximum area of 4m²;
 - iii. maximum width of 2m; and
 - iv. maximum depth of 400mm.
- c. Freestanding signs must not obstruct driveways, parking or loading areas.
- d. Freestanding signs must be located within the site and cannot be located on the road reserve.

27.6.10.3 Signs attached to buildings

- a. The height above ground level at the highest point of any sign attached to a building is 4m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached to a building must:
 - i. not exceed one sign per 30m of road frontage;
 - ii. have a maximum area per display face of 2m²;
 - iii. have a maximum of two display faces per sign;
 - iv. where attached to the façade of a building, must not project more than 1m from the façade to which it is attached; and
 - v. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

Note 27.6A - Other relevant District Plan provision

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

Note 27.6B - Other requirements outside of the District Plan

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

27.6.11 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

27.6.12 Setbacks

27.6.12.1 Boundary setbacks

- a. New buildings and structures and additions and alterations that are not in accordance with the Mercy Hospital Development Plan must be set back from zone boundaries a minimum of 4.5m.
- b. Except, fences and ancillary signs are exempt from the performance standard.
- c. All public entrances to buildings must be located at least 10m from a boundary with the residential zone.

27.6.12.2 Setback from scheduled tree

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

Rule 27.7 Subdivision Performance Standards

Subdivision activities must comply with performance standards for the General Residential 1 Zone in Rule 15.7.

Rule 27.8 Assessment of Controlled Activities

Rule 27.8.1 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 27.8.2:
 - a. lists the matters over which Council has reserved its control; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
 - ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 27.9; 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 27.11; 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 27.12; and
 - iii. the assessment guidance in this section will also be considered.

27.8.2 Assessment of all controlled activities

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

Rule 27.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 27.9.1 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 27.9.2 - 27.9.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

27.9.2 Assessment of all performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the the performance standard is minor. b. The need to meet other performance standards or site specific factors, make meeting the standard impracticable. c. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. d. Non-compliance with a 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. <i>General assessment guidance:</i> e. Where more than one standard is contravened, the combined effects of the contraventions should be considered. f. In balancing consideration of the objectives and policies related to the maintenance of heritage values and those related to general amenity, greater weight will usually be placed on heritage policies.

27.9.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Electrical interference	a. Effects on health and safety	See Rule 9.4
2.	Location (ancillary commercial activities)	a. Effects on the vibrancy, and social and economic success of the CBD and centres hierarchy	<i>Relevant objectives and policies:</i> i. Objective 27.2.2 ii. Ancillary commercial activities are designed and operated to primarily serve staff, patients and visitors to the hospital (Policy 27.2.2.6). <i>Potential circumstances that may support a consent application include:</i> iii. The location of customer access is unlikely to attract external customers and become a stand-alone activity.
		b. Effects on neighbourhood amenity	
3.	Minimum car parking	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
		b. Effects on accessibility	

27.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	- Boundary setbacks - Height in relation to boundary - Maximum height	a. Effects on the amenity of surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 27.2.2 ii. Buildings and structures are of a height, setback from boundaries and size that ensures there are no more than minor effects on the sunlight access and privacy of current and potential future residential buildings and their outdoor living spaces (Policy 27.2.2.1.b.i). <i>Potential circumstances that may support a consent application include:</i> iii. Residential buildings on neighbouring sites receive adequate natural light and privacy. <i>In assessing the application council will consider:</i> iv. Existing sunlight access to neighbouring properties. v. Cumulative effects from incremental development.
		b. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 27.2.2.2 ii. Buildings and structures are of a height, and setback from boundaries and size such that any adverse effects on neighbouring amenity are avoided or, if avoidance is not possible, are no more than minor (Policy 27.2.2.1.b.ii).

27.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2.	Boundary treatments and other landscaping	a. Effects on neighbourhood residential amenity	<i>Relevant objectives and policies:</i> i. Objective 27.2.2 ii. Landscaping of the boundary of parking areas screens or softens these areas and ensures a high standard of visual amenity where viewed from the road (Policy 27.2.2.3).
3.	Earthworks standards: Batter gradient	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 27.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 27.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> iii. Maximum slopes of cut and fill batters. iv. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. v. Temporary shoring requirements to maintain stability before a wall is constructed. vi. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
4.	Earthworks standards: Setback from property boundary, buildings, structures and cliffs	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 27.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 27.2.3.1.a).
5.	Earthworks standards: Setback from network utilities	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7

27.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Earthworks standards: • Sediment control	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 27.2.3 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems (Policy 27.2.3.2.b).
		b. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
7.	Fence height and design	a. Effects on health and safety	See Rule 9.4
		b. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 27.2.2 ii. Fences are of a height and design that contributes positively to the neighbourhood amenity (Policy 27.2.2.4). <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.
8.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards	See Rule 11.4

27.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
9.	Location and screening of service areas	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 27.2.2 ii. Development maintains or enhances neighbourhood amenity by ensuring service areas are not visible from ground level outside the site (Policy 27.2.2.2). <i>Potential circumstances that may support a consent application include:</i> iii. Screening would unduly restrict the usability of the service area. iv. The site layout prevents the service area from being visible from any public place without additional screening being required.
10.	Materials and design	a. Effects on heritage values (work on scheduled heritage buildings or structures)	See Rule 13.5
11.	Maximum area of vegetation clearance (UCMA)	a. Effects on biodiversity	See Rule 10.4
12.	Maximum building site coverage and impermeable surfaces	a. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
13.	Number, location and design of ancillary signs	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 27.2.2 ii. Ancillary signs are located and designed to maintain or enhance streetscape amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose (Policy 27.2.2.5).
		b. Effects on safety and efficiency of the transport network	See Rule 6.9
14.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
15.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6

27.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Subdivision performance standards	See Rule 15.9

Rule 27.10 Assessment of Restricted Discretionary Activities

Rule 27.10.1 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 27.10.2 - 27.10.3:
 - 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. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
4. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) 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 27.8; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 27.10; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 27.11; and
 - iii. the assessment guidance in this section will also be considered.

27.10.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. • All other additions and alterations • Removal for relocation that affects a protected part of a scheduled heritage building or scheduled heritage structure	a. Effects on heritage values	See Rule 13.6

27.10.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. Earthworks - large scale (that exceed the scale thresholds for the Mercy Hospital Zone)	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 27.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 27.2.3.3.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 27.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> 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 effects existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to:</i> 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.
	c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 27.2.3. ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 27.2.3.3.c). <i>Potential circumstances that may support a consent application include:</i> 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 27.13.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken. in accordance with best practice

27.10.2 Assessment of restricted discretionary development activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
			and from engineering in accordance with best practice engineering standards
3.	Earthworks - large scale (that exceed scale thresholds for a UCA)	a. Effects on biodiversity	See Rule 10.5
4.	New parking areas, or extensions to existing parking areas (<i>that result in the creation of 50 or more new parking spaces.</i>)	a. Effects on the safety and efficiency of transport network	See Rule 6.10

27.10.3 Assessment of restricted discretionary subdivision activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	All subdivision activities	a. Effects on the efficient and effective operation of Mercy Hospital.	<i>Relevant objectives and policies:</i> i. Objective 2.3.1 ii. Objective 27.2.1 iii. Subdivision activities do not adversely affect the efficient and effective operation of Mercy Hospital (Policy 27.2.1.5.b).
		See Rule 15.10	

Rule 27.11 Assessment of Discretionary Activities

Rule 27.11.1 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 27.11.2 - 27.11.4 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent applications;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. 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.

27.11.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities including: • all activities in the community activities category except conservation and community and leisure - small scale • all activities in the residential activities category • activities listed below	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.1 b. Objective 27.2.1 c. Activities that are ancillary to hospital activity are designed and operated in line with Objective 27.2.2 and its policies (Policy 27.2.1.2). d. Activities that are not ancillary to hospital activity: i. are related to or support Mercy Hospital, or have other operational requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Mercy Hospital; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. are designed and operated in line with Objective 27.2.2 and its policies (Policy 27.2.1.3). <i>Potential circumstances that may support a consent application include:</i> e. For discretionary land use activities, whether any associated development activities meet relevant development performance standards, or are otherwise consistent with relevant objectives and policies for development. f. All relevant land use performance standards are met, including noise and light spill standards. <i>General assessment guidance:</i> g. In assessing the significance of effects, consideration will be given to: i. short to long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. h. 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.

27.11.3 Assessment of discretionary performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Footprint of building	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 27.2.2 b. There are no more than minor effects on the sunlight access and privacy of current and potential future residential buildings and their outdoor living spaces (Policy 27.2.2.a). c. Any adverse effects on neighbourhood amenity are avoided or, if avoidance is not possible, are no more than minor (Policy 27.2.2.1.b).

27.11.4 Assessment of discretionary performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Noise - where the limit is exceeded by up to 5dB LAeq (15min)	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.

Rule 27.12 Assessment of Non-complying Activities

Rule 27.12.1 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 27.12.2 - 27.12.5 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

27.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying land use activities	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.1 b. Objective 27.2.1 c. Activities not ancillary to hospital activity: i. are related to, or support, Mercy Hospital, or have other operational requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Mercy Hospital; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. they are designed and operated in line with Objective 27.2.2 and its policies (Policy 27.2.1.3). <i>General assessment guidance:</i> d. In assessing the significance of effects consideration will be given to: i. both short and long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. e. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.

27.12.3 Assessment of non-complying land use activities

Activity		Guidance on the assessment of resource consents
1.	Commercial advertising	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c

27.12.4 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 structures	See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects related to heritage values.

27.12.5 Assessment of non-complying subdivision activities

Performance standard		Guidance on the assessment of resource consents
1.	- Light spill - where the limit is exceeded by greater than 25% - Noise - where the limit is exceeded by 5dB LAeq (15 min) or more - Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)	See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

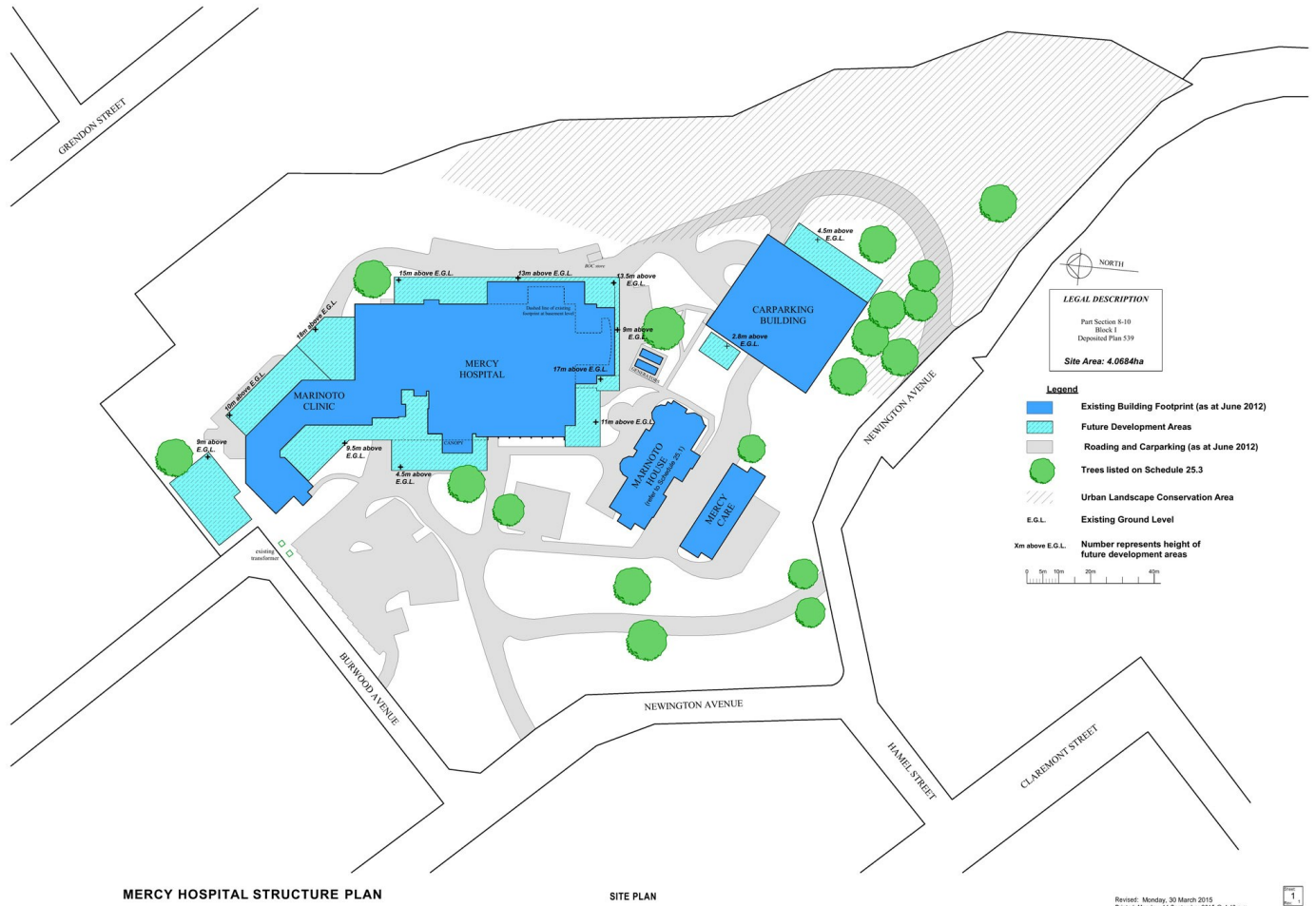
Rule 27.13 Special Information Requirements

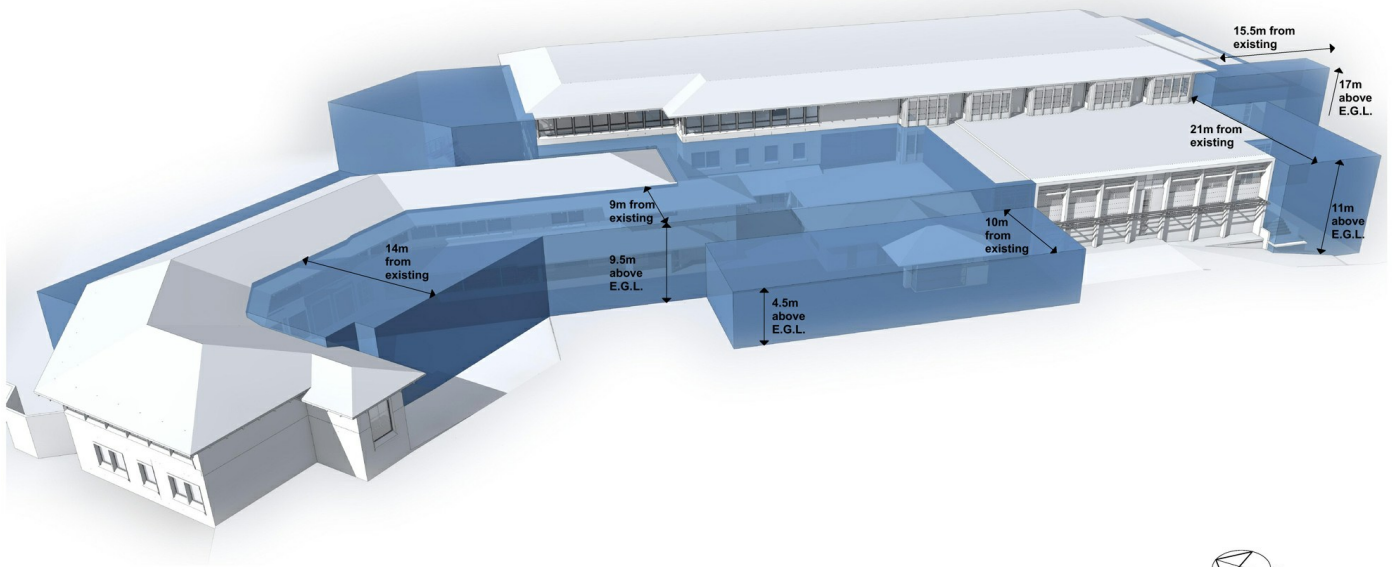
27.13.1 Geotechnical investigation report

1. A geotechnical investigation report may be requested by Council for earthworks of a large scale and/or where the earthworks are proposed:
 - a. on a site with a slope angle between 15° (3.7h:1v slope ratio, or 27% slope grade) and 26° (2h:1v slope ratio, or 50% slope grade);
 - b. on a site identified as hazard-prone in Council's Hazard Information Management System; or
 - c. on any other site that the Council, with good cause, suspects to be hazard-prone.
2. A geotechnical investigation report must be provided for earthworks on all sites with a slope greater than a 26° angle (2h:1v slope ratio, or 50% slope grade).
3. All requested geotechnical investigation reports must be prepared by a suitably qualified expert who is experienced in the practice of geotechnical engineering and registered under the Chartered Professional Engineers Act of New Zealand 2002 and who has professional indemnity insurance.
4. The geotechnical investigation report must address the following factors:
 - a. special design or construction requirements;
 - b. special foundation requirements;
 - c. services;
 - d. access;
 - e. effluent disposal;
 - f. non-engineered fills; and
 - g. a statement of professional opinion as to the suitability of the land for the proposed development.

Appendices

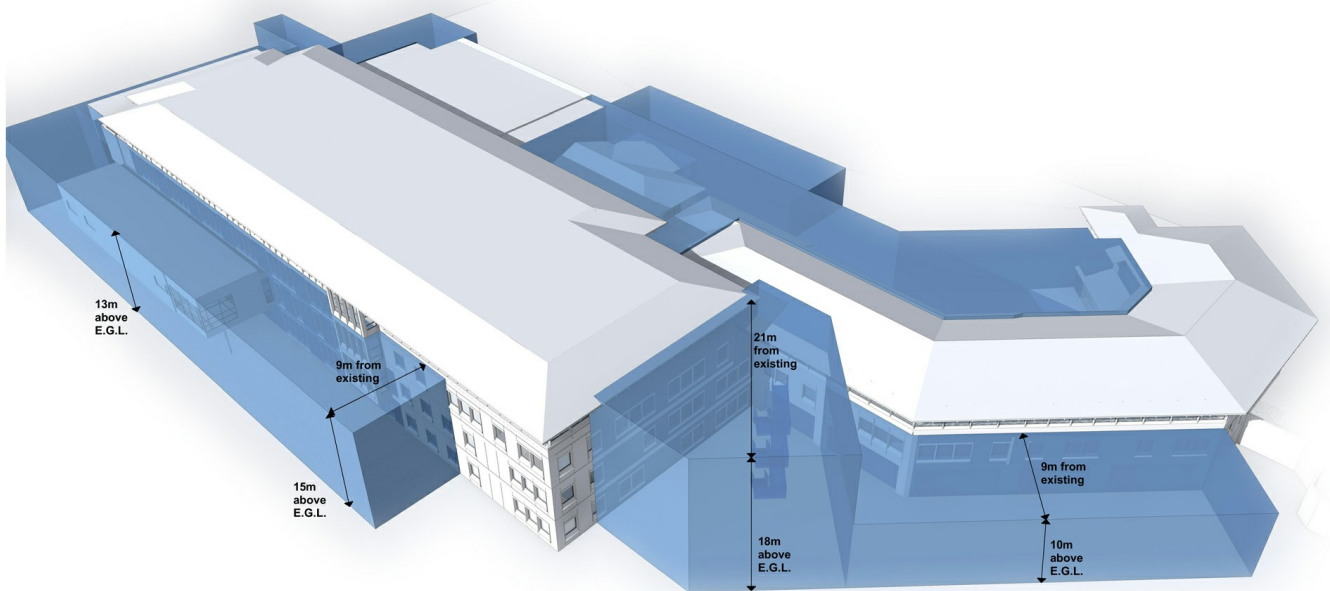
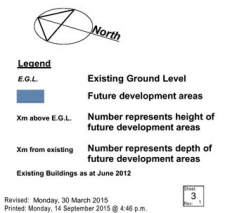
Appendix 27A. Mercy Hospital Development Plan





MERCY HOSPITAL STRUCTURE PLAN

NORTH-WEST 3D IMAGE



MERCY HOSPITAL STRUCTURE PLAN

NORTH-EAST 3D IMAGE



28. Moana Pool

28.1 Introduction

Moana Pool sits within the Town Belt, just below Dunedin's hill suburbs, at 60 Littlebourne Road. The pool is owned and operated by the Dunedin City Council and has occupied the site since 1964. It provides a range of recreation facilities, including an Olympic sized pool, a leisure pool, learner's pool, dive/lap pool, water slides, a gymnasium and various function and meeting rooms. There are massage and physiotherapy facilities on-site, as well as an early childhood centre. Expansion of the facility may occur within the next 10 years.

The site is bordered by land zoned Recreation and General Residential 2. While the facility itself is considerably larger than surrounding properties, it backs onto a steep bush clad area and is an accepted part of the local environment. There is a high level of amenity in the area given its location within the Town Belt, and parts of the site are densely vegetated.

The zone recognises the existing uses of the Moana Pool site and provides certainty to the community regarding what land use activities can be expected to occur on the site, while appropriately managing any adverse effects that may occur, including effects on the Town Belt, residential zone and transport network.

28.2 Objectives and Policies

Objective 28.2.1	
Moana Pool is able to operate efficiently and effectively	
Policy 28.2.1.1	Enable major recreation facility activity in the Moana Pool Zone.
Policy 28.2.1.2	Provide for activities that are ancillary to major recreation facility activity where they are designed and operated in line with Objective 28.2.2 and its policies.
Policy 28.2.1.3	Only allow activities that are not ancillary to major recreation facility activity where all of the following apply: a. the activities are related to or support Moana Pool, or have other operational requirements that mean they need to locate in the zone; b. they will support the efficient and effective operation of Moana Pool; c. they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and d. they are designed and operated in line with Objective 28.2.2 and its policies.
Policy 28.2.1.4	Enable land that is surplus to the needs of Moana Pool to transition to the recreation zone, so that future development can be managed in accordance with the objectives and policies of that zone.
Policy 28.2.1.5	Only allow subdivision where: a. it is in accordance with the provisions of the recreation zone; and b. the subdivision does not adversely affect the efficient and effective operation of Moana Pool.

Objective 28.2.2
Land use activities and development necessary for Moana Pool to meet the reasonably foreseeable needs of the community is enabled, while ensuring development: a. achieves a good standard of on-site amenity for staff and visitors; and b. maintains or enhances the residential amenity of surrounding sites as far as practicable.

Objective 28.2.2

Policy 28.2.2.1	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 28.2.2.2	Require development to maintain or enhance neighbourhood amenity by ensuring service areas are not visible from ground level outside the site.
Policy 28.2.2.3	Require landscaping that provides a reasonable level of streetscape amenity along the boundary of parking areas.
Policy 28.2.2.4	Require fences on road boundaries to be of a height and design that contributes positively to neighbourhood amenity.
Policy 28.2.2.5	Require ancillary signs visible from outside the zone to be located and designed to maintain streetscape amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose.
Policy 28.2.2.6	Require ancillary commercial activities to be designed, located and operated to primarily serve staff and visitors of Moana Pool.
Policy 28.2.2.7	Only allow early childhood education - large scale where it is designed and located to avoid or, if avoidance is not possible, adequately mitigate, adverse effects on the amenity of surrounding residential properties.

Objective 28.2.3

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

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

Policy 28.2.3.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: a. being set back an adequate distance from property boundaries, buildings, structures and cliffs; and b. using a batter gradient that will be stable over time.
Policy 28.2.3.2	Require earthworks and any associated retaining structures to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: a. limiting the scale of earthworks that are provided for as a permitted activity; and b. requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.
Policy 28.2.3.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: a. adverse effects on visual amenity and character; b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and c. adverse effects on the stability of land, buildings, and structures.

Rules

Rule 28.3 Activity Status

28.3.1 Rule location

The activity status tables in Rules 28.3.3 - 28.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Moana Pool Zone, except rules for the following city-wide activities, which are contained in Part B of the Plan:

1. Public amenities (Section 3)
2. Temporary activities (Section 4)
3. Network utilities and energy generation (Section 5)
4. Transportation activities (Section 6)
5. Scheduled Trees (Section 7)
6. Natural hazard mitigation activities (Section 8)

28.3.2 Activity status introduction

1. The tables in Rules 28.3.3 - 28.3.5 show the activity status of activities in the Moana Pool Zone, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.6 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested table in Section 1.6 is intended to be a complete list of activities and categories of activities. For any activity that is not covered by any of the defined activities in the nested table, the activity status will be non-complying if the activity status of "all" or "all other" activities in the most closely related category is non-complying, otherwise it will be discretionary.

Performance Standards

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

Legend

Acronym	Activity status
—	No additional provisions apply or not relevant
P	Permitted activity
C	Controlled activity
RD	Restricted discretionary activity
D	Discretionary activity
NC	Non-complying activity

28.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Electrical interference b. Light spill c. Noise
Major facility activities		Activity status	Performance standards
2.	Major recreation facility	P	a. Minimum car parking
3.	All other activities in the major facility activities category	NC	
Community activities		Activity status	Performance standards
4.	Early childhood education - small scale	P	
5.	Early childhood education - large scale	RD	
6.	All other activities in the community activities category	P	
Commercial activities		Activity status	Performance standards
7.	Activities ancillary to major recreation facility	P	a. Location
8.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
9.	All activities in the residential activities category	NC	
Industrial activities		Activity status	Performance standards
10.	All activities in the industrial activities category	NC	
Rural activities		Activity status	Performance standards
11.	All activities in the rural activities category	NC	

28.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. Maximum site coverage and impermeable surfaces
Buildings and structures activities		Activity status	Performance standards
2.	Fences	P	a. Fence height and design
3.	All other buildings and structures activities	P	a. Boundary setbacks b. Height in relation to boundary c. Maximum height d. Number, location and design of ancillary signs
Site development activities		Activity status	Performance standards
4.	Service areas	P	a. Location and screening of service areas
5.	Parking, loading and access	P	a. Parking, loading and access standards b. Boundary treatments and other landscaping
6.	New parking areas, or extensions to existing parking areas <i>(that result in the creation of 50 or more new parking spaces.)</i>	RD	a. Boundary treatments and other landscaping b. Parking, loading and access standards
7.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements
8.	Vegetation clearance	P	a. Maximum area of vegetation clearance
9.	Earthworks - small scale	P	a. Earthworks standards
10.	Earthworks - large scale	RD	a. Earthworks standards
11.	All other site development activities	P	

28.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status	Performance standards
1.	Subdivision activities	RD	a. Subdivision performance standards

28.3.6 Transition to Recreation Zone

On receipt of written notice from both the landowner and operator of Moana Pool (if different) to Dunedin City Council confirming that all or part of the land within the Moana Pool Zone is surplus to requirements, the provisions of the Moana Pool Zone will no longer apply to that parcel of land and the provisions of the recreation zone will apply in full.

Note 28.3A - General advice

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

Rule 28.4 Notification

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

Rule 28.5 Land Use Performance Standards

28.5.1 Electrical Interference

Land use activities must comply with Rule 9.3.2.

28.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

28.5.3 Location

For ancillary commercial activities, customer access must only be available from inside the Moana Pool buildings.

28.5.4 Minimum Car Parking

1. Major recreation facility activity must provide a minimum of 190 parking spaces, including a minimum of 4 mobility parking spaces.
2. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility car parking.

Note 28.5A - Other relevant District Plan provisions

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

28.5.5 Noise

Land use activities must comply with Rule 9.3.6.

Rule 28.6 Development Performance Standards

28.6.1 Boundary Setbacks

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

Building		Setback from road boundary or site boundary where site directly adjoins another zone
a.	Buildings not exceeding 12m in height or 250m ² GFA	4.5m
b.	Other buildings	10m

- c. Fences and ancillary signs are exempt from the performance standard.
- d. Public entrances to buildings must be located at least 10m from a boundary with the residential zone.

28.6.2 Boundary Treatments and Other Landscaping

1. Where a parking area is built within 5m of a road frontage, a landscaping area with a minimum 1.5m width must be provided along the full length of the road frontage (except for where vehicle access is provided).
2. Landscaping areas must:
 - a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
 - b. have an average of one tree for every 5m of frontage;
 - c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - d. be designed to allow surface water run-off from surrounding areas to enter;
 - e. be protected by a physical barrier that prevents cars from accidentally driving into or damaging plants;
 - f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a height of 5m within 10 years of planting;
 - g. be planted prior to occupation or completion of any relevant building(s) or site development; and
 - h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any required road frontage landscaping.

28.6.3 Earthworks Standards

28.6.3.1 Earthworks - small scale thresholds

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

Zone/Area		1. Moana Pool Zone	2. UCMA
i.	Maximum change in ground level	1.5m	1m
ii.	Maximum area	—	50m ²
Slope categories		Maximum volume of combined cut and fill	

Zone/Area		1. Moana Pool Zone	2. UCMA
iii.	Less than or equal to 12°	30m ³ per 100m ² of site	10m ³
iv.	Greater than 12° but less than or equal to 15°	25m ³ per 100m ² of site	10m ³
v.	Greater than 15° but less than or equal to 20°	15m ³ per 100m ² of site	10m ³
vi.	Greater than 20° but less than or equal to 26°	10m ³ per 100m ² of site	10m ³
vii.	Greater than 26° but less than or equal to 35°	0m ³ fill 5m ³ cut per 100m ² of site	0m ³ fill 10m ³ cut
viii.	Greater than 35°	0m ³	0m ³

- b. Where the part of the site in which the earthworks are located is in more than one slope category, the most restrictive scale threshold applies.
- c. Earthworks *ancillary to network utilities* activities are only required to comply with Rule 28.6.3.1.a.i - maximum change in ground level threshold.
- d. Earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the performance standard earthworks - small scale thresholds.
- e. Scale thresholds will be calculated as the cumulative total of earthworks on any site in a two calendar-year period.
- f. Earthworks that exceed the earthworks - small scale thresholds are treated as earthworks - large scale, which are a restricted discretionary activity.

28.6.3.2 Batter gradient

Earthworks must:

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

28.6.3.3 Setback from property boundary, buildings, structures and cliffs

Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m², and the top or toe of any cliff, the following minimum distances:

- a. Earthworks not supported by retaining walls:
 - i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 28.6A);
 - ii. a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (See Figure 28.6A); and
 - iii. 300mm, as measured from the crest of any cut (See Figure 28.6A).
- b. Retaining walls supporting a cut or fill must be set back a distance at least equal to the height of the retaining walls (See Figure 28.6B), except:
 - i. retaining walls supporting a cut that have been granted building consent are exempt from this standard.
- c. Earthworks *ancillary to network utilities* activities and earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the setback from property boundary, buildings, structures and cliffs performance standard.

Figure 28.6A Unsupported cut and fill (elevation view)

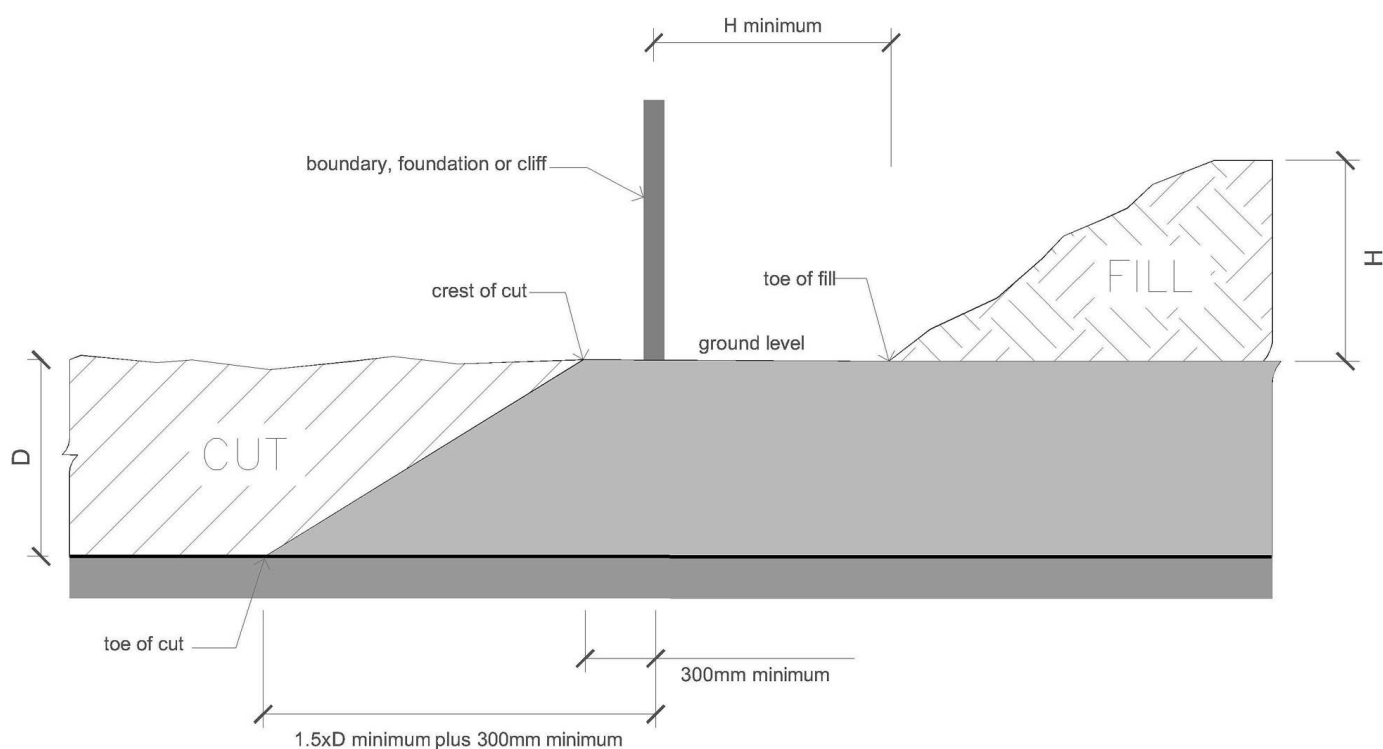
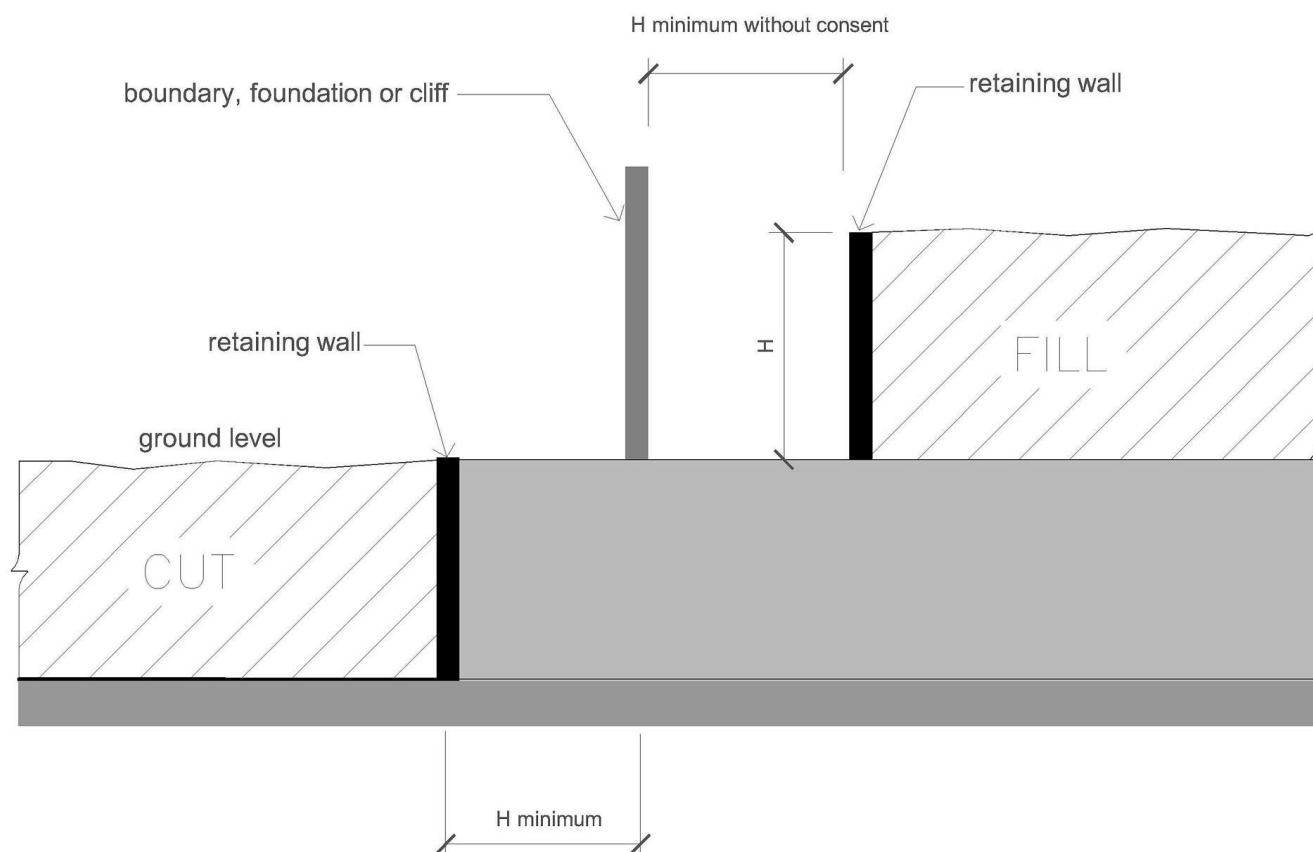


Figure 28.6B Cut and fill supported by retaining walls (elevation view)



28.6.3.4 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

28.6.3.5 Sediment control

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

28.6.4 Fence Height and Design

1. The maximum height of a fence or gate on the road boundary or within the road boundary setback, or adjacent to a public place, is 1.4m.
2. The maximum height of a fence on side and rear boundaries (except where adjacent to the recreation zone, or public place), is 2m.
3. Fences along boundaries include fences that are not exactly on the boundary but are within the boundary setbacks required by Rule 28.6.1.
4. 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 100mm, spacing minimum width 25mm) or other materials that provide gaps that can be seen-through (see Figure 15.D and Figure 15.6E).
5. 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.

28.6.5 Hazardous Substances Quantity Limits and Storage Requirements

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

28.6.6 Height

28.6.6.1 Height in Relation to Boundary

In all zones no part of any building may protrude through a plane raising at an angle of 45 degrees measured from the starting point indicated below (see Figure 15.6F):

Zone boundary		Starting vertically above ground level at the side and rear boundary
a.	Inner City Residential Zone	3m
b.	All other residential zones	2.5m

28.6.6.2 Maximum height

The maximum height of new buildings and structures, and additions and alterations, must not exceed the following heights above ground level:

- a. Western side Queens Drive/Littlebourne Road: 18m;
- b. Eastern side Queens Drive/Littlebourne Road: 12m;
- c. Rooftop structures are exempt from the performance standard for maximum height, provided they do not exceed the maximum height limit by more than one third of that limit or 5m, whichever is the lesser.

28.6.7 Location and Screening of Service Areas

1. Service areas must be located or screened so that they are not visible at ground level from adjacent: residential activities, residential zoned properties, or public places,
2. Service areas must not encroach into required parking, loading or manoeuvring areas.

28.6.8 Maximum Site Coverage and Impermeable Surfaces

1. The maximum site coverage of buildings (% of site) is 40%; and
2. The maximum total impermeable surface site coverage (buildings and impermeable surfaces % of site) is 70%.

28.6.9 Number, Location and Design of Ancillary Signs

28.6.9.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are not visible from outside the Moana Pool Zone;
 - ii. 'regulatory' (requiring or prohibiting specified actions), 'warning' (informing of hazards or of other features requiring a safe response), or 'directional' (identifying the location of, or direction to destinations, routes, building entrances and vehicle accesses) signs; and
 - iii. 'building names' (excluding commercial sponsorship names).
- b. Signs related to ancillary retail and ancillary restaurant activities must not be visible outside the Moana Pool zone.
- c. Signs located above the footpath must comply with Rule 6.7.2.
- d. Signs must comply with Rule 6.7.3 where visible from a road.
- e. Signs other than those specified in Rules 28.6.9.2 and 28.6.9.3 are not allowed.

28.6.9.2 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign, attached to a building is 4m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached to a building must:
 - i. not exceed one sign per 15m of road frontage;
 - ii. have a maximum area per display face of 2m²;
 - iii. have a maximum of two display faces per sign;
 - iv. where attached to the façade of a building, must not project more than 1m from the façade to which it is attached; and
 - v. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

28.6.9.3 Freestanding signs

- a. The maximum number of freestanding signs is two per 50m of frontage.
- b. The maximum dimensions of freestanding signs are:
 - i. maximum height of 3m;
 - ii. maximum area of 4m²;

- iii. maximum width of 2m; and
- iv. maximum depth of 400m.
- c. Freestanding signs must not obstruct driveways, parking or loading area.
- d. Freestanding signs must not be located on road reserve.
- e. Freestanding signs must not exceed:
 - i. maximum height of 900mm above ground level; and
 - ii. a maximum width of 600mm.

Note 28.6A - Other relevant District Plan provision

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

Note 28.6B - Other requirements outside of the District Plan

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

28.6.10 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

28.6.11 Maximum Area of Vegetation Clearance

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

Rule 28.7 Subdivision Performance Standards

Subdivision activities must comply with Rule 20.7.

Rule 28.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 28.8.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 28.8.2 - 28.8.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

28.8.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of the resource consents
1. Performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor b. The need to meet other performance standards, or <u>site</u> specific factors, make meeting the standard impracticable. c. Topography or other <u>site</u> specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. d. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. <i>General assessment guidance:</i> e. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

28.8.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Electrical interference	a. Effects on health and safety	See Rule 9.4
2. Location	a. Effects on the vibrancy and economic and social success of the CBD and Centres hierarchy	<i>Relevant objectives and policies:</i> i. Objective 28.2.2 ii. Ancillary commercial activities are designed, located and operated to primarily serve staff and visitors of Moana Pool (Policy 28.2.2.6).

28.8.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
3. Minimum car parking	a. Effects on safety and efficiency of the transport network	See Rule 6.9
	b. Effects on accessibility	See Rule 6.9

28.8.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Boundary setbacks; • Height in relation to boundary; • Maximum height	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 28.2.2 ii. There are no more than minor effects on sunlight access of current and future residential buildings and their outdoor living spaces (Policy 28.2.2.1).
2. Boundary treatments and other landscaping	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 28.2.2 ii. Landscaping provides a reasonable level of streetscape amenity along the boundary of parking areas (Policy 28.2.2.3).
3. Earthworks standards: • Batter gradient	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 28.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 28.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> iii. Maximum slopes of cut and fill batters. iv. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. v. Temporary shoring requirements to maintain stability before a wall is constructed. vi. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
4. Earthworks standards: • Setback from property boundary, buildings, structures and cliffs	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 28.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings, structures and cliffs (Policy 28.2.3.1.a).

28.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
5.	Earthworks standards: • Setback from network utilities	a. Effects on efficient and effective operation of network utilities	See Rule 5.7
		b. Effects on health and safety	
6.	Earthworks standards: • Sediment control	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 28.2.3 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems (Policy 28.2.3.2.b).
		b. Effects on biodiversity and natural character of riparian margins and the coast	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
7.	Fence height and design	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 28.2.2 ii. Fences on road boundaries are of a height and design that contribute positively to neighbourhood amenity (Policy 28.2.2.4). <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 streetscape is achieved. v. The fence will be screened by landscaping.
8.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards	See Rule 11.4

28.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
9.	Location and screening of service areas	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 28.2.2 ii. Neighbourhood amenity is maintained or enhanced by service areas not being visible from ground level outside the <u>site</u> (Policy 28.2.2.2).
10.	Maximum area of vegetation clearance (UCMA) standards	a. Effects on biodiversity	See Rule 10.4
11.	Maximum <u>site</u> coverage and impermeable surfaces	a. Effects on efficiency and/or affordability of infrastructure	See Rule 9.4
12.	Number, location and design of ancillary signs	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 28.2.2 ii. Ancillary signs visible from outside the zone are located and designed to maintain streetscape amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose (Policy 28.2.2.5).
		b. Effects on safety and efficiency of the transport network	See Rule 6.9
13.	Parking, loading and access standards	a. Effects on safety and efficiency of the transport network	See Rule 6.9

28.8.5 Assessment of subdivision performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Subdivision performance standards	See Rule 20.9

Rule 28.9 Assessment of Restricted Discretionary Activities

Rule 28.9.1 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 28.9.2 - 28.9.4:
 - 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. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
4. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) 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 28.8; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 28.10; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 28.11; and
 - iii. the assessment guidance in this section will also be considered.

28.9.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Early childhood education - large scale	a. Effects on the safety and efficiency of transport network	See Rule 6.10
	b. Effects on surrounding sites' residential amenity	<i>Relevant objectives and policies:</i> i. Objective 28.2.2 ii. Early childhood education - large scale is designed and located to avoid or, if avoidance is not possible, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 28.2.2.7).

28.9.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents

1. Earthworks - large scale (that exceed the scale thresholds for the Moana Pool Zone)	a. Effects on visual amenity and character	<i>Relevant objectives and policies:</i> i. Objective 28.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 28.2.3.3.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 28.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> 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. <i>Conditions that may be imposed include, but are not limited to:</i> 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.
	b. Effects on the amenity of surrounding properties	
	c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 28.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 28.2.3.3.c). <i>Potential circumstances that may support a consent application include:</i> 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 28.12.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards

28.9.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. Earthworks - large scale (that exceed scale thresholds for a UCMA)	a. Effects on biodiversity	See Rule 10.5
3. New parking areas, or extensions to existing parking areas (<i>that result in the creation of 50 or more new parking spaces.</i>)	a. Effects on the safety and efficiency of transport network	See Rule 6.10

28.9.4 Assessment of restricted subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All subdivision activities	a. Effects on efficient and effective operation of Moana Pool	<i>Relevant objectives and policies:</i> i. Objective 28.2.1, 2.3.1 ii. Subdivision does not adversely affect the efficient and effective operation of Moana Pool (Policy 28.2.1.5.b).
	See Rule 20.10	

Rule 28.10 Assessment of Discretionary Activities

Rule 28.10.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 28.10.2 provides guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent applications;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

28.10.2 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • Noise - where the limit is exceeded by up to 5dB LAeq (15min) • Light spill - where the limit is exceeded by 25% or less	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.

Rule 28.11 Assessment of Non-complying Activities

Rule 28.11.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 28.11.2 - 28.11.4 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

28.11.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.3.1, 2.3.3 b. Objective 28.2.1 c. Activities not ancillary to major recreation facility activity: i. are related to or support Moana Pool, or have other operation requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Moana Pool; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. are designed and operated in line with Objective 28.2.2 and its policies (Policy 28.3.1.3). <i>General assessment guidance:</i> d. In assessing the significance of effects consideration will be given to: i. both short and long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. e. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.

28.11.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. Commercial advertising in all zones	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c

28.11.4 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5dB LAeq (15 min) or more • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)	See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

Rule 28.12 Special Information Requirements

28.12.1 Geotechnical investigation report

1. A geotechnical investigation report may be requested by Council for earthworks of a large scale and/or where the earthworks are proposed:
 - a. on a site with a slope angle between 15° (3.7h:1v slope ratio, or 27% slope grade) and 26° (2h:1v slope ratio, or 50% slope grade);
 - b. on a site identified as hazard-prone in Council's Hazard Information Management System; or
 - c. on any other site that the Council, with good cause, suspects to be hazard-prone.
2. A geotechnical investigation report must be provided for earthworks on all sites with a slope greater than a 26° angle (2h:1v slope ratio, or 50% slope grade).
3. All requested geotechnical investigation reports must be prepared by a suitably qualified expert who is experienced in the practice of geotechnical engineering and registered under the Chartered Professional Engineers Act of New Zealand 2002 and who has professional indemnity insurance.
4. The geotechnical investigation report must address the following factors:
 - a. special design or construction requirements;
 - b. special foundation requirements;
 - c. services;
 - d. access;
 - e. effluent disposal;
 - f. non-engineered fills; and
 - g. a statement of professional opinion as to the suitability of the land for the proposed development.

29. Otago Museum

29.1 Introduction

Otago Museum first opened to the public in 1868 in the Exchange area south of the Octagon, and mainly displayed a collection of rocks and minerals as its foundation objects. The collection began to grow, and a larger, purpose-built site was needed. The site at the existing address – 419 Great King Street – was selected, with the foundation laid in December 1874. In August of 1877 the new building, designed by architect David Ross, was opened. The Otago Museum H D Skinner Annex (situated on the corner of the Museum Reserve) was opened in July 1879 and operated as the Dunedin North Post Office until the 1960's. It is now part of the Museum.

The management of the Museum was handed wholly to the University through the Otago Museum Act 1877 and was to remain vested in the University for almost 80 years, becoming a teaching museum and housing various University departments. Otago Museum is now managed by a Trust Board, established under the Otago Museum Trust Board Act 1996. The appointing bodies are the Dunedin City Council; the combined District Councils of Central Otago, Clutha and Waitaki; the University of Otago; the Association of Friends of the Otago Museum; the Otago Institute; and Manawhenua (the local Māori community).

The Museum comprises seven galleries, containing exhibits on Tākata Whenua, southern land and people, Otago natural and maritime history and cultures of the Pacific and wider world. The Animal Attic features nearly 3,000 historical specimens, and also within the Museum is the Discovery World Tropical Forest which contains live butterflies and an interactive Discovery World of science.

The site is zoned industrial in the operative plan. Therefore, the key issue is that the operative District Plan zoning is neither efficient nor effective in terms of providing for the facility, enabling it to be further developed or redeveloped in the future, or in terms of managing its effects.

In response to this issue, the Second Generation Plan (2GP) proposes to apply an 'Otago Museum Zone' to the site. The Otago Museum Zone is tailored to provide for the continued efficient and effective operation of the Museum, while ensuring a reasonable level of amenity for surrounding streets and the Otago Museum Reserve. Entertainment and exhibition, conference, meeting and function, training and education and a range of community activities are provided for in the zone, and the Great King Street façade of the Museum and Otago Museum H D Skinner Annex listed are scheduled buildings.

The zone recognises the existing and foreseeable future uses of the Museum and provides certainty to the community regarding what land use activities can be expected to occur, while managing potential effects and ensuring compatibility with surrounding environments. The Otago Museum Zone is surrounded by Campus and Neighbourhood Centre zones.

29.2 Objectives and Policies

Objective 29.2.1	
Otago Museum is able to operate efficiently and effectively.	
Policy 29.2.1.1	Enable entertainment and exhibition activities in the Otago Museum Zone.
Policy 29.2.1.2	Provide for conference, meeting and function, training and education and community activities where they are designed and operated in line with Objective 29.2.2 and its policies.
Policy 29.2.1.3	Only allow activities which are not provided for, where the following apply: a. the activities are related to or necessary to support the Otago Museum, or have other operational requirements which mean they need to locate within the zone; b. they will support the efficient and effective operation of Otago Museum; c. they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and d. they are designed and operated in line with Objective 29.2.2 and its policies.
Policy 29.2.1.4	Enable land that is surplus to the needs of the Otago Museum to transition to the Campus Zone, so that future development that is not related to the Otago Museum can be managed in accordance with the objectives and policies of this zone.
Policy 29.2.1.5	Only allow subdivision where: a. it is in accordance with the provisions of the Campus Zone; and b. the subdivision does not adversely affect the efficient and effective operation of Otago Museum.
Objective 29.2.2	
Land use activities and development necessary for the continued operation of Otago Museum is enabled, while ensuring it achieves a reasonable level of amenity for surrounding streets and the Otago Museum Reserve.	
Policy 29.2.2.1	Require buildings and structures to be of a height that: a. maintains adequate sunlight access to the adjoining Otago Museum Reserve; and b. avoids significant adverse wind effects.
Policy 29.2.2.2	Require outdoor storage areas to be located or screened so they are not visible from ground level of a public place.
Policy 29.2.2.3	Require ancillary signs visible from outside the zone to be located and designed to maintain the amenity of surrounding streets and the Otago Museum Reserve, including by being of an appropriate size and number to convey information to passing pedestrians and motorists, and not being too oversized or numerous for that purpose.
Policy 29.2.2.4	Require landscaping that provides a reasonable level of streetscape amenity along the boundary of parking areas.
Policy 29.2.2.5	Require conference, meeting and function, training and education and community activities to be designed, located and operated to primarily serve staff and visitors to the Otago Museum.
Policy 29.2.2.6	Only allow buildings between 25m - 40m in height where they contribute positively to the skyline vista of the city, by being of a quality and contextually appropriate architectural design.

Objective 29.2.2

Land use activities and development necessary for the continued operation of Otago Museum is enabled, while ensuring it achieves a reasonable level of amenity for surrounding streets and the Otago Museum Reserve.

Policy 29.2.2.7	Only allow buildings over 40m in height where: a. the height is essential to the operation of Otago Museum; and b. the height exceedence is minimal.

Objective 29.2.3

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

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

Policy 29.2.3.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: a. being set back an adequate distance from property boundaries, buildings, structures and cliffs; and b. using a batter gradient that will be stable over time.
Policy 29.2.3.2	Require earthworks and any associated retaining structures to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: a. limiting the scale of earthworks that are provided for as a permitted activity; and b. requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.
Policy 29.2.3.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: a. adverse effects on visual amenity and character; b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and c. adverse effects on the stability of land, buildings, and structures.

Rules

Rule 29.3 Activity Status

Rule 29.3.1 Rule location

The activity status tables in Rule 29.3.3 - 29.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Otago Museum Zone and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

1. Public amenities (Section 3)
2. Temporary activities (Section 4)
3. Network utilities and energy generation (Section 5)
4. Transportation activities (Section 6)
5. Scheduled Trees (Section 7)
6. Natural hazard mitigation activities (Section 8)

29.3.2 Activity status introduction

1. The tables in Rules 29.3.3 - 29.3.5 show the activity status of activities in the Otago Museum Zone, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.6 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested table in Section 1.62 is intended to be a complete list of activities and categories of activities. For any activity that is not covered by any of the defined activities in the nested table, the activity status will be non-complying if the activity status of "all" or "all other" activities in the most closely related category is non-complying, otherwise it will be discretionary.

Performance Standards

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

Legend

Acronym	Activity status
—	No additional provisions apply or not relevant

Acronym	Activity status
P	Permitted activity
C	Controlled activity
RD	Restricted discretionary activity
D	Discretionary activity
NC	Non-complying activity

29.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Electrical interference b. Light spill c. Noise d. Minimum car parking
Commercial activities		Activity status	Performance standards
2.	Entertainment and exhibition	P	
3.	Commercial advertising	NC	
4.	Conference, meeting and functions	P	
5.	Training and education	P	
6.	All other activities in the commercial activities category	D	
Community activities		Activity status	Performance standards
7.	Community and leisure - small scale	P	
8.	Community and leisure - large scale	RD	
9.	Early childhood education - small scale	P	
10.	Early childhood education - large scale	RD	
11.	All other activities in the community activities category	P	
Major facility activities		Activity status	Performance standards
12.	All activities in the major facility activities category	NC	
Residential activities		Activity status	Performance standards
13.	All activities in the residential activities category	NC	
Industrial activities		Activity status	Performance standards
14.	All activities in the industrial activities category	NC	
Rural activities		Activity status	Performance standards
15.	All activities in the rural activities category	NC	

29.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. Setback from scheduled tree b. Boundary treatments
2.	Performance standards that apply to all buildings and structures activities		a. Number, design and location of ancillary signs b. Maximum height c. Minimum floor level
Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 5-9)		Activity status	Performance standards
3.	All buildings and additions and alterations to buildings	P	
4.	All other buildings and structures activities	P	
Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		Activity status	Performance standards
5.	Repairs and maintenance or <u>restoration</u>	P	a. Materials and design
6.	Earthquake strengthening <i>where external features only are protected</i>	C	a. Materials and design
7.	All other additions and alterations	RD	
8.	Demolition	NC	
9.	Removal for relocation	RD	
Site development activities		Activity status	Performance standards
10.	Outdoor storage	P	a. Location and screening of outdoor storage
11.	Parking, loading and access	P	a. Parking, loading and access standards
12.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements
13.	Earthworks - small scale	P	a. Earthworks standards
14.	Earthworks - large scale	RD	a. Earthworks standards
15.	All other site development	P	

29.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status	Performance standards
1.	Subdivision activities	RD	a. Subdivision performance standards

29.3.6 Transition to Campus Zone

On receipt of written notice from the landowner(s) of the Otago Museum Zone confirming that all or part of the land within the zone is surplus to requirements, the provisions of the Otago Museum Zone will no longer apply to that

parcel of land and the provisions of the Campus Zone will apply in full.

Note 29.3A - General advice

1. Under the Heritage New Zealand Pouhere Taonga Act 2014 it is an offence to modify or destroy an archaeological site without obtaining an archaeological authority from Heritage New Zealand (HNZ). This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
2. An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
4. The **archaeological alert layer mapped area**

Rule 29.4 Notification

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

Rule 29.5 Land Use Performance Standards

29.5.1 Electrical Interference

Land use activities must comply with Rule 9.3.2.

29.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

29.5.3 Minimum Car Parking

1. Otago Museum must provide a minimum of 17 parking spaces, including 1 mobility parking space.
2. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility car parking.
3. Parking spaces may be shared between land use activities (i.e. the same parking spaces may be used to fulfill the minimum car parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap.

Note 29.5A - Other relevant District Plan provisions

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

29.5.4 Noise

Land use activities must comply with Rule 9.3.6.

Rule 29.6 Development Performance Standards

29.6.1 Boundary Treatments

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

29.6.2 Earthworks Standards

29.6.2.1 Earthworks - small scale thresholds

- a. Earthworks must not exceed the following scale thresholds to be considered earthworks - small scale. Where earthworks are located in the Haz3 Overlay Zone, the most restrictive scale threshold applies for the purposes of determining activity status. Resource consents will be assessed against all scale thresholds that are contravened.

Zone/Area		1. Otago Museum Zone	2. Haz3 (Flood)
i.	Maximum change in ground level	1.5m	—
ii.	Maximum volume of combined cut and fill	30m ³ per 100m ² of site	20m ³

- b. Earthworks *ancillary to network utilities* activities are only required to comply with Rule 29.6.2.1.a.i - maximum change in ground level threshold.
- c. Earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the performance standard earthworks - small scale thresholds.
- d. Scale thresholds will be calculated as the cumulative total of earthworks on any site in a two calendar-year period.
- e. Earthworks that exceed the earthworks - small scale thresholds are treated as earthworks - large scale, which are a restricted discretionary activity.

29.6.2.2 Batter gradient

Earthworks must:

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

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

29.6.2.3 Setback from property boundary, buildings, structures and cliffs

Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m², and the top or toe of any cliff, the following minimum distances:

- a. Earthworks not supported by retaining walls:
 - i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 29.6A);
 - ii. a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (see Figure 29.6A); and
 - iii. 300mm, as measured from the crest of any cut (see Figure 29.6A).
- b. Retaining walls supporting a cut or fill must be setback a distance at least equal to the height of the retaining walls (see Figure 29.6B), except:
 - i. retaining walls supporting a cut that have been granted building consent are exempt from this standard.
- c. Earthworks *ancillary to network utilities* activities and earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the setback from property boundary, buildings, structures and cliffs performance standard.

Figure 29.6A Unsupported cut and fill (elevation view)

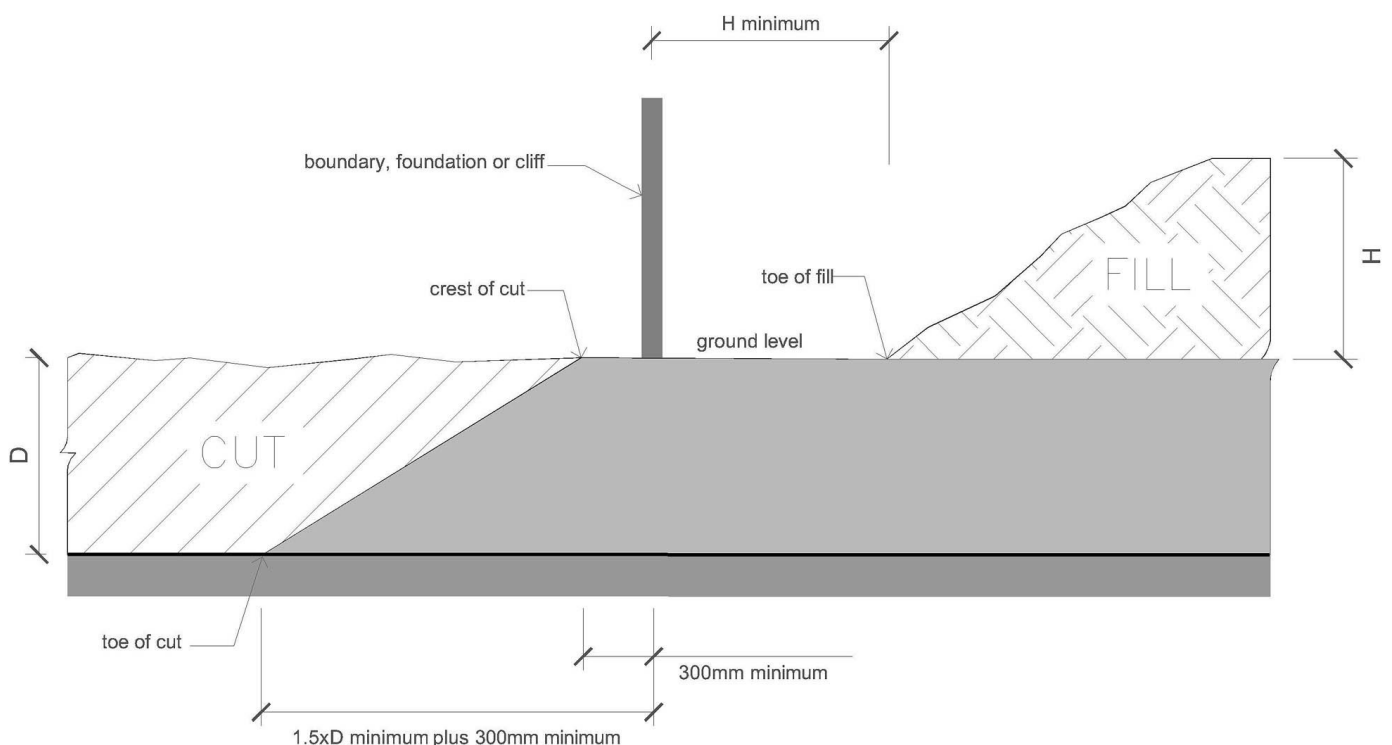
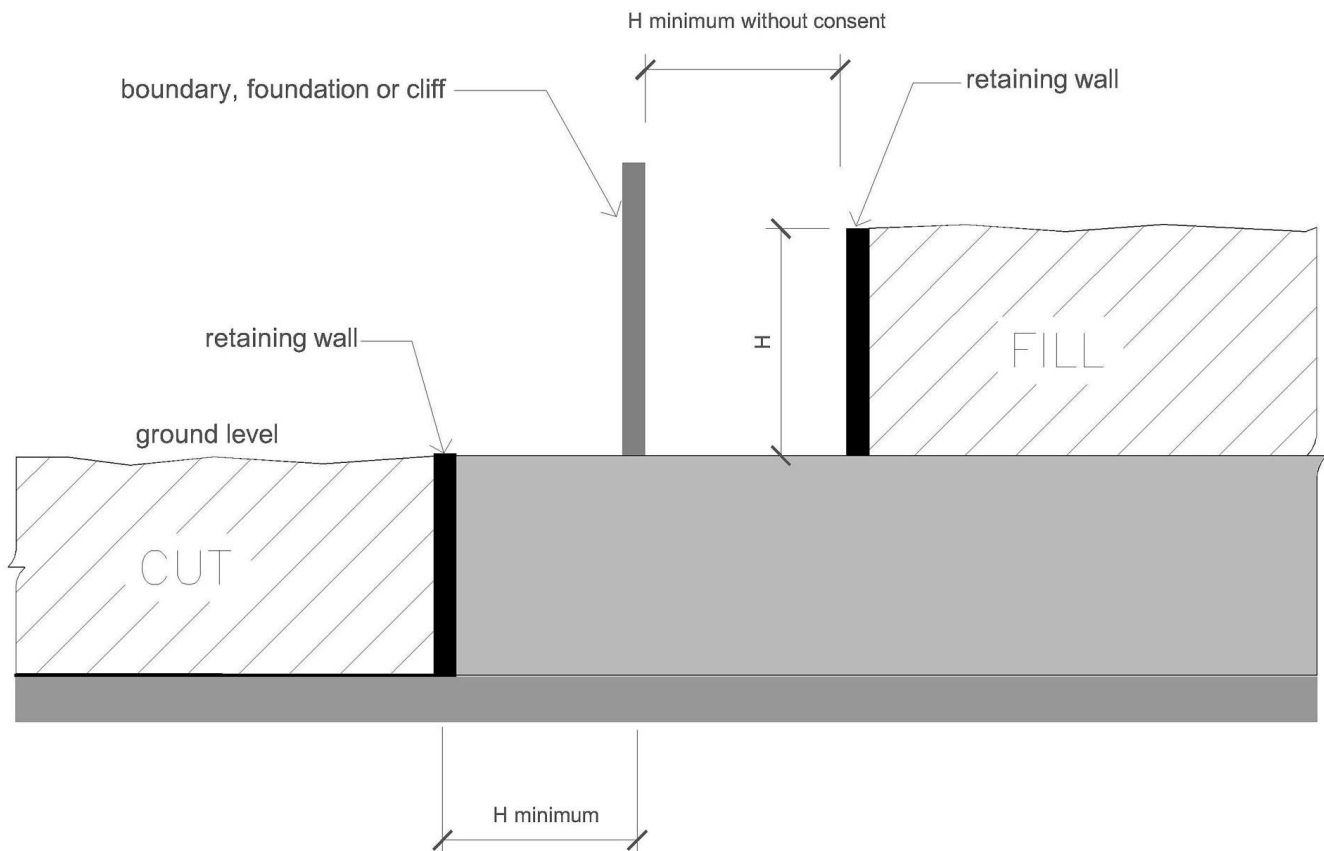


Figure 29.6B Cut and fill supported by retaining walls (elevation view)



29.6.2.4 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

29.6.2.5 Sediment control

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

29.6.3 Hazardous Substances Quantity Limits and Storage Requirements

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

29.6.4 Location and Screening of Outdoor Storage

1. Service areas must be located or screened so that they are not visible at ground level from adjacent: residential activities, residential zoned properties, or public places.
2. Outdoor storage, including service areas, must not encroach into required parking, loading or landscaping areas.
3. Materials stored outside must be stored in a way that prevents them contaminating any off-site area.

29.6.5 Materials and Design

Repairs and maintenance, restoration and earthquake strengthening that affect the protected part of a scheduled heritage building or structure must comply with Rule 13.3.2.

29.6.6 Maximum Height

1. The maximum height for new buildings and structures, and additions and alterations, must not exceed 25m above ground level.
2. Rooftop structures are exempt from the performance standard for maximum height, provided they do not exceed the maximum height limit by more than 5m.
3. Activities that contravene the performance standard for maximum height but are no greater than 40m in height are a restricted discretionary activity.
4. Activities that are over 40m in height are a discretionary activity.

29.6.7 Minimum Floor Level

New buildings (including residential buildings) to be used for sensitive activities in the Hazard 3 (flood) Overlay Zone must comply with Rule 11.3.3.

29.6.8 Number, Design and Location of Ancillary Signs

29.6.8.1 General

- a. Signs visible from outside the Otago Museum Zone must comply with the following standards, except that:
 - i. signs not visible from outside the Otago Museum Zone are exempt from these standards; and
 - ii. signs within the Otago Museum Zone which are required for the purposes of a 'regulatory' (requiring or prohibiting specified actions), 'warning' (informing of hazards or of other features requiring a safe response) or 'directional' (identifying the location of, or direction to, destinations, routes and building entrances) function, are exempt from these standards.
- b. Signs located above the footpath must comply with Rule 6.7.2.
- c. Signs must comply with Rule 6.7.3 where visible from a road.
- d. Signs must not be illuminated or digital.
- e. Signs higher than 4m above ground level must only display the business name or major facility name.
- f. Signs other than those specified in Rules 29.6.8.2 and 29.6.8.3 are not allowed.

29.6.7.2 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign, attached to a building is 8m.
- b. Signs must not be attached to roof.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached flat against a building must:
 - i. not cumulatively exceed 15% of the total wall area (excluding windows) that face the road frontage, or 8m², whichever is lesser; and
 - ii. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.
- e. if attached on the underside of a verandah or protruding from a building façade, must:
 - i. have a maximum area per display face of 2m²;
 - ii. where attached to the façade of a building, must not project more than 1.5m from the façade to which it is attached;
 - iii. have a maximum of two display faces per sign; and

- iv. not exceed one sign per 15m of street frontage.

29.6.7.3 Freestanding signs

- a. The maximum number of permanently fixed freestanding signs is two per site or 1 per 50m of street frontage, whichever is the lesser.
- b. The maximum number of portable freestanding signs is two per site or one per 50m of street frontage, whichever is the lesser.
- c. The maximum dimensions of freestanding signs are:
 - i. maximum height of 6m for permanently fixed freestanding signs;
 - ii. maximum height of 4m for portable freestanding signs;
 - iii. maximum area of 12m² per display face for permanently fixed freestanding signs;
 - iv. maximum area of 8m² per display face for portable freestanding signs;
 - v. maximum width of 2m; and
 - vi. maximum depth of 400m.
- d. Portable freestanding signs must only be located in the Otago Museum reserve and must not be located on the road reserve.
- e. Permanently fixed and portable freestanding signs must:
 - i. not obstruct driveways, parking or loading areas; and
 - ii. be positioned entirely within site boundaries.

Note 29.6A - Other relevant District Plan provisions

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

29.6.9 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

29.6.10 Setback from Scheduled Tree

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

Rule 29.7 Subdivision Performance Standards

Subdivision activities must comply with Rule 34.7.

Rule 29.8 Assessment of Controlled Activities

Rule 29.8.1 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 29.8.2:
 - a. lists the matters over which Council has reserved its control; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
 - ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 29.9; 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 29.11; 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 29.12; and
 - iii. the assessment guidance in this section will also be considered.

29.8.2 Assessment of all controlled activities

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

Rule 29.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 29.9.1 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 29.9.2 - 29.9.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

29.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Performance standard contraventions	<i>Relevant objectives and policies:</i> a. Objective 29.2.1 <i>Potential circumstances that may support a consent application include:</i> b. The degree of non-compliance with the the performance standard is minor c. The need to meet other performance standards or topography, or other <u>site</u> specific factors, make meeting the standard impracticable. d. Topography or other <u>site</u> specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. e. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. <i>General assessment guidance:</i> f. Where more than one standard is contravened, the combined effects of the contraventions should be considered. g. 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.

29.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Electrical interference	a. Effects on health and safety	See Rule 9.4
2. Minimum car parking	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

29.9.4 Assessment of development standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Boundary treatments	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 29.2.2 ii. Require landscaping that provides a reasonable level of streetscape amenity along the boundary of parking and loading areas. (Policy 29.2.2.4). <i>Potential circumstances that may support a consent application include:</i> iii. The landscaping will be effective in breaking up (softening) carparking areas when viewed from the street.
2. Earthworks standards: • Batter gradient	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 29.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 29.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> iii. Maximum slopes of cut and fill batters. iv. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. v. Temporary shoring requirements to maintain stability before a wall is constructed. vi. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
3. Earthworks standards: • Setback from property boundary, buildings, structures and cliffs	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 29.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 29.2.3.1.a).

29.9.4 Assessment of development standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
4.	Earthworks standards • Setback from network utilities	a. Effects on efficient and effective operation of network utilities	See Rule 5.7
		b. Effects on health and safety	
5.	Earthworks standards: • Sediment control	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 29.2.3 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems (Policy 29.2.3.2.b).
		b. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
6.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards	See Rule 11.4
7.	Location and screening of outdoor storage	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 29.2.2 ii. Require outdoor storage areas, to be located or screened so they are not visible from ground level of a public place. (Policy 29.2.2.2). <i>Potential circumstances that may support a consent application include:</i> iii. Screening would restrict accessibility by service vehicles or access to the service area for everyday use. iv. The <u>site</u> layout prevents the outdoor storage areas from being visible from any public place without additional screening being required.

29.9.4 Assessment of development standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
8.	Materials and design	a. Effects on heritage values (work on scheduled heritage buildings or structures)	See Rule 13.5
9.	Maximum Height	a. Effects on pedestrian amenity	<i>Relevant objectives and policies:</i> i. Objective 29.2.2 ii. Buildings and structures are of a height that: 1. maintains adequate sunlight access to the adjoining Otago Museum Reserve; and 2. avoids significant adverse wind effects. (Policy 29.2.2.1). iii. Only allow buildings between 25m - 40m in height where they contribute positively to the skyline vista of the city, by being of a quality and contextually appropriate architectural design (Policy 29.2.2.6). <i>Potential circumstances that may support a consent application include:</i> iv. Sunlight admission to the footpath, street and Otago Museum Reserve is maintained
10.	Minimum floor level (hazard overlays)	a. Risk from natural hazards	See Rule 11.4
11.	Number, design and location of ancillary signs	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 29.2.2 ii. Require ancillary signs visible from outside the zone to be located and designed to maintain the amenity of surrounding streets and the Otago Museum Reserve, including by being of an appropriate size and number to convey information to passing pedestrians and motorists, and not being too oversized or numerous for that purpose. (Policy 29.2.2.3). <i>Potential circumstances that may support a consent application include:</i> iii. An attractive streetscape is maintained. iv. The high amenity of the Otago Museum Reserve is maintained. v. The visual cohesion of the street is maintained by the increase in size or number of signs.
		b. Effects on safety and efficiency of the transport network	See Rule 6.9

29.9.4 Assessment of development standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
12.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
13.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6

29.9.5 Assessment of subdivision performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Subdivision performance standards	See Rule 34.9

Rule 29.10 Assessment of Restricted Discretionary Activities

Rule 29.10.1 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 29.10.2 - 29.10.5:
 - 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. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimize any adverse effects from the land use activity or create mitigating positive effects.
4. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) 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 29.9; 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 29.11; 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 29.12; and
 - iii. the assessment guidance in this section will also be considered.

29.10.2 Assessment of all restricted discretionary activities

Activity	Guidance on the assessment of resource consents
1. All restricted discretionary activities	a. the degree of non-compliance with the performance standard is minor

29.10.3 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. • Early childhood education - large scale • Community and leisure - large scale	a. Effects on the safety and efficiency of the transport network	See Rule 6.10

29.10.4 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. • All other additions and alterations • Removal for relocation of buildings and structures activities <i>that affect a protected part of a scheduled heritage building or scheduled heritage structure</i>	a. Effects on heritage values	See Rule 13.6

29.10.4 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. Earthworks - large scale (that exceed the scale thresholds for the Otago Museum Zone)	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 29.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 29.2.3.3.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 29.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> 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. <i>Conditions that may be imposed include, but are not limited to:</i> 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.

29.10.4 Assessment of restricted discretionary development activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
		c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 29.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 29.2.3.3.c). <i>Potential circumstances that may support a consent application include:</i> 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 29.13.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards
3.	Earthworks - large scale (that exceed scale thresholds for a hazard (flood) overlay zone)	a. Risk from natural hazards	See Rule 11.5
4.	Parking, loading and access which creates 50 or more new parking spaces	a. Effects on the safety and efficiency of transport network	See Rule 6.10

29.10.5 Assessment of restricted discretionary subdivision activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	Subdivision	a. Effects on the efficient and effective operation of Otago Museum	<i>Relevant objectives and policies:</i> i. Objective 29.2.1, 2.3.1 ii. Subdivision does not adversely affect the efficient and effective operation of Otago Museum (Policy 29.2.1.5.b).
		See Rule 34.10	

Rule 29.11 Assessment of Discretionary Activities

Rule 29.11.1 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. Rule 29.11.2 and 29.11.3 provides guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent applications;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

29.11.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
1. Commercial activities (except conference meeting and functions, entertainment and exhibition and training and education).	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.3.1, 2.3.3 b. Objective 29.2.1 c. Activities that are not provided for: i. are related to or necessary to support the Otago Museum, or have other operation requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Otago Museum; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. are designed and operated in line with Objective 29.2.2 and its policies (Policy 29.2.1.3). <i>Potential circumstances that may support a consent application include:</i> d. For discretionary land use activities, whether any associated development activities meet relevant development performance standards, or are otherwise consistent with relevant objectives and policies for development (see Rule 29.9 for performance standard contraventions). e. All relevant land use performance standards are met, including noise and light spill standards. <i>General assessment guidance:</i> f. In assessing the significance of effects, consideration will be given to: i. short to long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. g. 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.

29.11.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • Noise - where the limit is exceeded by up to 5dB LAeq (15min) • Light spill - where the limit is exceeded by 25% or less	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.

29.11.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
2. Maximum height (buildings over 40m in height)	<i>Relevant objectives and policies:</i> a. Objective 29.2.2 b. Buildings and structures are of a height that: i. maintains adequate sunlight access to the adjoining Otago Museum Reserve; and ii. avoids significant adverse wind effect (Policy 29.2.2.1). c. Only allow buildings over 40m in height where: i. the height is essential to the operation of Otago Museum; and ii. the height exceedence is minimal (Policy 29.2.2.7) Potential circumstances that may support a consent application include: d. Sunlight admission to the footpath, street and Otago Museum Reserve is maintained

Rule 29.12 Assessment of Non-complying Activities

Rule 29.12.1 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 29.12.2 and 29.12.3 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. 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.

29.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities including all activities in: • the major facilities activities category • the residential activities category • the industrial activities category • the rural activities category	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.3.1, 2.3.3 b. Objective 29.2.1 c. Activities that are not provided for are only allowed where they: i. are related to or necessary to support the Otago Museum; ii. have other operational requirements which mean they need to locate within the zone; iii. will support the efficient and effective operation of Otago Museum; iv. are not more appropriately located in another zone in line with objective 2.3.2 and its policies; and v. are designed and operated in line with Objective 29.2.2 and its policies. (Policy 29.2.1.3).
2. Commercial advertising in all zones	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c
3. Demolition of a protected part of a scheduled heritage building or scheduled heritage structure	See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects related to heritage values.

29.12.3 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5dB LAeq (15 min) or more	See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

Rule 29.13 Special Information Requirements

29.13.1 Geotechnical investigation report

1. A geotechnical investigation report may be requested by Council for earthworks of a large scale and/or where the earthworks are proposed:
 - a. on a site with a slope angle between 15° (3.7h:1v slope ratio, or 27% slope grade) and 26° (2h:1v slope ratio, or 50% slope grade);
 - b. on a site identified as hazard-prone in Council's Hazard Information Management System; or
 - c. on any other site that the Council, with good cause, suspects to be hazard-prone.
2. A geotechnical investigation report must be provided for earthworks on all sites with a slope greater than a 26° angle (2h:1v slope ratio, or 50% slope grade).
3. All requested geotechnical investigation reports must be prepared by a suitably qualified expert who is experienced in the practice of geotechnical engineering and registered under the Chartered Professional Engineers Act of New Zealand 2002 and who has professional indemnity insurance.
4. The geotechnical investigation report must address the following factors:
 - a. special design or construction requirements;
 - b. special foundation requirements;
 - c. services;
 - d. access;
 - e. effluent disposal;
 - f. non-engineered fills; and
 - g. a statement of professional opinion as to the suitability of the land for the proposed development.

30. Port

30.1 Introduction

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

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

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

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

Only industry and port activities are provided for in the zone. Both of these activities are broadly defined and incorporate all activities associated with the normal operation of the port. Potential adverse effects of port activity on surrounding properties are managed through:

- performance standards focused on the management of the effects of noise (including through port funded acoustic insulation of existing residential properties) within a mapped area (**port noise control mapped area**);
- managing the establishment of new noise sensitive activities within the **port noise control mapped area**;
- restricting the height of shipping container stacks, with a greater restriction at Back Beach and Boiler Point compared to the rest of the Port Zone;
- applying a light performance standard measured at the boundary of residential zoned sites; and
- not allowing the storage of logs, woodchips or fertiliser north of George Street in Port Chalmers (Boiler Point area).

30.2 Objectives and Policies

Objective 30.2.1	
The port at Port Chalmers is able to operate efficiently and effectively as a key shipping and passenger port for the region.	
Policy 30.2.1.1	Enable port activities, including activities that are ancillary to port activities.
Policy 30.2.1.2	Provide for industry in recognition that this activity is compatible with the operation of the port and can support its efficient and effective operation.
Policy 30.2.1.3	Avoid the establishment of activities that are not related to the operation of the port and may conflict with the ability of the port to operate efficiently and effectively.
Policy 30.2.1.4	Only allow subdivision where necessary for: a. the operation of the port at Port Chalmers; or b. the disposal of surplus land in accordance with Policy 2.3.1.6 and the objectives and policies of the Industrial Port Zone.
Objective 30.2.2	
Land use, development and subdivision activities necessary for the port at Port Chalmers to operate efficiently and effectively is enabled while: a. adverse effects on the amenity of surrounding zones are avoided or mitigated as far as practicable; and b. people's health and safety is maintained.	
Policy 30.2.2.1	Require buildings, structures and outdoor storage, including shipping containers, to be of a height that avoids or mitigates significant adverse effects on visual amenity in Port Chalmers and Carey's Bay, as far as practicable.
Policy 30.2.2.2	Require fertiliser and woodchips to be stored in a manner and in an area where they will not become windblown and will not contaminate any off-site areas.
Policy 30.2.2.3	Require ancillary signs to be located and designed to maintain streetscape amenity including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles and not being oversized or too numerous for what is necessary for that purpose.
Policy 30.2.2.4	Require land use activities to operate, and development to be designed, to ensure that adverse effects from noise on the health of people can be avoided or, if avoidance is not possible, adequately mitigated.

Objective 30.2.3

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

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

Policy 30.2.3.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: a. being set back an adequate distance from property boundaries, buildings, structures and cliffs; and b. using a batter gradient that will be stable over time.
Policy 30.2.3.2	Require earthworks and any associated retaining structures to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: a. limiting the scale of earthworks that are provided for as a permitted activity; and b. requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.
Policy 30.2.3.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: a. adverse effects on visual amenity and character; b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and c. adverse effects on the stability of land, buildings, and structures.

Rules

Rule 30.3 Activity Status

30.3.1: Rule location

Tables 30.3.3 to 30.3.5 in Rule 30.3.2 specify the activity status of land use activities, development activities, and subdivision activities in the Port Zone and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

1. Public amenities (Section 3)
2. Temporary activities (Section 4)
3. Network utilities and energy generation (Section 5)
4. Transportation (Section 6)
5. Scheduled Trees (Section 7)
6. Natural hazard mitigation (Section 8)

30.3.2: Activity status introduction

1. The tables in Rules 30.3.3-30.3.5 show the activity status of activities in the Port Zone and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.6 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested table in Section 1.6 is intended to be a complete list of activities and categories of activities. For any activity that is not covered by any of the defined activities in the nested table, the activity status will be non-complying if the activity status of "all" or "all other" activities in the most closely related category is non-complying, otherwise it will be discretionary.

Performance Standards

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

Legend

Acronym	Activity status
—	No additional provisions apply or not relevant
P	Permitted activity
C	Controlled activity
RD	Restricted discretionary activity
D	Discretionary activity
NC	Non-complying activity

30.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Electrical interference b. Light spill
Major facility activities		Activity status	Performance standards
2.	Port	P	a. Port Noise
3.	All other activities in the major facility activities category	NC	
Industrial activities		Activity status	Performance standards
4.	Industry	P	a. Minimum vehicle loading b. Noise (Rule 9.3.6)
Commercial activities		Activity status	Performance standards
5.	All activities in the commercial activities category	NC	
Community activities		Activity status	Performance standards
6.	All activities in the community activities category	NC	
Rural activities		Activity status	Performance standards
7.	All activities in the rural activities category	NC	
Residential activities		Activity status	Performance standards
8.	All activities in the residential activities category	NC	

30.3.4 Activity status table - development activities

Buildings and structures activities		Activity status	Performance standards
1.	All buildings and structures activities	P	a. Maximum height b. Number, located and designed of ancillary signs
Site development activities		Activity status	Performance standards
2.	Earthworks - small scale	P	a. Earthworks standards
3.	Earthworks - large scale	RD	a. Earthworks standards
4.	Outdoor storage	P	a. Location of outdoor storage (fertiliser, woodchips and logs) b. Maximum height c. Securing of outdoor storage
5.	Parking, loading and access	P	a. Parking, loading and access standards
6.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements
7.	All other site development activities	P	

30.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status	Performance standards
1.	Subdivision activities	RD	a. Subdivision performance standards

Rule 30.3.6 Transition to the Industrial Port Zone

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

Note 30.3A - General advice

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

Rule 30.4 Notification

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

Rule 30.5 Land Use Performance Standards

30.5.1 Electrical Interference

Land use activities must comply with Rule 9.3.2.

30.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

30.5.3 Minimum Vehicle Loading

Industry activity on all sites must provide one loading space, to accommodate an 8m rigid truck (see Figure 6.14J).

30.5.4 Port Noise

1. The operator of the port at Port Chalmers must:
 - a. develop a noise management and noise mitigation plan for Port Chalmers to provide for noise minimisation, mitigation of the effects of port noise and community liaison;
 - b. investigate and adopt the best practicable option to minimise port noise emissions;
 - c. produce and, at all times, operate in accordance with a port noise management plan, which must include, but is not limited to, the matters set out in Appendix 30A;
 - d. implement a port noise mitigation plan for the purchase or acoustic treatment of noise affected properties, which must include, but is not limited to, the matters set out in Appendix 30B; and
 - e. establish, maintain and participate in a port noise liaison committee, which must operate in accordance with the requirements set out in Appendix 30C.
2. The measurement of port noise must be in accordance with NZS6801:2008 Acoustics - Measurement of Environmental Sound, and assessment must be in accordance with NZS6809:1999 Acoustics - Port Noise Management and Land Use Planning, provided that:
 - a. subject to Rule 9.3.6.6 a., the rating level described in clause 7.3 of NZS6809:1999 Acoustics - Port Noise Management and Land Use Planning must be determined for the sole purpose of defining any Leq (15 min) sound level, required for the purposes of Appendices 30A and 30B; and
 - b. adjustments for any special audible characteristics to any Leq (15 min) made in accordance with clause 7.3 and A6 of NZS6809:1999 must, except for audible warning devices, not apply to noise from log and container handling activities.
3. For the purpose of comparison with noise criteria specified in Appendix 30B the following apply:
 - a. in calculating any Ldn (5 day average), one ship visit of up to five days duration, must be deemed to be one occasion; and
 - b. in assessing any Leq (15 min) sound level between 10pm and 7am the following day, one ship visit of up to five days duration must be deemed to be one occasion.
4. Port activity that does not comply with the performance standard for Port Noise is a non-complying activity.

Note: Industry must comply with Rule 9.3.6.

Rule 30.6 Development Activities Performance Standards

30.6.1 Earthworks Standards

30.6.1.1 Earthworks - small scale thresholds

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

Zone/Area		1. Port Zone	2. Within 5m of a water body ¹ or MHWS
i.	Maximum change in ground level	1.5m	0.5m
ii.	Maximum volume of combined cut and fill	30m ³ per 100m ² of site	1m ³
iii.	Maximum area	—	25m ²

- b. Earthworks *ancillary to network utilities* activities are only required to comply with Rule 30.6.1.1.a.i - maximum change in ground level threshold.
- c. Earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the performance standard earthworks - small scale thresholds.
- d. Scale thresholds will be calculated as the cumulative total of earthworks on any site in a two calendar-year period.
- e. Earthworks that exceed the earthworks - small scale thresholds are treated as earthworks - large scale, which are a restricted discretionary activity.

¹See Rule 10.3.3 for how setbacks from waterbodies will be measured.

30.6.1.2 Batter gradient

Earthworks must:

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

30.6.1.3 Setback from property boundary, buildings, structures and cliffs

Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m², and the top or toe of any cliff, the following minimum distances:

- a. Earthworks not supported by retaining walls:
- a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 30.6A);
 - a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (see Figure 30.6A); and
 - 300mm, as measured from the crest of any cut (see Figure 30.6A).
- b. Retaining walls supporting a cut or fill must be setback a distance at least equal to the height of the retaining walls (see Figure 30.6B), except:
- retaining walls supporting a cut that have been granted building consent are exempt from this standard.
- c. Earthworks *ancillary to network utilities* activities and earthworks *ancillary to the operation, repair, and*

maintenance of the roading network are exempt from the setback from property boundary, buildings, structures and cliffs performance standard.

Figure 30.6A Unsupported cut and fill (elevation view)

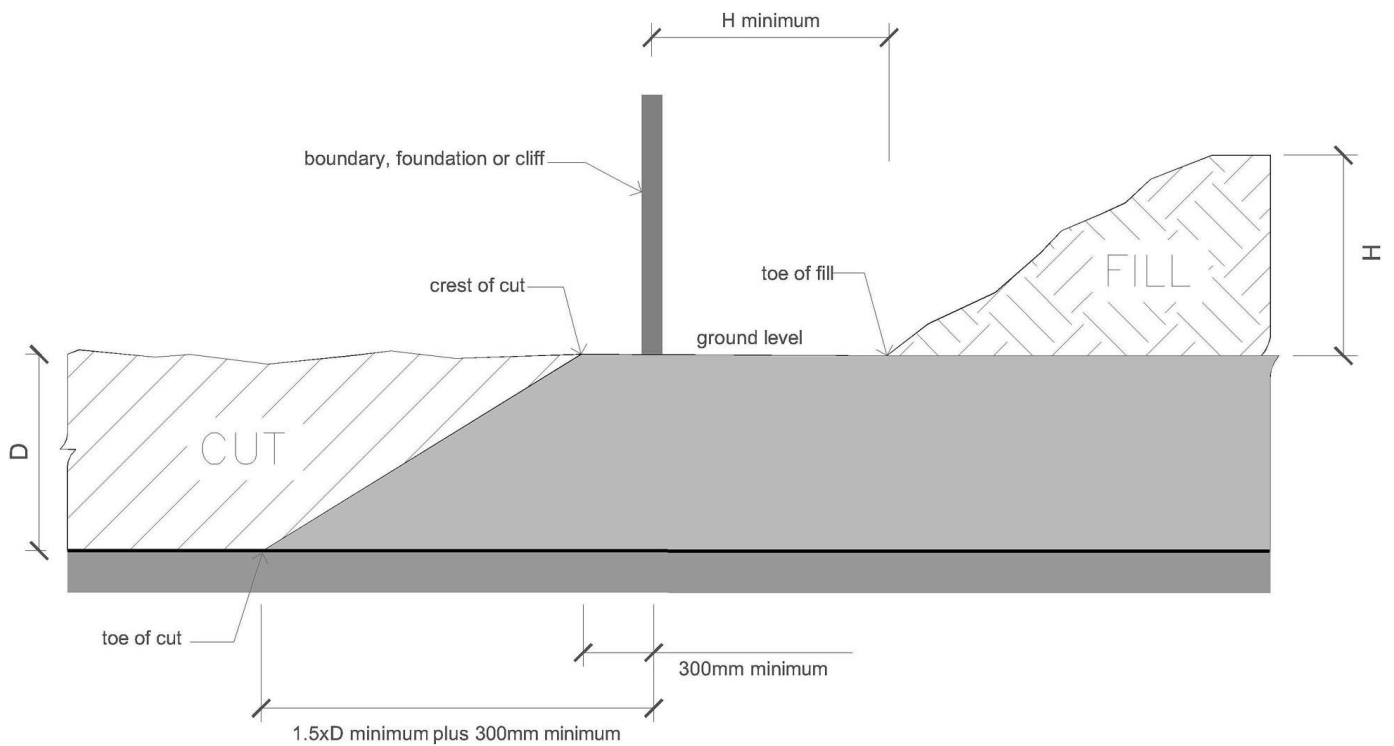
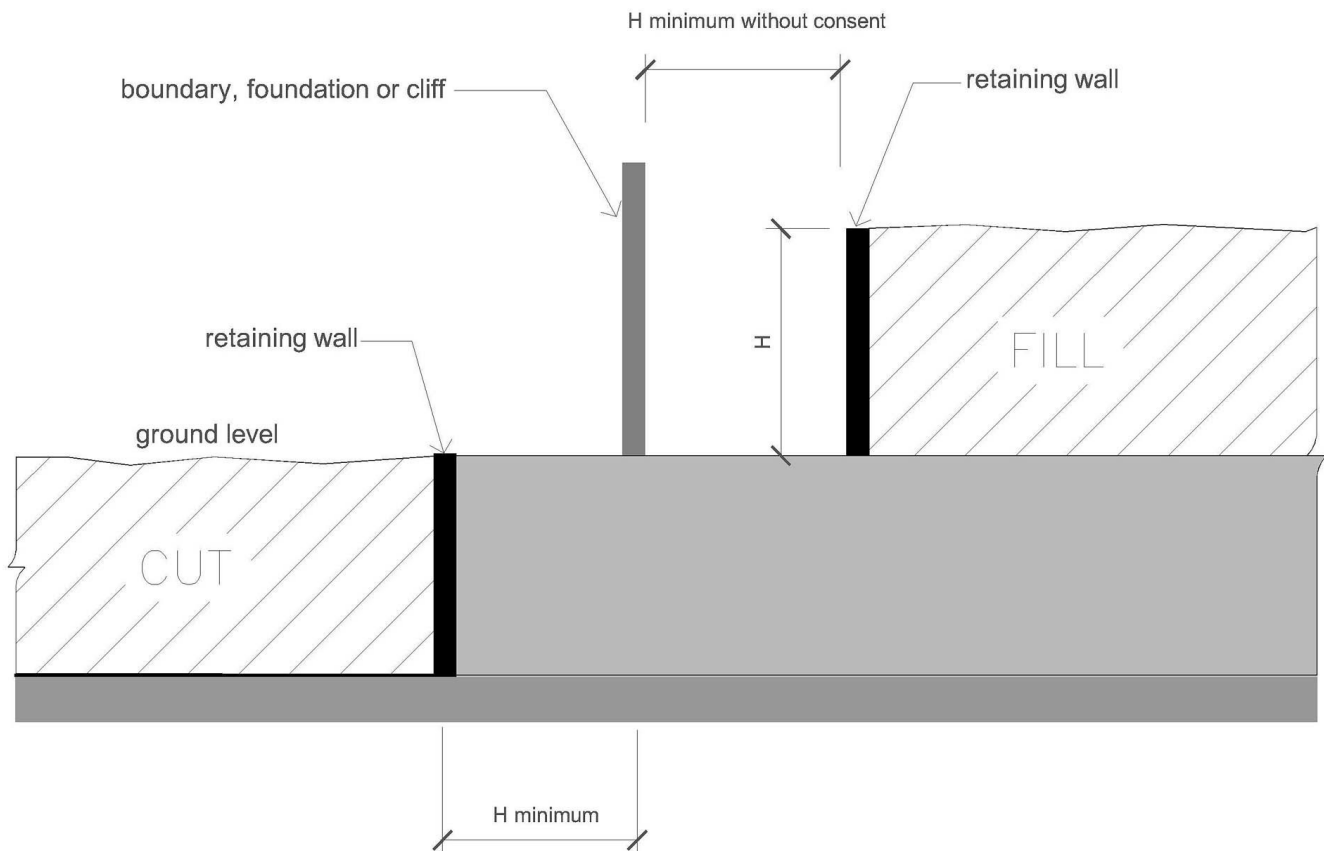


Figure 30.6B Cut and fill supported by retaining walls (elevation view)



30.6.1.4 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

30.6.1.5 Sediment control

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

30.6.1.6 Archaeological sites

Earthworks must comply with Rule 13.3.3.

30.6.2 Hazardous Substances Quantity Limits and Storage Requirements

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

30.6.3 Location of Outdoor Storage

1. Woodchips and logs must not be stored in the **port wood exclusion mapped area**.
2. Fertiliser must not be stored outside, or in a building that is not fully enclosed.

Port Wood Exclusion Mapped Area



30.6.4 Maximum Height

The maximum height of new buildings and structures activities, additions and alterations, and outdoor storage, including the temporary storage of shipping containers, must not exceed 30m above ground level, except:

1. in the **Boiler Point and Back Beach height mapped area** the maximum height is 15m;
2. quayside and container cranes, and light towers are exempt from the maximum height limit; and

3. rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more than one third of that limit or 5m, whichever is the lesser.

Boiler Point and Back Beach Height Mapped Area



30.6.5 Number, Location and Design of Ancillary Signs

30.6.5.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are not visible from outside the Port Zone;
 - ii. 'regulatory' (requiring or prohibiting specified actions), 'warning' (informing of hazards or of other features requiring a safe response), or 'directional' (identifying the location of, or direction to destinations, routes, building entrances and vehicle accesses) signs; and
 - iii. 'building names' (excluding commercial sponsorship names).
- b. Signs located above the footpath must comply with Rule 6.7.2.
- c. Signs must comply with Rule 6.7.3 where visible from a road.
- d. Signs must not be illuminated or digital.
- e. Signs higher than 4m above ground level must only display the business name or major facility name.
- f. Signs other than those specified in Rules 30.6.5.2 and 30.6.5.3 are not allowed.

30.6.5.2 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign, attached to a building is 8m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached flat against a building must:
 - i. not cumulatively exceed 15% of the total wall area (excluding windows) that face the street frontage, or 8m², whichever is lesser; and
 - ii. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.
- e. If attached on the underside of a verandah or protruding from a building façade, signs must:
 - i. where attached to the façade of a building, not protrude more than 1.5m from the façade;
 - ii. have a maximum area per display face of 2m²;
 - iii. have a maximum of 2 display faces per sign; and
 - iv. not exceed 1 sign per 15m of street frontage and a maximum of 3 signs per building.

30.6.5.3 Freestanding signs

- a. The maximum number of freestanding signs is:
 - i. 2 per site or 1 per 50m of street frontage, whichever is the lesser, for permanently fixed freestanding signs, and
 - ii. 2 per site or 1 per 50m of street frontage, whichever is the lesser, for portable freestanding signs.
- b. The maximum dimensions of freestanding signs are:
 - i. maximum height of 8m for permanently fixed freestanding signs;
 - ii. maximum height of 4m for portable freestanding signs;
 - iii. maximum area of 16m² per display face for permanently fixed freestanding signs;
 - iv. maximum area of 8m² per display face for portable freestanding signs;
 - v. maximum width of 2m; and

- vi. maximum depth of 400m.
- c. Freestanding signs must not:
 - i. obstruct driveways, parking or loading areas; and
 - ii. be positioned entirely within site boundaries.

Note 30.6A - Other relevant District Plan provisions

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

Note 30.6B - Other requirements outside of the District Plan

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

30.6.6 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

30.6.7 Securing of Outdoor Storage

Materials must be stored in a way that prevents materials contaminating any off-site area.

Rule 30.7 Subdivision Performance Standards

Subdivision activities must comply with Rule 19.7.

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

Rule 30.8.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 30.8.2 - 30.8.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

30.8.2 Assessment of all performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
1.	Performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor. <i>General assessment guidance:</i> b. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

30.8.3 Assessment of land use performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Electrical interference	a. Effects on health and safety	See Rule 9.4
2.	Minimum vehicle loading	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

30.8.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Earthworks standards: • Batter gradient	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 30.2.3 ii. Earthworks and associated retaining structures are located and designed to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 30.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> iii. Maximum slopes of cut and fill batters. iv. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. v. Temporary shoring requirements to maintain stability before a wall is constructed. vi. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
2. Earthworks standards: • Setback from property boundary, buildings, structures and cliffs	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 30.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 30.2.3.1.a).
3. Earthworks standards: • Setback from network utilities	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7

30.8.4 Assessment of development performance standard contraventions

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

30.8.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
8. • Securing of outdoor storage • Location of outdoor storage	a. Effects on amenity of surrounding zones	<i>Relevant objectives and policies:</i> i. Objective 30.2.2 ii. Fertiliser, woodchips and other materials are stored in a manner and in an area where they will not become windblown and will not contaminate any off-site areas (Policy 30.2.2.2).

30.8.5 Assessment of subdivision performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Subdivision performance standards	See Rule 19.9

Rule 30.9 Assessment of Restricted Discretionary Activities

Rule 30.9.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rule 30.9.2 and 30.9.3:
 - 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. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
4. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 30.8; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 30.10; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 30.11; and
 - iii. the assessment guidance in this section will also be considered.

30.9.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Earthworks - large scale (that exceed the scale thresholds for the Port Zone)	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 30.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 30.2.3.3.a). 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 30.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> 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. <i>Conditions that may be imposed include, but are not limited to:</i> 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 <u>site</u> is not diminished.

30.9.2 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	<i>Relevant objectives and policies:</i> i. Objective 30.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 30.2.3.3.c). <i>Potential circumstances that may support a consent application:</i> iii. A geotechnical report confirms the existing ground is suitably stable for the proposed works, and proposed works will not create instability risks for surrounding land, buildings, or structures (see Special Information Requirements - Rule 30.12.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards
2. Earthworks - large scale (that exceed scale thresholds within 5m of a water body or MHWS)	a. Effects on biodiversity and natural character of riparian margins and the coast b. Effects on public access	See Rule 10.5

30.9.3 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All subdivision activities	a. Effects on the efficient and effective operation of the port at Port Chalmers	<i>Relevant objectives and policies:</i> i. Objective 30.2.1; Strategic objective 2.3.1 ii. Subdivision is necessary for the operation of the port at Port Chalmers or the disposal of surplus land in accordance with Policy 2.3.1.6, in accordance with the objectives and policies of the Industrial Port Zone (Policy 30.2.1.4).
	See Rule 19.10	

Rule 30.10 Assessment of Discretionary Activities

Rule 30.10.1 Introduction

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

30.10.2 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • Noise - where the limit is exceeded by 5dB LAeq (15min) • Light spill - where the limit is exceeded by 25% or less	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.

Rule 30.11 Assessment of Non-complying Activities

Rule 30.11.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 30.11.2 and 30.11.3 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

30.11.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities	<i>Relevant objectives and policies (priority considerations):</i> a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to, those related to: i. Objective 2.3.1 b. The activity supports the purpose of the zone as outlined in 30.2.1 and 30.2.2. c. In assessing the significance of effects, consideration will be given to: i. both short and long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. <i>Potential circumstances that may support a consent application include:</i> d. the establishment of the activity is related to the operation of the port and will not conflict with the ability of the port to operate efficiently and effectively.
2. • Cemeteries • Crematoriums • Landfills	See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of manawhenua.
3. Commercial advertising in all zones	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c

30.11.3 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Light spill - where the limit is exceeded by greater than 25%	See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
2. • Noise - where the limit is exceeded by 5dB LAeq (15 min) or more (Rule 9.3.7) • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)	See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
3. Port Noise	<i>Relevant objectives and policies (priority considerations):</i> Objective 30.2.2, Policy 30.2.2.4

Rule 30.12 Special Information Requirements

30.12.1 Geotechnical investigation report

1. A geotechnical investigation report may be requested by Council for earthworks of a large scale and/or where the earthworks are proposed:
 - a. on a site with a slope angle between 15° (3.7h:1v slope ratio, or 27% slope grade) and 26° (2h:1v slope ratio, or 50% slope grade);
 - b. on a site identified as hazard-prone in Council's Hazard Information Management System; or
 - c. on any other site that the Council, with good cause, suspects to be hazard-prone.
2. A geotechnical investigation report must be provided for earthworks on all sites with a slope greater than a 26° angle (2h:1v slope ratio, or 50% slope grade).
3. All requested geotechnical investigation reports must be prepared by a suitably qualified expert who is experienced in the practice of geotechnical engineering and registered under the Chartered Professional Engineers Act of New Zealand 2002 and who has professional indemnity insurance.
4. The geotechnical investigation report must address the following factors:
 - a. special design or construction requirements;
 - b. special foundation requirements;
 - c. services;
 - d. access;
 - e. effluent disposal;
 - f. non-engineered fills; and
 - g. a statement of professional opinion as to the suitability of the land for the proposed development.

Appendices

Appendix 30A. Port Noise Management Plan

30A.1 Minimum port noise management plan provisions

The port noise management plan required by Rule 30.5.4 must contain the following:

1. port noise management plan objectives;
2. detailed procedures for the implementation of Rule 30.5.4, including the port noise mitigation plan outlined in Appendix 30B and the establishment and maintenance of a port noise liaison committee outlined in Appendix 30C;
3. a list of port noise liaison committee functions;
4. procedures for recommendations of the port noise liaison committee to be considered and determined by the port operator;
5. noise modelling, noise monitoring, auditing and reporting procedures;
6. complaint handling procedures;
7. procedures for achieving noise reduction through port operational procedures and staff and contractor training; and
8. procedures for alterations to the port noise management plan.

30.1.B Minimum monitoring and reporting requirements

1. The port operator must maintain, at its expense, sound level monitoring equipment to ensure the continuous measurement of port noise emanating from port related activities occurs 24 hours a day and seven days a week.
2. The port operator must provide the results of sound level monitoring to the Council and the port noise liaison committee in a summary form showing Leq, calculated Ldn sound exposure and all attended Lmax levels not less than four times a year. Significant port noise emissions must be highlighted and correlated with port activity and wind speed and wind direction data.
3. When sound level monitoring indicates that port noise may be exceeding 65 dBA Ldn (5 day average) or 65dBA Leq (15 min, 10pm - 7am) at noise affected properties that are not shown on the port noise contour map as eligible for mitigation under Appendix 30B.1, the exceedence must be recorded, investigated and reported to the port noise liaison committee. The investigation must identify as far as possible those noise affected properties receiving port noise at or above such levels.
4. The port operator must produce and include in the port noise management plan a port noise contour map based on a current busy 5 day operating scenario. The contour map must be updated at least on an annual basis or when a change to port operations is likely to affect the levels of port noise received in the township and settlement, rural residential 2, recreation, industrial, principal centre and hill slopes rural zone. Port noise contours must be modelled at 1dB intervals between 55Ldn and 70Ldn.
5. To ensure the accuracy of the port noise contour map, the port operator must perform field verification of calculated sound exposure levels and assessed Leq (15 min) levels of port noise at the agreed monitoring points identified in the port noise management plan.
6. Those noise affected properties confirmed as eligible for mitigation under Appendix 30B.1 must be identified on the port noise contour map.
7. The port operator must maintain an acoustic certificate register. A copy of the register and acoustic certificates for noise affected properties must be supplied to the Council. Copies of the register and acoustic certificates must also be held at the offices of the port operator and the Dunedin City Council and made

available to members of the public on request.

8. The port operator must make available to the port noise liaison committee or the Council on request all information the port operator has as to noise and meteorological conditions.
9. When a noise complaint is received the port operator will immediately advise the Dunedin City Council (if the complaint is not received throughout the Dunedin City Council).
10. The port operator must maintain a register of noise complaints and report the details of complaints and any action taken to investigate and resolve complaints to the port noise liaison committee at the earliest opportunity.
11. Copies of the port noise management plan are to be held at the offices of the port operator and the Dunedin City Council and made available to members of the public on request.

Appendix 30B. Port Noise Mitigation Plan

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

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

30B.1.2 Owner to decide

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

30B.1.2 Purchase

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

30B.1.3 Acoustic treatment

Acoustic treatment of noise affected properties must be carried out in accordance with procedures specified in the port noise mitigation plan up to a limit specified in the port noise mitigation plan.

Where the assessed costs of acoustic treatment exceed the limit specified in the port noise mitigation plan the port operator must advise the property owner of the costs of acoustic treatment and offer the property owner the option of making up the difference in the costs of acoustic treatment to enable the port operator to obtain an acoustic certificate.

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

30B.1.4 Residential use of properties purchased by the port operator

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

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

The port operator must contribute to the costs of acoustic treatment for noise affected properties or may offer to

purchase noise affected properties which are shown on the current port noise contour map as receiving at any point within their boundary port noise levels equal to or greater than 60 dBA Ldn (5 day average). The conditions and standards in 9.3.1.2 to 9.3.1.4 apply to any offer to provide acoustic treatment.

30B.2.1 Purchase

The port operator, on application by the owner of a noise affected property, must consider and decide whether to offer to purchase a noise affected property. The purchase will be on the basis of a "willing buyer/willing seller" and no additional compensatory payments will be necessary.

30B.2.2 Acoustic treatment

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

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

The port noise liaison committee will provide technical advice to noise affected properties.

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

30B.3.1 Technical advice

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

An annual summary of the activities of the port noise liaison committee taken from the minutes of the liaison committee meetings is to be provided to property owners.

30B.3.2 Acoustic treatment

Acoustic treatment of noise affected properties must be carried out in accordance with procedures specified in the port noise mitigation plan.

Where the contribution to the costs of acoustic treatment is to be provided it must be up to a limit specified in the port noise mitigation plan.

Appendix 30C. Port Noise Liaison Committee

1. The port noise liaison committee required under Rule 30.5.4 must comprise but is not limited to members appointed by the following organisations:
 - a. Port operator
 - b. Otago Regional Council
 - c. Dunedin City Council
 - d. Carey's Bay Association
 - e. Chalmers Community Board¹
2. General duty to committee: The port operator must implement to the extent reasonably possible all recommendations of the port noise liaison committee that can be implemented within budget and without compromising the efficiency, safety and competitiveness of port operations.

3. Role of the port noise liaison committee: The port noise liaison committee must consider all noise issues arising from the port operation and carry out the functions identified in the port noise management plan and mitigation functions identified in Appendix 30B.
4. Port noise liaison committee resourcing: The port operator must provide for the implementation and maintenance of the port noise liaison committee as follows:
 - a. The port operator must provide secretarial and logistic support for the port noise liaison committee.
 - b. The port operator must arrange for the port noise liaison committee to meet on not less than four occasions a year and must identify procedures in the port noise management plan for calling an emergency meeting of the committee.
 - c. The port operator must provide an annual budget for noise mitigation that reasonably provides for the port noise liaison committee.

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

31. Schools

31.1 Introduction

Dunedin's schools are a crucial educational resource for Dunedin. The Schools Zone encompasses all primary and secondary schools within the city, including state schools, state-integrated schools and private schools. The total number of schools managed under the Schools Zone is 72, located across the city.

School sites have traditionally also been used for community use, such as evening activities in school halls. This dual role is likely to increase in the future, as nationally schools are considered as community hubs and may, particularly in more remote communities, be used for services such as libraries, community health provision, social services and community produce markets. School facilities can also be used for conferences, theatre and concert performances, adult education and as community sports facilities. Early childhood education is often associated with schools and has similar environmental effects. The Schools Zone provides for these multiple uses.

Generally, Dunedin's schools are located within or close to residential environments, but can also be found adjacent to recreation and rural zoned land, and within close proximity of commercial areas. Activities on schools sites have the potential to generate effects which may adversely affect surrounding land uses, particularly residential areas. The provisions of the Schools Zone have been designed to enable education and community activities, and provide certainty regarding what land use activities can be expected to occur on school sites, while appropriately managing any adverse effects on surrounding land use activities and the transport network.

Several schools have scheduled heritage buildings or structures. These are listed in Appendix A1.1.

State schools are also designated within the Plan (see Appendix A1.4). The conditions on the individual designations may differ from the rules contained within the Schools Zone. Where this is the case, the schools can choose to rely on their designations in relation to new development rather than the provisions within this section.

31.2 Objectives and Policies

Objective 31.2.1	
Dunedin's schools are able to operate efficiently and effectively and provide opportunities for local communities to use school facilities.	
Policy 31.2.1.1	Enable school activity, early childhood education - small scale, training and education activity and student hostels on school sites.
Policy 31.2.1.2	Provide for community use of school facilities and activities that are ancillary to school activity where they are designed and operated in line with Objective 31.2.2 and its policies.
Policy 31.2.1.3	Only allow activities that are not ancillary to school activity where all of the following apply: a. the activities are related to or support the school, or have other operational requirements that mean they need to locate in the zone; b. they will support the efficient and effective operation of the school; c. they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and d. they are designed and operated in line with Objective 31.2.2 and its policies.
Policy 31.2.1.4	Enable land that is surplus to the needs of the school to transition to the default zone listed in Appendix A9, so that future development that is not related to school activity can be managed in accordance with the objectives and policies of that zone.

Objective 31.2.1

Dunedin's schools are able to operate efficiently and effectively and provide opportunities for local communities to use school facilities.

Policy 31.2.1.5	Only allow subdivision where: a. it is in accordance with the provisions of the default zone listed in Appendix A9; and b. the subdivision does not adversely affect the efficient and effective operation of the school.

Objective 31.2.2

Land use activities and development necessary for schools to meet the reasonably foreseeable needs of students and staff is enabled, while ensuring development:

- a. achieves a good standard of on-site amenity for students and staff;
- b. maintains or enhances the amenity of the surrounding residential areas, as far as practicable; and
- c. maintains or enhances the residential amenity of surrounding sites.

Policy 31.2.2.1	Require buildings and structures to be of a height and setback from boundaries that ensures: a. there are no more than minor effects on the sunlight access of current and potential future residential buildings and their outdoor living spaces; and b. any adverse effects on neighbourhood amenity are avoided or, if avoidance is not possible, are no more than minor.
Policy 31.2.2.2	Require development to maintain or enhance on-site and neighbourhood amenity by ensuring service areas are not visible from ground level outside the site.
Policy 31.2.2.3	Require fences adjoining roads or public places to be of a height and design that contributes positively to neighbourhood amenity.
Policy 31.2.2.4	Require ancillary signs visible outside the zone to be located and designed to maintain streetscape amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose.
Policy 31.2.2.5	Require ancillary commercial activities to be designed, located and operated to primarily serve staff, students and visitors to the school.
Policy 31.2.2.6	Only allow early childhood education - large scale and community and leisure - large scale where it is designed to avoid or, if avoidance is not possible, adequately mitigate adverse effects on the amenity of surrounding residential properties.
Policy 31.2.2.7	Require conference and meeting activity and use of schools' sports fields to be restricted in hours of operation in order to avoid or, if avoidance is not possible, adequately mitigate, noise and other adverse effects on the amenity of surrounding residential properties.

Objective 31.2.3

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

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

Objective 31.2.3

Policy 31.2.3.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: a. being set back an adequate distance from property boundaries, buildings, structures and cliffs; and b. using a batter gradient that will be stable over time.
Policy 31.2.3.2	Require earthworks and any associated retaining structures to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: a. limiting the scale of earthworks that are provided for as a permitted activity; and b. requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.
Policy 31.2.3.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: a. adverse effects on visual amenity and character; b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and c. adverse effects on the stability of land, buildings, and structures.

Rules

Rule 31.3 Activity Status

Rule 31.3.1 Rule location

The activity status tables in Rule 31.3.3 - 31.3.5 in Rule 31.3.2 specify the activity status of land use activities, development activities, and subdivision activities in the Schools Zone, except rules for the following city-wide activities, which are contained in Part B of the Plan:

1. Public Amenities (Section 3)
2. Temporary Activities (Section 4)
3. Network Utilities and Energy Generation (Section 5)
4. Transportation Activities (Section 6)
5. Scheduled Trees (Section 7)
6. Natural hazard mitigation activities (Section 8)

31.3.2 Activity status introduction

1. The tables in Rules 31.3.3-31.3.5 show the activity status of activities in the Schools Zone and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.6 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested table in Section 1.6 is intended to be a complete list of activities and categories of activities. For any activity that is not covered by any of the defined activities in the nested table, the activity status will be non-complying if the activity status of "all" or "all other" activities in the most closely related category is non-complying, otherwise it will be discretionary.

Additional activity status rules in hazard overlay zones

6. For the purpose of the hazards provisions, activities are categorised as sensitive activities, potentially sensitive activities or least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
7. In the hazard 1 or hazard 2 overlay zones, the activity statuses in Rule 31.3.6 apply to the following activities:
 - a. new sensitive activities and potentially sensitive activities, and
 - b. some new buildings.
8. Where the activity status in Rule 31.3.6 differs from that in Rule 31.3.3 - 31.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 31.3.6, performance standards for development activities within hazard overlay zones are included in Rule 31.3.3 - 31.3.5.
10. Activities in a hazard overlay zone must comply with all of the rules in 31.3.3 - 31.3.6.

Performance Standards

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

Legend

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

31.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities	a. Acoustic insulation (noise sensitive activities) b. Electrical interference c. Light spill d. Noise e. Setback from national grid (sensitive activities) f. Hours of operation	
Major facility activities		Activity status	Performance standards
2.	Schools	P	a. Minimum car parking
3.	All other activities in the major facility activities category	NC	
Community activities		Activity status	Performance standards
4.	Early childhood education - small scale	P	a. Minimum car parking
5.	Early childhood education - large scale	RD	
6.	Community and leisure - small scale	P	

7.	Community and leisure - large scale	RD	
8.	Sport and recreation <i>not involving the use of motorised vehicles</i>	P	
9.	Sport and recreation <i>involving the use of motorised vehicles</i>	D	
10.	Conservation	P	
Commercial activities		Activity status	Performance standards
11.	Training and education	P	
12.	Conference, meeting and function	P	
13.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
14.	Student hostels	P	a. Minimum car parking
15.	All other activities in the residential activities category	NC	
Industrial activities		Activity status	Performance standards
16.	All activities in the industrial activities category	NC	
Rural activities		Activity status	Performance standards
17.	All activities in the rural activities category	NC	

31.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities	a. Maximum site coverage and impermeable surfaces b. Setback from coast and water bodies c. Setback from national grid d. Setback from scheduled tree	
2.	Performance standards that apply to all buildings and structures activities	a. Boundary setbacks b. Height in relation to boundary c. Maximum height d. Number, location and design of ancillary signs e. Hazard overlay zones development standards	
Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 5-9)		Activity status	Performance standards
3.	Fences	P	a. Fence height and design

4.	All other buildings and structures activities	P	
Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		Activity status	Performance standards
5.	Repairs and maintenance or <u>restoration</u>	P	a. Materials and design
6.	Earthquake strengthening <i>where external features only are protected</i>	C	a. Materials and design
7.	All other additions and alterations	RD	
8.	Demolition	NC	
9.	Removal for relocation	RD	
Site development activities		Activity status	Performance standards
10.	Earthworks - small scale	P	a. Earthworks standards
11.	Earthworks - large scale	RD	a. Earthworks standards
12.	Service areas	P	a. Location and screening of service areas
13.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements
14.	Parking, loading and access	P	a. Parking, loading and access standards
15.	All other site development	P	

31.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status	Performance standards
1.	Subdivision activities	RD	a. Subdivision performance standards

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

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

Rule 31.2.7 Transition to default zone

On receipt of written notice from both the owner and operator (if different) of the school to Dunedin City Council in relation to all or part of the land within the part of the Schools Zone in which the school is located, the provisions of the School Zone will no longer apply to that parcel of land and the provisions of the relevant default zone, as indicated in Appendix 31A, will apply in full.

Note 31.3A - Guidance on existing use rights applying to land use activities in hazard overlay zones

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

Note 31.3B - General advice

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

Note 31.3C - General advice

1. The Ministry of Education holds designations for a large number of schools and early childhood education centres within Dunedin. Details of the designations can be found in Appendix A1.4.

Rule 31.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or 95B of the Act, unless Council considers special circumstances exist in relation to the application that require public notification:
 1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
 2. contravention of performance standard 13.3.2 'Materials and design' where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications for the following activities, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand; and
 2. activities that contravene performance standard 13.3.2 'Materials and design' where the building or structure is listed by Heritage New Zealand.
3. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A(2) of the RMA:
 1. demolition of a protected part of a scheduled heritage building or scheduled heritage structure.
4. In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons.
5. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 31.5 Land Use Performance Standards

31.5.1 Acoustic Insulation

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

1. within 20m of an industrial zone; and
2. within 70m of a railway line.

31.5.2 Electrical Interference

Land use activities must comply with Rule 9.3.2.

31.5.3 Hours of Operation

1. Conference, meeting and function activity and use of school sports fields must not take place outside the following hours:

Days of week		Hours of operation
a.	Sunday - Thursday	7am - 10.30pm
b.	Friday - Saturday	7am - 12am (midnight)

2. Flood lighting and sportsfield lighting on sites adjoining a residential zone boundary must not operate from 10pm - 6am.

31.5.4 Light Spill

Land use activities must comply with Rule 9.3.5.

31.5.5 Minimum Car Parking

Activity		Minimum number of parking spaces
1.	Schools	a. For the following schools, the minimum number of parking spaces is the number of parking spaces (including any parking spaces reserved for the dropping off and/or picking up of pupils) that were in place on the <u>site</u> on 26th September 2015: i. Arthur Street School ii. Columba College iii. George Street Normal School iv. Kaikorai Primary School v. Kavanagh College vi. Otago Boys High School vii. Otago Girls High School viii. St Hilda's Collegiate ix. St Joseph's Cathedral School b. For the schools identified in 31.5.5.1.a, one parking space must be provided for each new classroom added after 26th September 2015. c. For all other schools there is no minimum parking standard.
2.	Student hostels	a. hostels with 1 - 10 residents: 1 parking space b. hostels with 11 - 20 residents: 2 parking spaces c. hostels with 21 - 30 residents: 3 parking spaces d. hostels with greater than 30 residents: 3 parking spaces plus 1 additional space for every 10 additional residents (or part thereof)

3. Schools and student hostels must provide mobility parking spaces as follows:

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

4. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility car parking.
5. Parking spaces may be shared between land use activities (ie 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.
6. Where the minimum parking performance standard results in the requirement for a fractional space, any fraction under one half will be disregarded and any fraction of one half or greater will be counted as one space.

Note 31.5A - Other relevant District Plan provisions

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

31.5.6 Noise

Land use activities must comply with Rule 9.3.6.

31.5.7 Setback from National Grid

Sensitive activities must comply with Rule 5.6.1.1.

Rule 31.6 Development Performance Standards

31.6.1 Earthworks Standards

31.6.1.1 Earthworks - small scale thresholds

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

Zone/Area		1. Schools Zone	2. SNL	3. Within 5m of a water body ¹ or MHWS	4. Haz2 & Haz3 (food)	5. Haz2 (land instability)
i.	Maximum change in ground level	1.5m	1.5m	0.5m	—	1m
ii.	Maximum area	—	200m ²	25m ²	—	—
Slope categories		Maximum volume of combined cut and fill				
iii.	Less than or equal to 12°	30m ³ per 100m ² of site	50m ³	1m ³	20m ³ fill	20m ³
iv.	Greater than 12° but less than or equal to 15°	25m ³ per 100m ² of site	50m ³	1m ³	20m ³ fill	20m ³
v.	Greater than 15° but less than or equal to 20°	15m ³ per 100m ² of site	50m ³	1m ³	20m ³ fill	20m ³
vi.	Greater than 20° but less than or equal to 26°	10m ³ per 100m ² of site	50m ³	1m ³	20m ³ fill	20m ³
vii.	Greater than 26° but less than or equal to 35°	0m ³ fill 5m ³ cut per 100m ² of site	0m ³ fill 50m ³ cut	0m ³ fill 1m ³ cut	0m ³ fill	0m ³ fill 20m ³ cut
viii.	Greater than 35°	0m ³	0m ³	0m ³	0m ³	0m ³

- b. Where the part of the site in which the earthworks are located is in more than one slope category, the most restrictive scale threshold applies.
- c. Earthworks *ancillary to network utilities* activities are only required to comply with Rule 31.6.1.1.a.i - maximum change in ground level threshold.
- d. Earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the performance standard earthworks - small scale thresholds.
- e. Scale thresholds will be calculated as the cumulative total of earthworks on any site in a two calendar-year period.
- f. Earthworks that exceed the earthworks - small scale thresholds are treated as earthworks - large scale, which are a restricted discretionary activity.

¹See Rule 10.3.3 for how setbacks from waterbodies will be measured.

31.6.1.2 Archaeological sites

Earthworks must comply with Rule 13.3.3.

31.6.1.3 Batter gradient

Earthworks must:

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

31.6.1.4 Setback from property boundary, buildings, structures and cliffs

Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m², and the top or toe of any cliff, the following minimum distances:

- a. Earthworks not supported by retaining walls:
 - i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 31.6A);
 - ii. a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (see Figure 31.6A); and
 - iii. 300mm, as measured from the crest of any cut (see Figure 31.6A).
- b. Retaining walls supporting a cut or fill must be setback a distance at least equal to the height of the retaining walls (see Figure 31.6B), except:
 - i. retaining walls supporting a cut that have been granted building consent are exempt from this standard.
- c. Earthworks *ancillary to network utilities* activities and earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the setback from property boundary, buildings, structures and cliffs performance standard.

Figure 31.6A Unsupported cut and fill (elevation view)

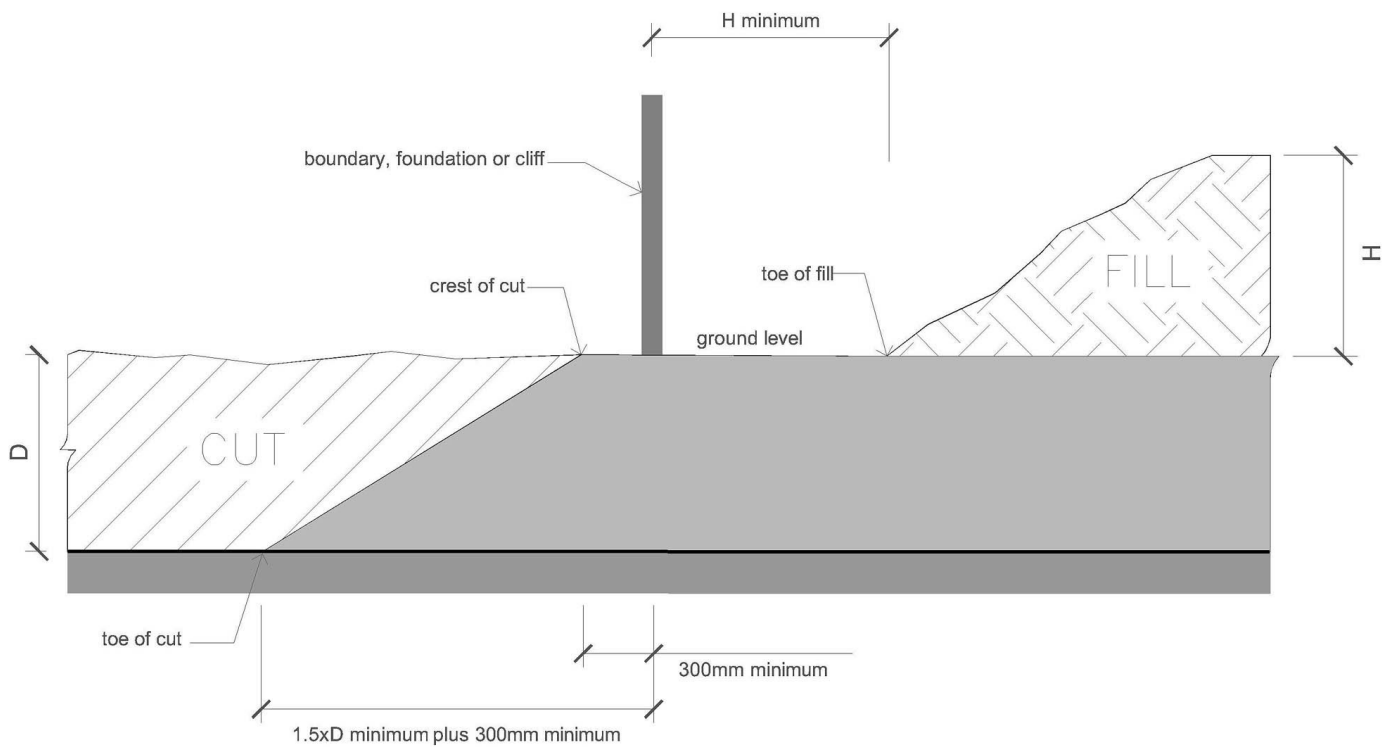
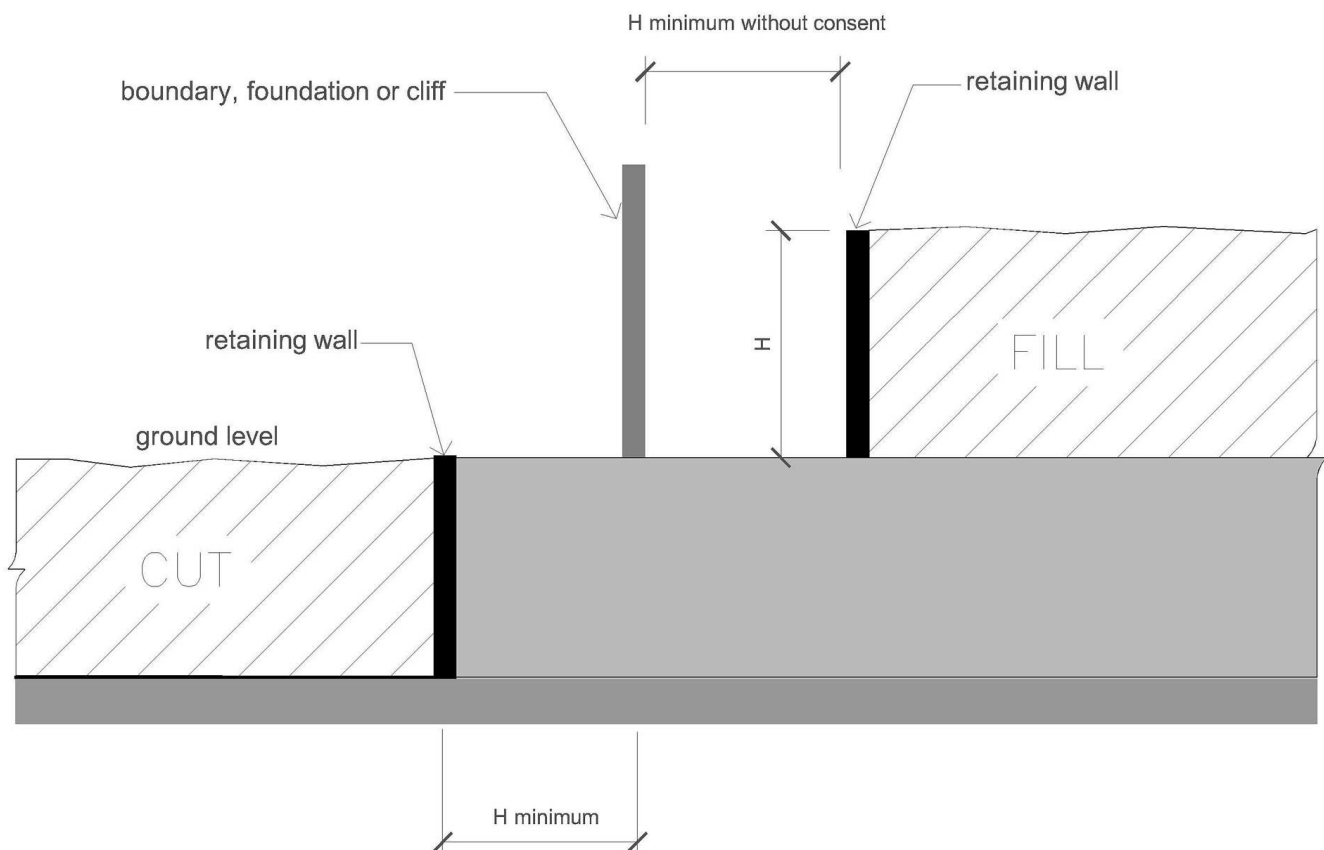


Figure 31.6B Cut and fill supported by retaining walls (elevation view)



31.6.1.5 Setback from national grid (earthworks)

Earthworks must comply with Rule 5.6.1.2.

31.6.1.6 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

31.6.1.7 Sediment control

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

Figure 31.6A: Unsupported cut and fill (elevation view)

Figure 31.6B Cut and fill supported by retaining walls (elevation view)

31.6.2 Fence Height and Design

- Fences must not exceed the following height limits, except as provided for below:

Location		Maximum height
a.	Along the road boundary with a state highway	2m
b.	Along all other road boundaries	1.4m
c.	Along a side or rear boundary with a residential zone	1.4m
e.	Along all other side and rear boundaries	2m

- Fences along boundaries include fences that are not exactly on the boundary but are within the boundary setbacks required by Rule 31.6.11.1.
- 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 100mm, spacing minimum width 25mm) or other materials that provide gaps that can be seen through (see Figure 15.6D and Figure 15.6E).
- The maximum height of a fence on side and rear boundaries (except where adjacent to the recreation zone, or public place), is 2m.
- 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.

31.6.3 Hazard Overlay Zones Development Standards

31.6.3.1 Relocatable buildings

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

31.6.3.2 Minimum floor level

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

31.6.3.3 Maximum area of vegetation clearance in the hazard overlay zones

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

31.6.4 Hazardous Substances Quantity Limits and Storage Requirements

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

31.6.5 Height

31.6.5.1 Height in relation to boundary

New buildings and additions or alterations to buildings must not protrude through a plane (see Figure 15.6F) raising at an angle of 45 degrees measured from a point:

- a. 1.3m above ground level at side and rear boundaries, where the neighbouring zone is the Inner City Residential Zone or General Residential 2 Zone;
- b. 2.5m above ground level at the side and rear boundaries where the neighbouring zone is any other residential zone;
- c. except:
 - i. where the neighbouring zone is the Inner City Residential Zone, for any new buildings and additions or alterations to buildings within 13m of the road boundary, the height in relation to boundary will be measured from 6.5m above ground level at side boundaries, provided that all buildings on the remainder of the site are set back from the side boundaries by at least 2m (see Figure 15.6G);
 - ii. on boundaries adjacent to non residential zones, the height in relation to boundary of the adjacent zone applies;
 - iii. where new buildings or additions and alterations are built to a common wall, any part of a building where the height and angle of the roofline are the same as the adjoining building is exempt from this standard; and
 - iv. gable ends and dormers may protrude through the height in relation to boundary plane by a maximum of 1m (see Figure 15.6H).
- d. Rooftop structures are exempt from the performance standard for height in relation to boundary.

31.6.5.2 Maximum height

- a. The maximum height for new buildings and structures, and additions and alterations, must not exceed 12m above ground level.
- b. Rooftop structures are exempt from the performance standard for maximum height provided they do not exceed the maximum height limit by more than one third of that limit.

31.6.6 Location and Screening of Service Areas

1. Service areas must be located or screened so that they are not visible at ground level from adjacent: residential activities, residential zoned properties, or public places.
2. Service areas must not encroach into required parking, loading or manoeuvring areas.

31.6.7 Materials and Design

Repairs and maintenance, restoration and earthquake strengthening in a heritage precinct that are visible from an adjoining public place must comply with Rule 13.3.2.

31.6.8 Maximum Site Coverage and Impermeable Surfaces

The maximum site coverage of buildings and impermeable surfaces is:

Default zone of the school, as indicated in Appendix A9		Maximum site coverage by buildings (% of site)	Maximum total impermeable site coverage (buildings and impermeable surfaces % of site)
1.	General Residential 2 Zone or Inner City Residential Zone	60%	80%
2.	All other zones	40%	70%

31.6.9 Number, Location and Design of Ancillary Signs

31.6.9.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are not visible from outside the School Zone;
 - ii. 'regulatory' (requiring or prohibiting specified actions), 'warning' (informing of hazards or of other features requiring a safe response), or 'directional' (identifying the location of, or direction to destinations, routes, building entrances, and vehicle accesses) signs; and
 - iii. 'building names' (excluding sponsorship names).
- b. Signs must comply with Rule 6.7.3 where visible from a road.
- c. Signs must not be illuminated or digital.
- d. Signs other than those specified in Rules 31.6.9.2 and 31.6.9.3 are not allowed.

31.6.9.2 Signs attached to buildings

- a. The height above ground level at the highest point of any sign attached to a building is 4m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached to a building must:
 - i. not exceed 1 sign per 30m of road frontage;
 - ii. have a maximum area per display face of 2m²;
 - iii. have a maximum of 2 display faces per sign;
 - iv. where attached to the façade of a building, must not project more than 1m from the façade to which it is attached; and
 - v. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

31.6.9.3 Freestanding signs

- a. The maximum number of freestanding signs is 2 per 50m of frontage.
- b. The maximum dimensions of freestanding signs are:
 - i. maximum height of 4m;
 - ii. maximum area of 4m²;
 - iii. maximum width of 2m; and
 - iv. maximum depth of 400m.

- c. Freestanding signs must not obstruct driveways, parking or loading areas.
- d. Freestanding signs must be located within the site and cannot be located on the road reserve.

Note 31.6A - Other relevant District Plan provisions

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

Note 31.6B - Other requirements outside of the District Plan

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

31.6.10 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

31.6.11 Setbacks

31.6.11.1 Boundary setbacks

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

Building or structure		Setback from road boundary where default zone is General Residential 2 or Inner City Residential	Setback from road boundary where default zone is any other zone	Setback from other boundaries
a.	Buildings	3m	4.5m	4.5m
b.	Structures greater than 3m tall or 10m ² floor area	3m	4.5m	4.5m

- d. Except:
 - i. fences and ancillary signs are exempt from the performance standard;
 - ii. St.Hilda's Collegiate School adjoining Cobden Street and Heriot Row is exempt from the performance standard; and
 - iii. Kavanagh College adjoining York Place, Tennyson Street, Smith Street or the north side of Rattray Street, is exempt from the performance standard.

31.6.11.2 Setback from coast and water bodies

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

31.6.11.3 Setback from national grid

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

31.6.11.4 Setback from scheduled tree

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

Rule 31.7 Subdivision Performance Standards

Subdivision activities must comply with the subdivision performance standards of the default zone (the default zones are listed in Appendix A9).

Rule 31.8 Assessment of Controlled Activities

Rule 31.8.1 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 31.8.2:
 - a. lists the matters over which Council has reserved its control; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
 - ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 31.9; 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 31.11; 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 31.12; and
 - iii. the assessment guidance in this section will also be considered.

31.8.2 Assessment of all controlled activities

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

Rule 31.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 31.9.1 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 31.9.2 - 31.9.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

31.9.2 Assessment of all performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the the performance standard is minor. b. The need to meet other performance standards, or other site specific factors, make meeting the standard impracticable. c. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. d. Non-compliance with a 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. e. The schools are able to operate efficiently and effectively. <i>General assessment guidance:</i> f. Where more than one standard is contravened, the combined effects of the contraventions should be considered. g. In balancing consideration of the objectives and policies related to the maintenance of heritage values and those related to general amenity, greater weight will usually be placed on heritage policies

31.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Electrical interference	a. Effects on health and safety	See Rule 9.4

31.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
2. Hours of operation	a. Effects on surrounding sites' residential amenity	<i>Relevant objectives and policies:</i> i. Objective 31.2.2 ii. Conference and meeting activity and use of schools' sports fields avoids or, if avoidance is not possible, adequately mitigates, noise and other adverse effects on the amenity of surrounding residential properties (Policy 31.2.2.7). <i>Potential circumstances that may support a consent application include:</i> iii. The extension of hours will not result in unreasonable nuisance from vehicle movements or other noise.
3. Minimum car parking	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility	See Rule 6.9

31.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resources consents
1. • Boundary setbacks • Height in relation to boundary • Maximum height	a. Effects on amenity of surrounding sites b. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 31.2.2 ii. Buildings and structures are of a height and setback from boundaries that ensures there are no more than minor effects on the sunlight access of current and potential future residential buildings and their outdoor living spaces (Policy 31.2.2.1.a). <i>Potential circumstances that may support a consent application include:</i> iii. Residential buildings on neighbouring sites receive adequate natural light and privacy. <i>Relevant objectives and policies:</i> i. Objective 31.2.2 ii. Adverse effects on neighbourhood amenity are avoided or if avoidance is not possible, are mitigated so that they are no more than minor (Policy 31.2.2.1.b). <i>Potential circumstances that may support a consent application include:</i> iii. The boundary setback is consistent with the setbacks of adjoining properties. iv. Landscaping or fences screen or soften the visual effects of buildings.

31.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resources consents
2.	Earthworks standards: Batter gradient	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 31.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 31.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> iii. Maximum slopes of cut and fill batters. iv. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. v. Temporary shoring requirements to maintain stability before a wall is constructed. vi. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
3.	Earthworks standards: Setback from property boundary, buildings, structures and cliffs	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 31.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 31.2.3.1.a).
4.	Earthworks standards: - Setback from national grid - Setback from network utilities	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7

31.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resources consents
5.	Earthworks standards: • Sediment control	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 31.2.3 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems (Policy 31.2.3.2.b).
		b. Effects on biodiversity and natural character values of riparian margins and coast	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
6.	Fence height and design	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 31.2.2 ii. Fences are of a height and design that contribute positively to neighbourhood amenity (Policy 31.2.2.3). <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. The fence design maintains an attractive interface with the street. v. The fence will be screened by landscaping.
		b. Effects on health and safety	See Rule 9.4
7.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards	See Rule 11.4
8.	Location and screening of service areas	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 31.2.2 ii. Development maintains or enhances neighbourhood amenity by ensuring service areas are not visible from ground level outside the site (Policy 31.2.2.2).

31.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resources consents
9.	Materials and design	a. Effects on heritage values	See Rule 13.5
10.	Maximum building site coverage and impermeable surfaces	a. Effects on efficiency and affordability of infrastructure	See Rule 9.4
11.	Hazard overlay zones development standards: • Minimum floor level • Relocatable buildings • Maximum area of vegetation clearance in the hazard overlay zones	a. Risk from natural hazards	See Rule 11.4
12.	Number, location and design of ancillary signs	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 31.2.2 ii. Ancillary signs are located and designed to maintain or enhance streetscape amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose (Policy 31.2.2.4).
		b. Effects on safety and efficiency of the transport network	See Rule 6.9
13.	Setback from coast and water bodies	a. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		b. Effects on public access	See Rule 10.4
		c. Risk from natural hazards	See Rule 11.4
14.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6

31.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resources consents
15.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

31.9.5 Assessment of subdivision performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Subdivision performance standards	See the subdivision standards of the default zone (the default zones are listed in Appendix A9).

Rule 31.10 Assessment of Restricted Discretionary Activities

Rule 31.10.1 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 31.10.2 - 31.10.4:
 - 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. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
4. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) 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 31.9; 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 31.11; 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 31.12; and
 - iii. the assessment guidance in this section will also be considered.

31.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. - Community and leisure - large scale - Early childhood education - large scale	a. Effects on safety and efficiency of the transport network	See Rule 6.10
	b. Effects on accessibility	
	c. Effects on surrounding sites' residential amenity	<i>Relevant objectives and policies:</i> i. Objective 31.2.2 ii. Early childhood education - large scale and community and leisure - large scale is designed to avoid or, if avoidance is not possible, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 31.2.2.6).

31.10.3 Assessment of restricted discretionary development activities

	Matters of discretion	Guidance on the assessment of resource consents
1. In the Hazard 1 (land instability) Overlay Zone (see Rule 31.3.6): New buildings, and additions and alterations to buildings, which create more than 1m² of new ground floor area	a. Risk from natural hazards	See Rule 11.5
2. In a hazard 1 or 2 overlay zone , other than the Hazard 1 (land instability) Overlay Zone (see Rule 31.3.6): New buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area	a. Risk from natural hazards	See Rule 11.5

31.10.3 Assessment of restricted discretionary development activities

		Matters of discretion	Guidance on the assessment of resource consents
3.	• All other additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure • Removal for relocation of a scheduled heritage building or scheduled heritage structure	a. Effects on heritage values	See Rule 13.6

31.10.3 Assessment of restricted discretionary development activities

		Matters of discretion	Guidance on the assessment of resource consents
4.	Earthworks - large scale (that exceed the scale thresholds for the Schools Zone)	a. Effects on visual amenity and character	<i>Relevant objectives and policies:</i> i. Objective 31.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 31.2.3.3.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 31.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> 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. <i>Conditions that may be imposed include, but are not limited to:</i> 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.
		b. Effects on the amenity of surrounding properties	

31.10.3 Assessment of restricted discretionary development activities

		Matters of discretion	Guidance on the assessment of resource consents
		c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 31.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 31.2.3.3.c). <i>Potential circumstances that may support a consent application include:</i> 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 31.13.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards.
		d. Where in a wāhi tūpuna mapped area , effects on cultural values of manawhenua	See Rule 14.4
5.	Earthworks - large scale (that exceed scale thresholds for a SNL)	a. Effects on landscape values	See Rule 16.10
6.	Earthworks - large scale (that exceed scale thresholds within 5m of a water body or MHWS)	a. Effects on biodiversity and natural character of riparian margins and the coast	See Rule 10.5
		b. Effects on public access	

31.10.3 Assessment of restricted discretionary development activities

	Matters of discretion	Guidance on the assessment of resource consents
7. - Earthworks - large scale (that exceed scale thresholds for a hazard (land instability) overlay zone) - Earthworks - large scale (that exceed scale thresholds for a hazard (flood) overlay zone)	a. Risk from natural hazards	See Rule 11.5
8. In a geologically sensitive mapped area (GSA) : Earthworks - large scale (that exceed underlying zone scale thresholds)	a. Risk from natural hazards	See Rule 11.5

31.10.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All subdivision activities	a. Effects on the efficient and effective operation of the school	<i>Relevant objectives and policies:</i> i. Objective 31.2.1, 2.3.1 ii. Subdivision does not adversely affect the efficient and effective operation of the school (Policy 31.2.1.5.b).
	See the subdivision restricted discretionary assessment rule of the default zone (default zones are listed in Appendix A9).	

Rule 31.11 Assessment of Discretionary Activities

Rule 31.11.1 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 31.11.2 - 31.11.4 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. potential circumstances that may support a consent applications;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

31.11.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities including: • sport and recreation involving the use of motorised vehicles • activities listed below	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.1, 31.2.1 b. Activities that are not ancillary to schools activity: i. are related to or support the school, or have other operation requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of school; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. are designed and operated in line with Objective 31.2.2 and its policies (Policy 31.2.1.3). <i>Potential circumstances that may support a consent application include:</i> c. For discretionary land use activities, whether any associated development activities meet relevant development performance standards, or are otherwise consistent with relevant objectives and policies for development. d. All relevant land use performance standards are met, including noise and light spill standards. <i>General assessment guidance:</i> e. In assessing the significance of effects, consideration will be given to: i. short to long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. f. In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.

31.11.3 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
1. In the hazard 1 overlay zones (see Rule 31.3.6): • Potentially sensitive activities permitted in the Schools Zone	See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards.
2. In the hazard 2 overlay zones (see Rule 31.3.6): • Potentially sensitive activities not permitted in the Schools Zone • Sensitive activities	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.

31.11.4 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • Acoustic insulation • Noise - where the limit is exceeded by up to 5dB LAeq (15min) • Light spill - where the limit is exceeded by 25% or less	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.

Rule 31.12 Assessment of Non-complying Activities

Rule 31.12.1 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 31.12.2 - 31.12.5 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

31.12.2 Assessment of all non-complying activities	
Activity	Guidance on the assessment of resources consents
1. All non-complying activities	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.1, 14.2.1, 31.2.1 b. Activities not ancillary to school activity: i. are related to or support the school, or have other operation requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of the school; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. they are designed and operated in line with Objective 31.2.2 and its policies (Policy 31.2.1.3). <i>General assessment guidance:</i> c. In assessing the significance of effects consideration will be given to: i. both short and long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. d. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.

31.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. • Cemeteries • Crematoriums • Landfills	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.
2. Commercial advertising in all zones	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c
3. In the hazard 1 overlay zones (see Rule 31.3.6): • Potentially sensitive activities not permitted in the Schools Zone • Sensitive 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.

31.12.4 Assessment of non-complying development activities

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

31.12.5 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Archaeological sites (earthworks)	See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.4 and effects related to the inappropriate development and use in Dunedin's archaeological sites.
2. • 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)	See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
3. Setback from national grid	See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.1 and effects related to the efficient and effective operation of network utilities and public health and safety.

Rule 31.13 Special Information Requirements

31.13.1 Geotechnical investigation report

1. A geotechnical investigation report may be requested by Council for earthworks of a large scale and/or where the earthworks are proposed:
 - a. on a site with a slope angle between 15° (3.7h:1v slope ratio, or 27% slope grade) and 26° (2h:1v slope ratio, or 50% slope grade);
 - b. on a site identified as hazard-prone in Council's Hazard Information Management System; or
 - c. on any other site that the Council, with good cause, suspects to be hazard-prone.
2. A geotechnical investigation report must be provided for earthworks on all sites with a slope greater than a 26° angle (2h:1v slope ratio, or 50% slope grade).
3. All requested geotechnical investigation reports must be prepared by a suitably qualified expert who is experienced in the practice of geotechnical engineering and registered under the Chartered Professional Engineers Act of New Zealand 2002 and who has professional indemnity insurance.
4. The geotechnical investigation report must address the following factors:
 - a. special design or construction requirements;
 - b. special foundation requirements;
 - c. services;
 - d. access;
 - e. effluent disposal;
 - f. non-engineered fills; and
 - g. a statement of professional opinion as to the suitability of the land for the proposed development.

32. Stadium

32.1 Introduction

The Forsyth Barr Stadium is located at Logan Point, immediately south of Logan Park. The area is approximately 5.1ha in size and is located between Anzac Avenue (SH 88), Ravensbourne Road, the Water of the Leith and the main south railway line. The Forsyth Barr Stadium has a capacity for up to 35,000 spectators and provides a venue for international and local sporting events as well as concerts, community events and conferences.

The zone is bordered by the Industrial Zone to the north and east, CBD Edge Zone to the south, Campus to the east and Recreation to the north. The University of Otago uses the University Plaza building at the western end of the stadium for campus activities. This building, and the plaza area in front of it, are zoned Campus. A large car park services the stadium.

The Forsyth Barr Stadium and its associated activities have the potential for visual, noise and traffic effects that may impact on surrounding land uses. The effects of activities within the area must be carefully managed to ensure that there are no adverse impacts on the rest of the city. Activities permitted within the Stadium Zone are limited to those clearly associated with the operation and function of the stadium, or that make use of the stadium facility itself.

32.2 Objectives and Policies

Objective 32.2.1	
The stadium is able to operate efficiently and effectively	
Policy 32.2.1.1	Enable major recreation facility activity in the Stadium Zone.
Policy 32.2.1.2	Provide for activities ancillary to major recreation facility activity where they are designed and operated in line with Objective 32.2.2 and its policies.
Policy 32.2.1.3	Only allow activities that are not ancillary to major recreation facility activity where: - they are related to or support the Forsyth Barr Stadium, or have other operational requirements that mean they need to locate in the zone; - they will support the efficient and effective operation of the Forsyth Barr Stadium; - they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - they are designed and operated in line with Objective 32.2.2 and its policies.
Policy 32.2.1.4	Enable land that is surplus to the needs of the Forsyth Barr Stadium to transition to the Campus Zone, so that future development that is not related to major recreation facility activity can be managed in accordance with the objectives and policies of that zone.
Policy 32.2.1.5	Only allow subdivision where: - it is in accordance with the provisions of the Campus Zone; and - the subdivision does not adversely affect the efficient and effective operation of the Forsyth Barr Stadium.
Policy 32.2.1.6	Enable car parking areas to be used for stand-alone car parking when not required for major recreation facility activity.

Objective 32.2.2

Land use activities and development are designed and operated to:

- a. provide a good standard of on-site amenity for visitors;
- b. maintain or enhance the amenity of surrounding areas, as far as practicable; and
- c. avoid adverse effects on people's health and safety.

Policy 32.2.2.1	Require development along Ravensbourne Road (amenity route mapped area) to provide a high level of streetscape amenity by: a. providing landscaping of a height and density adequate to maintain or enhance the amenity of the route; and b. setting back buildings an adequate distance to allow this landscaping.
Policy 32.2.2.2	Only allow buildings greater than 20m in height where: a. they contribute positively to the skyline vista of the city, by being of a quality and contextually appropriate architectural design; and b. they avoid significant adverse effects on views from Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula.
Policy 32.2.2.3	Only allow buildings over 47m in height where: a. the height is essential to the operation of the Forsyth Barr Stadium; and b. the height exceedence is minimal.
Policy 32.2.2.4	Require ancillary signs visible from outside the zone to be located and designed to be maintain streetscape amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on <u>site</u> to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose.
Policy 32.2.2.5	Require land use activities to operate, and development to be designed, to ensure that adverse effects from noise on the health of people can be avoided or, if avoidance is not possible, are insignificant.
Policy 32.2.2.6	Require ancillary commercial activities to be designed, located and operated to primarily serve staff and visitors to the Forsyth Barr Stadium.
Policy 32.2.2.7	The Forsyth Barr Stadium is predominantly muted colours, to minimise adverse effects on the skyline vista of the city and views across the harbour.

Objective 32.2.3

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

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

Policy 32.2.3.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: a. being set back an adequate distance from property boundaries, buildings, structures and cliffs; and b. using a batter gradient that will be stable over time.

Objective 32.2.3

Policy 32.2.3.2	Require earthworks and any associated retaining structures to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: a. limiting the scale of earthworks that are provided for as a permitted activity; and b. requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.
Policy 32.2.3.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: a. adverse effects on visual amenity and character; b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and c. adverse effects on the stability of land, buildings, and structures.

Rules

Rule 32.3 Activity Status

Rule 32.3.1 Rule location

The activity status tables in Rule 32.3.3 - 32.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Stadium Zone, except rules for the following city-wide activities, which are contained in Part B of the Plan:

1. Public amenities (Section 3)
2. Temporary activities (Section 4)
3. Network utilities and energy generation (Section 5)
4. Transportation activities (Section 6)
5. Scheduled Trees (Section 7)
6. Natural hazard mitigation activities (Section 8)

Rule 32.3.2 Activity status introduction

1. The tables in Rules 32.3.3 - 32.3.5 show the activity status of activities in the Stadium Zone and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.6 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested table in Section 1.6 is intended to be a complete list of activities and categories of activities. For any activity that is not covered by any of the defined activities in the nested table, the activity status will be non-complying if the activity status of "all" or "all other" activities in the most closely related category is non-complying, otherwise it will be discretionary.

Performance Standards

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

Legend

Acronym	Activity status
—	No additional provisions apply or not relevant

Acronym	Activity status
P	Permitted activity
C	Controlled activity
RD	Restricted discretionary activity
D	Discretionary activity
NC	Non-complying activity

32.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Acoustic insulation (noise sensitive activities) b. Electrical interference c. Light spill d. Noise
Major facility activities		Activity status	Performance standards
2.	Major recreation facility	P	a. Minimum car parking
3.	All other major facility activities	NC	
Community activities		Activity status	Performance standards
4.	Early childhood education	NC	
5.	All other community activities	P	
Commercial activity		Activity status	Performance standards
6.	Commercial activities ancillary to major recreation facility activity	P	a. Location
7.	Visitor accommodation	D	
8.	Office	D	
9.	Stand-alone car parking	P	
10.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
11.	All activities in the residential activities category	NC	
Industrial activity		Activity status	Performance standards
12.	All activities in the industrial activities category	NC	
Rural activities		Activity status	Performance standards
13.	All activities in the rural activities category	NC	

32.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. Setback from coast and water bodies
2.	Performance standards that apply to all buildings and structures activities		a. Building design b. Number, location and design of ancillary signs c. Maximum height d. Hazard overlay zones development standards
Buildings and structures activities		Activity status	Performance standards
3.	All buildings and additions and alterations to buildings	P	a. Boundary setbacks
4.	All other buildings and structures activities	P	
Site development activities		Activity status	Performance standards
5.	Earthworks - small scale	P	a. Earthworks standards
6.	Earthworks - large scale	RD	a. Earthworks standards
7.	Parking, loading and access	P	a. Parking, loading and access standards b. Boundary treatments and other landscaping
8.	New parking areas, or extensions to existing parking areas <i>(that result in the creation of 50 or more new parking spaces.)</i>	RD	a. Boundary treatments and other landscaping b. Parking, loading and access standards
9.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements
10.	Vegetation clearance	P	
11.	All other site development activities	P	

32.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status	Performance standards
1.	Subdivision activities	RD	a. Subdivision performance standards

Rule 32.3.6 Transition to Campus Zone

On receipt of written notice from both the landowner and operator of Forsyth Barr Stadium (if different) to Dunedin City Council confirming that all or part of the land within the Stadium Zone is surplus to Forsyth Barr Stadium requirements, the provisions of the Stadium Zone will no longer apply to that parcel of land and the provisions of the Campus Zone will apply in full.

Note 32.3A - General advice

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

Rule 32.4 Notification

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

Rule 32.5 Land Use Performance Standards

32.5.1 Acoustic Insulation

Noise sensitive activities in the Stadium Zone must comply with Rule 9.3.1.

32.5.2 Electrical Interference

Land use activities must comply with Rule 9.3.2.

32.5.3 Light Spill

Land use activities must comply with Rule 9.3.5.

32.5.4 Location

For commercial activities ancillary to major recreation facility activity, customer access must only be available from inside the stadium buildings.

32.5.5 Minimum Car Parking

- Major recreation facility activity must provide a minimum of 163 parking spaces, including 5 mobility parking spaces.

Note 32.5A - Other relevant District Plan provisions

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

32.5.6 Noise

Rule 32.5.6.1 Noise

- Land use activities must comply with Rule 9.3.6, except stadium noise events (see Rule 32.5.6.2).

Rule 32.5.6.2 Stadium Noise Events

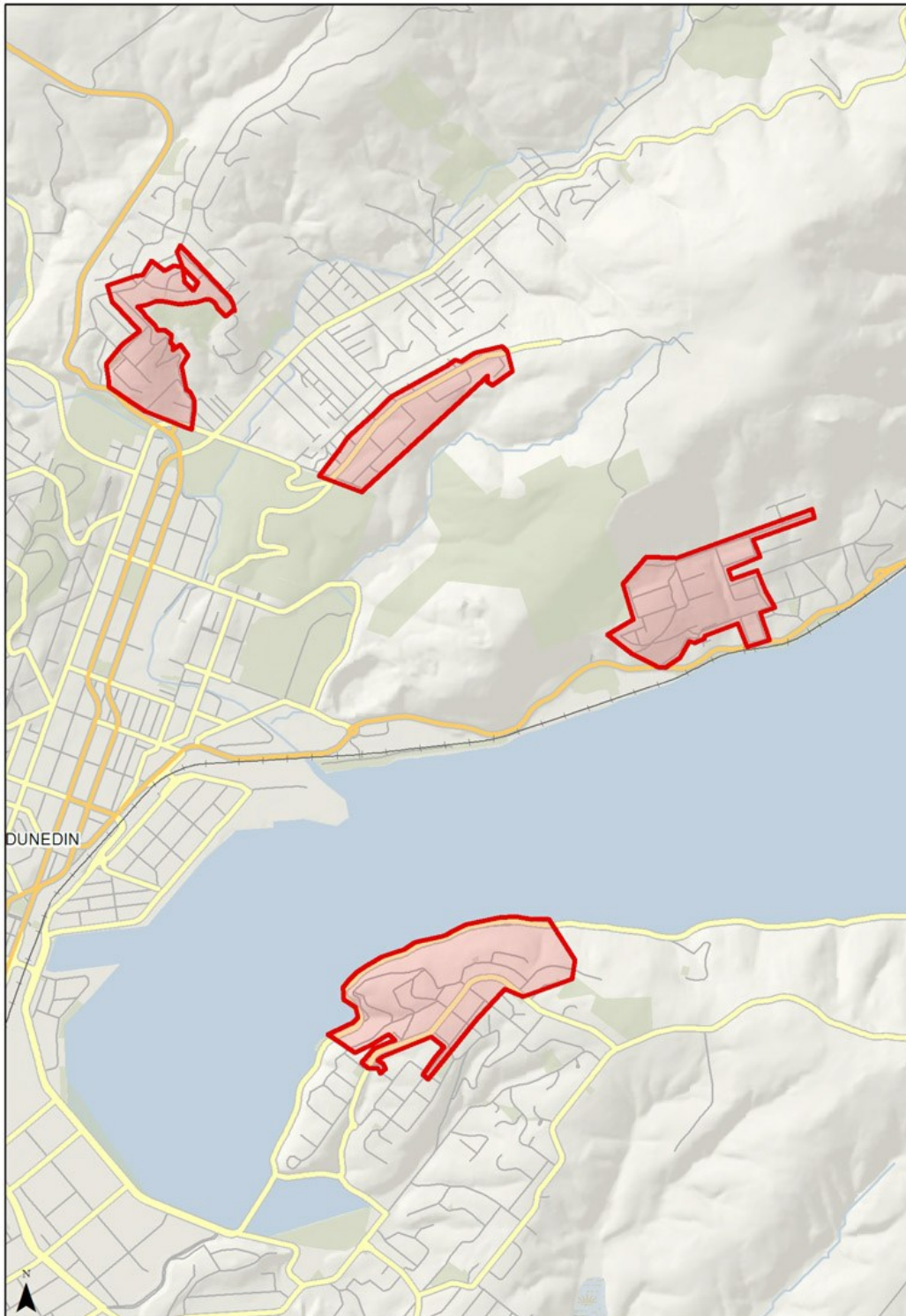
- Stadium noise events must not exceed 75 dB LAeq (15 min) or 80 dB LAFmax measured at the **stadium noise mapped area**.
- The maximum number of stadium noise events allowed within the following noise ranges is:

Noise measured at the boundary of the Stadium noise mapped area		Maximum number of events per calendar year
i.	Between 65 dB LAeq (15 min) and up to 75 dB LAeq (15 min); or up to 80 dB LAF max	3
ii.	Between 55 dB LAeq (15 min) and up to 65 dB LAeq (15 min); or up to 75 dB LAF max	12 events
iii.	Up to 55 dB LAeq (15 min)	n/a

- Stadium noise events must not commence before 10am or finish after 12am (midnight) for events between 1 November and the end of February, or after 11pm for events between 1 March and 31 October. For clarity, the event may exceed four hours, but the period during which any noise is produced that exceeds the noise limits in Rule 9.3.6 must not exceed four hours.

- d. Stadium noise events must comply with the following restrictions:
 - i. There must be no more than two stadium noise events in any one seven-day period, except for two weeks of the year which may have a maximum of four stadium noise events in any one seven-day period; and
 - ii. There must be no more than two stadium noise events that exceed 55 bBA Leq (15 min) within any Sunday to Thursday period inclusive; and
 - iii. Stadium noise events that exceed 55 bBA Leq (15 min) must not be held on consecutive days within any Sunday to Thursday period inclusive; and
 - iv. There must be no more than two stadium noise events that exceed 55 bBA Leq (15 min) on consecutive days.
- e. The Forsyth Barr Stadium must either:
 - i. have a permanent sound system that is commissioned and calibrated to achieve compliance with the above noise standards during stadium noise events, and with the noise standards specified in Rule 9.3.6 at all other times; or
 - ii. for stadium noise events where a non-calibrated sound system is used, monitor and regulate the noise to ensure compliance with the noise standards specified above.
- f. Sound checks involving amplified music which exceed the noise limits specified in Rule 9.3.6 must be between the hours of 9am and 7.30pm and a maximum of two hours total duration per day. Sound checks must not exceed the noise limits specified in Rule 32.5.6.2.a.
- g. Stadium noise events expected to exceed 65dB LAeq (15 min) or 75 dB LAFmax must be publicised by:
 - i. an advertisement in both the Otago Daily Times newspaper and Star community newspaper no more than 10 days prior to the event; or
 - ii. a leaflet drop to the **stadium noise leaflet drop mapped area** no more than 10 days prior to the event.
- h. A noise management plan must be provided to the DCC's Environmental Health Department at least 48 hours prior to all stadium noise events detailing:
 - i. the name and contact details of a noise management contact person who will be present at the stadium noise event; and
 - ii. methods by which noise will be managed to ensure it does not exceed the noise levels in Rule 32.5.6.2.a and b.
- i. Activities that exceed the noise limits in 32.5.6.2.a are a non-complying activity.
- j. Activities that contravene all other parts of this rule are a discretionary activity.

Stadium Noise Leaflet Drop Mapped Area



Rule 32.6 Development Performance Standards

32.6.1 Boundary Treatments and Other Landscaping

1. Along the Ravensbourne Road frontage (**amenity route mapped area**), where a building is not built to the road frontage, a landscaping area with a minimum width of 1.5m, must be provided along the full length of the road frontage (except for where vehicle access is provided). Landscaping areas must:
 - a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
 - b. have an average of one tree for every 5m of frontage;
 - c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - d. be designed to allow surface water run-off from surrounding areas to enter;
 - e. be protected by a physical barrier that prevents cars from accidentally driving into or damaging plants;
 - f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a height of 5m within 10 years of planting;
 - g. be planted prior to occupation or completion of any relevant building(s) or site development; and
 - h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
2. Any road boundary fences provided must be placed on the property side of any required road frontage landscaping.

32.6.2 Building Design

The Forsyth Barr Stadium must be at least 75% grey tones. Up to 25% of each façade may be any colour, but no one block of colour can occupy more than 5% of the façade.

32.6.3 Earthworks Standards

32.6.3.1 Earthworks - small scale thresholds

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

Zone/Area		1. Stadium Zone	2. Within 5m of a water body ¹ or MHWS	3. Haz3 (Flood)
i.	Maximum change in ground level	1.5m	0.5m	—
ii.	Maximum volume of combined cut and fill	30m ³ per 100m ² of <u>site</u>	1m ³	20m ³ fill
iii.	Maximum area	—	25m ²	300m ²

- b. Earthworks *ancillary to network utilities* activities are only required to comply with Rule 32.6.3.1.a.i - maximum change in ground level threshold.
- c. Earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the performance standard earthworks - small scale thresholds.
- d. Scale thresholds will be calculated as the cumulative total of earthworks on any site in a two calendar-year period.

- e. Earthworks that exceed the earthworks - small scale thresholds are treated as earthworks - large scale, which are a restricted discretionary activity.

¹See Rule 10.3.3 for how setbacks from waterbodies will be measured.

32.6.3.2 Batter gradient

Earthworks must:

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

32.6.3.3 Setback from property boundary, buildings, structures and cliffs

Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m², and the top or toe of any cliff, the following minimum distances:

- a. Earthworks not supported by retaining walls:
 - i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 32.6A);
 - ii. a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (see Figure 32.6A); and
 - iii. 300mm, as measured from the crest of any cut (see Figure 32.6A).
- b. Retaining walls supporting a cut or fill must be setback a distance at least equal to the height of the retaining walls (see Figure 32.6B), except:
 - i. retaining walls supporting a cut that have been granted building consent are exempt from this standard.
- c. Earthworks *ancillary to network utilities* activities and earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the setback from property boundary, buildings, structures and cliffs performance standard.

Figure 32.6A Unsupported cut and fill (elevation view)

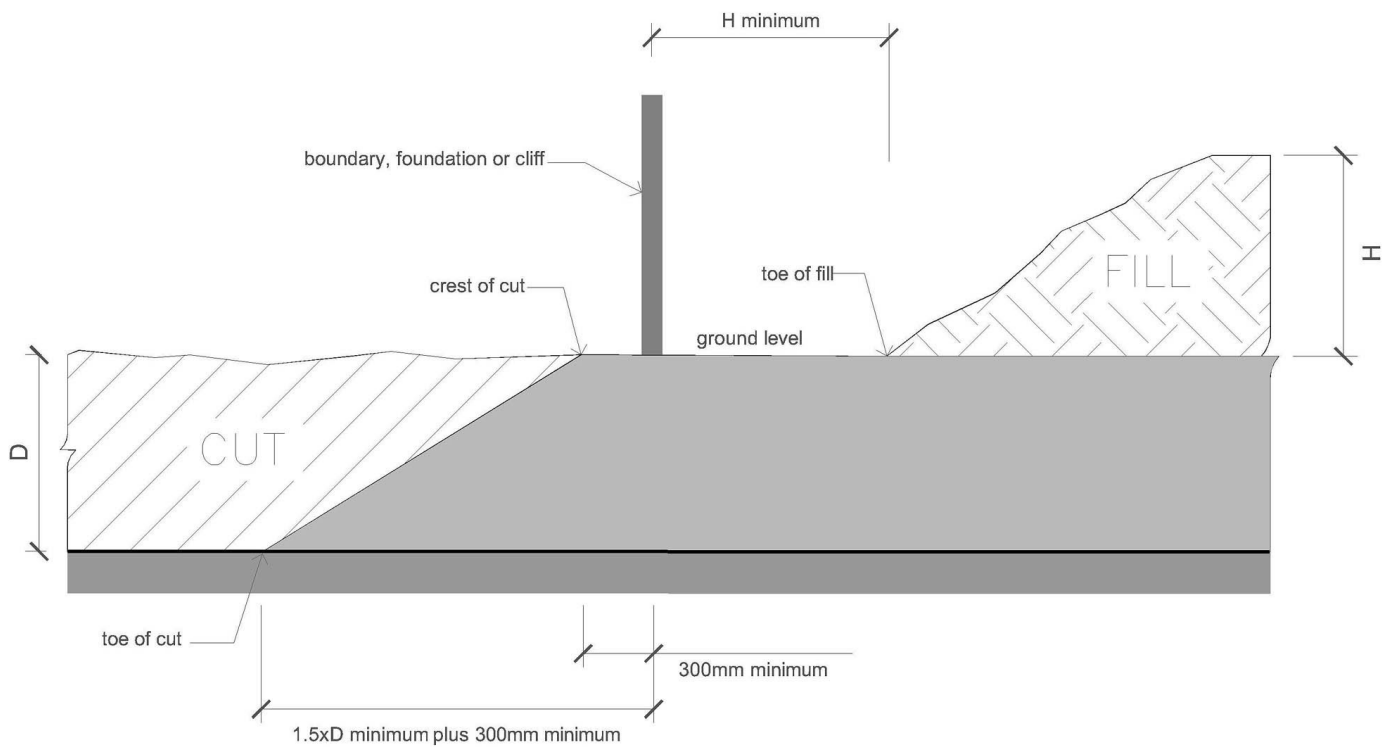
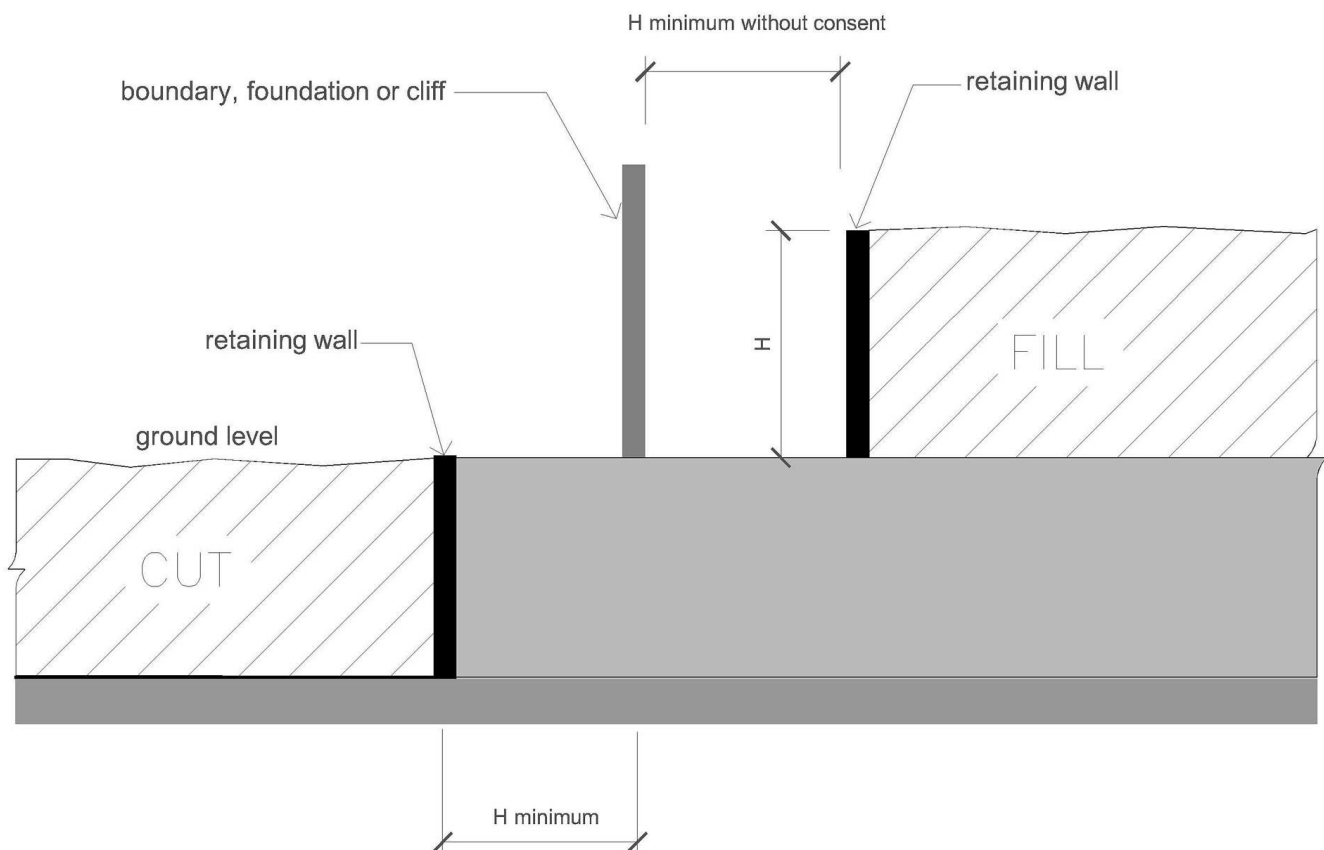


Figure 32.6B Cut and fill supported by retaining walls (elevation view)



32.6.3.4 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

32.6.3.5 Sediment control

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

32.6.4 Hazard Overlay Zones Development Standards

32.6.4.3 Minimum floor level

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

32.6.4.4 Relocatable buildings

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

32.6.5 Hazardous Substances Quantity Limits and Storage Requirements

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

32.6.6 Maximum Height

1. The maximum height for new buildings and structures, and additions and alterations is 20m above ground level.
2. Rooftop structures are exempt from the performance standard for maximum height, provided they do not exceed the maximum height limit by more than 5m.
3. Activities that contravene the performance standard for maximum height but are no greater than 47m in height are a restricted discretionary activity.
4. Activities that contravene the performance standard for maximum height and are over 47m in height are a discretionary activity.

32.6.7 Number, Location and Design of Ancillary Signs

32.6.7.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are not visible from outside the Stadium Zone;
 - ii. 'regulatory' (requiring or prohibiting specified actions), 'warning' (informing of hazards or of other features requiring a safe response), or 'directional' (identifying the location of, or direction to destinations, routes, building entrances, and vehicle accesses) signs; and
 - iii. 'building names' (excluding sponsorship names).
- b. Signs located above the footpath must comply with Rule 6.7.2.
- c. Signs must comply with Rule 6.7.3 where visible from a road.
- d. Signs related to commercial activities ancillary to major recreation facility activity must not be visible from outside the Stadium Zone.
- e. Signs higher than 4m above ground level must only display the major facility name.
- f. Signs other than those specified in Rules 32.6.7.2 and 32.6.7.3 are not allowed.

32.6.7.2 Signs attached to buildings

- a. Signs must not be attached to roofs
- b. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- c. Signs attached flat against a building must:
 - i. not exceed one sign per road frontage; and
 - ii. not exceed a display face area of 160m² per sign.
- d. If attached on the underside of a verandah or protruding from a building façade, signs must:
 - i. where attached to the façade of a building, not protrude more than 1.5m from the façade;
 - ii. have a maximum area per display face of 2m²;
 - iii. have a maximum of 2 display faces; and
 - iv. not exceed 1 sign per 30m of street frontage.

32.6.7.3 Freestanding signs

- a. The maximum number of freestanding signs is:
 - i. 1 per 50m of street frontage.
- b. The maximum area of freestanding signs is 1m², except one sign is allowed with the following maximum dimensions:
 - i. maximum height of 8m; and
 - ii. maximum area of 16m².
- c. Freestanding signs must:
 - i. be positioned entirely within site boundaries and cannot be located on the road reserve; and
 - ii. not obstruct driveways, parking or loading areas.

Note 32.6A - Other relevant District Plan provisions

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

Note 32.6B - Other requirements outside of the District Plan

For additional restrictions that may apply to signs, see also:

1. New Zealand Transport Agency, Traffic Control Devices Manual, Part 3, Advertising Signs.
2. Dunedin City Council Commercial Use of Footpaths Policy.
3. Dunedin City Council Roadway Bylaw.
4. Dunedin City Council Traffic and Parking Bylaw.

32.6.8 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

32.6.9 Setbacks

32.6.9.1 Boundary setbacks

- a. New buildings and structures, and additions and alterations to buildings and structures must have a minimum set back from Ravensbourne Road (**amenity route mapped area**) of 10.5m.
- b. Fences and ancillary signs are exempt from this standard.

32.6.9.2 Setback from coast and water bodies

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

Rule 32.7 Subdivision Performance Standards

Subdivision activities must comply with Rule 34.7.

Rule 32.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 32.8.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 32.8.2 - 32.8.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

32.8.2 Assessment of all performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
1.	Performance standard contraventions	<i>Relevant objectives and policies:</i> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards, or other <u>site</u> specific factors including topography, make meeting the standard impracticable. c. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. <i>General assessment guidance:</i> d. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

32.8.3 Assessment of land use performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Electrical interference	a. Effects on health and safety	See Rule 9.4
2.	Location	a. Effects on the vibrancy, and economic and social success of the CBD and Centres hierarchy	<i>Relevant objectives and policies:</i> i. Objective 32.2.1 ii. Ancillary commercial activities are designed, located and operated to primarily serve staff and visitors to the stadium (Policy 32.2.2.6).

32.8.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
3. Minimum car parking	a. Effects on accessibility b. Effects on the safety and efficiency of the transport network	See Rule 6.9

32.8.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Boundary setbacks	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> - Objective 32.2.2 - Buildings are set back an adequate distance from Ravensbourne Road (amenity route mapped area) to allow landscaping (Policy 32.2.2.1.b).
2. Boundary treatments and other landscaping	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> - Objective 32.2.2 - Development along Ravensbourne Road (amenity route mapped area) provides a high level of streetscape amenity by providing landscaping of a height and density adequate to maintain or enhance the amenity of the route (Policy 32.2.2.1.a).
3. Building design	a. Effect on neighbourhood amenity	<i>Relevant objectives and policies:</i> - Objective 32.2.2 - The Forsyth Barr Stadium is predominantly muted colours, to minimise adverse effects on the skyline vista of the city and views across the harbour (Policy 32.2.2.7).
4. Earthworks standards: Batter gradient	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> - Objective 32.2.3 - 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 32.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> - Maximum slopes of cut and fill batters. - Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. - Temporary shoring requirements to maintain stability before a wall is constructed. - Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.

32.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
5.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 32.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 32.2.3.1.a).
6.	Earthworks standards: • Setback from network utilities	a. Effects on efficient and effective operation of network utilities	See Rule 5.7
		b. Effects on health and safety	
7.	Earthworks standards: • Sediment control	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 32.2.3 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems (Policy 32.2.3.2.b).
		b. Effects on biodiversity and natural character values of riparian margins and coast	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
8.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards	See Rule 11.4
9.	Maximum height	a. Effect on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 32.2.2 ii. Buildings greater than 20m in height contribute positively to the skyline vista of the city, by being of a quality and contextually appropriate architectural design, and avoid significant adverse effects on views from Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula (Policy 32.2.2.2).

32.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
10.	Hazard overlay zones development standards: • Minimum floor level • Relocatable buildings	a. Risk from natural hazards	See Rule 11.4
11.	Number, location and design of ancillary signs	a. Effects on amenity of surrounding area.	<i>Relevant objectives and policies:</i> i. Objective 32.2.2 ii. Ancillary signs visible from outside the zone are located and designed to be maintain streetscape amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on <u>site</u> to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose (Policy 32.2.2.4).
		b. Effects on safety and efficiency of the transport network.	See Rule 6.9
12.	Setback from coast and water bodies	a. Effects on public access	See Rule 10.4
		b. Effects on biodiversity values and natural character of the coast and riparian margins	
		c. Risk from natural hazards	See Rule 11.4
13.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

32.8.5 Assessment of subdivision performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Subdivision performance standards	See Rule 34.9

Rule 32.9 Assessment of Restricted Discretionary Activities

Rule 32.9.1 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 32.9.2 - 32.9.3 list:
 - a. 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. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
4. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) 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 32.8; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 32.10; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 32.11; and
 - iii. the assessment guidance in this section will also be considered.

32.9.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Earthworks - large scale (that exceed scale thresholds for the Stadium Zone)	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 32.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 32.2.3.3.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 32.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> 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 impact upon existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to:</i> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. ix. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. x. 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 <u>site</u> is not diminished.

32.9.2 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	<i>Relevant objectives and policies:</i> i. Objective 32.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 32.2.3.3.c). <i>Potential circumstances that may support a consent application include:</i> 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 32.12.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards.
2. Earthworks - large scale (that exceed scale thresholds within 5m of a water body or MHWS)	a. Effects on biodiversity and natural character of riparian margins and the coast	See Rule 10.5
	b. Effects on public access	
3. Earthworks - large scale (that exceed scale thresholds for a hazard (flood) overlay zone)	a. Risk from natural hazards	See Rule 11.5
4. New parking areas, or extensions to existing parking areas (<i>that result in the creation of 50 or more new parking spaces.</i>)	a. Effects on the safety and efficiency of transport network	See Rule 6.10

32.9.3 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents



1.	All subdivision activities	a. Effects on the efficient and effective operation of the stadium	<i>Relevant objectives and policies:</i> i. Objective 32.2.1, 2.3.1 ii. Subdivision does not adversely affect the efficient and effective operation of the stadium (Policy 32.2.1.5.b).
		See Rule 34.10	

Rule 32.10 Assessment of Discretionary Activities

Rule 32.10.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 32.10.2 - 32.10.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent applications;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

32.10.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities	<i>General assessment guidance:</i> a. In assessing the significance of effects, consideration will be given to: i. short to long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. <i>Relevant objectives and policies (priority considerations):</i> b. Objective 32.2.1 c. Only allow activities that are not ancillary to major recreation facility activity where: i. they are related to or support the Forsyth Barr Stadium, or have other operational requirements that mean they need to locate in the zone; ii. they will support the efficient and effective operation of the Forsyth Barr Stadium; iii. they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. they are designed and operated in line with Objective 32.2.2 and its policies (Policy 32.2.1.3).
2. Visitor accommodation	See Section 6.11 for guidance on the assessment of resource consents in relation to Objective 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network 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.

32.10.3 Assessment of discretionary performance standard contraventions

Activity	Guidance on the assessment of resource consents
1. - Acoustic insulation - Noise - where the limits in Rule 32.5.7.1 are exceeded by up to 5dB LAeq (15min) - Light spill - where the limit is exceeded by 25% or less	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.
2. Noise - where the limits in Rule 35.5.7.2.b to 35.5.7.2.h are not complied with	<i>Relevant objectives and policies:</i> - Objectives 32.2.1, 9.2.2 - Major recreation facility is enabled (Policy 32.2.1.1). - Activities are designed and operated to ensure that adverse effects from noise on the health of people can be avoided or, if avoidance is not possible, are insignificant (Policy 9.2.2.1).
3. Maximum height (buildings greater than 47m in height)	<i>Relevant objectives and policies (priority considerations):</i> - Objective 2.4.1, Policy 2.4.1.4 - Objective 32.2.2 - Only allow buildings over 47m in height where: - the height is essential to the operation of the Forsyth Barr Stadium; and - the height exceedence is minimal (Policy 32.2.2.3). - Buildings contribute positively to the skyline vista of the city, by being of a quality and contextually appropriate architectural design (Policy 32.2.2.2.a). - Buildings avoid significant adverse effects on views from Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula (Policy 32.2.2.2.b).

Rule 32.11 Assessment of Non-complying Activities

Rule 32.11.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 32.10.2 - 32.10.4 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

32.11.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.3.1, 2.3.3 b. Objective 32.2.1 c. Activities that are not ancillary to major recreation facility activity: i. are related to or support the Forsyth Barr Stadium, or have other operational requirements that mean they need to locate in the zone; ii. will support the efficient and effective operation of the Forsyth Barr Stadium; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. are designed and operated in line with Objective 32.2.2 and its policies (Policy 32.2.1.3). d. Forsyth Barr stadium is: i. able to continue to operate efficiently and effectively, while minimising as far as practical any adverse effects on surrounding areas; and ii. protected from activities that may lead to reverse sensitivity issues; and iii. allowed the transition of land to a default zone where the land is no longer required for major facility use (Policy 2.3.3.2). <i>General assessment guidance:</i> e. In assessing the significance of effects, consideration will be given to: i. both short and long term effects, including effects in combination with other activities. ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. f. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.

32.11.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. Commercial advertising	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c

32.11.4 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on assessment of resource consents
1. • Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit in Rule 32.5.6.1 is exceeded by 5dB LAeq (15 min) or more • Noise - where the limit in Rule 32.5.6.2.a is exceeded • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)	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.

Rule 32.12 Special Information Requirements

32.12.1 Geotechnical investigation report

1. A geotechnical investigation report may be requested by Council for earthworks of a large scale and/or where the earthworks are proposed:
 - a. on a site with a slope angle between 15° (3.7h:1v slope ratio, or 27% slope grade) and 26° (2h:1v slope ratio, or 50% slope grade);
 - b. on a site identified as hazard-prone in Council's Hazard Information Management System; or
 - c. on any other site that the Council, with good cause, suspects to be hazard-prone.
2. A geotechnical investigation report must be provided for earthworks on all sites with a slope greater than a 26° angle (2h:1v slope ratio, or 50% slope grade).
3. All requested geotechnical investigation reports must be prepared by a suitably qualified expert who is experienced in the practice of geotechnical engineering and registered under the Chartered Professional Engineers Act of New Zealand 2002 and who has professional indemnity insurance.
4. The geotechnical investigation report must address the following factors:
 - a. special design or construction requirements;
 - b. special foundation requirements;
 - c. services;
 - d. access;
 - e. effluent disposal;
 - f. non-engineered fills; and
 - g. a statement of professional opinion as to the suitability of the land for the proposed development.

33. Taieri Aerodrome

33.1 Introduction

The Taieri Aerodrome is situated on Stedman Road, North Taieri. The aerodrome occupies an area of approximately 38 hectares and is owned by the Dunedin City Council and leased and operated by the Otago Aero Club. The aerodrome is a highly valued recreational facility for the aeronautical community and enables recreational flying and flight training for private individuals and commercial pilots. It is the home of the Otago Rescue Helicopter Trust, which provides an emergency search and rescue service across Otago. It also serves as a secondary airport in the event of an emergency at Dunedin International Airport. The site was previously zoned industrial and there is a desire to allow ongoing industrial development on the site where this does not conflict with the operation of the aerodrome.

The aerodrome site is surrounded by several zones. To the north and west are areas of industrially zoned land, and to the south are areas of rural residential and general residential 1 land. To the west and east are areas of rural zoned land which are predominantly used for grazing and livestock. The aerodrome has particular requirements in terms of height of structures under and close to its take off and landing flight fan. This issue is reflected on the height rules that relate to land in the vicinity of the flight path.

The activities located at the Taieri Aerodrome site have the potential to generate effects, particularly noise, which may adversely affect surrounding land uses. Sensitive activities, including housing, within and close to the zone are required to have acoustic insulation.

The zone enables development and land use associated with the operation and functioning of the aerodrome, and industrial activity. Industrial development within the Taieri Aerodrome Zone is managed in the same way as in the neighbouring Industrial Zone. The zone provisions provide certainty for users and the wider community regarding the expected use of the aerodrome site, recognising the function of the aerodrome as a recreational resource for the community, while appropriately managing effects on neighbouring land uses.

There is a scheduled heritage building on the site, the former National Airways Hangar. Rules within the zone manage work undertaken on this building.

33.2 Objectives and Policies

Objective 33.2.1	
Taieri Aerodrome is able to operate efficiently and effectively.	
Policy 33.2.1.1	Enable Taieri Aerodrome and industrial activity.
Policy 33.2.1.2	Provide for activities that are ancillary to Taieri Aerodrome or industrial activity where they are designed and operated in line with Objective 33.2.2 and its policies.
Policy 33.2.1.3	Only allow activities that are not ancillary to Taieri Aerodrome activity where: - they are related to or support Taieri Aerodrome, or have other operational requirements that mean they need to locate in the zone; - they will support the efficient and effective operation of the Taieri Aerodrome; - they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - they are designed and operated in line with Objective 33.2.2 and its policies.
Policy 33.2.1.4	Enable land that is surplus to the needs of the Taieri Aerodrome to transition to Industrial Zone, so that future development that is not related to Taieri Aerodrome activity can be managed in accordance with the objectives and policies of that zone.
Policy 33.2.1.5	Only allow subdivision where: - it is in accordance with the provisions of the Industrial Zone; and - the subdivision does not adversely affect the efficient and effective operation of Taieri Aerodrome.

Objective 33.2.2	
Land use activities and development necessary for the continued operation of the Taieri Aerodrome is enabled, while ensuring development maintains the amenity of the adjoining residential and rural areas, as far as practicable.	
Policy 33.2.2.1	Require buildings and structures to be: of a height and setback from boundaries to maintain the amenity of surrounding areas.
Policy 33.2.2.2	Require materials stored outside, that may become airborne due to wind, to be adequately secured to prevent materials escaping and contaminating any off-site area.
Policy 33.2.2.3	Require ancillary signs visible from outside the zone to be located and designed to maintain neighbourhood amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose.
Policy 33.2.2.4	Require ancillary commercial activities to be designed, located and operated to primarily serve staff and visitors to the Taieri Aerodrome.

Objective 33.2.3	
Earthworks necessary for permitted or approved land use and development are enabled, while avoiding, or adequately mitigating, any adverse effects on: - visual amenity and character; - the stability of land, buildings, and structures; and - surrounding properties.	

Objective 33.2.3

Policy 33.2.3.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: a. being set back an adequate distance from property boundaries, buildings, structures and cliffs; and b. using a batter gradient that will be stable over time.
Policy 33.2.3.2	Require earthworks and any associated retaining structures to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: a. limiting the scale of earthworks that are provided for as a permitted activity; and b. requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.
Policy 33.2.3.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: a. adverse effects on visual amenity and character; b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and c. adverse effects on the stability of land, buildings, and structures.

Rules

Rule 33.3 Activity Status

Rule 33.3.1 Rule location

The status tables in Rule 33.3.3 - 33.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Taieri Aerodrome Zone and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

1. Public amenities (Section 3)
2. Temporary activities (Section 4)
3. Network utilities and energy generation (Section 5)
4. Transportation activities (Section 6)
5. Scheduled Trees (Section 7)
6. Natural hazard mitigation activities (Section 8)

33.3.2 Activity status introduction

1. The tables in Rules 33.3.3 - 33.3.5 show the activity status of activities in the Taieri Aerodrome Zone and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, and c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.6 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested table in Section 1.6 is intended to be a complete list of activities and categories of activities. For any activity that is not covered by any of the defined activities in the nested table, the activity status will be non-complying if the activity status of "all" or "all other" activities in the most closely related category is non-complying, otherwise it will be discretionary.

Additional activity status rules in hazard overlay zones

6. For the purpose of the hazards provisions, activities are categorised as sensitive activities, potentially sensitive activities or least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
7. In the hazard 2 overlay zones, the activity statuses in Rule 33.3.6 apply to the following activities:
 - a. new sensitive activities and potentially sensitive activities, and
 - b. some new buildings.
8. Where the activity status in Rule 33.3.6 differs from that in Rule 33.3.3 - 33.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 33.3.6, performance standards for development activities within hazard overlay zones are included in Rule 33.3.3 - 33.3.5.
10. Activities in a hazard overlay zone must comply with all of the rules in 33.3.3 - 33.3.5.

Performance Standards

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

Legend

Acronym	Activity status
—	No change to activity status or not relevant (intersect does not exist)
P	Permitted activity
C	Controlled activity
RD	Restricted discretionary activity
D	Discretionary activity
NC	Non-complying activity
Acronym	Zone/overlay zone name
Haz2	Hazard 2 Overlay Zones

33.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Acoustic insulation b. Electrical interference c. Light spill d. Noise
Major facility activities		Activity status	Performance standards
2.	Taieri Aerodrome activity	P	
3.	Airport	P	
4.	Emergency services	RD	
5.	All other activities in the major facility activities category	NC	
Commercial activities		Activity status	Performance standards
6.	Retail <i>ancillary to Taieri Aerodrome activity or industrial activity</i>	P	a. Maximum gross floor area (<i>retail ancillary to industrial activity</i>)
7.	Restaurants <i>ancillary to Taieri Aerodrome or industrial activity</i>	P	a. Hours of operation
8.	All other activities in the commercial activities category	NC	

Residential activities		Activity status	Performance standards
9.	All activities in the residential activities category	NC	
Community activities		Activity status	Performance standards
10.	Community and leisure	P	
11.	Conservation	P	
12.	All other activities in the community activities category	D	
Rural activities		Activity status	Performance standards
13.	Grazing	P	
14.	Farming	P	
15.	Landfills	NC	
16.	All other activities in the rural activities category	D	
Industrial Activities		Activity status	Performance standards
17.	All activities in the industrial activities category	P	a. Minimum car parking b. Minimum vehicle loading

33.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. Setback from coast and water bodies
2.	Performance standards that apply to all buildings and structures		a. Boundary setbacks b. Fire fighting c. Maximum height d. Number, location and design of ancillary signs e. Minimum floor level
Building and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See lines 6-10)		Activity status	Performance standards
5.	All buildings and structures activities	P	
Building and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		Activity status	Performance standards
6.	Repairs and maintenance or <u>restoration</u>	P	a. Materials and design
7.	Earthquake strengthening <i>where external features only are protected</i>	C	a. Materials and design
8.	All other additions and alterations	RD	
9.	Demolition	NC	

10.	Removal for relocation	RD	
Site development activities		Activity status	Performance standards
11.	Earthworks - small scale	P	a. Earthworks standards
12.	Earthworks - large scale	RD	a. Earthworks standards
13.	Outdoor storage	P	a. Location and screening of outdoor storage
14.	Parking, loading and access	P	a. Parking, loading and access standards
15.	New parking areas, or extensions to existing parking areas <i>(that result in the creation of 50 or more new parking spaces.)</i>	RD	a. Parking, loading and access standards
16.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements
17.	All other site development	P	

33.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status	Performance standards
1.	Subdivision activities	RD	a. Subdivision performance standards

33.3.6 Change to activity status in Hazard 2 Overlay Zones

Activity		Haz2
1.	Potentially sensitive activities not permitted in Taieri Aerodrome Zone	D
2.	Sensitive activities	D
3.	New buildings, and additions and alterations to buildings, which create more than 60m ² of new ground floor area	RD

33.3.7 Transition to the Industrial Zone

On receipt of written notice from both the landowner and operator of Taieri Aerodrome (if different) to Dunedin City Council confirming that all or part of the land within the Taieri Aerodrome Zone is surplus to Taieri Aerodrome requirements, the provisions of the Taieri Aerodrome Zone will no longer apply to that parcel of land and the provisions of the Industrial Zone (Dukes Road North) will apply in full.

Note 33.3A - Guidance on existing use rights applying to land use activities in hazard overlay zones

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

Note 33.3B - General advice

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

Rule 33.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or 95B of the Act, unless Council considers special circumstances exist in relation to the application that require public notification:
 1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
 2. contravention of performance standard 13.3.2 'Materials and design' where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications for the following activities, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand; and
 2. activities that contravene performance standard 13.3.2 'Materials and design' where the building or structure is listed by Heritage New Zealand.
3. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A(2) of the RMA:
 1. demolition of a protected part of a scheduled heritage building or scheduled heritage structure.
4. In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons.
5. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 33.5 Land Use Performance Standards

33.5.1 Acoustic Insulation

Noise sensitive activities in the Taieri Aerodrome Zone must comply with Rule 9.3.1.

33.5.2 Electrical Interference

Land use activities must comply with Rule 9.3.2.

33.5.3 Hours of Operation

Restaurants ancillary to Taieri Aerodrome or industrial activity must not be open before 6am or after 6pm.

33.5.4 Light Spill

Land use activities must comply with Rule 9.3.5.

33.5.5 Maximum Gross Floor Area

The gross floor area used for retail activity ancillary to industrial activity must not exceed 10% of the total floor space of the premises.

33.5.6 Minimum Car Parking

1. Industry must provide 1 parking space per 75m² gross floor area.
2. Industry must provide mobility parking spaces as follows:

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

3. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility car parking
4. Parking spaces may be shared between land use activities (i.e. the same parking spaces may be used to fulfill the minimum car parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap.
5. 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.
6. For activities where the minimum car parking performance standard is based on the gross floor area of a building, the following areas within the building will be excluded from the assessment of gross floor area:
 - a. any parking area and associated manoeuvring space, including aisle;
 - b. any loading area and associated manoeuvring space

Note 33.5A - Other relevant District Plan provisions

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

33.5.7 Minimum Vehicle Loading

1. Industry must provide one loading space, to accommodate an 8m rigid truck (Rule 6.14 (Figure 6.14J)).
2. Industrial ancillary tourism must provide one loading space, to accommodate a coach (Rule 6.14 (Figure 6.14L)).

33.5.8 Noise

Land use activities must comply with Rule 9.3.6.

Rule 33.6 Development Performance Standards

33.6.1 Earthworks Standards

33.6.1.1 Earthworks - small scale thresholds

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

Zone/Area		1. Taieri Aerodrome Zone	2. Within 5m of a water body ¹ or MHWS	3. Haz2 (Flood)
i.	Maximum change in ground level	2m	0.5m	—
ii.	Maximum volume of combined cut and fill	30m ³ per 100m ² of <u>site</u>	1m ³	20m ³ fill
iii.	Maximum area	—	25m ²	—

- b. Earthworks *ancillary to network utilities* activities are only required to comply with Rule 33.6.1.1.a.i - maximum change in ground level threshold.
- c. Earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the performance standard earthworks - small scale thresholds.
- d. Scale thresholds will be calculated as the cumulative total of earthworks on any site in a two calendar-year period.
- e. Earthworks that exceed the earthworks - small scale thresholds are treated as earthworks - large scale, which are a restricted discretionary activity.

¹See Rule 10.3.3 for how setbacks from waterbodies will be measured.

33.6.1.2 Batter gradient

Earthworks must:

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

33.6.1.3 Setback from property boundary, buildings, structures and cliffs

Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m², and the top or toe of any cliff, the following minimum distances:

- a. Earthworks not supported by retaining walls:
- a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 33.6A);
 - a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (see Figure 33.6A); and
 - 300mm, as measured from the crest of any cut (see Figure 33.6A).
- b. Retaining walls supporting a cut or fill must be setback a distance at least equal to the height of the retaining walls (see Figure 33.6B), except:
- retaining walls supporting a cut that have been granted building consent are exempt from this standard.
- c. Earthworks *ancillary to network utilities* activities and earthworks *ancillary to the operation, repair, and*

maintenance of the roading network are exempt from the setback from property boundary, buildings, structures and cliffs performance standard.

Figure 33.6A: Unsupported cut and fill (elevation view)

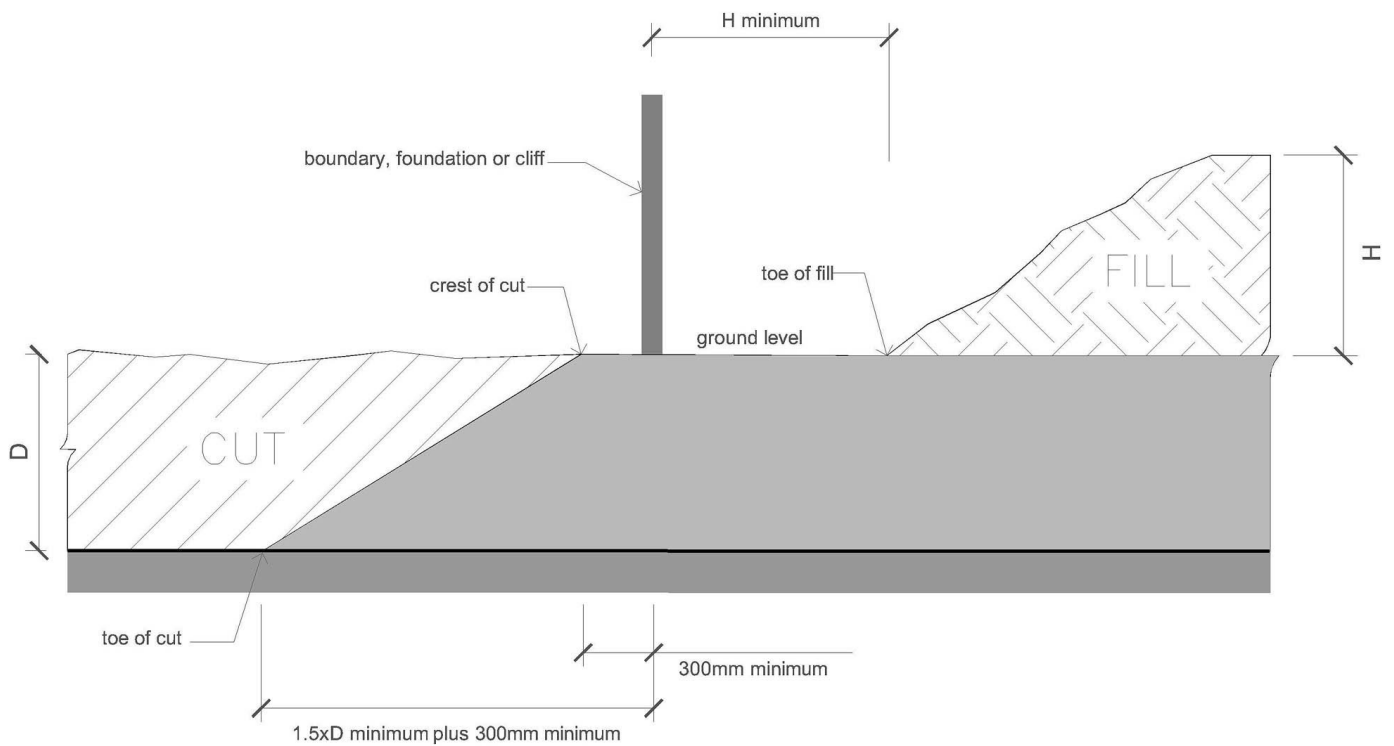
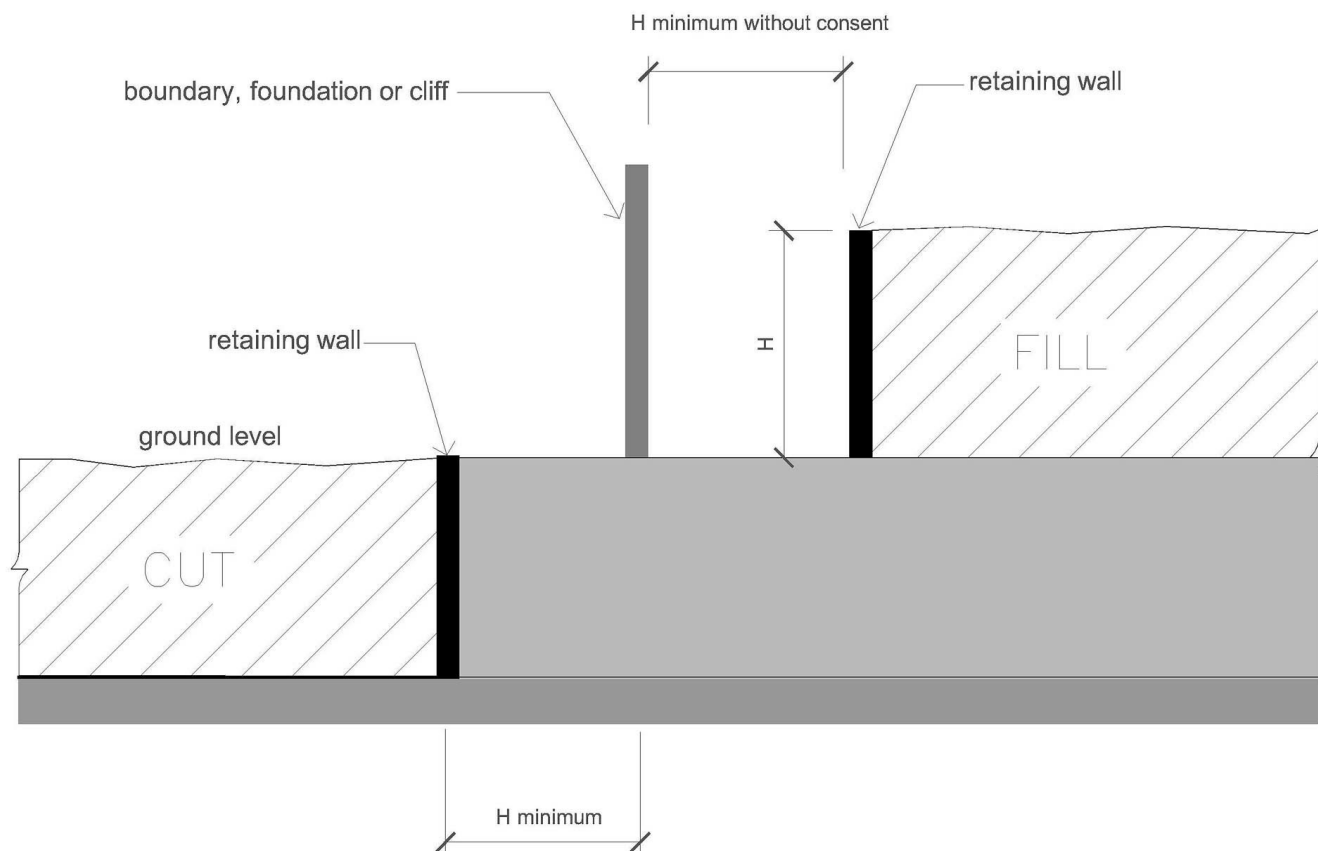


Figure 33.6B: Cut and fill supported by retaining walls (elevation view)



33.6.1.4 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

32.6.1.5 Sediment control

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

33.6.2 Fire Fighting

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

33.6.3 Hazardous Substances Quantity Limits and Storage Requirements

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

33.6.4 Location and Screening of Outdoor Storage

1. Outdoor storage must not encroach into required parking, loading, manoeuvring, or outdoor living areas.
2. Outdoor storage must be managed in a way that does not result in unreasonable visual amenity effects or create nuisance effects.

33.6.5 Materials and Design

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

33.6.6 Maximum Height

1. The maximum height for new buildings and structures, and additions and alterations, must not exceed 18m above ground level.
2. Rooftop structures are exempt from the performance standard for maximum height provided they do not exceed the maximum height limit by 5m.
3. 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**.

33.6.7 Minimum Floor Level

New buildings (including residential buildings) to be used for sensitive activities in the Hazard 2 (flood) Overlay Zone must comply with Rule 11.3.3.

33.6.8 Number, Location and Design of Ancillary Signs

33.6.8.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are not visible from outside the Taieri Aerodrome Zone;
 - ii. 'regulatory' (requiring or prohibiting specified actions), 'warning' (informing of hazards or of other features requiring a safe response), or 'directional' (identifying the location of, or direction to destinations, routes, building entrances, and vehicle accesses) signs; and
 - iii. 'building names' (excluding sponsorship names).
- b. Signs related to ancillary retail and ancillary restaurant activities must not be visible outside the Taieri Aerodrome Zone.
- c. Signs must comply with Rule 6.7.3 where visible from a road.
- d. Signs must not be illuminated or digital.
- e. Signs other than those specified in Rules 33.6.8.2 and 33.6.8.3 are not allowed .

33.6.8.2 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign, attached to a building is 4m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached to a building must:
 - i. not exceed one sign per 50m of road frontage;
 - ii. have a maximum area per display face of 2m²;
 - iii. have a maximum of two display faces per sign;
 - iv. where attached to the façade of a building, must not project more than 1m from the façade to which it is attached; and
 - v. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

33.6.8.3 Freestanding signs

- a. The maximum number of permanently fixed freestanding signs is one per 50m of road frontage.
- b. The maximum number of portable freestanding signs is one per 50m of road frontage.

- c. The maximum dimensions of freestanding signs are:
 - i. maximum height of 4m;
 - ii. maximum area of 8m²;
 - iii. maximum width of 2m; and
 - iv. maximum depth of 400m.
- d. Freestanding signs, must not obstruct driveways, parking or loading areas.
- e. Freestanding signs, must be located within the site and cannot be located on the road reserve.

Note 33.6A - Other relevant District Plan provisions

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

Note 33.6B - Other requirements outside of the District Plan

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

33.6.9 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

33.6.10 Setbacks

33.6.10.1: Boundary setbacks

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

Location	Setback distance
a. From the boundary of a residential zone	5m
b. From the boundary fronting onto Dukes Road North	10.5m

- c. Except fences and ancillary signs are exempt from the performance standard.

33.6.10.2: Setback from coast and water bodies

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

Rule 33.7 Subdivision Performance Standards

Subdivision activities must comply with Rule 19.7.

Rule 33.8 Assessment of Controlled Activities

Rule 33.8.1 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 33.8.2:
 - a. lists the matters over which Council has reserved its control; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
 - ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 33.9; 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 33.11; 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 33.12; and
 - iii. the assessment guidance in this section will also be considered.

33.8.2 Assessment of all controlled activities

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

Rule 33.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 33.9.1 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 32.9.2 - 32.9.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

33.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> - The degree of non-compliance with the performance standard is minor. - The need to meet other performance standards, or other <u>site</u> specific factors including topography, make meeting the standard impracticable. - Non-compliance with a development performance standard would improve the design of the development in away that would result in positive effects and better achieve the identified objectives and policies of the Plan. <i>General assessment guidance:</i> - Where more than one standard is contravened, the combined effects of the contraventions should be considered. - In balancing consideration of the objectives and policies related to the maintenance of heritage values and those related to general amenity, greater weight will usually be placed on heritage policies.

33.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Electrical interference	a. Effects on health and safety	See Rule 6.9
2. - Hours of operation - Maximum gross floor area	a. Effects on the vibrancy and economic and social success of the CBD and centres hierarchy	<i>Relevant objectives and policies:</i> - Objective 33.2.1 - Ancillary commercial activities are designed, located and operated primarily to serve users of Taieri Aerodrome.
3. Minimum car parking	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility	See Rule 6.9
4. Minimum vehicle loading	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

33.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	- Boundary setbacks - Maximum height	a. Effect on the amenity of surrounding areas	<i>Relevant objectives and policies:</i> i. Objective 33.2.2 ii. Buildings and structures are of a height and setback from boundaries that maintains the amenity of surrounding areas (Policy 33.2.2.1.a).
2.	Earthworks standards: Batter gradient	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 33.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 33.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> iii. Maximum slopes of cut and fill batters. iv. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. v. Temporary shoring requirements to maintain stability before a wall is constructed. vi. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
3.	Earthworks standards: Setback from property boundary, buildings, structures and cliffs	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 33.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 33.2.3.1.a).
4.	Earthworks standards: Setback from network utilities	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7

33.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
5.	Earthworks standards: • Sediment control	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 33.2.3 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems (Policy 33.2.3.2.b).
		b. Effects on biodiversity and natural character values of riparian margins and coast	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
6.	Firefighting	a. Effects on health and safety	See Rule 9.4
7.	Hazardous substance quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards	See Rule 11.4
8.	Location and screening of outdoor storage	a. Effect on the amenity of surrounding areas	<i>Relevant objectives and policies:</i> i. Objective 33.2.2 ii. Materials stored outside that may become airborne due to wind, are adequately secured to prevent materials escaping and contaminating any off-site area (Policy 33.2.2.2).
9.	Materials and design	a. Effect on heritage values	See Rule 13.5
10.	Maximum height (Rule 33.6.6.3)	a. Effect on operation of Taieri Aerodrome	<i>Relevant objectives and policies:</i> i. Objective 33.2.2 ii. Buildings and structures are of a height that enables the safe operation of the aerodrome (Policy 33.2.2.1.b).
12.	Minimum floor level (hazard overlays)	a. Risk from natural hazards	See Rule 11.4

33.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
13.	Number, location and design of ancillary signs	a. Effect on the amenity of surrounding areas	<i>Relevant objectives and policies:</i> i. Objective 32.2.2 ii. Ancillary signs visible from outside the zone are located and designed to maintain neighbourhood amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose (Policy 33.2.2.3).
		b. Effects on safety and efficiency of the transport network	See Rule 6.9
14.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
15.	Setback from coast and water bodies	a. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		b. Effects on public access	See Rule 10.4
		c. Risk from natural hazards	See Rule 11.4

33.9.5 Assessment of subdivision performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Subdivision performance standards	See Rule 19.9

Rule 33.10 Assessment of Restricted Discretionary Activities

Rule 33.10.1 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 33.10.2 - 33.10.4:
 - 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. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
4. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) 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 33.9; 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 33.11; 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 33.12; and
 - iii. the assessment guidance in this section will also be considered.

33.10.2 Assessment of restricted discretionary land use activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	Emergency services	a. Effects on the safety and efficiency of the transport network	See Rule 6.10

33.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Additions and alterations and removal for relocation that affects a protected part of a scheduled heritage building or scheduled heritage structure	a. Effects on heritage values	See Rule 13.6

33.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. Earthworks - large scale (that exceed scale thresholds for the Taieri Aerodrome Zone)	a. Effects on visual amenity and character	<i>Relevant objectives and policies:</i> i. Objective 33.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 33.2.3.3.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 33.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> 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 impact upon existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to:</i> 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.
	b. Effects on the amenity of surrounding properties	
	c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 33.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 33.2.3.3.c). <i>Potential circumstances that may support a consent application include:</i> 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 33.13.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering

33.10.3 Assessment of restricted discretionary development activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
			from engineering, in accordance with best practice engineering standards
3.	Earthworks - large scale (that exceed scale thresholds within 5m of a water body or MHWS)	a. Effects on biodiversity and natural character of riparian margins and the coast b. Effects on public access	See Rule 10.5
4.	Earthworks - large scale (that exceed scale thresholds for a hazard (flood) overlay zone)	a. Risk from natural hazards	See Rule 11.5
5.	In the hazard 2 overlay zones (see Rule 33.3.6): New buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area	a. Risk from natural hazards	See Rule 11.5
6.	New parking areas, or extensions to existing parking areas (<i>that result in the creation of 50 or more new parking spaces.</i>)	a. Effects on the safety and efficiency of transport network	See Rule 6.10

33.10.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All subdivision activities	a. Effects on the efficient and effective operation of Taieri Aerodrome	<i>Relevant objectives and policies:</i> i. Objective 33.2.1 ii. Objective 2.3.1 iii. Subdivision does not adversely affect the efficient and effective operation of Taieri Aerodrome (Policy 33.2.1.5.b).
	See Rule 19.10	

Rule 33.11 Assessment of Discretionary Activities

Rule 33.11.1 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 33.11.2 - 31.11.4 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent applications;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. 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.

33.11.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities including: - all other activities in the community activities category; - all other activities in the rural activities category; and - activities listed below.	<i>Relevant objectives and policies (priority considerations):</i> - Objectives 2.3.1, 2.3.3, 33.2.1 - Activities that are ancillary to Taieri Aerodrome activity are designed and operated in line with Objective 33.2.2 and its policies (Policy 33.2.1.2). - Activities that are not ancillary to Taieri Aerodrome activity: - are related to or support the Taieri Aerodrome, or have other operational requirements that mean they need to locate in the zone; - support the efficient and effective operation of Taieri Aerodrome; - are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - are designed and operated in line with Objective 33.2.2 and its policies (Policy 33.2.1.3). <i>Potential circumstances that may support a consent application include:</i> - For discretionary land use activities, whether any associated development activities meet relevant development performance standards, or are otherwise consistent with relevant objectives and policies for development. - All relevant land use performance standards are met, including noise and light spill standards. <i>General assessment guidance:</i> - In assessing the significance of effects, consideration will be given to: - short to long term effects, including effects in combination with other activities; and - the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. - 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.

33.11.3 Assessment of all discretionary land use activities

Activity	Guidance on the assessment of resource consents
1. In the hazard 2 overlay zones (see Rule 33.3.6): - Potentially sensitive activities not permitted in Taieri Aerodrome Zone - Sensitive activities	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.

33.11.4 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • Acoustic insulation • Noise - where the limit is exceeded by up to 5dB LAeq (15min) • Light spill - where the limit is exceeded by 25% or less	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.

Rule 33.12 Assessment of Non-complying Activities

Rule 33.12.1 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 33.12.2 - 33.12.5 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

33.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying land use activities including: • all other activities in the major facility activities category; • all other activities in the commercial activities category; • all activities in the residential activities category; and • activities listed below.	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.3.1, 2.3.3 b. Objective 33.2.1, Policy 33.2.1.3 <i>General assessment guidance:</i> c. In assessing the significance of effects consideration will be given to: i. both short and long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. d. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.

33.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. Commercial advertising in all zones	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c

33.12.4 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 structures	See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects related to heritage values.

33.12.5 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5dB LAeq (15 min) or more • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)	See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

Rule 33.13 Special Information Requirements

33.13.1 Geotechnical investigation report

1. A geotechnical investigation report may be requested by Council for earthworks of a large scale and/or where the earthworks are proposed:
 - a. on a site with a slope angle between 15° (3.7h:1v slope ratio, or 27% slope grade) and 26° (2h:1v slope ratio, or 50% slope grade);
 - b. on a site identified as hazard-prone in Council's Hazard Information Management System; or
 - c. on any other site that the Council, with good cause, suspects to be hazard-prone.
2. A geotechnical investigation report must be provided for earthworks on all sites with a slope greater than a 26° angle (2h:1v slope ratio, or 50% slope grade).
3. All requested geotechnical investigation reports must be prepared by a suitably qualified expert who is experienced in the practice of geotechnical engineering and registered under the Chartered Professional Engineers Act of New Zealand 2002 and who has professional indemnity insurance.
4. The geotechnical investigation report must address the following factors:
 - a. special design or construction requirements;
 - b. special foundation requirements;
 - c. services;
 - d. access;
 - e. effluent disposal;
 - f. non-engineered fills; and
 - g. a statement of professional opinion as to the suitability of the land for the proposed development.

34. Campus

34.1 Introduction

Tertiary education contributes to the social and cultural well-being of the community and creates significant economic activity in the city. It also gives rise to a range of effects that require management. The tertiary education providers within the Campus Zone are the University of Otago and Otago Polytechnic.

The University of Otago, founded in 1869 and opened in 1871, is New Zealand's oldest university. Otago Polytechnic traces its ancestry back to the Dunedin Technical School, which was established in 1889 and has been operating as the Otago Polytechnic since 1966.

The Campus Zone covers a relatively large area of the inner city, located between Dunedin's central city, Forsyth Barr Stadium, the North Dunedin residential area and the Dunedin Botanic Garden, and includes the campuses of the University of Otago and Otago Polytechnic. Included within the Campus Zone are a range of land use activities collectively known as campus activities which provide for the teaching, training, learning and research; and any ancillary activities associated with the functioning of the University of Otago and Otago Polytechnic.

The key resource management issues that need to be managed through the proposed Campus Zone provisions relate to the economic importance of the tertiary education sector, maintaining and enhancing campus amenity, and addressing traffic and parking. These are further elaborated on as follows:

- Due to its economic importance, the Campus Zone needs to ensure that the University of Otago and Otago Polytechnic can continue to operate efficiently and effectively.
- Development needs to be designed to maintain the accessibility and amenity of the zone as maintaining the quality of the campus environment is vital to attracting staff and students. Also, as the campus borders residential zones on several sides it has the potential to affect the amenity of these areas, particularly in relation to building heights, which could cause shading or overshadowing of private residences.
- Activities associated with the campus institutions generate significant traffic and parking demand from staff, students, and visitors to the campus and places huge pressure on on-street parking resources; thereby competing with the needs of residents and other activities in these areas.

Land use activities provided for in the Campus Zone include lecture theatres, laboratories, libraries, joint venture facilities, administrative services, and staff and student facilities, including student and staff employment, health and well-being support services, student union offices, student and staff clubs and organisations. Outside the Campus Zone, activities carried out by the University of Otago and Otago Polytechnic fall under other defined activities definitions, for example training and education activity.

Sport and recreation, entertainment and exhibition, conference, meeting and function, standard residential are also provided for, as well as a limited range of retail and restaurant activities where they are ancillary to campus activities. Performance standards apply within the Campus Zone which appropriately manage adverse effects within the zone and on the surrounding environment.

34.2 Objectives and Policies

Objective 34.2.1	
The Campus Zone enables the University of Otago and the Otago Polytechnic to operate efficiently and effectively as tertiary education and research facilities, while also providing for residential living and a limited range of specified activities that are closely associated to and compatible with these tertiary institutions.	
Policy 34.2.1.1	Enable campus activity within the Campus Zone.
Policy 34.2.1.2	Provide for: a. standard residential activity at an inner city residential density, dairies, entertainment and exhibition and conference meeting and function, activities; and b. student hostels, early childhood education, community and leisure, and sport and recreation activities; and c. industry activity; where the effects of these activities can be adequately managed in line with objective 34.2.2 and its policies.
Policy 34.2.1.3	Provide for retail and restaurant ancillary to campus activity where they are designed and operated in line with Objective 34.2.2 and its policies.
Policy 34.2.1.4	Limit the size of working from home and dairies in the Campus Zone to a size that: a. is compatible with the character and amenity of the Campus Zone; and b. does not detract from the vibrancy and functioning of the centres hierarchy.
Policy 34.2.1.5	Only allow restaurants and office not ancillary to campus activity, where: a. they are related to, or are necessary to support campus activity, or have other operational requirements which mean they need to locate in this zone; and b. they will support the efficient and effective operation of campus activities; and c. they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and d. they are designed and operated in line with Objective 34.2.2 and its policies.
Policy 34.2.1.6	Avoid activities that are not compatible with the operation of campus activity or are most appropriately located in another zone.
Policy 34.2.1.7	Only allow subdivision: a. if intended and/or capable of being used for standard residential activity, it is in accordance with the objectives, policies and rules of the residential zones; or b. it is necessary for the disposal of surplus land in accordance with Policy 2.3.1.6.

Objective 34.2.2
Land use, development and subdivision activities maintain or enhance: a. the distinctive character and overall amenity of the university and polytechnic campus environments and surrounding streets; and b. the amenity of residential properties and recreation zones located adjacent to the Campus Zone, as far as practicable; and c. on-site amenity of residential activities located in the Campus Zone.

Policy 34.2.2.1	Require buildings and structures to be of a height, height in relation to boundary, and setback that: a. maintains adequate sunlight access to adjoining sites used for residential activity, or adjoining residential and recreation zoned sites; and b. avoids significant adverse wind effects.
Policy 34.2.2.2	Require outdoor storage to be located and stored in a way that does not result in unreasonable visual amenity effects or create nuisance effects.
Policy 34.2.2.3	Require standard residential activities, including any associated development activities, to meet the relevant policies and objectives and performance standards of the Inner City Residential Zone.
Policy 34.2.2.4	Where on sites not used for standard residential activity, buildings are not built to the street frontage, require landscaping along the street frontage to provide a reasonable level of visual and environmental amenity.
Policy 34.2.2.5	Require fences to be of a height and design that contributes positively to streetscape amenity and the amenity of the Campus Zone.
Policy 34.2.2.6	Require ancillary signs to be located and designed to maintain streetscape amenity including by being of an appropriate size and number to convey information about the name, location and nature of the activity on site to passing pedestrians and vehicles and not being oversized or too numerous for what is necessary for that purpose.
Policy 34.2.2.7	Only allow buildings greater than 40m in height where: a. the height is essential to the operation of campus activities; and b. the height exceedence is minimal.
Policy 34.2.2.8	Only allow buildings greater than 25m in height where they contribute positively to the skyline vista of the city, by being of a quality and contextually appropriate architectural design.

Objective 34.2.3

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

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

Policy 34.2.3.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: a. being set back an adequate distance from property boundaries, buildings, structures and cliffs; and b. using a batter gradient that will be stable over time.
Policy 34.2.3.2	Require earthworks, and any associated retaining structures, to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: a. limiting the scale of earthworks that are provided for as a permitted activity; and b. requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.

Objective 34.2.3

Policy 34.2.3.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: a. adverse effects on visual amenity and character; b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and c. adverse effects on the stability of land, buildings, and structures.

Rules

Rule 34.3 Activity Status

34.3.1 Rule location

The activity status tables in Rule 34.3.3 - 34.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Campus Zone, except rules for the following city-wide activities, which are contained in Part B of the Plan:

1. Public Amenities (Section 3)
2. Temporary Activities (Section 4)
3. Network Utilities and Energy Generation (Section 5)
4. Transportation Activities (Section 6)
5. Scheduled Trees (Section 7)
6. Natural hazard mitigation activities (Section 8)

34.3.2 Activity status introduction

1. The tables in Rules 34.3.3 - 34.3.5 show the activity status of activities in the Campus Zone and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.6 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested table in Section 1.6 is intended to be a complete list of activities and categories of activities. For any activity that is not covered by any of the defined activities in the nested table, the activity status will be non-complying if the activity status of "all" or "all other" activities in the most closely related category is non-complying, otherwise it will be discretionary.

Performance Standards

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

Legend

Acronym	Activity status
—	No additional provisions apply or not relevant
P	Permitted activity

Acronym	Activity status
C	Controlled activity
RD	Restricted discretionary activity
D	Discretionary activity
NC	Non-complying activity

34.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Acoustic insulation (noise sensitive activities) b. Electrical interference c. Light spill d. Noise
Major facility activities		Activity status	Performance standards
2.	Campus	P	a. Minimum car parking
3.	All other activities in the major facility activities category	NC	
Community activities		Activity status	Performance standards
4.	Early childhood education	RD	a. Minimum car parking
5.	Sport and recreation	P	a. Minimum car parking
6.	Conservation	P	
7.	Community and leisure - small scale	P	a. Minimum car parking
8.	Community and leisure - large scale	RD	a. Minimum car parking
Commercial activities		Activity status	Performance standards
9.	Ancillary licensed premises	Same activity status as underlying activity	
10.	Entertainment and exhibition	P	a. Minimum car parking
11.	Conference, meeting and function	P	a. Minimum car parking
12.	Dairies	P	a. Maximum gross floor area
13.	Office	D	
14.	Retail and restaurant activities ancillary to campus	P	a. Location b. Minimum car parking
15.	Restaurants not ancillary to campus	D	
16.	Retail not ancillary to campus	NC	

17.	Stand-alone car parking	P	
18.	Commercial advertising	NC	
19.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
20.	Standard residential	P	a. Performance standards of the Inner City Residential Zone apply (see Rule 15.3.3) b. Minimum car parking
21.	Student hostels	RD	a. Minimum car parking
22.	Working from home	P	a. Maximum gross floor area b. Minimum car parking
23.	Other supported living facilities	NC	
Industrial Activities		Activity status	Performance standards
24.	Industry	P	a. Location b. Minimum car parking
Rural activities		Activity status	Performance standards
25.	All activities in the rural activities category	NC	

34.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. Boundary treatments and other Landscaping b. Setback from scheduled tree c. Setback from coast and water bodies d. Maximum building site coverage and impermeable surfaces
2.	Performance standards that apply to all buildings and structures activities		a. Boundary setbacks b. Fire fighting c. Height d. Number, location and design of ancillary signs e. Hazard overlay zones development standards
Buildings and structures activities not in a heritage precinct or in a heritage precinct but not visible from an adjoining public place (excluding activities affecting protected parts of a scheduled heritage building or a scheduled heritage structure - See Lines 18-23)		Activity status	Performance standards

3.	New buildings and additions and alterations to buildings	P	
4.	Fences	P	a. Fence height and design
5.	All other structures	P	
Buildings and structures activities in a heritage precinct that are visible from an adjoining public place		Activity status	Performance standards
6.	New buildings	RD	
7.	Fences	P	a. Fence height and design
8.	Retaining wall <1m high	P	
9.	Repairs and maintenance of a non character-contributing building	P	
10.	Repairs and maintenance of a character-contributing building or non-protected part of a scheduled heritage building	P	a. Materials and design
11.	Earthquake strengthening or <u>restoration</u> of a character-contributing building or non-protected part of a scheduled heritage building	P	a. Materials and design
12.	Demolition or removal for relocation of a character-contributing building or non-protected part of a scheduled heritage building	RD	
13.	All other additions and alterations to a character-contributing building or non-protected part of a scheduled heritage building	RD	
14.	Additions and alterations to a non character-contributing building that involve: • an increase in the footprint of 10m²; or • an increase in the height of the building by more than 2m; or • the replacement of a pitched roof with a flat roof.	RD	
15.	All other additions and alterations to non character-contributing buildings.	P	
16.	All other structures up to 2.5m tall and 2m ² footprint.	P	
17.	All other structures greater than 2.5m tall and 2m ² footprint	RD	
Buildings and structures activities that affect protected parts of scheduled heritage buildings or scheduled heritage structures		Activity status	Performance standards
18.	Repairs and maintenance	P	a. Materials and design
19.	<u>Restoration</u>	P	a. Materials and design

20.	Earthquake strengthening <i>where external features only are protected</i>	C	a. Materials and design
21.	All other additions and alterations	RD	
22.	Demolition	NC	
23.	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
24.	Structures no more than 2.5m high or 2m ² footprint	P	
25.	All other structures	RD	
26.	New buildings	RD	
27.	Parking, loading and access	RD	Parking, loading and access standards
Site development activities all areas (except as covered by rows 24 - 27 above)		Activity status	Performance standards
28.	Outdoor storage	P	a. Location and screening of outdoor storage
29.	Parking, loading and access	P	a. Parking, loading and access standards
30.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements
31.	Earthworks - small scale	P	a. Earthworks standards
32.	Earthworks - large scale	RD	a. Earthworks standards
33.	All other site development activities	P	

34.3.5 Activity status table - subdivision activities

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

Note 34.3A - General advice

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

Rule 34.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or 95B of the Act, unless Council considers special circumstances exist in relation to the application that require public notification:
 1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
 2. contravention of performance standard 13.3.2 'Materials and design' where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications for the following activities, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand; and
 2. activities that contravene performance standard 13.3.2 'Materials and design' where the building or structure is listed by Heritage New Zealand.
3. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A(2) of the RMA:
 1. demolition of a protected part of a scheduled heritage building or scheduled heritage structure.
4. In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons.
5. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 34.5 Land Use Performance Standards

34.5.1 Acoustic Insulation

Any noise sensitive activities within 20m of an industrial zone must comply with Rule 9.3.1.

34.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

34.5.3 Location

1. For retail and restaurants ancillary to campus all customer access:
 - a. must be internal to a building; or
 - b. if located with direct external access, this external access must not be orientated to a street frontage, except for emergency-only access/egress.
2. For all industrial activities that involve machinery or metal work the activity:
 - a. must be located within a part of a building that does not include any doors or windows that open onto a street frontage.

34.5.4 Maximum Gross Floor Area

The maximum gross floor area for working from home and dairies is 50m². For working from home this includes any internal or external area occupied for storage of materials or goods.

Note 34.5A - Other requirements outside of the District Plan

1. Consent from DCC Environmental Health Department may be required for any working from home activities that involve dealing with food products.
2. Consent from DCC Liquor Licensing Department may be required for working from home activities that involve the sale or distribution of alcohol.
3. For more information please contact the DCC on 03 477 4000 or visit the DCC's website at www.dunedin.govt.nz

34.5.5 Minimum Car Parking

Land use activities must provide minimum car parking as follows:

Activity	Minimum car parking rate
1. Campus activity	a. The University of Otago must provide either: i. 1 parking space for every 3 FTE staff and 1 parking space for every additional 50 FTE students, if these parking spaces are managed as a licence to hunt or as short term parking, that is monitored to be available for no more than 4 hours; or ii. a minimum of 2200 total parking spaces; and iii. for the purposes of this standard, a conversion between the minimum number of parking spaces in Rule 34.5.5.1.a.i, to the minimum in Rule 34.5.5.1.ii is provided for by counting each new short term or licence to hunt parking space as 1.25 parking spaces until the minimum in Rule 34.5.5.1.a.ii is reached. b. The Otago Polytechnic must provide either: i. 1 parking space for every 3 FTE staff and 1 parking space for every additional 50 FTE students, if these parking spaces are managed as a licence to hunt or as short term parking, that is monitored to be available for no more than 4 hours; or ii. A minimum of 250 parking spaces; and iii. for the purposes of this standard, a conversion between the minimum number of parking spaces in Rule 34.5.5.1.a.i, to the minimum in Rule 34.5.5.1.ii is provided for by counting each new short term or licence to hunt parking space as 1.25 parking spaces until the minimum in Rule 34.5.5.1.a.ii is reached. c. Parking spaces for campus activity must be provided within 500m of the Campus Zone, and all parking not provided directly by the campus institutions must be provided as dedicated off-street parking for campus activities through a lease agreement.
2. Restaurant activities ancillary to campus	1 parking space per 50m ² gross floor area
3. Standard residential	a. 1 - 5 habitable rooms on a <u>site</u>: 1 parking space b. 6 - 8 habitable rooms on a <u>site</u>: 2 parking space c. Greater than 8 habitable rooms on a <u>site</u>: 2 parking spaces plus 1 space for every 4 habitable rooms (or part thereof) d. Except: i. where sites with less than 5 habitable rooms have no existing parking, no additional parking is required for additions that increase the number of habitable rooms to 5 (or fewer), provided no additional residential units are created; ii. where the provision of an on-site parking space for sites with 1-5 habitable rooms would result in the loss of an on-street parking space, no parking space is required.

Activity		Minimum car parking rate
4.	Working from home	On-site car parking must be provided for all vehicles associated with the activity
5.	Student hostels	a. hostels with 1 - 10 residents: 1 parking space b. hostels with 11 - 20 residents: 2 parking spaces c. hostels with 21 - 30 residents: 3 parking spaces d. hostels with greater than 30 residents: 3 parking spaces plus 1 additional space for every 10 additional residents (or part thereof)
6.	Early childhood education - small scale	1 parking space per 5 full time equivalent staff members plus 1 parking space for parent/guardian use per 6 children the activity is licensed for, to be used for drops off and pick ups
7.	Community and leisure	1 parking space for every 5 persons the facility can accommodate at any one time
8.	Sport and recreation (with a capacity for 20 or more persons at any one time)	1 parking space for every 5 persons the facility can accommodate at any one time
9.	Entertainment and exhibition (with a capacity for 20 or more persons at any one time)	1 parking space for every 5 persons the facility can accommodate at any one time
10.	Industrial activities	1 parking space per 100m ² gross floor area.
11.	Conference, meeting and function	1 parking space for every 5 persons the facility can accommodate at any one time.

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

13. 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

Note 34.5B - Other relevant District Plan provisions

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

34.5.6 Noise

Land use activities must comply with Rule 9.3.6.

34.5.7 Electrical Interference

Land use activities must comply with Rule 9.3.2.

Rule 34.6 Development Performance Standards

34.6.1 Boundary Treatments and Other Landscaping

1. For any site or part of a site being developed for anything other than standard residential activity, landscaping must be provided as follows:
 - a. where a building is not built to the street frontage, a landscaping area with a minimum 1.5m width must be provided along the full length of any road frontage (except for where vehicle access is provided), with an average of one tree for every 5m of frontage;
 - b. within any car parking area greater than 200m² (excluding loading areas), a minimum of 1m² of landscaped area must be provided for every car parking space, with an average of one tree per 10m² of landscaping
2. Landscaping
 - a. must be fully and densely planted with trees, shrubs and ground cover plants, with total coverage of the ground area in planting (when mature) required except for 10% of the area, which may be used for pedestrian paths;
 - b. must not have more than 10% cover in permeable surfaces (to allow for pedestrian paths);
 - c. must have a physical barrier (border or curb) that prevents cars from accidentally driving into or damaging plants; and
 - d. as required, use trees that are at least 1.5m height at the time of planting and capable of growing to a height of 5m within 10 years of planting.
3. Planting associated with new buildings or site development must be completed prior to occupation or completion of the relevant building(s) or site development.
4. The landscaping areas must be maintained to a high standard, including keeping areas free of rubbish and weeds, and ensuring trees and under-planting are healthy.
5. Any road boundary fences provided must be placed on the property side of road frontage landscaping.

34.6.2 Earthworks Standards

34.6.2.1 Earthworks - small scale thresholds

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

Zone/Area		1. Campus Zone	2.SHS	3. Within 5m of a water body ¹ or MHWS	5.Haz3 (flood)
i.	Maximum change in ground level	1.5m	1.0m	0.5	—
ii.	Maximum area	—	50m ²	25m ²	—
Slope categories		Maximum volume of combined cut and fill			
iii.	Less than or equal to 12°	30m ³ per 100m ² of <u>site</u>	10m ³	1m ³	20m ³ fill
iv.	Greater than 12° but less than or equal to 15°	25m ³ per 100m ² of <u>site</u>	10m ³	1m ³	20m ³ fill

Zone/Area		1. Campus Zone	2.SHS	3. Within 5m of a water body ¹ or MHWS	5.Haz3 (flood)
v.	Greater than 15° but less than or equal to 20°	15m ³ per 100m ² of <u>site</u>	10m ³	1m ³	20m ³ fill
vi.	Greater than 20° but less than or equal to 26°	10m ³ per 100m ² of <u>site</u>	10m ³	1m ³	20m ³ fill
vii.	Greater than 26° but less than or equal to 35°	0m ³ fill 5m ³ cut per 100m ² of <u>site</u>	0m ³ fill 10m ³ cut	0m ³ fill 1m ³ cut	0m ³ fill
viii.	Greater than 35°	0m ³	0m ³	0m ³	0m ³

- b. Earthworks *ancillary to network utilities* activities are only required to comply with Rule 34.6.2.1.a.i - maximum change in ground level threshold.
- c. Earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the performance standard earthworks - small scale thresholds.
- d. These scale thresholds will be calculated as the cumulative total of earthworks on any site in a two calendar-year period.
- e. Earthworks that exceed the earthworks - small scale thresholds are treated as earthworks - large scale, which are a restricted discretionary activity.

¹See Rule 10.3.3 for how setbacks from waterbodies will be measured.

34.6.2.2 Batter gradient

Earthworks must:

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

34.6.2.3 Setback from property boundary, buildings, structures and cliffs

Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m², and the top or toe of any cliff, the following minimum distances:

- a. Earthworks not supported by retaining walls:
 - i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 34.6A);
 - ii. a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (See Figure 34.6A); and
 - iii. 300mm, as measured from the crest of any cut (See Figure 34.6A).
- b. Retaining walls supporting a cut or fill must be set back a distance at least equal to the height of the retaining walls (See Figure 34.6B), except:
 - i. retaining walls supporting a cut that have been granted building consent are exempt from this standard.
- c. Earthworks *ancillary to network utilities* activities and earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the setback from property boundary, buildings, structures and cliffs performance standard.

Figure 34.6A Unsupported cut and fill (elevation view)

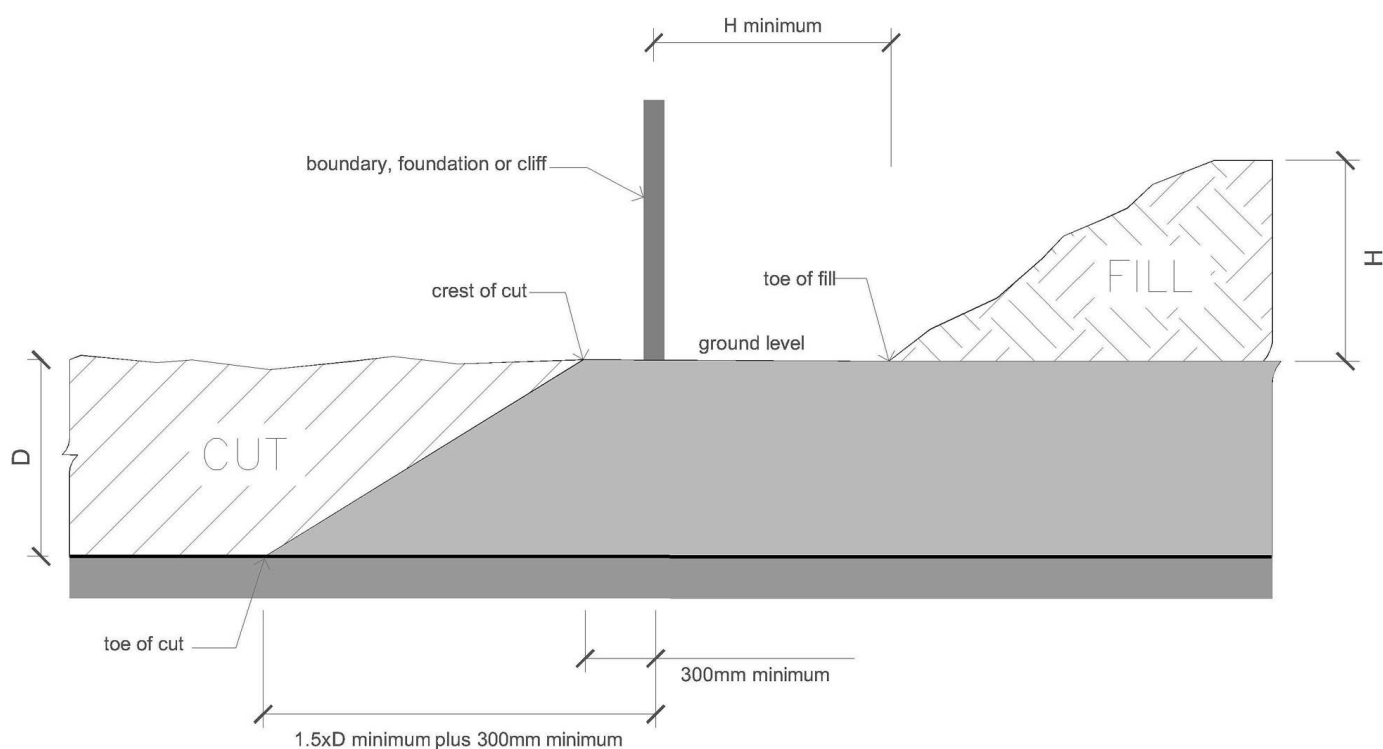
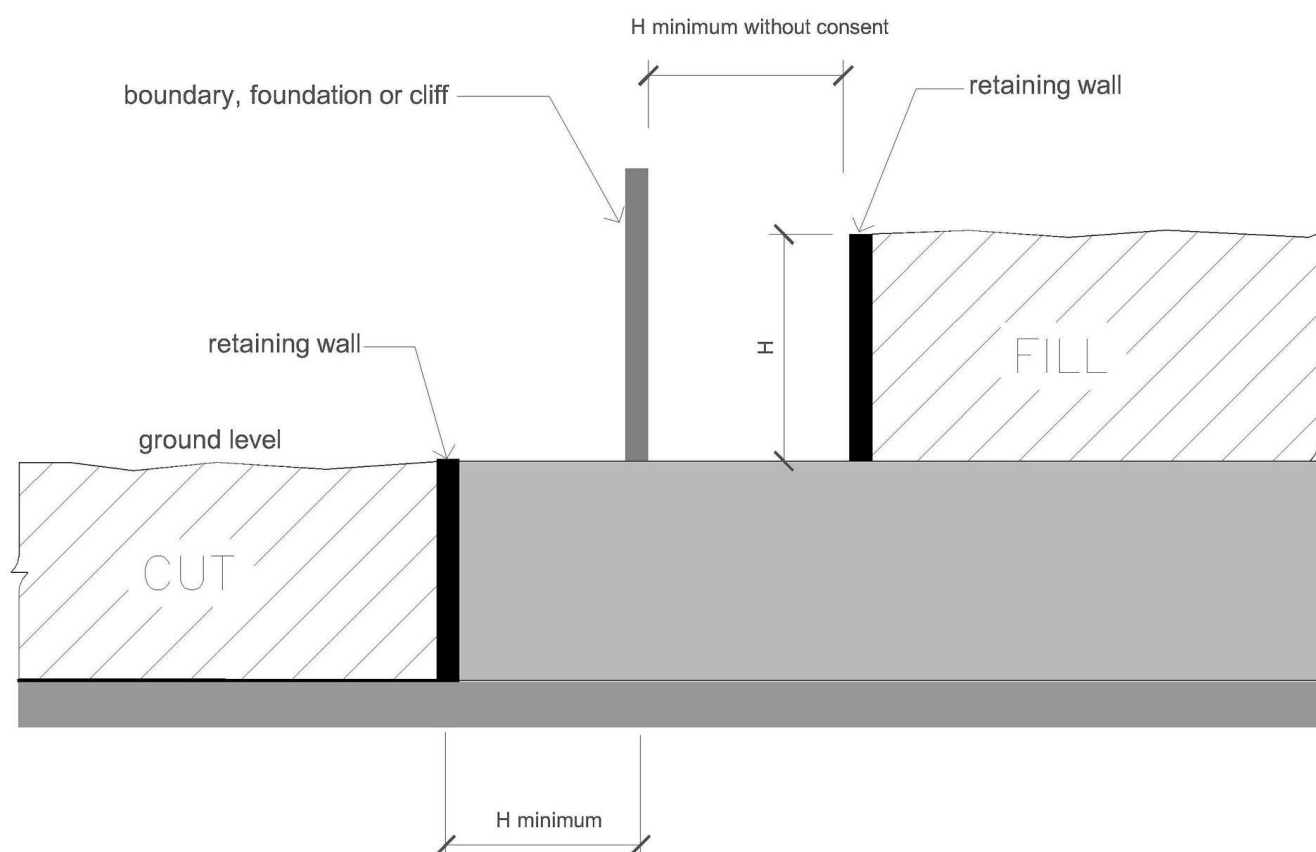


Figure 34.6B Cut and fill supported by retaining walls (elevation view)



34.6.2.4 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

34.6.2.5 Sediment control

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

34.6.3 Fence Height and Design

1. Fences must not exceed the following height limits, except as provided for below:

Location		Maximum height
a.	Along the road boundary with a state highway	2m
b.	Along all other road boundaries	1.4m
c.	Along a side or rear boundary with a residential zone	1.4m
d.	Along all other side and rear boundaries	2m

2. Fences along boundaries include fences that are not exactly on the boundary but are within the boundary setbacks required by Rule 20.6.12.1.
3. Where the maximum height of a fence is 1.4m, the height of a fence may be increased to a maximum height of 2m provided that a minimum of 40% of the entire structure is visually permeable (see-through), or the portion above 1.4m height is visually permeable. Visually permeable refers to construction using trellis, lattice, wrought iron, or spaced palings (palings maximum width 150mm, spacing minimum width 25mm) or other materials that provide gaps that can be seen-through (see Figure 15.6D and Figure 15.6E).
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.

34.6.4 Fire Fighting

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

34.6.5 Hazard Overlay Zones Development Standards

34.6.5.1 Minimum floor level

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

34.6.5.2 Relocatable buildings

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

34.6.6 Hazardous Substances Quantity Limits and Storage Requirements

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

34.6.7 Height

34.6.7.1 Height in relation to boundary

- a. On a site used for a standard residential activity new buildings and additions or alterations to buildings must not protrude through a plane (**see** Figure 15.6F) raising at an angle of 45 degrees measured from a point:
 - i. 3m above ground level at side and rear boundaries, except:



1. for any new buildings and additions or alterations to buildings within 13m of a 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 a new residential building (not a sleep out) is being built on a site where another residential building already exists, the height plane angle will be measured at a line midway between the two residential buildings;
 3. on boundaries adjacent to another zone, the height in relation to boundary of the adjacent zone applies; and
 4. where new buildings or additions or 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.
- b. At the boundary of the Campus Zone along road frontages, all other buildings or structures must not protrude through a plane rising at an angle of 30 degrees from a starting point 12m vertically above ground level measured at the boundary of the Campus Zone, except:
- i. gable ends or dormers may protrude through the height in relation to boundary angle by a maximum of 1m (**see** Figure 15.6H); and
 - ii. rooftop structures are exempt from the performance standard for height in relation to boundary.

34.6.7.2 Maximum height

- a. The maximum height for new buildings and structures, and additions and alterations, must not exceed 12m above ground level:
 - i. at the boundary of the Campus Zone along road frontages;
 - ii. if they are a residential building (excluding student hostels); and
 - iii. anywhere within the **Leith Street height mapped area**.
- b. The maximum height of all other new buildings and structures, and additions and alterations, must not exceed 25m above ground level.
- c. Rooftop structures are exempt from the performance standard for maximum height, provided they do not exceed the maximum height limit by more than 5m.
- d. Activities that contravene the performance standard for maximum height but are no greater than 40m in height are a restricted discretionary activity.
- e. Activities that are over 40m in height are a discretionary activity.

Leith Street Height Mapped Area



34.6.8 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 site, or public place.
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.

34.6.9 Materials and Design

Repairs and maintenance, restoration and earthquake strengthening in a heritage precinct that are visible from an adjoining public place must comply with Rule 13.3.2.

34.6.10 Number, Location and Design of Ancillary Signs

34.6.10.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are ancillary to campus activity that are not visible from outside of the Campus Zone;
 - ii. 'regulatory' (requiring or prohibiting specified actions), 'warning' (informing of hazards or of other features requiring a safe response), or 'directional' (identifying the location of, or direction to destinations, routes, building entrances, and vehicle accesses) signs; and
 - iii. 'building names' (excluding sponsorship names).
- b. Signs located on or above the footpath must comply with Rule 6.7.2.
- c. Signs must comply with Rule 6.7.3 where visible from a road.
- d. Signs must not be illuminated or digital.
- e. Signs other than those specified in Rules 34.6.10.2 and 34.6.10.3 are not allowed.

34.6.10.2 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign, is 4m.
- b. Maximum of one sign attached to a building per site for a non-campus activity.
- c. Maximum of one sign per public entrance of a building used for campus activities.
- d. Signs must not be attached to roofs.
- e. Signs must not project higher than the lowest point of the roof, except as mounted flat against a parapet or gable end.
- f. Signs attached flat to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.
- g. Signs attached flat to a building must have a maximum area of 3m² per display face.
- h. Where attached on the underside of a verandah or attached protruding from a façade of a building, signs must:
 - i. where attached to the façade of a building, not protrude from a building façade by more than 1.5m;
 - ii. not exceed an area of 2m² per display face; and
 - iii. not exceed 2 display faces per sign.

34.6.10.3 Freestanding signs

- a. Maximum of one freestanding sign per building.
- b. The maximum dimensions of freestanding signs are:
 - i. maximum height of 4m;
 - ii. maximum area of 3m² per display face;
 - iii. maximum of 2 display faces per sign;
 - iv. maximum width of 2m; and
 - v. maximum depth of 400mm.

- c. Freestanding signs must not obstruct driveways, parking or loading areas.
- d. Freestanding signs must be located within the site and cannot be located on the road reserve, except:
 - i. portable freestanding signs, must only be located on a footpath outside non-campus activities where a premise is located on the upper floor and does not have ground floor street frontage; and
 - ii. must not exceed one portable sign per premise, except;
 - 1. where a site has street frontage of 30m or more, a maximum of 1 sign per 15m of street frontage.
- e. The maximum dimensions of portable freestanding signs are:
 - i. maximum height of 900mm; and
 - ii. maximum width of 600mm.
- f. Portable freestanding signs on footpaths must be a minimum of 5m apart from any other portable sign.

Note 34.6A - Other relevant District Plan provisions

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

Note 34.6B - Other requirements outside of the District Plan

For additional restrictions that may apply to signs, see also:

- 1. New Zealand Transport Agency, Traffic Control Devices Manual, Part 3, Advertising Signs
- 2. Dunedin City Council Commercial Use of Footpaths Policy
- 3. Dunedin City Council Roading Bylaw
- 4. Dunedin City Council Traffic and Parking Bylaw

34.6.11 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

34.6.13 Maximum Building Site Coverage and Impermeable Surfaces

Development activities must comply with Rule 15.6.11.

34.6.12 Setbacks

34.6.12.1 Boundary setbacks

- a. Buildings and structures used for, or intended to be used for, standard residential activity must have a minimum setback from boundaries as follows:

Location of boundary		Distance
i.	Setback from road boundary	3m
ii.	Setback from side and rear boundaries	1m
iii.	Setback from boundary with right of way	1m

- b. All other buildings and structures must have a minimum setback of 3m from the boundary of a site used for a residential activity or the boundary of a residential zone.
- c. Except fences and ancillary signs are exempt from the performance standard.

34.6.12.2 Setback from scheduled tree

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

34.6.12.3 Setback from coast and water bodies

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

Rule 34.7 Subdivision Performance Standards

34.7.1 Access

Subdivision activities must comply with Rule 6.8.1.

34.7.2 Esplanade Reserves and Strips

Subdivision activities must comply with Rule 10.3.1.

34.7.3 Fire Fighting

Subdivision activities must comply with Rule 9.3.3.

34.7.4 Service Connections

Subdivision activities must comply with Rule 9.3.7.

34.7.5 Shape

1. Each resultant site that is intended to be developed must be of a size and shape that is large enough to contain a building platform of at least 100m² that meets the performance standards of this Plan including, but not limited to:
 - a. minimum car parking;
 - b. setbacks from boundaries, water bodies, scheduled trees, national grid; and
 - c. esplanade reserves or strips.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must not contain:
 - a. scheduled heritage buildings or structures; or
 - b. right-of-way easements.

3. For unreticulated areas, resultant sites must provide for a waste disposal area to be located at least 50m from any water body.
4. Sites created and used solely for the following purposes are exempt from the shape standard:
 - a. Scheduled ASCV or QEII covenant;
 - b. reserve;
 - c. access;
 - d. network utility; or
 - e. road.

Rule 34.8 Assessment of Controlled Activities

Rule 34.8.1 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 34.8.2:
 - a. lists the matters over which Council has reserved its control; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
 - ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 34.9; 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 34.11; 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 34.12; and
 - iii. the assessment guidance in this section will also be considered.

34.8.2 Assessment of controlled development activities

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

Rule 34.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 34.9.1 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 34.9.2 - 34.9.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

34.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards, site specific factors including topography, make meeting the standard impracticable. c. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. d. Non-compliance with a 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. <i>General assessment guidance:</i> e. Where more than one standard is contravened, the combined effects of the contraventions should be considered. f. In balancing consideration of the objectives and policies related to the maintenance of heritage values or heritage precinct streetscape character and those related to general amenity, greater weight will usually be placed on heritage policies.

34.9.3 Assessment of land use performance standards

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Electrical interference	a. Effects on health and safety	See Rule 9.4

34.9.3 Assessment of land use performance standards

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
2. Location	a. Effects on the vibrancy and economic and social success of the CBD and centres	<i>Relevant objectives and policies:</i> i. Objective 34.2.1 ii. Retail and restaurant activity ancillary to campus activity are designed and operated in line with Objective 34.2.2 and its policies (Policy 34.2.1.3). <i>Potential circumstances that may support a consent application include:</i> iii. The ancillary activity is designed and managed so as to be unlikely to attract the general public. iv. There will be no external advertising on the street or facing the street, for the ancillary activity.
3. Maximum gross floor area	a. Effects on the vibrancy and economic and social success of the CBD and centres	<i>Relevant objectives and policies:</i> i. Objective 34.2.1 ii. Working from home and dairies are a size that is compatible with the character and amenity of the Campus Zone; and does not detract from the vibrancy and functioning of the centres hierarchy (Policy 34.2.1.4). <i>Potential circumstances that may support a consent application include:</i> iii. The activity is related to or necessary to support campus activities, or have other locational requirements which mean they need to locate in this zone. iv. The activity will not have adverse effects on the amenity of surrounding residential properties or zones.
	b. Effects on the amenity of the Campus Zone	
4. Minimum car parking	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

34.9.4 Assessment of development performance standards

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	- Boundary setbacks - Maximum Height - Height in relation to boundary	a. Effects on surrounding sites residential amenity. Effects on the character and amenity of sensitive surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 34.2.2 ii. Buildings and structures are of a height, height in relation to boundary, and setback that maintains adequate sunlight access to adjoining sites used for residential activity, or adjoining residential and recreation zoned sites; and avoids significant adverse wind effects (Policy 34.2.2.1). iii. Buildings greater than 25m in height contribute positively to the skyline vista of the city, by being of a quality and contextually appropriate architectural design (Policy 34.2.2.8). <i>Potential circumstances that may support a consent application include:</i> iv. The height, or height in relation to boundary, is consistent with surrounding properties.
2.	Boundary treatments and other landscaping	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 34.2.2 ii. Landscaping will provide a reasonable level of visual and environmental amenity (Policy 34.2.2.4). <i>Potential circumstances that may support a consent application include:</i> iii. An alternative design will lead to better outcomes for streetscape amenity.
3.	Earthworks standards: Batter gradient	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 34.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 34.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> iii. Maximum slopes of cut and fill batters. iv. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. v. Temporary shoring requirements to maintain stability before a wall is constructed. vi. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.

34.9.4 Assessment of development performance standards

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
4.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 34.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 34.2.3.1.a).
5.	Earthworks standards: • Setback from network utilities	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7
6.	Earthworks standards: • Sediment control	a. Effects on surrounding sites b. Effects on biodiversity values and natural character of the coast and riparian margins c. Effects on the efficiency and/or affordability of infrastructure	<i>Relevant objectives and policies:</i> i. Objective 34.2.3 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems (Policy 34.2.3.2.b). See Rule 10.4 See Rule 9.4

34.9.4 Assessment of development performance standards

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
7.	Fence height and design	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 34.2.2 ii. Fences will be of a height and design that contributes positively to streetscape amenity and the amenity of the Campus Zone (Policy 34.2.2.5). <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 maintained. v. The fence will be screened by landscaping.
		b. Effects on the amenity of the campus	
		c. Effects on health and safety	See Rule 9.4
8.	Fire fighting	a. Effects on health and safety	See Rule 9.4
9.	Hazard overlay zones development standards: • Minimum floor level • Relocatable buildings	a. Risk from natural hazards	See Rule 11.4
10.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards	See Rule 11.4
11.	Location and screening of outdoor storage	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 34.2.2 ii. Outdoor storage is located and stored in a way that does not result in unreasonable visual amenity effects or create nuisance effects(Policy 34.2.2.2).
		b. Effects on the amenity of the campus	

34.9.4 Assessment of development performance standards

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
12.	Materials and design	a. Effect on heritage values (scheduled heritage buildings and scheduled heritage structures)	See Rule 13.5
		b. Effect on heritage streetscape character (where in a Heritage precinct)	
13.	Maximum building site coverage and impermeable surfaces	a. Effects on neighbourhood residential character and amenity	See Rule 15.9
		b. Effects on on-site amenity for residents	
14.	Number, location and design of ancillary signs	a. Effects on safety and efficiency of the transport network	See Rule 6.9
		b. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 34.2.2. ii. Require ancillary signs to be located and designed to maintain streetscape amenity including by being of an appropriate size and number to convey information about the name, location and nature of the activity on the <u>site</u> to passing pedestrians and vehicles and not being oversized or too numerous for what is necessary for that purpose(Policy 34.2.2.6).
15.	In a heritage precinct: - Fence height and design - Materials and design - Height (Maximum height) - Height in relation to boundary	a. Effects on heritage streetscape character	See Rule 13.5
16.	Parking, loading and access standards	a. Effects on safety and efficiency of the transport network	See Rule 6.9

34.9.4 Assessment of development performance standards

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
17.	Setback from a scheduled tree	a. Effects on a scheduled tree	See Rule 7.6
18.	Setback from coast and water bodies	a. Effects on biodiversity and natural character	See Rule 10.4
		b. Effects on public access	See Rule 10.4
		c. Risk from natural hazards	See Rule 11.4

34.9.5 Assessment of subdivision performance standard contraventions

Performance standard		Matters of discretion	Guide 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 and natural character values of riparian margins and the coast.	See Rule 10.4
		b. Effects on public access	
3.	Fire fighting	a. Effects on health and safety	See Rule 9.4
4.	Service connections	a. Effects on efficiency and affordability of infrastructure	

34.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guide on the assessment of resource consents
5. Shape	<i>Relevant objectives and policies:</i> a. Objective 2.4.1 b. Subdivision is designed to ensure any future land use or development of the resultant site is able to meet the performance standards in the zone, unless: 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: 1. Scheduled ASCV; QEII covenant; or 2. reserve; or 3. access; or 4. utility; or 5. road (Policy 2.4.1.8). <i>General assessment guidance:</i> 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: i. minimum car parking; ii. boundary setbacks; iii. setback from scheduled tree; iv. earthworks standards (building platform slope); v. setbacks from water bodies; and vi. setback from national grid. <i>Conditions that may be imposed:</i> d. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the <u>site</u>. e. A building platform may be required to be registered against the title by way of consent notice.	

Rule 34.10 Assessment of Restricted Discretionary Activities

Rule 34.10.1 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 34.10.2 - 34.10.5:
 - 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. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
4. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) 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 34.9; 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 34.11; 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 34.12; and
 - iii. the assessment guidance in this section will also be considered.

34.10.2 Assessment of all restricted discretionary activities

Activity	Guidance on the assessment of resource consents
1. All restricted discretionary activities	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards, site specific factors including topography, make meeting the standard impracticable. c. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. d. Non-compliance with a 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. e. For restricted discretionary land use activities, whether any associated buildings or structures meet relevant development performance standards, or otherwise achieve the relevant policies for development (see Rule 34.9 for performance standard contraventions). <i>General assessment guidance:</i> f. Where more than one standard is contravened, the combined effects of the contraventions should be considered. g. 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.

34.10.3 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. • Early childhood education • Community and Leisure - large scale	a. Effects on safety and efficiency of transport network.	See Rule 6.10
2. Student hostels	a. Effects on safety and efficiency of transport network. b. Effects on efficiency and/or affordability of infrastructure	See Rule 6.10 See Rule 9.5

34.10.4 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. In a heritage precinct : • All RD activities due to being in a heritage precinct	a. Effects on heritage streetscape character	See Rule 13.6

34.10.4 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. Earthworks - large scale (that exceed the scale thresholds for the Campus Zone)	a. Effects on visual amenity and character	<i>Relevant objectives and policies:</i> i. Objective 34.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 34.2.3.3.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 34.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> 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. <i>Conditions that may be imposed include, but are not limited to:</i> 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 the <u>site</u> is not diminished.
	b. Effects on the amenity of surrounding properties	
	c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 34.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 34.2.3.3.c). <i>Potential circumstances that may support a consent application:</i> 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 34.13.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards

34.10.4 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Earthworks - large scale (that exceed scale thresholds for a SHS)	a. Effects on heritage values	See Rule 13.6
4. Earthworks - large scale (that exceed scale thresholds within 5m of a water body or MHWS)	a. Effects on biodiversity and natural character of riparian margins and the coast	See Rule 10.5
	b. Effects on public access	
5. Earthworks - large scale (that exceed scale thresholds for a hazard (flood) overlay zone)	a. Risk from natural hazards	See Rule 11.5
6. Activities affecting a scheduled heritage item : • All RD activities due to affecting a scheduled heritage building, scheduled heritage structure, or scheduled heritage site • Earthworks - large scale (that exceed scale thresholds for a SHS) • Subdivision activities	a. Effect on heritage values	See Rule 13.6

34.10.5 Assessment of restricted discretionary subdivision activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	All subdivision activities	a. Effects on the efficient and effective operation of Campus	<i>Relevant objectives and policies:</i> i. Objective 34.2.1 ii. Subdivision is only allowed: 1. if intended and/or capable of being used for standard residential activity, it is in accordance with the objectives, policies and rules of the residential zones; or 2. it is necessary for the disposal of surplus land in accordance with Policy 2.3.1.6 (Policy 34.2.1.7).
		b. Effects on a scheduled tree	See Rule 7.7
		c. Effects on the transport network	See Rule 6.10
		d. Effects on the efficiency and affordability of infrastructure	See Rule 9.5
		e. Effects on heritage values (scheduled heritage sites)	See Rule 13.6
		f. Risk from natural hazards	See Rule 11.5
		g. Effects on public access	See Rule 10.5
		h. Effects on biodiversity and natural character of riparian margins and the coast	

Rule 34.11 Assessment of Discretionary Activities

Rule 34.11.1 Assessment of Discretionary Activities - 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 34.11.2 - 34.11.4 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent applications;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. 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.

34.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resources consents
1. • Office • Restaurants not ancillary to campus	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.1 b. Objective 34.2.1 c. Restaurants and office not ancillary to campus activity are only allowed where: i. they are related to, or are necessary to support campus activity, or have other operational requirements which mean they need to locate in this zone; and ii. they will support the efficient and effective operation of campus activities; and iii. they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. they are designed and operated in line with Objective 34.2.2 and its policies (Policy 34.2.1.5). <i>Potential circumstances that may support a consent application include:</i> d. For discretionary land use activities, whether any associated buildings or structures meet relevant development performance standards, or otherwise achieve the relevant policies for development (see Rule 34.9 numbers for performance standard contraventions). e. All relevant land use performance standards are met, including noise and light spill standards. f. The location of the activity in the Campus Zone is unlikely to create a precedent effect for similar activities to locate in the Campus Zone which would be more appropriately located in another zone. <i>General assessment guidance:</i> g. In assessing the significance of effects, consideration will be given to: i. both short and long term effects, including effects in combination with other activities. ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. h. 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.

34.11.3 Assessment of discretionary development activities

Activity	Guidance on the assessment of resource consents
1. Development associated with discretionary activities	<i>Relevant objectives and considerations (priority considerations):</i> a. Objective 34.2.2 b. The buildings and site design are consistent with the relevant performance standards (Policies 34.2.2.1 - 34.2.2.8).

34.11.4 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • Acoustic insulation; • Noise - where the limit is exceeded by up to 5dB LAeq (15min) • Light spill - where the limit is exceeded by 25% or less	See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and the effects related to public health and safety.
2. Maximum height (buildings over 40m in height)	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 34.2.2 b. Buildings over 40m in height are only allowed where: i. the height is essential to operation of campus activities; and ii. the height exceedence is minimal (Policy 34.2.2.7). c. Buildings greater than 25m in height are only allowed where they contribute positively to the skyline vista of the city, by being of a quality and contextually appropriate architectural design (Policy 34.2.2.8).

Rule 34.12 Assessment of Non-complying Activities

Rule 34.12.1 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 34.122.2 and 34.12.3 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. 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.

34.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities	<i>Relevant objectives and policies (priority considerations):</i> a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to, those related to: - Dunedin has a hierarchy of vibrant centres anchored around one Central Business District (CBD), which provides a focus for economic and employment growth, driven by: 1. attraction of businesses to these areas based on the high level of amenity and density of activity in the area; 2. opportunities for social interaction, exchange of ideas and business cooperation; 3. public investment in public amenities and other infrastructure in the CBD; and 4. opportunities for agglomeration benefits from the co-location of activities (Objective 2.3.2). b. The activity is compatible with the operation of campus activity and is not most appropriately located in another zone (Policy 34.2.1.6). <i>Potential circumstances that may support a consent application include:</i> c. There are significant positive effects on the efficient and effective operation of a tertiary institution from the activity. d. There is no potential for cumulative effects to arise from precedence. e. The location of the activity in the Campus Zone will not have adverse effects on the vibrancy and viability of commercial and mixed use zones. <i>General assessment guidance:</i> f. In assessing the significance of effects consideration will be given to: i. both short and long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of resource consent. g. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.
2. Commercial advertising in all zones	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c

34.12.2 Assessment of all non-complying activities

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

34.12.3 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5dB LAeq (15 min) or more • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)	See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

Rule 34.13 Special Information Requirements

34.13.1 Geotechnical investigation report

1. A geotechnical investigation report may be requested by Council for earthworks of a large scale and/or where the earthworks are proposed:
 - a. on a site with a slope angle between 15° (3.7h:1v slope ratio, or 27% slope grade) and 26° (2h:1v slope ratio, or 50% slope grade);
 - b. on a site identified as hazard-prone in Council's Hazard Information Management System; or
 - c. on any other site that the Council, with good cause, suspects to be hazard-prone.
2. A geotechnical investigation report must be provided for earthworks on all sites with a slope greater than a 26° angle (2h:1v slope ratio, or 50% slope grade).
3. All requested geotechnical investigation reports must be prepared by a suitably qualified expert who is experienced in the practice of geotechnical engineering and registered under the Chartered Professional Engineers Act of New Zealand 2002 and who has professional indemnity insurance.
4. The geotechnical investigation report must address the following factors:
 - a. special design or construction requirements;
 - b. special foundation requirements;
 - c. services;
 - d. access;
 - e. effluent disposal;
 - f. non-engineered fills; and
 - g. a statement of professional opinion as to the suitability of the land for the proposed development.

35. Wakari Hospital

35.1 Introduction

Wakari Hospital is Dunedin's second largest hospital. The hospital is situated on Taieri Road, Wakari, and extends over a large, extensively landscaped site, covering an area of approximately eight hectares. The hospital is operated by the Southern District Health Board (SDHB).

The hospital has been at its present site since 1915, and provides approximately 115 beds across a number of wards. The hospital provides mental health services as well as a range of other community health services. It serves as a teaching hospital with strong links to both the University of Otago and Otago Polytechnic and is the base for SDHB management.

Redevelopment of the hospital site is anticipated over the coming years, allowing facilities to be upgraded and added. This may involve construction of new buildings and the redevelopment of existing ones. The site is surrounded by the General Residential 1 Zone which provides for medium density residential living, and is close to the Wakari neighbourhood centre. There is a high level of residential amenity in the area, particularly to the east and west of the site, with land to the north and south being less developed and having significant established vegetation. While the buildings on the Wakari Hospital site are generally larger than would normally be expected in a residential environment, these are contained within a large site which is extensively bordered by trees and vegetation.

The Wakari Hospital Zone enables the provision of essential health services and future development of the site, while appropriately managing adverse effects on the surrounding General Residential 1 Zone and nearby neighbourhood centre.

35.2 Objectives and Policies

Objective 35.2.1	
Wakari Hospital is able to operate efficiently and effectively as a hospital and medical training and research facility.	
Policy 35.2.1.1	Enable hospital activity in the Wakari Hospital Zone.
Policy 35.2.1.2	Provide for activities that are ancillary to hospital activity where they are designed and operated in line with Objective 35.2.2 and its policies.
Policy 35.2.1.3	Only allow activities that are not ancillary to hospital activity where all of the following apply: - the activities are related to or support Wakari Hospital, or have other operational requirements that mean they need to locate in the zone; - they will support the efficient and effective operation of Wakari Hospital; - they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - they are designed and operated in line with Objective 35.2.2 and its policies.
Policy 35.2.1.4	Enable land that is surplus to the needs of Wakari Hospital to transition to the General Residential 1 Zone, so that future development that is not related to hospital activity can be managed in accordance with the objectives and policies of that zone.
Policy 35.2.1.5	Only allow subdivision where: - it is in accordance with the provisions of the General Residential 1 Zone; and - the subdivision does not adversely affect the efficient and effective operation of Wakari Hospital.

Objective 35.2.2	
Land use activities and development necessary for Wakari Hospital to meet the reasonably foreseeable health needs of the community is enabled, while ensuring development: - achieves a good standard of on-site amenity for patients, staff and visitors; and - maintains or enhances the amenity of the surrounding residential sites and areas, as far as practicable.	
Policy 35.2.2.1	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 and privacy of current and potential future residential buildings and their outdoor living spaces; and - any adverse effects on neighbourhood amenity are avoided or, if avoidance is not possible, are no more than minor.
Policy 35.2.2.2	Require development to maintain or enhance neighbourhood amenity by ensuring service areas are not visible from ground level outside the site.
Policy 35.2.2.3	Require landscaping of the boundary of parking areas where adjacent to a road frontage to screen or soften these areas and ensure a high standard of visual amenity when viewed from the road.
Policy 35.2.2.4	Require fences on road boundaries to be of a height and design that contributes positively to neighbourhood amenity.

Objective 35.2.2

Land use activities and development necessary for Wakari Hospital to meet the reasonably foreseeable health needs of the community is enabled, while ensuring development:

- a. achieves a good standard of on-site amenity for patients, staff and visitors; and
- b. maintains or enhances the amenity of the surrounding residential sites and areas, as far as practicable.

Policy 35.2.2.5	Require ancillary signs visible from outside the zone to be located and designed to maintain streetscape amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose.
Policy 35.2.2.6	Require ancillary commercial activities to be designed, located and operated to primarily serve staff, patients and visitors of Wakari Hospital.
Policy 35.2.2.7	Only allow early childhood education - large scale where they are designed to avoid or, if avoidance is not possible, adequately mitigate, adverse effects on the amenity of surrounding residential properties.

Objective 35.2.3

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

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

Policy 35.2.3.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: a. being set back an adequate distance from property boundaries, buildings, structures and cliffs; and b. using a batter gradient that will be stable over time.
Policy 35.2.3.2	Require earthworks and any associated retaining structures to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: a. limiting the scale of earthworks that are provided for as a permitted activity; and b. requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.
Policy 35.2.3.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: a. adverse effects on visual amenity and character; b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and c. adverse effects on the stability of land, buildings, and structures.

Rules

Rule 35.3 Activity Status

Rule 35.3.1 Rule location

The activity status tables in Rule 35.3.3 to 35.3.5 specify the activity status of land use activities, development activities and subdivision activities in the Wakari Hospital Zone, except rules for the following city-wide activities, which are contained in Part B of the Plan:

1. Public amenities (Section 3)
2. Temporary activities (Section 4)
3. Network utilities and energy generation (Section 5)
4. Transportation activities (Section 6)
5. Scheduled Trees (Section 7)
6. Natural hazard mitigation activities (Section 8)

35.3.2 Activity status introduction

1. The activity status tables in Rules 35.3.3 - 35.3.5 show the activity status of activities in the Wakari Hospital Zone, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.6 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested table in Section 1.6 is intended to be a complete list of activities and categories of activities. For any activity that is not covered by any of the defined activities in the nested table, the activity status will be non-complying if the activity status of "all" or "all other" activities in the most closely related category is non-complying, otherwise it will be discretionary.

Performance Standards

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

Legend

Acronym	Activity status
—	No additional provisions apply or not relevant

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

35.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Electrical interference b. Light spill c. Noise d. Setback from national grid (sensitive activities)
Major facility activities		Activity status	Performance standards
2.	Hospital	P	a. Minimum car parking
3.	All other activities in the major facilities activities category	NC	
Community activities		Activity status	Performance standards
4.	Community and leisure - small scale	P	
5.	Conservation	P	
6.	Early childhood education - small scale	P	
7.	Early childhood education - large scale	RD	
8.	All other activities in the community activities category	D	
Commercial activities		Activity status	Performance standards
9.	Commercial activities ancillary to hospital activity	P	a. Location
10.	Registered health practitioners	P	
11.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
12.	All activities in the residential activities category	D	
Industrial activities		Activity status	Performance standards
13.	All activities in the industrial activities category	NC	
Rural activities		Activity status	Performance standards
14.	All activities in the rural activities category	NC	

35.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. Maximum site coverage and impermeable surfaces b. Setback from national grid
2.	Performance standards that apply to all buildings and structures activities		a. Boundary setbacks b. Fire fighting c. Height in relation to boundary d. Maximum height e. Number, location and design of ancillary signs
Buildings and structures activities		Activity status	Performance standards
3.	Fences	P	a. Fence height and design
4.	All other buildings and structures activities	P	
Site development activities		Activity status	Performance standards
5.	Earthworks - small scale	P	a. Earthworks standards
6.	Earthworks - large scale	RD	a. Earthworks standards
7.	Parking, loading and access	P	a. Boundary treatments and other landscaping b. Parking, loading and access standards
8.	New parking areas, or extensions to existing parking areas <i>(that result in the creation of 50 or more new parking spaces.)</i>	RD	a. Boundary treatments and other landscaping b. Parking, loading and access standards
9.	Service areas	P	a. Location and screening of service areas
10.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements
11.	All other site development activities	P	

35.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status	Performance standards
1.	All subdivision activities	RD	a. Subdivision performance standards

35.3.6 Transition to General Residential 1 Zone

On receipt of written notice from both the landowner and operator of Wakari Hospital (if different) to Dunedin City Council in relation to all or part of the land within the Wakari Hospital Zone, the provisions of the Wakari Hospital Zone will no longer apply to that parcel of land and the provisions of the General Residential 1 Zone will apply in full.

Note 35.3A - General advice

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

Rule 35.4 Notification

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

Rule 35.5 Land Use Performance Standards

35.5.1 Electrical Interference

Land use activities must comply with Rule 9.3.2.

35.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

35.5.3 Location

For ancillary commercial activities, customer access must only be available from inside hospital buildings.

35.5.4 Minimum Car Parking

1. Hospital activity must provide a minimum of 600 car parking spaces, including at least 13 mobility parking spaces.
2. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility car parking.

Note 35.5A - Other relevant District Plan provisions

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

35.5.5 Noise

Land use activities must comply with Rule 9.3.6.

33.5.6 Setback from National Grid

Sensitive activities must comply with Rule 5.6.1.1.

Rule 35.6 Development Performance Standards

35.6.1 Boundary Treatments and Other Landscaping

1. Where a parking area is built within 5m of a road frontage, a landscaping area with a minimum 1.5m width must be provided along the full length of the road frontage (except for where vehicle access is provided), with an average of one tree for every 5m of frontage.
2. Landscaping areas must:
 - a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
 - b. have an average of one tree for every 5m of frontage;
 - c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - d. be designed to allow surface water run-off from surrounding areas to enter;
 - e. be protected by a physical barrier that prevents cars from accidentally driving into or damaging plants;
 - f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a height of 5m within 10 years of planting;
 - g. be planted prior to occupation or completion of any relevant building(s) or site development; and
 - h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any required road frontage landscaping.

35.6.2 Earthworks Standards

35.6.2.1 Earthworks - small scale thresholds

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

Zone/Area		Waikari Hospital Zone
i.	Maximum change in ground level	1.5m
Slope Categories		Maximum volume of combined cut and fill
ii.	Less than or equal to 12°	30m ³ per 100m ² of <u>site</u>
iii.	Greater than 12° but less than or equal to 15°	25m ³ per 100m ² of <u>site</u>
iv.	Greater than 15° but less than or equal to 20°	15m ³ per 100m ² of <u>site</u>
v.	Greater than 20° but less than or equal to 26°	10m ³ per 100m ² of <u>site</u>
vi.	Greater than 26° but less than or equal to 35°	0m ³ fill 5m ³ cut per 100m ² of <u>site</u>
vii.	Greater than 35°	0m ³

- b. Where the part of the site in which the earthworks are located is in more than one slope category, the most restrictive scale threshold applies.
- c. Earthworks *ancillary to network utilities* activities are only required to comply with Rule 35.6.2.1.a.i - maximum change in ground level threshold.

- d. Earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the performance standard earthworks - small scale thresholds.
- e. Scale thresholds will be calculated as the cumulative total of earthworks on any site in a two calendar-year period.
- f. Earthworks that exceed the earthworks - small scale thresholds are treated as earthworks - large scale, which are a restricted discretionary activity.

35.6.2.2 Batter gradient

Earthworks must:

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

35.6.2.3 Setback from property boundary, buildings, structures and cliffs

Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m², and the top or toe of any cliff, the following minimum distances:

- a. Earthworks not supported by retaining walls:
 - i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 35.6A);
 - ii. a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (See Figure 35.6A); and
 - iii. 300mm, as measured from the crest of any cut (See Figure 35.6A).
- b. Retaining walls supporting a cut or fill must be set back a distance at least equal to the height of the retaining walls (See Figure 35.6B), except:
 - i. retaining walls supporting a cut that have been granted building consent are exempt from this standard.
- c. Earthworks *ancillary to network utilities* activities and earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the setback from property boundary, buildings, structures and cliffs performance standard.

Figure 35.6A Unsupported cut and fill (elevation view)

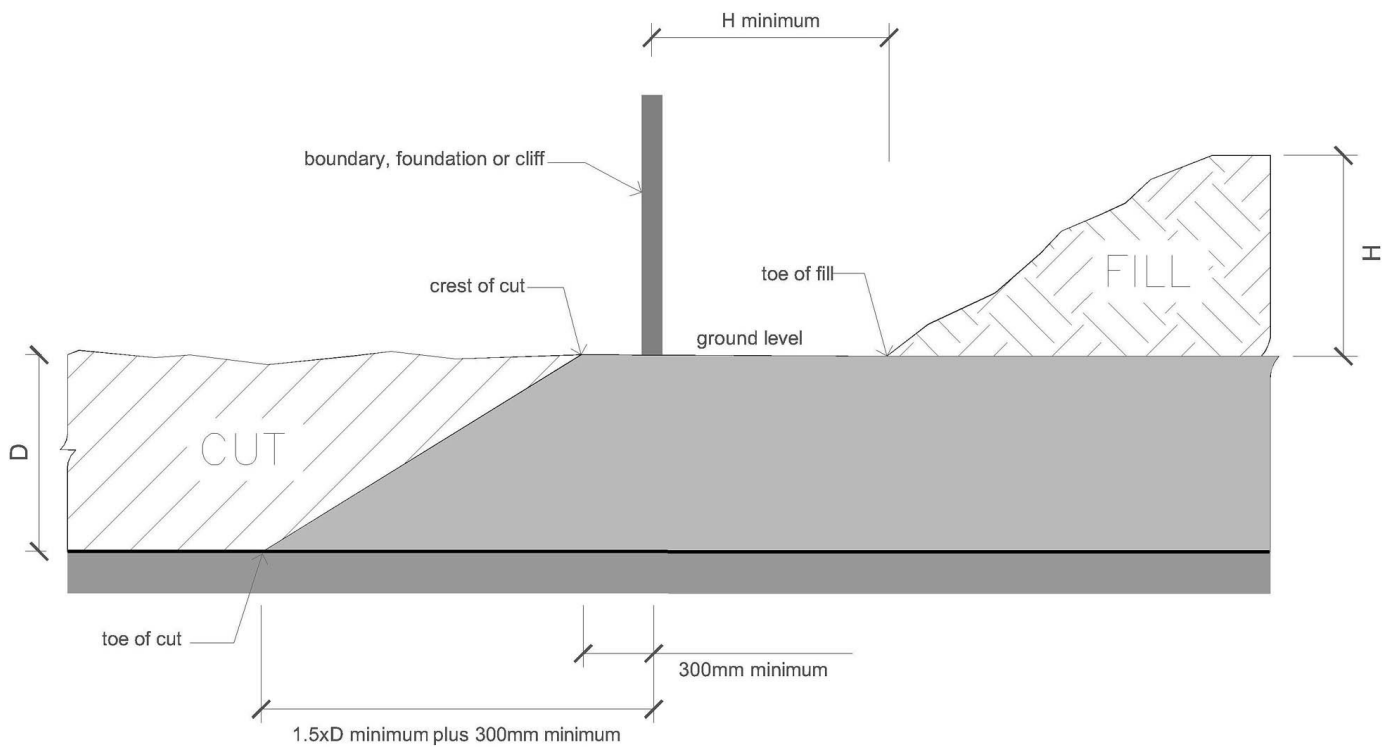
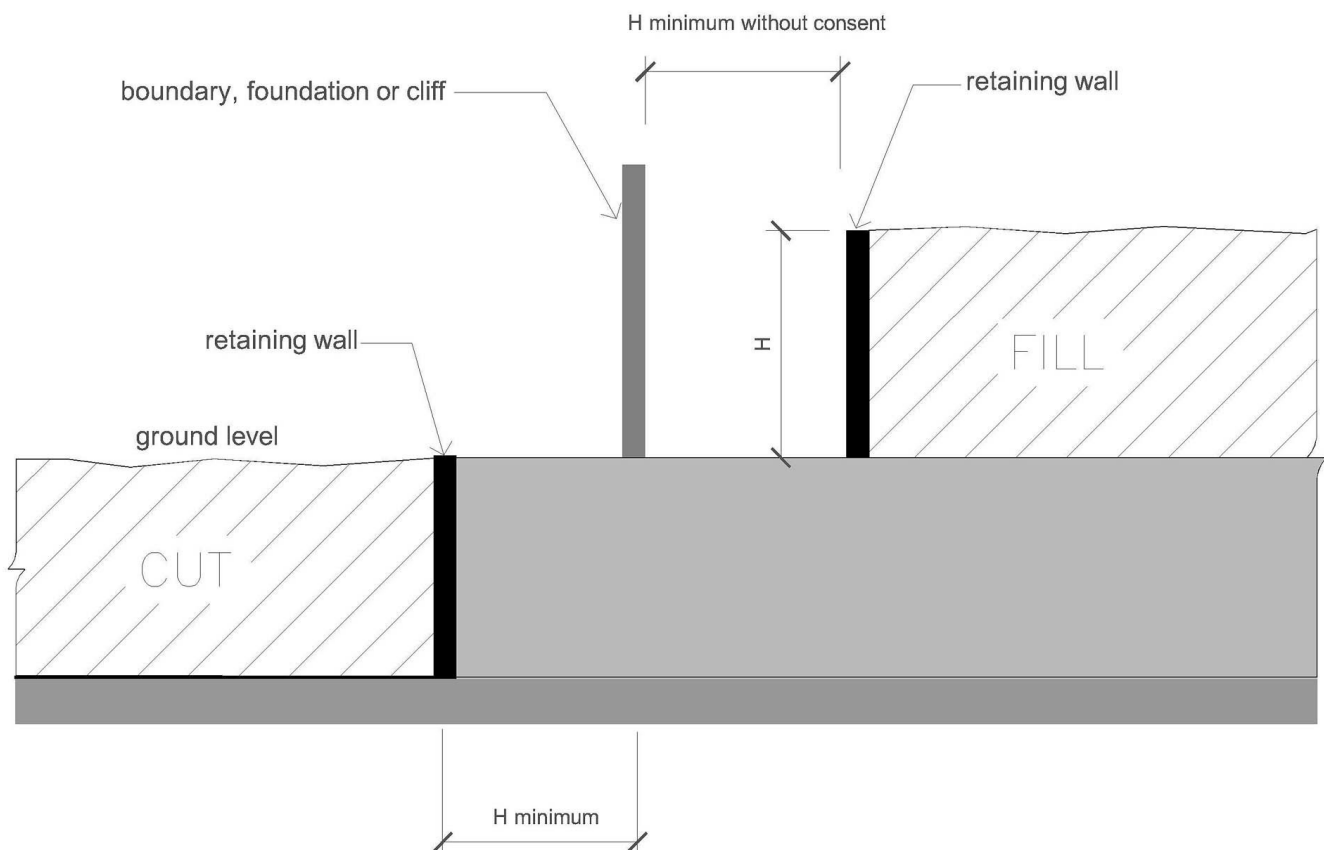


Figure 35.6B Cut and fill supported by retaining walls (elevation view)



35.6.2.4 Setback from national grid (earthworks)

Earthworks must comply with Rule 5.6.1.2.

35.6.2.5 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

35.6.2.6 Sediment control

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

Figure 35.6A: Unsupported cut and fill (elevation view)

Figure 35.6B: Cut and fill supported by retaining walls (elevation view)

35.6.3 Fence Height and Design

1. Fences must not exceed the following height limits, except as provided for below:

Location		Maximum height
a.	Along all other road boundaries	1.4m
b.	Along a side or rear boundary with a residential zone	1.4m
c.	Along all other side and rear boundaries	2m

2. Fences along boundaries include fences that are not exactly on the boundary but are within the boundary setbacks required by Rule 35.6.10.1.
3. Where the maximum height of a fence is 1.4m, the height of a fence may be increased to a maximum height of 2m provided that a minimum of 40% of the entire structure is visually permeable (see-through), or the portion above 1.4m height is visually permeable. Visually permeable refers construction using trellis, lattice, wrought iron, or spaced palings (palings maximum width 100mm, spacing minimum width 25mm) or other materials that provide gaps that can be seen through (see Figure 15.6D and Figure 15.6E).
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.

35.6.4 Hazardous Substances Quantity Limits and Storage Requirements

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

35.6.5 Height

35.6.5.1 Height in relation to boundary

Buildings and structures adjoining the residential zone must not protrude through a plane rising at an angle of 45 degrees measured from a starting point of 2.5 m vertically above ground level at the zone boundary (see Figure 15.6F), except:

- a. rooftop structures are exempt from the performance standard for height in relation to boundary;
- b. a gable end or dormer may project beyond the plane where it is:
 - i. no greater than 1m in height measured parallel to the nearest adjacent boundary; and/or
 - ii. no greater than 1m in depth measured horizontally at 90 degrees to the nearest adjacent boundary.

35.6.5.2 Maximum height

- a. maximum height for new buildings and structures, and additions and alterations, must not exceed 22m above

ground level.

- b. Rooftop structures are exempt from the performance standard for maximum height provided they do not exceed the maximum height limit by more than 5m.
- c. Buildings and structures must not exceed 10m in height within 20m of a residential zone, a recreation zone or a school.

35.6.6 Location and Screening of Service Areas

1. Service areas must be located or screened so that they are not visible at ground level from adjacent: residential activities, residential zoned properties, or public places.
2. Service areas must not encroach into required parking, loading or manoeuvring areas.

35.6.7 Maximum Site Coverage and Impermeable Surfaces

1. The maximum site coverage of buildings (% of the site) is 40%; and
2. The maximum total impermeable surface site coverage (buildings and impermeable surfaces % of the site) is 70%.

35.6.8 Number, Location and Design of Ancillary Signs

35.6.8.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are not visible from outside the Wakari Hospital Zone;
 - ii. 'regulatory' (requiring or prohibiting specified actions), 'warning' (informing of hazards or of other features requiring a safe response), or 'directional' (identifying the location of, or direction to destinations, routes, building entrances, and vehicle accesses) signs; and
 - iii. 'building names' (excluding sponsorship names).
- b. Signs related to ancillary retail and ancillary restaurant activities must not be visible outside the Wakari Hospital Zone.
- c. Signs must comply with Rule 6.7.3 where visible from a road.
- d. Signs must not be illuminated or digital.
- e. Signs other than those specified in Rules 35.6.8.2 and 35.6.8.3 are not allowed.

35.6.8.2 Signs attached to buildings

- a. The height above ground level at the highest point of any sign attached to a building is 4m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached to a building must:
 - i. not exceed one sign per building;
 - ii. have a maximum area per display face of 2m²;
 - iii. have a maximum of two display faces per sign;
 - iv. where attached to the façade of a building, must not project more than 1m from the façade to which it is attached; and
 - v. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

35.6.8.3 Freestanding signs

- a. The maximum number of permanently fixed freestanding signs is one per 50m of road frontage.
- b. The maximum number of portable freestanding signs is one per 50m of road frontage.
- c. The maximum dimensions of freestanding signs are:
 - i. maximum height of 4m;
 - ii. maximum area of 8m²;
 - iii. maximum width of 2m; and
 - iv. maximum depth of 400m.
- d. Freestanding signs, must not obstruct driveways, parking or loading areas.
- e. Freestanding signs, must be located within the site and cannot be located on the road reserve.

Note 35.6A - Other relevant District Plan provisions

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

Note 35.6B - Other requirements outside of the District Plan

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

35.6.9 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

35.6.10 Setbacks

35.6.10.1 Boundary setbacks

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

Building		Setback from road boundary	Setback from other boundary
a.	Buildings, structures and additions and alterations not exceeding 3m in height and 6m in length (measured parallel to the boundary)	4.5m	1m
b.	Buildings, structures and additions and alterations not exceeding 9m in height or 250m ² GFA	4.5m	4.5m
c.	Other buildings and structures	10m	10m

- d. Except fences and ancillary signs are exempt from the performance standard.
- e. All public entrances to buildings must be located at least 10m from a boundary with the General Residential 1

Zone.

35.6.10.2 Setback from national grid

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

35.6.11 Fire Fighting

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

Rule 35.7 Subdivision Performance Standards

Subdivision activities must comply with performance standards for the General Residential 1 Zone within Rule 15.7.

Rule 35.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 35.8.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 35.8.2 - 32.8.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

35.8.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards or site specific factors, make meeting the standard impracticable. c. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. d. Non-compliance with a 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. <i>General assessment guidance:</i> e. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

35.8.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Electrical interference	a. Effects on health and safety	See Rule 9.4

35.8.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
2. Location	a. Effects on the vibrancy and economic and social success of the CBD and centres hierarchy	<i>Relevant objectives and policies:</i> i. Objective 35.2.2 ii. Ancillary commercial activities are designed, located and operated primarily to serve staff, patients and visitors of Wakari Hospital (Policy 35.2.2.6). <i>Potential circumstances that may support a consent application include:</i> iii. The location of customer access is unlikely to result in the attraction of external customers, resulting in the ancillary activity becoming a stand-alone activity.
3. Minimum car parking	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

35.8.4 Assessment of development standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. • Boundary setbacks • Height in relation to boundary • Maximum height	a. Effects on the amenity of surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 35.2.2 ii. Buildings and structures are of a height and setback from boundaries that ensures there are no more than minor effects on the sunlight access and privacy of current and potential future residential buildings and their outdoor living spaces (Policy 35.2.2.1.a). <i>In assessing the application council will consider:</i> iii. Existing sunlight access to neighbouring properties iv. Cumulative effects from incremental development.
	b. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 35.2.2 ii. Buildings and structures are of a height and setback from boundaries that ensures adverse effects on neighbourhood amenity are avoided or, if avoidance is not possible, are no more than minor (Policy 35.2.2.1.b).

35.8.4 Assessment of development standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2.	Boundary treatments and other landscaping	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 35.2.2 ii. Landscaping screens or softens the boundary of parking areas and ensures a high standard of visual amenity when viewed from the road (Policy 35.2.2.3). <i>Potential circumstances that may support a consent application include:</i> iii. Alternative landscaping or other screening will be effective in screening or softening car parking areas when viewed from the road.
3.	Earthworks standards: • Batter gradient	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 35.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 35.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> iii. Maximum slopes of cut and fill batters. iv. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. v. Temporary shoring requirements to maintain stability before a wall is constructed. vi. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
4.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 35.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings, structures and cliffs (Policy 35.2.3.1.a).
5.	Earthworks standards: • Setback from national grid • Setback from network utilities	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7

35.8.4 Assessment of development standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Earthworks standards: • Sediment control	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 35.2.3 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems (Policy 35.2.3.2.b).
		b. Effects on efficiency and/or affordability of infrastructure	See Rule 9.4
		c. Effects on biodiversity values and natural character of riparian margins and the coast	See Rule 10.4
7.	Fence height and design	a. Effects on health and safety	See Rule 9.4
		b. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 35.2.2 ii. Fences on road boundaries are of a height and design that contribute positively to neighbourhood amenity (Policy 35.2.2.4). <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 streetscape is achieved. v. The fence will be screened by landscaping.
8.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards	See Rule 11.4

35.8.4 Assessment of development standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
9.	Location and screening of service areas	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 35.2.2 ii. Development maintains or enhances neighbourhood amenity by ensuring service areas are not visible from ground level outside the <u>site</u> (Policy 35.2.2.2). <i>Potential circumstances that may support a consent application include:</i> iii. Screening would unduly restrict the usability of the service area. iv. The site layout prevents the service area from being visible from any public place without additional screening being required.
10.	Maximum building site coverage and impermeable surfaces	a. Effects on the efficiency and / or affordability of infrastructure	See Rule 9.4
11.	Number, location and design of ancillary signs	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 35.2.2 ii. Ancillary signs visible from outside the zone are located and designed to maintain streetscape amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on the <u>site</u> to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose (Policy 35.2.2.5).
		b. Effects on safety and efficiency of the transport network	See Rule 6.9
12.	Parking, loading and access standards	a. Effects on safety and efficiency of the transport network	See Rule 6.9

35.8.5 Assessment of subdivision performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Subdivision performance standards	See Rule 15.9

Rule 35.9 Assessment of Restricted Discretionary Activities

Rule 35.9.1 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 35.9.2 - 35.9.4:
 - 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. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
4. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) 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 35.8; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 35.10; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 35.11; and
 - iii. the assessment guidance in this section will also be considered.

35.9.2 Assessment of restricted discretionary land use activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	Early childhood education - large scale	a. Effects on safety and efficiency of the transport network	See Rule 6.10
		b. Effects on accessibility	
		c. Effects on surrounding sites' residential amenity	<i>Relevant objectives and policies:</i> i. Objective 35.2.2 ii. Early childhood education - large scale is designed to avoid or, if avoidance is not possible, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 35.2.2.7).

35.9.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Earthworks - large scale (that exceed the scale thresholds for the Wakari Hospital zone)	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 35.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 35.2.3.3.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 35.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> 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 impact upon existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to:</i> 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 the <u>site</u> is not diminished.

35.9.3 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	<i>Relevant objectives and policies:</i> i. Objective 35.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 35.2.3.3.c). <i>Potential circumstances that may support a consent application include :</i> 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 35.12.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards.
2. New parking areas, or extensions to existing parking areas (<i>that result in the creation of 50 or more new parking spaces.</i>)	a. Effects on the safety and efficiency of transport network	See Rule 6.10

35.9.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Subdivision activities	a. Effects on efficient and effective operation of Wakari Hospital	<i>Relevant objectives and policies:</i> i. Objective 35.2.1 ii. Objective 2.3.1 iii. Subdivision does not adversely affect the efficient and effective operation of Wakari Hospital (Policy 35.2.1.5.b).
	See Rule 15.10	

Rule 35.10 Assessment of Discretionary Activities

Rule 35.10.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 35.10.2 - 35.10.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

35.10.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities including: - all other activities in the community activities category - all activities in the residential activities category - activities listed below	<i>Relevant objectives and policies (priority considerations):</i> - Objective 2.3.1 - Objective 35.2.1 - Activities that are ancillary to hospital activity are designed and operated in line with Objective 35.2.2 and its policies (Policy 35.2.1.2). - Activities that are not ancillary to hospital activity: - are related to or support the Wakari Hospital, or have other operational requirements that mean they need to locate in the zone; - support the efficient and effective operation of Wakari Hospital; - are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - are designed and operated in line with Objective 35.2.2 and its policies (Policy 35.2.1.3). <i>Potential circumstances that may support a consent application include:</i> - For discretionary land use activities, whether any associated development activities meet relevant development performance standards, or are otherwise consistent with relevant objectives and policies for development. - All relevant land use performance standards are met, including noise and light spill standards. <i>General assessment guidance</i> - In assessing the significance of effects, consideration will be given to: - short to long term effects, including effects in combination with other activities; and - the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. - 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.

35.10.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Noise - where the limit is exceeded by up to 5dB LAeq (15min) Light spill - where the limit is exceeded by 25% or less	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.

Rule 35.11 Assessment of Non-complying Activities

Rule 35.11.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 35.11.2 - 35.11.4 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

35.11.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying land use activities including: • all other activities in the major facilities activities category; • all other activities in the commercial activities category; • all activities in the industrial activities category; • all activities in the rural activities category; and • activities listed below	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.1 b. Objective 35.2.1 c. Activities not ancillary to hospital activity: i. are related to or support Wakari Hospital, or have other operation requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Wakari Hospital; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. they are designed and operated in line with Objective 35.2.2 and its policies (Policy 35.2.1.3). <i>General assessment guidance:</i> d. In assessing the significance of effects consideration will be given to: i. both short and long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. e. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.

35.11.3 Assessment of non-complying land use activities

Activity		Guidance on the assessment of resource consents
1.	Commercial advertising	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c

35.11.4 Assessment of non-complying performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	• Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5dB LAeq (15 min) or more • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)	See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.3 and effects related to public health and safety.
2.	Setback from national grid	See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.1 and effects related to the efficient and effective operation of network utilities, and public health and safety.

Rule 35.12 Special Information Requirements

35.12.1 Geotechnical investigation report

1. A geotechnical investigation report may be requested by Council for earthworks of a large scale and/or where the earthworks are proposed:
 - a. on a site with a slope angle between 15° (3.7h:1v slope ratio, or 27% slope grade) and 26° (2h:1v slope ratio, or 50% slope grade);
 - b. on a site identified as hazard-prone in Council's Hazard Information Management System; or
 - c. on any other site that the Council, with good cause, suspects to be hazard-prone.
2. A geotechnical investigation report must be provided for earthworks on all sites with a slope greater than a 26° angle (2h:1v slope ratio, or 50% slope grade).
3. All requested geotechnical investigation reports must be prepared by a suitably qualified expert who is experienced in the practice of geotechnical engineering and registered under the Chartered Professional Engineers Act of New Zealand 2002 and who has professional indemnity insurance.
4. The geotechnical investigation report must address the following factors:
 - a. special design or construction requirements;
 - b. special foundation requirements;
 - c. services;
 - d. access;
 - e. effluent disposal;
 - f. non-engineered fills; and
 - g. a statement of professional opinion as to the suitability of the land for the proposed development.

