C. City-wide Provisions

9. Public Health and Safety

9.1 Introduction

The importance of the health and safety of people and communities is acknowledged within the purpose of the Resource Management Act 1991 and is a worldwide concern acknowledged through institutions such as the World Health Organisation. Throughout Dunedin, land use and development activities have the potential to affect the health and safety of people, including effects resulting from excessive or unreasonable noise, light spill, the storage and use of hazardous substances, and threats to the City's water, wastewater, and stormwater systems.

Almost all land use activities generate some degree of noise, and where this noise is excessive or unreasonable**,** or extended over long durations, there is the risk that the health of people will be adversely affected. Some environments and activities are particularly vulnerable to excessive or unreasonable noise, and these 'noise sensitive activities' require protection to ensure that adverse effects on the health of people are suitably managed, and reverse sensitivity issues are avoided.

Similarly, while artificial light is essential for security and safety, activities that generate artificial light have the potential to impact upon other activities, particularly when in proximity to residential areas and other places where people sleep. Light spill has the potential to disrupt sleeping patterns and adversely affect the health of people, and also the safety of people if light spills to the roading network. Therefore, activities that generate light need to be managed to ensure that these activities do not compromise the health and safety of people.

Hazardous substances are necessary for the operation of many commercial and other activities and need to be provided for. However, if not appropriately managed, their storage and use are potential threats to the health and safety of Dunedin's people and natural environment. Hazardous substances encompass those identified in the Hazardous Substances and New Organisms Act 1996 (HSNO) and may include substances such as industrial, agricultural, horticultural and household chemicals, medical wastes, petroleum products including LPG and lubricating oils, and radioactive substances. HSNO and associated regulations set controls on hazardous substances that ensure that they are appropriately stored and used. Additional controls are included in this Plan where there are gaps in the Hazardous Substances and New Organisms 1996 Act (HSNO) and the Health and Safety at Work (Hazardous Substances) 2017 regulations (HSW-HS). These include controls to limit the quantities of hazardous substances that may be stored without resource consent in locations where the residual risk to the health and safety of people may be higher. Three different levels of control are proposed based on an assessment of the sensitivity of activities commonly present in each zone. From most strict to least strict the controls are grouped as follows:

1. Group A (strictest) applies to residential activities, residential and school zones, some major facility zones (Ashburn Clinic and Mercy and Wakari hospitals) and the SSYP Zone, which has a large number of residential and other sensitive activities (Appendix A6.1).
2. Group B (medium strictness) includes the other zones not in Group A including Industrial or Industrial Port zones that are within a hazard overlay zone and also within 100m of another zone other than the Port Zone (Appendix A6.2).
3. Group C (least strict) applies to those parts of Industrial or Industrial Port zones within a hazard overlay but not within 100m of another zone other than the Port Zone (Appendix A6.3).

No hazardous substance controls are applied in Industrial or Industrial Port zones outside hazard overlay zones or in the Port Zone, apart from residential activities or if located close to the National Grid. Hazardous substances provisions also reference the Globally Harmonised System (GHS) for hazardous substances, which was adopted on 30 April 2021 under the Hazardous Substances and New Organisms Act 1996 (HSNO) and replaces the HSNO Classifications.

The efficiency and affordability of water supply, wastewater and stormwater networks are also essential in enabling people to provide for their health and well-being and are among the most essential infrastructure networks in the city. While these networks are also captured by provisions in the Network Utilities section of the District Plan, these systems are also managed through provisions in this section to ensure that existing activities, and new development, do not adversely affect this infrastructure. By taking this approach to management, these essential networks are protected, thus maintaining the ability of people throughout the city to provide for their well-being.

Inappropriately sited forestry and shelterbelts and small woodlots activities pose potential risks to the safety of people when planted in close proximity to boundaries; creating the potential for trees to fall onto other activities or increase fire risk to other activities.

Fences that cannot be seen through or that are too high restrict passive surveillance between the street/ public places and private property and create environments that are potentially unsafe and encourage increased criminal and anti-social behaviour.

Earthworks activities often remove considerable amounts of soil, which if not undertaken appropriately can create silt and sediment runoff which may enter sources of groundwater and other water bodies and cause risks to water supplies.

In response to these issues, the Plan controls the way that activities must operate. These controls include: restricting the amount of noise and light spill that activities can generate; requiring appropriate acoustic insulation in identified areas; setting appropriate limits on the amount of hazardous substances allowed; setting requirements in relation to public water, stormwater, and wastewater infrastructure; requiring water supply for firefighting; requiring forestry and shelterbelts and small woodlots to be set back from boundaries; setting controls on fencing to ensure that passive surveillance is provided for; and requiring earthworks to take into account the potential effects on groundwater.

By implementing these controls, the potential adverse effects of land use and development can be managed in a way that ensures people's health and safety and ensures that the efficiency and affordability of water supply, wastewater and stormwater infrastructure is maintained or enhanced.

9.2 Objectives and Policies

Objective 9.2.1	
Land use, development and subdivision activities maintain or enhance the efficiency and affordability of public water supply, wastewater and stormwater infrastructure.	
Policy 9.2.1.1	Only allow land use or subdivision activities that may result in land use or development activities outside the wastewater serviced area, where: a. it will not lead to future pressure for unplanned expansion of wastewater public infrastructure; or b. an unplanned extension (and any necessary upgrade) to the public wastewater network to provide for the activities can be implemented prior to development with agreement from the DCC.
Policy 9.2.1.2	Only allow land use or subdivision activities that may result in land use or development activities in a wastewater serviced area where: a. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or b. for controlled and restricted discretionary land use activities, communal on-site wastewater detention infrastructure can be integrated into the public wastewater network prior to development in a way that meets DCC's requirements; or c. an unplanned upgrade to the public wastewater network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC.
Policy 9.2.1.3	Require subdivision activities to ensure future land use and development activities: a. have access to electricity and telecommunications networks; b. in areas where there is water or wastewater public infrastructure, have access to this infrastructure in a way that will maintain its efficiency and affordability; and c. in the commercial and mixed use zones and Recreation Zone, have access to piped stormwater public infrastructure, where available; unless, for either (a), (b) or (c), allowing development without access will have long term positive effects on the public infrastructure or relevant network utility, or any adverse effects will be insignificant.
Policy 9.2.1.4	Only allow land use or subdivision activities that may result in land use or development activities in an area with public water supply where: a. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or b. an unplanned upgrade to the public water supply network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC.
Policy 9.2.1.5	Only allow land use or subdivision activities that may result in land use or development activities in an area without public water supply where: a. it will not lead to future pressure for unplanned expansion of public water supply infrastructure; or b. an unplanned extension (and any necessary upgrade) to the public water supply network to provide for the activities can be implemented prior to development with agreement from the DCC.

Objective 9.2.1	
Land use, development and subdivision activities maintain or enhance the efficiency and affordability of public water supply, wastewater and stormwater infrastructure.	
Policy 9.2.1.6	Only allow development activities adjacent to stormwater open watercourses where it will not compromise the current or planned capacity of the stormwater infrastructure.
Policy 9.2.1.7	Only allow multi-unit development; supported living facilities; subdivision; visitor accommodation; or development that contravenes the impermeable surfaces performance standard, where: a. for stormwater generated by the activity (or future development enabled by a subdivision) that will flow through DCC stormwater public infrastructure at any point: i. there is adequate capacity in the stormwater public infrastructure; or ii. any adverse effects from an increase in discharge on the stormwater public infrastructure are no more than minor; and b. for stormwater generated by the activity (or future development enabled by a subdivision) that will flow through a private, natural/informal stormwater system, or Otago Regional Council public infrastructure at any point, that stormwater system or public infrastructure has the capacity to absorb the additional stormwater with no more than minor adverse effects on it or on other sites (public or private), including but not limited to, adverse effects from an increase in overland flow or ponding.
Policy 9.2.1.8	Require earthworks and scheduled mining activities to be designed to ensure adverse effects from sediment run-off from the site on any drains, channels, soakage and treatment systems or stormwater reticulation will be avoided or minimised, as far as practicable.
Policy 9.2.1.9	Require subdivision, multi-unit development or supported living facilities in specified new development mapped areas to provide or connect to a communal wastewater detention system that ensures that all wastewater from the future development of the entire **new development mapped area** does not exceed the capacity of the wastewater public infrastructure network.
Policy 9.2.1.10	Only allow subdivision activities, multi-unit development, supported living facilities or development that contravenes Rule 9.3.2.7 in a **new development mapped area** where: a. an integrated stormwater management plan that is designed for the whole NDMA has been prepared, and stormwater management system(s) for all parts of the NDMA that are hydrologically connected to the area proposed for subdivision will ensure there is no increase in the peak stormwater discharge rate from the NDMA into the stormwater public infrastructure, or into a private stormwater system (at any point) between pre-development and post-development; or b. where this is not practicable, any adverse effects from an increase in discharge on the stormwater system are no more than minor.
Policy 9.2.1.11	Require development in a **new development mapped area** that creates impermeable surfaces to be connected to the stormwater management system that meets Policy 9.2.1.10.
Policy 9.2.1.12	Only allow subdivision in a **new development mapped area** where any new public or private 3-waters infrastructure is designed to connect to, and provide capacity for, future urban development on adjoining or nearby sites that are zoned for urban development, where necessary.

Objective 9.2.2	
Land use, development and subdivision activities maintain or enhance people's health and safety.	
Policy 9.2.2.1	Require activities to be designed and operated to avoid adverse effects from noise on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant.
Policy 9.2.2.2	Require that noise sensitive activities, where undertaken in buildings, have adequate acoustic insulation to avoid, as far as practicable, significant adverse effects from the higher noise environment anticipated in the following areas: a. Central Business District (CBD) Zone; b. Warehouse Precinct (WP) Zone; c. Princes, Parry and Harrow Street (PPH) Zone; d. Harbourside Edge (HE) Zone; e. **port noise control mapped area**; f. **airport noise inner control mapped area**; g. **airport noise outer control mapped area**; h. within 20m of an industrial zone; i. within 40m of a state highway; j. within 40m of the Taieri Aerodrome Zone; k. within 70m of a railway line; l. in-patient areas in the Dunedin Hospital Zone; m. the Stadium Zone; n. **Fonterra noise control mapped area**; and o. within 20m of the **former brickworks structure plan mapped area**.
Policy 9.2.2.3	Avoid residential and visitor accommodation activity within the **airport noise inner control mapped area**.
Policy 9.2.2.4	Require activities to be designed and operated to avoid adverse effects from light spill on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant.
Policy 9.2.2.5	Require forestry and shelterbelts and small woodlots to be set back from boundaries an adequate distance to avoid risks to safety from fire or tree fall or, if avoidance is not practicable, ensure any adverse effects would be insignificant.
Policy 9.2.2.6	Only allow mining or mineral exploration where any adverse effects from air blast and vibration on people's health and safety or on surrounding properties are avoided or, if avoidance is not practicable, no more than minor.
Policy 9.2.2.7	Require fences in residential, recreation and some major facility zones to be designed to allow a visual connection between buildings and public places, to enable opportunities for informal surveillance.
Policy 9.2.2.8	Only allow new residential buildings and subdivision activities where the residential building or resultant site will have access to suitable water supply for firefighting purposes.

Objective 9.2.2	
Land use, development and subdivision activities maintain or enhance people's health and safety.	
Policy 9.2.2.9	Require earthworks in a **groundwater protection mapped area** to not disturb or contaminate groundwater.
Policy 9.2.2.10	Require hazardous substances to be stored and used in a way that ensures residual risks of adverse effects on the health and safety of people are managed to acceptable levels.
Policy 9.2.2.11	Require public amenities and signs located on or above footpaths to avoid adverse effects on the safety of people or, if avoidance is not practicable, ensure any adverse effects will be no more than minor.
Policy 9.2.2.12	Require buildings and structures within the **Taieri Aerodrome flight fan mapped area** to be of a height that enables the safe operation of the aerodrome.
Policy 9.2.2.13	Avoid sensitive activities within a **hazard facility mapped area** unless the residual risk to people from a low probability but high consequence emergency event at the hazard facility is of an acceptable level.
Policy 9.2.2.14	Activities on land that has a history of land use that may have resulted in contamination are managed in accordance with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, including by: a. at the time of subdivision, land use or when land development activities involving soil disturbance take place, identifying and assessing risk to human health from contaminants in soil, where practicable; and b. if necessary based on the intended use of the land, remediating or managing the contaminants to make it safe for human use.

Rules

Rule 9.3 Performance Standards

9.3.1 Acoustic Insulation

1. In the locations specified below in clause 4, all rooms to be used for noise sensitive activities (other than those listed in clause 3 below) must have acoustic insulation that achieves a minimum design standard of DnT, w + Ctr > 30 dB, except:
   a. in the locations specified below in clauses 4.a, 4.b and 4.d, all bedrooms and principal living areas must have acoustic insulation that achieves a minimum design standard of DnT, w + Ctr > 35 dB.
2. In the **port noise control mapped area**, all rooms to be used for noise sensitive activities (other than those listed in clause 3 below) must have a minimum indoor design standard of 40 dBA Ldn.
3. The following rooms are not required to have acoustic insulation: bathrooms, laundries, toilets, pantries, walk-in wardrobes, corridors, hallways, lobbies, clothes-drying rooms, or other spaces of a specialised nature occupied neither frequently nor for extended periods.
4. Rule 9.3.1.1 applies in the following locations:
   a. Central Business District (CBD) Zone;
   b. Warehouse Precinct (WP) zone;
   c. Princes, Parry and Harrow Street (PPH) Zone;
   d. Harbourside Edge (HE) Zone;
   e. CEC - North Zone;
   f. **airport noise inner control mapped area**;
   g. **airport noise outer control mapped area**;
   h. within 20m of an industrial zone;
   i. within 40m of a state highway;
   j. within 40m of the Taieri Aerodrome Zone;
   k. within 70m of a railway line;
   l. in-patient areas in the Dunedin Hospital Zone;
   m. the Stadium Zone;
   n. **Fonterra noise control mapped area**; and
   o. within 20m of the **former brickworks structure plan mapped area**.
5. Rooms to which this acoustic insulation standard applies must be supplied with a positive supplementary source of ventilation that achieves a minimum of 7.5 Litres per second per person and does not compromise the acoustic insulation performance of the façade, to enable adequate ventilation when windows are closed.
6. The schedule in Appendix 9A describes the minimum requirements necessary to achieve an external noise insulation level of DnT, w + Ctr > 30 dB or DnT, w + Ctr > 35 dB.
7. Any activity that contravenes this performance standard is a discretionary activity.

Note 9.3.1A - Other relevant District Plan provisions

1. Refer to Rule 9.9.2 Special Information Requirements – Acoustic insulation.

9.3.2 Service Connections

1. All subdivision activities must supply service connections to resultant sites in accordance with rules 9.3.2.3 - 9.3.2.6, except for resultant sites created and used solely for the following purposes:
   a. scheduled ASBV or QEII covenant;
   b. reserves;
   c. access;
   d. network utilities; or
   e. roads.
2. Activities that contravene this performance standard are restricted discretionary activities.

9.3.2.3 Telecommunications and power

a. Subdivision activities must provide all resultant sites with telecommunication (including UltraFast Broadband where available) and power supply, and any associated easements, to the site boundary.
b. Activities that contravene this performance standard are restricted discretionary activities.

9.3.2.4 Water supply

a. Within all areas that the DCC provides access to a public water supply network, subdivision activities must provide all resultant sites with connections to the public water supply network, which must be laid at least 600mm into each site.
b. Activities that contravene this performance standard are restricted discretionary activities.

Note 9.3.2.4A - General advice

1. The DCC Water Bylaw shows areas where the DCC provides access to a reticulated water supply and conditions of access. There may be a delay including recently rezoned areas in the Bylaw. In these cases, information on access is available by contacting the DCC. The Bylaw also outlines the water supply connection setup requirements for customers. See the Water Bylaw for details.
2. For further information on connections to the public water supply network, please contact the DCC on 03 477 4000.
3. Where sites are connected to the public water supply network, the owner of the site (and not Council) owns and is responsible for the maintenance of the full length of pipe up to where it connects to the public infrastructure.

9.3.2.5 Wastewater

a. Within any wastewater serviced area, subdivision activities must provide all resultant sites with connections to the wastewater public infrastructure network, which must be laid at least 600mm into each site. The wastewater network for the subdivision must provide for connection to the wastewater public infrastructure network.
b. Activities that contravene this performance standard are restricted discretionary activities.

Note 9.3.2.5A - General advice

1. The DCC does not provide a wastewater public infrastructure network in all areas of the city. Refer to the definition of ‘wastewater serviced area’.
2. In new development mapped areas specified in Rule 9.6.2.5, immediate connections to the wastewater public infrastructure network will not be available due to network capacity constraints. In these cases, subdivision consent may be refused even if this standard is met where an on-site communal wastewater detention system that serves 50 or more residential units is yet to be approved as a solution to capacity constraints.
3. Trade and industrial discharges to the wastewater system are subject to the DCC Trade Waste Bylaw.
4. The discharge of human sewage through on-site wastewater treatment systems is managed by rules in the Regional

Plan: Water for Otago. Resource consent may be required from the Otago Regional Council for new systems.

5. The New Zealand Building Code G13 - Foul Water for building work provides verification methods and acceptable solutions for the storage, treatment, and disposal of wastewater.
6. For further information on connections to the wastewater public infrastructure network and the design of any wastewater management system, please contact the DCC on 03 477 4000 at the earliest opportunity.
7. Where sites are connected to the wastewater public infrastructure network, the owner of the site (and not Council) owns and is responsible for the maintenance of the full length of pipe up to where it connects to the public infrastructure.

9.3.2.6 Stormwater for subdivision

a. In a commercial and mixed use zone or Recreation Zone, subdivision activities must provide all resultant sites with connections to the stormwater public infrastructure network where available, which must be laid at least 600mm into each site.

b. For the purposes of this rule 'where available' means where DCC allows connection to piped DCC stormwater public infrastructure in the vicinity of the site.

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

Note 9.3.2.6A - General advice

1. In all zones where this standard does not apply, a requirement to connect to stormwater public infrastructure (where available) will be considered through the subdivision consent process. In most instances, a requirement to connect to any stormwater public infrastructure network will be required through a consent condition.
2. Where sites are connected to the stormwater public infrastructure network, the owner of the site (and not Council) owns and is responsible for the maintenance of the full length of pipe up to where it connects to the public infrastructure.

9.3.2.7 Stormwater for development

a. In a **new development mapped area**, all development activities that create an impermeable surface and new roads or additions or alterations to existing roads must:
    i. connect to a stormwater management system that services the **new development mapped area** and meets the requirements set out in Rule 9.9.3; except:
        1. prior to the stormwater management system being installed, any development that creates less than 60m² of impermeable surface; and
        2. any development activities that create an impermeable surface on lots of less than 1000m² that were created by a subdivision consent approved prior to 31 May 2022, are exempt from this standard.

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

Note 9.3.2.7A - General advice and other requirements outside of the District Plan

1. In a **new development mapped area**, Policy 9.2.1.10 requires installation of a stormwater management system prior to development as part of the assessment of a consent for the listed activities. The requirements for stormwater management are set out in the Special Information Requirements - Rule 9.9.3. Where development occurs prior to consideration of an integrated stormwater management plan through an application for consent, and installation of an associated stormwater management system, a resource consent will be required under Rule 9.3.2.7 to enable an integrated stormwater management plan to be assessed.
2. Clause E1 - Surface Water of the New Zealand Building Code (Building Regulations 1992, Schedule 1) contains requirements regarding buildings and sitework in relation to managing surface water and effects on other property.
3. Development that will divert surface water may require resource consent under the Otago Regional Plan: Water.

4. Discharge of stormwater to any Otago Regional Council scheduled drain or overland flow path is managed by the Otago Regional Council Flood Protection Management Bylaw 2012.
5. If development affects the flow of surface water, this effect is also subject to the common law principle of natural servitude.
6. Part 4 of the Dunedin Code of Subdivision and Development 2010 ('Code of Subdivision') requires that design and construction of stormwater systems be undertaken in accordance with NZS 4404:2004 (now replaced by NZS 4404:2010), except as amended by the Code of Subdivision. This includes a requirement that stormwater systems be provided so that any new development results in an insignificant increase of runoff wherever possible (Clause 4.2.8).
7. For further information on connections to the public stormwater network and for assistance with design requirements for stormwater management systems, please contact DCC 3 Waters on 03 477 4000 at the earliest opportunity.

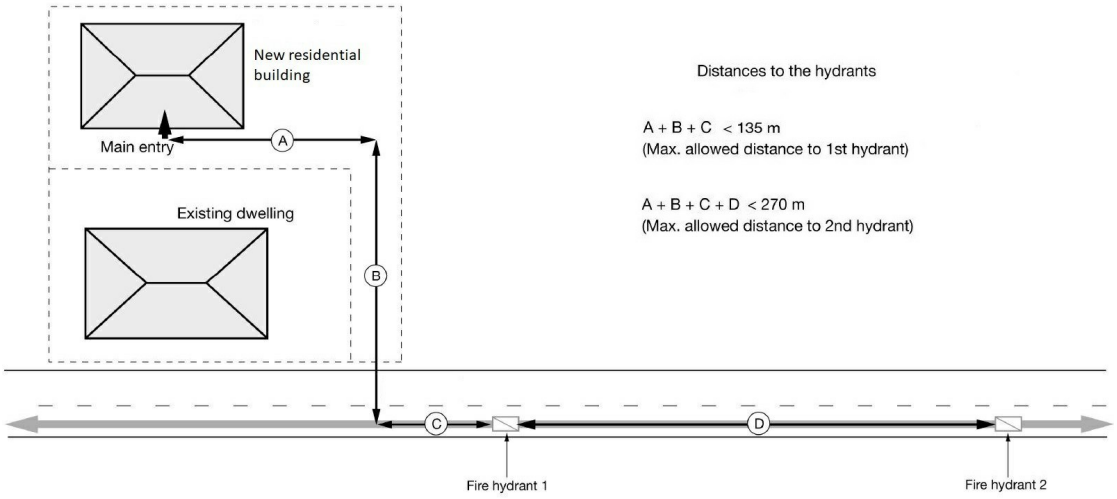
9.3.3 Firefighting

1. NA.
2. New residential buildings must meet one of the following firefighting water supply and access requirements:
   a. have a connection to the public water supply and be located within 135m of a fire hydrant and within 270m of a second fire hydrant that each provide water flow of at least 12.5 Litres/second. Note: for the purpose of this standard the distance to the fire hydrants must be measured from the main entry of the residential building along the main access route to the fire hydrants, as shown in Figure 9.3.3A;
   b. have a sprinkler system installed with water storage of at least 7,000 Litres available to the system that is maintained for firefighting water supply at all times;
   c. have legal and physical access to a communal firefighting system and hardstand area that has been installed as part of an approved subdivision consent for the site, and was designed to accommodate the new residential building;
   d. otherwise provide for water supply and access to water supplies for firefighting purposes consistent with the SNZ/PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice; or

   X. an alternative water supply for firefighting that has been approved in writing by Fire and Emergency New Zealand.

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

Figure 9.3.3A: Distances to fire hydrants



Note 9.3.3A – General advice and other requirements outside of the District Plan

1. The water flow rates at individual fire hydrants across the district can be found on DCC's Fire Service map at https://apps.dunedin.govt.nz/webmaps/FireService/
2. The approval for Rule 9.3.3.2.X must be provided to the Dunedin City Council as part of the building consent or resource consent application for development (if required), whichever is lodged first.

9.3.4 Hazardous Substances Quantity Limits and Storage Requirements

1. The storage and use of hazardous substances with explosive or flammable properties must not be located in the National Grid Yard except as provided for in Rule 9.3.4.2. The storage and use of all other hazardous substances must comply with the quantity limits and storage requirements specified in Appendix A6, as follows:

Zones and activities		Appendix
a.	i. Residential activities in all zones ii. All activities in the: 1. residential zones; 2. Smith Street and York Place Zone (SSYP); 3. Ashburn Clinic Zone; 4. Mercy Hospital Zone; 5. Wakari Hospital Zone; and 6. Schools Zone.	A6.1
b.	i. All activities except residential activities in the: 1. commercial and mixed use zones except SSYP; 2. major facility zones except Ashburn Clinic, Mercy Hospital, Port, Wakari Hospital and Schools; 3. rural zones; 4. rural residential zones; and 5. Recreation Zone. ii. All activities in any part of Industrial or Industrial Port zones except residential activities, where the storage or use of hazardous substances is located within 100m of the boundary of any other zone, except another industrial zone or the Port Zone; and: 1. the activity is located within a hazard 2 (flood) or hazard 2 (land instability) overlay zone; or 2. the activity is located within a hazard 3 (flood, coastal or alluvial fan) overlay zone and involves the storage or use of class 8 corrosives (GHS category 1, 1A, 1B and 1C) or class 9 ecotoxics (GHS hazardous to the terrestrial environment and hazardous to the aquatic environment category 1, 2, 3 and 4) hazardous substances.	A6.2

Zones and activities		Appendix
c.	i. All activities in any part of Industrial or Industrial Port zones, except residential activities, where the storage or use of hazardous substances is not located within 100m of the boundary of any other zone, other than another industrial zone or the Port Zone; and: 1. the activity is located within a hazard 2 (flood) or hazard 2 (land instability) overlay zone; or 2. the activity is located within a hazard 3 (flood, coastal or alluvial fan) overlay zone and involves the storage or use of class 8 corrosives (GHS category 1, 1A, 1B and 1C) or class 9 ecotoxics (GHS hazardous to the terrestrial environment and hazardous to the aquatic environment category 1, 2, 3 and 4) hazardous substances.	A6.3

d. For the sake of clarity, there are no hazardous substances quantity limits and storage requirements except where Rule 9.3.4.1.a.i (residential activities) or Rule 9.3.4.2 (within National Grid Yard) applies:
   i. in the Port Zone; or
   ii. in Industrial or Industrial Port zones, where located outside a hazard 2 and 3 (flood), or hazard 2 (land instability), hazard 3 (alluvial fan) or a hazard 3 (coastal) overlay zone; or
   iii. in Industrial or Industrial Port zones, where located within a hazard 3 (flood, coastal or alluvial fan) overlay zone and it does not involve the storage or use of class 8 corrosives (GHS category 1, 1A, 1B and 1C) or class 9 ecotoxics (GHS hazardous to the terrestrial environment and hazardous to the aquatic environment category 1, 2, 3 and 4) hazardous substances.

2. The following storage and use of hazardous substances are exempt from Rule 9.3.4.1:
   a. storage of substances in or on vehicles being used in transit on public roads;
   b. the conveyance, storage and use of substances for network utilities;
   c. the storage and use of fuel and other substances that are contained in the fuel system, electrical system or control system of motor vehicles, boats, aircraft and small engines;
   d. storage at fire stations and on emergency response appliances of specialist hazardous substances for firefighting including compressed air, oxidising gas (medical oxygen), and foam (excluding within the Hazard 1 and 2 (flood) Overlay Zone and **groundwater protection mapped area)**;
   e. the storage of hazardous substances at retail outlets such as supermarkets, trade suppliers, and pharmacies selling to customers of a residential activity (for home heating, cooking, cleaning and gardening);
   f. the storage and use of hazardous substances as part of a residential activity (for home heating, cooking, cleaning and gardening), including LPG up to a maximum full weight of 300kg where:
      i. the hazardous substance(s) is part of a consumer product intended for residential use; and
      ii. the product is stored in the container or packaging in which it was sold and used in accordance with the manufacturer's instructions;
   g. the temporary storage, handling and distribution of national or international cargo containers; and
   h. hazardous substances of HSNO and GHS sub-classes 1.4 or 1.6 unless other hazard classifications apply.

3. The storage and use of hazardous substances where located outside the National Grid Yard are exempt from Rule 9.3.4.1:
   a. gas and oil pipelines and associated equipment;
   b. waste treatment and disposal facilities not within Hazard 1 and 2 (flood) overlay zones, and waste in process in the DCC's trade waste sewers, municipal liquid waste treatment and disposal facilities not

within Hazard 1 and 2 (flood) overlay zones, which may contain hazardous substance residues;

c. the application of agrichemicals and fertilisers at a rate and in a manner consistent with their intended purpose;

d. activities involving substances of HSNO sub-classes 1.5 (GHS 1.5), 6.1D (GHS category 4), 6.1E (GHS category 1 and 3), 6.3 (GHS 6.3A category 2), 6.4 (GHS 6.4A category 2), 9.1D (GHS category 4) and 9.2D (GHS hazardous to soil organisms) unless other hazard classification applies;

e. the storage and use of LPG where that storage and use does not trigger a requirement to obtain a compliance certificate under the Health and Safety at Work Act (Hazardous Substances) Regulations 2017 or the Environmental Protection Authority Hazardous Substances (Hazardous Property Controls) Notice 2017;

f. the storage of HSNO sub-classes 3.1.A-D (GHS category 1 – 4) liquid petroleum fuels in below ground tanks at service stations in accordance with the following codes of practice:
    i. Below Ground Stationary Container Systems for Petroleum - Design and Installation HSNOCOP 44, Environmental Protection Agency, May 2012; and
    ii. Below Ground Stationary Container Systems for Petroleum – Operation HSNOCOP 45, Environmental Protection Agency, May 2012;

g. the storage of HSNO sub-class 2.1.1A (GHS category 1A and 1B) LPG at sites associated with the retail sale of fuel up to an aggregate of 1250kg of LPG stored in bottle swap facilities in accordance with AS/NZ 1596:2014 The Storage and Handling of LP Gas;

h. in the Industrial or Industrial Port zones, the transit and two-hour maximum storage of tracked hazardous substances and 72-hour maximum storage of non-tracked hazardous substances;

i. in the rural and rural residential zones:
    i. the storage and use of agrichemicals in accordance with NZS8409:2004;
    ii. the storage and use of class 3 fuels in accordance with the Environmental Protection Agency's Approved Practice Guide for Above-Ground Fuel Storage on Farms, September 2010; and
    iii. the storage and use of fertiliser in accordance with the following:
        1. Fertiliser (Corrosive) Group Standard HSR002569;
        2. Fertiliser (Oxidising) Group Standard HSR002570;
        3. Fertiliser (Subsidiary Hazard) Group Standard HSR002571;
        4. Fertiliser (Toxic) Group Standard HSR002572; and
        5. Fert Research's Code of Practice for Nutrient Management 2007;

j. the above-ground storage of a maximum of 100,000 Litres of diesel at service stations provided that:
    i. any above ground tanks are double skinned and designed in accordance with the Health and Safety at Work Act (Hazardous Substances) Regulations 2017; and
    ii. the site complies with the MfE Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand 1998;

k. the storage and use of Diesel Exhaust Fluid (DEF), subclass 6.3B and subclass 6.4A (GHS eye irritation Category 2), at service stations and bulk fuel storage facilities; and

l. the above-ground storage and use of a maximum of 5000 Litres of diesel in certified double skin tanks.

m. in the Campus Zone:
    i. the storage and use of hazardous substances undertaken in laboratories and medical facilities as part of Campus, Hospital or Healthcare activities, which comply with the requirements under the Health and Safety at Work (Hazardous Substances) Regulations 2017 and the Code of

Practice for CRI and University Exempt Laboratories and any other associated codes of practice and guidance;

ii. the storage of a maximum of 10,000 Litres of Subclass 3.1A, 3.1B, 3.1C, or 3.1D (flammable liquids) in any Type D (4 hour fire rated) storage facility (this limit applies per storage facility), as required by AS1940 under the Health and Safety at Work Act (Hazardous Substances) Regulations 2017;

iii. where 50m or more from the Campus Zone boundary, the ancillary storage in a hazardous sub-facility of any other hazardous substances (not Subclass 3.1A, 3.1B, 3.1C or 3.1D (flammable liquids) which comply with clause ii above), which:
   1. are located outside a laboratory or medical facility used as part of Campus, Hospital or Healthcare activities; and
   2. comply with the requirements under the Health and Safety at Work (Hazardous Substances) Regulations 2017 and the Code of Practice for CRI and University Exempt Laboratories and any other associated codes of practice and guidance; and

iv. where within 50m of the Campus Zone boundary, the ancillary storage in a hazardous sub-facility of any other hazardous substances (not Subclass 3.1A, 3.1B, 3.1C or 3.1D (flammable liquids) which comply with clause ii above), which:
   1. are located outside a laboratory or medical facility used as part of Campus, Hospital or Healthcare activities;
   2. have a total combined maximum, of volume for liquids in litres and weight for gases and solids in kilograms, of 10,000;
   3. have a maximum container size of each hazardous substance, within the hazardous sub-facility, of 250 Litres for liquids and 250kg for gases and solids; and
   4. is within a Type C (2 hour fire rated) hazardous sub-facility, as required by AS1940 under the Health and Safety at Work Act (Hazardous Substances) Regulations 2017.

4. The storage and use of hazardous substances that contravenes this performance standard is a restricted discretionary activity, except:
   a. the storage and use of hazardous substances with explosive or flammable properties within the National Grid Yard that does not meet the requirements for exemption under Rule 9.3.4.2 is a non-complying activity.

Note 9.3.4A - Other requirements outside of the District Plan

1. The Hazardous Substances and New Organisms Act 1996 (HSNO) and Health and Safety at Work (Hazardous Substances) Regulations 2017 in places of work also specifies other requirements for activities involving hazardous substances. The Environmental Protection Authority (EPA) Hazardous Substances (Hazardous Property Controls) Notice 2017 prescribe controls for places that are not workplaces.
2. Sections 15 and 17 of the Resource Management Act 1991 (RMA) are also relevant and specify the requirements for discharges and the duty to avoid, remedy or mitigate adverse effects.
3. Activities involving hazardous substances may also require resource consent from the Otago Regional Council.
4. Table 10, Schedule 12 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 provides maximum quantities for the indoor storage and use of LPG as follows:

	Location	a. Maximum quantity of LPG	b. Maximum cylinder size
1.	A detached house or single storey attached dwellings; and multi-storey attached dwellings up to three storeys	20kg per dwelling	10kg cylinder
2.	Multi-storey attached dwellings over three storeys	10kg per dwelling	10kg cylinder
3.	Hotels, bars, restaurants, public buildings, places of worship, shops, offices and laboratories not attached to a dwelling	10kg per 10m² of the indoor floor area, up to a maximum total quantity of 100kg	10kg cylinder
4.	Hotels, bars, restaurants, public buildings, places of worship, shops, offices and laboratories attached to a dwelling	20kg per premises	10kg cylinder
5.	Factories and warehouses	45kg per 50m² of the indoor floor area, up to a maximum total quantity of 180kg per occupancy	45kg cylinder

Note 9.3.4B - Other relevant District Plan provisions

1. Rule 5.6.1.1 Setback from National Grid (new buildings and structures, city-wide activities and National Grid sensitive activities) contains additional requirements for setbacks from the National Grid.

9.3.5 Light Spill

1. Light spill measured at any point of the vertical plane that marks the boundary of any site within a residential zone, or in any other zone the notional boundary of any residential building must not exceed the following limits:

Time		Limit
a.	7.00am - 10.00pm	10 Lux
b.	10.00pm - 7.00am	3 Lux

   c. This standard does not apply to light spill from the headlights of motor vehicles or trains, or from street lighting.

2. Light spill must not be emitted in the angles above the horizontal.
3. All outdoor lighting, except street lighting, must be shielded from or directed away from adjacent roads and

site boundaries.

4. Activities that contravene Rule 9.3.5.2 or Rule 9.3.5.3 or the limit in Rule 9.3.5.1 by 25% or less are discretionary activities.
5. Activities that contravene any light spill limit in Rule 9.3.5.1 by greater than 25% are non-complying activities.

Note 9.3.5A - General advice

1. Outdoor lighting such as security lights or strobe lights on irrigators that are not shielded or directed away from site boundaries will generally contravene this standard.

9.3.6 Noise

1. Land use activities, public amenity activities, network utility activities, temporary activities and the operation, repair and maintenance of the rail network must not exceed the following noise emission limits:

Zoning of receiving property		Noise level measured at the boundary of the receiving property, or in a rural, rural residential or Ashburn Clinic zone at the notional boundary of noise sensitive activities		
		i. 7.00am to 7.00pm	ii. 7.00pm to 10.00pm	iii. 10.00pm to 7.00am
a.	Residential, Recreation, Smith Street and York Place, schools, Dunedin Botanic Garden, Wakari Hospital, Mercy Hospital and Moana Pool zones	50 dB LAeq (15 min)	45 dB LAeq (15 min)	1. 40 dB LAeq (15 min); and 2. 70 dB LAFmax
b.	Rural, rural residential, centres and Ashburn Clinic zones (at notional boundary of noise sensitive activities); except in those parts of rural zones that are within 350m of the Industrial Zone	55 dB LAeq (15 min)	50 dB LAeq (15 min)	1. 40 dB LAeq (15 min); and 2. 70 dB LAFmax
c.	Those parts of a rural zone that are within 350m of the Industrial Zone, except where Rule 9.3.6.2 applies	55 dB LAeq (15 min)	50 dB LAeq (15 min)	1. 45 dB LAeq (15 min); and 2. 75 dB LAFmax
d.	Rural, rural residential and Ashburn Clinic zones (at property boundaries, where there are no noise sensitive activities within 20m of boundary)	60 dB LAeq (15 min)	60 dB LAeq (15 min)	1. 60 dB LAeq (15 min); and 2. 85 dB LAFmax
e.	Commercial and mixed use (except centres, and Smith Street and York Place), Dunedin Hospital, Otago Museum, Campus, and Invermay and Hercus zones	60 dB LAeq (15 min)	60 dB LAeq (15 min)	1. 60 dB LAeq (15 min); and 2. 85 dB LAFmax
f.	Industrial, Industrial Port, Dunedin International Airport, Taieri Aerodrome, Edgar Centre, Port and Stadium zones	65 dB LAeq (15 min)	60 dB LAeq (15 min)	1. 60 dB LAeq (15 min); and 2. 85 dB LAFmax

2. Noise generated at 222 Dukes Road North, North Taieri must not exceed the following noise emission limits measured at the furthest boundary of the **Fonterra noise control mapped area**:
   a. 7.00am to 10.00pm 55 dB LAeq (15 min); and
   b. After 10.00pm to before 7.00am 45 dB LAeq (15 min); and 75 dB LAFmax.

3. Except, the following activities are exempt from rules 9.3.6.1 and 9.3.6.2:
   a. noise generated by port activities in the Port Zone (see Rule 30.5.4);
   b. noise generated by aircraft within the Dunedin International Airport Zone;
   c. noise generated by events in the Stadium Zone (see Rule 32.5.6);

d. noise generated by aircraft within the Taieri Aerodrome Zone between the hours of 7.00am - 10.00pm;
e. noise generated as part of normal residential activities, other than from building utilities;
f. noise associated with early childhood education and schools between the hours of 8.00am - 6.00pm;
g. sport and recreation not involving the use of motor vehicles, amplified sound, or firearms;
h. vehicles operating on public roads;
i. emergency services, including any warning device used by emergency services for emergency purposes;
j. noise generated by wind generators with a swept rotor area greater than 200m², provided that when measured or assessed in accordance with NZS 6808:2010 Acoustics - Wind Farm Noise they do not exceed the LA90 (10min) background sound level by more than 5 dB or a level of 40 dB LA90 (10 min), whichever is greater;
k. construction and site investigation, temporary events in CBD, helicopter movements, and military exercises (see Rule 4.5.4);
l. noise generated as part of a normal farming activity within the rural zones and rural residential zones;
m. noise generated as part of normal forestry activity within the rural zones;
n. noise generated by pyrotechnics and firing of a ceremonial cannon (see Rule 4.5.4.2.c);
o. noise generated by blasting in rural zones, as part of mineral exploration (see Rule 16.5.15);
p. noise generated by standby or temporary energy generators required by lifeline utilities to ensure the continued supply of electricity;
q. operation of the rail network (including trains on rail lines at railway yards, railway sidings or stations, and level crossing warning devices); and
r. repair and maintenance of the rail network that complies with the limits for construction noise in Rule 4.5.4.1.a.

4. For the purpose of this standard, noise levels will be measured at the boundary of the receiving property, or the notional boundary of a noise sensitive activity in a rural, rural residential or Ashburn Clinic zone. If it is not possible to measure noise levels at the boundary, noise levels will be measured at the closest practical point within the boundary. Unless stated otherwise noise must be measured in accordance with NZS 6801:2008 - Acoustics - Measurement of environmental sound, and assessed in accordance with NZS 6802:2008 Acoustics - Environmental noise.
5. Activities that contravene this performance standard by less than 5 dB LAeq (15 min) are discretionary activities.
6. Activities that contravene this performance standard by 5 dB LAeq (15 min) or more are non-complying activities.

Note 9.3.6A - Other requirements outside of the District Plan

1. Noise and vibration associated with a commercial forestry activity are subject to the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 (NESCF).

Rule 9.4 Assessment of Controlled Activities

Rule 9.4.1 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 9.4.2:
   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.

9.4.2 Assessment of controlled activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. Student hostels in the Campus Zone	a. Effects on efficiency and affordability of infrastructure	*Relevant objectives and policies:* i. Objective 9.2.1. ii. Only allow land use activity in a wastewater serviced area where: 1. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or 2. for controlled land use activities, communal on-site wastewater detention infrastructure can be integrated into the public wastewater network prior to development in a way that meets DCC's requirements; or 3. an unplanned upgrade to the public wastewater network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.2). iii. Only allow supported living facilities where: 1. for stormwater generated by the activity that will flow through DCC stormwater public infrastructure at any point: 1. there is adequate capacity in the stormwater public infrastructure; or 2. any adverse effects from an increase in discharge on the stormwater public infrastructure are no more than minor; and 2. for stormwater generated by the activity that will flow through a private, natural/informal stormwater system,

9.4.2 Assessment of controlled activities		
Activity	Matters of control	Guidance on the assessment of resource consents
		or Otago Regional Council public infrastructure at any point, that stormwater system or public infrastructure has the capacity to absorb the additional stormwater with no more than minor adverse effects on it or on other sites (public or private), including but not limited to, adverse effects from an increase in overland flow or ponding (Policy 9.2.1.7). iv. Only allow land use activities in an area with public water supply where: 1. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or 2. an unplanned upgrade to the public water supply network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.4). *General assessment guidance:* v. For supported living facilities that may lead to new residential development, Council will consider how stormwater will be managed and may require an integrated stormwater management plan to be submitted with the application (see Special Information Requirement - Rule 9.9.3).

Rule 9.5 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 9.5.1 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 9.5.2 – 9.5.4:
   a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Rules 9.5.2 – 9.5.4 apply as follows:
   a. Rule 9.5.2 applies to all performance standard contraventions;
   b. Rule 9.5.3 applies to performance standard contraventions located in the public health and safety section and other plan sections; and
   c. Rule 9.5.4 applies to performance standards that apply in an overlay zone or mapped area.

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

9.5.3 Assessment of performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Public amenities located on or above the footpath (Rule 6.7.2)	a. Effects on health and safety	*Relevant objectives and policies:* i. Objective 9.2.2 ii. Public amenities and signs located on or above footpaths avoid adverse effects on the safety of people or, if avoidance is not practicable, ensure any adverse effects will be no more than minor (Policy 9.2.2.11).
2.	Density - standard residential in ICR Zone (Rule 15.5.2.5.d)	a. Effects on efficiency and affordability of infrastructure (wastewater and water supply)	*Relevant objectives and policies:* i. Objective 9.2.1 ii. Only allow land use activity in a wastewater serviced area where: 1. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or 2. an unplanned upgrade to the public wastewater network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.2). iii. Only allow land use activities in an area with public water supply where: 1. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or 2. an unplanned upgrade to the public water supply network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.4). *General assessment guidance:* iv. In determining whether policies 9.2.1.2 and 9.2.1.4 are achieved, Council will consider the cumulative effects of the proposed development together with existing development and permitted development that is likely to arise in the future.
3.	Sediment control (Rule 8A.5.7)	a. Effects on efficiency and affordability of infrastructure	*Relevant objectives and policies:* i. Objective 9.2.1 ii. Adverse effects from sediment run-off from the site on any drains, channels, soakage and treatment systems or stormwater reticulation are avoided or minimised as far as practicable (Policy 9.2.1.8).

9.5.3 Assessment of performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
4.	Fence height and design	a. Effects on health and safety	*Relevant objectives and policies:* i. Objective 9.2.2. ii. Fences in residential, recreation and some major facility zones are designed to allow a visual connection between buildings and public places, to enable opportunities for informal surveillance (Policy 9.2.2.7). *Potential circumstances that may support a consent application include:* iii. The increased height or reduced visual permeability is necessary to provide security for a business, to protect public well-being or to provide a reasonable level of privacy for bedrooms or bathrooms, where not otherwise achievable under Rule 15.6.2.2. iv. Due to topography, the fence still enables a visual connection between buildings and public places.
5.	Firefighting	a. Effects on health and safety	*Relevant objectives and policies:* i. Objective 9.2.2 ii. New residential buildings have access to suitable water supply for firefighting purposes (Policy 9.2.2.8). *Potential circumstances that may support a consent application include:* iii. The application is accompanied by written advice from Fire and Emergency New Zealand that the alternative water supply for firefighting is suitable to manage effects on health and safety. *General assessment guidance:* iv. In assessing the effects on health and safety of the firefighting water supply arrangements, Council will consider written advice from Fire and Emergency New Zealand.
6.	Forestry and shelterbelts and small woodlots setbacks (rules 16.6.10.2 and 17.6.9.2)	a. Effects on health and safety	*Relevant objectives and policies:* i. Objective 9.2.2 ii. Forestry and shelterbelts and small woodlots are set back from boundaries an adequate distance to avoid risks to safety from fire or tree fall or, if avoidance is not practicable, ensure any adverse effects would be insignificant (Policy 9.2.2.5). *Potential circumstances that may support a consent application include:* iii. Mitigation measures will be used to avoid risk to buildings in the event of fire originating from the forestry or shelterbelts and small woodlots activity. iv. The topography or characteristics of the site mean that there would be no risk or insignificant risk to buildings or people from tree fall and fire.

9.5.3 Assessment of performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
7.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	*Relevant objectives and policies:* i. Objective 9.2.2 ii. Hazardous substances are stored and used in a way that ensures residual risks of adverse effects on the health and safety of people are managed to acceptable levels (Policy 9.2.2.10). *Potential circumstances that may support a consent application include:* iii. Hazardous substances are stored in a way that meets HSNO requirements and Hazardous Substances Regulations. iv. There is little or no risk of any discharge of hazardous substances into the public stormwater infrastructure. v. The proposed hazardous site or hazardous sub-facility is located an appropriate distance from sensitive activities including population, services, schools, emergency services, hospitals or arterial roads. vi. A site management plan and emergency response plan appropriately addresses any potential adverse effects on health and safety (see Special Information Requirements - Rule 9.9.1). *General assessment guidance:* vii. In considering whether residual risk is of an acceptable level, Council will be guided by the New South Wales Government Risk Criteria for Land Use Safety Planning (refer to www.dunedin.govt.nz/2nd-generation-district-plan/supporting-documents). viii. In assessing the potential effects from hazardous substances, Council will consider: 1. any additional risk from natural hazards; 2. implications on the future use of the site through any associated HAIL classification; 3. cumulative effects from other hazardous substances stored on-site, or the storage of hazardous substances on adjacent sites, and whether they are incompatible when considered holistically; 4. the nature and size of the proposed development or activity; and 5. the sensitivity of other activities on the same or surrounding sites. *Conditions that may be imposed include:* ix. Council may require the development of a site management plan and emergency response plan (see Rule 9.9.1) which outlines how the activity will respond to potential emergency arising from the hazard facility

9.5.3 Assessment of performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
			arising from the hazard facility.
8.	Maximum building site coverage and impermeable surfaces	a. Effects on efficiency and affordability of infrastructure (stormwater)	*Relevant objectives and policies:* i. Objective 9.2.1 ii. Only allow development that contravenes the impermeable surfaces performance standard, where: 1. for stormwater generated by the activity that will flow through DCC stormwater public infrastructure at any point: 1. there is adequate capacity in the stormwater public infrastructure; or 2. any adverse effects from an increase in discharge on the stormwater public infrastructure are no more than minor; and 2. for stormwater generated by the activity that will flow through a private, natural/informal stormwater system, or Otago Regional Council public infrastructure at any point, that stormwater system or public infrastructure has the capacity to absorb the additional stormwater with no more than minor adverse effects on it or on other sites (public or private), including but not limited to, adverse effects from an increase in overland flow or ponding (Policy 9.2.1.7). *General assessment guidance:* iii. Council will consider how stormwater will be managed and may require an integrated stormwater management plan to demonstrate that there will be no increase in peak stormwater discharge rate from the site (see Special Information Requirement - Rule 9.9.3). iv. In assessing contravention of this standard on any site that has on-site wastewater disposal, the additional loading of wastewater on remaining areas of permeable surfaces will be considered. *Conditions that may be imposed include:* v. A requirement for easements, covenants, consent notices, or bonds to ensure future development will be in accordance with an integrated stormwater management plan. vi. A requirement for stormwater management, such as the installation of detention devices required in accordance with the approved integrated stormwater management plan.
		b. Effects of stormwater from future development	

9.5.3 Assessment of performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
9.	Service connections (rules 9.3.2.1, 9.3.2.3 – 9.3.2.6) for subdivision	a. Effects on efficiency and affordability of infrastructure	*Relevant objectives and policies:* i. Objective 9.2.1 ii. Subdivision activities ensure future land use and development activities: 1. have access to electricity and telecommunications networks; 2. in areas where there is water or wastewater public infrastructure, have access to this infrastructure in a way that will maintain its efficiency and affordability; and 3. in the commercial and mixed use zones and Recreation Zone, have access to piped stormwater public infrastructure, where available; unless allowing development without access will have long term positive effects on the public infrastructure or relevant network utility, or any adverse effects will be insignificant (Policy 9.2.1.3).

9.5.3 Assessment of performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
10.	Density • social housing in the GR1 Zone or T&S Zone (except in a **no DCC reticulated wastewater mapped area**) (Rule 15.5.2.5.e)	a. Effects on efficiency and affordability of infrastructure (wastewater and water supply)	*Relevant objectives and policies:* i. Objective 9.2.1. ii. Only allow land use activity in a wastewater serviced area where: 1. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or 2. an unplanned upgrade to the public wastewater network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.2). iii. Only allow land use activities in an area with public water supply where: 1. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or 2. an unplanned upgrade to the public water supply network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.4). iv. Only allow land use activities in an area without public water supply where: 1. it will not lead to future pressure for unplanned expansion of public water supply infrastructure; or 2. an unplanned extension (and any necessary upgrade) to the public water supply network to provide for the activities can be implemented prior to development with agreement from the DCC (Policy 9.2.1.5).
11.	Dust and sediment control (Rule 16.5.16.9)	a. Effects on efficiency and affordability of infrastructure	*Relevant objectives and policies:* i. Objective 9.2.1 ii. Adverse effects from sediment run-off from the site on any drains, channels, soakage and treatment systems or stormwater reticulation are avoided or minimised as far as practicable (Policy 9.2.1.8).

9.5.3 Assessment of performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
12.	Shape – wastewater disposal area	a. Effects on efficiency and affordability of infrastructure (wastewater)	*Relevant objectives and policies:* i. Objective 9.2.1 ii. Only allow subdivision activities that may result in land use or development activities outside the wastewater serviced area, where: 1. it will not lead to future pressure for unplanned expansion of wastewater public infrastructure; or 2. an unplanned extension (and any necessary upgrade) to the public wastewater network to provide for the activities can be implemented prior to development with agreement from the DCC (Policy 9.2.1.1).

9.5.4 Assessment of performance standard contraventions in an overlay zone or mapped area			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	In a **wastewater constraint mapped area**: • Density - standard residential in General Residential 2 Zone (Rule 15.5.2.5.b)	a. Effects on efficiency and affordability of infrastructure (wastewater)	*Relevant objectives and policies:* i. Objective 9.2.1. ii. Only allow land use activity in a wastewater serviced area where: 1. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or 2. an unplanned upgrade to the public wastewater network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.2). *General assessment guidance:* iii. In determining whether Policy 9.2.1.2 is achieved, Council will consider the cumulative effects of the proposed development together with existing development and permitted development that is likely to arise in the future.
2.	In a **hazard overlay zone**: • Hazardous substances quantity limits and storage requirements	a. Risk from natural hazards	See Rule 11.4

9.5.4 Assessment of performance standard contraventions in an overlay zone or mapped area			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	In a **new development mapped area**: • Service connections - stormwater for development (Rule 9.3.2.7)	a. Effectiveness and efficiency of stormwater management and effects of stormwater from future development	*Relevant objectives and policies:* i. Objective 9.2.1 ii. Development in a **new development mapped area** that creates impermeable surfaces is connected to the stormwater management system that meets Policy 9.2.1.10 (Policy 9.2.1.11). iii. Only allow subdivision in a **new development mapped area** where any new public or private 3-waters infrastructure is designed to connect to, and provide capacity for, future urban development on adjoining or nearby sites that are zoned for urban development, where necessary (Policy 9.2.1.12). *General assessment guidance:* iv. Council will consider how stormwater will be managed and may require an integrated stormwater management plan to be submitted with the application (see Special Information Requirement - Rule 9.9.3). *Conditions that may be imposed include:* v. A requirement for easements, covenants, consent notices, or bonds to ensure future development will be in accordance with an integrated stormwater management plan. vi. A requirement for stormwater management, such as the installation of detention devices, in accordance with the approved integrated stormwater management plan.
4	Setback from a **stormwater open watercourse mapped area** (Rule 10.3.3.X)	a. Effects on the efficiency and affordability of infrastructure	*Relevant objectives and policies:* i. Objective 9.2.1 ii. Development adjacent to a **stormwater open watercourse mapped area** will not compromise the current or planned capacity of stormwater infrastructure (Policy 9.2.1.6). *General assessment guidance:* iii. In determining whether Policy 9.2.1.6 is achieved, Council will consider the cumulative effects of the proposed development together with existing development and permitted development that is likely to arise in the future.
5.	In the **Taieri Aerodrome flight fan mapped area**: • Maximum height	a. Effects on health and safety	*Relevant objectives and policies:* i. Objective 9.2.2 ii. Buildings and structures within the **Taieri Aerodrome flight fan mapped area** are a height that enables the safe operation of the aerodrome (Policy 9.2.2.12).

Rule 9.6 Assessment of Restricted Discretionary Activities

Rule 9.6.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA,

meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.

2. Rule 9.6.2:
   a. lists the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provides guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.

Note 9.6.1A - General advice

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

   the responsibility and funding for these upgrades will be negotiated between all landowners and the DCC. Where necessary, the DCC will appoint an independent facilitator or mediator to assist in these negotiations.
4. It is further noted that the completion of these upgrades prior to s224 certification or at a certain point in time agreed to in a condition of consent may be required.

9.6.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance for the assessment of resource consents

1.	All RD activities that have 'effects on efficiency and affordability of infrastructure' as a matter of discretion	a. Effects on efficiency and affordability of infrastructure (wastewater and water supply)	*Relevant objectives and policies*: i. Objective 9.2.1. ii. Only allow land use or subdivision activities that may result in land use or development activities outside the wastewater serviced area, where: 1. it will not lead to future pressure for unplanned expansion of wastewater public infrastructure; or 2. an unplanned extension (and any necessary upgrade) to the public wastewater network to provide for the activities can be implemented prior to development with agreement from the DCC (Policy 9.2.1.1). iii. Only allow land use or subdivision activities that may result in land use or development activities in a wastewater serviced area where: 1. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or 2. for restricted discretionary land use activities, communal on-site wastewater detention infrastructure can be integrated into the public wastewater network prior to development in a way that meets DCC's requirements; or 3. an unplanned upgrade to the public wastewater network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.2). iv. Only allow land use or subdivision activities that may result in land use or development activities in an area with public water supply where: 1. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or 2. an unplanned upgrade to the public water supply network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.4). v. Only allow land use or subdivision activities that may result in land use or development activities in an area without public water supply where: 1. it will not lead to future pressure for unplanned expansion of public water supply infrastructure; or 2. an unplanned extension (and any necessary upgrade) to the public water supply network to provide for the activities can be implemented prior to development with agreement from the DCC (Policy 9.2.1.5).

9.6.2 Assessment of restricted discretionary activities			
Activity		Matters of discretion	Guidance for the assessment of resource consents
2.	• Supported living facilities (except student hostels in the Campus Zone) • New buildings or additions and alterations to buildings that result in a multi-unit development • Subdivision activities • Visitor accommodation	a. Effects on efficiency and affordability of infrastructure (stormwater) b. Effects of stormwater from future development	*Relevant objectives and policies:* i. Objective 9.2.1 ii. Only allow multi-unit development; supported living facilities; visitor accommodation; or subdivision where: 1. for stormwater generated by the activity (or future development enabled by a subdivision) that will flow through DCC stormwater public infrastructure at any point: 1. there is adequate capacity in the stormwater public infrastructure; or 2. any adverse effects from an increase in discharge on the stormwater public infrastructure are no more than minor; and 2. for stormwater generated by the activity (or future development enabled by a subdivision) that will flow through a private, natural/informal stormwater system, or Otago Regional Council public infrastructure at any point, that stormwater system or public infrastructure has the capacity to absorb the additional stormwater with no more than minor adverse effects on it or on other sites (public or private), including but not limited to, adverse effects from an increase in overland flow or ponding (Policy 9.2.1.7). *General assessment guidance:* iii. Council will consider how stormwater will be managed and may require an integrated stormwater management plan to be submitted with the application (see Special Information Requirement - Rule 9.9.3). *Conditions that may be imposed include:* iv. For subdivision activities, a requirement to connect to stormwater public infrastructure (where available).

9.6.2 Assessment of restricted discretionary activities			
Activity		Matters of discretion	Guidance for the assessment of resource consents
X.	Subdivision activities	a. Effects on health and safety	*Relevant objectives and policies:* i. Objective 9.2.2 ii. Subdivision ensures that resultant sites have access to suitable water supply for firefighting purposes (Policy 9.2.2.8). *General assessment guidance:* iii. Council will consider whether the subdivision design enables sufficient water supplies for firefighting to be provided, including access for firefighting vehicles, consistent with the SNZ/PAS:4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice at the time new buildings are developed. *Potential circumstances that may support a consent application include:* iv. For subdivision in areas where DCC does not provide access to a public water supply network, a communal firefighting system consistent with the SNZ/PAS:4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice with hardstand area and access suitable for fire services vehicles will be installed prior to the issuing of the section 224c certificate for the subdivision.
3.	Earthworks - large scale (that exceed scale thresholds for a GPMA)	a. Effects on health and safety	*Relevant objectives and policies:* i. Objective 9.2.2 ii. Earthworks in a **groundwater protection mapped area** do not disturb or contaminate groundwater (Policy 9.2.2.9). *General assessment guidance:* iii. Council will consider the degree to which earthworks could breach or reduce the protective mantle of the **groundwater protection mapped area** and increase the risk of groundwater contamination.
4.	In a **new development mapped area**: • All subdivision activities • New buildings or additions and alterations to buildings that result in a multi-unit development • Supported living facilities	a. Effectiveness and efficiency of stormwater management and effects of stormwater from future development	*Relevant objectives and policies (in addition to those outlined in 9.6.2.2 above):* i. Objective 9.2.1. ii. Only allow subdivision activities, multi-unit development, or supported living facilities in a **new development mapped area** where: 1. an integrated stormwater management plan that is designed for the whole NDMA has been prepared and stormwater management system(s) for all parts of the NDMA that are hydrologically connected to the area proposed for subdivision will ensure there is no increase in the peak stormwater discharge rate from the NDMA into the stormwater public infrastructure, or into a private stormwater system (at any point) between pre-development and post development; or

9.6.2 Assessment of restricted discretionary activities		
Activity	Matters of discretion	Guidance for the assessment of resource consents
		2. where this is not practicable, any adverse effects from an increase in discharge on the stormwater system are no more than minor (Policy 9.2.1.10). iii. Only allow subdivision in a **new development mapped area** where any new public or private 3-waters infrastructure is designed to connect to, and provide capacity for, future urban development on adjoining or nearby sites that are zoned for urban development, where necessary (Policy 9.2.1.12). *General assessment guidance:* iv. The assessment will consider the proposed integrated stormwater management plan submitted with the application (see Special Information Requirement - Rule 9.9.3). v. In assessing the effectiveness and efficiency of stormwater management and taking into account climate change, Council will consider any consequential effects that might arise, including, but not limited to: 1. effects on personal safety; 2. risks from surface water flooding; 3. risks to property from inundation; 4. risks to the ability of Council to meet its consent conditions for public infrastructure, which could lead to effects on freshwater quality and ecosystem health; and 5. risks to the integrity and function of existing public infrastructure. *Conditions that may be imposed include:* vi. A requirement for the stormwater management system to be installed prior to certification of the survey plan pursuant to section 223 of the RMA. vii. A requirement for easements, covenants, consent notices, or bonds to ensure future development will be in accordance with the integrated stormwater management plan. viii. A requirement for the stormwater management system to be vested in Council, with necessary easements and a maintenance or defect period agreement in place prior to vesting.

9.6.2 Assessment of restricted discretionary activities			
Activity		Matters of discretion	Guidance for the assessment of resource consents
5.	In the following new development mapped areas, all subdivision activities, new buildings or additions and alterations to buildings that result in a multi-unit development and supported living facilities: • Wattie Fox Lane	a. Effectiveness and efficiency of wastewater management and effects of wastewater from future development	*Relevant objectives and policies (in addition to those outlined in Rules 9.6.2.2 and 9.6.2.4 above):* i. Objective 9.2.1. ii. Subdivision, multi-unit development or supported living facilities in specified new development mapped areas provides or connects to a communal wastewater detention system that ensures that all wastewater from the future development of the entire **new development mapped area** does not exceed the capacity of the wastewater public infrastructure network (Policy 9.2.1.9). *General assessment guidance:* iii. The identified new development mapped areas are serviced for wastewater but new connections to the network will not be allowed (and consequentially any multi-unit development, supported living facility or subdivision that will lead to development that will require a connection will likely be declined) until capacity constraints are resolved or a communal on-site wastewater detention system that is designed for and associated with subdivision and/or development of 50 or more residential units is integrated into the public network and vested in Council. After installation of the system, all activities that create wastewater will be required to connect to the system until it is no longer required. iv. In assessing the appropriateness of a proposed communal on-site wastewater detention system, Council will consider the proposed wastewater management plan submitted with the application (see Special Information Requirement - Rule 9.9.4). *Conditions that may be imposed include:* v. A requirement for the communal on-site wastewater detention system to be installed prior to certification of the survey plan pursuant to section 223 of the RMA. vi. A requirement for the communal on-site wastewater detention system to be vested in Council, along with a site containing it which is a minimum of 500m² in area and suitable for residential development. vii. A requirement for necessary easements and a fixed maintenance or defect period agreement to be in place prior to vesting the communal on-site wastewater detention system and associated land.

9.6.2 Assessment of restricted discretionary activities			
Activity		Matters of discretion	Guidance for the assessment of resource consents
6.	In the **former brickworks structure plan mapped area** • All other industrial activities in the industrial activities category	a. Effects on the efficiency and affordability of infrastructure (wastewater and water supply)	*Relevant objectives and policies:* i. Objective 9.2.1 ii. Only allow land use or subdivision activities that may result in land use or development activities in a wastewater serviced area where: 1. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or 2. for restricted discretionary land use activities, communal on-site wastewater detention infrastructure can be integrated into the public wastewater network prior to development in a way that meets DCC's requirements; or 3. an unplanned upgrade to the public wastewater network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.2). iii. Only allow land use or subdivision activities that may result in land use or development activities in an area with public water supply where: 1. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or 2. an unplanned upgrade to the public water supply network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.4).

Rule 9.7 Assessment of Discretionary Activities

Rule 9.7.1 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 9.7.2 - 9.7.4 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
   b. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
   c. general assessment guidance, including any effects that will be considered as a priority; and
   d. conditions that may be imposed.

9.7.2 Assessment of all discretionary activities	
Activity	Guidance on the assessment of resource consents
1. All discretionary activities that are linked to Section 9.7, including but not limited to the activities listed below	*Relevant objectives and policies (priority considerations):* a. Objective 9.2.2 b. Activities are designed and operated to avoid adverse effects from noise on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant (Policy 9.2.2.1). c. Activities are designed and operated to avoid adverse effects from light spill on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant (Policy 9.2.2.4). *General assessment guidance:* 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.

9.7.3 Assessment of discretionary activities		
Activity		Guidance on the assessment of resource consents
1.	Mining	*Relevant objectives and policies (priority considerations)*: a. Objective 9.2.2 b. Any adverse effects from air blast and vibration on people's health and safety or on surrounding properties are avoided or, if avoidance is not practicable, no more than minor (Policy 9.2.2.6). *Potential circumstances that may support a consent application include*: c. Blasting will be carried out in accordance with appropriate industry standards. d. Blast noise (air blast) measured at the notional boundary on adjoining properties will not exceed a peak overall sound pressure level of 128 dBZ. e. Vibration - the limit of peak particle velocity of vibration from blasting measured on the foundation or any suitable location on or adjacent to residential buildings on adjoining properties will not exceed 10mm/second. *General assessment guidance:* f. The assessment for a resource consent application for mining will consider the information provided by any site management plan and emergency response plan (see Special Information Requirements - Rule 9.9.1).

9.7.4 Assessment of discretionary performance standard contraventions	
Performance Standards	Guidance on the assessment of resource consents
1. Acoustic insulation	*Relevant objectives and policies (priority considerations):* a. Objective 9.2.2 b. Those parts of buildings used for noise sensitive activities in identified areas provide adequate acoustic insulation to avoid, as far as practicable, significant adverse effects from the higher noise environments anticipated in those areas (Policy 9.2.2.2). *Potential circumstances that may support a consent application include:* c. The location of noise sensitive activities is such that the insulation and/or supplementary ventilation are not necessary to achieve an acceptable internal noise environment. *General assessment guidance:* d. The orientation of a room subject to the acoustic insulation performance standard is such that the insulation and/or supplementary ventilation are not necessary to achieve an acceptable internal noise environment. e. Council may consider the extent to which it is practical to acoustically insulate or provide supplementary ventilation without compromising a protected part of a scheduled heritage building. f. Council will consider whether development will lead to an unacceptable internal noise environment or insufficient ventilation of sleeping areas compromising the health and safety of occupants. g. Council will consider the information provided by an acoustic engineer (see Rule 9.9.2 Acoustic insulation).

9.7.4 Assessment of discretionary performance standard contraventions		
Performance Standards		Guidance on the assessment of resource consents
2.	Minimum site size (Rule 17.7.5.3)	*Relevant objectives and policies (priority considerations):* a. Only allow subdivision activities that may result in land use or development activities outside the wastewater serviced area, where: i. it will not lead to future pressure for unplanned expansion of wastewater public infrastructure; or ii. an unplanned extension (and any necessary upgrade) to the public wastewater network to provide for the activities can be implemented prior to development with agreement from the DCC (Policy 9.2.1.1). b. Only allow subdivision activities that may result in land use or development activities in an area without public water supply where: i. it will not lead to future pressure for unplanned expansion of public water supply infrastructure; or ii. an unplanned extension (and any necessary upgrade) to the public water supply network to provide for the activities can be implemented prior to development with agreement from the DCC (Policy 9.2.1.5). *Potential circumstances that may support a consent application include:* c. Subdivision activities where the parent site contains significant topographical features such as waterways or human-made features such as roads or rail corridors which make meeting the minimum site size impractical.
3.	Density (papakāika) in rural zones	*Relevant objectives and policies (priority considerations):* a. Objective 9.2.1. b. Only allow land use activities outside the wastewater serviced area, where: i. it will not lead to future pressure for unplanned expansion of wastewater public infrastructure; or ii. an unplanned extension (and any necessary upgrade) to the public wastewater network to provide for the activities can be implemented prior to development with agreement from the DCC (Policy 9.2.1.1). c. Only allow land use activities in an area without public water supply where: i. it will not lead to future pressure for unplanned expansion of public water supply infrastructure; or ii. an unplanned extension (and any necessary upgrade) to the public water supply network to provide for the activities can be implemented prior to development with agreement from the DCC (Policy 9.2.1.5).

9.7.4 Assessment of discretionary performance standard contraventions	
Performance Standards	Guidance on the assessment of resource consents
4. Density (visitor accommodation) in residential zones and the Campus Zone	*Relevant objectives and policies (priority considerations):* a. Objective 9.2.1 b. Only allow land use activity in a wastewater serviced area where: i. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or ii. an unplanned upgrade to the public wastewater network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.2). c. Only allow land use activities in an area with public water supply where: i. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or ii. an unplanned upgrade to the public water supply network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.4).

9.7.4 Assessment of discretionary performance standard contraventions		
Performance Standards		Guidance on the assessment of resource consents
5.	Construction and site investigation noise: • activities that contravene Rule 4.5.4.1.a by less than 5dBA • activities that contravene Rule 4.5.4.1.a by 5dBA or more in industrial, Port, and commercial and mixed use zones between 7.00am and 10.00pm Noise - where the limit is exceeded by less than 5 dB LAeq (15 min)	*Relevant objectives and policies (priority considerations):* a. Objective 9.2.2 b. Activities are designed and operated to avoid adverse effects from noise on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant (Policy 9.2.2.1). *Potential circumstances that may support a consent application include:* c. The exceedance will be infrequent and/or short term. d. Sufficient ambient levels of noise exist that the exceedance will be insignificant in the circumstances. *General assessment guidance:* e. Council will consider the sensitivity of activities on surrounding sites to the noise source, and the distance of noise sensitive activities from the site boundary of the noise source. f. Council may use the following potential 'FIDOL' factors to guide the assessment of a resource consent application: i. Frequency, which refers to how often the exceedance will occur; ii. Intensity, which refers to the level of the noise experienced; iii. Duration, which refers to the length of time the exceedance will occur and the time of day; iv. Offensiveness, which refers to the character of the noise; and v. Location, which refers to where the noise will occur.
6.	Light spill - where the light spill limit is exceeded by 25% or less (rules 9.3.5.1 and 16.5.5.3), or where rules 9.3.5.2, 9.3.5.3, 16.5.5.1 or 16.5.5.2 are contravened	*Relevant objectives and policies (priority considerations):* a. Objective 9.2.2 b. Activities are designed and operated to avoid adverse effects from light spill on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant (Policy 9.2.2.4). *Potential circumstances that may support a consent application include:* c. The exceedance will be infrequent and/or short term. d. Sufficient ambient levels of light exist that the exceedance will be insignificant in the circumstances.

9.7.4 Assessment of discretionary performance standard contraventions		
Performance Standards		Guidance on the assessment of resource consents
7.	Blasting (mineral exploration)	*Relevant objectives and policies (priority considerations):* a. Objective 9.2.2 b. Any adverse effects from air blast and vibration on people's health and safety or on surrounding properties are avoided or, if avoidance is not practicable, no more than minor (Policy 9.2.2.6).

Rule 9.8 Assessment of Non-complying Activities

Rule 9.8.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 9.8.2 - 9.8.3 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);
   b. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
   c. general assessment guidance, including any effects that will be considered as a priority; and
   d. conditions that may be imposed.
3. Rules 9.8.2 - 9.8.3 apply as follows:
   a. Rule 9.8.2 applies to non-complying performance standard contraventions.
   b. Rule 9.8.3 applies to all non-complying land use activities that are linked to Section 9.8.

9.8.2 Assessment of non-complying performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
1.	All non-complying performance standard contraventions that are linked to Section 9.8	*General assessment guidance:* a. 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.
2.	Density	*Relevant objectives and policies (priority considerations):* a. Objective 9.2.1, policies 9.2.1.1, 9.2.1.2, 9.2.1.4, 9.2.1.5
3.	Hazardous substances quantity limits and storage requirements - (Rule 9.3.4.2) - Setback from National Grid	See Rule 5.10
4.	Light spill - where the limit is exceeded by greater than 25%	*Relevant objectives and policies (priority considerations):* a. Objective 9.2.2, Policy 9.2.2.4 b. Objective 2.2.6, Policy 2.2.6.1 *Potential circumstances that may support a consent application include:* c. The exceedance will be infrequent and/or short term. d. Sufficient ambient levels of light exist such that the exceedance will be insignificant in the circumstances.
5.	Minimum site size	*Relevant objectives and policies (priority considerations):* a. Objective 9.2.1, policies 9.2.1.1, 9.2.1.2, 9.2.1.4, 9.2.1.5, 9.2.1.7. b. Objective 2.7.1, policies 2.7.1.1, 2.7.1.3.

9.8.2 Assessment of non-complying performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
6.	Construction and site investigation noise: • activities that contravene Rule 4.5.4.1.a by 5dBA or more except in industrial, Port, and commercial and mixed use zones between 7.00am and 10.00pm • activities that contravene Rule 4.5.4.1.X Noise - where the limit is exceeded by 5 dB LAeq (15 min) or more Noise limits where the limit in Rule 32.5.6.2.a is exceeded	*Relevant objectives and policies (priority considerations):* a. Objective 9.2.2, Policy 9.2.2.1 b. Objective 2.2.6, Policy 2.2.6.1 *Potential circumstances that may support a consent application include:* c. The exceedance will be infrequent and/or short term. d. Sufficient ambient levels of noise exist that the exceedance will be insignificant in the circumstances. *General assessment guidance:* e. Council will consider the following potential 'FIDOL' factors as part of the assessment of a resource consent application: i. Frequency, which refers to how often the exceedance will occur; ii. Intensity, which refers to the level of noise experienced; iii. Duration, which refers to the length of time and the time of day; iv. Offensiveness, which refers to the character of the noise; and v. Location, which refers to where the noise will occur. f. Council will consider the sensitivity of activities on surrounding sites to the noise source, and the distance of noise sensitive activities from the site boundary of the noise source.

9.8.3 Assessment of non-complying land use activities		
Activity		Guidance on the assessment of resource consents
1.	All non-complying land use activities that are linked to Section 9.8, including but not limited to the activities listed below	a. Objective 9.2.2 b. Activities are designed and operated to avoid adverse effects from noise on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant (Policy 9.2.2.1) c. Activities are designed and operated to avoid adverse effects from light spill on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant (Policy 9.2.2.4).

9.8.3 Assessment of non-complying land use activities		
Activity		Guidance on the assessment of resource consents
2.	In a **hazard facility mapped area**, bulk fuel storage facilities sensitive activities	*Relevant objectives and policies (priority considerations):* a. Objective 9.2.2. b. Policy 9.2.2.13. *Related strategic directions:* c. Objective 2.3.1. d. Policy 2.3.1.4. e. Policy 2.3.1.11. f. Objective 2.2.6. g. Policy 2.2.6.2. *General assessment guidance:* h. In considering whether residual risk is of an acceptable level, Council will be guided by the New South Wales Government Risk Criteria for Land Use Safety Planning (refer www.dunedin.govt.nz/2nd-generation-district-plan/supporting-documents). *Conditions that may be imposed include:* i. Council may require the development of a site management, risk assessment and/or emergency response plans (see Rule 9.9.1) which outlines how the activity will respond to a potential emergency arising from the hazard facility.

Rule 9.9 Special Information Requirements

9.9.1 Site management and emergency response plans

1. Council may require a site management and an emergency response plan to be provided with an application for resource consent for the following activities:
   a. rural industry;
   b. landfills;
   c. mining (these plans may form part of a quarry management plan); and
   d. any activity that contravenes the Hazardous Substances Quantity Limits and Storage Requirements performance standard 9.3.4.

2. Council may require site management, risk assessment and/or emergency response plans to be provided with an application for resource consent for bulk fuel storage facilities sensitive activities within a **hazard facility mapped area**.

9.9.2 Acoustic insulation

Where new or altered rooms in a building are proposed to be constructed using methods and materials that differ from the schedule in Appendix 9A, an acoustic design certificate must be provided to Council by a suitably qualified and experienced acoustic engineer, accepted by Council. This confirms that when built to the recommended design and specifications, the minimum acoustic insulation standard of Rule 9.3.1.1 will be achieved.

For the purposes of this rule, suitably qualified and experienced means a person who can provide sufficient evidence to demonstrate their suitability and competence.

9.9.3 Stormwater management

1. In a **new development mapped area**, applications for the following activities must include a proposed integrated stormwater management plan prepared in accordance with clauses 4 to 6 of this rule, unless an earlier approved land use or subdivision consent includes such a plan, prepared in accordance with this rule:
   a. subdivision;
   b. multi-unit development;
   c. supported living facilities; or
   d. development that contravenes Rule 9.3.2.7 (service connections - stormwater management for development).

2. Where an integrated stormwater management plan has already been provided in accordance with this rule as part of an earlier approved consent, but did not include design details for stormwater management systems for any part of the **new development mapped area** that the current proposal is in, applications for the activities set out in clauses 1 (a) to (d) must provide those details in accordance with clauses 5 to 6 of this rule in a way that is consistent with the integrated stormwater management plan approved as part of the earlier consent

3. Outside a **new development mapped area**, applications for consent that include the following activities must provide details of how stormwater will be managed in accordance with clause 7 of this rule:
   a. subdivision that may lead to new residential development;
   b. development that contravenes the impermeable surfaces performance standard;
   c. multi-unit development;
   d. supported living facilities; or
   e. visitor accommodation.

4. Integrated stormwater management plans required for new development mapped areas must:
   a. address the whole NDMA and demonstrate how Policy 9.2.1.10 will be achieved;
   b. provide details in accordance with clause 5 of this rule of all stormwater management systems for the hydrologically connected parts of the **new development mapped area** in which the proposal is located and details of how those systems will be installed in full or in planned stages prior to development;
   c. ensure that stormwater will be managed for both the current climatic conditions and climatic conditions based on climate change projections;
   d. ensure that:
      i. there is no increase in the peak stormwater discharge rate from the **new development mapped area** into the stormwater public infrastructure, or into a private, Otago Regional Council, or natural/informal stormwater system (at any point) between pre-development and post-development, based on the assessment required in clause i; or
      ii. where this is not practicable, any adverse effects from an increase in discharge on the stormwater system are no more than minor;
      iii. For the sake of clarity, the integrated stormwater management plan does not need to avoid volume increases;
   e. include stormwater detention infrastructure that is designed to temporarily store and release flows from a generated 1% AEP rainfall event, such that peak pre-development flows are not exceeded in the post-development condition;
   f. demonstrate that secondary flows at the development's upstream and downstream boundaries are not changed or adversely affected;

g. include the use of low-impact (or water-sensitive) design features, which may include features such as:
   i. grassed/landscaped swales and other vegetation areas;
   ii. infiltration trenches/bio-retention systems;
   iii. storage ponds/wetlands/sediment ponds;
   iv. rainwater tanks, harvesting and reuse;
   v. rain gardens, rooftop greening and planting, and porous surface treatments; and
   vi. consideration of the existing natural topography and the natural course of water flow (overland flow paths) through the design of the subdivision;

h. consider whether stormwater management areas can be integrated into reserves and recreation spaces; and

i. include an assessment of the difference between pre-development peak flows and post-development peak flows (with and without mitigation) over a range of event durations, taking into account the maximum impermeable surfaces permitted in the district plan zone for the mapped area (and including any other development restrictions resulting from any other rules in the district plan or legal instruments registered on the title(s) for the mapped area). This assessment must meet the following criteria:
   i. the assessment of pre-development and post-development flows and detention volumes must be based on the 10% and the 1% annual exceedance probability (AEP) rainfall events, covering durations from the mapped area's own critical duration to the critical duration of the catchment upstream of the point of discharge (unless agreed otherwise with the DCC, for example where direct discharge to the coastal environment is feasible). For the purposes of this requirement, 'critical duration' means the duration of rainfall event likely to cause the highest peak flows or water levels;
   ii. the assessment must take account of climate change, using the climate adjustment rainfall sourced from HIRDS version 4 using RCP 8.5 2081-2100 values (or an alternative source approved by DCC); and
   iii. the assessment must include a risk based assessment to determine to what extent measures (if any) are needed to manage flows downstream of the land.

5. Applications must include the following design details for proposed stormwater management systems:
   a. the design and location of 'primary infrastructure' ('primary infrastructure' includes both open and closed conduits and must be designed to contain the flows generated by the 10% AEP rainfall event);
   b. the design and location of 'secondary flow paths', with and without blockage of the primary stormwater system, through the development to the downstream boundary. 'Secondary flow paths' means the flow path over which surface water will flow if the primary flow path becomes overloaded or inoperative and consists of overland flow paths with sufficient capacity to transfer the flows generated by rainfall events up to the 1% AEP event. Secondary flow paths shall be clearly identified, and where possible aligned with natural flow paths and located on public land. If located in private property, 1% AEP secondary flows should be through primary infrastructure unless protected by an easement;
   c. the design features that will enable safe operation in super-design conditions (for a 0.5% AEP rainfall event, but a greater rainfall event can be used if the applicant chooses to do so). Safe operation means without catastrophic, rapid or structural failure. This is to ensure that the proposed stormwater management system has a fail-safe mechanism. This does not mean the stormwater management system is to be designed to retain the volume of stormwater for a 0.5% AEP rainfall event;
   d. the location and design details of stormwater management systems, including detention infrastructure required to meet clause 4(e) above;
   e. how the integrity of the stormwater management system will not be compromised during and after subdivision (for example ensuring that open drains that form part of the system will not be blocked or

altered);

f. how erosion and sedimentation will be managed effectively within the development area during earthworks and as the area is developed, by taking measures and installing devices, where necessary, to:
   i. divert clean runoff away from disturbed ground;
   ii. control and contain stormwater run-off;
   iii. avoid sediment laden run-off from the mapped area; and
   iv. protect existing drainage infrastructure sumps and drains from sediment run-off;

g. the design and location of stormwater quality treatment that demonstrates the expected quality of stormwater leaving the specified system and its treatment of at least the 'first flush' volume (90th percentile daily rainfall depth) or flow rate (90th percentile rainfall intensity) in accordance with best practice techniques for at least 75% Total Suspended Solids (TSS) removal on a long-term average basis;

h. if a stormwater management system cannot practicably be designed to meet one or more of clauses c to g above in relation to additional stormwater discharge, an assessment of the broader catchment to determine whether design solutions external to the mapped area are available to manage the additional stormwater discharges as a result of the development on the mapped area;

i. how the stormwater management system will not create or exacerbate adverse effects that are more than minor outside the development area. This includes consideration of cumulative effects; and

j. where any proposed stormwater management system is intended to vest as public infrastructure, the design of an adjustable outlet mechanism such that the present day peak discharge flow rate from the land is not exceeded as a result of the development but that the outlet can be progressively adjusted for future climate change discharge rates up to the fully developed stormwater management system design capacity.

6. The integrated stormwater management plan, and the design of stormwater management systems, must be prepared by a chartered professional engineer or other suitably qualified person who has (or can call on) experience in hydrology, hydraulics, stormwater design, flood risk management and construction management.

7. Stormwater management information required outside a **new development mapped area** must demonstrate how Policy 9.2.1.7 will be achieved by:
   a. providing a stormwater management proposal prepared by a suitably qualified person, which:
      i. contains a level of detail commensurate with the scale of the subdivision, land use or development activity;
      ii. reflects the scale of any stormwater management issues in the catchment and any capacity constraints in the public infrastructure network; and
      iii. where available, follows any relevant guidance on acceptable stormwater management solutions for similar activities in a similar context; and
   b. for subdivision activities that result in more than six lots, or development areas greater than 1ha, providing an integrated stormwater management plan where requested by Council.

Note 9.9.3A - General advice and other requirements outside of the District Plan

1. DCC 3 Waters recommend that developers considering subdivision of land in a **new development mapped area** contact DCC 3 Waters regarding the assessment and design of stormwater management systems at the earliest opportunity to facilitate the development of mutually acceptable proposals.
2. Requirements for stormwater drainage set out in Part 4 of the Dunedin Code of Subdivision and Development 2010

must also be complied with.

3. Discharge of stormwater is also managed by the Otago Regional Council in the Regional Plan: Water for Otago.
4. Discharge of stormwater to any Otago Regional Council scheduled drain or overland flow path is managed by the Otago Regional Council Flood Protection Management Bylaw 2012.
5. Clause E1 - Surface Water of the New Zealand Building Code (Building Regulations 1992, Schedule 1) contains requirements regarding buildings and sitework in relation to managing surface water and effects on other property.
6. For consent applications in a **new development mapped area** that require the submission of an integrated stormwater management plan, Otago Regional Council will be considered an affected person in accordance with Rule 15.4.5.3.
7. For consent applications in a **new development mapped area** that require the submission of an integrated stormwater management plan, other landowners within the **new development mapped area** will be considered an affected person in accordance with Rule 15.4.6.

9.9.4 Wastewater management plans

1. Any application for subdivision, multi-unit development or supported living facilities in a **new development mapped area** specified in Rule 9.6.2.5 must include a proposed wastewater management plan that ensures that all wastewater from the future development of the entire **new development mapped area** does not exceed the capacity of the wastewater public infrastructure network via the use of a communal wastewater detention system, unless such a system has already been approved for the site and will be connected to.
2. The wastewater management plan must be prepared by a chartered engineer and meet the following requirements:
    a. Specify the design and location of one or more communal wastewater detention systems to detain wastewater from the entire **new development mapped area**.
    b. The communal wastewater detention systems must:
        i. have the capacity to detain wastewater for a 24-hour period, prior to releasing the wastewater via a connection to the wastewater public infrastructure network. The volume of wastewater to be detained will be calculated with reference to Part 5 of the Dunedin Code of Subdivision and Development 2010 (‘Code of Subdivision’);
        ii. be compatible with DCC’s Supervisory Control and Data Acquisition (SCADA) system;
        iii. have a minimum 20 year expected life for all electrical / mechanical components and a minimum 50 year expected life for all civil components;
        iv. where practicable, be located such that all flow goes to one communal wastewater detention system with no pumping; and
        v. have components and materials that comply with the DCC’s 3-Waters Approved Product and Manufacturers List and Part 5 of the Dunedin Code of Subdivision and Development 2010 ('Code of Subdivision').
3. The wastewater management plan must be submitted along with the written approval of all landowners within the **new development mapped area** unless they are the applicant(s).

Appendices

Appendix 9A. Acoustic Insulation Requirements

1. Compliance with the acoustic insulation performance standard can be achieved by ensuring that rooms in which acoustic insulation is required by Rule 9.3.1 are designed and constructed in accordance with either:
    a. an acoustic design certificate signed by a suitably qualified acoustic engineer stating that the design as proposed will achieve compliance with the acoustic insulation performance standard; or
    b. in all areas other than the **port noise control mapped area**, the schedule of typical building

construction in Table 9A.1A.

2. Table 9A.1A refers to common specifications for timber size. Nominal specifications may, in some cases, be slightly less than the common specifications stated in the schedule for timber size.
3. In determining the insulating performance of roof/ceiling arrangements, roof spaces are assumed to have no more than the casual ventilation typical of the jointing capping and guttering detail used in normal construction.

Table 9A.1A Schedule of typical building construction to achieve acoustic insulation where required by Rule 9.3.1.1

Building element			Minimum construction requirement	
			1. DnT, w + Ctr > 30 dB	2. DnT, w + Ctr > 35 dB
a.	External walls	i. Stud walls: Exterior cladding	20mm timber or 9mm compressed fibre cement sheet over timber frame (100mm x 50mm).	30mm timber or minimum 15mm compressed fibre cement sheet over timber frame (100mm x 50mm).
		ii. Cavity infill	Fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m³) required in cavity for all exterior walls. Minimum 90mm wall cavity.	Fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m³) required in cavity for all exterior walls. Minimum 90mm wall cavity.
		iii. Interior lining	One layer of 12mm gypsum plasterboard. Where exterior walls have continuous cladding with a mass of greater than 25kg/m² (e.g. brick veneer or minimum 25mm stucco plaster), internal wall linings need to be no thicker than 10mm gypsum plasterboard.	One layer of 13mm high density gypsum plasterboard (minimum 12 kg/m²). Where exterior walls have continuous cladding with a mass of greater than 30kg/m² (e.g. brick veneer or minimum 25mm stucco plaster), internal wall linings need to be no thicker than standard 13mm gypsum plasterboard.
		iv. Combined superficial density	Minimum not less than 25kg/m² being the combined mass of external and internal linings excluding structural elements (e.g. window frames or wall studs) with no less than 10kg/m² on each side of structural elements.	Minimum not less than 35kg/m² being the combined mass of external and internal linings excluding structural elements (e.g. window frames or wall studs) with no less than 12kg/m² on each side of structural elements.
		v. Mass walls	190mm concrete block, strapped and lined internally with 10mm gypsum plasterboard, or 150mm concrete wall.	190mm concrete block, strapped and lined internally with 10mm gypsum plasterboard, or 150mm concrete wall.

Building element			Minimum construction requirement	
			1. DnT, w + Ctr > 30 dB	2. DnT, w + Ctr > 35 dB
b.	Glazed areas	i. Glazed areas up to 10% of floor area	6mm glazing single float.	Double glazing: minimum 10mm float glass /12mm air gap / 6mm float glass.
		ii. Glazed areas between 10% and 35% of floor area	6mm laminated glazing.	Double window comprised of double glazed IGU: minimum 4mm float glass /12mm airgap / 4mm float glass and a 6mm thick secondary pane at least 75mm from the outer glazing.
		iii. Glazed areas greater than 35% of floor area	Require a specialist acoustic report to show conformance with the insulation rule.	
		iv. Frames to be aluminium window frames with compression seals.		
c.	Skillion roof	i. Cladding	0.5mm profiled steel or 6mm corrugated fibre cement, or membrane over 15mm thick ply, or concrete or clay tiles.	0.5mm profiled steel or 6mm corrugated fibre cement, or membrane over 15mm thick ply, or concrete or clay tiles.
		ii. Sarking	17mm plywood (no gaps).	17mm plywood (no gaps).
		iii. Frame	Minimum 100mm gap with fibrous acoustic blanket (batts or similar of a mass of 9kg/m³).	Minimum 200mm gap at minimum 600mm centres with fibrous acoustic blanket (batts or similar of a mass of 9kg/m³).
d.	Ceiling		Two layers of 10mm gypsum plasterboard (no through-ceiling lighting penetrations unless correctly acoustically rated). Fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m³).	Two layers of 13mm high density gypsum plasterboard (minimum 12kg/m²) (no through-ceiling lighting penetrations unless correctly acoustically rated). Fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m³).
e.	Combined superficial density		Combined mass of cladding and lining of not less than 25kg/m² with no less than 10kg/m² on each side of structural elements.	Combined mass of cladding and lining of not less than 35 kg/m² with no less than 12kg/m² on each side of structural elements.

Building element			Minimum construction requirement	
			1. DnT, w + Ctr > 30 dB	**2. DnT, w + Ctr > 35 dB**
f.	Pitched roof (all roofs other than skillion roofs)	i. Cladding	0.5mm profiled steel or tiles, or membrane over 15mm thick ply.	0.5mm profiled steel or tiles, or membrane over 15mm thick ply.
		ii. Frame	Timber truss with 100mm fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m³) required for all ceilings.	Timber truss at minimum 800mm centres with 100mm fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m³) required for all ceilings.
		iii. Ceiling	12mm gypsum plasterboard.	13mm high density gypsum plasterboard (minimum 12kg/m²).
		iv. Combined superficial density	Combined mass with cladding and lining of not less than 25kg/m².	Combined mass with cladding and lining of not less than 35kg/m².
g.	Floor areas open to outside	i. Cladding	Under-floor areas of non-concrete slab type floors exposed to external sound will require a cladding layer lining the underside of floor joists of not less than 12mm ply.	Under-floor areas of non-concrete slab type floors exposed to external sound will require a cladding layer lining the underside of floor joists of not less than 20mm ply.
		ii. Combined superficial density	Floors to attain a combined mass not less than 25kg/m² for the floor layer and any external cladding (excluding floor joists or bearers).	Floors to attain a combined mass not less than 35kg/m² for the floor layer and any external cladding (excluding floor joists or bearers).
h.	External door		Solid core door (minimum 25kg/m²) with compression seals (where the door is exposed to exterior noise).	• Hinged door minimum 45kg/m² (likely to be solid timber with steel reinforcing) with compression seals tested to STC 35; • proprietary acoustic door rated STC 35; or • second door located between external façade and habitable space to form a lobby.

10. Natural Environment

10.1 Introduction

Dunedin covers a large geographic area and contains a diverse range of landscapes and ecosystems, from off shore islands, Otago Peninsula and other coastal areas through to forests, river plains, and uplands to the Rock and Pillar, Lammermoor and Maungatua ranges. There is a vast diversity of indigenous flora and fauna within these areas, some of which are endemic to Dunedin and are rare and subject to threats.

The preservation of the natural character of the coastal environment and riparian margins, the protection of outstanding natural features and landscapes, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers are matters of national importance under section 6(a),(b),(c) and (d) of the RMA. The maintenance and enhancement of amenity values and the quality of the environment is provided for under section 7(c) and (f) of the RMA, which includes the maintenance and enhancement of Dunedin's significant natural landscapes. Section 31 states that it is a function of Council to control land use and development for the purpose of maintaining indigenous biological diversity. Further, the New Zealand Coastal Policy Statement 2010 requires protection of indigenous biological diversity in the coastal environment.

Dunedin's natural environment, and the life supporting capacity of Dunedin's air, water, soil and ecosystems are important for the social, cultural and economic well-being of communities. Vegetation, for example, (including trees), performs a range of environmental functions such as releasing oxygen; absorbing carbon dioxide and retaining water; moderating micro-climates; giving shade and shelter from winds; providing land stability, particularly on gully and river banks; and providing habitat for wildlife, both native and exotic species. Ecosystem services and natural processes such as these underpin much of Dunedin's economic activity, especially in the rural environment. Maintaining the quality of the environment is particularly important to the tourism sector. The city's natural features and landscapes, natural character of the coast and other water bodies, and biodiversity values, all play an important role in contributing to the visitor experience.

Protection of the natural environment is also an essential part of the maintenance and enhancement of the relationship between Manawhenua and their ancestral lands, water, sites, wāhi tūpuna, and other taoka, as recognised in Section 14 of this plan. For instance, high quality natural resources are necessary for the availability of mahika kai. The natural environment of Dunedin also makes an important contribution to the health and well-being of the residents of the city and to the quality of the city's landscape. For example, in the urban environment, areas of bush contribute significantly to amenity values, as well as providing habitat and ecological corridors for indigenous fauna and serving other environmental functions. Dunedin residents look to the natural environment (both rural and urban) for recreational opportunities, and natural character, biodiversity and landscape values of the natural environment help shape residents' sense of identity.

Threats to Dunedin's natural environment include the reduction or loss of habitats due to contamination, disturbance, destruction, fragmentation, invasive pest species, and surrounding land uses. Maintaining the city's biodiversity is challenging because:

- areas and habitats of indigenous species often occur on both private and public land;
- although many landowners actively protect areas of value there can at times be tensions between the aspirations of landowners for land use and development and the need to protect those areas and habitats;
- ecosystems are not always confined to definable sites;
- maintaining indigenous biodiversity requires both the protection of sites of especially high biodiversity value and the growth, creation or restoration of new or existing sites; and
- the costs of protecting areas and habitats are local and often specific to an individual, yet the benefits may be local, regional, and national.

Threats to the natural environment also include the adverse effects that inappropriate land use and development can have on natural landscapes, natural features, and the natural character of the coast and riparian margins. Sometimes these adverse effects only become apparent over a period of time, due to the cumulative effects that land use and development can have on landscape or natural character values.

In identifying the elements of the natural environment that need to be protected, the following key resource management issues have been identified:

- land use, development, and subdivision activities can lead to modification, fragmentation, or loss of biodiversity values, areas of indigenous vegetation, and habitats of indigenous fauna;
- land use, development, and subdivision activities can adversely affect values of natural features and landscapes;
- land use, development, and subdivision activities can adversely affect the natural character of the coast and riparian margins;
- land use, development, and subdivision activities can restrict public access to and along the coastal marine area, lakes and rivers; and
- conservation, including pest control and restorative planting, is an important activity and needs to be provided for and encouraged.

In response to these issues, the Natural Environment section focuses on maintaining and enhancing:

- areas of indigenous vegetation and the habitats of indigenous fauna;
- the landscape values of outstanding natural features, outstanding natural landscapes, and significant natural landscapes;
- the biodiversity values and natural character values of the coast and riparian margins;
- the conservation values of identified areas of urban biodiversity (**urban biodiversity mapped areas**); and
- public access to coastlines, identified water bodies and other parts of the natural environment.

The Natural Environment section provisions apply across all zones, although the landscape overlay zones and their rules only apply across rural and rural residential zones; and the coastal character overlay zones apply across rural, rural residential and recreation zones. Rules and assessment matters in the management and major facility zones that relate to the natural environment are linked to the relevant rules and assessment matters in this section.

10.2. Objectives and Policies

Objective 10.2.1	
Biodiversity values are maintained or enhanced, including by protecting areas of significant indigenous vegetation and the significant habitats of indigenous fauna.	
Policy 10.2.1.1	Only allow land use, development and city-wide activities where biodiversity values are maintained or enhanced.
Policy 10.2.1.2	Policy 10.2.1.2 to be deleted
Policy 10.2.1.3	Policy 10.2.1.3 to be deleted
Policy 10.2.1.4	Policy 10.2.1.4 to be deleted
Policy 10.2.1.5	Encourage conservation activity in all zones.
Policy 10.2.1.X	Only allow land use, development and city-wide activities in areas of indigenous vegetation and/or habitats of indigenous fauna that meet the significance criteria in Policy 2.2.3.2, including but not limited to scheduled Areas of Significant Biodiversity Value (ASBVs), where Policy 10.2.1.Y is met, or where all of the following are met: a. the values that contribute to the significance of the area are maintained or enhanced; and b. in the coastal environment, as described in Policy 1 of the New Zealand Coastal Policy Statement 2010, adverse effects on the values that contribute to the significance of the area are avoided; and c. significant adverse effects on other biodiversity values of the area or habitat are avoided; and d. other adverse effects on biodiversity values are avoided or minimised as far as practicable; and e. any proposal for biodiversity offsetting is undertaken in accordance with Policy 2.2.3.6; and f. any proposal for environmental compensation is undertaken in accordance with Policy 2.2.3.7.

Objective 10.2.1	
Biodiversity values are maintained or enhanced, including by protecting areas of significant indigenous vegetation and the significant habitats of indigenous fauna.	
Policy 10.2.1.Y	Only allow new roads or additions or alterations to existing roads (roads of national or regional importance only), buildings and structures that form part of rail infrastructure, airport activities, port activities, network utility activities, mining, mineral prospecting and mineral exploration, and any activities ancillary to these, including earthworks and vegetation clearance, to locate in areas of indigenous vegetation and/or habitats of indigenous fauna that meet the significance criteria in Policy 2.2.3.2, including but not limited to scheduled Areas of Significant Biodiversity Value (ASBVs), where all of the following are met: a. the activity has a functional need or operational need to locate in the area; and b. in the coastal environment, as described in Policy 1 of the New Zealand Coastal Policy Statement 2010, adverse effects on the values that contribute to the significance of the area (according to the criteria in Policy 2.2.3.2) are avoided; and c. outside the coastal environment, adverse effects on the values that contribute to the significance of the area are: i. avoided or, if avoidance is not practicable, remedied or mitigated as necessary to maintain the significance of the area; and ii. where adverse effects on these values cannot practicably be avoided, remedied or mitigated, biodiversity offsetting is proposed in accordance with Policy 2.2.3.6; and iii. for residual adverse effects that cannot practicably be avoided, remedied, mitigated or offset, environmental compensation is proposed in accordance with Policy 2.2.3.7; and d. adverse effects on other biodiversity values of significant areas of indigenous vegetation and/or habitats of indigenous fauna are avoided or minimised as far as practicable, including through biodiversity offsetting that is proposed in accordance with Policy 2.2.3.6, or environmental compensation that is proposed in accordance with Policy 2.2.3.7.
Policy 10.2.1.6	Only allow indigenous vegetation clearance - large scale in the rural and rural residential zones (outside scheduled Areas of Significant Biodiversity Value) where adverse effects on biodiversity values are avoided or, if avoidance is not practicable, no more than minor.
Policy 10.2.1.7	Only allow indigenous vegetation clearance in areas that do not meet the criteria for areas of significant indigenous vegetation and/or significant habitats of indigenous fauna in Policy 2.2.3.2, but that contain mature trees on the important native tree species list in Appendix 10A.3 where: a. any mature trees are retained; or, if this is not practicable, b. adverse effects on biodiversity values are minimised as far as practicable, including through any biodiversity offsetting that is proposed in accordance with Policy 2.2.3.6, or where this is not practicable, any environmental compensation that is proposed in accordance with Policy 2.2.3.7.
Policy 10.2.1.Z	Only allow vegetation clearance within, or within the required setback from, a wetland where: a. biodiversity values are maintained or enhanced; and b. there is no reduction in the extent of natural wetlands (where natural wetlands include wetlands constructed by artificial means to offset impacts on, or restore, an existing or former natural wetland).

Objective 10.2.1	
Biodiversity values are maintained or enhanced, including by protecting areas of significant indigenous vegetation and the significant habitats of indigenous fauna.	
Policy 10.2.1.8	Only allow vegetation clearance over the maximum permitted area, earthworks - large scale, and subdivision in **urban biodiversity mapped areas** (UBMAs) where the biodiversity values of the UBMA are maintained or enhanced, including, but not limited to, those values listed in Appendix A10.
Policy 10.2.1.9	Require forestry and shelterbelts and small woodlots to avoid the use of wilding tree species, unless the risk of wilding tree establishment in areas of indigenous vegetation is insignificant.
Policy 10.2.1.10	Require mineral exploration and mineral prospecting to restore indigenous vegetation and the habitats of indigenous fauna where cleared as part of the exploration or prospecting activity, or, where this is not practicable, to otherwise ensure that biodiversity values maintained or enhanced.
Policy 10.2.1.11	Only allow subdivision activities where the subdivision design will ensure any future land use or development will: a. maintain or enhance, on an on-going basis, biodiversity values; b. protect any areas of significant indigenous vegetation and the significant habitats of indigenous fauna; and c. be in accordance with policies 10.2.1.X, 10.2.1.Y and 10.2.1.8.

Objective 10.2.2	
In the coastal environment natural character is preserved and biodiversity values are protected. Outside the coastal environment, the biodiversity values and natural character of riparian margins are maintained and enhanced.	
Policy 10.2.2.1	Encourage conservation activity in coastal and riparian margins.
Policy 10.2.2.2	Require buildings, structures, storage and use of hazardous substances, network utility activities, and earthworks - large scale to be set back from the coast and water bodies an adequate distance to enable: a. in the coastal environment, natural character to be preserved and biodiversity values to be protected or, where this is not practicable in the case of network utility activities, natural character and biodiversity values to be maintained or enhanced; and b. outside the coastal environment, the biodiversity and natural character values of riparian margins to be maintained or enhanced.
Policy 10.2.2.3	Require vegetation clearance to be set back an adequate distance from the coast and water bodies, including wetlands, to a. minimise, as far as practicable, the risk of erosion; and b. protect, or enable the enhancement of, biodiversity and natural character values.
Policy 10.2.2.4	Only allow indigenous vegetation clearance in the **coastal environment mapped area** where natural character values are preserved and biodiversity values are protected.
Policy 10.2.2.5	Require earthworks and scheduled mining activities to be located and undertaken in a way that minimises, as far as practicable, the risk of sediment entering the sea or water bodies.

Objective 10.2.2	
In the coastal environment natural character is preserved and biodiversity values are protected. Outside the coastal environment, the biodiversity values and natural character of riparian margins are maintained and enhanced.	
Policy 10.2.2.6	Only allow activities adjacent to water bodies and the coast where: a. in the coastal environment, natural character is preserved and biodiversity values are protected or, where this is not practicable in the case of network utility activities, natural character and biodiversity values are maintained or enhanced; and b. outside the coastal environment, the biodiversity values and natural character of riparian margins are maintained or enhanced.
Policy 10.2.2.7	Only allow subdivision activities adjacent to water bodies and the coast where the subdivision is designed to ensure that the following biodiversity values and natural character values are maintained or enhanced, including through provision of an esplanade reserve or esplanade strip in identified locations: a. biodiversity values of riparian margins and the coast; b. the water quality and aquatic habitats of the water body or coast; and c. the natural functioning of the adjacent sea or water body.
Policy 10.2.2.8	Only allow natural hazard mitigation earthworks and natural hazard mitigation structures where: a. in the coastal environment, natural character is preserved and biodiversity values are protected; or b. outside the coastal environment, the biodiversity values and natural character of riparian margins are maintained or enhanced; or c. where there are no practicable alternatives, effects are adequately mitigated.

Objective 10.2.3	
Areas of outstanding natural coastal character (ONCC), high natural coastal character (HNCC), and natural coastal character (NCC) are protected from inappropriate use and development; and the values of ONCCs and HNCCs, as identified in Appendix A5, are preserved or enhanced; and the values of NCCs, as identified in Appendix A5, are maintained or enhanced.	
Policy 10.2.3.1	Avoid landfills and mining in the Outstanding Natural Coastal Character (ONCC) and High Natural Coastal Character (HNCC) overlay zones.
Policy 10.2.3.2	Avoid indigenous vegetation clearance - large scale, buildings and structures, rural activities (except for farming, grazing, rural ancillary retail, rural tourism and rural research - small scale), residential activities (except for working from home), commercial activities (except for restaurants or retail activities ancillary to sport and recreation, and stand-alone car parking), industrial activities, major facility activities, substations, and network utility structures - large scale (excluding amateur radio configurations), in the Outstanding Natural Coastal Character (ONCC) and High Natural Coastal Character (HNCC) overlay zones unless any adverse effects on the natural character values, as identified in Appendix A5, are insignificant.
Policy 10.2.3.3	Only allow shelterbelts and small woodlots, network utility structures - large scale (amateur radio configurations only), earthworks - large scale, transportation activities, and public amenities in the Outstanding Natural Coastal Character (ONCC) and High Natural Coastal Character (HNCC) overlay zones where any adverse effects on the natural character values identified in Appendix A5 are insignificant.

Objective 10.2.3	
Areas of outstanding natural coastal character (ONCC), high natural coastal character (HNCC), and natural coastal character (NCC) are protected from inappropriate use and development; and the values of ONCCs and HNCCs, as identified in Appendix A5, are preserved or enhanced; and the values of NCCs, as identified in Appendix A5, are maintained or enhanced.	
Policy 10.2.3.4	Only allow natural hazard mitigation activities and network utility structures - small scale in the Outstanding Natural Coastal Character (ONCC) and High Natural Coastal Character (HNCC) overlay zones where any adverse effects on the natural character values identified in Appendix A5 are: a. insignificant, or b. where there are no practicable alternative locations, adequately mitigated.
Policy 10.2.3.5	Only allow mining, landfills, crematoriums, large buildings and structures, forestry, earthworks - large scale and indigenous vegetation clearance - large scale in the Natural Coastal Character Overlay Zone (NCC) where adverse effects on the natural character values identified in Appendix A5 will be avoided or, if avoidance is not practicable, no more than minor.
Policy 10.2.3.6	Only allow public amenities, substations, network utility poles and masts - small scale, hydro generators - small scale, solar panels - small scale, wind generators - small scale, network utility structures - large scale, natural hazard mitigation activities and transportation activities in the Natural Coastal Character Overlay Zone (NCC) where adverse effects on the natural character values identified in Appendix A5 are avoided or, if avoidance is not practicable: a. no more than minor, or b. where there are no practicable alternative locations, adequately mitigated.
Policy 10.2.3.7	Only allow subdivision activities on a property that contains Outstanding Natural Coastal Character (ONCC), High Natural Coastal Character (HNCC) and Natural Coastal Character (NCC) overlay zones where the subdivision design will ensure that any future land use or development will: 1. preserve or enhance, on an on-going basis, the natural character values of ONCCs and HNCCs identified in Appendix A5; 2. maintain or enhance, on an on-going basis, the natural character values of NCCs identified in Appendix A5; and 3. be in accordance with policies 10.2.3.1, 10.2.3.2, 10.2.3.3, 10.2.3.4, 10.2.3.5 and 10.2.3.6.
Policy 10.2.3.8	Require large buildings on landscape building platforms in the Natural Coastal Character Overlay Zone (NCC) to be of a size, design and appearance that ensures that adverse effects on the natural character values identified in Appendix A5 are avoided or, if avoidance is not practicable, no more than minor.
Policy 10.2.3.9	Require buildings and structures in a Natural Coastal Character Overlay Zone (NCC) to have exterior colours and materials that avoid or minimise, as far as practicable, adverse visual effects caused by reflectivity.
Policy 10.2.3.10	Provide for small buildings (no larger than 60m²) in the Natural Coastal Character Overlay Zone (NCC) but limit the number of these clustered together with each other or existing large buildings to a level that avoids or, if avoidance is not practicable, ensures cumulative visual effects are no more than minor.
Policy 10.2.3.11	Require ancillary signs in coastal character overlay zones to be located and designed so that any adverse effects on natural character values, as identified in Appendix A5, are insignificant.

Objective 10.2.3	
Areas of outstanding natural coastal character (ONCC), high natural coastal character (HNCC), and natural coastal character (NCC) are protected from inappropriate use and development; and the values of ONCCs and HNCCs, as identified in Appendix A5, are preserved or enhanced; and the values of NCCs, as identified in Appendix A5, are maintained or enhanced.	
Policy 10.2.3.12	Require forestry and shelterbelts and small woodlots to avoid the use of wilding tree species, unless the risk of wilding tree establishment in Outstanding Natural Coastal Character (ONCC), High Natural Coastal Character (HNCC), and Natural Coastal Character (NCC) overlay zones is insignificant.
Policy 10.2.3.13	Require network utility structures - small scale in a Natural Coastal Character Overlay Zone (NCC) to be located to ensure that adverse effects on the natural coastal character values identified in Appendix A5 are avoided or, if avoidance is not practicable: a. no more than minor; or b. where there are no practicable alternative locations, adequately mitigated.

Objective 10.2.4	
Subdivision and development activities maintain and enhance access to coastlines, water bodies and other parts of the natural environment, including for the purposes of gathering of food and mahika kai.	
Policy 10.2.4.1	Require buildings, structures, and earthworks - large scale to be set back from the coast and water bodies an adequate distance to maintain or enhance public access along riparian and coastal margins.
Policy 10.2.4.2	Require, within the Harbourside Edge Zone, buildings to be set back an adequate distance from the coast or edge of the wharf to achieve uninterrupted pedestrian access.
Policy 10.2.4.3	Require subdivision of land to enhance public access to the natural environment through: a. requiring an esplanade reserve or esplanade strip of an appropriate width and location adjacent to identified water bodies and the coast; and b. where practicable, providing opportunities for access in other areas where this will enhance recreational opportunities, particularly through connecting to and expanding the existing tracks network or utilising adjacent unformed legal roads.
Policy 10.2.4.4	Only allow natural hazard mitigation earthworks or natural hazard mitigation structures where public access to the coast and riparian margins is maintained or enhanced.

Objective 10.2.5	
Outstanding Natural Features (ONFs), Outstanding Natural Landscapes (ONLs) and Significant Natural Landscapes (SNLs) are protected from inappropriate development; and their values, as identified in Appendix A3, are maintained or enhanced.	
Policy 10.2.5.1	Avoid new or expanded landfills and mining in the Outstanding Natural Feature Overlay Zone (ONF) other than where Policy 10.2.5.X is met.
Policy 10.2.5.2	Avoid buildings and structures, rural activities (except for farming, grazing, rural ancillary retail, rural tourism and rural research - small scale), residential activities (except for working from home), commercial activities (except for restaurants or retail activities ancillary to sport and recreation, and stand-alone car parking), industrial activities, major facility activities, substations, and network utility structures - large scale (excluding amateur radio configurations) in the Outstanding Natural Feature Overlay Zone (ONF), unless any adverse effects on the landscape values of the ONF as identified in Appendix A3 are insignificant.
Policy 10.2.5.3	Only allow shelterbelts and small woodlots, earthworks - large scale, indigenous vegetation clearance - large scale and network utility structures - large scale (amateur radio configurations only) in the Outstanding Natural Feature Overlay Zone (ONF) where any adverse effects on the landscape values of the ONF, as identified in Appendix A3, are insignificant.
Policy 10.2.5.4	Only allow crematoriums, natural hazard mitigation activities, transportation activities, network utility structures - small scale and public amenities in the Outstanding Natural Feature Overlay Zone (ONF) where any adverse effects on the landscape values of the ONF, as identified in Appendix A3, are: a. insignificant, or b. where there are no practicable alternative locations, adequately mitigated.
Policy 10.2.5.6	Avoid mining and landfills in the Outstanding Natural Landscape Overlay Zone (ONL) unless any adverse effects on the landscape values of the ONL, as identified in Appendix A3 are insignificant.
Policy 10.2.5.7	Only allow forestry in the Outstanding Natural Landscape Overlay Zone (ONL) where any adverse effects on the landscape values of the ONL, as identified in Appendix A3, are insignificant.
Policy 10.2.5.8	Only allow large buildings and structures, earthworks - large scale, public amenities, substations, network utility poles and masts - small scale, hydro generators - small scale, solar panels - small scale, wind generators - small scale, network utility structures - large scale, transportation activities and natural hazard mitigation activities in the Outstanding Natural Landscape Overlay Zone (ONL) where any adverse effects on the landscape values of the ONL, as identified in Appendix A3 are: a. insignificant, or b. where there are no practicable alternative locations, adequately mitigated.
Policy 10.2.5.9	Only allow forestry, mining, landfills, crematoriums, large buildings and structures, earthworks - large scale, public amenities, substations, network utility poles and masts - small scale, hydro generators - small scale, solar panels - small scale, wind generators - small scale, network utility structures - large scale, natural hazard mitigation activities and transportation activities in the Significant Natural Landscape Overlay Zone (SNL) where adverse effects on the landscape values of the SNL, as identified in Appendix A3, are avoided or, if avoidance is not practicable: a. no more than minor or; b. where there are no practicable alternative locations, adequately mitigated.

Objective 10.2.5	
Outstanding Natural Features (ONFs), Outstanding Natural Landscapes (ONLs) and Significant Natural Landscapes (SNLs) are protected from inappropriate development; and their values, as identified in Appendix A3, are maintained or enhanced.	
Policy 10.2.5.10	Only allow subdivision activities in Outstanding Natural Feature (ONF), Outstanding Natural Landscape (ONL), and Significant Natural Landscape (SNL) overlay zones where the subdivision is designed to ensure that any future land use or development will maintain or enhance the landscape values identified in Appendix A3 and will be in accordance with policies 10.2.5.1, 10.2.5.2, 10.2.5.3, 10.2.5.4, 10.2.5.6, 10.2.5.7, 10.2.5.8 and 10.2.5.9.
Policy 10.2.5.11	Require large buildings on landscape building platforms in Outstanding Natural Landscape (ONL) and Significant Natural Landscape (SNL) overlay zones to be of a size, design and appearance that ensures that adverse effects on the landscape values identified in Appendix A3 are avoided or, if avoidance is not practicable, adequately mitigated.
Policy 10.2.5.12	Require buildings and structures in Outstanding Natural Landscape (ONL) and Significant Natural Landscape (SNL) overlay zones to have exterior colours and materials that avoid or minimise, as far as practicable, adverse visual effects caused by reflectivity.
Policy 10.2.5.13	Provide for small buildings (no larger than 60m²) in landscape overlay zones but limit the number of these clustered together with each other or existing large buildings to a level that avoids or, if avoidance is not practicable, ensures cumulative visual effects are no more than minor.
Policy 10.2.5.14	Require ancillary signs in landscape overlay zones to be located and designed so that any adverse effects on landscape values, as identified in Appendix A3, are insignificant.
Policy 10.2.5.15	Require forestry and shelterbelts and small woodlots to avoid the use of wilding tree species, unless the risk of wilding tree establishment in Outstanding Natural Feature (ONF), Outstanding Natural Landscape (ONL) and Significant Natural Landscape (SNL) overlay zones is insignificant.
Policy 10.2.5.X	Avoid expansion of Saddle Hill Upper Quarry (SMA007) unless the expansion is minor and any adverse effects on the landscape values of the ONF as identified in Appendix A3 are insignificant.

Rules

Rule 10.3 Performance Standards

10.3.1 Esplanade Reserves and Strips

1. Subdivision activities along the mark of mean high water springs of the sea must provide an esplanade reserve with a minimum width of:
   a. 6m in the Harbourside Edge Zone; and

   X. 20m in all other locations.

X. Subdivision activities along the bank of the following rivers, creeks and streams must provide an esplanade reserve with a minimum width of 20m:

a. Frasers Creek;
b. Kaikorai Stream;
c. Lindsays Creek;
d. Orokonui Creek;
e. Owhiro Stream;
f. Silverstream;
g. Lower Taieri River, being the Taieri River downstream from the Outram bridge;
h. Waikouaiti River downstream from the bridge on State Highway 1; and
i. Water of Leith, except within the Stadium Zone where no esplanade reserve will be required.

2. Subdivision activities along the bank of the following rivers, creeks and streams must provide an esplanade strip with a minimum width of 20m:
   a. Abernathys Creek;
   b. Battery Creek;
   c. Andersons Bay Stream;
   d. Bull Creek;
   e. Carey's Creek;
   f. Christies Creek;
   g. Craigs Creek;
   h. Deborah Bay Stream;
   i. Deep Creek;
   j. Deep Stream;
   k. Dons Creek;
   l. Fern Stream;
   m. Flagstaff Creek;
   n. Flat Stream;
   o. Foote Stream;
   p. Lagoon Creek;
   q. Latham Bay Stream;

r. Lee Creek;
s. Lee Stream;
t. Lug Creek;
u. Macandrew Bay Stream;
v. Mihiwaka Stream;
w. Nenthorn Stream;
x. Opoho Creek;
y. Orbells Creek;
z. Ōtākou Stream;
aa. Otokia Creek;
ab. Portobello Stream;
ac. Post Office Creek (Waikouaiti);
ad. Post Office Creek (Waipori);
ae. Pūrākaunui Creek;
af. Sawyers Bay Stream;
ag. Smiths Creek;
ah. Smugglers Creek;
ai. Stewarts Creek;
aj. Stony Creek;
ak. Styles Creek;
al. Sutton Stream;
am. Upper Taieri River, being the Taieri River upstream from the Outram bridge;
an. Three O'clock Stream;
ao. Toll Bar Creek;
ap. Traquair Burn;
aq. Verter Burn;
ar. Waikouaiti River upstream from the bridge on State Highway 1;
as. Waipori River;
at. Waitati River; and
au. Whare Creek.

3. For the purpose of this standard, an esplanade reserve or esplanade strip will be measured in a landward direction at 90 degrees to MHWS of the sea, tidal rivers or estuaries, or the bank of any stream, creek or river.

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

10.3.2 Vegetation Clearance

10.3.2.1 Indigenous vegetation clearance - small scale thresholds

a. The following types of indigenous vegetation clearance are always considered indigenous vegetation clearance - small scale:
   i. clearance that is part of conservation activity involving vegetation clearance and replacement with indigenous species;
   ii. clearance for the maintenance or alteration of fences (including gates);
   iii. clearance for the maintenance (but not extension) of existing network utilities, irrigation infrastructure, tracks, drains, structures, roads or firebreaks;
   iv. clearance for the construction of tracks associated with permitted land use or city-wide activities provided that:
      1. the clearance does not take place in ASBVs, ONFs, ONCCs, HNCCs and NCCs; and
      2. outside ASBVs, ONFs, ONCCs, HNCCs and NCCs the clearance is no more than 3m in width;

   X. clearance for the erection of fences (including gates) associated with permitted land use or city-wide activities provided that:
      i. the clearance does not take place in an ASBV, ONF, ONCC, HNCC or NCC, unless it is for fencing required for stock exclusion under national regulations or regional rules and the clearance:
         1. meets Rule 10.3.2.2 (protected areas) and Rule 10.3.2.3 (protected species); and
         2. is no more than 4.5m in width, on slopes of over 10 degrees; or
         3. is no more than 3m in width, on slopes of 10 degrees or less;
      ii. outside ASBVs, ONFs, ONCCs, HNCCs and NCCs, the clearance:
         1. meets Rule 10.3.2.2 (protected areas) and Rule 10.3.2.3 (protected species); and
         2. is no more than 3m in width; or
         3. if fencing is required for stock exclusion under national regulations or regional rules, and takes place on slopes of over 10 degrees, the clearance is no more than 4.5m in width, including any track associated with the fence (for the sake of clarity, the width of clearance provided for in this rule may not be added to the width of clearance provided for in Rule 10.3.2.1.a.iv.2);
   v. clearance that is consistent with or provided for as part of a conservation management strategy, conservation management plan, reserve management plan or covenant established under the Conservation Act 1987 or any other Act specified in the First Schedule of the Conservation Act 1987;
   Y. clearance for the purpose of the sustainable customary harvest of food or resources undertaken by manawhenua, in accordance with tikaka Māori;
   vi. clearance that is required to remove material infected by unwanted organisms as declared by Ministry for Primary Industries' Chief Technical Officer, or to respond to an emergency declared by the Minister for Primary Industries under the Biosecurity Act 1993;
   vii. clearance of a pest plant listed in Appendix 10B;
   viii. vegetation clearance incidental to existing forestry activity where the clearance involves an understorey of indigenous vegetation, or is for the maintenance of forestry access or firebreaks;
   ix. clearance that is necessary to maintain the flow of water free from obstruction or for natural hazard mitigation activities;
   x. clearance that is incidental to the harvesting or maintenance of trees as part of forestry, provided that all vegetation that is felled within 10m of a water body must be felled away from the water body, and

that the forestry is conducted in accordance with recognised industry environmental codes of practice;

xi. vegetation clearance of stands of matagouri-dominant shrubland that contain no matagouri individuals greater than 1.5m tall and that contain no more than one other non-matagouri indigenous shrub species; and

xii. clearance of indigenous vegetation from areas that, within the last 15 years, have been lawfully cleared of such vegetation (outside ASBVs, ONFs, ONCCs, HNCCs and NCCs only), provided that the clearance is associated with a permitted land use or city-wide activity.

b. All indigenous vegetation clearance that occurs in an ASBV, ONF, ONCC, HNCC, or NCC and is not included in Rule 10.3.2.1.a is considered indigenous vegetation clearance - large scale.

c. All other indigenous vegetation clearance must not exceed the following maximum areas on any site, over the time period indicated, to be considered indigenous vegetation clearance - small scale:

Zone/Area		Maximum Area	Per Time Period (calendar years)
i.	Coastal Rural Zone	500m²	3 years
ii.	High Country Rural Zone within the **Taieri Ridge and Mare Burn mapped area**	1000m² non-tussock species 1000m² tussock species	3 years
iii.	High Country Rural Zone not within the **Taieri Ridge and Mare Burn mapped area**	1000m² non-tussock species 10000m² (1ha) tussock species	3 years
iv.	Hill Country Rural Zone	1000m²	3 years
v.	Hill Slopes Rural Zone	1000m²	3 years
vi.	Middlemarch Basin Rural Zone	100m²	5 years
vii.	Peninsula Coast Rural Zone	250m²	5 years
viii.	Taieri Plain Rural Zone	100m²	5 years
ix.	Rural Residential 1 and Rural Residential 2 Zones	250m²	3 years

d. For the purposes of Rule 10.3.2.1.c:

i. if the area of indigenous vegetation to be cleared straddles two zones, the lesser maximum area will apply;

ii. the area to be cleared will be measured from stems at ground level; and

iii. the time period will be measured as the total clearance over the indicated number of calendar years.

e. All indigenous vegetation clearance that does not meet this standard is considered indigenous vegetation clearance - large scale, which is:

i. a non-complying activity in ASBVs, ONCCs and HNCCs, except where Rule 10.3.2.1.e.X applies;

X. a discretionary activity within the **3 Waters infrastructure mapped area**, where the clearance is for the upgrade or extension of 3 waters infrastructure; and

ii. a restricted discretionary activity in NCCs, ONFs, rural zones and rural residential zones.

Note 10.3.2.1A – Other requirements outside of the District Plan

1. For indigenous vegetation clearance associated with a commercial forestry activity, the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 (NESCF) may also apply.
2. Areas that meet the criteria specified in Policy 2.2.3.2 are considered to be significant natural areas for the purposes of the NESCF.

10.3.2.2 Protected areas (vegetation clearance)

a. Vegetation clearance must not occur within:
   i. 20m of any wetland identified in Appendix A1.2 as an Area of Significant Biodiversity Value; or
   ii. the following minimum setbacks from the coast and water bodies:

Activity		Minimum setback from mean high water springs	Minimum setback from any water body (except where Rule 10.3.2.2.a.i applies)
1.	Indigenous vegetation clearance in the rural, rural residential and recreation zones	20m	20m from any water body with a clearly defined bed of at least 3m in width; 5m from any other water body
2.	All vegetation clearance in the rural, rural residential, recreation and Ashburn Clinic zones	5m	5m

b. Indigenous vegetation clearance must not occur within:
   i. any **coastal environment mapped area**; or
   ii. any wetland in the rural, rural residential and recreation zones.

c. For the purposes of Rule 10.3.2.2.a, setbacks will be measured as follows:
   i. for water bodies other than wetlands, setbacks will be measured from the bank of the water body at the point of its annual fullest flow or annual highest level without overtopping its bank (see Figure 10.3.3A and Figure 10.3.3B under Rule 10.3.3 Setback from Coast and Water Bodies); and
   ii. for wetlands, setbacks will be measured from the edge of the wetland.

d. Except that Rule 10.3.2.2.a and Rule 10.3.2.2.b do not apply to vegetation clearance that is:
   i. part of conservation activity involving vegetation clearance and replacement with indigenous species;
   ii. for the maintenance or alteration of fences (including gates);

   X. clearance for the erection of fences (including gates) provided that if the vegetation clearance involves indigenous vegetation clearance:

      1. the indigenous vegetation clearance is no more than 3m in width; or
      2. the indigenous vegetation clearance is for fencing on slopes of over 10 degrees required for stock exclusion under national regulations or regional rules provided that the clearance is no more than 4.5m in width, including any track associated with the fence (for the sake of clarity, the width of clearance provided for in this rule may not be added to the width of clearance provided for in Rule 10.3.2.2.d.iv).

   iii. for the maintenance (but not extension) of existing network utilities, irrigation infrastructure, tracks, drains, structures, roads, or firebreaks;
   iv. for the construction of tracks, provided that any indigenous vegetation clearance is no more than 2m in

width;

v. consistent with or provided for as part of a conservation management strategy, conservation management plan, reserve management plan or covenant established under the Conservation Act 1987 or any other Act specified in the First Schedule of the Conservation Act 1987;

Y. clearance for the purpose of the sustainable customary harvest of food or resources undertaken by manawhenua, in accordance with tikaka Māori;

vi. clearance required to remove material infected by unwanted organisms as declared by Ministry for Primary Industries' Chief Technical Officer, or to respond to an emergency declared by the Minister for Primary Industries under the Biosecurity Act 1993;

vii. clearance of a pest plant listed in Appendix 10B;

viii. necessary to maintain the flow of water free from obstruction or for natural hazard mitigation activities;

ix. in the case of Rule 10.3.2.2.a, separated from mean high water springs or the water body by a formed legal road;

x. incidental to the harvesting or maintenance of trees as part of forestry, provided that all vegetation that is felled within 10m of a water body must be felled away from the water body, and that the forestry is conducted in accordance with recognised industry environmental codes of practice; or

xi. clearance of non-indigenous plant species and replanting within 3 months with indigenous or non-indigenous plant species, not on the pest plant list in Appendix 10B, that will attain at least the same height and coverage as the plants that have been cleared.

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

Note 10.3.2.2A - Other requirements outside of the District Plan

1. The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 manage vegetation clearance within, and within a 10m setback of, wetlands. Under regulation 54, vegetation clearance that is within, or within a 10m setback from, a wetland is a non-complying activity, unless the vegetation clearance is for a purpose specifically exempted from control, under regulation 37, or for a purpose specifically provided for as either permitted (where specified conditions are met) or restricted discretionary, under regulations 38 to 51. These purposes include: the customary harvest of food or resources undertaken in accordance with tikanga Māori, natural wetland restoration, scientific research, construction or maintenance of a wetland utility structure (e.g. boardwalk, maimai), construction of 'specified infrastructure' (as defined in the NPS for Freshwater Management 2020) and maintenance or operation of specified or other infrastructure, harvest of spaghnum moss, arable or horticultural land use, and natural hazard works.

Note 10.3.2.2B - General advice

1. In relation to measuring setbacks from wetlands, where there is uncertainty, the DCC will refer to the wetland delineation protocol to establish the location of the wetland edge. The protocol can be viewed here: https://www.landcareresearch.co.nz/uploads/public/Discover-OurResearch/Biodiversity/Species-ecosystem-services/Restoring-wetlandecosystem-functioning/vegetation_tool_wetland_delineation.pdf.

10.3.2.3 Protected species (indigenous vegetation clearance)

a. In the rural, rural residential and recreation zones, indigenous vegetation clearance must not occur where the following are present in the area to be cleared:
   i. any of the threatened plant species listed in Appendix 10A.1;
   ii. any mature examples (greater than 15 years old) of the important indigenous tree species listed in Appendix 10A.3; or
   iii. any threatened indigenous fauna species listed in Appendix 10A.2.

b. This standard does not apply to indigenous vegetation clearance that is:
   i. for the erection, maintenance or alteration of fences (including gates), provided:
      1. any fence posts are located outside of the dripline of mature indigenous trees listed in Appendix 10A.3; and
      2. the erection of new fences does not damage:
         1. specimens of threatened plant species listed in Appendix 10A.1;
         2. important breeding, refuge, feeding or resting sites for indigenous fauna listed in Appendix 10A.2; or
         3. mature indigenous trees listed in Appendix 10A.3.
   ii. for the maintenance (but not extension) of existing network utility activities, irrigation infrastructure, tracks, drains, structures, roads, or firebreaks;
   iii. for the construction of tracks up to 3m in width, provided track construction does not damage:
      1. specimens of threatened plant species listed in Appendix 10A.1;
      2. important breeding, refuge, feeding or resting sites for indigenous fauna listed in Appendix 10A.2; or
      3. mature indigenous trees listed in Appendix 10A.3.
   iv. consistent with or provided for as part of a conservation management strategy, conservation management plan, reserve management plan or covenant established under the Conservation Act 1987 or any other Act specified in the First Schedule of the Conservation Act 1987;
   v. required to remove material infected by unwanted organisms as declared by Ministry for Primary Industries' Chief Technical Officer, or to respond to an emergency declared by the Minister for Primary Industries under the Biosecurity Act 1993; or
   vi. for the clearance of a pest plant listed in Appendix 10B.

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

Note 10.3.2.3A – Other relevant District Plan provisions

1. Areas that contain species listed in Appendix 10A.1 or Appendix 10A.2 will meet the criteria in Policy 2.2.3.2 for identification as areas of significant indigenous vegetation and/or as significant habitats of indigenous fauna. Areas that contain mature examples (greater than 15 years old) of the tree species listed in Appendix 10A.3 are likely to meet these criteria.

Note 10.3.2.3B – Other requirements outside of the District Plan

1. For indigenous vegetation clearance associated with a commercial forestry activity, areas that meet the criteria specified in Policy 2.2.3.2 are considered to be significant natural areas for the purposes of the NESCF.

10.3.2.4 Maximum area of vegetation clearance (UBMA)

a. Vegetation clearance in an **urban biodiversity mapped area** (UBMA) must not exceed 20m² on any site over any three year period.

b. This standard does not apply to vegetation clearance that is:
   i. part of conservation activity involving vegetation clearance and replacement with indigenous species;
   ii. for the erection, maintenance or alteration of fences (including gates), or the construction or maintenance of tracks up to 2m in width, provided all of the following criteria are met:
      1. the vegetation clearance is no more than 3m in width;

2. any fence posts are located outside of the dripline of mature indigenous trees (greater than 15 years old) listed in Appendix 10A.3; and
3. no damage is caused to:
    1. specimens of threatened plant species listed in Appendix 10A.1; or
    2. mature indigenous trees (greater than 15 years old) listed in Appendix 10A.3;

iii. for the maintenance (but not extension) of existing network utilities, irrigation infrastructure, tracks, drains, structures, roads or firebreaks;

iv. NA;

v. consistent with or provided for as part of a conservation management strategy, conservation management plan, reserve management plan or covenant established under the Conservation Act 1987 or any other Act specified in the First Schedule of the Conservation Act 1987;

vi. required to remove material infected by unwanted organisms as declared by Ministry for Primary Industries' Chief Technical Officer, or to respond to an emergency declared by the Minister for Primary Industries under the Biosecurity Act 1993;

vii. clearance of non-indigenous plant species and replanting within 3 months with indigenous or non-indigenous plant species, not on the pest plant list in Appendix 10B, that will attain at least the same height and coverage as the plants that have been cleared; or

viii. clearance of a pest plant listed in Appendix 10B.

c. For the purposes of this standard:
    i. the area to be cleared will be measured from stems at ground level; and
    ii. the time period will be measured as the total clearance over any three calendar years.

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

10.3.3 Setback from Coast and Water Bodies

In all zones, other than the Harbourside Edge Zone, St Clair Neighbourhood Destination Centre, Dunedin Hospital Zone, Dunedin International Airport Zone, Moana Pool Zone, Otago Museum Zone, Port Zone and Wakari Hospital Zone, new buildings and structures, additions and alterations, earthworks - large scale, storage and use of hazardous substances, and network utility activities must be set back a minimum of:

1. 20m from mean high water springs (MHWS); and
2. 20m from any wetland identified in Appendix A1.2, Schedule of Areas of Significant Biodiversity Value (ASBV);
3. 20m from any water body with a clearly defined bed of at least 3m in width in the rural zones;
4. 5m from any water body with a clearly defined bed less than 3m in width in the rural zones;
5. 5m from any water body with a clearly defined bed in all other zones; and

X. 5m from a **stormwater open watercourse mapped area**;

6. Except, the following are exempt from this standard:
    a. natural hazard mitigation activities;
    b. hydro generators - small scale in the rural and industrial zones;
    c. network utility poles and masts for the purposes of supporting lines across a water body;
    d. network utility structures - small scale in existing roads that comply with Rule 5.5.2;
    e. the operation, repair, minor upgrading and maintenance of existing network utilities;
    f. river flow recording facilities;

g. navigational aids;

h. maimai and whitebait stands on the surface of water;

i. post and wire fences;

j. bridges, causeways, culverts and fords;

k. jetties, boat ramps, and wharves;

l. signs;

m. new buildings and structures, and additions and alterations, used for port activities in the Industrial Port Zone;

n. bird hides, viewing structures and viewing platforms with a maximum footprint of 10m² and maximum height of 2m, and boardwalks;

o. earthworks associated with the operation, repair and maintenance of the existing roading network;

p. irrigation pipes of any size, and other irrigation or stock water structures such as intake structures with a maximum footprint of 2m²;

X. wharflines, bunkerlines and associated ancillary equipment in the Industrial Port Zone;

q. earthworks required for any of the activities in (a) - (X) above; and

r. new buildings and structures, and additions and alterations, associated with the New Zealand Marine Studies Centre in the **Portobello Marine Science mapped area**.

Y. In addition to the exceptions in Rule 10.3.3.6, the following are exempt from Rule 10.3.3.X:

a. fences; and

b. structures with a maximum footprint of 2m².

7. For the purposes of this standard, setbacks will be measured from the bank of the water body at the point of its annual fullest flow or annual highest level without overtopping its bank (see Figure 10.3.3A and Figure 10.3.3B).

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

Note 10.3.3A - Other requirements outside of the District Plan

1. Activities below mean high water springs (MHWS) or on the beds of water bodies may require resource consent from the Otago Regional Council, including:
   a. hazard protection works; and
   b. jetties, boat ramps and wharves.
2. Structures on the margins of lakes or rivers are also managed by rules in the Regional Plan: Water for Otago. Resource consent may be required from the Otago Regional Council for these activities.
3. Structures on the margins of lakes or rivers may also be affected by the provisions of the Otago Regional Flood Management Protection Bylaw 2022. Approval from the Otago Regional Council may be required.

X. For storage and use of hazardous substances associated with commercial forestry, refer to the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 (NESCF).

Note 10.3.3B - Other relevant District Plan provisions

1. Activities within the Harbourside Edge Zone are subject to Rule 18.6.17.3, which requires buildings, structures, additions and alterations to be set back an adequate distance from the harbour edge to enable the construction of a public walkway.

Note 10.3.3C – General advice

1. Where a water body is also within a **stormwater open watercourse mapped area**, the rules for both water bodies and the **stormwater open watercourse mapped area** apply.

Figure 10.3.3A: Setback from a water body

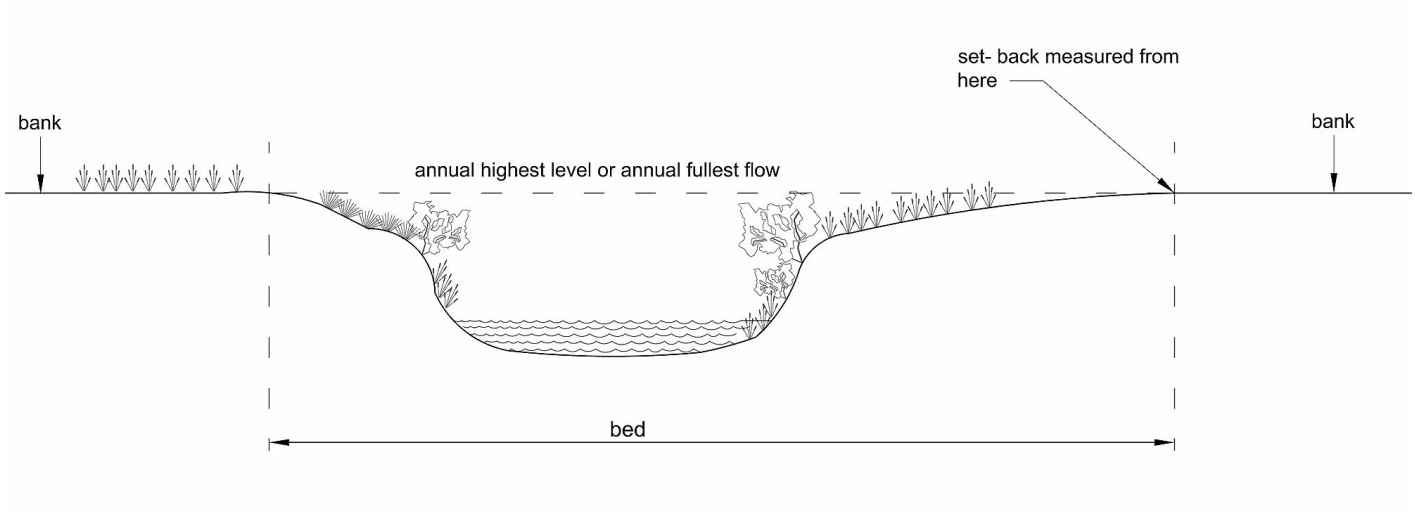
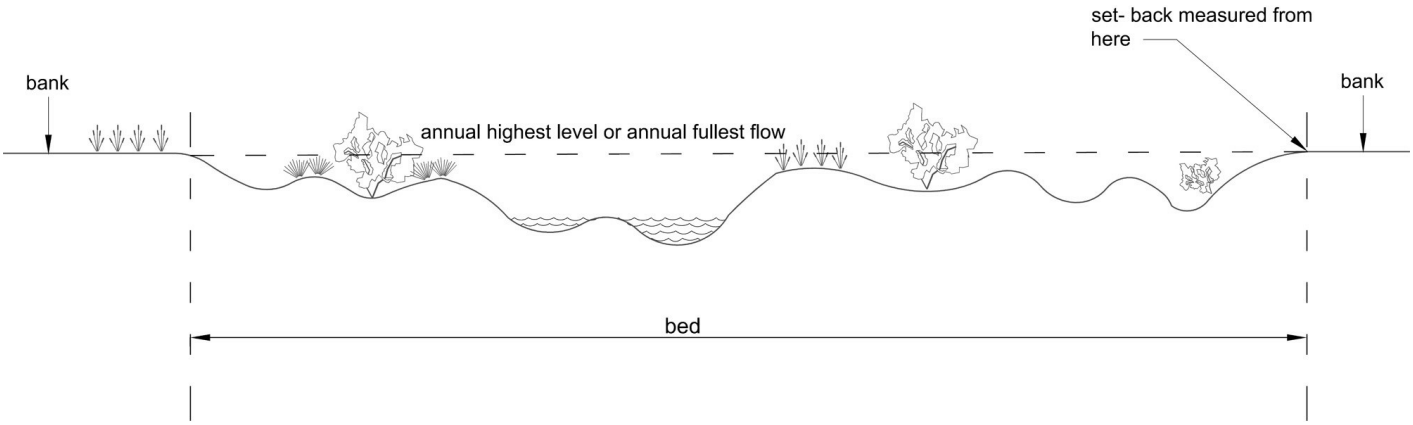


Figure 10.3.3B: Setback from a water body


set- back measured from here
bank
bank
annual highest level or annual fullest flow
bed

10.3.4 Tree Species

1. Forestry and shelterbelts and small woodlots must not include any of the following species:
   a. *Scots pine (Pinus sylvestris)*
   b. *Douglas fir (Pseudosuga menziesii)*
   c. *Corsican pine (Pinus nigra)*
   d. *Larch (Larix decidua)*
   e. *Ponderosa pine (Pinus ponderosa)*
   f. *Maritime pine (Pinus pinaster)*
   g. *Sycamore (Acer pseudoplatanus)*
   h. *Hawthorn (Crataegus mongyna)*
   i. *Boxthorn (Lycium ferocissimum)*
   j. *Rowan (Sorbus aucuparia)*
2. Forestry that contravenes the performance standard for tree species is a restricted discretionary activity, except in an ONL or NCC overlay zone where it is a non-complying activity.
3. Shelterbelts and small woodlots that contravene the performance standard for tree species are a restricted discretionary activity, except in an Area of Significant Biodiversity Value (ASBV) or an ONF, ONL, HNCC, ONCC or NCC overlay zone where they are a non-complying activity.

Note 10.3.4A - Other requirements outside of the District Plan

1. A range of species including, for example, Lodgepole/contorta pine (*Pinus contorta*), Grey willow (*Salix cinerea*), Crack willow (*Salix fragilis*) and *Cotoneaster simonsii*, are classified as “unwanted organisms” under the Biosecurity Act 1993. As a result, these species are subject to strict controls under sections 52 and 53 of that Act. Under section 52, no person may communicate, release or otherwise spread any unwanted organism (except: as part of a pest management plan; in an emergency, as provided for in section 150 of the Act; for a scientific purpose authorised by the Minister for Primary Industries; or if an exception is made by a chief technical officer appointed under the Act). Under section 53, owners of unwanted organisms must not cause or permit the sale, propagation, breeding, or multiplication of that organism, except where an exception is made by a chief technical officer appointed under the Act.
2. For wilding tree risk and control associated with commercial forestry also see the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 (NESCF). The NESCF rather than Rule 10.3.4 addresses wilding tree risk and control for commercial forestry in rural and rural residential zones and SNLs.

10.3.5 Area, Number and Location of Buildings and Structures

10.3.5.X Area of buildings and structures

a. In Outstanding Natural Landscape (ONL), Significant Natural Landscape (SNL) and Natural Coastal Character (NCC) overlay zones and scheduled Areas of Significant Biodiversity Value (ASBVs), new buildings and structures must not exceed 60m² footprint, and additions and alterations must not result in a building or structure that is greater than 60m² footprint, except that:
   i. within the Township and Settlement Zone at Pukehiki, new buildings and structures must not exceed 250m² footprint, and additions and alterations must not result in a building or structure that is greater than 250m² footprint.

b. Activities that contravene this performance standard are restricted discretionary activities, except in the following circumstances:
   i. buildings greater than 60m² footprint on a landscape building platform are controlled activities, provided that:

1. the building is located outside any scheduled ASBV; and
2. Rule 10.3.5.X.b.ii does not apply; and

ii. single residential buildings with a gross floor area greater than 400m² are discretionary activities.

10.3.5.Y Number and location of permitted buildings

a. In Outstanding Natural Landscape (ONL), Significant Natural Landscape (SNL) and Natural Coastal Character (NCC) overlay zones, a maximum of three new buildings less than or equal to 60m² footprint may be erected per site, provided that they are located within 30m of any building greater than 60m² footprint on the same site;

b. Except that:
   i. buildings less than or equal to 60m² footprint that are located at least 200m from any other buildings on the same site are exempt from this rule; and
   ii. this rule does not apply within the Pukehiki Township and Settlement Zone.

c. For the purposes of this rule:
   i. distance will be measured as the distance between the closest points of the two buildings; and
   ii. only buildings erected after 7 November 2018 are counted towards the maximum number of buildings.

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

Note 10.3.5A - General advice

1. Plan users should be aware that, due to the definition of “buildings” in this plan, this rule does not apply to any building with an area of 10m² footprint or less. In addition, it does not apply to “structures”, as defined in this plan. Finally, the minimum 200m distance does not apply from any building with an area of 10m² footprint or less.

10.3.6 Reflectivity

1. In any landscape or coastal character overlay zone, new buildings and structures (except fences), and additions and alterations, must have exterior surfaces, including roofs, that have a light reflectance value (LRV) of 30% or less, except that this rule does not apply to:
   a. natural wood finishes;
   b. glass;
   c. clear plastic;
   d. soffits; or
   e. flues.
2. For exterior surface materials whose LRV changes due to weathering (e.g. stone), the LRV will be measured based on an ‘as weathered’ condition.
3. Activities that contravene this performance standard are restricted discretionary activities.

Rule 10.4 Assessment of Controlled Activities

Rule 10.4.1 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 10.4.2:
   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.

10.4.2 Assessment of controlled development activities		
Activity	Matters of control	Guidance on the assessment of resource consents
1. In the **NCC Overlay Zone**: • New buildings greater than 60m² footprint on a landscape building platform	a. Size, design and appearance of buildings	*Relevant objectives and policies:* i. Objective 10.2.3 ii. Large buildings on landscape building platforms in the Natural Coastal Character Overlay Zone (NCC) are of a size, design and appearance that ensures that adverse effects on the natural character values, as identified in Appendix A5, are avoided or, if avoidance is not practicable, no more than minor (Policy 10.2.3.8). *General assessment guidance:* iii. In assessing effects on natural character values, Council will consider the extent to which the development follows the design guidelines in Appendix A11. *Conditions that may be imposed include:* iv. Restrictions on the size and design of buildings, including height, footprint, colour, materials and lighting. v. Requirements for landscaping and other forms of screening of buildings.

10.4.2 Assessment of controlled development activities			
Activity		Matters of control	Guidance on the assessment of resource consents
2.	In the **ONL or SNL overlay zones**: • New buildings greater than 60m² footprint on a landscape building platform	a. Size, design and appearance of buildings	*Relevant objectives and policies:* i. Objective 10.2.5 ii. Large buildings on landscape building platforms in the outstanding natural landscape (ONL) and significant natural landscape (SNL) overlay zones are of a size, design and appearance that ensures that adverse effects on the landscape values of the ONL or SNL, as identified in Appendix A3, are avoided or, if avoidance is not practicable, adequately mitigated (Policy 10.2.5.11). *General assessment guidance:* iii. In assessing effects on landscape values, Council will consider the extent to which the development follows the design guidelines in Appendix A11. *Conditions that may be imposed include:* iv. Restrictions on the size and design of buildings, including height, footprint, colour, materials and lighting. v. Requirements for landscaping and other forms of screening of buildings.

Rule 10.5 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 10.5.1 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 10.5.2 - 10.5.4:
   a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Rule 10.5.2 applies to all performance standard contraventions. Rule 10.5.3 applies to performance standards located in the natural environment section; Rule 10.5.4 applies to performance standards located in the management and major facility zones.

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

10.5.3 Assessment of contraventions of performance standards in the natural environment section		
Activity	Matters of discretion	Guidance on the assessment of resource consents

1.	All performance standard contraventions	a. Positive effects on biodiversity values or the natural character of the coast	*Relevant objectives and policies:* i. Objectives 10.2.1, 10.2.2, 10.2.3 ii. Conservation activity is encouraged in all zones (Policy 10.2.1.5). X. Conservation activity is encouraged in coastal and riparian margins (Policy 10.2.2.1). *General assessment guidance:* Y. In assessing positive effects on biodiversity values, Council will take into account the extent to which indigenous vegetation and habitats are proposed to be retained or restored in a way that contributes to increased resilience, buffering and/or connectivity. *Potential circumstances that may support a consent application include:* iii. The development incorporates conservation activity that will have significant positive effects on biodiversity or natural character values.
2.	Esplanade reserves and strips	a. Effects on biodiversity values and natural character values of riparian margins and the coast	*Relevant objectives and policies:* i. Objective 10.2.1, Objective 10.2.2 ii. Subdivision activities adjacent to water bodies and the coast maintain or enhance the following biodiversity values and natural character values, including through provision of an esplanade reserve or esplanade strip in identified locations: 1. biodiversity values of riparian margins and the coast; 2. the water quality and aquatic habitats of the water body or coast; and 3. the natural functioning of the adjacent sea or water body (Policy 10.2.2.7). iii. NA 1. NA 2. NA 3. NA X. Only allow land use, development and city-wide activities in areas of indigenous vegetation and/or habitats of indigenous fauna that meet the significance criteria in Policy 2.2.3.2, including but not limited to scheduled Areas of Significant Biodiversity Value (ASBVs), either: 1. Policy 10.2.1.X is met; or 2. in the case of new roads or additions or alterations to existing roads (roads of national or regional importance only), buildings and structures that form part of rail infrastructure, airport activities, port activities, network utility activities, mining, mineral prospecting and mineral exploration, and any activities ancillary to these, including earthworks and vegetation clearance, Policy

10.5.3 Assessment of contraventions of performance standards in the natural environment section		
Activity	Matters of discretion	Guidance on the assessment of resource consents
		10.2.1.Y is met. *General assessment guidance:* iv. In assessing a change or reduction to the required esplanade reserve or esplanade strip, Council will consider: 1. the effects on the values of the water body as identified in Appendix 10C; 2. the effects on the natural functioning of the water body; 3. the effects on other biodiversity values and natural character values; and 4. any other measures proposed to enhance the biodiversity of the riparian or coastal margin and associated water body. v. In assessing whether an activity meets Policy 10.2.1.X or Policy 10.2.1.Y (as applicable), Council will consider whether the area affected meets one or more of the criteria set out in Policy 2.2.3.2. *Conditions that may be imposed include:* vi. Where there is an esplanade reserve requirement, Council may instead require an esplanade strip where it is considered that the management of the land in the coastal or riparian margin will achieve positive results for biodiversity and natural character values.

10.5.3 Assessment of contraventions of performance standards in the natural environment section		
Activity	Matters of discretion	Guidance on the assessment of resource consents
	b. Effects on public access	*Relevant objectives and policies:* i. Objective 10.2.4 ii. Public access to the natural environment is enhanced (Policy 10.2.4.3). *General assessment guidance:* iii. In assessing a change or reduction to the required esplanade reserve or esplanade strip, Council will consider; 1. the effects on public recreation and access values as identified in Appendix 10C; 2. any relevant circumstances listed in the New Zealand Coastal Policy Statement 2010 or the Regional Policy Statement for Otago that may support restriction of public access; and 3. the potential effects of sea level rise on the future level of the mean high water springs, and thus the width of the reserve. *Potential circumstances that may support a consent application include:* iv. Other opportunities to enhance public access are created by the subdivision. v. The design of the subdivision takes advantage of adjacent unformed legal roads to provide public access. vi. Restricting access is necessary to protect public health and safety.

10.5.3 Assessment of contraventions of performance standards in the natural environment section			
Activity		Matters of discretion	Guidance on the assessment of resource consents
3.	Maximum area of vegetation clearance **(UBMA)**	a. Effects on biodiversity values	*Relevant objectives and policies:* i. Objective 10.2.1. ii. Vegetation clearance maintains or enhances the biodiversity values of the UBMA including, but not limited to, those values listed in Appendix A10 (Policy 10.2.1.8). iii. NA 1. NA 2. NA 3. NA X. Only allow land use, development and city-wide activities in areas of indigenous vegetation and/or habitats of indigenous fauna that meet the significance criteria in Policy 2.2.3.2, including but not limited to scheduled Areas of Significant Biodiversity Value (ASBVs), either: 1. Policy 10.2.1.X is met; or 2. in the case of new roads or additions or alterations to existing roads (roads of national or regional importance only), buildings and structures that form part of rail infrastructure, airport activities, port activities, network utility activities, mining, mineral prospecting and mineral exploration, and any activities ancillary to these, including earthworks and vegetation clearance, Policy 10.2.1.Y is met. *Potential circumstances that may support a consent application include:* iv. The clearance is of a non-local indigenous species that has extended beyond its range. v. For indigenous vegetation clearance, an ecological assessment supporting the clearance is supplied with the application (see Rule 10.9.2: Special Information Requirements). *General assessment guidance:* vi. In assessing whether an activity meets Policy 10.2.1.X or Policy 10.2.1.Y (as applicable), Council will consider whether the area affected meets one or more of the criteria set out in Policy 2.2.3.2. vii. NA viii. In assessing the appropriateness of any proposed biodiversity offset or environmental compensation, in addition to Policy 2.2.3.6 or Policy 2.2.3.7, Council will consider the Guidance on Good Practice Biodiversity Offsetting in New Zealand (NZ Government, 2014).
4.	Protected areas (vegetation	a. Effects on biodiversity values and	*Relevant objectives and policies:* i. Objective 10.2.1, Objective 10.2.2.

10.5.3 Assessment of contraventions of performance standards in the natural environment section		
Activity	Matters of discretion	Guidance on the assessment of resource consents
clearance)	the natural character values of riparian margins and the coast	ii. NA X. Only allow vegetation clearance within, or within the required setback from, a wetland where: 1. biodiversity values are maintained and enhanced; and 2. there is no reduction in the extent of natural wetlands (where natural wetlands include wetlands constructed by artificial means to offset impacts on, or restore, an existing or former natural wetland) (Policy 10.2.1.Z). iii. Vegetation clearance is set back an adequate distance from the coast and water bodies to minimise, as far as practicable, risk of erosion and protect, or enable the enhancement of, biodiversity and natural character values (Policy 10.2.2.3). iv. In the **coastal environment mapped area**, natural character values are preserved and biodiversity values are protected (Policy 10.2.2.4). v. NA 1. NA 2. NA 3. NA Y. Only allow land use, development and city-wide activities in areas of indigenous vegetation and/or habitats of indigenous fauna that meet the significance criteria in Policy 2.2.3.2, including but not limited to scheduled Areas of Significant Biodiversity Value (ASBVs), either: 1. Policy 10.2.1.X is met; or 2. in the case of new roads or additions or alterations to existing roads (roads of national or regional importance only), buildings and structures that form part of rail infrastructure, airport activities, port activities, network utility activities, mining, mineral prospecting and mineral exploration, and any activities ancillary to these, including earthworks and vegetation clearance, Policy 10.2.1.Y is met. *Potential circumstances that may support a consent application include:* vi. For indigenous vegetation clearance, an ecological assessment supporting the clearance is supplied with the application (see Rule 10.9.2 Special Information Requirements). *General assessment guidance:* vii. In assessing a contravention of the performance standards for vegetation clearance or indigenous vegetation clearance, Council will consider: 1. the effects on the values of the water body and the natural functioning of the water body; and

10.5.3 Assessment of contraventions of performance standards in the natural environment section			
Activity		Matters of discretion	Guidance on the assessment of resource consents
			2. the effects on other biodiversity values and natural character values. viii. In assessing whether an activity meets Policy 10.2.1.X or Policy 10.2.1.Y (as applicable), Council will consider whether the area affected meets one or more of the criteria set out in Policy 2.2.3.2. ix. NA x. In assessing the appropriateness of any proposed biodiversity offset or environmental compensation, in addition to Policy 2.2.3.6 or Policy 2.2.3.7, Council will consider the Guidance on Good Practice Biodiversity Offsetting in New Zealand (NZ Government, 2014). xi. In assessing effects on natural character values and biodiversity values of the coast in the **coastal environment mapped area**, Council will consider the natural science values outlined in Appendix A3. xii. In assessing effects on biodiversity values and natural character values of riparian margins and the coast, Council will consider the effects on the spawning areas of indigenous fish species.
5.	Protected species (indigenous vegetation clearance)	a. Effects on biodiversity values	*Relevant objectives and policies:* i. Objective 10.2.1. ii. NA iii. NA 1. NA 2. NA 3. NA X. Indigenous vegetation clearance is only allowed in areas that do not meet the criteria for areas of significant indigenous vegetation and/or significant habitats of indigenous fauna in Policy 2.2.3.2, but that contain mature trees on the important species list in Appendix 10A.3 where: 1. any mature trees are retained; or, if this is not practicable, 2. adverse effects on biodiversity values are minimised as far as practicable, including through any biodiversity offsetting that is proposed in accordance with Policy 2.2.3.6, or where this is not practicable, any environmental compensation that is proposed in accordance with Policy 2.2.3.7 (Policy 10.2.1.7) Y. Only allow land use, development and city-wide activities in areas of indigenous vegetation and/or habitats of indigenous fauna that meet the significance criteria in Policy 2.2.3.2, including but not limited to scheduled Areas of Significant

10.5.3 Assessment of contraventions of performance standards in the natural environment section		
Activity	Matters of discretion	Guidance on the assessment of resource consents
		Biodiversity Value (ASBVs), either: 1. Policy 10.2.1.X is met; or 2. in the case of new roads or additions or alterations to existing roads (roads of national or regional importance only), buildings and structures that form part of rail infrastructure, airport activities, port activities, network utility activities, mining, mineral prospecting and mineral exploration, and any activities ancillary to these, including earthworks and vegetation clearance, Policy 10.2.1.Y is met. *Potential circumstances that may support a consent application include:* iv. The clearance is part of conservation activity and is being undertaken to enhance the health of the protected species and improve its chances of reproduction. v. The clearance is of a non-local indigenous species that has extended beyond its natural range, and is being undertaken to enhance the health of the protected species and improve its chances of reproduction. vi. For indigenous vegetation clearance, an ecological assessment supporting the clearance is supplied with the application (see Rule 10.9.2 Special Information Requirements). *General assessment guidance:* Z. Where an activity contravenes Rule 10.3.2.3 with respect to flora or fauna species in Appendix 10A.1 or 10A.2, Council will assess the application against relevant policies for areas of significant indigenous vegetation and/or significant habitats of indigenous fauna (i.e. Policy 10.2.1.X or Policy 10.2.1.Y, as applicable). AA. Where an activity contravenes Rule 10.3.2.3 with respect to tree species in Appendix 10A.3, Council will consider whether the area in which the activity is proposed meets one or more of the criteria set out in Policy 2.2.3.2. If one or more of the criteria is met, then the activity will be assessed against relevant policies for areas of significant indigenous vegetation and/or significant habitats of indigenous fauna (i.e. Policy 10.2.1.X or Policy 10.2.1.Y, as applicable). If not, the activity will be assessed against Policy 10.2.1.7. vii. In assessing whether an activity meets Policy 10.2.1.X or Policy 10.2.1.Y (as applicable), Council will consider whether the area affected meets one or more of the criteria set out in Policy 2.2.3.2. viii. NA ix. In assessing the appropriateness of any proposed biodiversity offset or environmental compensation, in addition to Policy 2.2.3.6 or Policy 2.2.3.7, Council will

10.5.3 Assessment of contraventions of performance standards in the natural environment section			
Activity		Matters of discretion	Guidance on the assessment of resource consents
			consider the Guidance on Good Practice Biodiversity Offsetting in New Zealand (NZ Government, 2014).
6.	In the **NCC Overlay Zone**: • Number and location of permitted buildings	a. Effects on natural character of the coast	*Relevant objectives and policies:* i. Objective 10.2.3 ii. Small buildings are provided for where the number of these clustered together with each other or existing large buildings is limited to a level that avoids or, if avoidance is not practicable, ensures cumulative visual effects are no more than minor (Policy 10.2.3.10). *General assessment guidance:* iii. In assessing effects on natural character values, Council will consider the extent to which the development follows the design guidelines in Appendix A11.
Y.	In the **NCC Overlay Zone**: • Area of buildings and structures	a. Effects on natural character of the coast	*Relevant objectives and policies:* i. Objective 10.2.3. ii. Adverse effects on the natural character values identified in Appendix A5 are avoided or, if avoidance is not practicable, are no more than minor (Policy 10.2.3.5). *General assessment guidance:* iii. The assessment will consider the natural character values outlined in Appendix A5. iv. In assessing effects on natural character values, Council will consider the extent to which the development follows the design guidelines in Appendix A11. v. In assessing effects on natural character values from new buildings greater than 60m² footprint, Council will consider Rule 10.3.5.Y Number and location of buildings, and whether additional conditions to limit the future establishment of buildings on the site should apply. *Potential circumstances that may support a consent application include:* vi. The activity incorporates key design elements as set out in Appendix A5 vii. Development is associated with conservation. viii. In the case of additions and alterations that would result in a building or structure greater than 60m² footprint, the development involves an addition to a building or structure that would have the same effect as, or a lesser effect than, a new building or structure provided for under Rule 10.3.5.Y.

10.5.3 Assessment of contraventions of performance standards in the natural environment section			
Activity		Matters of discretion	Guidance on the assessment of resource consents
7.	In the **ONL** or **SNL overlay zones**: • Number and location of permitted buildings	a. Effects on landscape values	*Relevant objectives and policies:* i. Objective 10.2.5 ii. Small buildings are provided for in landscape overlay zones where the number of these clustered together with each other or existing large buildings is limited to a level that avoids or, if avoidance is not practicable, ensures cumulative visual effects are no more than minor (Policy 10.2.5.13). *General assessment guidance:* iii. In assessing effects on landscape values, Council will consider the extent to which the development follows the design guidelines in Appendix A11.

10.5.3 Assessment of contraventions of performance standards in the natural environment section			
Activity		Matters of discretion	Guidance on the assessment of resource consents
Z.	In the **ONL** or **SNL overlay zones**: • Area of buildings and structures	a. Effects on landscape values	*Relevant objectives and policies:* i. Objective 10.2.5. ii. Any adverse effects on the landscape values of the ONL are: 1. insignificant (Policy 10.2.5.8.a); or 2. where there are no practicable alternative locations, adequately mitigated (Policy 10.2.5.8.b). iii. Any adverse effects on the landscape values of the SNL are: 1. no more than minor (Policy 10.2.5.9.a); or 2. where there are no practicable alternative locations, adequately mitigated (Policy 10.2.5.9.b). *General assessment guidance:* iv. The assessment will consider the landscape values outlined in Appendix A3. v. Council will generally only consider activities to have no practicable alternative locations where an assessment that meets the requirements set out in Rule 10.9.4 demonstrates that the proposed site, including any proposed mitigation measures, is the option that has the least impact on the values of the overlay, while meeting the operational needs of the activity. vi. In assessing effects on landscape values, Council will consider the extent to which the development follows the design guidelines in Appendix A11. vii. In assessing effects on landscape values from new buildings greater than 60m² footprint, Council will consider Rule 10.3.5.Y Number and location of buildings, and whether additional conditions to limit the future establishment of buildings on the site should apply. *Potential circumstances that may support a consent application include:* viii. The activity incorporates key design elements as set out in Appendix A3. ix. In the case of additions and alterations that would result in a building or structure greater than 60m² footprint, the development involves an addition to a building or structure that would have the same effect as, or a lesser effect than, a new building or structure provided for under Rule 10.3.5.Y. x. Landscaping or other forms of screening will be used to reduce the visibility of development from surrounding properties and public viewpoints.

10.5.3 Assessment of contraventions of performance standards in the natural environment section			
Activity		Matters of discretion	Guidance on the assessment of resource consents
8.	Reflectivity in the **NCC Overlay Zone**	a. Effects on natural character of the coast	*Relevant objectives and policies:* i. Objective 10.2.3 ii. Exterior colours and materials avoid or minimise, as far as practicable, adverse visual effects caused by reflectivity (Policy 10.2.3.9). *General assessment guidance:* iii. In assessing effects on natural character values, Council will consider: 1. the level of visibility of the building or structure from public places; and 2. the extent to which the development follows the design guidelines in Appendix A11. *Potential circumstances that may support a consent application include:* iv. The development incorporates key design elements as set out in Appendix A5.
9.	Reflectivity in the **ONL** or **SNL overlay zones**	a. Effects on landscape values	*Relevant objectives and policies:* i. Objective 10.2.5 ii. Exterior colours and materials avoid or minimise, as far as practicable, adverse visual effects caused by reflectivity (Policy 10.2.5.12). *General assessment guidance:* iii. In assessing effects on landscape values, Council will consider: 1. the level of visibility of the building or structure from public places; and 2. the extent to which the development follows the design guidelines in Appendix A11. *Potential circumstances that may support a consent application include:* iv. The development incorporates key design elements as set out in Appendix A3.
10.	Setback from coast and water bodies (rules 10.3.3.1 - 10.3.3.5)	a. Effects on biodiversity values and natural character of riparian margins and the coast	*Relevant objectives and policies:* i. Objectives 10.2.1, 10.2.2 ii. Buildings, structures, storage and use of hazardous substances, network utility activities, and earthworks - large scale are set back from the coast and water bodies an adequate distance to: 1. in the coastal environment, preserve natural character and protect biodiversity values, or where this is not practicable in the case of network utility activities maintain or enhance natural character and biodiversity values; and

10.5.3 Assessment of contraventions of performance standards in the natural environment section		
Activity	Matters of discretion	Guidance on the assessment of resource consents
		2. outside the coastal environment maintain or enhance biodiversity values and natural character of riparian margins (Policy 10.2.2.2). iii. Earthworks are located and undertaken in a way that minimises, as far as practicable, the risk of sediment entering the sea or water bodies (Policy 10.2.2.5). iv. NA 1. NA 2. NA 3. NA Y. Only allow land use, development and city-wide activities in areas of indigenous vegetation and/or habitats of indigenous fauna that meet the significance criteria in Policy 2.2.3.2, including but not limited to scheduled Areas of Significant Biodiversity Value (ASBVs), either: 1. Policy 10.2.1.X is met; or 2. in the case of new roads or additions or alterations to existing roads (roads of national or regional importance only), buildings and structures that form part of rail infrastructure, airport activities, port activities, network utility activities, mining, mineral prospecting and mineral exploration, and any activities ancillary to these, including earthworks and vegetation clearance, Policy 10.2.1.Y is met. *General assessment guidance:* v. In assessing a contravention of the setback from coast and water bodies performance standard, Council will consider: 1. the effects on the values of the water body and the natural functioning of the water body; 2. the effects on other biodiversity values and natural character values; and 3. the extent to which the development follows any relevant design guidelines in Appendix A11. vi. In assessing whether an activity meets Policy 10.2.1.X or Policy 10.2.1.Y (as applicable), Council will consider whether the area affected meets one or more of the criteria set out in Policy 2.2.3.2. *Potential circumstances that may support a consent application include:* vii. In the case of earthworks - large scale contravening the standard, proposed sediment and erosion control techniques will ensure that sediment remains on-site and away from surface water bodies, coastal water and stormwater networks. X. The earthworks are associated with conservation

10.5.3 Assessment of contraventions of performance standards in the natural environment section			
Activity		Matters of discretion	Guidance on the assessment of resource consents
			activity.
		b. Effects on public access	*Relevant objectives and policies:* i. Objective 10.2.4 ii. Buildings, structures and earthworks - large scale are set back from the coast and water bodies an adequate distance to maintain or enhance public access along riparian and coastal margins (Policy 10.2.4.1). *General assessment guidance:* iii. In assessing a contravention of the setback from coast and water bodies standard, Council will consider any relevant circumstances listed in the New Zealand Coastal Policy Statement 2010 or the Regional Policy Statement for Otago that may support restriction of public access. *Potential circumstances that may support a consent application include:* iv. Reasonable public access to the coast or water body will still be available through alternative access arrangements. v. Topography, site size or other site constraints make providing access impractical. X. The earthworks are associated with conservation activity.
X.	NA	NA	NA

10.5.3 Assessment of contraventions of performance standards in the natural environment section			
Activity		Matters of discretion	Guidance on the assessment of resource consents
11.	Tree Species outside **ASBV**s and outside the **ONF, ONL, ONCC, HNCC** and **NCC overlay zones**	a. Effects on biodiversity values	*Relevant objectives and policies:* i. Objective 10.2.1 ii. The risk of wilding tree establishment in areas of indigenous vegetation is insignificant (Policy 10.2.1.9). iii. NA 1. NA 2. NA 3. NA X. Only allow land use, development and city-wide activities in areas of indigenous vegetation and/or habitats of indigenous fauna that meet the significance criteria in Policy 2.2.3.2, including but not limited to scheduled Areas of Significant Biodiversity Value (ASBVs), either: 1. Policy 10.2.1.X is met; or 2. in the case of new roads or additions or alterations to existing roads (roads of national or regional importance only), buildings and structures that form part of rail infrastructure, airport activities, port activities, network utility activities, mining, mineral prospecting and mineral exploration, and any activities ancillary to these, including earthworks and vegetation clearance, Policy 10.2.1.Y is met. *General assessment guidance:* iv. Council will consider the risk of the tree species spreading beyond the original location of planting due to: 1. the downwind land use, including the intensity of the stocking rate and the palatability of the tree species to the animals grazing; and 2. the location of the shelterbelts and small woodlots in relation to prevailing wind directions, slope, altitude and exposure; and 3. the use of a wilding management plan that will ensure wilding tree spread will be monitored and eradicated. *Potential circumstances that may support a consent application include:* v. There are no ecologically sensitive or important areas downwind that could be vulnerable to wilding tree spread, including identified Areas of Significant Biodiversity Value (ASBV).

10.5.3 Assessment of contraventions of performance standards in the natural environment section			
Activity		Matters of discretion	Guidance on the assessment of resource consents
		b. Effects on natural character of the coast	*Relevant objectives and policies:* i. Objective 10.2.3 ii. The risk of wilding tree establishment in Outstanding Natural Coastal Character (ONCC), High Natural Coastal Character (HNCC), and Natural Coastal Character (NCC) overlay zones is insignificant (Policy 10.2.3.12). *General assessment guidance:* iii. See Rule 10.5.3.11.a.iii. *Potential circumstances that may support a consent application include:* iv. There are no coastal character overlay zones downwind that could be vulnerable to wilding tree spread.
		c. Effects on landscape values	*Relevant objectives and policies:* i. Objective 10.2.5 ii. The risk of wilding tree establishment in Outstanding Natural Feature (ONF), Outstanding Natural Landscape (ONL) and Significant Natural Landscape (SNL) overlay zones is insignificant (Policy 10.2.5.15). *General assessment guidance:* iii. See Rule 10.5.3.11.a.iii. *Potential circumstances that may support a consent application include:* iv. There are no landscape overlay zones downwind that could be vulnerable to wilding tree spread.
AA.	All performance standard contraventions by any network utility activity that forms part of the National Grid, and any ancillary activities including earthworks and vegetation clearance	a. Effects on biodiversity values and natural character of riparian margins and the coast	*Relevant objectives and policies* i. The objective and policies referenced below apply, in addition to the objectives and policies referenced elsewhere in Rule 10.5.3: 1. Objective 5.2.X. 2. Policies 5.2.X.1, 5.2.X.2, 5.2.X.3.
		b. Effects on public access	
		c. Effects on biodiversity values	
AB.	Setback from a **stormwater open watercourse mapped area** (Rule 10.3.3.X)	a. Effects on the efficiency and affordability of infrastructure	See Rule 9.5

10.5.4 Assessment of contraventions of performance standards in other sections

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	All performance standard contraventions	a. Positive effects on biodiversity values or the natural character of the coast	*Relevant objectives and policies:* i. Objective 10.2.1, 10.2.2, 10.2.3 ii. Conservation activity is encouraged in all zones (Policy 10.2.1.5). X. Conservation activity is encouraged in coastal and riparian margins (Policy 10.2.2.1). *General assessment guidance:* Y. In assessing positive effects on biodiversity values, Council will take into account the extent to which indigenous vegetation and habitats are proposed to be retained or restored in a way that contributes to increased resilience, buffering and/or connectivity. *Potential circumstances that may support a consent application include:* iii. The development incorporates conservation activity that will have significant positive effects on biodiversity or natural character values.
2.	Maximum height in the **NCC overlay zone**	a. Effects on natural character of the coast	*Relevant objectives and policies:* i. Objective 10.2.3. ii. Adverse effects on the natural character values identified in Appendix A5 are avoided or, if avoidance is not practicable, are no more than minor (Policy 10.2.3.5). *General assessment guidance:* iii. In assessing effects on natural character values, Council will consider the extent to which the development follows the relevant design guidelines in Appendix A11. *Potential circumstances that may support a consent application include:* iv. The development incorporates key design elements as set out in Appendix A5.

10.5.4 Assessment of contraventions of performance standards in other sections			
Activity		Matters of discretion	Guidance on the assessment of resource consents
3.	Maximum height in the **ONL** or **SNL overlay zones**	a. Effects on landscape values	*Relevant objectives and policies:* i. Objective 10.2.5 ii. Adverse effects on the landscape values of the ONL, as identified in Appendix A3, are: 1. insignificant; or 2. where there are no practicable alternative locations, adequately mitigated (Policy 10.2.5.8). iii. Adverse effects on the landscape values of the SNL as identified in Appendix A3 are avoided or, if avoidance is not practicable: 1. no more than minor; or 2. where there are no practicable alternative locations, adequately mitigated (Policy 10.2.5.9). *General assessment guidance:* iv. In assessing effects on landscape values, Council will consider the extent to which the development follows the design guidelines in Appendix A.11. v. Council will generally only consider activities to have no practicable alternative locations where an assessment that meets the requirements set out in Rule 10.9.4 demonstrates that the proposed site, including any proposed mitigation measures, is the option that has the least impact on the values of the overlay, while meeting the operational needs of the activity. *Potential circumstances that may support a consent application include:* vi. The development incorporates key design elements as set out in Appendix A3.
4.	Number, location and design of ancillary signs in the **ONCC, HNCC** or **NCC overlay zones**	a. Effects on natural character of the coast	*Relevant objectives and policies:* i. Objective 10.2.3 ii. Ancillary signs are located and designed so that any adverse effects on natural character values, as identified in Appendix A5, are insignificant (Policy 10.2.3.11).
5.	Number, location and design of ancillary signs in the **ONL, SNL** or **ONF overlay zones**	a. Effects on landscape values	*Relevant objectives and policies:* i. Objective 10.2.5 ii. Adverse effects on landscape values, as identified in Appendix A3, are insignificant. (Policy 10.2.5.14).
6.	Sediment control (Rule 8A.5.7)	a. Effects on biodiversity values and natural character of riparian margins and the coast	*Relevant objectives and policies:* i. Objective 10.2.2 ii. Earthworks are located and undertaken in a way that minimises, as far as practicable, the risk of sediment entering the sea or water bodies (Policy 10.2.2.5).

10.5.4 Assessment of contraventions of performance standards in other sections			
Activity		Matters of discretion	Guidance on the assessment of resource consents
7.	Site restoration	a. Effects on biodiversity values	*Relevant objectives and policies:* i. Objective 10.2.1 ii. Indigenous vegetation and the habitats of indigenous fauna are restored where cleared as part of the mineral exploration or prospecting activity, or, where this is not practicable, biodiversity values are otherwise maintained or enhanced (Policy 10.2.1.10). iii. NA 1. NA 2. NA 3. NA X. Only allow land use, development and city-wide activities in areas of indigenous vegetation and/or habitats of indigenous fauna that meet the significance criteria in Policy 2.2.3.2, including but not limited to scheduled Areas of Significant Biodiversity Value (ASBVs), either: 1. Policy 10.2.1.X is met; or 2. in the case of new roads or additions or alterations to existing roads (roads of national or regional importance only), buildings and structures that form part of rail infrastructure, airport activities, port activities, network utility activities, mining, mineral prospecting and mineral exploration, and any activities ancillary to these, including earthworks and vegetation clearance, Policy 10.2.1.Y is met.
8.	Location (network utility structures - small scale)	a. Effects on natural character of the coast	*Relevant objectives and policies:* i. Objective 10.2.3 ii. In Natural Coastal Character (NCC) overlay zones adverse effects on the natural character values identified in Appendix A5 are avoided or, if avoidance is not practicable: 1. no more than minor; or 2. where there are no practicable alternative locations, adequately mitigated (Policy 10.2.3.13). *General assessment guidance:* iii. Council will generally only consider activities to have no practicable alternative locations where an assessment that meets the requirements set out in Rule 10.9.4 demonstrates that the proposed site, including any proposed mitigation measures, is the option that has the least impact on the values of the overlay, while meeting the operational needs of the activity.

10.5.4 Assessment of contraventions of performance standards in other sections			
Activity		Matters of discretion	Guidance on the assessment of resource consents
X.	Dust and sediment control (Rule 16.5.16.9)	a. Effects on biodiversity values and natural character of riparian margins and the coast	*Relevant objectives and policies:* i. Objective 10.2.2 ii. Scheduled mining activities are located and undertaken in a way that minimises, as far as practicable, the risk of sediment entering the sea or water bodies (Policy 10.2.2.5).
Y.	All performance standard contraventions by any network utility activity that forms part of the National Grid, and any ancillary activities including earthworks and vegetation clearance	a. Effects on biodiversity values and natural character of riparian margins and the coast b. Effects on natural character of the coast	*Relevant objectives and policies:* i. The objective and policies referenced below apply, in addition to the objectives and policies referenced elsewhere in Rule 10.5.4: 1. Objective 5.2.X. 2. Policies 5.2.X.1, 5.2.X.2, 5.2.X.3.

Rule 10.6 Assessment of Restricted Discretionary Activities

Rule 10.6.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rule 10.6.2 and 10.6.3:
   a. lists the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provides guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.

10.6.2 Assessment of all restricted discretionary activities	
Activity	Guidance on the assessment of resource consents
1. All restricted discretionary activities that are linked to Section 10.6	*General assessment guidance:* a. For those activities that require assessment against Policy 10.2.1.X or Policy 10.2.1.Y (as applicable), in assessing whether the activity meets that policy, Council will consider whether the area affected meets one or more of the criteria set out in Policy 2.2.3.2. b. In assessing effects on landscape values or on the natural character of the coast, Council will consider the extent to which the activity follows any relevant design guidelines in Appendix A11. c. For those activities for which effects on the natural character of the coast is a matter of discretion, Council will consider the natural character values that have been identified in Appendix A5, which include biodiversity values among others. These values may not be comprehensive, as they are not based on site-specific assessments. Therefore, a more detailed assessment may be required, under Policy 10.2.1.X or Policy 10.2.1.Y (as applicable), to determine the effects of activities on areas of significant indigenous vegetation and significant habitats of indigenous fauna. d. In assessing the appropriateness of any proposed biodiversity offset or environmental compensation, in addition to Policy 2.2.3.6 or Policy 2.2.3.7, Council will consider the Guidance on Good Practice Biodiversity Offsetting in New Zealand (NZ Government, 2014). e. NA

10.6.3 Assessment of restricted discretionary activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	All restricted discretionary activities that are linked to Section 10.6	a. Positive effects on biodiversity values or the natural character of the coast	*Relevant objectives and policies:* i. Objectives 10.2.1, 10.2.2, 10.2.3 ii. Conservation activity is encouraged in all zones (Policy 10.2.1.5). iii. Conservation activity is encouraged in coastal and riparian margins (Policy 10.2.2.1). *General assessment guidance:* iv. In assessing positive effects on biodiversity values, Council will take into account the extent to which indigenous vegetation and habitats are proposed to be retained or restored in a way that contributes to increased resilience, buffering and/or connectivity. *Potential circumstances that may support a consent application include:* v. The development incorporates conservation activity that will have significant positive effects on biodiversity or natural character values.
2.	• Earthworks - large scale that exceed scale thresholds within 20m of a water body or MHWS (rural zones or Invermay and Hercus Zone) • Earthworks - large scale that exceed scale thresholds within 5m of a water body or MHWS (all other zones)	a. Effects on biodiversity values and natural character of riparian margins and the coast	*General assessment guidance:* i. Earthworks - large scale (that are treated as large scale because they exceed the small scale thresholds in Rule 8A.5.1 for earthworks near a water body or MHWS) will be assessed based on the related consent requirements linked to earthworks - large scale within the setback from coast and water bodies (Rule 10.3.3 Setback from Coast and Water Bodies). See assessment guidance in Rule 10.5.3.10.
		b. Effects on public access	*General assessment guidance:* i. Earthworks - large scale (that are treated as large scale because they exceed the small scale thresholds in Rule 8A.5.1 for earthworks near a water body or MHWS) will be assessed based on the related consent requirements linked to earthworks - large scale within the setback from coast and water bodies (Rule 10.3.3 Setback from Coast and Water Bodies). See assessment guidance in Rule 10.5.3.10.

10.6.3 Assessment of restricted discretionary activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
3.	Earthworks - large scale in rural zones	a. Effects on biodiversity values	*Relevant objectives and policies:* i. Objective 10.2.1. ii. Biodiversity values are maintained or enhanced (Policy 10.2.1.1). iii. Only allow land use, development and city-wide activities in areas of indigenous vegetation and/or habitats of indigenous fauna that meet the significance criteria in Policy 2.2.3.2, including but not limited to scheduled Areas of Significant Biodiversity Value (ASBVs), either: 1. Policy 10.2.1.X is met; or 2. in the case of new roads or additions or alterations to existing roads (roads of national or regional importance only), buildings and structures that form part of rail infrastructure, airport activities, port activities, network utility activities, mining, mineral prospecting and mineral exploration, and any activities ancillary to these, including earthworks and vegetation clearance, Policy 10.2.1.Y is met.

10.6.3 Assessment of restricted discretionary activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
4.	Indigenous vegetation clearance - large scale (recreation, rural and rural residential zones, outside scheduled Areas of Significant Biodiversity Value)	a. Effects on biodiversity values	*Relevant objectives and policies:* i. Objective 10.2.1. ii. Adverse effects on biodiversity values are avoided or, if avoidance is not practicable, no more than minor (Policy 10.2.1.6). iii. Only allow land use, development and city-wide activities in areas of indigenous vegetation and/or habitats of indigenous fauna that meet the significance criteria in Policy 2.2.3.2, including but not limited to scheduled Areas of Significant Biodiversity Value (ASBVs), either: 1. Policy 10.2.1.X is met; or 2. in the case of new roads or additions or alterations to existing roads (roads of national or regional importance only), buildings and structures that form part of rail infrastructure, airport activities, port activities, network utility activities, mining, mineral prospecting and mineral exploration, and any activities ancillary to these, including earthworks and vegetation clearance, Policy 10.2.1.Y is met. *Potential circumstances that may support a consent application include:* iv. The clearance is of a non-local indigenous species that has extended beyond its range. v. The clearance is part of conservation activity involving the clearance of indigenous species and replacement by other indigenous species. vi. The clearance is of indigenous vegetation that is diseased and unlikely to regain health and viability. vii. An ecological assessment supporting the clearance is supplied with the application (see Rule 10.9.2 Special Information Requirements).

10.6.3 Assessment of restricted discretionary activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
5.	All subdivision activities	a. Effects on biodiversity values and the natural character of riparian margins and the coast	*Relevant objectives and policies:* i. Objectives 10.2.1, 10.2.2 ii. The subdivision design will ensure any future land use or development will: 1. maintain or enhance, on an on-going basis, biodiversity values (Policy 10.2.1.11.a); 2. protect any areas of significant indigenous vegetation and the significant habitats of indigenous fauna (Policy 10.2.1.11.b); and 3. be in accordance with policies 10.2.1.X, 10.2.1.Y and 10.2.1.8 (Policy 10.2.1.11.c). iii. General subdivision adjacent to water bodies and the coast maintains or enhances the following values, including through provision of an esplanade reserve or esplanade strip in identified locations: 1. biodiversity values of riparian margins and the coast; 2. the water quality and aquatic habitats of the water body or coast; and 3. the natural functioning of the adjacent sea or water body (Policy 10.2.2.7). *Potential circumstances that may support a consent application include:* iv. The subdivision is designed to maximise the opportunities for protection or enhancement of important natural environment values on the site, including but not limited to, indigenous vegetation or other habitat, for example through: 1. retaining indigenous vegetation on a single site, under single ownership; and 2. fencing of indigenous vegetation. v. A legal mechanism (such as a covenant) is offered by the applicant to protect indigenous vegetation. vi. The subdivision is designed to minimise any adverse effects from drainage on water bodies, including by minimising impermeable surfaces near open water bodies. vii. In the rural zones, subdivisions are designed to maintain natural overland flow paths and natural hydrology. *General assessment guidance:* viii. Threatened indigenous vegetation includes those species listed in Appendix 10A. *Conditions that may be imposed include:* ix. A building platform may be required to be registered against the title by way of consent notice.

10.6.3 Assessment of restricted discretionary activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
		b. Effects on public access	*Relevant objectives and policies:* i. Objective 10.2.4. ii. Subdivision of land enhances public access to the natural environment through: 1. requiring an esplanade reserve or esplanade strip of an appropriate width and location adjacent to identified water bodies and the coast; and 2. where practicable, providing opportunities for access in other areas where this will enhance recreational opportunities, particularly through connecting to and expanding the existing tracks network or utilising adjacent unformed legal roads (Policy 10.2.4.3). *Potential circumstances that may support a consent application include:* iii. Unformed legal roads will be fenced to maintain or enhance public access, or other mechanisms are proposed to enhance public access. iv. A management plan is provided for on-going pest and weed control on areas set aside for public access. *General assessment guidance:* v. Council will consider the positive effects for public access provided by the subdivision, including those that are additional to any esplanade reserve or esplanade strip requirements that apply.
6.	In the **ONCC** or **HNCC overlay zones**: • Shelterbelts and small woodlots • Earthworks - large scale (that exceed scale thresholds for an ONCC, HNCC) • Network utility structures - large scale (amateur radio configurations only) • Network utility structures - small scale • Public artworks - large scale • General subdivision	a. Effects on natural character of the coast	*Relevant objectives and policies:* i. Objective 10.2.3 ii. Adverse effects of shelterbelts and small woodlots, network utility structures - large scale (amateur radio configurations only), earthworks - large scale, transportation activities, and public amenities on the natural character values identified in Appendix A5 are insignificant (Policy 10.2.3.3). iii. Adverse effects of network utility structures - small scale on the natural character values identified in Appendix A5 are insignificant or, where there are no practicable alternatives, adequately mitigated (Policy 10.2.3.4). iv. The design of the subdivision and any future land use or development will: 1. preserve or enhance, on an on-going basis, the natural character values identified in Appendix A5; and 2. be in accordance with policies 10.2.3.1, 10.2.3.2, 10.2.3.3 and 10.2.3.4 (Policy 10.2.3.7). v. Only allow land use, development and city-wide activities in areas of indigenous vegetation and/or habitats of indigenous

10.6.3 Assessment of restricted discretionary activities		
Activity	Matters of discretion	Guidance on the assessment of resource consents
		fauna that meet the significance criteria in Policy 2.2.3.2, including but not limited to scheduled Areas of Significant Biodiversity Value (ASBVs), either: 1. Policy 10.2.1.X is met; or 2. in the case of new roads or additions or alterations to existing roads (roads of national or regional importance only), buildings and structures that form part of rail infrastructure, airport activities, port activities, network utility activities, mining, mineral prospecting and mineral exploration, and any activities ancillary to these, including earthworks and vegetation clearance, Policy 10.2.1.Y is met. *General assessment guidance:* vi. The assessment will consider the natural character values outlined in Appendix A5. vii. All development in an ONCC or HNCC overlay zone will consider the effects on biodiversity. viii. The assessment of resource consent applications for subdivision activities will consider any landscape assessment provided with the application (see Special Information Requirements - Rule 10.9.1). ix. The assessment will consider the appropriateness of the building platforms identified, as required by Rule 10.8.1. *Potential circumstances that may support a consent application include:* x. Development is associated with conservation. xi. For utilities activities: 1. The network utility is co-located with existing buildings or network utility structures. 2. It is essential for the activity to locate on the feature to ensure the ongoing operation of a network utility service. 3. Landscaping or other forms of screening (where appropriate) will be used to reduce the visibility of the network utility from surrounding properties and public viewpoints. 4. Solar panels and other structures use a design and/or materials that minimise reflectivity and glare as far as practicable. *Conditions that may be imposed include:* xii. For earthworks - large scale, requirements for batter gradients to be re-vegetated or screened by vegetation if visible from a public place.

10.6.3 Assessment of restricted discretionary activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
7.	In the **NCC Overlay Zone**: • Crematoriums • Forestry • Indigenous vegetation clearance - large scale • Earthworks - large scale (that exceed the scale thresholds for an NCC)	a. Effects on natural character of the coast	*Relevant objectives and policies:* i. Objectives 10.2.1, 10.2.3 ii. Adverse effects on the natural character values identified in Appendix A5 are avoided or, if avoidance is not practicable, are no more than minor (Policy 10.2.3.5). iii. Only allow land use, development and city-wide activities in areas of indigenous vegetation and/or habitats of indigenous fauna that meet the significance criteria in Policy 2.2.3.2, including but not limited to scheduled Areas of Significant Biodiversity Value (ASBVs), either: 1. Policy 10.2.1.X is met; or 2. in the case of new roads or additions or alterations to existing roads (roads of national or regional importance only), buildings and structures that form part of rail infrastructure, airport activities, port activities, network utility activities, mining, mineral prospecting and mineral exploration, and any activities ancillary to these, including earthworks and vegetation clearance, Policy 10.2.1.Y is met. *General assessment guidance:* iv. The assessment will consider the natural character values outlined in Appendix A5. v. For forestry, in assessing effects on natural character values, the Council will consider the extent to which the activity follows the design guidelines in Appendix A11.3. *Potential circumstances that may support a consent application include:* vi. The activity incorporates key design elements as set out in Appendix A5. vii. Development is associated with conservation. viii. For indigenous vegetation clearance, an ecological assessment supporting the clearance is supplied with the application (see Rule 10.9.2 Special Information Requirements). *Conditions that may be imposed include:* ix. For forestry, conditions on the siting, scale, species and/or layout of forestry blocks. x. For earthworks - large scale, requirements for batter gradients to be re-vegetated or screened by vegetation if visible from a public place.

10.6.3 Assessment of restricted discretionary activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
8.	In the **NCC Overlay Zone**: • Public Artworks - large scale • Network utility poles and masts - small scale • Wind generators - small scale • Hydro generators - small scale • Solar panels - small scale	a. Effects on natural character of the coast	*Relevant objectives and policies:* i. Objectives 10.2.1, 10.2.3 ii. Adverse effects on the natural character values identified in Appendix A5 are avoided or, if avoidance is not practicable: 1. no more than minor, or 2. where there are no practicable alternative locations, adequately mitigated (Policy 10.2.3.6). iii. Only allow land use, development and city-wide activities in areas of indigenous vegetation and/or habitats of indigenous fauna that meet the significance criteria in Policy 2.2.3.2, including but not limited to scheduled Areas of Significant Biodiversity Value (ASBVs), either: 1. Policy 10.2.1.X is met; or 2. in the case of new roads or additions or alterations to existing roads (roads of national or regional importance only), buildings and structures that form part of rail infrastructure, airport activities, port activities, network utility activities, mining, mineral prospecting and mineral exploration, and any activities ancillary to these, including earthworks and vegetation clearance, Policy 10.2.1.Y is met. *General assessment guidance:* iv. The assessment will consider the natural character values outlined in Appendix A5. v. Council will generally only consider activities to have no practicable alternative locations where an assessment that meets the requirements set out in Rule 10.9.4 demonstrates that the proposed site, including any proposed mitigation measures, is the option that has the least impact on the values of the overlay, while meeting the operational needs of the activity. *Potential circumstances that may support a consent application include:* vi. For utilities activities: 1. The network utility is co-located with existing buildings or network utility structures. 2. Landscaping or other forms of screening (where appropriate) will be used to reduce the visibility of the network utility from surrounding properties and public viewpoints. 3. Solar panels and other structures use a design and/or materials that minimise reflectivity and glare as far as practicable.

10.6.3 Assessment of restricted discretionary activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
9.	In the **NCC Overlay Zone:** • General subdivision	a. Effects on natural character of the coast	*Relevant objectives and policies:* i. Objective 10.2.3 ii. The design of the subdivision and any future land use or development will: 1. maintain or enhance, on an on-going basis, the natural character values identified in Appendix A5; and 2. be in accordance with policies 10.2.3.5 and 10.2.3.6 (Policy 10.2.3.7). *General assessment guidance:* iii. The assessment will consider the natural character values outlined in Appendix A5. iv. The assessment will consider the appropriateness of the building platforms identified, as required by Rule 10.8.1. *Potential circumstances that may support a consent application include:* v. For subdivision activities, a landscape building platform or platforms are identified (see Rule 10.9.1 Special Information Requirements). vi. Development is associated with conservation. *Conditions that may be imposed include:* vii. For subdivision activities, a landscape building platform may be required to be registered against the title by way of consent notice (see Rule 10.9.1 Special Information Requirements).

10.6.3 Assessment of restricted discretionary activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
10.	In an **ASBV**: • All restricted discretionary buildings and structures activities that are linked to Section 10.6 • Earthworks - large scale (that exceed the scale thresholds for a ASBV) • Shelterbelts and small woodlots • Site development activities (except for outdoor storage, parking, loading and access, vegetation clearance, storage and use of hazardous substances) • Network utility poles and masts - small scale • Wind generators - small scale • Hydro generators - small scale • Solar panels - small scale • Network utility structures - large scale (amateur radio configurations only)	a. Effects on biodiversity values	*Relevant objectives and policies:* i. Objective 10.2.1 ii. Only allow land use, development and city-wide activities in areas of indigenous vegetation and/or habitats of indigenous fauna that meet the significance criteria in Policy 2.2.3.2, including but not limited to scheduled Areas of Significant Biodiversity Value (ASBVs), either: 1. Policy 10.2.1.X is met; or 2. in the case of new roads or additions or alterations to existing roads (roads of national or regional importance only), buildings and structures that form part of rail infrastructure, airport activities, port activities, network utility activities, mining, mineral prospecting and mineral exploration, and any activities ancillary to these, including earthworks and vegetation clearance, Policy 10.2.1.Y is met. *Potential circumstances that may support a consent application include:* iii. Development is associated with conservation. iv. Measures are proposed to protect or enhance the biodiversity values of the ASBV.

10.6.3 Assessment of restricted discretionary activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
11.	In an **ASBV**: • All subdivision activities	a. Effects on biodiversity values	*Relevant objectives and policies:* i. Objective 10.2.1 ii. The subdivision design will ensure any future land use or development will: 1. maintain or enhance, on an on-going basis, biodiversity values (Policy 10.2.1.11.a); 2. protect any areas of significant indigenous vegetation and the significant habitats of indigenous fauna (Policy 10.2.1.11.b); and 3. be in accordance with policies 10.2.1.X and 10.2.1.Y (Policy 10.2.1.11.c). *Potential circumstances that may support a consent application include:* iii. Development is associated with conservation. iv. Measures are proposed to protect or enhance the biodiversity values of the ASBV.

10.6.3 Assessment of restricted discretionary activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
12.	In a **UBMA**: • Earthworks - large scale (that exceed scale thresholds for an UBMA) • All subdivision activities	a. Effects on biodiversity values	*Relevant objectives and policies:* i. Objective 10.2.1 ii. Earthworks - large scale and subdivision maintain or enhance the biodiversity values of the UBMA including, but not limited to, those values listed in Appendix A10 (Policy 10.2.1.8). iii. Only allow land use, development and city-wide activities in areas of indigenous vegetation and/or habitats of indigenous fauna that meet the significance criteria in Policy 2.2.3.2, including but not limited to scheduled Areas of Significant Biodiversity Value (ASBVs), either: 1. Policy 10.2.1.X is met; or 2. in the case of new roads or additions or alterations to existing roads (roads of national or regional importance only), buildings and structures that form part of rail infrastructure, airport activities, port activities, network utility activities, mining, mineral prospecting and mineral exploration, and any activities ancillary to these, including earthworks and vegetation clearance, Policy 10.2.1.Y is met. iv. The subdivision design will ensure any future land use or development will: 1. maintain or enhance, on an on-going basis, biodiversity values (Policy 10.2.1.11.a); 2. protect any areas of significant indigenous vegetation and the significant habitats of indigenous fauna (Policy 10.2.1.11.b); and 3. be in accordance with policies 10.2.1.X, 10.2.1.Y and 10.2.1.8 (Policy 10.2.1.11.c). *Potential circumstances that may support a consent application include:* v. Earthworks are associated with conservation.

10.6.3 Assessment of restricted discretionary activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
13.	In the **ONF Overlay Zone**: • Earthworks - large scale (that exceed scale thresholds for an ONF) • Shelterbelts and small woodlots • Indigenous vegetation clearance - large scale • Network utility structures - small scale • Network utility structures - large scale (amateur radio configurations only)	a. Effects on landscape values	*Relevant objectives and policies:* i. Objective 10.2.5. ii. Adverse effects of shelterbelts and small woodlots, earthworks - large scale and indigenous vegetation clearance - large scale on the landscape values of the ONF, as identified in Appendix A3, are insignificant (Policy 10.2.5.3). iii. Adverse effects of network utility structures - small scale on the landscape values of the ONF, as identified in Appendix A3 are insignificant or, where there are no practicable alternatives, adequately mitigated (Policy 10.2.5.4). *General assessment guidance:* iv. The assessment will consider the landscape values outlined in Appendix A3. *Potential circumstances that may support a consent application include:* v. For utilities activities: 1. The network utility is co-located with existing buildings or network utility structures. 2. It is essential for the activity to locate on the feature to ensure the on-going operation of a network utility service. 3. Landscaping or other forms of screening (where appropriate) will be used to reduce the visibility of the network utility from surrounding properties and public viewpoints. *Conditions that may be imposed include:* vi. For earthworks - large scale, requirements for batter gradients to be re-vegetated or screened by vegetation if visible from a public place. vii. Solar panels and other structures use a design and/or materials that minimise reflectivity and glare as far as practicable.

10.6.3 Assessment of restricted discretionary activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
14.	In the **ONF Overlay Zone**: • Public artworks - large scale	a. Effects on landscape values	*Relevant objectives and policies:* i. Objective 10.2.5. ii. Any adverse effects on landscape values are: 1. insignificant (Policy 10.2.5.4.a); or 2. where there are no practicable alternative locations, adequately mitigated (Policy 10.2.5.4.b). General assessment guidance: iii. The assessment will consider the landscape values outlined in Appendix A3. iv. Council will generally only consider activities to have no practicable alternative locations where an assessment that meets the requirements set out in Rule 10.9.4 demonstrates that the proposed site, including any proposed mitigation measures, is the option that has the least impact on the values of the overlay, while meeting the operational needs of the activity.
15.	In the **ONF, ONL or SNL overlay zones**: • General subdivision	a. Effects on landscape values	*Relevant objectives and policies:* i. Objective 10.2.5. ii. Subdivision is designed to ensure that any future land use or development will maintain or enhance the landscape values identified in Appendix A3 and will be in accordance with policies 10.2.5.1, 10.2.5.2, 10.2.5.3, 10.2.5.4, 10.2.5.6, 10.2.5.7, 10.2.5.8 and 10.2.5.9 (Policy 10.2.5.10). *General assessment guidance:* iii. The assessment of resource consent applications for subdivision activities will consider any landscape assessment provided with the application (see Rule 10.9.1 Special Information Requirements). iv. The assessment will consider the appropriateness of the building platforms identified, as required by Rule 10.9.1. *Conditions that may be imposed include:* v. For subdivision activities, a landscape building platform may be required to be registered against the title by way of consent notice (see Rule 10.9.1 Special Information Requirements).

10.6.3 Assessment of restricted discretionary activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
16.	In the **ONL Overlay Zone**: • Forestry	a. Effects on landscape values	*Relevant objectives and policies:* i. Objective 10.2.5. ii. Any adverse effects on identified landscape values, as identified in Appendix A3, are insignificant (Policy 10.2.5.7). *General assessment guidance:* iii. The assessment will consider the landscape values outlined in Appendix A3. iv. For forestry, in assessing effects on landscape values, the Council will consider the extent to which the activity follows the design guidelines in Appendix A11.3. *Potential circumstances that may support a consent application include:* v. The activity incorporates key design elements as set out in Appendix A3.
17.	In the **ONL Overlay Zone**: • Crematoriums • Earthworks - large scale (that exceed the scale thresholds for an ONL) • Public artworks - large scale • Network utility poles and masts - small scale • Wind generators - small scale • Hydro generators - small scale • Solar panels - small scale	a. Effects on landscape values	*Relevant objectives and policies:* i. Objective 10.2.5. ii. Any adverse effects on landscape values are: 1. insignificant (Policy 10.2.5.8.a); or 2. where there are no practicable alternative locations, adequately mitigated (Policy 10.2.5.8.b). *General assessment guidance:* iii. The assessment will consider the landscape values outlined in Appendix A3. iv. Council will generally only consider activities to have no practicable alternative locations where an assessment that meets the requirements set out in Rule 10.9.4 demonstrates that the proposed site, including any proposed mitigation measures, is the option that has the least impact on the values of the overlay, while meeting the operational needs of the activity.

10.6.3 Assessment of restricted discretionary activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
18.	In the **SNL Overlay Zone**: • Crematoriums • Forestry • Earthworks - large scale (that exceed the scale thresholds for an SNL) • Public artworks - large scale • Network utility poles and masts - small scale • Wind generators - small scale • Hydro generators - small scale • Solar panels - small scale	a. Effects on landscape values	*Relevant objectives and policies:* i. Objective 10.2.5. ii. Any adverse effects on landscape values, as identified in Appendix A3, are avoided or, if avoidance is not practicable: 1. no more than minor (Policy 10.2.5.9.a), or 2. where there are no practicable alternative locations, adequately mitigated (Policy 10.2.5.9.b). *General assessment guidance:* iii. The assessment will consider the landscape values outlined in Appendix A3. iv. Council will generally only consider activities to have no practicable alternative locations where an assessment that meets the requirements set out in Rule 10.9.4 demonstrates that the proposed site, including any proposed mitigation measures, is the option that has the least impact on the values of the overlay, while meeting the operational needs of the activity. v. For forestry, in assessing effects on landscape values, the Council will consider the extent to which the activity follows the design guidelines in Appendix A11.3. *Potential circumstances that may support a consent application include:* vi. The activity incorporates key design elements as set out in Appendix A3. vii. Landscaping or other forms of screening will be used to reduce the visibility of development from surrounding properties and public viewpoints. viii. For utilities activities: 1. The network utility is co-located with existing buildings or network utility structures. 2. The activity is associated with the operation of the National Grid. 3. Landscaping or other forms of screening (where appropriate) will be used to reduce the visibility of the network utility from surrounding properties and public viewpoints. ix. For earthworks - large scale, requirements for batter gradients to be re-vegetated or screened by vegetation if visible from a public place.

10.6.3 Assessment of restricted discretionary activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
19.	Any restricted discretionary network utility activity that forms part of the National Grid, and any ancillary activities including earthworks and vegetation clearance	a. Effects on biodiversity values and natural character of riparian margins and the coast	*Relevant objectives and policies:* i. The following objective and policies referenced below apply, in addition to the objectives and policies referenced elsewhere in Rule 10.6.3: 1. Objective 5.2.X. 2. Policies 5.2.X.1, 5.2.X.2, 5.2.X.3.
		b. Effects on public access	
		c. Effects on biodiversity values	
		d. Effects on natural character of the coast	
		e. Effects on landscape values	
20.	Network utility structures - large scale provided for in Rule 5.3.2.16.a and Rule 5.3.2.16.b (rural, rural residential and recreation zones only)	a. Effects on biodiversity values	*Relevant objectives and policies:* i. Objective 10.2.1. ii. Biodiversity values are maintained or enhanced (Policy 10.2.1.1). iii. Only allow network utility structures - large scale and any activities ancillary to these, including earthworks and vegetation clearance, to locate in areas of indigenous vegetation and/or habitats of indigenous fauna that meet the significance criteria in Policy 2.2.3.2, including but not limited to scheduled Areas of Significant Biodiversity Value (ASBVs), where either Policy 10.2.1.X or Policy 10.2.1.Y is met (Policy 10.2.1.X, Policy 10.2.1.Y).

Rule 10.7 Assessment of Discretionary Activities

Rule 10.7.1 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 10.7.2 provides guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', but do not limit that assessment. They include:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
   b. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
   c. general assessment guidance, including any effects that will be considered as a priority; and
   d. conditions that may be imposed.

10.7.2 Assessment of discretionary activities	
Activity	Guidance on the assessment of resource consents
1. All discretionary activities that are linked to Section 10.7, including but not limited to the activities listed below	*Relevant objectives and policies (priority considerations):* a. Objectives 10.2.1 - 10.2.5 b. Objective 2.2.3 c. Activities maintain or enhance biodiversity values (Policy 10.2.1.1). d. NA i. NA ii. NA iii. NA Y. Only allow land use, development and city-wide activities in areas of indigenous vegetation and/or habitats of indigenous fauna that meet the significance criteria in Policy 2.2.3.2, including but not limited to scheduled Areas of Significant Biodiversity Value (ASBVs), either: i. Policy 10.2.1.X is met; or ii. in the case of new roads or additions or alterations to existing roads (roads of national or regional importance only), buildings and structures that form part of rail infrastructure, airport activities, port activities, network utility activities, mining, mineral prospecting and mineral exploration, and any activities ancillary to these, including earthworks and vegetation clearance, Policy 10.2.1.Y is met. e. Activities adjacent to water bodies and the coast: i. in the coastal environment, preserve natural character and protect biodiversity values or, where this is not practicable in the case of network utility activities, maintain or enhance natural character and biodiversity values; and ii. outside the coastal environment, maintain or enhance the biodiversity values and natural character of riparian margins (Policy 10.2.2.6).

10.7.2 Assessment of discretionary activities	
Activity	Guidance on the assessment of resource consents
	Potential circumstances that may support a consent application include: f. 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 10.5 for performance standard contraventions). All relevant land use performance standards are met, including noise and light spill standards. g. The development incorporates conservation activity that will have significant positive effects on biodiversity or natural character values. h. A management plan is provided for weed and pest control in areas of indigenous vegetation or the habitat of indigenous fauna. *General assessment guidance* X. In assessing positive effects on biodiversity values, Council will take into account the extent to which indigenous vegetation and habitats are proposed to be retained or restored in a way that contributes to increased resilience, buffering and/or connectivity. i. NA j. 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. k. In assessing whether an activity meets Policy 10.2.1.X or Policy 10.2.1.Y (as applicable), Council will consider whether the area affected meets one or more of the criteria set out in Policy 2.2.3.2. l. In assessing the appropriateness of any proposed biodiversity offset or environmental compensation, in addition to Policy 2.2.3.6 or Policy 2.2.3.7, Council will consider the Guidance on Good Practice Biodiversity Offsetting in New Zealand (NZ Government, 2014). m. In the case of solar panels - large scale, Council will consider whether structures are designed to decrease the attractiveness of panels to polarotactic insects (i.e. insects that use polarised light as a cue to navigation). n. In assessing effects on landscape values or on the natural character of the coast, Council will consider the extent to which the activity follows any relevant design guidelines in Appendix A11.

10.7.2 Assessment of discretionary activities		
Activity		Guidance on the assessment of resource consents
2.	• Natural hazard mitigation earthworks • Natural hazard mitigation structures	*Relevant objectives and policies (priority considerations):* a. Objectives 10.2.2, 10.2.4 b. Natural hazard mitigation earthworks or natural hazard mitigation structures maintain or enhance public access to the coast and riparian margins (Policy 10.2.4.4). c. Natural hazard mitigation earthworks and natural hazard mitigation structures are only allowed where: i. in the coastal environment, natural character is preserved and biodiversity values are protected; or ii. outside the coastal environment, the biodiversity values and natural character of riparian margins are maintained or enhanced; or iii. where there are no practicable alternatives, effects are adequately mitigated (Policy 10.2.2.8). *General assessment guidance:* d. In assessing effects on public access to the coast and riparian margins, Council will consider any relevant circumstances listed in the New Zealand Coastal Policy Statement 2010 or the Regional Policy Statement for Otago that may support restriction of public access.
3.	In the **ONF Overlay Zone**: • Natural hazard mitigation activities • Transportation activities	*Relevant objectives and policies (priority considerations):* a. Objective 10.2.5 b. Any adverse effects on the values identified in Appendix A3 are: i. insignificant, or ii. where there are no practicable alternative locations, adequately mitigated (Policy 10.2.5.4) *General assessment guidance:* c. Council will generally only consider natural hazard mitigation activities to have no practicable alternative locations where the activity that is the most effective and appropriate way of avoiding or mitigating the risk of a natural hazard needs to locate at a certain site to be able to mitigate the hazard. d. Council will generally only consider other activities to have no practicable alternative locations where an assessment that meets the requirements set out in Rule 10.9.4 demonstrates that the proposed site, including any proposed mitigation measures, is the option that has the least impact on the values of the overlay, while meeting the operational needs of the activity.

10.7.2 Assessment of discretionary activities	
Activity	Guidance on the assessment of resource consents
4. In the **SNL or ONL overlay zones:** • Network utility structures - large scale • Substations • Natural hazard mitigation activities • Transportation activities • Mining (SNLs only) • Landfills (SNLs only)	*Relevant objectives and policies (priority considerations):* a. Objective 10.2.5 b. Adverse effects on the landscape values of the SNL, as identified in Appendix A3, are avoided or, where avoidance is not practicable: i. no more than minor; or ii. where there are no practicable alternative locations, adequately mitigated. (Policy 10.2.5.9). c. Any adverse effects on the landscape values of the ONL, as identified in Appendix A3, are: i. insignificant; or ii. where there are no practicable alternative locations, adequately mitigated (Policy 10.2.5.8). *General assessment guidance:* d. Council will generally only consider natural hazard mitigation activities to have no practicable alternative locations where the activity that is the most effective and appropriate way of avoiding or mitigating the risk of a natural hazard needs to locate at a certain site to be able to mitigate the hazard. e. Council will generally only consider other activities to have no practicable alternative locations where an assessment that meets the requirements set out in Rule 10.9.4 demonstrates that the proposed site, including any proposed mitigation measures, is the option that has the least impact on the values of the overlay, while meeting the operational needs of the activity.

10.7.2 Assessment of discretionary activities		
Activity		Guidance on the assessment of resource consents
5.	In an **ASBV**: • Rural tourism - large scale (rural zones) • Rural research - large scale outside the **Invermay Farm mapped area** (rural zones) • Community and leisure - large scale (rural zones) • Sport and recreation (including commercial activities ancillary to sport and recreation) (rural and recreation zones) • Network utility structures - large scale (excluding amateur radio configurations) • Substations • Transportation activities • Natural hazard mitigation activities • Indigenous vegetation clearance - large scale within the **3 Waters infrastructure mapped area** (Rule 10.3.2.1.e.X)	*Relevant objectives and policies (priority considerations)*: a. Objective 10.2.1 b. NA X. Only allow land use, development and city-wide activities in areas of indigenous vegetation and/or habitats of indigenous fauna that meet the significance criteria in Policy 2.2.3.2, including but not limited to scheduled Areas of Significant Biodiversity Value (ASBVs), either: i. Policy 10.2.1.X is met; or ii. in the case of new roads or additions or alterations to existing roads (roads of national or regional importance only), buildings and structures that form part of rail infrastructure, airport activities, port activities, network utility activities, mining, mineral prospecting and mineral exploration, and any activities ancillary to these, including earthworks and vegetation clearance, Policy 10.2.1.Y is met. *Potential circumstances that may support a consent application include:* c. Sport and recreation that involves motor vehicles takes place on existing formed roads.
6.	In the **ONCC and HNCC overlay zones**: • Transportation activities	*Relevant objectives and policies (priority considerations):* a. Objective 10.2.3 b. Any adverse effects on the values identified in Appendix A5 are insignificant (Policy 10.2.3.3).
7.	In the **ONCC and HNCC overlay zones**: • Natural hazard mitigation activities	*Relevant objectives and policies (priority considerations):* a. Objective 10.2.3 b. Any adverse effects on the values identified in Appendix A5 are: i. insignificant, or ii. where there are no practicable alternative locations, adequately mitigated (Policy 10.2.3.4). *General assessment guidance:* c. Council will generally only consider natural hazard mitigation activities to have no practicable alternative locations where the activity that is the most effective and appropriate way of avoiding or mitigating the risk of a natural hazard needs to locate at a certain site to be able to mitigate the hazard.

10.7.2 Assessment of discretionary activities		
Activity		Guidance on the assessment of resource consents
8.	In the **NCC Overlay Zone:** • Mining • Landfills	*Relevant objectives and policies (priority considerations):* a. Objective 10.2.3 b. Any adverse effects on the natural character values, as identified in Appendix A5, are avoided or, where avoidance is not practicable, no more than minor (Policy 10.2.3.5).
9.	In the **NCC Overlay Zone**: • Network utility structures - large scale • Substations • Natural hazard mitigation activities • Transportation activities	*Relevant objectives and policies (priority considerations):* a. Objective 10.2.3 b. Any adverse effects on the values identified in Appendix A5 are avoided or, if avoidance is not practicable: i. no more than minor, or ii. where there are no practicable alternative locations, adequately mitigated (Policy 10.2.3.6). *General assessment guidance:* c. Council will generally only consider natural hazard mitigation activities to have no practicable alternative locations where the activity that is the most effective and appropriate way of avoiding or mitigating the risk of a natural hazard needs to locate at a certain site to be able to mitigate the hazard. d. Council will generally only consider other activities to have no practicable alternative locations where an assessment that meets the requirements set out in Rule 10.9.4 demonstrates that the proposed site, including any proposed mitigation measures, is the option that has the least impact on the values of the overlay, while meeting the operational needs of the activity.

10.7.X Assessment of discretionary performance standard contraventions	
Performance standard	Guidance on the assessment of resource consents

10.7.X Assessment of discretionary performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
1.	Area of buildings and structures in the **ONL** and **SNL overlay zones**	*Relevant objectives and policies:* a. Objective 10.2.5. b. Adverse effects on the landscape values of the SNL, as identified in Appendix A3, are avoided or, where avoidance is not practicable: i. no more than minor; or ii. where there are no practicable alternative locations, adequately mitigated. (Policy 10.2.5.9). c. Any adverse effects on the landscape values of the ONL, as identified in Appendix A3, are: i. insignificant; or ii. where there are no practicable alternative locations, adequately mitigated (Policy 10.2.5.8). *General assessment guidance:* d. In assessing effects on landscape values, Council will consider Rule 10.3.5.Y Number and location of buildings, and whether additional conditions to limit the future establishment of buildings on the site should apply.
2.	Area of buildings and structures in the **NCC Overlay Zone**	*Relevant objectives and policies:* a. Objective 10.2.3. b. Adverse effects on the natural character values identified in Appendix A5 are avoided or, if avoidance is not practicable, are no more than minor (Policy 10.2.3.5). *General assessment guidance:* c. In assessing effects on landscape values, Council will consider Rule 10.3.5.Y Number and location of buildings, and whether additional conditions to limit the future establishment of buildings on the site should apply.

Rule 10.8 Assessment of Non-complying Activities

Rule 10.8.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 10.8.2 provides guidance on how a consent application for the listed non-complying activities will be assessed but do not limit that assessment. They include:
   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.

10.8.2 Assessment of all non-complying activities		
Activity		Guidance on the assessment of resource consents
1.	All non-complying activities that are linked to Section 10.8, including but not limited to the activities listed below	*Relevant objectives and policies (priority considerations):* a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to: i. Dunedin's significant indigenous biodiversity is protected or enhanced, and restored; and other indigenous biodiversity is maintained or enhanced, and restored; with all indigenous biodiversity having improved connections and improved resilience (Objective 2.2.3); and ii. The natural character of the coastal environment is preserved or enhanced (Objective 2.4.5). b. The relationship between Manawhenua and the natural environment is maintained, including the cultural values and traditions associated with: i. wāhi tūpuna; and ii. the customary use of mahika kai (Objective 14.2.1). c. Activities maintain or enhance biodiversity values (Policy 10.2.1.1); or d. NA i. NA ii. NA iii. NA Y. Only allow land use, development and city-wide activities in areas of indigenous vegetation and/or habitats of indigenous fauna that meet the significance criteria in Policy 2.2.3.2, including but not limited to scheduled Areas of Significant Biodiversity Value (ASBVs), either: i. Policy 10.2.1.X is met; or ii. in the case of new roads or additions or alterations to existing roads (roads of national or regional importance only), buildings and structures that form part of rail infrastructure, airport activities, port activities, network utility activities, mining, mineral prospecting and mineral exploration, and any activities ancillary to these, including earthworks and vegetation clearance, Policy 10.2.1.Y is met. e. Activities adjacent to water bodies and the coast: i. in the coastal environment, preserve natural character and protect biodiversity values or, where this is not practicable in the case of

10.8.2 Assessment of all non-complying activities	
Activity	Guidance on the assessment of resource consents
	network utility activities, maintain or enhance natural character and biodiversity values; and ii. outside the coastal environment, maintain or enhance the biodiversity values and natural character of riparian margins (Policy 10.2.2.6). *General assessment guidance:* X. In assessing positive effects on biodiversity values, Council will take into account the extent to which indigenous vegetation and habitats are proposed to be retained or restored in a way that contributes to increased resilience, buffering and/or connectivity. f. In assessing the significance of the 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. g. In assessing whether an activity meets Policy 10.2.1.X or Policy 10.2.1.Y (as applicable), Council will consider whether the area affected meets one or more of the criteria set out in Policy 2.2.3.2. h. In assessing the appropriateness of any proposed biodiversity offset or environmental compensation, in addition to Policy 2.2.3.6 or Policy 2.2.3.7, Council will consider the Guidance on Good Practice Biodiversity Offsetting in New Zealand (NZ Government, 2014). i. In assessing effects on natural character or landscape values, Council will consider the extent to which the activity follows relevant design guidelines in Appendix A11. j. NA
2. In an **ASBV**: • NC activities as indicated in the relevant management or major facility zone.	*Relevant objectives and policies (priority considerations):* a. Objective 10.2.1 b. NA X. Only allow land use, development and city-wide activities in areas of indigenous vegetation and/or habitats of indigenous fauna that meet the significance criteria in Policy 2.2.3.2, including but not limited to scheduled Areas of Significant Biodiversity Value (ASBVs), either: i. Policy 10.2.1.X is met; or ii. in the case of new roads or additions or alterations to existing roads (roads of national or regional importance only), buildings and structures that form part of rail infrastructure, airport activities, port activities, network utility activities, mining, mineral prospecting and mineral exploration, and any activities ancillary to these, including earthworks and vegetation clearance, Policy 10.2.1.Y is met.

10.8.2 Assessment of all non-complying activities		
Activity		Guidance on the assessment of resource consents
3.	In an **ASBV**: • Contravention of tree species performance standard (Rule 10.3.4)	*Relevant objectives and policies (priority considerations):* a. Objective 10.2.1 b. The risk of wilding tree establishment in areas of indigenous vegetation is insignificant (Policy 10.2.1.9).
4.	In the **ONCC, HNCC or NCC overlay zones:** • NC activities as indicated in the relevant management or major facility zone or city-wide activities section	*Relevant objectives and policies (priority considerations):* a. Objective 10.2.3 b. Any adverse effects on the natural character values, as identified in Appendix A5, are insignificant (Policy 10.2.3.2).
5.	In the **ONCC, HNCC or NCC overlay zones**: • Contravention of tree species performance standard (Rule 10.3.4)	*Relevant objectives and policies (priority considerations):* a. Objective 10.2.3 b. The risk of wilding tree establishment in Outstanding Natural Coastal Character (ONCC), High Natural Coastal Character (HNCC), and Natural Coastal Character (NCC) overlay zones is insignificant (Policy 10.2.3.12). c. The risk of wilding tree establishment in areas of indigenous vegetation is insignificant (Policy 10.2.1.9).
6.	In the **ONF** or **ONL overlay zones**: • NC activities as indicated in the relevant management or major facility zone or city-wide activities section (except for expansion of scheduled mining activity SMA007)	*Relevant objectives and policies (priority considerations):* a. Objective 10.2.5 b. Any adverse effects on the landscape values of the ONF, as identified in Appendix A3, are insignificant (Policy 10.2.5.2). c. Any adverse effects on the landscape values of the ONL, as identified in Appendix A3, are insignificant (Policy 10.2.5.6).
X.	In the **ONF Overlay Zone**: • Expansion of scheduled mining activity SMA007	*Relevant objectives and policies (priority considerations):* a. Objective 10.2.5 b. Any adverse effects on the landscape values of the ONF, as identified in Appendix A3, are insignificant (Policy 10.2.5.X).
7.	In the **ONF Overlay Zone**: • Performance standard contravention Rule 5.5.2.4 (co-location on an ONF)	*Relevant objectives and policies:* a. Objective 10.2.5 b. Any adverse effects on the landscape values identified in Appendix A3 are insignificant, or, where there are no practicable alternatives, adequately mitigated (Policy 10.2.5.4).
8.	In the **ONF and ONL overlay zones**: • Contravention of tree species performance standard (Rule 10.3.4)	*Relevant objectives and policies (priority considerations):* a. Objective 10.2.5 b. The risk of wilding tree establishment in Outstanding Natural Feature (ONF) and Outstanding Natural Landscape (ONL) overlay zones is insignificant (Policy 10.2.5.15). c. The risk of wilding tree establishment in areas of indigenous vegetation is insignificant (Policy 10.2.1.9).

Rule 10.9 Special Information Requirements

10.9.1 Landscape Building Platforms

1. Landscape building platforms must be identified for subdivision activities that create new residential development potential in a landscape or coastal character overlay zone, and may also be required by Council for other types of subdivision, if considered necessary to ensure any future land use or development will meet Policy 10.2.3.7 or Policy 10.2.5.10, as relevant.
2. Landscape building platforms are to be registered against the certificate of tile by way of consent notice.
3. The identification of landscape building platforms must be supported by an assessment of the effects on, as appropriate: the landscape values identified in Appendix A3; or the natural character of the coast values identified in Appendix A5. The assessment must consider, but not necessarily be limited to, the following factors:
    a. the extent to which the location of the building platforms follows relevant design guidelines in Appendix A11;
    b. the visual prominence of the location of the building platforms;
    c. the effects on landscape or natural character values of buildings constructed to the maximum building envelope provided for by the performance standards on each identified building platform;
    d. the appropriateness of the location within the context of the wider landscape or coastal setting;
    e. the effects of driveways or vehicle tracks that will be required to access the building platforms; and
    f. whether the clustering of building platforms with other building platforms or existing buildings will minimise adverse effects on landscape or natural character values.
4. The assessment must be conducted by a landscape architect or similarly qualified person, supported by any other expert assessment necessary to assess effects on any specific values of the overlay zone (for example, cultural or ecological values, if assessment of those effects is beyond the expertise of the landscape architect).
5. If landscape building platforms are approved through the subdivision consent process, the construction of new buildings greater than 60m² footprint within the landscape building platform will be subject to Rule 16.3.4.3.b (rural zones) or Rule 17.3.4.3.c (rural residential zones) or Rule 15.3.4.2 (residential zones).

10.9.2 Vegetation Clearance

1. Council may request a report by a suitably qualified or experienced ecologist for applications where resource consent is required for vegetation clearance and will normally require a report if the application involves clearance of indigenous vegetation. Where requested the report should include:
    a. a description of the indigenous vegetation present, including a species list;
    b. a description of the indigenous wildlife present or known to use the site;
    c. an ecological assessment of the site using the criteria in Policy 2.2.3.2;
    d. a description of the proposed activities and an assessment of their impact on the biodiversity values of the site; and
    e. a description of any mitigation or offsetting techniques to be utilised to maintain and enhance the biodiversity values of the site or compensate for any adverse effects that cannot be avoided, including an outline of how these will be designed and implemented to achieve Policy 2.2.3.6 or Policy 2.2.3.7.

10.9.3 Biodiversity Offset

1. A resource consent application that includes a proposal for a biodiversity offset must include a biodiversity offset management plan prepared by an ecologist or similarly qualified person that:
    a. outlines how the biodiversity offset will be designed and implemented to achieve Policy 2.2.3.6;
    b. considers the role of the donor and recipient sites within a landscape and ecological context;
    c. sets out baseline information on biodiversity values that are potentially impacted by the proposal at both the donor and recipient sites;
    d. contains an explicit loss and gain calculation that assesses:
        i. how any calculated gains will be achieved on the ground;
        ii. how biodiversity values gained will be the same or similar to those being lost; and
        iii. how gains in biodiversity values are additional to those that may have occurred if the proposed activity had not gone ahead;
    e. addresses sources of uncertainty and the risk of failure by incorporating adaptive management responses;
    f. addresses timing and duration of adverse effects in relation to timing and duration of positive offset effects; and
    g. identifies the monitoring approach that will be used to demonstrate how the matters above will be addressed over an appropriate timeframe.

10.9.4 Assessment of alternative locations

1. For activities that have the potential to adversely affect areas of significant indigenous vegetation and significant habitats of indigenous fauna or the identified values of a landscape or coastal character overlay zone, Council may request an assessment of alternative locations. Where requested, the level of detail and analysis provided in the assessment must reflect the scale of the project and will include:
    a. a statement of the operational needs of the activity and any locational constraints;
    b. a statement of the alternative locations considered and, if no sites were considered outside the area or overlay in question, an explanation of why this was not practicable;
    c. an assessment of the proposed site and the alternative locations, in terms of the operational needs of the activity; and
    d. an assessment of the proposed site and the alternative locations, in terms of adverse effects on (as relevant) the biodiversity values of the area of significant indigenous vegetation and significant habitats of indigenous fauna, or the identified values of the overlay zone.

Appendices

Appendix 10A. Protected Indigenous Species

Legend

Threat Classification	Table Code
Locally Uncommon	LU
At Risk - Naturally uncommon	AR-N
At Risk - Declining	AR-D
Threatened - Nationally vulnerable	T - NV
Threatened - Nationally critical	T - NC
Threatened - Nationally endangered	T - NE

Appendix 10A.1 Threatened plant species list

Species	Common name	Threat classification	Type of plant	Habitat
Abrontanella patearoa		AR-N	Dicot herb	Alpine herbfield
Acaena dumicola		LU	Dicot herb	Montane shrubland
Acaena microphylla var. pauciglochidiata		AR-N	Dicot herb	Coastal herbfield
Acaena tesca		LU	Dicot herb	Upland turf
Aciphylla glaucescens		LU	Dicot herb	Montane grassland
Aciphylla sub flabellata		AR-D	Dicot herb	Coastal grassland
Amphibromus fluitans	Water brome	T - NV	Grass	Ephemeral wetland
Anemanthele lessoniana	Wind grass; rainbow grass	T - NV	Grass	Dryland forest
Anemone tenuicaulis		AR-N	Dicot herb	Upland grassland
Anthosachne falcis		AR-N	Grass	Dryland grassland
Atriplex buchananii	Buchanan's orache	T - NV	Dicot herb	Coastal turfs/gravelfield
Brachyglottis sciadophila		AR-D	Liane	Coastal forest
Carex cirrhosa	Curly sedge	T - NV	Sedge	Wetland margin
Carex echinata		LU	Sedge	Upland bogs
Carex inopinata		T - NV	Sedge	Upland rock overhangs
Carex litorosa		AR-D	Sedge	Saltmarsh

Species	Common name	Threat classification	Type of plant	Habitat
Carmichaelia crassicaulis	Coral broom	AR-D	Shrub	Tussock grassland
Carmichaelia kirkii	Climbing broom	T - NV	Climbing shrub	Shrubland
Celmisia hookeri		LU	Dicot herb	Upland rock outcrops
Chaerophyllum	Chaerophyllum "Minute flower"	AR - N	Dicot herb	Coastal herbfield
Chenopodium allanii		AR - N	Dicot herb	Coastal cliff/dry shrubland
Chionochloa rubra subsp. cuprea	Copper tussock	LU	Grass	Poorly-drained grassland
Coprosma acerosa	Sand coprosma	AR-D	Shrub	Coastal dune
Coprosma virescens		LU	Shrub	Coastal/dry forest
Crassula mataikona		AR - N	Dicot herb	Coastal herbfield
Crassula multicaulis		T - NE	Dicot herb	Ephemeral wetland
Crassula peduncularis		T - NC	Dicot herb	Ephemeral wetland
Crassula ruamahanga		AR-D	Dicot herb	Ephemeral wetland
Deschampsia cespitosa	Tufted hair-grass	AR-D	Grass	Wetland
Deyeuxia youngii		AR - N	Grass	Grassland
Donatia novae-zelandiae		LU	Dicot herb	Bog wetlands
Dracophyllum uniflorum var.frondosum		AR-N	Shrub	Tussock grassland
Drymoanthus flavus	Little spotted moa	AR-N	Orchid	Forest
Epilobium chionanthum		LU	Dicot herb	Lowland swamps
Epilobium pubens		LU	Dicot herb	Dry habitats
Euchiton ensifer	Creeping cud weed	T - NE	Dicot herb	Dune slack
Ficinia spiralis	Pikao	AR-D	Rush	Sand dunes
Fuchsia perscandens		LU	Shrub	Montane gullies
Geranium sessiliflorum var. arenarium	Short-flowered cranesbill	AR-D	Dicot herb	Coastal herbfield
Geranium retrorsum	Turnip-rooted geranium	T - NE	Dicot herb	Coastal herbfield
Gingidia grisea		AR-N	Dicot herb	Rock outcrops
Helichrysum selago var. tumidum		AR - N	Shrub	Coastal cliff
Hymenochilus tristis		AR-D	Orchid	Coastal grassland

Species	Common name	Threat classification	Type of plant	Habitat
Ileostylis micranthus		LU	Shrub	Coastal shrubland
Isolepis basilaris	Pygmy clubrush	T - NV	Sedge	Ephemeral wetland
Korthalsella salicornioides	Dwarf mistletoe	AR-N	Shrub	Shrubland/forest
Lachnagrostis tenuis	Wind grass	T - NV	Grass	Estuaries
Lepidium crassum	Thick-leaved scurvy grass	T - NE	Dicot herb	Coastal herbfield
Lepidium juvencum	Scurvy grass	T - NC	Dicot herb	Coastal herbfield
Lepidium oleraceum		T - NV	Dicot herb	Coastal ledges
Lepidium tenuicaule		AR-D	Dicot herb	Coastal herbfield
Lepilaena bilocularis		T - NV	Monocot herb	Brackish lake
Melicytus flexuosus		AR-D	Shrub	Upland shrubland
Mimulus repens		AR-N	Dicot herb	Saltmarsh
Montia angustifolia		AR-N	Dicot herb	Ephemeral wetland
Myosotis pygmaea		AR-D	Dicot herb	Coastal herbfield
Myosotis rakiura	Stewart Island forget-me-not	AR-N	Dicot herb	Coastal cliff
Myosotis tenericaulis		AR-N	Dicot herb	Alpine wetland
Myosurus minimus subsp. novae-zelandiae	NZ mouse tail	T - NE	Dicot herb	Ephemeral wetlands
Olearia bullata		LU	Shrub	Montane gullies
Olearia fimbriata		T - NV	Tree	Shrubland
Olearia fragrantissima		AR-D	Tree	Coastal forest/shrubland
Olearia hectorii		T - NE	Tree	Coastal forest
Olearia lineata		AR-D	Tree	Lowland-montane gullies
Ophioglossum coriaceum		LU	Fern ally	Ephemeral wetlands
Parahebe canescens	Tarn speedwell	AR-D	Dicot herb	Ephemeral wetlands
Peraxilla colensoi	Red mistletoe	AR-D	Shrub	Silver beech forest
Peraxilla tetrapetala	Scarlet mistletoe	AR-D	Shrub	Silver beech forest
Potentilla anserinoides		LU	Dicot herb	Coastal herbfield
Pseudopanax ferox	Fierce lancewood	AR-D	Tree	Dry forest
Puccinellia walkeri	Walkers saltgrass	AR-N	Grass	Estuaries

Species	Common name	Threat classification	Type of plant	Habitat
Raoulia hectorii var. mollis		AR-N	Dicot herb	Alpine herbfield
Ranunculus maculatus		AR-N	Dicot herb	Alpine wetland
Ranunculus recens var.recens		T - NV	Dicot herb	Coastal herbfield
Raoulia monroi	Fan-leaved mat daisy	AR-N	Dicot herb	Alpine herbfield
Raoulia parkii		LU	Dicot herb	Alpine herbfield
Ruppia megacarpa	Horses mane weed	AR-D	Monocot herb	Saline lagoon
Rytidosperma merum	Slender bristle grass	T - NV	Grass	Short tussock grassland
Scandia geniculata		LU	Liane	Coastal forest/scrub
Senecio carnosulus		AR-N	Dicot herb	Coastal herbfield
Senecio glaucophyllus ssp. basinudus		AR-N	Dicot herb	Coastal herbfield
Sonchus kirkii	Shore puha	AR-D	Dicot herb	Coastal herbfield
Stenostachys laevis	Grassland wheatgrass	AR-N	Grass	Coastal herbfield
Tetrachondra hamiltonii		Data Deficient	Dicot herb	Ephemeral wetlands
Teucridium parvifolium		AR-D	Shrub	Riparian forest
Tupeia antarctica		AR-D	Shrub	Lowland forest
Uncinia purpurata		AR-N	Sedge	Forest and grassland
Uncinia sinclairii		Data Deficient	Sedge	Wetlands
Uncinia strictissima		T - NE	Sedge	Montane gullies
Urtica ferox	Tree nettle	LU	Shrub	Coastal forest
Zannichellia palustris	Horned pondweed	AR-N	Monocot herb	Coastal lake
Zostera muelleri subsp. novazelandica	Sea grass	AR-D	Monocot herb	Estuaries

Appendix 10A.2 Threatened fauna species list

Species	Common Name	Threat Classification	Type of Animal	Habitat
Anthus novaeseelandiae novaeseelandiae	New Zealand pipit	AR - D	Bird	Rough open habitats, from the coastline to alpine shrublands
Bowdleria punctata punctata	South Island fernbird	AR - D	Bird	Dense wetland and saltmarsh vegetation
Charadrius bicinctus bicinctus	Banded dotterel	T - NV	Bird	Estuaries, lake margins short grassland
Chlidonias albostriatus	Black-fronted tern	T - NE	Bird	Braided riverbeds, sheltered harbours, estuaries and lagoons, and near-coastal farmland
Egretta sacra sacra	Reef heron	T- NE	Bird	Coastal waterways and shoreline habitat
Eudyptula minor minor	Southern blue penguin	AR - D	Bird	Coastal areas and harbours
Haematopus finschi	South Island pied oystercatcher	AR - D	Bird	Coast and inland habitats including braided rivers
Hydroprogne caspia	Caspian tern	T - NV	Bird	Sheltered bays and harbours
Larus bulleri	Black-billed gull	T - NC	Bird	River beds and adjacent agricultural habitats, coastal marine zone
Larus novaehollandiae scopulinus	Red-billed gull	AR - D	Bird	Coastal areas; rarely inland
Limosa lapponica baueri	Eastern bar-tailed godwit	AR - D	Bird	Intertidal zone at Blueskin Bay
Megadyptes antipodes	Yellow-eyed penguin	T - NE	Bird	Coastal areas
Naultinus gemmeus	Jewelled gecko	AR - D	Reptile	Shrubland/forest and tussockland
Oligosoma aff. polychroma Clade 5	Southern grass skink	AR - D	Reptile	Rank grass and tussock grassland
Oligosoma burganae	Burgan skink	T - NC	Reptile	Tussock grassland
Oligosoma chloronoton	Green skink	AR - D	Reptile	Vegetated rock tumbles and screes; open habitats
Oligosoma grande	Grand skink	T - NE	Reptile	Rock outcrops in open habitats
Oligosoma inconspicuum	Cryptic skink	AR - D	Reptile	Damp gullies and seepages in and around vegetation
Oligosoma otagense	Otago skink	T - NE	Reptile	Rock outcrops in open habitats

Species	Common Name	Threat Classification	Type of Animal	Habitat
Petroica australis australis	South Island robin	AR - D	Bird	Mature forest, scrub, and exotic forest plantations
Phocarctos hookeri	Hooker's sea lion	T - NC	Mammal	Coast
Puffinus griseus	Sooty shearwater	AR - D	Bird	Coastal cliffs and headlands
Sterna striata striata	White-fronted tern	AR - D	Bird	Coastal waters and harbours
Woodworthia "Otago/Southland large"	Korero gecko	AR - D	Reptile	Rock substrate in open areas

Appendix 10A.3 Important native tree list

Botanical Name	Common Name
Dacrycarpus dacrydioides	Kahikatea
Dacrydium cupressinum	Rimu
Elaeocarpus hookerianus	Pokaka
Halocarpus bidwillii	Bog pine
Halocarpus biformis	Pink pine
Hoheria angustifolia	Narrow-leaved lacebark
Libocedrus bidwillii	Cedar
Lophomyrtus obcordata	Rohutu
Melicope simplex	Poataniwha
Myoporum laetum	Ngaio
Nothofagus menziesii	Silver beech
Phyllocladus alpinus	Celery pine
Plagianthus regius	Lowland ribbonwood
Podocarpus hallii	Hall's totara
Podocarpus totara	Totara
Prumnipitys ferruginea	Miro
Prumnopitys taxifolia	Matai
Sophora microphylla	Kowhai
Streblus heterophyllus	Milk tree
Weinmannia racemosa	Kamahi

Appendix 10B. Pest Plant Species

The table below sets out the pest plant species identified in the District Plan:

Species	Common name
Acacia dealbata	Silver wattle
Acanthus mollis	Bear's breeches
Acer pseudoplatanus	Sycamore
Ageratina adenophora	Mexican devil
Ageratina riparia	Mistflower
Akebia quinata	Chocolate vine or Akebia
Alocasia brisbanensis	Elephant ear
Alternanthera philoxeroides	Alligator weed
Arundo donax	Giant reed
Berberis darwinii	Darwin's barberry
Berberis glaucocarpa	Barberry
Bomarea caldasii	Bomarea, climbing alstroemeria
Bryonia cretica ssp dioica	White bryony
Buddleja davidii	Buddleia
Calicotome spinosa	Spiny broom
Calluna vulgaris	Heather
Calotis lappulacea	Bur daisy
Cardiospermum grandiflorum	Balloon vine
Carduus nutans	Nodding thistle
Cestrum elegans and Cestrum fasciculatum	Red cestrum
Cestrum parqui	Green cestrum
Chrysanthemoides monilifera ssp. Monilifera	Boneseed
Clematis vitalba	Old man's beard
Cortaderia jubata	Purple pampas
Cortaderia selloana and Cortaderia jubata	Pampas grass
Cotoneaster franchettii	Cotoneaster, Franchet's cotoneaster
Cotoneaster glaucophyllus	Cotoneaster
Cotoneaster simonsii	Khasia berry
Crataegus monogyna	Hawthorn

Species	Common name
Crocosmia x crocosmiiflora	Montbretia
Cytisus scoparius	Broom
Dendrobenthamia capitata	Strawberry dogwood
Drosera capensis	Cape sundew
Dryopteris affinis	Scaly male fern
Dryopteris filix-mas	Male fern
Eccremocarpus scaber	Chilean glory creeper
Equisetum arvense	Field horsetail
Eragrostis curvula	African love grass
Erigeron karvinskianus	The Mexican daisy
Escallonia rubra	Red escallonia
Eschscholzia californica	Californian poppy
Euonymus europaeus	Spindle tree
Euonymus japonicus	Japanese spindleberry
Fallopia japonica	Japanese knotweed
Fraxinus excelsior	Ash
Fuchsia boliviana	Bolivian fuchsia
Gunnera tinctoria	Chilean rhubarb and Brazilian rhubarb
Hedera helix	Ivy
Hedychium flavescens	Yellow ginger
Hedychium gardnerianum	Kahili ginger
Heracleum mantegazzianum	Giant hogweed
Hieracium species	Hawkweed
Houttuynia cordata	Houttuynia, Chameleon plant
Ilex aquifolium	Holly
Impatiens glandulifera	Himalayan balsam
Ipomoea indica	Blue morning glory
Jasminum polyanthum	Jasmine
Juncus gerardii	Saltmarsh rush, blackgrass, black needle rush
Lagarosiphon major	African oxygen weed
Lamium galeobdolon 'Variegatum'; Galeobdolon luteum	Aluminium plant, Artillery plant

Species	Common name
Leycesteria formosa	Himalayan honeysuckle
Ligustrum sinense	Chinese privet
Lonicera japonica	Japanese honeysuckle
Lupinus arboreus	Tree lupin
Lupinus polyphyllus	Russell lupin
Lycium ferocissimum	Boxthorn
Lythrum salicaria	Purple loosestrife
Macfadyena unguis-cati	Cat's claw creeper
Myricaria germanica	False tamarisk
Myriophyllum aquaticum	Parrots feather
Nassella tenuissima	Finestem needlegrass
Nassella trichotoma	Nassella tussock
Nephrolepis cordifolia	Tuber ladder fern
Osmunda regalis	Royal fern
Paraserianthes lophantha	Brush wattle
Passiflora caerulea	Blue passion flower
Passiflora mixta	Banana passionfruit, northern banana passionfruit
Passiflora mollissima	Banana passionfruit
Passiflora pinnatistipula	Yellow passionfruit
Passiflora tripartita	Banana passionfruit, northern banana passionfruit
Pennisetum clandestinum	Kikuyu
Pennisetum macrourum	African feather grass
Pennisetum setaceum	Fountain grass
Phytolacca octandra	Inkweed
Pinus contorta	Contorta pine
Plectranthus ciliatus	Plectranthus
Prunus laurocerasus	Cherry laurel
Pseudosasa japonica	Arrow bamboo
Pueraria montana subspecies lobata	Kudzu vine
Reynoutria japonica	Asiatic knotweed
Rosa rubiginosa	Sweet briar
Rubus fruticosus agg.	Blackberry

Species	Common name
Sagittaria montevidensis	Arrowhead
Sambucus nigra	Elder, elderflower, elderberry
Salix cinerea	Grey willow
Salix fragilis	Crack willow
Selaginella kraussiana	African club moss
Senecio angulatus	Cape ivy
Senecio jacobaea	Ragwort
Senecio mikanioides	German ivy
Solanum dulcamara	Bittersweet
Solanum marginatum	White-edged nightshade
Spartina spp.	Cordgrass
Teline monspessulana	Montpellier broom
Tradescantia fluminensis	Wandering jew
Tropaeolum majus	Nasturtium
Tussilago farfara	Coltsfoot
Ulex europaeus	Gorse
Urtica dioica	Perennial Nettle
Utricularia gibba	Bladderwort
Vinca major	Periwinkle
Watsonia bulbillifera	Watsonia
Zantedeschia aethiopica	Arum lily
Zantedeschia aethiopica ‘green goddess’	Green goddess
Zizania latifolia	Manchurian rice grass

Appendix 10C. Water Body Values

Water body	Conservation values	Public recreation and access values
Abernathys Creek	Important as a refuge for native fish in significant lifecycle stages. Likely to be present: banded kokopu, common bully, inanga, koura.	
Andersons Bay Stream	Important as a refuge for native fish in significant lifecycle stages. Likely to be present: banded kokopu, common bully, inanga, koura, redfin bully and giant kokopu.	
Battery Creek	Common and redfin bullies, inanga, banded kokopu, eels and koura.	
Bull Creek	High biodiversity values - eel species, migratory galaxias	
Carey's Creek	High native fish values - whitebait spawning, passage for lamprey, longfin, shortfin, bully species and black flounder.	Recreation value, Mahika kai values.
Christies Creek	Black flounder, bullies and eel species.	Important for trout
Craigs Creek	Important as a refuge for native fish in significant lifecycle stages. Likely to be present: banded kokopu, bullies, eel.	
Deborah Bay Stream	Important as a refuge for native fish in significant lifecycle stages. Likely to be present: banded kokopu, bullies, eel.	
Deep Creek	Ecological values - Galaxias depressiceps (nationally vulnerable).	Recreation values
Deep Stream	Ecological values - Eldon's galaxias (nationally endangered) in upper tributaries.	Recreation values - brown trout
Dons Creek	Likely - lamprey, eel species, bullys, migratory galaxias.	
Fern Stream	Likely presence of banded kokopu, common bully, inanga, koura	
Flagstaff Creek	Kokopu, eel species	Trout
Flat Stream	Possible Galaxias eldons (nationally endangered)	
Foote Stream		
Frasers Stream	Banded kokopu	Trout
Kaikorai Stream	Mitigating flooding and erosion. Lower reaches have tidal influence and high conservation value	
Lagoon Creek	Common bully, inanga, perch, koura, longfin eel.	
Latham Bay Stream	Important as a refuge for native fish in significant lifecycle stages. Banded kokopu.	

Water body	Conservation values	Public recreation and access values
Lee Creek	High values for giant kokopu in upper reaches, also perch, common bully, freshwater mussel.	
Lee Stream	Eldon's galaxias (upper tributaries), longfin eel	Brown trout
Lindsays Creek	Mitigating flooding and erosion, Banded and giant kokopu, shortfin and longfin eel, koura.	Important trout spawning from Chingford park downstream. Maybe salmon. Potential transport and recreation corridor
Lug Creek	Potentially Galaxias anomalus (nationally endangered)	Brown trout in lower reaches
Macandrew Bay Stream	Important as a refuge for native fish in significant lifecycle stages - banded kokopu.	
Mihiwaka Stream		
Nenthorn Stream	Galaxias depressiceps (nationally vulnerable), freshwater mussel, longfin eel, koura.	Trout
Opoho Creek	Important as a refuge for native fish in significant lifecycle stages - banded kokopu and koura.	
Orbells Creek	Potential habitat for Galaxias depressiceps (nationally vulnerable).	
Orokonui Creek	Banded kokopu, giant kokopu, inanga, longfin eel, shortfin eel, giant bully, redfin bully, bluegill bully, lamprey	Brown trout
Ōtākou Stream	Important as a refuge for native fish in significant lifecycle stages	
Otokia Creek	Regionally significant Giant kokopu population, banded kokopu. longfin eel	
Owhiro Stream	Longfin and shortfin eel habitat, perhaps inanga.	Mahika kai values. Potential transportation and recreation corridor.
Portobello Stream	Important as a refuge for native fish in significant lifecycle stages - banded kokopu and redfin bully	
Post Office Creek (Waikouaiti)	Mitigating flooding and erosion. Migratory galaxias, longfin and shortfin eel	
Post Office Creek (Waipori)	Eldon's galaxias (nationally endangered), koaro, koura	
Pūrākaunui Creek	High biodiversity values in headwaters	High recreational use including whitebaiting in lower reaches
Sawyers Bay Stream	Important as a refuge for native fish in significant lifecycle stages.	

Water body	Conservation values	Public recreation and access values
Silverstream	Mitigating flooding and erosion. Migratory value for species in upper reaches	Transportation corridor. High trout values, with high demand for fishing opportunities near urban areas.
Smiths Creek	Important as a refuge for native fish in significant lifecycle stages	
Smugglers Creek	Eldon's galaxias (nationally endangered), longfin eel, koura	Brown trout
Stewarts Creek	Common and redfin bullies, inanga, banded kokopu, eels and koura.	
Stony Creek	Eldon's galaxias (nationally endangered)	
Styles Creek	Important as a refuge for native fish in significant lifecycle stages	
Sutton Stream	Ecological values	Important for trout
Taieri River (upper)	Mitigating flooding and erosion (Hyde to Sutton). Ecological values	Mahika kai values. Important for trout
Taieri River (lower)	High biodiversity - inanga, lamprey, longfin, shortfin, black flounder, smelt, blue gill bully, torrent fish. Tidal zone important for whitebait (especially near Henley) and flounder.	Mahika kai values. Important for trout
Three O'clock Stream	Galaxias depressiceps (nationally vulnerable).	Trout angling
Toll Bar Creek	Potential for Galaxias depressiceps (nationally vulnerable)	
Traquair Burn	Longfin eel, common bully. Galaxias eldoni (nationally endangered) at top end.	Brown trout
Verter Burn	Koaro, koura. Potential for Galaxias eldoni (nationally endangered) at top end.	Brown trout, rainbow trout
Waikouaiti River	Mitigating flooding and erosion. Ecological values - high native fishery values. Galaxias depressiceps (nationally vulnerable).	Mahika kai values. High recreational values, including whitebaiting, game bird hunting, fishing (especially downstream of Orbells Crossing). Potential transportation corridor from SH1 bridge to Karitane
Waipori River	Mitigating flooding and erosion. All migratory galaxias, Galaxias pullus and eldons (nationally endangered) in the headwaters. Koura.	Mahika kai values. Some hunting and angling

Water body	Conservation values	Public recreation and access values
Waitati River	Mitigating flooding and erosion. High biodiversity values in headwaters	High recreational use including whitebaiting in lower reaches
Water of Leith	Mitigating flooding and erosion. Important as a refuge for native fish in significant lifecycle stages. Lamprey and longfin eel, koura in tributary streams.	
Whare Creek	Galaxias eldoni (nationally endangered).	Brown trout

11. Natural Hazards

11.1 Introduction

11.1.1 Dunedin's natural hazard risks

Under the Resource Management Act 1991 (RMA), the DCC is responsible for managing land use and subdivision to avoid or mitigate the risks from natural hazards. The DCC is also required to keep records of natural hazards. Communities in and around Dunedin are susceptible to a variety of natural hazards, including flooding from rivers alluvial fans, and from the sea due to storm events, tsunamis and sea level rise, land instability and earthquakes.

A large storm event could easily cause the Taieri River to flood, as well as several smaller rivers and alluvial fans. This issue is particularly acute on low-lying flood plains, where streams exit valleys (in the case of alluvial fans) and in coastal areas. Coastal storm surges may also result in flooding of certain areas.

Land instability can affect buildings built on steep sections and large storm events can contribute to land instability. Earthquakes can also contribute to land instability and cause liquefaction. Finally, sea level rise as a result of climate change poses some risk to Dunedin, particularly in low-lying coastal communities.

The effects of natural hazards vary in terms of both their likelihood and consequence. Some natural hazards such as flooding may occur relatively frequently and may damage property, whereas natural hazards such as tsunami occur infrequently, but when they do occur they pose serious risk to life.

This Plan manages natural hazards through policies and rules attached to different overlays (overlay zones and mapped areas). The rules vary according to the type of natural hazard, the risk it poses and the sensitivity of the activity proposed. The mapping of the overlay zones and mapped areas is based on the best available information at the time of any plan change, however, inevitably due to the scale of areas covered by the research and modelling that was used to produce the maps, they may not be 100% accurate at the site level and there may be site-specific variations.

Not all natural hazards defined in the RMA are identified or managed in this Plan. Other natural hazards Dunedin may be vulnerable to include snow, ice, drought, strong winds, and fire. These natural hazards are primarily managed outside the natural hazard provisions of the Plan. For example, the risks from snow and strong winds are managed through the Building Act 2004, and other mitigation measures are taken by the DCC Transportation team. The District Plan does, however, include requirements for water supply access and suitable access for fire appliances for firefighting purposes. These rules and their related objectives and policies sit within the Public Health and Safety section of the Plan.

11.1.2 Guidance on risk

Land use, subdivision, and development need to be managed to minimise Dunedin's vulnerability to natural hazards.

The approach used in this Plan aims to strike a balance between enabling people to utilise their property without putting them or their important assets at risk if an event was to occur. The key priority in managing the risks from natural hazards is the protection of people including from loss of life, injury, the risk of being cut off from Civil Defence assistance, or the failure of key infrastructure required to ensure the health and safety of communities (such as wastewater treatment systems). After this, the focus is on risk to property, such as loss of, or damage to, buildings.

In the context of the natural hazards provisions, risk refers to the likelihood of a natural hazard event occurring, in combination with the potential adverse consequences of that event. Table 11.1.2A below sets out how the combination of likelihood and consequence is combined to produce a risk assessment of low, moderate, or high. This approach is based on guidance provided by the Ministry for the Environment (*Preparing for Future Flooding: A guide for local government in New Zealand, 2010*) and GNS Science (*Risk-based Land Use Planning for Natural Hazard*

Risk Reduction, 2013). The degree of risk is influenced by the magnitude of a natural hazard event, and the type of consequences to human safety, property, or the environment arising from the event either on-site or further afield.

For most natural hazard events, it is difficult to determine exact probabilities of occurrence, and likelihood estimates are indicatively applied, rather than specifically modelled. The consequences of a natural hazard event occurring are considered in the context of health and safety, costs of damage to the built environment, and social and economic impacts on the wider community.

In Table 11.1.2A likelihood is expressed as an Annual Exceedance Probability (AEP). AEP is a percentage chance of an event occurring in any given year. For example, a 1 in 50 year event can also be expressed as a 2% AEP and means that there is a 2% chance of an event that size occurring in any given year.

For the purposes of the natural hazards provisions, the sensitivity of land use activities is classified according to the health and safety implications of the land use. This helps to manage the consequences that may occur as a result of a natural hazard event. This sensitivity classification draws from, and broadly corresponds to, the building importance levels defined in the Building Regulations 1992 (Schedule 1: The building code).

Site specific investigation will identify local variation in the risk level specified in this Plan. Risk can also be reduced through mitigation measures including site design and layout, material used, and the design of buildings and structures. This means that while in a certain area there is a potential for a high risk (for example on a site in a Hazard 1 Overlay Zone), this risk can sometimes be reduced to a low risk, under the right circumstances. The resource consent process is used to determine the actual risk of a particular proposal at a specific location, and whether it can meet the policy test of being 'no more than low'. This assessment will also include the potential off-site risks (e.g. diversion of floodwater creating or exacerbating risk). It will also consider the residual risk in the event any proposed mitigation measures should fail.

Table 11.1.2A Risk Guidance

Likelihood	Minor consequences	Moderate consequences	Major consequences
Very likely (less than 1:50 (1 in 50 year event) or annual exceedance probability (AEP) 2% or more)	Low to Moderate risk	Moderate to High risk	High risk
Moderately likely[1] (1:50 - 1:200 or AEP range 0.5% to 2%)	Low risk	Moderate risk	High risk
Unlikely (1:200 - 1:500 or AEP range 0.2% to 0.5%)	Low risk	Low risk	Moderate risk
Very unlikely (1:500 to 1:2500 or AEP range 0.04% to 0.2%)	Very low risk	Low risk	Moderate risk
Extremely unlikely (more than 1: 2500 or AEP 0.04% or less)	Very low risk	Very low risk	Low risk

[1] Where likelihood is unknown or poorly established, use 'moderately likely'.

11.1.3 Hazard provisions sensitivity classification

For the purpose of the hazard provisions, activities are categorised as natural hazards sensitive activities, natural hazards potentially sensitive activities or natural hazards least sensitive activities as follows:

Table 11.1.3A Hazard sensitivity

Hazard provisions sensitivity classification	Activities
Natural hazards sensitive activities	• Cemeteries • Crematoriums • Healthcare • Early childhood education • Hospital • Landfills • Marae-related activities • Prisons or detention centres • Residential activities (excluding working from home that do not involve additional people on-site) • Schools • Visitor accommodation
Natural hazards potentially sensitive activities	• Airport • Campus • Community and leisure (excluding marae-related activities) • Commercial activities (excluding visitor accommodation and commercial advertising) • Intensive farming • Industrial activities • Invermay/Hercus • Major recreation facility • Mining • New Zealand Marine Studies Centre • Port • Rural tourism - large scale • Rural research - large scale • Sport and recreation • Taieri Aerodrome
Natural hazards least sensitive activities	All other activities not specifically listed above as natural hazards sensitive activities or natural hazards potentially sensitive activities.

11.1.4 Hazard overlays

Dunedin's hazard prone areas are managed through eight overlay zones, and two mapped areas (swales and dune systems). Initial assessments have established that risk (as defined in the guidance above) within the hazard overlay zones is as follows:

Table 11.1.4A Potential risk within hazard overlay zones

Hazard overlay zones	Risk (in accordance with the guidance on defining risk in Table 11.1.2A above)
Hazard 1A (flood) Overlay Zone	High
Hazard 1 (flood) Overlay Zone	
Hazard 1 (land instability) Overlay Zone	
Hazard 2 (flood) Overlay Zone	Moderate
Hazard 2 (land instability) Overlay Zone	
Hazard 3 (flood) Overlay Zone	Low
Hazard 3 (coastal) Overlay Zone	
Hazard 3 (alluvial fan) Overlay Zone	

**Note that the level of risk is a broad assessment of potential risk. Potential risk may vary from site to site and within sites, and actual risk is dependent on the location and design of activities.*

At this stage, no areas have been identified as being exposed to a high or moderate risk from coastal hazards (Hazard 1 or 2 overlay zones), however areas may be included in these categories on the basis of future assessments.

While no areas have been identified as being exposed to a low risk of land instability (as hazard 3 overlay zones), many sites in Dunedin could fit within this category, but risk is managed primarily through the earthworks provisions, and Building Act 2004 requirements (e.g. foundation design).

Assessments of risk have been done on a catchment, landslide, or area-wide basis, often as a desk-top assessment drawing on previous on-the-ground investigations and observations, and should be used as a starting point only. Local, site specific assessments are recommended. Where site specific assessments have been carried out and these have been provided to the DCC or Otago Regional Council, these may be available from the DCC by a Land Information Memorandum or Hazard Information Report request, or the Otago Regional Council online Otago Natural Hazards Database.

It is acknowledged that risk can be influenced by site or area specific factors, such as topography, elevation, soil make-up and other factors. Factors such as these should always be taken into account when assessing risk in relation to a particular proposal.

In addition, swales and undeveloped parts of dune systems are identified as mapped areas. Swales form part of the natural drainage system of the Taieri and can act to convey floodwater away from development. In these areas development is considered to be inappropriate, due to the role these features play in mitigating the effects of natural hazard events. Dune systems buffer land from coastal processes.

11.2 Objectives and Policies

Objective 11.2.1	
Land use and development is located and designed in a way that ensures that the risk from natural hazards, and from the potential effects of climate change on natural hazards, is no more than low, in the short to long term.	
Policy 11.2.1.1	In the Hazard 1 (flood) Overlay Zone, avoid natural hazards sensitive activities and natural hazards potentially sensitive activities unless: a. the risk from natural hazards is avoided, or is no more than low; and b. the activity has a critical operational need to locate within the Hazard 1 (flood) Overlay Zone and locating outside it is not practicable.
Policy 11.2.1.2	In the Hazard 1A (flood) Overlay Zone (outside the **Gordon Road Floodway mapped area**), avoid natural hazards sensitive activities.
Policy 11.2.1.X	In the Hazard 1A (flood) Overlay Zone (within the **Gordon Road Floodway mapped area**), avoid natural hazards sensitive activities unless: a. the activity involves the expansion of an existing natural hazards sensitive activity or the recommencement of a natural hazards sensitive activity that was undertaken within the previous 5 years; and b. the risk from natural hazards is avoided, or is no more than low.
Policy 11.2.1.3	In the Hazard 1A (flood) Overlay Zone, avoid natural hazards potentially sensitive activities, unless: a. the risk from natural hazards is avoided, or is no more than low; and b. the activity has a critical operational need to locate within the Hazard 1A (flood) Overlay Zone and locating outside it is not practicable.
Policy 11.2.1.4	In the hazard 1, hazard 1A and hazard 2 (flood) overlay zones, only allow new buildings and additions and alterations to buildings, where the scale, location and design of the building or other factors mean risk is avoided, or is no more than low.
Policy 11.2.1.5	In the hazard 1 and hazard 1A (flood) overlay zones, require outdoor storage to be designed, managed, and located so that: a. potentially dangerous materials will not be mobilised in a flood; and b. materials will not obstruct or impede flood water.
Policy 11.2.1.6	In the Hazard 2 (flood) Overlay Zone, only allow natural hazards sensitive activities and natural hazards potentially sensitive activities where: a. the activity has a critical operational need to locate within the Hazard 2 (flood) Overlay Zone and risk is minimised as far as practicable; or b. the scale, location and design of the activity or other factors means risk is avoided, or is no more than low.
Policy 11.2.1.7	Only allow large quantities of hazardous substances in hazard 1, hazard 1A and hazard 2 overlay zones and class 8 corrosives (GHS category 1, 1A, 1B and 1C) or class 9 ecotoxics (GHS hazardous to the terrestrial environment and hazardous to the aquatic environment category 1, 2, 3 and 4) hazardous substances in the hazard 3 overlay zones where they are stored in a manner that ensures risk from natural hazards is avoided, or is no more than low.
Policy 11.2.1.8	In the Hazard 3 (coastal) Overlay Zone, require new buildings containing residential activity on the ground floor to be relocatable, unless site constraints mean this is not practicable.

Objective 11.2.1	
Land use and development is located and designed in a way that ensures that the risk from natural hazards, and from the potential effects of climate change on natural hazards, is no more than low, in the short to long term.	
Policy 11.2.1.9	Avoid development activities and public amenities in a **swale mapped area** unless they will not obstruct or impede water, or cause water to be diverted out of a swale, during a flood hazard event.
Policy 11.2.1.10	Avoid buildings and structures within the **dune system mapped area** unless: a. they have an operational need to locate there; b. there is no risk that development will cause, exacerbate, or be at risk from coastal erosion; and c. the risk from natural hazards is no more than low.
Policy 11.2.1.11	In all hazard overlay zones, the **swale mapped area**, and the **dune system mapped area**, only allow earthworks - large scale where: a. the risk from natural hazards will be avoided, or is no more than low; b. they will not have adverse effects on land instability nor create, exacerbate, or transfer risk from natural hazards; c. they will not have adverse effects on the stability or buffering capacity of dune systems; and d. they will not obstruct or impede flood water, unless part of approved natural hazard mitigation activities.
Policy 11.2.1.12	In all hazard overlay zones, the **swale mapped area**, the **dune system mapped area**, or in any other area that the DCC has information to suspect there may be risk from a natural hazard, only allow subdivision activities where there is a reasonable level of certainty that any future land use or development will meet policies 11.2.1.1 - 11.2.1.11.
Policy 11.2.1.13	Limit vegetation clearance in hazard (land instability) overlay zones, the **dune system mapped area**, and along the banks of water bodies, to a scale and type that ensures any resultant risk from erosion or land instability is avoided, or is no more than low.
Policy 11.2.1.14	Require buildings, structures, storage and use of hazardous substances, network utility activities, and earthworks - large scale to be set back an adequate distance from water bodies to ensure that the risk from natural hazards, including from erosion and flooding, is avoided, or is no more than low.
Policy 11.2.1.15	Only allow hazard mitigation earthworks and hazard mitigation structures where: a. the option of doing nothing is not the best practicable option; and b. it will reduce risk overall.

Rules

Rule 11.3 Natural Hazards Performance Standards

11.3.1 Hazard Exclusion Areas

11.3.1.1 Swale mapped area

a. New buildings and structures, additions and alterations and public amenities, must not be located inside the boundaries of a **swale mapped area**, except:
   i. buildings or structures less than 36m² in a residential zone or the Rural Centre Zone; and
   ii. post and wire fences or other fences where 80% of the surface area will permit the unobstructed passage of water.

b. Other development activities, including outdoor storage, must not obstruct or impede water in a manner that may cause water to be diverted out of a **swale mapped area**.

c. Activities that contravene the performance standard for **swale mapped areas** are non-complying activities, except in a residential zone or the Rural Centre Zone, in which case they are restricted discretionary activities.

11.3.1.2 Dune system mapped area

a. New buildings and structures, and additions and alterations, must not be located inside the boundaries of a **dune system mapped area**, except for buildings or structures used for:
   i. surf life saving;
   ii. conservation activity or public access that is provided for in a conservation management strategy, conservation management plan or reserve management plan; and
   iii. wildlife conservation.

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

11.3.2 Maximum Area of Vegetation Clearance in the Hazard Overlay Zones

1. In the Hazard 1 (land instability) or Hazard 2 (land instability) Overlay Zones, the maximum area of vegetation clearance is 50m² per site, per year, except that, on sites that are located within rural zones, more than one area up to 50m² may be cleared if one of the following situations apply:
   a. the area to be cleared is located at least 400m from any other area of vegetation clearance on the same site; or
   b. the area to be cleared is located within 400m of another area of vegetation clearance on the same site, but the other area is not located within the same Hazard 1 (land instability) or Hazard 2 (land instability) Overlay Zone.

2. This standard does not apply to vegetation clearance as part of any of the following:
   a. the erection, maintenance or alteration of fences (including gates) where the vegetation clearance is no more than 3m in width;
   b. the maintenance (but not extension) of existing network utilities, irrigation infrastructure, tracks, drains, structures, firebreaks or roads;
   c. the construction of tracks up to 2m in width where the vegetation clearance is no more than 3m in width;
   d. clearance of areas that, within the last 10 years, have been cultivated or clear of vegetation; or
   e. removal of pest plant species listed in Appendix 10B, or of grasses or plant species with a root depth of less than 30cm, provided that the area is replanted within 3 months.

3. For the purposes of this standard:
   a. the area to be cleared will be measured from stems at ground level; and
   b. the time period will be measured as the total clearance over any calendar year.

4. Vegetation clearance must not occur in the **dune system mapped area** except vegetation clearance as part of any of the following is exempt from this standard:
   a. planting of indigenous species as part of a conservation activity;
   b. the maintenance or alteration of fences (including gates);
   c. the maintenance (but not extension) of existing network utilities, irrigation infrastructure, tracks, drains, structures, firebreaks or roads;
   d. vegetation clearance that is consistent with or provided for as part of a conservation management strategy, conservation management plan, reserve management plan or covenant established under the Conservation Act 1987 or any other Act specified in the First Schedule of the Conservation Act 1987; or
   e. removal of pest plant species listed in Appendix 10B, or of grasses or plant species with a root depth of less than 30cm, provided that the area is replanted within 3 months.

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

11.3.3 Relocatable Buildings

1. In the hazard 3 (coastal) Overlay Zone, new buildings containing residential activity on the ground floor must be relocatable.
2. Activities that contravene this performance standard are restricted discretionary activities.

Note 11.3.3A - General advice

1. Relocatable buildings may not avoid all risks from natural hazards, particularly in the long term.
2. Development in hazard prone areas, including in the identified hazard overlay zones, are at an owner's risk and the DCC does not accept any liability in regards to development and risk from natural hazards.

11.3.4 Outdoor Storage

1. In the hazard 1 (flood) and hazard 1A (flood) overlay zones, materials and goods must be stored in a way that prevents:
   a. potentially dangerous materials being mobilised in the event of a flood; or
   b. any materials or goods from obstructing or impeding water in a manner that may cause water to be diverted to another site.

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

Note 11.3.4A - Other requirements outside of the District Plan

1. Minimum floor levels are required by the New Zealand Building Code to safeguard people from injury or illness and other property from damage caused by surface water. These are implemented through the building consent process. Surface water is defined in the Building Code as "all naturally occurring water, other than sub-surface water, which results from rainfall on the site or water flowing onto the site, including that flowing from a drain, stream, river, lake or sea" (Schedule 1, Building Regulations 1992).

Rule 11.4 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

11.4.1 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 11.4.2:
    a. lists the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provides guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.

11.4.2 Assessment of development performance standard contraventions		
Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. All performance standard contraventions		*Potential circumstances that may support a consent application include:* a. The risks from natural hazards will be no more than low when assessed against the guidance provided in Table 11.1.2A, taking into account site or area specific factors, including the elevation of the site or the topography of the area. *General assessment guidance:* b. Where more than one standard is contravened, the combined effects of the contraventions will be considered. c. In balancing consideration of the objectives and policies related to reducing risk and those related to general amenity (for example height or setbacks), greater weight will usually be placed on reducing risk. d. In assessing the risks from natural hazards, Council will consider: i. how the risk from natural hazards may worsen over time due to climate change; and ii. the policies of the New Zealand Coastal Policy Statement 2010 in terms of acceptable levels of risk. e. In assessing the appropriateness of alternative mitigation measures: i. consideration will be given to their potential effectiveness, in the short to longer term; ii. preference will be given to non-structural solutions, over engineering or structural solutions, where practicable; iii. mitigation measures that rely on significant capital investment or requirements for ongoing maintenance by the DCC or Otago Regional Council will generally not be seen as appropriate; and iv. any mitigation measures that may result in more than negligible adverse effects on biodiversity values, more than minor adverse effects on access to the coast, or significant effects on amenity or natural coastal sedimentation processes, will generally not be seen as appropriate. f. Council will consider the findings of any report by a suitably qualified person, where required (see Special Information Requirements - Rule 11.8.1).

11.4.2 Assessment of development performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2.	Hazard exclusion areas (Rule 11.3.1.1) **swale mapped area** (residential zones and Rural Centre Zone only)	a. Risk from natural hazards	*Relevant objectives and policies:* i. Objective 11.2.1 ii. Development activities and public amenities in a **swale mapped area** do not obstruct or impede water, or cause water to be diverted out of a swale, during a flood hazard event (Policy 11.2.1.9). *Potential circumstances that may support a consent application include:* iii. An assessment by a suitably qualified person has established that the development will not obstruct or impede water in a flood hazard event, and not cause water to be diverted out of the swale.
3.	Hazardous substances quantity limits and storage requirements (Rule 9.3.4)	a. Risk from natural hazards	*Relevant objectives and policies:* i. Objective 11.2.1 ii. Hazardous substances in hazard 1, hazard 1A and hazard 2 overlay zones and class 8 corrosives (GHS category 1, 1A, 1B and 1C) or class 9 ecotoxics (GHS hazardous to the terrestrial environment and hazardous to the aquatic environment category 1, 2, 3 and 4) hazardous substances in the hazard 3 overlay zones are stored in a manner that ensures the risk from natural hazards is avoided, or is no more than low (Policy 11.2.1.7). *Potential circumstances that may support a consent application include:* iii. An assessment by a suitably qualified person has established an appropriate manner of storage.
4.	Maximum area of vegetation clearance in the hazard overlay zones	a. Risk from natural hazards	*Relevant objectives and policies:* i. Objective 11.2.1 ii. In a Hazard 1 (land instability) or Hazard 2 (land instability) Overlay Zone, or **dune system mapped area,** the scale and type of vegetation clearance will ensure the risk from erosion or land instability is avoided, or is no more than low (Policy 11.2.1.13). *Potential circumstances that may support a consent application include:* iii. A report by a suitably qualified person confirms that the risk from the vegetation clearance will be no more than low. iv. The area is to be replanted with species that will have equal or greater positive effects in terms of land stability and erosion control.

11.4.2 Assessment of development performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
5.	Outdoor storage	a. Risk from natural hazards	*Relevant objectives and policies:* i. Objective 11.2.1 ii. In the hazard 1 and 1A (flood) overlay zones, outdoor storage is designed, managed, and located so that potentially dangerous materials will not be mobilised in a flood; and materials will not obstruct or impede flood water (Policy 11.2.1.5).
6.	Relocatable buildings	a. Risk from natural hazards	*Relevant objectives and policies:* i. Objective 11.2.1 ii. In the Hazard 3 (coastal) Overlay Zone, new buildings containing residential activity on the ground floor are relocatable, unless site constraints mean this is not practicable (Policy 11.2.1.8).
7.	Setback from coast and water bodies (rules 10.3.3.1 - 10.3.3.5)	a. Risk from natural hazards	*Relevant objectives and policies:* i. Objective 11.2.1 ii. New buildings, structures, storage and use of hazardous substances, network utility activities, and earthworks - large scale are set back an adequate distance from water bodies so that the risk from natural hazards, including from erosion and flooding, is avoided, or is no more than low (Policy 11.2.1.14). *Potential circumstances that may support a consent application include:* iii. A site specific assessment by a suitably qualified person has established an appropriate alternative setback.

Rule 11.5 Assessment of Restricted Discretionary Activities

Rule 11.5.1 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 11.5.2:
   a. lists the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provides guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.

11.5.2 Assessment of all restricted discretionary activities		
Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All restricted discretionary activities	a. Risk from natural hazards	*General assessment guidance:* i. In assessing the risks from natural hazards, Council will consider: 1. existing hazards assessment reports on the DCC's Hazard Information Management System; 2. the Otago Regional Council's Otago Natural Hazards Database; 3. any new hazard assessment or engineers' reports provided as part of an application; 4. site or area specific factors, including the elevation of the site or topography and geology of the area; 5. risk to activities proposed on a site, as well as risk that is created, transferred, or exacerbated on other sites; 6. cumulative effects of natural hazards, including from multiple hazards with different risks; and 7. how the risk from natural hazards may worsen over time due to climate change. ii. The creation, transference or exacerbation of risk off-site by the proposed activity, or future proposed activities, for example risk from redirected floodwaters, or risk from landslide on another site will generally not be seen as appropriate. iii. In assessing risk, Council will also consider the policies of the New Zealand Coastal Policy Statement 2010 in terms of acceptable levels of risk. iv. In assessing the appropriateness of mitigation measures (other

11.5.2 Assessment of all restricted discretionary activities		
Activity	Matters of discretion	Guidance on the assessment of resource consents
		than those prescribed in performance standards): 1. consideration will be given to its potential effectiveness, in the short to long term; 2. preference will be given to non-structural solutions, over engineering or structural solutions, where practicable; 3. mitigation measures that rely on significant capital investment or requirements for ongoing maintenance by the DCC or Otago Regional Council will generally not be seen as appropriate; and 4. any mitigation measures that may result in more than negligible adverse effects on biodiversity values, more than minor effects on access to the coast, or significant effects on amenity or natural coastal sedimentation processes, will generally not be seen as appropriate. v. Council will consider the findings of any report by a suitably qualified person, where required (see Special Information Requirements - Rule 11.8.1). *Potential circumstances that may support a consent application include:* vi. The risk from natural hazards will be no more than low when assessed against the guidance provided in Table 11.1.2A. vii. In the Hazard 2 (land instability) Overlay Zone, a report by a suitably qualified person confirms that the risks to the development, or resulting from the development, will be no more than low. viii. Measures are proposed (including legal instruments), that will avoid DCC or the community from being subject to claims for protection, compensation, reinstatement, or rectification of buildings or structures intended for natural hazards sensitive activities, or natural hazards potentially sensitive activities, undertaken in hazard overlay zones. ix. The availability of clear, practicable and safe evacuation routes and/or alternate means of maintaining access during a natural hazard event that will be equally available to future owners, occupiers, or operators. *Conditions that may be imposed include:* x. Building platforms registered against the title by way of consent notice.

11.5.2 Assessment of all restricted discretionary activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
2.	In a hazard 1 (flood), 1A (flood) or 2 (flood) overlay zone: • new buildings and additions and alterations to buildings that create within any two calendar-year period: more than 36m² of new ground floor area in a residential zone or in the **Henley mapped area**, or more than 60m² of new ground floor area in all other locations	a. Risk from natural hazards	*Relevant objectives and policies:* i. Objective 11.2.1 ii. The scale, location and design of the building or other factors mean risk is avoided, or is no more than low (Policy 11.2.1.4). *General assessment guidance:* iii. In assessing options for the appropriate location for the relocation of a building associated with a natural hazards sensitive activity in the **Gordon Road Floodway mapped area**, Council will consider the most up to date available information on hazard risk for the site. *Conditions that may be imposed include:* iv. Restrictions and conditions, including by way of consent notice, on development activities in the **Gordon Road Floodway mapped area** including: 1. location of residential building; 2. minimum floor level; 3. relocatable building requirements; 4. stormwater management systems; 5. establishment, enhancement, or retention of vegetation; 6. design of earthworks; and 7. the location and design of driveways and vehicle tracks.
3.	In the Hazard 2 (flood) Overlay Zone: • natural hazards sensitive activities • natural hazards potentially sensitive activities	a. Risk from natural hazards	*Relevant objectives and policies:* i. Objective 11.2.1 ii. The activity has a critical operational need to locate within the overlay zone and risk is minimised as far as practicable; or the scale, location and design of the activity or other factors mean risk is avoided, or is no more than low (Policy 11.2.1.6).

11.5.2 Assessment of all restricted discretionary activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
4.	Earthworks - large scale (that exceed the scale threshold for a hazard overlay zone or **swale** or **dune system mapped area**).	a. Risk from natural hazards	*Relevant objectives and policies:* i. Objective 11.2.1 ii. The risk from natural hazards, will be avoided, or no more than low (Policy 11.2.1.11). *General assessment guidance:* In assessing changes in risk, Council will specifically consider: iii. In the **dune system mapped area**, any adverse effects on the stability or buffering capacity of dune systems that may lead to increased risk from natural hazards; iv. In a flood or alluvial fan overlay zone or the **swale mapped area**, whether the earthworks will obstruct, impede, or redirect flood water; and v. In a land instability overlay zone, general effects on land instability.
5.	• General subdivision • Cross lease, company lease and unit title subdivision	a. Risk from natural hazards	*Relevant objectives and policies:* i. Objective 11.2.1 ii. In all hazard overlay zones, the **swale mapped area**, **dune system mapped area** or in any other area that the DCC has information to suspect there may be risk from a natural hazard, there is a reasonable level of certainty that any future land use or development will meet policies 11.2.1.1 - 11.2.1.11 (Policy 11.2.1.12). *General assessment guidance:* iii. In assessing the risk from natural hazards, Council will consider the proposed and potential future development or land use that may occur as a result of the subdivision to create, transfer or exacerbate risk off site, including, but not limited to: 1. earthworks; 2. new driveways and vehicle tracks, including culverts or driveway crossings or other site development activities that may restrict or impede drainage; 3. wastewater disposal systems (public or private); 4. stormwater management; 5. drainage; 6. all buildings, structures and other development; and 7. primary and ancillary land use activities, and their sensitivity. *Potential circumstances that may support a consent application include:* iv. The availability of clear, practicable and safe evacuation routes and/or alternate means of maintaining access during a natural hazard event that will be equally available to future owners, occupiers, or operators.

11.5.2 Assessment of all restricted discretionary activities		
Activity	Matters of discretion	Guidance on the assessment of resource consents
		v. That resultant sites provide building platforms that will allow buildings associated with natural hazards sensitive or natural hazards potentially sensitive activities to ensure the risk from natural hazards is avoided, or is no more than low, including through meeting relevant performance standards. vi. Any associated consents for land use and development activities are approved at the same time consents for subdivisions are granted. vii. Confirmation (including certification) by a suitably qualified expert that the site is suitable for the intended use and the conditions on land use or development that are required for the site to be developed safely. viii. Where development of the resultant sites is likely to result in on-site wastewater disposal or storage, the effects of flooding and sea level rise will be such that safe and effective on-site disposal is likely to be practicable in the long term. *Conditions that may be imposed include:* ix. Building platforms registered against the title by way of consent notice. x. Restrictions and conditions, including by way of consent notice, on development activities including: 1. stormwater management systems, for example, retention basins to regulate the rate and volume of surface runoff; 2. establishment, enhancement, or retention of vegetation; 3. conditions on the design of earthworks; 4. the type of water and waste services to be used; and 5. the location and design of driveways and vehicle tracks. xi. Restrictions or conditions, including by way of consent notice, on land use activities allowed on the site.

Rule 11.6 Assessment of Discretionary Activities

Rule 11.6.1 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 11.6.2 provides guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
   b. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
   c. general assessment guidance, including any effects that will be considered as a priority; and
   d. conditions that may be imposed.

11.6.2 Assessment of all discretionary activities	
Activity	Guidance on the assessment of resource consents
1. All discretionary activities that are linked to section 11.6, including but not limited to the activities listed below	*Relevant objectives and policies (priority considerations):* a. Objective 2.2.1 and Objective 11.2.1 *General assessment guidance:* b. In assessing the risks from natural hazards, Council will consider: i. existing hazards assessment reports on the DCC's Hazard Information Management System; ii. the Otago Regional Council's Otago Natural Hazards Database; iii. any new hazard assessment or engineers' reports provided as part of an application; iv. site or area specific factors, including the elevation of the site, or topography and geology of the area; v. the type, nature and scale of the activity, and how this affects its sensitivity to natural hazards; vi. short to long term effects, including effects in combination with other activities; vii. 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; viii. risk to activities proposed on a site, as well as risk that is created, transferred, or exacerbated on other sites; ix. new or changes to land use activities and any associated development activities together, as development may not be appropriate given the risk associated with a site, or conditions on development activities may be required to mitigate the risk from natural hazards; x. cumulative effects of natural hazards, including from multiple hazards with different risks; and xi. how the risk from natural hazards may worsen over time due to

11.6.2 Assessment of all discretionary activities	
Activity	Guidance on the assessment of resource consents
	climate change. c. The creation, transference or exacerbation of risk off-site by the proposed activity, or future proposed activities, for example risk from redirected floodwaters, or risk from landslide on another site will generally not be seen as appropriate. d. In assessing risk, Council will also consider the policies of the New Zealand Coastal Policy Statement 2010 in terms of acceptable levels of risk. e. In assessing the appropriateness of mitigation measures (other than those prescribed in performance standards): i. consideration will be given to its potential effectiveness, in the short to longer term; ii. preference will be given to non-structural solutions, over engineering or structural solutions, where practicable; iii. mitigation measures that rely on significant capital investment or requirements for ongoing maintenance by the DCC or Otago Regional Council will generally not be seen as appropriate; and iv. any mitigation measures that may result in more than negligible adverse effects on biodiversity values, more than minor effects on access to the coast, or significant effects on amenity or natural coastal sedimentation processes, will generally not be seen as appropriate. f. Council will consider the findings of any report by a suitably qualified person, where required (see Special Information Requirements - Rule 11.8.1). *Potential circumstances that may support a consent application include:* g. The availability of clear, practicable and safe evacuation routes and/or alternate means of maintaining access during a natural hazard event that will be equally available to future owners, occupiers, or operators. h. Measures are taken (including legal instruments), that will avoid Council or the community from being subject to claims for compensation, reinstatement, or rectification of natural hazards sensitive activities, or natural hazards potentially sensitive activities, undertaken in hazard overlay zones. i. A report by a suitably qualified person confirms that the risk to the activity, or resulting from the activity, will be no more than low. j. For discretionary land use activities, whether any associated buildings or structures meet relevant hazards-related development performance standards, or otherwise achieve the relevant policies for development (see Rule 11.4 for performance standard contraventions). *Conditions that may be imposed include:* k. Building platforms registered against the title by way of consent notice.

11.6.2 Assessment of all discretionary activities		
Activity		Guidance on the assessment of resource consents
2.	• Natural hazard mitigation earthworks • Natural hazard mitigation structures	*Relevant objectives and policies (priority considerations):* a. Objective 11.2.1 b. The option of doing nothing is not the best practicable option and it will reduce risk overall (Policy 11.2.1.15).

Rule 11.7 Assessment of Non-complying Activities

Rule 11.7.1 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 11.7.2 - 11.7.3 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.

11.7.2 Assessment of non-complying activities		
Activity		Guidance on the assessment of resource consents
1.	In the hazard 1 (flood) Overlay Zones: • Natural hazards potentially sensitive activities • Natural hazards sensitive activities In the Hazard 1A (flood) Overlay Zone: • Natural hazards potentially sensitive activities In the Hazard 1A (flood) Overlay Zone within the **Gordon Road Floodway mapped area** • Expansion or recommencement of a natural hazards sensitive activity.	*Relevant objectives and policies (priority considerations):* a. Objective 2.2.1, Policy 2.2.1.8 b. Objective 11.2.1 c. In the Hazard 1 (flood) Overlay Zone, natural hazards sensitive activities and natural hazards potentially sensitive activities are avoided unless: i. the risk from natural hazards is avoided, or is no more than low; and ii. the activity has a critical operational need to locate within the Hazard 1 (flood) Overlay Zone and locating outside it is not practicable (Policy 11.2.1.1). d. In the Hazard 1A (flood) Overlay Zones, natural hazards potentially sensitive activities are avoided unless: i. the risk from natural hazards is avoided, or is no more than low; and ii. the activity has a critical operational need to locate within the Hazard 1A (flood) Overlay Zone and locating outside it is not practicable (Policy 11.2.1.3). X. In the **Gordon Road Floodway mapped area**, natural hazards sensitive activities are avoided unless: i. the activity involves the expansion of an existing natural hazards sensitive activity or the recommencement of a natural hazards sensitive activity that was undertaken within the previous 5 years; and ii. the risk from natural hazards is avoided, or is no more than low.

11.7.2 Assessment of non-complying activities	
Activity	Guidance on the assessment of resource consents
	General assessment guidance: e. In assessing whether the risk is no more than low, Council will consider the guidance provided in Section 11.1.2 and will generally require a report by a suitably qualified person (see Special Information Requirements - Rule 11.8.1) to confirm that the risks to the development, or resulting from the development, will be no more than low. f. In assessing the risks from natural hazards, Council will consider: i. the most up to date available information on hazard risk for the site and existing hazards assessment reports on the DCC's Hazard Information Management System; ii. the Otago Regional Council's Otago Natural Hazards Database; iii. any new hazard assessment or engineers' reports provided as part of an application; iv. site or area specific factors, including the elevation of the site, or topography and geology of the area; v. the type, nature and scale of the activity, and how this affects its sensitivity to natural hazards; vi. short to long term effects, including effects in combination with other activities; vii. risk to activities proposed on a site, as well as risk that is created, transferred, or exacerbated on other sites; viii. 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; ix. evacuation routes, and/or alternate means of maintaining access during a natural hazard event; x. cumulative effects of natural hazards, including from multiple hazards with different risks; xi. The creation, transference or exacerbation of risk off-site by the proposed activity, or future proposed activities, for example risk from redirected floodwaters, or risk from landslide on another site will generally not be seen as appropriate; and xii. how the risk from natural hazards may worsen over time due to climate change. g. In assessing risk, Council will also consider the policies of the New Zealand Coastal Policy Statement 2010 in terms of acceptable levels of risk. h. Council will consider whether the proposal could make the DCC or Otago Regional Council subject to claims for protection, compensation, reinstatement, or rectification of buildings or structures intended for natural hazards sensitive activities, or natural hazards potentially sensitive activities, undertaken in hazard overlay zones, and

11.7.2 Assessment of non-complying activities	
Activity	Guidance on the assessment of resource consents
	whether a mechanism is proposed to protect the DCC or ORC from these claims. i. In assessing the appropriateness of mitigation measures (other than those prescribed in performance standards): i. consideration will be given to its potential effectiveness, in the short to longer term; ii. preference will be given to non-structural solutions, over engineering or structural solutions, where practicable; iii. mitigation measures that rely on significant capital investment or requirements for ongoing maintenance by the DCC or Otago Regional Council will generally not be seen as appropriate; and iv. any mitigation measures that may result in more than negligible adverse effects on biodiversity values, more than minor effects on access to the coast, or significant effects on amenity or natural coastal sedimentation processes, will generally not be seen as appropriate. j. For the expansion or recommencement of a natural hazards sensitive activity in the **Gordon Road Floodway mapped area**, when determining whether the risk is no more than low (Policy 11.2.1.X), Council will consider any reduction in risk from the flood hazard achieved by the proposal.

11.7.3 Assessment of non-complying performance standard contraventions	
Performance standard	Guidance on the assessment of resource consents
1. Hazard exclusion areas (Rule 11.3.1.1) - **swale mapped area**	*Relevant objectives and policies (priority considerations):* a. Objective 2.2.1 b. Objective 11.2.1 c. Development activities and public amenities in a **swale mapped area** do not obstruct or impede water, or cause water to be diverted out of a swale, during a flood hazard event. (Policy 11.2.1.9). *General assessment guidance:* d. Council will consider the findings of any report by a suitably qualified person, where required (see Special Information Requirements - Rule 11.8.1).

11.7.3 Assessment of non-complying performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
2.	Hazard exclusion areas (Rule 11.3.1.2) - **dune system mapped area**	*Relevant objectives and policies (priority considerations):* a. Objective 2.2.1, Policy 2.2.1.8 b. Avoid buildings and structures within a **dune system mapped area** unless: i. they have an operational need to locate there; ii. they will not increase the risk of coastal erosion; and iii. the risk from natural hazards is no more than low (Policy 11.2.1.10). *General assessment guidance:* c. Council will consider the findings of any report by a suitably qualified person, where required (see Special Information Requirements - Rule 11.8.1).

Rule 11.8 Special Information Requirements

1. A report by a suitably qualified person, which addresses the relevant assessment matters of this plan, may be requested by Council for any activity that is subject to:
    1. a hazard overlay zone;
    2. a **dune system mapped area**;
    3. a **swale mapped area**; or
    4. land that Council has information on indicating it may be hazard prone.
2. For the purpose of natural hazard risk, a suitably qualified person includes:
    1. Hydrologists;
    2. Geotechnical engineers; and
    3. Geomorphological specialists (including coastal).

12. New Urban Land Provisions

12.1 Introduction

The National Policy Statement for Urban Development 2020 (NPS-UD) recognises the national significance of having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future, and of providing sufficient development capacity to meet the different needs of people and communities.

The strategic directions section of the Plan outlines the objectives and policies that guide when and where urban expansion should occur, in what form, and give effect to the NPS-UD. The strategic directions are based on the Dunedin Spatial Plan's goal of being a compact city with resilient townships.

A number of preferred areas for transition to, or between, urban uses are identified in this Plan, and rules included which provide for their transition to a different zoning.

The Residential Transition Overlay Zone (RTZ) is used to provide for future residential zoning where land has been identified as appropriate for growth and where infrastructure servicing is not planned in the medium term (out to 10 years). The RTZ enables these areas to transition to the provisions for their specified transition zone once infrastructure servicing is available (existing constraints are resolved). It also manages activities in the meantime to ensure areas remain suitable for future residential use by restricting activities that may make it harder to develop in the future. The transition zone for each Residential Transition Overlay Zone is specified through the overlay name on the Planning Map, for example: *Residential Transition Overlay Zone (General Residential 1 Zone)*, and in Appendix 12A.

The Industrial Transition Overlay Zone (IndTZ) is used to provide for future industrial zoning where land has been identified as appropriate but where an agreement between the DCC and developer on the provision of any necessary public infrastructure is not yet in place. It also manages subdivision in the meantime to ensure future industrial development is not adversely impacted. The transition zone for each Industrial Transition Overlay Zone is specified through the overlay name on the Planning Map and in Appendix 12B.

The Harbourside Edge Transition Overlay Zone (HETZ) is used to provide for future Harbourside Edge zoning when at least 70% of the existing zoned area is being used for residential or commercial activities and when there is an agreement between the DCC and developer on the provision of any necessary public infrastructure. It also manages subdivision in the meantime to ensure future commercial and mixed use development is not adversely impacted.

The transition of land is managed through a certification process, where land is released by the Chief Executive Officer or their delegate, once identified triggers are met.

To ensure the development of well-functioning urban environments that provide for people’s well-being, this section also includes an objective, policies and assessment rules to guide the subdivision and development of larger areas of ‘greenfield’ residential zoned land (identified by the **new development mapped area** in the Planning Map). These provisions reflect the Plan’s strategic directions and best practice urban planning and design principles.

12.2 Objectives and Policies

Objective 12.2.1	
Land within the Residential Transition Overlay Zone (RTZ) is able to be released and developed in a coordinated way as residential zoned land, in advance of the need for additional residential capacity to accommodate growth.	
Policy 12.2.1.1	In the Residential Transition Overlay Zone (RTZ) provide for land to transition to residential zoned land through a certification process by the Chief Executive Officer or their delegate when: a. water supply, wastewater and stormwater infrastructure capacity is sufficient to support the additional residential development or a private development agreement between the DCC and the developer on the method, timing and funding of any necessary 3 waters public infrastructure is in place; and b. an agreement between the DCC and the developer on the method, timing and funding of any necessary transportation infrastructure is in place.
Policy 12.2.1.2	Avoid landfills and mining activity or other activities that may otherwise inhibit future use of Residential Transition Overlay Zone (RTZ) land for residential activity, including by creating contaminated land, unless the activities will be designed or located to have no more than minor potential adverse effects on the future use of the land for residential activities.
Policy 12.2.1.3	Only allow forestry and intensive farming in the Residential Transition Overlay Zone (RTZ) where these activities will not inhibit future use of the land for residential activity.
Policy 12.2.1.4	Only allow subdivision activities where: a. after land has been released, it is in accordance with the objectives and policies of the specified future residential zone; or b. prior to land being released, the subdivision will not undermine or inhibit the future development of the area at the intended future residential density.

Objective 12.2.2	
Land within the Harbourside Edge Transition Overlay Zone is able to be released and developed in a coordinated way as Harbourside Edge zoned land when there is a need for additional land to accommodate growth.	
Policy 12.2.2.1	In the Harbourside Edge Transition Overlay Zone (HETZ), provide for land to transition from industrial zoned land to Harbourside Edge zoned land through a certification process by the Chief Executive Officer or their delegate when: a. an agreement between the DCC and the developer on the method, timing, and funding of any necessary public infrastructure provision is in place; and b. at least 70% of the zone area in the Harbourside Edge Zone, excluding roading, amenity areas and land required for public accessways and the public walkway, is being used for residential or commercial activities.
Policy 12.2.2.2	Only allow subdivision activities where: a. after land has been released, it is in accordance with the objectives and policies of the Harbourside Edge Zone; or b. prior to land being released, the subdivision will not undermine or inhibit the future development of the area as Harbourside Edge-zoned land.

Objective 12.2.3	
Land within the Industrial Transition Overlay Zone is able to be released and developed in a coordinated way as industrial zoned land when there is a need for additional land to accommodate growth.	
Policy 12.2.3.1	In the Industrial Transition Overlay Zone (IndTZ), provide for land to transition from rural zoned land to industrial zoned land through a certification process by the Chief Executive Officer or their delegate when an agreement between the DCC and the developer on the method, timing, and funding of any necessary public infrastructure provision is in place.
Policy 12.2.3.2	Only allow subdivision activities where: a. after land has been released, it is in accordance with the objectives and policies of the Industrial Zone; or b. prior to land being released, the subdivision will not undermine or inhibit the future development of the area as Industrial-zoned land.

Objective 12.2.4	
Future residential growth areas are developed in a way that achieves the Plan's strategic directions for: a. facilities and spaces that support social and cultural well-being (Objective 2.3.3); b. indigenous biodiversity (Objective 2.2.3); c. environmental performance and energy resilience (Objective 2.2.2); d. form and structure of the environment (Objective 2.4.1); e. a compact and accessible city (Objective 2.2.4); f. efficient public infrastructure (Objective 2.7.1); g. land, facilities and infrastructure that are important for economic productivity and social well-being (Objective 2.3.1); and h. heritage (Objective 2.4.2).	
Policy 12.2.4.1	Only allow subdivision in a **new development mapped area** where it will provide or otherwise ensure good access to outdoor recreation opportunities (including playgrounds) and, where possible, opportunities for recreation tracks within and between different residential developments and connecting to community facilities and services.
Policy 12.2.4.2	Only allow subdivision in a **new development mapped area** where the subdivision is designed to ensure any future land use and development will protect, and where necessary restore, any water bodies, areas of important indigenous vegetation or habitats of indigenous fauna, or other areas with important natural environment values.
Policy 12.2.4.3	Only allow subdivision in a **new development mapped area** where the subdivision layout and orientation provides for houses to be designed with good solar access to living areas~~ and outdoor living spaces~~. ***{RMA s.104 (1A)(a)(iii)}***
Policy 12.2.4.4	Only allow subdivision in a **new development mapped area** where the subdivision will provide adequate areas of amenity planting (including but not limited to street trees) and public amenities to ensure an attractive residential environment.
Policy 12.2.4.5	Only allow subdivision in a **new development mapped area** where the subdivision design ensures the efficient use of land, while also achieving the other elements of Objective 12.2.4.

Objective 12.2.4	
Future residential growth areas are developed in a way that achieves the Plan's strategic directions for: a. facilities and spaces that support social and cultural well-being (Objective 2.3.3); b. indigenous biodiversity (Objective 2.2.3); c. environmental performance and energy resilience (Objective 2.2.2); d. form and structure of the environment (Objective 2.4.1); e. a compact and accessible city (Objective 2.2.4); f. efficient public infrastructure (Objective 2.7.1); g. land, facilities and infrastructure that are important for economic productivity and social well-being (Objective 2.3.1); and h. heritage (Objective 2.4.2).	
Policy 12.2.4.6	Only allow subdivision in a **new development mapped area** where the subdivision design will enable any new or upgraded electricity or telecommunications network utilities necessary to service the anticipated future development to be efficiently and effectively provided by network utility operators.
Policy 12.2.4.7	Only allow subdivision in a **new development mapped area** where the subdivision design (including any associated off-site access and infrastructure) maintains or enhances any significant heritage values.

Rules

12.3 Rules for Transition Overlay Zones

Rule 12.3.1 Release of Land in the Residential Transition Overlay Zone (RTZ)

1. In a Residential Transition Overlay Zone (RTZ), other than the RTZ listed in Rule 12.3.4, the provisions of the specified future residential zone will apply to any part of that zone that is "released" by the Chief Executive Officer or their delegate certifying that the requirements in Rule 12.3.1.2.a and 12.3.1.2.b are met.
2. The Chief Executive Officer or their delegate must certify to release land in a Residential Transition Overlay Zone (RTZ) following receipt of an application demonstrating that:
    a. for 3 waters public infrastructure, any of the following criteria are met:
        i. the DCC has published a statement on its website that further development within the Residential Transition Overlay Zone will meet the following criteria, demonstrated by modelling using accepted industry practice:
            1. fire flows within the piped treated water network servicing the Residential Transition Overlay Zone meet the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ 4509:2008);
            2. water pressure within the piped treated water network servicing the Residential Transition Overlay Zone is maintained between 300-900 kPa; and
            3. surcharge of pipes and flooding out of manholes will not occur during a design rainfall event (10% AEP) within the wastewater network necessary for the servicing of potential development that is being released; or
        ii. the DCC has published a statement on its website that a contract has been awarded that will ensure any necessary infrastructure upgrades required to meet the tests in Rule 12.3.1.2.a.i are completed within three years; or
        iii. a private development agreement between the DCC and developer on the method, timing and funding of any necessary 3 waters public infrastructure is in place; and
    b. an agreement between the DCC and the developer on the method, timing and funding of any necessary transportation infrastructure is in place.
3. Areas that have a Residential Transition Overlay Zone may be released in whole or in part, and where more areas are requested to be released than can meet the criteria above, they will be released on a first come first served basis following an application to the Chief Executive Officer or their delegate that meets the criteria outlined in Rule 12.3.1.
4. The statement on water supply and wastewater infrastructure capacity may specify the number of additional dwellings for which there is infrastructure capacity.

Note 12.3.1A - General Advice

1. Stormwater management will be assessed at the time of building consent, subdivision consent or service connection application.

Rule 12.3.2 Release of Harbourside Edge Transition Overlay Zone land

1. In a Harbourside Edge Transition Overlay Zone (HETZ), the provisions of the Harbourside Edge Zone will apply to any part of that zone that is "released" by the Chief Executive Officer or their delegate certifying that the requirements in Rule 12.3.2.2 (a) and (b) are met.
2. The Chief Executive Officer or their delegate must certify to release land in a Harbourside Edge Transition Overlay Zone following receipt of an application demonstrating that:
    a. an agreement between the DCC and the developer on the method, timing and funding of any necessary public infrastructure provision is in place; and
    b. at least 70% of the zone area in the Harbourside Edge Zone, excluding roading, amenity areas and land required land for public accessways and the public walkway, is being used for residential or commercial activities.

Rule 12.3.3 Release of Industrial Transition Overlay Zone land

1. In an Industrial Transition Overlay Zone (IndTZ), the provisions of the Industrial Zone will apply to any part of that zone that is "released" by the Chief Executive Officer or their delegate certifying that the requirement in 12.3.3.2 is met.
2. The Chief Executive Officer or their delegate must certify to release land in an Industrial Transition Overlay Zone following receipt of an application demonstrating that an agreement between the Dunedin City Council and the developer on the method, timing, and funding of any necessary public infrastructure provision is in place.

Rule 12.3.4 Release of RTZ in Structure Plan Mapped Areas

Rule 12.3.4.1 Release of land in the South East Mosgiel Residential Transition Overlay Zone (RTZ)

a. In the South East Mosgiel Residential Transition Overlay Zone, the provisions of the specified future residential zone will apply to any part or all of that zone that is "released" by the Chief Executive Officer or their delegate certifying that the requirements below are met.

b. The Chief Executive Officer or their delegate must certify to release land in the South East Mosgiel Residential Transition Overlay Zone following receipt of an application demonstrating all of the following criteria have been met:
    i. An Integrated Transportation Assessment (ITA) for the **structure plan mapped area** is completed; and
        1. Where transportation infrastructure required by the ITA or the structure plan provisions for the site requires DCC funding or a cost-sharing agreement that requires DCC involvement, there is provision for that in the Long Term Plan and Development Contributions Policy, or there is an agreement between the DCC and landowners/developers of sites proposed for release on the method, timing, and funding of the transportation infrastructure identified in the ITA, or both.

    ii. A high level stormwater management plan developed in consultation with the Otago Regional Council that (but not involving detailed subdivision design) addresses the requirements of the integrated stormwater management plan required by Rule 9.9.3.4 and that indicates all land that will be required to be set aside for stormwater management based on the level of development allowed and including land necessary to manage overland flows and to retain existing on-site storage;
        1. Where the stormwater management plan requires DCC funding or a cost-sharing agreement for stormwater infrastructure that requires DCC involvement, there is provision for that in the Long Term Plan and Development Contributions Policy, or there is an agreement between the DCC and landowners/developers of sites proposed for release on the method, timing, and funding of the stormwater infrastructure identified in the stormwater management plan, or both.
        2. Where the stormwater management plan requires stormwater to be directly or indirectly

discharged to the Owhiro Stream or to any work, system or facility owned or operated by the Otago Regional Council, there is an agreement in place between the applicant landowner and the Otago Regional Council in relation to the terms on which the Otago Regional Council will accept the receipt of the stormwater discharge.

iii. An open space and amenity planting plan for the entire **structure plan mapped area** that must at a minimum provide for:
   1. street trees in road reserves and planting associated with the esplanade reserve adjacent to Owhiro Stream; and
   2. a 5000m² recreation reserve in a location that:
      1. is located outside of areas used for stormwater or flood management or storage;
      2. as close as practicable considering other requirements and other reserves in the wider area, allows residential activities in and adjacent to the **structure plan mapped area** to have access to an open space reserve within a 400m walking radius of their homes;
      3. has frontages of no less than 80m onto at least two road frontages, and
      4. adjoins or links to the esplanade reserve on the Owhiro Stream.

iv. Where implementation of the required open space and amenity planting plan requires DCC funding or a cost-sharing agreement that requires DCC involvement, there is provision for that in the Long Term Plan and Development Contributions Policy, or there is an agreement between the DCC and landowners/developers of sites proposed for release on the method, timing, and funding of the delivery of the open space and amenity planting plan, or both.

Note 12.3.4.1A - General advice

a. Where the results of the Integrated Transportation Assessment required to release the land demonstrate the need for either:
   i. transportation infrastructure upgrades outside the **structure plan mapped area**; or
   ii. transportation infrastructure built to a higher specification because of the need to provide for new growth areas or improve level of service for existing areas.
   iii. the responsibility and funding for these upgrades will be negotiated between all landowners and the DCC. Where necessary, the DCC will appoint an independent facilitator or mediator to assist in these negotiations.

b. Prior to initiating work on an Integrated Transportation Assessment, applicants are encouraged to contact DCC City Development for the latest information regarding the status of the South East Mosgiel Residential Transition Zone Overlay (RTZ), and remaining requirements.

Note 12.3A - General Advice

1. Where the release of land in a Transition Overlay Zone depends upon additional or upgraded public infrastructure, the developer may be required to enter into a Private Development Agreement with the Dunedin City Council. This will normally be required where the Dunedin City Council's Development Contributions Policy does not clearly set out the specific contribution towards the costs of the additional or upgraded public infrastructure required. The Private Development Agreement will normally include a lease clause, and be registered against the Computer Register (Certificate of Title) for the land, to ensure that the developer meets their agreed obligations.

12.X Assessment of Restricted Discretionary Activities

Rule 12.X.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 12.X.2:
   a. lists the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provides guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.

12.X.2 Assessment of restricted discretionary activities in a Transition Overlay Zone or mapped area			
Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	In a **Residential Transition Overlay Zone (RTZ)** (prior to release): • General subdivision	a. Effects on future urban development	*Relevant objectives and policies:* i. Objective 12.2.1. ii. Subdivision activities prior to land being released will not undermine or inhibit the future development of the area at the intended residential density (Policy 12.2.1.4).
2.	In a **Harbourside Edge Transition Overlay Zone (HETZ)** (prior to release): • Subdivision activities	a. Effects on future urban development	*Relevant objectives and policies:* i. Objective 12.2.2. ii. Subdivision activities prior to land being released will not undermine or inhibit the future development of the area as Harbourside Edge-zoned land (Policy 12.2.2.2).
3.	In an **Industrial Transition Overlay Zone (IndTZ)** (prior to release): • General subdivision	a. Effects on future urban development	*Relevant objectives and policies:* i. Objective 12.2.3. ii. Subdivision activities prior to land being released will not undermine or inhibit the future development of the area as Industrial-zoned land (Policy 12.2.3.2).

12.X.2 Assessment of restricted discretionary activities in a Transition Overlay Zone or mapped area			
Activity		Matters of discretion	Guidance on the assessment of resource consents
4.	In a **Residential Transition Overlay Zone (RTZ)** (prior to release): • Forestry	a. Effects on future urban development	*Relevant objectives and policies:* i. Objective 12.2.1. ii. Forestry will not inhibit future use of the land for residential activity (Policy 12.2.1.3). *General assessment guidance:* iii. Council will consider the location and scale of the activity in assessing the likelihood that the activity may render the site, or any surrounding sites that are zoned as RTZ, unable to be developed as residential zoned land when required.
5.	In a **new development mapped area**: • All subdivision activities	a. Whether subdivision design supports energy efficient housing	*Relevant objectives and policies:* i. Objective 12.2.4. ii. The subdivision layout and orientation provides for houses to be designed with good solar access to living areas ~~and outdoor living spaces~~ (Policy 12.2.4.3). ***{RMA s.104 (1A)(a)(iii)}***

12.X.2 Assessment of restricted discretionary activities in a Transition Overlay Zone or mapped area		
Activity	Matters of discretion	Guidance on the assessment of resource consents
	b. Provision for amenity planting and public amenities	*Relevant objectives and policies:* i. Objective 12.2.4. ii. The subdivision provides adequate areas of amenity planting (including but not limited to street trees) and public amenities to ensure an attractive residential environment (Policy 12.2.4.4). *General assessment guidance:* iii. In assessing the adequacy of amenity planting and public amenities, some of the key design elements Council will consider are whether: 1. Street trees support the road hierarchy by distinguishing main thoroughfares from local roads and are spaced at regular intervals of between 10-15m; 2. Street tree species are suitable to the local conditions in terms of shade, leaf fall, longevity, pest and disease resilience and maintenance requirements; 3. Underground services will be located clear of berm areas for planting with street trees; 4. At least 20% of berm areas will be planted as garden beds with remaining areas turfed; 5. Roundabouts, traffic medians and intersections integrate appropriate planting, designed to ensure maintenance can occur safely; and 6. Public amenities are of robust design and cater to a range of users. *Conditions that may be imposed include:* iv. Requirements for street tree and other subdivision amenity planting. v. Requirements for maintenance of planting for a specified period.

12.X.2 Assessment of restricted discretionary activities in a Transition Overlay Zone or mapped area		
Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Provision of recreation spaces	*Relevant objectives and policies:* i. Objective 12.2.4. ii. The subdivision provides or otherwise ensures good access to outdoor recreation opportunities (including playgrounds) and, where possible, opportunities for recreation tracks within and between different residential developments and connecting to community facilities and services (Policy 12.2.4.1). *General assessment guidance:* iii. In assessing the requirements for recreation spaces, Council will consider the contents of the New Zealand Recreation Association Parks Categories Framework. *Conditions that may be imposed include:* iv. Location, size and shape of recreation reserves, including a minimum length of road frontage. v. A requirement to vest recreation spaces in DCC as DCC reserve. vi. Public amenities to be included in a recreation reserve. vii. A requirement for the recreation space to be developed prior to vesting in DCC.

12.X.2 Assessment of restricted discretionary activities in a Transition Overlay Zone or mapped area		
Activity	Matters of discretion	Guidance on the assessment of resource consents
	d. Whether subdivision design maintains or enhances areas with important natural environment values	*Relevant objectives and policies:* i. Objective 12.2.4 ii. The subdivision is designed to ensure any future land use and development will protect, and where necessary restore, any water bodies, areas of important indigenous vegetation or habitats of indigenous fauna, or other areas with important natural environment values (Policy 12.2.4.2). *General assessment guidance:* iii. In assessing water bodies, areas of important indigenous vegetation or habitats of indigenous fauna, Council will consider the presence of: 1. Areas that would meet the criteria set out in Policy 2.2.3.2 for identification of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna; 2. Individual or groups of mature indigenous trees on the 2GP Important Native Tree List in Appendix 10A.3; 3. Individual or groups of exotic trees that meet the criteria in Policy 2.4.1.2 for scheduling as a significant tree (provided they are not on the 2GP Pest Plant List or Otago Regional Council Regional Pest Management Plan); 4. Riparian and freshwater values of water bodies listed in Appendix 10C and the temporary or permanent tributaries of those water bodies; 5. Areas of vegetation that are part of a network of sites that cumulatively provide important habitat for indigenous biodiversity in the urban environment, or when aggregated make an important contribution to the provision of a particular ecosystem in the urban landscape context; or 6. Areas that make an important contribution to the resilience and ecological integrity of surrounding areas, or, if restored, would provide ecological connectivity or buffering for indigenous vegetation or fauna. iv. In assessing other areas with important natural environment values, Council will consider the presence of any aspects of the natural environment which make an important contribution to the sense of place or character of the landscape (provided that for vegetation, plants are not on the 2GP Pest Plant List or Otago Regional Council Regional Pest Management Plan), for example: 1. Wind breaks, orchards or established trees; 2. Exotic plant communities; or 3. Geological features *Conditions that may be imposed include:* v. A requirement to protect areas through reserve status or other

12.X.2 Assessment of restricted discretionary activities in a Transition Overlay Zone or mapped area		
Activity	Matters of discretion	Guidance on the assessment of resource consents
		legal mechanisms. vi. A requirement to undertake conservation activity.
	e. Whether subdivision design supports efficient use of land	*Relevant objectives and policies:* i. Objective 12.2.4. ii. The subdivision design ensures the efficient use of land, while also achieving the other elements of Objective 12.2.4 (Policy 12.2.4.5). *General assessment guidance:* iii. In assessing whether a subdivision design for an NDMA ensures the efficient use of land, Council will generally expect developable sites to be at or close to the minimum site size (for either a single dwelling or duplex) or, if part of a proposed comprehensive development or staged subdivision, otherwise enable an equivalent residential development capacity considering the applicable rules and after deducting land allocated to roads, reserves, stormwater management areas and other non-developable areas. iv. Where a subdivision proposes a residential development capacity less than anticipated by clause (iii) above , Council will consider: 1. the extent to which this is required to achieve other plan objectives or policies, for example to protect on site values or manage risk from natural hazards; 2. the extent to which the slope of the parent site makes achieving a higher yield impractical; 3. how the lower yield might affect the affordability and efficient delivery of public infrastructure; and 4. how the lower yield might affect the affordability of land or housing within the subdivision.

12.X.2 Assessment of restricted discretionary activities in a Transition Overlay Zone or mapped area		
Activity	Matters of discretion	Guidance on the assessment of resource consents
	f. Effects on efficient and effective operation of network utilities (electricity and telecommunications)	*Relevant objectives and policies:* i. Objective 12.2.4. ii. The subdivision design enables any new or upgraded electricity or telecommunications network utilities necessary to service the anticipated future development to be efficiently and effectively provided by network utility operators (Policy 12.2.4.6). *General assessment guidance:* iii. In determining whether Policy 12.2.4.6 is achieved, Council will consider feedback from all relevant telecommunication and electrical network utility operators on the subdivision design, undertaken by the applicant and provided with the application. iv. In assessing whether Policy 12.2.4.6 is achieved, Council will only consider whether the design enables new or upgraded network utilities that utility operators may need to install to provide services to future development enabled by the subdivision. Requirements for telecommunications and power supply service connections within subdivisions are covered by Rule 9.3.2.
	g. Whether the subdivision design (including any associated off-site access and infrastructure) maintains or enhances significant heritage values	*Relevant objectives and policies:* i. Objective 12.2.4. ii. The subdivision is designed (including any associated off-site access and infrastructure) to maintain or enhance any significant heritage values. *General assessment guidance:* iii. Where significant heritage values are identified or suspected in any area that may be developed as a result of the subdivision (including any associated off-site access and infrastructure), Council will require an assessment of those heritage values by a suitably qualified professional and a plan which indicates how the significant heritage values will be maintained or if values are to be diminished by aspects of the activity why there is no practicable alternative to that loss.

12.4 Assessment of Discretionary Activities

Rule 12.4.1 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 12.4.2 provides guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
   b. general assessment guidance, including any effects that will be considered as a priority.

12.4.2 Assessment of discretionary activities in a Transition Overlay Zone

Activity		Guidance on the assessment of resource consents
1.	In a **Residential Transition Overlay Zone (RTZ)** (prior to release): • Intensive farming • Forestry	*Relevant objectives and policies:* a. Objective 12.2.1 b. The activities will not inhibit future use of the land for residential activity (Policy 12.2.1.3). *General assessment guidance:* c. Council will consider the location and scale of the activity in assessing the likelihood that the activity may render the site, or any surrounding sites that are zoned as RTZ, unable to be developed as residential zoned land when required.
X.	In a **Residential Transition Overlay Zone (RTZ)** (prior to release): • Cross lease, company lease and unit title subdivision	*Relevant objectives and policies:* a. Objective 12.2.1. b. Subdivision activities prior to land being released will not undermine or inhibit the future development of the area at the intended residential density (Policy 12.2.1.4).
Y.	In an **Industrial Transition Overlay Zone (IndTZ)** (prior to release): • Cross lease, company lease and unit title subdivision	*Relevant objectives and policies:* a. Objective 12.2.3. b. Subdivision activities prior to land being released will not undermine or inhibit the future development of the area as Industrial-zoned land (Policy 12.2.3.2).

12.5 Assessment of Non-complying Activities

Rule 12.5.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 12.5.2 provides guidance on how a consent application for the listed non-complying activities will be assessed, including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
   b. general assessment guidance, including any effects that will be considered as a priority.

12.5.2 Assessment of non-complying activities in a Transition Overlay Zone		
Activity		Guidance on the assessment of resource consents
1.	In a **Residential Transition Overlay Zone (RTZ)** (prior to release): • Mining • Landfills • Intensive farming	*Relevant objectives and policies (priority considerations):* a. Objective 12.2.1 b. The activities will be designed or located to have no more than minor potential adverse effects on the future use of the land for residential activities (Policy 12.2.1.2). *General assessment guidance:* c. Council will consider the location and scale of the activity in assessing the likelihood that the activity may render the site, or any surrounding sites that are zoned as RTZ, unable to be developed as residential zoned land when required.

12.5.2 Assessment of non-complying activities in a Transition Overlay Zone		
Activity		Guidance on the assessment of resource consents
X.	In a **Residential Transition Overlay Zone (RTZ)** (prior to release): • General subdivision • Cross lease, company lease and unit title subdivision	*Relevant objectives and policies (priority considerations):* a. Objective 12.2.1. b. Subdivision activities prior to land being released will not undermine or inhibit the future development of the area at the intended residential density (Policy 12.2.1.4).

Appendices

Appendix 12A. Residential Transition Zones

RTZ Name	Existing Zone	Transition Zone
North Road	Rural Hill Slopes	General Residential 1
Montague Street	Rural Hill Slopes	General Residential 1
Burkes Drive	Rural Residential 1	General Residential 1
Pine Hill Road	Rural Hill Slopes	General Residential 1
Balmacewen Road	Rural Hill Slopes	General Residential 1
Wakari Road	Rural Residential 2	General Residential 1
Taieri Road	Rural Residential 1	General Residential 1
St Albans Street North	Rural Hill Slopes	General Residential 1
St Albans Street South	Rural Hill Slopes	General Residential 1
Bradford	Rural Residential 2	General Residential 1
Salisbury Road	Rural Residential 2	General Residential 1
Isadore Road	Rural Coastal	General Residential 1
Irvine Road	Rural Hill Slopes	General Residential 1
South East Mosgiel	Rural Taieri Plain	General Residential 1
Selwyn Street	Rural Residential 2	General Residential 1
Connell Street	Rural Residential 2	General Residential 1
Sretlaw Place	Rural Hill Slopes	General Residential 1

Appendix 12B. Industrial Transition Zones

IndTZ Name	Existing Zone	Transition Zone
Kaikorai Valley	Rural Hill Slopes	Industrial Zone

Boundary Road A	Rural Hill Slopes	Industrial Zone
Boundary Road B	Rural Hill Slopes	Industrial Zone
Boundary Road C	Rural Hill Slopes	Industrial Zone
Old Brighton Road	Rural Hill Slopes	Industrial Zone
Saunders Road	Rural Taieri Plains	Industrial Zone
Dukes Road	Rural Taieri Plains	Industrial Zone

Appendix 12C. New Development Mapped Areas

NDMA Name	Description
Emerson Street	Emerson Street/Blackhead Road, Concord
Patmos Avenue	Patmos Avenue, Pine Hill
Bradford	Glenelg Street/Ronay Street/Bradford Street, Bradford
Westacott Heights	Dalziel Road, Halfway Bush
Burkes Drive	Burkes Drive, St Leonards
Montague Street	Montague Street, Opoho
Pine Hill Road	Pine Hill Road, Pine Hill
Balmacewen Road	Balmacewen Road, Wakari
Taieri Road	Taieri Road, Halfway Bush
Isadore Road	Isadore Road, St Clair
St Albans Street South	St Albans Street, Kaikorai Valley
St Albans Street North	Ettrick Street, Kaikorai Valley
Salisbury Road	Salisbury Road, Kaikorai Valley
Kaikorai Valley Road	Kaikorai Valley Road, Kaikorai Valley
South East Mosgiel	Land bounded by Hagart-Alexander Drive, Gladstone Road North and Wingatui Road
Riccarton Road East	Elizabeth Avenue / Riccarton Road East, East Taieri
Ayr Street	Inglis Street and Ayr Street, Mosgiel
Norwood Street	Norwood Street / North Road, Dunedin
Irvine Road	Irvine Road, Dunedin
Doctors Point	Doctors Point Road, Waitati
Henderson Street	Soper Road and Henderson Street
Gladstone Road South	Gladstone Road South, Mosgiel near Riccarton Road West

Fairfield	Main Road, Fairfield
Sunnyvale	Main South Road, Sunnyvale
Lower Emerson Street	Emerson Street, Concord (near Thoreau Street)
Concord	Main South Road, Concord
Honeystone Street	Honeystone Street, Dunedin
Weller Street	Weller Street, The Cove
Wattie Fox Lane	Wattie Fox Lane, Kenmure
Helensburgh	Wakari Road
Polwarth Road	Polwarth Road / Wakari Road
Hare Road	Hare Road, Ocean View
Weir Street	Weir Street, Green Island
Portobello 1	Area west of Highcliff Road, Portobello
Portobello 2	Area east of Highcliff Road, Portobello
Gloucester Street	Gloucester Street
Connell Street	Connell Street / Portobello Road, The Cove
Sretlaw Place	Sretlaw Place, Brockville
Pinfold Place	Pinfold Place, Mosgiel

13. Heritage

13.1 Introduction

The Resource Management Act 1991 (RMA) identifies "the protection of historic heritage from inappropriate subdivision, use, and development" as a matter of national importance (section 6(f) RMA). Dunedin has a wealth of heritage items, particularly its remarkable collection of heritage buildings, but also significant heritage sites and archaeological sites, which reflect both its Māori history and early European settlement. Dunedin's strength is that its heritage is strongly visible in all parts of the city, including suburban centres, residential areas, industrial areas and outlying settlements. These diverse buildings tell the stories of the various social classes and activities that have contributed to the city's growth.

Heritage items are listed within schedules within the Plan appendices, and are managed through rules within each zone. The objectives, policies and assessment rules relating to heritage are contained within this section of the Plan.

Heritage buildings and structures

One of Dunedin's strengths is its collection of heritage buildings and structures. The city's appearance is still strongly that of a Victorian/Edwardian city. The design and appearance of many large buildings of that era, individually and collectively, give the central city an appearance of grandeur and permanence. Development that has taken place since Edwardian times has generally retained and enhanced the values of that period, cumulatively giving Dunedin a unique and coherent heritage character. Heritage buildings and structures are listed in Appendix A1.1 Schedule of Protected Heritage Items and Sites.

One of the key resource management issues relating to such buildings is the degradation of the heritage fabric,

leading to demolition because the building has become dangerous under the Building Act 2004, or because it has become too costly to repair. In some cases, a lack of long-term maintenance has lead to this 'demolition by neglect'.

In order to avoid the loss of heritage character and values, it is necessary to manage changes to these buildings and structures. These changes should be considered in relation to the heritage values of the building or structure as originally assessed when first scheduled, to allow consideration of the cumulative effects of any previously approved works to be considered. However, it is also recognised that the best way of retaining heritage buildings and avoiding demolition by neglect is to encourage their ongoing use and re-use. Remarkable progress has been made in recent years, particularly in the older commercial and industrial parts of the central city, in terms of adaptive re-use of heritage buildings that might otherwise have been under-utilised and fallen into decay. This has been instrumental in revitalising those parts of the city.

In response to these issues, the Plan aims to both protect heritage values and to also encourage and allow changes necessary to facilitate appropriate re-use. To achieve this, the Plan contains more enabling rules and policies related to repairs and maintenance, restoration, earthquake strengthening, and other alterations required by the Building Act 2004, while activities resulting in irreversible changes to protected parts of the building, removal for relocation or demolition are subject to greater levels of control. In order to encourage re-use, the range of activities provided for within heritage buildings in specific zones is broadened to offer additional development opportunities. For example, in the Warehouse Precinct Zone, general retail activity is provided for only in heritage buildings, and in the Smith Street and York Place Zone, office activity is only provided for in heritage buildings.

Heritage sites

Heritage sites recognise the heritage values of a larger number of elements within a defined geographic area. This may include buildings and structures and their curtilage, gardens, open spaces and other landscape features. Such sites are also under threat from inappropriate development if not adequately protected.

Heritage sites are listed in Appendix A1.1. The Plan provisions manage changes to these sites to ensure that the heritage values for which the site is protected are not eroded. There is a focus on managing the effects of new buildings, larger structures and site development activities, given the effects these can have on the relationships between existing structures and open space on sites. Where a site contains scheduled heritage buildings, the rules relating to heritage buildings govern changes to those buildings.

Heritage precincts

The Plan identifies a number of areas that have high heritage streetscape values within both the residential and commercial mixed use zones. These are areas with concentrated collections of high quality period buildings, whose appearance and character contributes significantly to the streetscape. In many cases, these areas were protected as heritage or townscape precincts in the Dunedin City District Plan (2006).

Many of these areas contain large numbers of individually scheduled heritage buildings. The remainder of the buildings are classified as either character-contributing or non character-contributing buildings, depending on whether the building or site is consistent with the predominant character of the area. Character-contributing buildings are included within Appendix A1.1. Rules differ between these types of building, recognising that changes to, or removal of, non character-contributing buildings may have little negative effect on the heritage character of the area.

The focus in the precincts is on managing the collective historic streetscape character created by individually scheduled heritage buildings and character-contributing buildings of that precinct, as assessed at the time of scheduling. The rules, therefore, only apply to the parts of buildings visible from the street or other adjoining public place, with alterations that are not visible from an adjoining public place not requiring consent. As with individual heritage buildings, the provisions recognise that the ongoing use or re-use of buildings is the most effective way of maintaining the character of the precinct. As such, activities such as repairs and maintenance, restoration, and earthquake strengthening are permitted activities, while additions and alterations, removal or demolition, require

consent.

New buildings that are visible from an adjoining public place require consent, with design criteria detailed for each precinct to ensure that these buildings are sympathetic to the character of the precinct (Appendix A2). However, this does not mean they are required to be replica buildings. There are also specific rules relating to fences, retaining walls and car parking areas in residential heritage precincts that aim to protect streetscape character. Car parking areas must be located away from the front boundary. This is to discourage existing front gardens, which contribute to the streetscape character, from being converted to parking areas, and to ensure that parking areas associated with new development are appropriately located. The rules around fences will ensure that heritage buildings and their curtilage remain visible from the street.

Within the commercial heritage precincts, colours are restricted to a neutral, heritage or muted palette. The range of possible colours is broad, but does not include excessively bright colours which may detract from the streetscape character. There are also additional controls around demolition and removal for relocation within the commercial heritage precincts. Policy 13.2.3.6 requires that consent is only granted where there is reasonable certainty that the land will be put to an alternative acceptable land use (for example, another building or green space). This is to avoid the creation of unsightly gaps within the central city streetscape, which can significantly reduce the streetscape character. For this reason, consent is required for demolition of all buildings within a heritage precinct that are visible from an adjoining public place.

Archaeological sites

Statutory responsibility for archaeological sites rests with Heritage New Zealand Pouhere Taonga. Archaeological sites are defined in the Heritage New Zealand Pouhere Taonga Act 2014 as:
"...any place in New Zealand, including any building or structure (or part of a building or structure), that—
(i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and
(ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand...".

Sites dating from after 1900 may also be declared to be archaeological sites if they may provide significant evidence relating to the historical and cultural heritage of New Zealand.

The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga. This is the case regardless of whether the land on which the site is located is designated, the activity is permitted under the District or Regional Plan, or a resource or building consent has been granted. The Act also provides for substantial penalties for unauthorised destruction, damage or modification. There is a specific statutory process for applying for an authority, which is managed by Heritage New Zealand Pouhere Taonga.

The key issue with regard to archaeological sites is that most are not identified in the Dunedin City District Plan (2006), and are therefore at risk of damage if landowners are unaware of them when undertaking activities on their land. In response to this issue, this Plan alerts land and building owners to their responsibilities under the Heritage New Zealand Pouhere Taonga Act 2014 rather than duplicating the authority process by requiring additional resource consents for work that may disturb archaeological sites. This is achieved in the following three ways.

Firstly, a number of highly significant archaeological sites are identified in Appendix A1.1 and their extent mapped. These are sites with high archaeological values and are a small subset of the known archaeological sites within Dunedin. Earthworks within these areas are subject to a performance standard requiring an archaeological authority to be obtained if one is required. A breach of this standard is a non-complying activity. Inclusion of this rule allows enforcement action to be taken if a site is disturbed without appropriate authority from Heritage New Zealand Pouhere Taonga.

Secondly, the Plan establishes an archaeological alert layer. This includes many other known archaeological sites

and areas of historical Māori settlement, and identifies areas that have a strong likelihood of containing archaeological remains. There are no specific rules attached to these areas in relation to archaeological remains. Instead, people undertaking development are specifically alerted that archaeological remains may be present, and are encouraged to check with Heritage New Zealand Pouhere Taonga as to whether there are any recorded archaeological sites close by. There is increased potential for archaeological sites to be disturbed within the **wāhi tūpuna mapped areas**. These are generally included either as scheduled archaeological sites or within the archaeological alert layer.

Thirdly, the Plan includes advice notes in all zones reminding site owners of their responsibilities under the Heritage New Zealand Pouhere Taonga Act 2014, given that archaeological remains may be present anywhere within the District. This includes advice on the correct process to be followed should an archaeological site be uncovered, and advice that demolition of pre-1900 buildings requires an archaeological authority.

13.2 Objectives and Policies

Objective 13.2.1	
Scheduled heritage buildings and structures are protected.	
Policy 13.2.1.1	Encourage the maintenance, ongoing use and adaptive re-use of scheduled heritage buildings, including by enabling repairs and maintenance, earthquake strengthening, and work required to comply with section 112 (Alterations) and section 115 (Change of Use) of the Building Act 2004 where it is done in line with policies 13.2.1.2 - 13.2.1.4.
Policy 13.2.1.2	Require repairs and maintenance and restoration that affect a protected part of a scheduled heritage building or scheduled heritage structure to preserve and protect the heritage values of the building or structure by using appropriate materials and design.
Policy 13.2.1.3	Require earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure to use appropriate materials and design to minimise, as far as practicable, any adverse effects on the heritage values of the building, including by: a. protecting, as far as possible, architectural features and details that contribute to the heritage values of the building; b. retaining the original façade material where practicable; c. minimising, as far as practicable, the visual impact of additions on protected parts of the building; and d. in the case of the replacement of an elevated feature on a façade or roof, the new feature is visually indistinguishable from the feature being replaced.
Policy 13.2.1.4	Enable work required to comply with section 112 (Alterations) and section 115 (Change of Use) of the Building Act 2004 that affects a protected part of a scheduled heritage building or scheduled heritage structure, provided both of the following criteria are met: a. it is carried out in a manner that minimises, as far as practicable, adverse effects on the heritage values of the building; and b. the benefit in terms of long term protection and future use of the building, including earthquake strengthening, outweighs any loss of heritage values.
Policy 13.2.1.5	Only allow other additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure where: a. adverse effects on heritage values are avoided or minimised as far as practicable; b. the visual impact of additions on protected parts of the building, including building utilities, is minimised, as far as practicable; and c. the benefit in terms of long term protection and future use of the building outweighs any loss of heritage values.
Policy 13.2.1.6	Only allow subdivision of sites containing scheduled heritage buildings and scheduled heritage structures where the subdivision is designed to: a. provide sufficient curtilage around the scheduled heritage building or scheduled heritage structure to protect heritage values; and b. ensure any future land use or development will maintain existing views of scheduled heritage buildings or scheduled heritage structures from adjoining public places, as far as practicable.

Objective 13.2.1	
Scheduled heritage buildings and structures are protected.	
Policy 13.2.1.7	Avoid the demolition of a protected part of a scheduled heritage building or scheduled heritage structure, unless the following criteria are met: a. either: i. the building or part of the building poses a significant risk to safety or property; or ii. the demolition is required to allow for significant public benefit that could not otherwise be achieved, and the public benefit outweighs the adverse effects of loss of the building; and b. there is no reasonable alternative to demolition, including repair, adaptive re-use, relocation or stabilising the building for future repair; and c. for buildings and structures located within a heritage precinct: i. development post demolition will maintain or enhance the heritage streetscape character and amenity in accordance with Policy 13.2.3.6; and ii. conditions will be imposed which would give reasonable certainty that this will be completed within an acceptable timeframe.
Policy 13.2.1.8	Only allow removal for relocation of a scheduled heritage building or scheduled heritage structure where the following criteria are met: a. the removal is necessary to: i. facilitate the ongoing use or protection of the building; ii. ensure public safety; or iii. allow for significant public benefit that could not otherwise be achieved, and the public benefit outweighs the adverse effects of removal of the building; b. measures are in place to minimise, as far as practicable, the risk of damage to the building; c. the heritage values of the building or structure in its new location are not significantly diminished; and d. for buildings and structures located within a heritage precinct: i. development post relocation will maintain or enhance the heritage streetscape character and amenity in accordance with Policy 13.2.3.6; and ii. conditions will be imposed which would give reasonable certainty that this will be completed within an acceptable timeframe.
Policy 13.2.1.9	Provide for general retail - retail services in scheduled heritage buildings in the Warehouse Precinct Zone and offices in scheduled heritage buildings in the Smith Street and York Place and Warehouse Precinct zones, in order to maximise the potential opportunities for adaptive re-use of heritage buildings in these areas.
Policy 13.2.1.10	Only allow construction and site investigation where the adverse effects from vibration on scheduled heritage buildings and scheduled heritage structures are minimised as far as practicable.

Objective 13.2.2	
The heritage values of scheduled heritage sites are protected.	
Policy 13.2.2.1	Only allow new buildings, new structures, additions and alterations, network utility activities, public amenities, natural hazard mitigation activities, transportation activities, and parking, loading and access on a scheduled heritage site where the heritage values of the site are protected, including by ensuring: a. the form, scale and proportion of the development, and the materials used, are architecturally compatible with the existing scheduled heritage buildings and scheduled heritage structures within the scheduled heritage site; b. the location of the development is compatible with that of scheduled heritage buildings and scheduled heritage structures on the site, and respects the relationship between scheduled heritage buildings, scheduled heritage structures and open space; c. existing views of scheduled heritage buildings or scheduled heritage structures from adjoining public places and publicly accessible areas within the scheduled heritage site are maintained as far as is practicable; d. scheduled heritage sites that are primarily open space are protected from inappropriate development; and e. network utility activities, natural hazard mitigation activities and building utilities are designed, located and/or screened to be as unobtrusive as practicable.
Policy 13.2.2.2	Only allow subdivision of scheduled heritage sites where: a. the subdivision is designed to ensure any future land use or development respects the relationship between scheduled heritage buildings, scheduled heritage structures and open space; b. scheduled heritage sites that are primarily open space are protected from unnecessary development; and c. the heritage values of the site are maintained.

Objective 13.2.3	
The heritage streetscape character of heritage precincts is maintained or enhanced.	
Policy 13.2.3.1	Require repairs and maintenance, restoration and earthquake strengthening of a character-contributing building, where the work is visible from an adjoining public place, to be undertaken in a way that maintains or enhances the heritage streetscape character of the precinct by using appropriate materials and design.
Policy 13.2.3.2	Require development within residential heritage precincts to maintain or enhance heritage streetscape character, including by ensuring: a. garages and carports do not dominate the street; b. off-street car parking is appropriately located or screened from view; c. building heights, boundary setbacks and scale reflect heritage streetscape character; d. building utilities are appropriately located, taking into consideration operational and technical requirements; and e. fences do not screen buildings from view.

Objective 13.2.3	
The heritage streetscape character of heritage precincts is maintained or enhanced.	
Policy 13.2.3.3	Require development within commercial heritage precincts to maintain or enhance heritage streetscape character by ensuring: a. off-street car parking is located within or behind buildings; b. building heights, boundary setbacks and scale reflect heritage streetscape character; c. vehicle crossings are kept to a minimum, including avoiding commercial drive-through facilities; and d. building utilities are appropriately located, taking into consideration operational and technical requirements.
Policy 13.2.3.4	Require signs within commercial heritage precincts to be located and designed to avoid or minimise, as far as practicable, adverse effects on heritage streetscape character.
Policy 13.2.3.5	Only allow additions and alterations to character-contributing buildings where visible from a public place, where their design, materials and location achieve the following: a. for work that is required in order to comply with the Building Act 2004 section 112 and section 115, the benefits in terms of long term protection and future use of the building, including earthquake strengthening, outweighs any adverse effects on heritage streetscape character; and b. for all other additions and alterations, heritage streetscape character is maintained or enhanced.
Policy 13.2.3.6	Only allow demolition or removal for relocation of a building where: a. the heritage streetscape character of the precinct will be maintained or enhanced; and b. conditions will be imposed that will give reasonable certainty that within an acceptable timeframe: i. a replacement building will be constructed; or ii. the land will be put to an acceptable alternative land use that will make a positive contribution to the amenity of the streetscape.
Policy 13.2.3.7	Only allow buildings and structures that are visible from an adjoining public place, where their design, materials and location ensure the heritage streetscape character of the precinct is maintained or enhanced, including by: a. incorporating into the design the relevant preferred design features and characteristics listed in Appendix A2 and, where practicable and appropriate, the relevant suggested features and characteristics; b. maintaining existing views of scheduled heritage buildings and character-contributing buildings from adjoining public places as far as practicable; and c. ensuring structures whose design unavoidably conflicts with precinct characteristics are as unobtrusive as practicable.
Policy 13.2.3.8	Encourage the maintenance, ongoing use and adaptive re-use of character-contributing buildings, including by enabling repairs and maintenance, earthquake strengthening, network utility connections and work required in order to comply with the Building Act 2004 section 112 and section 115 where it is done in line with policies 13.2.3.1 and 13.2.3.5.
Policy 13.2.3.9	Require buildings within commercial heritage precincts, where painted, to be a muted or heritage palette colour.

Objective 13.2.3	
The heritage streetscape character of heritage precincts is maintained or enhanced.	
Policy 13.2.3.10	Only allow public amenities, natural hazard mitigation activities and network utility activities where these are located and designed to minimise, as far as practicable, any adverse effects on heritage streetscape character.
Policy 13.2.3.11	Require additions to non character-contributing buildings to use materials and design that are the same or closely similar to the building being added to, or are in accordance with the preferred design features and characteristics for the precinct, as appropriate.

Objective 13.2.4	
Dunedin's archaeological sites are protected from inappropriate development and use.	
Policy 13.2.4.1	Require an archaeological authority to be obtained, if one is required, prior to undertaking earthworks on a scheduled archaeological site.

Rules

Rule 13.3 Development Performance Standards

13.3.1 Building Colour

1. The following activities in commercial heritage precincts must meet the performance standard in Rule 13.3.1.2 below:
   a. repairs and maintenance of buildings and structures;
   b. additions and alterations to buildings and structures; and
   c. new buildings and structures.
2. Paint on a roof or wall that is visible from an adjoining public place must be a colour from, or indistinguishable from a colour from, the following colour palettes:
   a. Resene Heritage Colour Palette (2006);
   b. Resene Whites and Neutrals (2001); or
   c. British Standard BS 5252:1976 A01 to C40.
3. Public artworks and the painting of decorative trims, windows, and doors are exempt from this performance standard.
4. Activities that contravene this performance standard are restricted discretionary activities.

13.3.2 Materials and Design

1. For earthquake strengthening of any protected part of a scheduled heritage building or scheduled heritage structure, or any part of a character-contributing building or non-protected part of a scheduled heritage building within a heritage precinct that is visible from an adjoining public place:
   a. where an elevated feature is replaced, the replacement feature must appear exactly the same as the feature being replaced, when viewed from a public place; and
   b. shotcrete must not be applied to the exterior.
2. Activities that contravene this performance standard are restricted discretionary activities.

13.3.3 Archaeological Sites

1. Earthworks on a scheduled archaeological site must have an archaeological authority if required.
2. Activities that contravene this performance standard are non-complying activities.

Note 13.3.3A - Other requirements outside of the District Plan

1. An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. This is the case regardless of whether resource consent for the activity has been obtained under this rule. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand Pouhere Taonga. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan or a resource or building consent has been granted.
2. The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol (Appendix A8) manages archaeological sites that may be discovered as a result of earthworks. The protocol applies to any area, not just scheduled archaeological sites.
3. Scheduled archaeological sites are identified on the Planning Map. Archaeological sites may also be found outside these areas, but are more likely to be found within the archaeological alert layer.
4. Where an archaeological authority is held for the earthworks, no resource consent from the DCC is required under this rule. Resource consent for the same earthworks may be required under other rules in this Plan.

Rule 13.4 Assessment of Controlled Activities

Rule 13.4.1 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 13.4.2:
   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.

13.4.2 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	*Relevant objectives and policies:* i. Objective 13.2.1 ii. Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure uses appropriate materials and design to minimise, as far as practicable, any adverse effects on the heritage values of the building, including by: 1. protecting, as far as possible, architectural features and details that contribute to the heritage values of the building; 2. retaining the original façade material where practicable; 3. minimising, as far as practicable, the visual effect of additions on protected parts of the building; and 4. in the case of the replacement of an elevated feature on a façade or roof, the new feature is visually indistinguishable from the feature being replaced (Policy 13.2.1.3). *Conditions that may be imposed include:* iii. Requirements around the design and implementation of the works, including materials and methods used.
2.	Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1)	a. Effects on heritage values	*Relevant objectives and policies:* i. Objective 13.2.1 ii. Restoration preserves and protects the heritage values of the building or structure by using appropriate materials and design (Policy 13.2.1.2). *Conditions that may be imposed include:* iii. The design and implementation of the works, including materials and methods used. *General assessment guidance:* iv. Council will consider the extent to which the materials used and the design of any replacement building components are the same or closely similar to those being repaired or replaced.

13.4.2 Assessment of controlled activities			
Activity		Matters of control	Guidance on the assessment of resource consents
3.	In a heritage precinct, additions and alterations to a non character-contributing building that involve: • an increase in the footprint of 10m²; • an increase in the height of the building by more than 2m; or • the replacement of a pitched roof with a mono plane roof (residential heritage precincts only)	a. Effect on heritage streetscape character	*Relevant objectives and policies* i. Objective 13.2.3 ii. The design and materials used are the same or closely similar to the building being added to, or are in accordance with the preferred design features and characteristics for the precinct, as appropriate (Policy 13.2.3.11). *Conditions that may be imposed include:* iii. The design of the works, including materials used. *General assessment guidance:* iv. Council will consider the extent to which: 1. the design achieves the relevant preferred design features and characteristics and, where practicable and appropriate, the relevant suggested features and characteristics, listed in Appendix A2; and 2. the design of any additions and alterations that does not detract further from the heritage streetscape character of the precinct.

Rule 13.5 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 13.5.1 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 13.5.2 - 13.5.4:
    a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.

13.5.2 Assessment of all performance standard contraventions	
Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	*Relevant objectives and policies:* a. Objectives 2.4.2, 2.4.3 b. Policies 2.4.2.1, 2.4.3.2 *Potential circumstances that may support a consent application include:* c. The degree of non-compliance with the performance standard is minor. d. There are positive effects on heritage values through not meeting the performance standards. e. The need to meet other performance standards or site specific factors, including topography, make meeting the standard impracticable. f. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. *General assessment guidance:* g. For work affecting a scheduled heritage building or scheduled heritage structure, Council will consider the extent to which the work enables the ongoing use of the building or structure in line with Policy 13.2.1.1 h. For work affecting a character-contributing building or scheduled heritage structure, Council will consider the extent to which the work enables ongoing use of the building in line with Policy 13.2.3.8 i. Where more than one standard is contravened, Council will consider the combined effects of the contraventions. j. 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, Council will usually place greater weight on heritage policies. k. In assessing the effects on heritage streetscape character, Council will consider the heritage precinct values in Appendix A2. l. Where there is a conflict between compliance with performance standards and protection of heritage values, Council will give precedence to protection of heritage values.

13.5.3 Assessment of performance standard contraventions that affect a protected part of a scheduled heritage building, scheduled heritage structure, or scheduled heritage site		
Performance standard	Matters of discretion	Guidance on the assessment of resource consents

13.5.3 Assessment of performance standard contraventions that affect a protected part of a scheduled heritage building, scheduled heritage structure, or scheduled heritage site			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Materials and design	a. Effects on heritage values	*Relevant objectives and policies:* i. Objective 13.2.1 ii. Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure uses appropriate materials and design to minimise, as far as practicable, any adverse effects on the heritage values of the building, including by: 1. protecting, as far as possible, architectural features and details that contribute to the heritage values of the building; 2. retaining the original façade material where practicable; 3. minimising, as far as practicable, the visual effect of additions on protected parts of the building; and 4. in the case of the replacement of an elevated feature on a façade or roof, the new feature is visually indistinguishable from the feature being replaced (Policy 13.2.1.3).
2.	Maximum volume in pedestrian street frontage mapped areas, heritage precincts and scheduled heritage sites (network utility activities)	a. Effects on heritage values	*Relevant objectives and policies:* i. Objective 13.2.2 ii. The heritage values of the site are protected, including by ensuring that network utility activities are designed, located and/or screened to be as unobtrusive as practicable (Policy 13.2.2.1).
3.	All performance standard contraventions by any network utility activity that forms part of the National Grid, and any ancillary activities including earthworks and vegetation clearance	a. Effects on heritage values	*Relevant objectives and policies:* i. The following objective and policies apply, in addition to the objectives and policies referenced elsewhere in Rule 13.5.3: 1. Objective 5.2.X. 2. Policies 5.2.X.1, 5.2.X.2, 5.2.X.3.

13.5.4 Assessment of performance standard contraventions in a heritage precinct		
Performance standard	Matters of discretion	Guidance on the assessment of resource consents

13.5.4 Assessment of performance standard contraventions in a heritage precinct			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Boundary setbacks	a. Effects on heritage streetscape character	*Relevant objectives and policies:* i. Objective 13.2.3 ii. Development within heritage precincts maintains or enhances heritage streetscape character by ensuring that building heights, boundary setbacks and scale reflect heritage streetscape character (policies 13.2.3.2.c, 13.2.3.3.b). *Potential circumstances that may support a consent application include:* iii. The boundary setback is consistent with the setbacks of surrounding properties. iv. The visual cohesion of the street is not reduced by the increase in setback. v. There is significant variability in the setback of buildings from the street frontage in the vicinity of the site.
2.	Building colour	a. Effects on heritage streetscape character	*Relevant objectives and policies:* i. Objective 13.2.3 ii. Buildings are painted a muted or heritage palette colour (Policy 13.2.3.9).
3.	Fence height and design	a. Effects on heritage streetscape character	*Relevant objectives and policies:* i. Objective 13.2.3 ii. Development within residential heritage precincts maintains or enhances heritage streetscape character by ensuring that fences do not screen buildings from view (Policy 13.2.3.2.e). *Potential circumstances that may support a consent application include:* iii. The fence is highly permeable. iv. The fence only screens an existing non character-contributing building. v. The fence maintains an attractive interface with the street. *Conditions that may be imposed include:* vi. Landscaping requirements between the fence and any public place.

13.5.4 Assessment of performance standard contraventions in a heritage precinct			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
4.	• Height in relation to boundary • Maximum height • Height (CMU)	a. Effects on heritage streetscape character	*Relevant objectives and policies:* i. Objective 13.2.3 ii. Development within heritage precincts maintains or enhances heritage streetscape character by ensuring that building heights, boundary setbacks and scale reflect heritage streetscape character (policies 13.2.3.2.c, 13.2.3.3.b). *Potential circumstances that may support a consent application include:* iii. The height and height profile is consistent with that of the buildings on either side. iv. There is significant variability in the height and height profile of buildings from the street frontage in the vicinity of the site. v. The height of the building does not reduce the visual cohesion of the street. vi. The building is to the rear of the site, located behind a building on the street frontage.
5.	Location and screening of car parking	a. Effects on heritage streetscape character	*Relevant objectives and policies:* i. Objective 13.2.3 ii. Development within commercial heritage precincts maintains or enhances heritage streetscape character by ensuring off-street car parking is located within or behind buildings (Policy 13.2.3.3.a). iii. Development within residential heritage precincts maintains or enhances heritage streetscape character by ensuring off-street car parking is appropriately located or screened from view (Policy 13.2.3.2.b).
6.	Materials and design	a. Effects on heritage streetscape character	*Relevant objectives and policies:* i. Objective 13.2.3 ii. Require that earthquake strengthening of a character-contributing building, where the work is visible from an adjoining public place, to be undertaken in a way that maintains or enhances the heritage streetscape character of the precinct by using appropriate materials and design (Policy 13.2.3.1). *Potential circumstances that may support a consent application include:* iii. The earthquake strengthening avoids or, where avoidance is not possible, minimises loss of fabric and features that contribute to the heritage streetscape character.

13.5.4 Assessment of performance standard contraventions in a heritage precinct			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
7.	Number, location and design of ancillary signs	a. Effects on heritage streetscape character	*Relevant objectives and policies:* i. Objective 13.2.3 ii. Signs within commercial heritage precincts are located and designed to avoid or minimise, as far as practicable, adverse effects on heritage streetscape character (Policy 13.2.3.4).
8.	• Location (network utility activities) • Maximum volume in pedestrian street frontage mapped areas, heritage precincts and scheduled heritage sites (network utility activities)	a. Effects on heritage streetscape character	*Relevant objectives and policies:* i. Objective 13.2.3 ii. Network utility activities are located and designed to minimise, as far as practicable, any adverse effects on heritage streetscape character (Policy 13.2.3.10).
9.	All performance standard contraventions by any network utility activity that forms part of the National Grid, and any ancillary activities including earthworks and vegetation clearance	a. Effects on heritage streetscape character	*Relevant objectives and policies:* i. The following objective and policies apply, in addition to the objectives and policies referenced elsewhere in Rule 13.5.4: 1. Objective 5.2.X. 2. Policies 5.2.X.1, 5.2.X.2, 5.2.X.3.

Rule 13.6 Assessment of Restricted Discretionary Activities

Rule 13.6.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 13.6.2 - 13.6.4:
   a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provide guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.

13.6.2 Assessment of all restricted discretionary activities	
Activity	Guidance on the assessment of resource consents
1. All restricted discretionary activities	*Relevant objectives and policies:* a. Objectives 2.4.1, 2.4.2, 2.4.3 b. Policies 2.4.1.3, 2.4.2.1, 2.4.2.2, 2.4.3.2 *General assessment guidance:* c. For work affecting a scheduled heritage building or scheduled heritage structure, Council will consider: i. the extent to which the work enables the ongoing use of the building or structure in line with Policy 13.2.1.1; and ii. the cumulative effects of the proposed work, together with any previous changes, on the heritage values of the property. d. For work affecting a character-contributing building or scheduled heritage structure, Council will consider: i. the extent to which the work enables the ongoing use of the building in line with Policy 13.2.3.8; and ii. the cumulative effects of the proposed work together with any previous changes on the heritage values of the property and on the overall heritage character of the precinct. e. For all restricted discretionary activities, Council will consider whether there are positive effects on heritage values. f. In assessing the effects on heritage streetscape character, Council will consider the heritage precinct values in Appendix A2.

13.6.3 Assessment of restricted discretionary activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or scheduled heritage site		
Activity	Matters of discretion	Guidance on the assessment of resource consents
1. On a **scheduled heritage site**: • New buildings and structures where visible from an adjoining public place or a public place within the heritage site • Parking, loading and access where visible from an adjoining public place or a public place within the heritage site • Earthworks - large scale (that exceed scale thresholds for a scheduled heritage site) • Network utility poles and masts - small scale • Wind generators - small scale • Hydro generators - small scale • Solar panels - small scale • All restricted discretionary public amenities activities	a. Effects on heritage values	*Relevant objectives and policies:* i. Objective 13.2.2 ii. Activities on a scheduled heritage site protect the heritage values of the site, including by ensuring: 1. the form, scale and proportion of the development, and the materials used, are architecturally compatible with the existing scheduled heritage buildings and scheduled heritage structures within the scheduled heritage site; 2. the location of the development is compatible with that of scheduled heritage buildings and scheduled heritage structures on the site, and respects the relationship between scheduled heritage buildings, scheduled heritage structures and open space; 3. existing views of scheduled heritage buildings or scheduled heritage structures from adjoining public places and publicly accessible areas within the scheduled heritage site are maintained as far as is practicable; 4. scheduled heritage sites that are primarily open space are protected from inappropriate development; and 5. network utility activities and building utilities are designed, located and/or screened to be as unobtrusive as practicable (Policy 13.2.2.1).

13.6.3 Assessment of restricted discretionary activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or scheduled heritage site			
Activity		Matters of discretion	Guidance on the assessment of resource consents
2.	On a **scheduled heritage site**: • All subdivision activities	a. Effects on heritage values	*Relevant objectives and policies:* i. Objective 13.2.2 ii. Future land use or development respects the relationship between scheduled heritage buildings, scheduled heritage structures and open space (Policy 13.2.2.2.a). iii. Scheduled heritage sites that are primarily open space are protected from unnecessary development (Policy 13.2.2.2.b). iv. Heritage values of the site are maintained (Policy 13.2.2.2.c). *Potential circumstances that may support a consent application include:* v. The subdivision will result in better outcomes for heritage values than would otherwise exist. *Conditions that may be imposed include:* vi. A building platform registered against the Certificate of Title by way of consent notice.
3.	Additions and alterations (other than restoration or earthquake strengthening) that affect a protected part of a scheduled heritage building or scheduled heritage structure	a. Effects on heritage values	*Relevant objectives and policies:* i. Objective 13.2.1 ii. Work required to comply with section 112 (Alterations) and section 115 (Change of Use) of the Building Act 2004 meets both of the following criteria: 1. it is carried out in a manner that minimises, as far as practicable, adverse effects on the heritage values of the building; and 2. the benefit in terms of long term protection and future use of the building, including earthquake strengthening, outweighs any loss of heritage values (Policy 13.2.1.4). iii. Only allow other additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure where: 1. adverse effects on heritage values are avoided or, if avoidance is not possible, are minimised as far as practicable; 2. the visual effect of additions on protected parts of the building, including building utilities, is minimised as far as practicable; and 3. the benefit in terms of long term protection and future use of the building outweighs any loss of heritage values (Policy 13.2.1.5). *Potential circumstances that may support a consent*

13.6.3 Assessment of restricted discretionary activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or scheduled heritage site		
Activity	Matters of discretion	Guidance on the assessment of resource consents
		application include: iv. Removal of more recent additions to a building or structure will result in an overall enhancement of the heritage values of the building or structure. v. The form, scale, proportion and materials used are architecturally compatible with the existing building or structure and do not dominate the protected parts. vi. Architectural features and details are not removed. vii. For restoration, alternative materials are used where: 1. it is not feasible to use the same or equivalent materials due to unavailability, excessive cost or unacceptable performance in terms of Building Act 2004 requirements; 2. their effect on the heritage values of the building or structure is minor; and 3. they are as close to the original material in appearance as possible. viii. For restoration, where an alternative design is proposed there is clear justification for its use and the design is architecturally compatible with the design of the building or structure. ix. Rendering of unrendered surfaces is undertaken only where the surface has deteriorated and cannot feasibly be repaired. x. Where unpainted surfaces are proposed to be painted: 1. either: 1. the unpainted surface is not a key architectural, aesthetic or historic feature of the building or structure; or 2. the aesthetic quality of the unpainted surface is low and its appearance will be improved by painting, including through the installation of approved murals or street art; and 2. it is determined that painting will not prove damaging to the underlying fabric and threaten the overall condition of the building or structure.

13.6.3 Assessment of restricted discretionary activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or scheduled heritage site			
Activity		Matters of discretion	Guidance on the assessment of resource consents
4.	Removal of a scheduled heritage building for relocation	a. Effects on heritage values	*Relevant objectives and policies:* i. Objective 13.2.1 ii. Only allow removal where the following criteria are met: 1. the removal is necessary to: 1. facilitate the ongoing use or protection of the building; 2. ensure public safety; or 3. allow for significant public benefit that could not otherwise be achieved, and the public benefit outweighs the adverse effects of removal of the building; 2. measures are in place to minimise, as far as practicable, the risk of damage to the building; 3. the heritage values of the building or structure in its new location are not significantly diminished; and 4. for buildings and structures located within a heritage precinct: 1. development post relocation will maintain or enhance the heritage streetscape character and amenity in accordance with Policy 13.2.3.6; and 2. conditions will be imposed which would give reasonable certainty that this will be completed within an acceptable timeframe (Policy 13.2.1.8).
5.	All subdivision activities **on sites containing scheduled heritage buildings and scheduled heritage structures**	a. Effects on heritage values	*Relevant objectives and policies:* i. Objectives 13.2.1 ii. Sufficient curtilage is provided around the scheduled heritage building or scheduled heritage structure to protect heritage values (Policy 13.2.1.6.a). iii. Future land use or development will maintain existing views of scheduled heritage buildings or scheduled heritage structures from adjoining public places, as far as practicable (Policy 13.2.1.6.b). *Potential circumstances that may support a consent application include:* iv. The subdivision will result in better outcomes for heritage values than would otherwise exist. *Conditions that may be imposed include:* v. A building platform registered against the Certificate of Title by way of consent notice.

13.6.3 Assessment of restricted discretionary activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or scheduled heritage site			
Activity		Matters of discretion	Guidance on the assessment of resource consents
6.	Any restricted discretionary network utility activity that forms part of the National Grid, and any ancillary activities including earthworks and vegetation clearance	a. Effects on heritage values	*Relevant objectives and policies:* i. The following objective and policies apply, in addition to the objectives and policies referenced elsewhere in Rule 13.6.3: 1. Objective 5.2.X. 2. Policies 5.2.X.1, 5.2.X.2, 5.2.X.3.

13.6.4 Assessment of restricted discretionary activities in a heritage precinct			
Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	In a heritage precinct where visible from an adjoining public place: • New buildings • Structures greater than 2.5m high and 2m² footprint	a. Effects on heritage streetscape character	*Relevant objectives and policies:* i. Objective 13.2.3 ii. Only allow new buildings and structures that are visible from an adjoining public place, where their design, materials and location ensure the heritage streetscape character of the precinct is maintained or enhanced, including by: 1. incorporating into the design the relevant preferred design features and characteristics listed in Appendix A2 and, where practicable and appropriate, the relevant suggested features and characteristics; 2. maintaining existing views of scheduled heritage buildings and character-contributing buildings from adjoining public places as far as practicable; and 3. ensuring structures whose design unavoidably conflicts with precinct characteristics are as unobtrusive as practicable (Policy 13.2.3.7). *General assessment guidance:* iii. For new buildings and structures within a heritage precinct, Council will consider, and may impose conditions on, elements of building design such as height and setbacks even where these meet performance standards for the zone, where these matters are important to meet Objective 13.2.3 and policies 13.2.3.5 and 13.2.3.7. *Potential circumstances that may support a consent application include:* iv. Where the new building is located within an integrated group of character-contributing buildings or scheduled heritage buildings, the design maintains the coherence of the group and the contribution it makes to the heritage streetscape character.
2.	Additions or alterations to a character-contributing building or a non-protected part of a scheduled heritage building in a heritage precinct that are visible from an adjoining public place (other than earthquake strengthening or restoration)	a. Effects on heritage streetscape character	*Relevant objectives and policies:* i. Objective 13.2.3 ii. Heritage streetscape character is maintained or enhanced, including by ensuring building utilities are appropriately located, taking into consideration operational and technical requirements (policies 13.2.3.2.d, 13.2.3.3.d) iii. Only allow additions and alterations to character-contributing buildings where visible from a public place, where their design, materials and location achieve the following: 1. for work that is required in order to comply with the Building Act 2004 section 112 and section 115, the

13.6.4 Assessment of restricted discretionary activities in a heritage precinct		
Activity	Matters of discretion	Guidance on the assessment of resource consents
		benefits in terms of long term protection and future use of the building, including earthquake strengthening, outweigh any adverse effects on heritage streetscape character (Policy 13.2.3.5.a); and 2. for all other additions and alterations, heritage streetscape character is maintained or enhanced (Policy 13.2.3.5.b). iv. Only allow buildings and structures where their design, materials and location ensure the heritage streetscape character is maintained or enhanced including by: 1. incorporating into the design the relevant preferred design features and characteristics listed in Appendix A2 and, where practicable and appropriate, the relevant suggested features and characteristics; 2. maintaining existing views of any existing character-contributing building or scheduled heritage building as far as practicable; and 3. from adjoining public places, ensuring structures whose design unavoidably conflicts with precinct characteristics are as unobtrusive as practicable (Policy 13.2.3.7). *Potential circumstances that may support a consent application include:* v. Decorative architectural features and fabric on character-contributing buildings that contribute to the heritage streetscape character are protected as far as practicable. vi. Where the building is character-contributing and is part of an integrated group of buildings, the additions and alterations maintain the coherence of the group and the contribution the group makes to the streetscape character. vii. The development avoids or, where avoidance is not possible, minimises loss of fabric and features that contribute to the heritage streetscape character. viii. Where alternative materials are used, their effect on the heritage streetscape character is minor. This may include the use of muted colours. ix. Where an alternative design is proposed, it is architecturally compatible with the design of the building. x. Rendering of un-rendered surfaces is undertaken only where the surface has deteriorated and cannot feasibly be repaired. xi. Where unpainted surfaces are painted, either the

13.6.4 Assessment of restricted discretionary activities in a heritage precinct			
Activity		Matters of discretion	Guidance on the assessment of resource consents
			unpainted surface is not a key architectural feature of the building, or the quality of the unpainted surface is low and its appearance will be improved by painting, including through the installation of approved murals or street art. *General assessment guidance:* xii. For additions and alterations within a heritage precinct, Council will consider, and may impose conditions on, elements of building design such as height and setbacks even where these meet performance standards for the zone, where these matters are important to meet Objective 13.2.3 and policies 13.2.3.5 and 13.2.3.7.
3.	Demolition or removal for relocation of: • a character-contributing building; • a non-protected part of a scheduled heritage building; or • a non character-contributing building that adjoins the road frontage (in a commercial heritage precinct).	a. Effects on heritage streetscape character	*Relevant objectives and policies:* i. Objective 13.2.3 ii. The heritage streetscape character of the zone will be maintained or enhanced (Policy 13.2.3.6.a). iii. Conditions will be imposed that would give reasonable certainty that within an acceptable timeframe: 1. a replacement building will be constructed; or 2. the land will be put to an acceptable alternative land use that will make a positive contribution to the amenity of the streetscape (Policy 13.2.3.6.b). *Potential circumstances that may support a consent application include:* iv. For buildings that are part of an integrated group of character-contributing buildings, retention of the character-contributing façade will be preferred over full demolition. v. The building being demolished or removed will be replaced by one of appropriate design that provides an equivalent or better contribution to the heritage streetscape character. vi. Where the site will not be built on in the short to medium term, landscaping will provide an attractive interface with the street in the interim. *Conditions that may be imposed include:* vii. Landscaping requirements to soften or screen open sites following demolition.

13.6.4 Assessment of restricted discretionary activities in a heritage precinct			
Activity		Matters of discretion	Guidance on the assessment of resource consents
4.	• All restricted discretionary public amenities activities • Network utility poles and masts - small scale • Wind generators - small scale • Hydro - small scale • Solar panels - small scale	a. Effects on heritage streetscape character	*Relevant objectives and policies:* i. Objective 13.2.3 ii. Public amenities and network utility activities are located and designed to minimise, as far as practicable, any adverse effects on heritage streetscape character (Policy 13.2.3.10).
5.	Any restricted discretionary network utility activity that forms part of the National Grid, and any ancillary activities including earthworks and vegetation clearance	a. Effects on heritage streetscape character	*Relevant objectives and policies:* i. The following objective and policies apply, in addition to the objectives and policies referenced elsewhere in Rule 13.6.4: 1. Objective 5.2.X. 2. Policies 5.2.X.1, 5.2.X.2, 5.2.X.3.

Rule 13.7 Assessment of Discretionary Activities

Rule 13.7.1 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 13.7.2 provides guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
   b. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
   c. general assessment guidance, including any effects that will be considered as a priority; and
   d. conditions that may be imposed.

13.7.2 Assessment of discretionary activities		
Activity		Guidance on the assessment of resource consents
1.	All discretionary activities that are linked to section 13.7, including but not limited to the activities listed below	*Relevant objectives and policies (priority considerations):* a. Objectives 2.4.2, 2.4.3 b. Policies 2.4.2.2, 2.4.3.2
2.	On a **scheduled heritage site**: • Discretionary transportation activities • Discretionary public amenities • Natural hazard mitigation earthworks • Natural hazard mitigation structures • Network utility structures - large scale other than amateur radio configurations • Substations	*Relevant objectives and policies (priority considerations):* a. Objective 13.2.2 b. The heritage values of the scheduled heritage site are maintained or enhanced, including by ensuring: i. the form, scale and proportion of the development, and the materials used, are architecturally compatible with the existing scheduled heritage buildings and scheduled heritage structures within the site; ii. the location of the development is compatible with that of the scheduled heritage buildings and scheduled heritage structures on the site, and respects the relationship between scheduled heritage buildings, scheduled heritage structures and open space; iii. existing views of scheduled heritage buildings or scheduled heritage structures from adjoining public places and publicly accessible areas within the site are maintained as far as is practicable; iv. sites that are primarily open space are protected from inappropriate development; and v. network utility activities and hazard mitigation activities are designed, located and/or screened to be as unobtrusive as practicable (Policy 13.2.2.1).

13.7.2 Assessment of discretionary activities		
Activity		Guidance on the assessment of resource consents
3.	In a **heritage precinct**: • Natural hazard mitigation earthworks • Natural hazard mitigation structures • Network utility structures - large scale other than amateur radio configurations • Substations	*Relevant objectives and policies:* a. Objective 13.2.3 b. Network utility activities and natural hazard mitigation activities are located and designed to minimise, as far as practicable, any adverse effects on heritage streetscape character (Policy 13.2.3.10). *General assessment guidance:* c. In assessing the effects on heritage streetscape character, Council will consider the heritage precinct values in Appendix A2.

13.7.3 Assessment of discretionary performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
1.	Construction and site investigation vibration	*Relevant objectives and policies (priority considerations):* a. Objective 13.2.1 b. Adverse effects from vibration on scheduled heritage buildings and scheduled heritage structures are insignificant (Policy 13.2.1.10).

Rule 13.8 Assessment of Non-complying Activities

Rule 13.8.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 13.8.2 - 13.8.4 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.

13.8.2 Assessment of all non-complying activities		
Activity		Guidance on the assessment of resource consents
1.	All non-complying activities that are linked to section 13.8, including but not limited to the activities listed below	*Relevant objectives and policies (priority considerations):* a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including but not limited to Objective 2.4.2 b. Policy 2.4.2.1 *General assessment guidance:* 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 the effects on heritage streetscape character, Council will consider the values in Appendix A2.

13.8.3 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	*Relevant objectives and policies (priority considerations):* a. Objective 13.2.1 b. Policy 13.2.1.7 *General assessment guidance:* c. The assessment for resource consent for demolition of a scheduled heritage building will consider the information provided with the consent application (see Special Information Requirements - Rule 13.9.1).

13.8.4 Assessment of non-complying performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
1.	Archaeological sites (earthworks)	*Relevant objectives and policies (priority considerations):* a. Objective 13.2.4 b. Policy 13.2.4.1
2.	Location and screening of car parking	*Relevant objectives and policies (priority considerations):* a. Objective 13.2.3 b. Policy 13.2.3.3.a

Rule 13.9 Special Information Requirements

13.9.1 Demolition of heritage building requirements

1. For resource consent applications proposing demolition of a scheduled heritage building, the following is required:
   a. a Heritage Impact Assessment addressing the effect the demolition will have on heritage values, including a full discussion of the alternatives considered, including quantified reasons why the alternatives are not reasonable;
   b. where demolition is proposed due to seismic risk, a detailed seismic assessment, fully quantified costs and an economic analysis of seismic upgrade (including a staged upgrade) to the minimum requirements by a Chartered Professional Engineer with demonstrated experience of assessment and seismic upgrade of buildings with comparable construction type and materials. For the sake of clarity, this need not be the same construction method. The information should include the methods of strengthening considered; and
   c. where partial demolition is proposed, evidence of the structural feasibility of retaining the part of the building proposed for retention.
2. All information provided in support of any resource consent application, including engineering assessments, consideration of alternatives and design statements may be peer reviewed by Council prior to making a decision.

14. Manawhenua

14.1 Introduction

14.1.1 Kāi Tahu

The Kāi Tahu[1] tribal area occupies most of the South Island. The area ranges from Rakiura (Stewart Island) in the south to Te Parinuiowhiti (White Cliffs, Blenheim) in the north and Kahurangi Point on the West Coast/Te Tai o Poutini. Te Rūnanga o Ngāi Tahu, the tribal iwi authority, is made up of 18 papatipu rūnaka. Located predominantly in traditional coastal settlements, papatipu rūnaka are a focus for whānau and hapū (extended family groups) who have Manawhenua status within their area. Manawhenua hold traditional customary authority and maintain contemporary relationships within an area determined by whakapapa (genealogical ties), resource use and ahi-kā-roa (the long burning fires of occupation).

[1] In the south of the South Island, the local Māori dialect can use a 'k' in place of the 'ng' so southern Māori are known as Kāi Tahu, as well as Ngāi Tahu. The 'ng' and 'k' are used interchangeably. In this Plan, 'k' is generally used.

14.1.2 Relationship of Kāi Tahu Whānui with Dunedin

The first people of the South Island, Te Waipounamu, were the Waitaha people. The first place name applied to any site in the Dunedin area is believed to be Kaikarae, the Kaikorai estuary, where the Waitaha rakatira Rakaihautu and his people made camp and ate a meal of karae (seabird). Successive waves of iwi followed, first the Kāti Mamoe, and later Kāi Tahu, who both migrated from the North Island. Over time the three iwi merged through conquest, marriage and peace alliances. Kāi Tahu are therefore a fusion of Waitaha, Kāti Mamoe and Kāi Tahu whakapapa, referred to collectively as Kāi Tahu whānui.

At the time of first European contact the greatest concentration of Kāi Tahu population south of the Waitaki was settled within the East Otago bight from Karitāne to the Otago Peninsula. Sealer John Boultbee recorded in 1820 that Ōtākou was the "oldest and largest" Ngāi Tahu settlement south of the Waitaki. Seasonally, trips would be made to inland Otago to visit relations, harvest various species and gather plants and stone resources. Journeys were also made south to the Titi (Mutton Bird) Islands. Trails along the Otago coast and inland became well established. Waterways and the coastal waters also provided transport routes.

14.1.3 Manawhenua

The Dunedin City Council (DCC) has an established relationship with the two Kāi Tahu papatipu rūnaka within the Dunedin City boundary: Te Rūnanga o Ōtākou, based on the Otago Peninsula, and Kāti Huirapa Rūnaka ki Puketeraki, based at Puketeraki Marae near Karitāne. In this Plan Te Rūnanga o Ōtākou and Kāti Huirapa Rūnaka ki Puketeraki are recognised as having Manawhenua status within specific areas of the city.

The DCC acknowledges that Dunedin is also home to Māori from other iwi and hapū (mātāwaka). The Araiteuru marae in Shetland Street in Dunedin is an important pan-tribal cultural centre for mātāwaka and sits within the manaakitaka of Manawhenua.

14.1.4 Papatipu Rūnaka

14.1.4.1 Te Rūnanga o Ōtākou

The takiwā of Te Rūnanga o Ōtākou centres on Muaupoko/Otago Peninsula, and extends from Purehurehu (Heyward Point) to Mata-Au (Clutha River) and inland, sharing an interest in the lakes and mountains to the western coast with rūnaka to the north and south. The Otago Harbour has a pivotal role in the well-being of Ōtākou people. The harbour is a source of identity and a bountiful provider of kaimoana, and it is the pathway to the fishing grounds beyond. Traditionally it was the mode for other hapū to visit, and in today's world it is the lifeline to the international trade that benefits the region. The ebb and flow of the harbour tides is a valued certainty in a world of change, a taoka to be

treasured and protected for the benefit of current and future generations.

Figure 14.1.4.1A: Ōtākou Marae, Otago Peninsula



14.1.4.2 Kāti Huirapa Rūnaka ki Puketeraki

The takiwā of Kāti Huirapa Rūnaka ki Puketeraki centres on Karitāne and extends from the Waihemo (Shag) River to Purehurehu (Heyward Point) and includes an interest in Ōtepoti and the greater harbour of Ōtākou. The takiwā extends inland to the Main Divide sharing an interest in the lakes and mountains to Wakatipu Waitai with rūnaka to the south. The kaimoana resources of the coast from Karitāne to Okahau/Blueskin Bay and Pūrākaunui, and the kai awa of the Waikouaiti River are treasured and well-utilised mahika kai to Kāti Huirapa Rūnaka ki Puketeraki. The people that lived in this area chose to do so because of the strategic position close to European traders and the abundance of kaimoana and mahika kai. In the early 1800s Whareakeake became a central focus of Kāi Tahu commerce with European traders, based on the manufacture of pounamu trade items. In the late 1830s the shore whaling stations at Karitāne and Pūrākaunui attracted whānau involvement and later in 1840 the Reverend James Watkin established the first Wesleyan Mission Station in the south. At Karitāne, then called Old Waikouaiti, the young chiefs of southern Kāi Tahu learnt to read and write and heard about the karakia bora, the new Christian religion.

Figure 14.1.4.2A: Puketeraki Marae, Puketeraki



14.1.5 Kāi Tahu Values

14.1.5.1 Introduction

Kāi Tahu do not see their existence as separate from Te Ao Tūroa (the natural world), but as an integral part of it. Through whakapapa (genealogy), all people and life forms descend from a common source. Whakapapa binds Kāi Tahu to the mountains, forests and waters and the life supported by them, and this is reflected in traditional attitudes towards the natural world and resource management.

Whakawhanaukataka (the process of establishing relationships) embraces whakapapa, through the relationship between people, and between people and the environment. The nature of these relationships determines people's rights and responsibilities in relation to the use and management of taoka of the natural world.

All things have the qualities of wairua (spiritual dimension) and mauri (essential life force, or life supporting capacity), are living and have a genealogical relationship with each other. Mauri provides the common centre between the natural resources (taoka), the people or guardians who care for the taoka (the kaitiaki), and the management framework (tikaka) of how taoka are to be managed by the kaitiaki. It is through kawa (protocol) that the relationship between taoka, tikaka and kaitiakitaka is realised. As noted above, each papatipu rūnaka has its own takiwā, determined by natural boundaries such as headlands, mountain ranges and rivers, with areas of shared interest, particularly inland. This political and operational authority over an area is undertaken by Manawhenua and encompasses kaitiakitaka and rakatirataka.

An integral element of the concepts of kaitiakitaka and rakatirataka is the recognition that Kāi Tahu have their own traditional means of managing and maintaining resources and the environment. This system of rights and responsibilities is inherited from previous generations and has evolved over time.

The resources in any given area are a point of prestige for the people who reside there and are a statement of identity. Traditionally, the abundance or lack of resources directly determines the welfare of every tribal group, and so affects their mana.

14.1.5.2 Tikaka

Tikaka Māori encompasses the beliefs, values, practices and procedures that guide appropriate codes of conduct, or ways of behaving. It seeks to unify the three planes of reality in a holistic way: te taha tinana (the physical plane), te taha hinengaro (the intellectual plane), and te taha wairua (the spiritual plane).

In the context of natural resource management, observing tikaka is part of the ethic and exercise of kaitiakitaka. It is underpinned by a body of Mātauraka Māori (Māori knowledge), and is based on a general understanding that people belong to the land and have a responsibility to care for and manage the land. It incorporates forms of social control to manage the relationship of people and the environment, including concepts such as tapu, noa and rāhui.

Tikaka is based on traditional practices, but is dynamic and continues to evolve in response to different situations. One example of tikaka is the concept of kanohi ki te kanohi, or meeting face-to-face. For consultation on natural resource management issues, kanohi ki te kanohi may be the appropriate tikaka. Tikaka may also limit public access to wāhi tapu sites or require that certain protocols are observed before entering a site.

14.1.5.3 Ki Uta Ki Tai

Ki Uta ki Tai is a Kāi Tahu term that has become synonymous with the way Kāi Tahu think about natural resource management. Ki Uta ki Tai is the concept used to describe the overall approach to integrated natural resource management by Kāi Tahu - from the mountains to the sea.

Ki Uta ki Tai is a Kāi Tahu paradigm and ethic that has at its heart a holistic view of natural resource management - it is the Kāi Tahu way of understanding the natural environment, including how it functions, how people relate to it and how it can be looked after appropriately. It involves not only a planning and policy framework, but also the

development of monitoring, reporting, geographical information system analysis, information databases, area management and succession tools for natural resource management.

14.1.5.4 Kaitiakitaka

Kaitiakitaka entails the active protection and responsibility for natural and physical resources by tākata whenua. To give effect to kaitiakitaka it is important to engage meaningfully with the appropriate papatipu rūnaka. Kaitiakitaka means "the exercise of guardianship by the tākata whenua of an area in accordance with tikaka Māori in relation to natural and physical resources; and includes the ethic of stewardship." This Resource Management Act 1991 (RMA) definition of kaitiakitaka is, however, only a starting point for Kāi Tahu, as kaitiakitaka is a much wider cultural concept than pure guardianship.

Kaitiakitaka is fundamental to the relationship between Kāi Tahu and the environment. The responsibility of kaitiakitaka is twofold: first, there is the ultimate aim of protecting life supporting capacity and, secondly, there is the duty to pass the environment to future generations in a state that is as good as, or better than, the current state. To Kāi Tahu, kaitiakitaka is not passive custodianship, nor is it simply the exercise of traditional property rights, but it entails an active exercise of rights and responsibilities in a manner beneficial to the resource. In managing the use, development, and protection of natural and physical resources, decision makers must have regard to kaitiakitaka.

14.1.5.5 Rakatirataka

Rakatirataka is about having the mana or authority to give effect to Kāi Tahu culture and traditions in the management of the natural world. Recognition of the relationship of Kāi Tahu and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka are embedded in the RMA and the Treaty of Waitangi.

Traditionally, rakatirataka incorporates the right to make, alter and enforce decisions pertaining to how a resource is to be used and managed, and by whom (in accordance with kawa (Māori customs) and tikaka). Kāi Tahu ki Otago Natural Resource Management Plan 2005 is an expression of rakatirataka. A practical expression of rakatirataka is the active involvement of Kāi Tahu in resource management decision-making processes.

14.1.5.6 Taoka

In the management of natural resources, it is important that the habitats and wider needs of taoka are protected and sustainably managed and enhanced.

All natural resources - air, land, water, and indigenous biodiversity - are taoka. Taoka are treasures, things highly prized and important to Kāi Tahu, derived from the atua (gods) and left by the tūpuna (ancestors) to provide and sustain life. Taoka include sites and resources such as wāhi tapu, tauraka waka and kai mātaitai, other sites for gathering food and cultural resources, tribally significant landforms, features and cultural landscapes (wāhi tūpuna). Taoka may also be intangible, such as tikaka and te reo (Māori language). All taoka are part of the cultural and tribal identity of an iwi.

The protection of the relationship of tākata whenua and their taoka is included in Article II of the Treaty of Waitangi, section 6(e) of the RMA, and more recently the Ngāi Tahu Claims Settlement Act 1998. To ensure taoka are available for future generations, resource management decision-making processes need to recognise tikaka (Māori protocol and customs) and have the conservation and sustainability of resources as their focus.

14.1.5.7 Mahika Kai

Mahika kai is one of the cornerstones of Kāi Tahu cultural identity. Mahika kai is a term that literally means "food workings" and refers to the customary gathering of food and natural materials and the places where those resources are gathered or produced. The term also embodies the traditions, customs and collection methods, and the gathering of natural resources for cultural use[2], including raraka (weaving) and rokoā (traditional medicines). Maintaining mahika kai sites, gathering resources, and continuing to practice the tikaka that governs each resource, is an important means of passing on cultural values and mātauraka Māori (traditional knowledge) to the next generation.

[2] *Ngāi Tahu Claims Settlement Act 1998, s.167*

14.1.5.8 Wāhi tapu or Wāhi taoka sites

Wāhi tapu or wāhi taoka sites hold special historical, spiritual, or cultural associations for Kāi Tahu. The term refers to places that hold the respect of the people in accordance with tikaka.

In addition to urupā, physical resources such as landforms, mountains and ranges, remaining areas of indigenous vegetation, springs, and waterways are examples of wāhi tapu or wāhi taoka sites.

14.1.5.9 Wāhi Tūpuna

Kāi Tahu use the term 'wāhi tūpuna' to describe landscapes that embody the ancestral, spiritual and religious traditions of all the generations prior to European settlement. Waitaha, Kāti Mamoe and Kāi Tahu whakapapa is closely interwoven in Te Wai Pounamu. The use of the term wāhi tūpuna is intended to encompass and respect these separate strands of whakapapa and tradition. It is important to understand this concept in the context of the distinctive seasonal lifestyle that Kāi Tahu evolved in the south.

These sites used by Kāi Tahu are spread throughout the wider Dunedin area. These places did not function in isolation from one another but were part of a wider cultural setting and pattern of seasonal resource use. The values and potential threats to wāhi tūpuna are described in Appendix A4. The table below lists the types of wāhi tūpuna.

Type of wāhi tūpuna	Explanation
Ara tawhito	Ancient trails. A network of trails crossed the region linking the permanent villages with seasonal inland campsites and the coast, providing access to a range of mahika kai resources and inland stone resources, including pounamu and silcrete.
Kāika	Permanent settlements or occupation sites. These occurred throughout wider Dunedin, particularly in coastal areas.
Kāika Nohoaka	A network of seasonal settlements. Kāi Tahu were based largely on the coast in permanent settlements, and ranged inland on a seasonal basis. Iwi history shows, through place names and whakapapa, continuous occupation of a network of seasonal settlements, which were distributed along the main river systems from the source lakes to the sea.
Kai moana	Food obtained from the sea. Seafood occupies a key role in Kāi Tahu culture; it plays a part in many tribal histories and forms a part of cultural identity. The ability to provide kai moana as a part of manaakitaka (hospitality) responsibilities reflects on a tribe’s mana.
Mahika kai	The customary gathering of food or natural materials and the places where those resources are gathered. Mahika kai remains one of the cornerstones of Kāi Tahu culture.
Mauka	Important mountains. Mountains are of great cultural importance to Kāi Tahu. Many are places of spiritual presence, and prominent peaks in the district are linked to Kāi Tahu creation stories, identity and mana.
Papatipu marae	The marae atea and the buildings around it, including the wharenui, wharekai, church and urupā. The sheltering havens of Kāi Tahu cultural expression, a place to gather, kōrero and to welcome visitors. Expressions of Kāi Tahu past and present.
Repo raupo	Wetlands or swamps. These provide valuable habitat for taoka species and mahika kai resources.
Tauraka waka	Canoe mooring site. These were important for transport and gathering kai, and included such places such as present day Wellers Rock and Koputai (Port Chalmers).

Type of wāhi tūpuna	Explanation
Tūāhu	Places of importance to Māori identity. These are generally sacred ground and marked by an object, or a place used for purposes of divination.
Taumanu	Fishing sites. These are traditional fishing easements which have been gazetted by the South Island Māori Land Court. There are taumanu at Hawksbury Lagoon and on the south bank of the Waikouaiti River at the confluence of the mainstem of the Waikouaiti with the south branch (Hakariki).
Umu, Umu-tī	Earth ovens. Used for cooking tī-kōuka (cabbage tree), these are found in a diversity of areas, including old stream banks and ancient river terraces, on low spurs or ridges, and in association with other features, such as kāika nohoaka.
Urupā	Human burial sites. These include historic burial sites associated with kāika, and contemporary sites, such as the urupā at Ōtākou and Puketeraki marae.
Wāhi kohātu	Rock outcrops. Rocky outcrops provided excellent shelters and were intensively occupied by Māori from the moa-hunter period into early European settlement during seasonal hikoi. Tuhituhi neherā (rock art) may be present due to the occupation of such places by the tūpuna.
Wāhi pakaka	Battle sites. Historic battle sites occur throughout Dunedin, such as that at Ohinepouwera (Waikouaiti sandspit) where Taoka's warriors camped for six months while they laid siege on Te Wera on the Huriawa Peninsula.
Wāhi paripari	Cliff areas.
Wāhi taoka	Resources, places and sites treasured by Manawhenua. These valued places reflect the long history and association of Kāi Tahu with the Dunedin district.
Wāhi tapu	Places sacred to the takata whenua. These occur throughout the Dunedin district and include urupā (human burial sites).
Wāhi tohu	Features used as location markers within the landscape. Prominent landforms formed part of the network of trails along the coast and inland. These acted as fixed point locators in the landscape for travellers and are imbued with history.
Wai māori	Freshwater areas important to Māori. These include wai puna (springs), roto (lakes) and awa (rivers).

14.2 Objectives and Policies

Objective 14.2.1	
The relationship between Manawhenua and the natural environment is maintained or enhanced, including the cultural values and traditions associated with: a. wāhi tūpuna; b. mahika kai; and c. occupation of original native reserve land through papakāika.	
Policy 14.2.1.1	Only allow activities in or adjacent to wetlands and coastal and riparian areas that are wāhi tūpuna and are identified as having mahika kai values in Appendix A4, where adverse effects on mahika kai are avoided or, if avoidance is not practicable, are no more than minor.
Policy 14.2.1.2	Require buildings, structures, earthworks and network utilities to be set back an adequate distance from the coast and water bodies that are wāhi tūpuna and are identified as having mahika kai values in Appendix A4, to maintain or enable access to the coast and riparian margins for the purpose of gathering mahika kai.
Policy 14.2.1.3	Only allow subdivision of land adjacent to water bodies and the coast that are wāhi tūpuna and are identified as having mahika kai values in Appendix A4, where the subdivision is designed to maintain or enable access to the coast and riparian margins for the purpose of gathering mahika kai.
Policy 14.2.1.4	Only allow activities that are identified as a threat to wāhi tūpuna in Appendix A4, where adverse effects on the relationship between Manawhenua and the wāhi tūpuna are avoided or, if avoidance is not practicable, are no more than minor.
Policy 14.2.1.5	Only allow cemeteries, crematoriums and landfills where any adverse effects on Manawhenua values, including the relationship between Manawhenua and sites of cultural importance to them, are avoided or, if avoidance is not practicable, are no more than minor.
Policy 14.2.1.6	Enable Manawhenua to live in original native reserve areas where any adverse effects will be adequately managed in line with the objectives and policies of the relevant zone.
Policy 14.2.1.7	Require residential buildings used for papakāika to be removed from a site when they are no longer used for that purpose.

Rules

Rule 14.3 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 14.3.1 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 14.3.2:
   a. lists the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provides guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.

14.3.2 Assessment of performance standard contraventions		
Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. All performance standard contraventions including performance standards listed below		*Potential circumstances that may support a consent application include:* a. The degree of non-compliance with the performance standard is minor. b. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. c. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. *General assessment guidance:* d. Where more than one standard is contravened, the combined effects of the contraventions should be considered. e. Council will consider the findings of any cultural impact assessment provided with a resource consent application, where required (see Special Information Requirements - Rule 14.7). f. In assessing the effects on Manawhenua and their relationship with a **wāhi tūpuna mapped area**, Council will consider the values in Appendix A4.

14.3.2 Assessment of performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2.	Density (papakāika - residential zones)	a. Effects on cultural values of Manawhenua	*Relevant objectives and policies:* i. Objective 14.2.1 ii. Manawhenua are able to live in original native reserve areas where any adverse effects will be adequately managed in line with the objectives and policies of the relevant zone (Policy 14.2.1.6). iii. Residential buildings used for papakāika are removed when no longer used for that purpose (Policy 14.2.1.7). *General assessment guidance:* iv. Council will consider the information required by Rule 15.14.1 provided with any resource consent application (see Special Information Requirements - Rule 15.14.1).
3.	Esplanade reserves and strips	a. Where in a **wāhi tūpuna mapped area**, effects on cultural values of Manawhenua	*Relevant objectives and policies:* i. Objective 14.2.1 ii. In a **wāhi tūpuna mapped area** identified as having mahika kai values in Appendix A4, the subdivision is designed to maintain or enable access to the coast and riparian margins for the purpose of gathering mahika kai (Policy 14.2.1.3).
4.	Maximum height	a. In the **Huriawa height restriction mapped area**, effects on cultural values of Manawhenua	*Relevant objectives and policies:* i. Objective 14.2.1 ii. Adverse effects on the relationship between Manawhenua and wāhi tūpuna are avoided or, if avoidance is not practicable, are no more than minor (Policy 14.2.1.4).
		b. In the Dunedin International Airport Zone, effects on cultural values of Manawhenua (in relation to Maukaatua **wāhi tūpuna mapped area**)	

14.3.2 Assessment of performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
5.	Vegetation clearance standards: • Maximum area of vegetation clearance (UBMA) • Protected areas (vegetation clearance) • Protected species (indigenous vegetation clearance)	a. Where in a **wāhi tūpuna mapped area**, effects on cultural values of Manawhenua	*Relevant objectives and policies:* i. Objective 14.2.1 ii. In a **wāhi tūpuna mapped area** identified as having mahika kai values in Appendix A4, vegetation clearance avoids adverse effects on mahika kai, or if avoidance is not practicable, effects are no more than minor (Policy 14.2.1.1). iii. In a **wāhi tūpuna mapped area** where indigenous vegetation clearance is identified as a threat in Appendix A4, adverse effects on the relationship between Manawhenua and the wāhi tūpuna are avoided or, if avoidance is not practicable, are no more than minor (Policy 14.2.1.4). *Potential circumstances that may support a consent application include:* iv. Where the **wāhi tūpuna mapped area** has mahika kai values: 1. the area of vegetation to be cleared is not a source of mahika kai, nor will its removal affect adjoining areas of mahika kai. 2. sufficient vegetation will remain to ensure mahika kai can continue to be gathered to the extent it is currently gathered.
6.	Setback from coast and water bodies (rules 10.3.3.1 - 10.3.3.5)	a. Where in a **wāhi tūpuna mapped area**, effects on cultural values of Manawhenua	*Relevant objectives and policies:* i. Objective 14.2.1 ii. In a **wāhi tūpuna mapped area** where activities affecting access to a water body are identified as a threat in Appendix A4, adverse effects on the relationship between Manawhenua and the wāhi tūpuna are avoided or, if avoidance is not practicable, are no more than minor (Policy 14.2.1.4). iii. In a **wāhi tūpuna mapped area** identified as having mahika kai values in Appendix A4, buildings and structures, earthworks and network utilities are set back an adequate distance from the coast and water bodies to ensure access to the coast and riparian margins for the purpose of gathering mahika kai is maintained or enabled (Policy 14.2.1.2).
7.	Maximum height (rural and rural residential zones)	a. Where in a **wāhi tūpuna mapped area**, effects on cultural values of Manawhenua	*Relevant objectives and policies:* i. Objective 14.2.1 ii. In a **wāhi tūpuna mapped area** where buildings, structures and network utility structures that affect the peaks, upper slopes or skyline are identified as a threat in Appendix A4, adverse effects on the relationship between Manawhenua and the wāhi tūpuna are avoided or, if avoidance is not practicable, are no more than minor (Policy 14.2.1.4).

14.3.2 Assessment of performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
8.	Sediment control	a. Where in a **wāhi tūpuna mapped area**, effects on cultural values of Manawhenua	*Relevant objectives and policies:* i. Objective 14.2.1 ii. In a **wāhi tūpuna mapped area** where impacts on water quality from earthworks or sediment discharge are identified as a threat in Appendix A4, adverse effects on the relationship between Manawhenua and the wāhi tūpuna are avoided or, if avoidance is not practicable, are no more than minor (Policy 14.2.1.4).

Rule 14.4 Assessment of Restricted Discretionary Activities

Rule 14.4.1 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 14.4.2:
   a. lists the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provides guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

14.4.2 Assessment of restricted discretionary activities		
Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All restricted discretionary activities		*General assessment guidance:* a. Council will consider the findings of any cultural impact assessment provided with a resource consent application, where required (see Special Information Requirements - Rule 14.7). b. In assessing the effects on Manawhenua and their relationship with a **wāhi tūpuna mapped area**, Council will consider the values in Appendix A4. *Potential circumstances that may support a consent application:* c. The development incorporates conservation activity that will have significant positive effects on biodiversity or natural character values.

14.4.2 Assessment of restricted discretionary activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
2.	Activities where effects on cultural values of Manawhenua is a matter of discretion, including but not limited to: • Indigenous vegetation clearance - large scale • Earthworks - large scale • Network utility activities • Forestry • Shelterbelts and small woodlots • Public amenities • New buildings, structures, and additions and alterations	a. Where in a **wāhi tūpuna mapped area**, effects on cultural values of Manawhenua	*Relevant objectives and policies:* i. Objective 14.2.1 ii. In a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4, adverse effects on the relationship between Manawhenua and wāhi tūpuna are avoided or, if avoidance is not practicable, are no more than minor (Policy 14.2.1.4).
3.	Crematoriums and Cemeteries	a. Effects on cultural values of Manawhenua	*Relevant objectives and policies:* i. Objective 14.2.1 ii. Adverse effects on cultural values, including the relationship between Manawhenua and sites of cultural importance to them, are avoided or, if avoidance is not practicable, are no more than minor (Policy 14.2.1.5).

14.4.2 Assessment of restricted discretionary activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
4.	All general subdivision activities where effects on cultural values of Manawhenua is a matter of discretion	a. Where in a **wāhi tūpuna mapped area**, effects on cultural values of Manawhenua	*Relevant objectives and policies:* i. Objective 14.2.1 ii. In a **wāhi tūpuna mapped area** where subdivision is identified as a threat in Appendix A4, the subdivision is designed to ensure any future land use or development will avoid or, if avoidance is not practicable, ensure adverse effects on values of significance to Manawhenua are no more than minor (Policy 14.2.1.4). iii. In a **wāhi tūpuna mapped area** identified as having mahika kai values, the subdivision is designed to maintain or enable access to the coast and riparian margins for the purpose of gathering mahika kai (Policy 14.2.1.3). *Potential circumstances that may support a consent application include:* iv. Subdivisions are designed to maximise the opportunities for protection or enhancement of important Manawhenua values on the site, for example through: 1. retaining indigenous vegetation on a single allotment, under single ownership; 2. fencing of indigenous vegetation; or 3. enabling access to, and protection of, sites of significance. *Conditions that may be imposed include:* v. A building platform registered against the Certificate of Title by way of consent notice.

Rule 14.5 Assessment of Discretionary Activities

Rule 14.5.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 14.5.2 - 14.5.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
   b. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
   c. general assessment guidance, including any effects that will be considered as a priority; and
   d. conditions that may be imposed.

14.5.2 Assessment of discretionary activities		
Activity		Guidance on the assessment of resource consents
1.	All discretionary activities that are linked to section 14.5, including but not limited to the activities listed below	*Relevant objectives and policies (priority considerations):* a. Objectives 2.5.1, 2.5.3, 2.5.4, 14.2.1 *General assessment guidance:* b. Council will consider the findings of any cultural impact assessment provided with a resource consent application, where required (see Special Information Requirements - Rule 14.7.1). c. In assessing the significance of effects, Council will consider: i. Maintaining the relationship between Manawhenua and the natural environment, including the cultural values and traditions associated with: 1. wāhi tūpuna; and 2. the customary use of mahika kai (Objective 14.2.1).
2.	• Crematoriums • Cemeteries • Landfills	*Relevant objectives and policies (priority considerations):* a. Adverse effects on cultural values, including the relationship between Manawhenua and sites of cultural importance to them, are avoided or, if avoidance is not practicable, are no more than minor (Policy 14.2.1.5).
3.	• Mining • Network utility activities • New roads or additions or alterations to existing roads • Passenger transportation hubs • Heliports • Natural hazard mitigation earthworks • Natural hazard mitigation structures	*Relevant objectives and policies (priority considerations)*: a. In a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4, adverse effects on the relationship between Manawhenua and wāhi tūpuna are avoided or, if avoidance is not practicable, are no more than minor (Policy 14.2.1.4). *General assessment guidance:* b. Where effects on the cultural values of Manawhenua are assessed, the findings of a cultural impact assessment will be considered, where required (see Special Information Requirements - Rule 14.7).

14.5.3 Assessment of discretionary performance standard contraventions		
Activity		Guidance on the assessment of resource consents
1.	Density (papakāika - rural zones)	*Relevant objectives and policies (priority considerations)*: a. Objectives 2.5.2, 14.2.1 b. Manawhenua are able to live in original native reserve areas where any adverse effects will be adequately managed in line with the policies of the relevant zone (Policy 14.2.1.6). c. Residential buildings used for papakāika are removed from the site when they are no longer used for that purpose (Policy 14.2.1.7).

Rule 14.6 Assessment of Non-complying Activities

Rule 14.6.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 14.6.2 provides guidance on how a consent application for the listed non-complying activities will be assessed, including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
   b. general assessment guidance, including any effects that will be considered as a priority.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

14.6.2 Assessment of non-complying activities		
Activity		Guidance on the assessment of resource consents
1.	All non-complying activities that are linked to section 14.6, including but not limited to the activities listed below	*Relevant objectives and policies (priority considerations):* a. Objectives 2.5.1, 2.5.3, 2.5.4 *General assessment guidance:* b. Council will consider the findings of a cultural impact assessment provided with the application for resource consent, where required (see Special Information Requirements - Rule 14.7.1). c. In assessing the significance of effects, Council will consider: i. Maintaining the relationship between Manawhenua and the natural environment, including the cultural values and traditions associated with: 1. wāhi tūpuna; and 2. the customary use of mahika kai (Objective 14.2.1).
2.	• Cemeteries • Crematoriums • Landfills	*Relevant objectives and policies (priority considerations):* a. Objective 14.2.1 b. Policy 14.2.1.5 *General assessment guidance:* c. The assessment of a resource consent application for crematoriums, cemeteries and landfills will consider the findings of a cultural impact assessment (see Special Information Requirements - Rule 14.7)

14.6.3 Assessment of non-complying performance standard contraventions	
Performance standard	Guidance on the assessment of resource consents

14.6.3 Assessment of non-complying performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
1.	All non-complying performance standard contraventions that are linked to Section 14.6	*Relevant objectives and policies (priority considerations):* a. Objective 14.2.1. b. In a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4, adverse effects on the relationship between Manawhenua and wāhi tūpuna are avoided or, if avoidance is not practicable, are no more than minor (Policy 14.2.1.4). *Related strategic directions:* c. Objectives 2.5.1, 2.5.3, 2.5.4, policies 2.5.1.2, 2.5.3.1 and 2.5.4.1. *General assessment guidance:* d. Council will consider the findinqs of a cultural impact assessment provided with the application for resource consent, where required (see Special Information Requirements - Rule 14.7.1).

Rule 14.7 Special Information Requirements

14.7.1 Cultural Impact Assessment

1. Where Manawhenua are considered an affected person, a cultural impact assessment may be required.

Note: The notification rules within the relevant management zone, major facility or city-wide activities section provide advice on when Manawhenua will be considered an affected person.