

A. Plan Overview and Strategic Directions

1. Plan Overview and Introduction

Foreword

Developing a new District Plan is among the most important and influential things a council can do. It works hand in hand with our overarching strategies, such as Economic Development, Environment, Arts and Culture, Social Wellbeing, in setting the direction of the Council's decision-making and shaping the city's future. A District Plan is essential. It identifies the aspects of Dunedin which we value and want to protect (e.g. important landscapes, heritage buildings or central city vibrancy) and the types of development we want to encourage. A District Plan integrates aspects such as transport, water and waste services and parks and reserves. Without a plan, development would not match with services or sit comfortably with neighbouring land uses. Investment in expensive community owned infrastructure could be wasted in some places, and sorely lacking in others.

A broad consensus reached by the community about the plan's makeup, is essential for a plan to have acceptance and credibility. This consensus can only be arrived at through consultation and submissions from community stakeholders and conversations about what we need and want our city to look and work like in ten or twenty years' time. We have been doing this over the last two years and have listened to and balanced the different feedback we have received. Now you have the opportunity to make a formal submission which will be considered by a hearings panel before final decisions are made. Take part and let us know what you think.



Dave Cull, Mayor of Dunedin

{PO 806.1}

1.1 Introduction to the District Plan {was "User Guide" - PO cl.16}

1.1.1 What is a District Plan?

A District Plan is a document prepared under the requirements of the Resource Management Act 1991 (RMA) in conjunction with the community. It sets a framework for the development and management of resources in the district in a manner that meets the goal of sustainable management of those resources (as outlined in Section 5 of the RMA). This District Plan includes objectives, policies and rules to manage the environmental effects of land use and development activities. It defines the various zones and rules for which activities are permitted to occur in each zone. It also defines the status of activities which require resource consent (controlled, restricted discretionary, discretionary and non-complying).

This District Plan applies to all areas above the line of mean high water springs (MHWS) within the territorial boundaries of Dunedin City and to all users of land and surface of water bodies within the district.

The Resource Management Act 1991 (RMA) requires the Dunedin City Council (Council) to prepare a district plan (section 73). The purpose of the district plan is to assist the Council in carrying out its functions under the RMA. The Dunedin City Council is considered a territorial authority and its functions are described in section 31 of the RMA.

The District Plan must reflect those functions and the purpose of the RMA, which is to promote sustainable management. The RMA defines sustainable management as: managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The District Plan is part of a hierarchy of plans. District plans must give effect to national policy statements and regional policy statements and must not be inconsistent with regional plans and any applicable water conservation orders (section 75 RMA). Section 74 of the RMA sets out a number of other statutory instruments that the DCC must have regard to in preparing a district plan.

District plans cover issues related to the functions of territorial authorities (section 31 RMA). These include:

- integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district
- ensuring that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district
- the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of:
 - the avoidance or mitigation of natural hazards
 - the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land
 - the maintenance of indigenous biological diversity
 - the control of the emission of noise and the mitigation of the effects of noise

- the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes
- any other functions specified in this Act.

District plans contain:

- objectives
- policies to implement objectives
- rules (or other methods) to implement policies.

District plans manage the use of land such that:

- no person may use land in a manner which contravenes a rule in a district plan, unless it is expressly allowed by a resource consent
- no person may subdivide land unless it does not contravene a rule in a district plan or it is expressly allowed by a resource consent.

This District Plan applies to land above the line of mean high water springs (MHWS) and the surface of rivers and lakes within the territorial boundaries of Dunedin City.

In addition to the District Plan, some rules that relate to the matters covered by district plans are set by national environmental standards (NESs). Where there is a NES the rules in that NES take precedence over the rules of the Plan, unless the NES expressly allows the district plan to have rules that are different, which is usually only in limited circumstances. {PO cl.16}

1.1.2 Content of District Plan

This District Plan has two primary components:

- the written text which contains all of the resource management objectives, policies, rules and guidance information; and
- the planning maps which indicate the spatial area where certain rules in the written text apply.

Information on the structure of the Plan, how to use the Plan, and the drafting protocol used in the Plan is provided on the Second Generation District Plan website: www.2gp.dunedin.govt.nz {PO cl.16}

1.1.2.1 Written text of the District Plan

The written text of the District Plan is structured in sections A to F with underlying chapters as outlined in Table 1.1A below. A summary of the contents of these chapters is also outlined in this table. {PO cl.16}

Table 1.1A {PO cl.16}

Section	Summary of Section
A. Plan Overview and Strategic Directions	The introductory section includes the activity and other definitions, nested tables, statutory framework and outcomes sought be Kāi Tahu. This section also contains the Strategic Directions. These are broad objectives and policies which guide the management of land use and development activities in Dunedin.
B. Citywide activities	Citywide activities are those that occur in all zones but have specific effects regardless of the zone in which they are located. They are managed in separate sections to avoid repetition through the plan. Examples are transportation activities, network utilities and management of scheduled trees. The objectives, policies, performance standards and assessment rules within the citywide activities sections apply across the plan.
C. Citywide Provisions	The citywide provisions sections manage effects that occur throughout the city from activities that are managed within the zones. For example, effects on heritage items, manawhenua values, landscape and coastal character areas (natural environment section) and effects on public health and safety. The activities that cause the effects are managed within the zones, but the objectives, policies, performance standards and assessment criteria are contained within the citywide provisions sections. Some of these provisions apply to limited parts of the city. These areas are shown on the planning maps as overlay zones. These include the heritage precinct overlay zone, landscape and coastal character overlay zones, transition overlay zone.
D. Management Zones	Dunedin is divided into a number of management and major facility zones. The management zones reflect the predominant land use within the area, for example residential or industrial. These zones contains objectives, policies, rules and assessment rules to manage most of the activities that take place within them. The provisions aim to facilitate the predominant land use and related and complementary activities, maintain the character of each area, and manage effects on neighbours and amenity values.
E. Major Facilities Zones	The plan contains 15 major facilities zones. These are focussed on facilities that are important to Dunedin's social, economic and cultural wellbeing and that cannot be effectively managed within the management zones. The sections contain specific objectives, policies and rules to facilitate the efficient and effective operation of these facilities and manage their effects on surrounding areas.
F. Appendices	The plan appendices contain various provisions necessary for the implementation of the policies and rules. These include details of the scheduled items, heritage items, the values of heritage precincts and landscape areas, and hazardous substances limits.

1.1.2.2 Planning maps

The planning maps show the spatial extent of the management zones, major facility zones, overlay zones and scheduled items discussed above. They also show 'mapped areas', which are smaller discrete areas which apply to a specific rule of provision in the plan. Examples are the **port noise control mapped area** and the **high class soils mapped areas**. {PO cl.16}

1.1.3 How to use the District Plan

The 2GP tells you the activity status of all land use, development or subdivision activities, including whether they are permitted and if so when performance standards apply, or whether they always require a resource consent. In determining the status of land use, development or subdivision activity in the 2GP, plan users should undertake the following steps:

Step 1 – Confirm the zone that applies

Begin with the planning maps. Locate your property on the map and identify what management zone or major facility zone applies.

Step 2 – Confirm if any overlay zone, mapped area or schedule items applies

Use the maps to confirm whether your property has an overlay zone, mapped area or scheduled item applying to it, such as a scheduled heritage building, a heritage precinct or a **primary pedestrian street frontage mapped area**.

Step 3 – Confirm the activity status

Go to the relevant management or major facility zone chapter that your property is located in. Activities are grouped as either 'land use', 'development' or 'subdivision' activities. Many proposals will involve both land use and development activities. Look down the list of activities in the activity status table to find the activities that apply. All activities are listed by category, for example 'residential' or 'commercial'. The nested tables in Section 1.3 identify which category each activity falls into.

Every land use and development activity will be indicated as either: permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited. The RMA requires that no application for a resource consent may be made for prohibited activities.

Next look at the performance standards which apply to development activities. Performance standards need to be complied with in order to confirm the activity status. A different activity status may apply to the land use part of a proposal compared to the development activity part. In this case, the more restrictive activity status will apply to the proposal as a whole.

If your activity is a permitted, and you meet all the performance standards, you can proceed without obtaining a resource consent. If this is not the case you will need to apply for a resource consent.

Step 4 – Apply for resource consent

If your activity is a controlled, restricted discretionary, discretionary or non-complying activity you will need to apply to Council for resource consent. The District Plan provides guidance on the assessment criteria which will be applied and references relevant objectives and policies which provide direction on matters to be covered in the resource consent.

Applications for resource consent must be made in writing to the Council. Application forms and information brochures to assist in understanding the District Plan are available from the Council or online. Fees are payable. Applications must be accompanied by an assessment of the effects that the activity may have on the environment, together with any other information required by the RMA.

Council staff can assist by providing general advice on the requirements of the District Plan. Professional advice may be necessary if further assistance is required.

A guide to the eplan: 'Introduction to the 2GP and eplan' is available at www.2GP.dunedin.govt.nz **{PO cl.16}**

1.1.5 Other requirements outside the District Plan

Various other legislation and planning documents manage activities that also fall under the jurisdiction of the District plan. These documents should be checked for additional consent or regulatory requirements. These include:

1. The Otago Regional Plan: Water manages earthworks undertaken on the bed of any lake or river; and earthworks associated with drilling or bore construction (excluding the deposition of fill resulting from these activities).
2. The Otago Regional Plan: Waste manages discharges from offal pits, farm landfills and greenwaste landfills; and excavation and use of composting pits, silage pits and silage stacks.
3. The National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 applies to any piece of land on which an activity or industry describe in the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is more likely than not to have been undertaken. Activities which result in any change of use, disturbance of soil, removal or upgrade of fuel tanks on a HAIL site and any subdivision will trigger the provisions of the NES and may require a resource consent. The requirements are site specific and DCC consents team will be able to advise what those requirements may be in relation to a particular property or activity. Information is also available from the Ministry for the Environment at www.mfe.govt.nz/land/nas-assessing-and-managing-contaminants-soil-protect-human-health/about-nas
4. The Heritage New Zealand Pouhere Taonga Act (2014) makes it an offence to modify or destroy an archaeological site without an authority from Heritage New Zealand irrespective of whether the works are permitted or a consent has been issued under the Resource Management Act 1991. See Appendix A8 for further details. **{PO cl.16}**

User Guide extracts (NOT PUBLISHED)

1.2 Information on When Rules Have Legal Effect {Confirmed for deletion - PO cl.16¹}

¹ **PO cl.16:** This section is no longer relevant and has been removed.

~~1.2.1 Rules that have legal effect upon notification {PO cl.16}~~

The Environment Court has ordered that the rules listed in Table 1.2.1 below have immediate legal effect from notification of this proposed plan ([2015] NZEnvC 165). As part of this order the Court has stated that any person affected by it may apply to the Environment Court to have this order set aside in respect of part or all of any of the rules in Table 1.2.1. Any application to have the order set aside is required by the Environment Court to be supported by a full explanatory affidavit and sent to the Environment Court in Christchurch and to DCG.

Table 1.2.1: Rules that have immediate effect upon notification {PO cl.16}		
Section	Rule Number	Description
~~1 – Plan overview and introduction~~	~~Definition of Vegetation Clearance~~	
~~1 – Plan overview and introduction~~	~~Definition of Indigenous Vegetation Clearance~~	
~~1 – Plan overview and introduction~~	~~Definition of Indigenous Vegetation~~	
10 – Natural environment	10.3.2.2	Maximum area of indigenous vegetation clearance
10 – Natural environment	10.4.3.3	Assessment of performance standard contraventions – Vegetation clearance (Maximum area of indigenous vegetation clearance)
16 – Rural zones	16.7.4	Minimum site size for rural zones
16 – Rural zones	16.9.5.5	Assessment of subdivision performance standard contraventions – Minimum site size (surplus dwelling subdivision)

1.2.2 Rules that Council has resolved do not have legal effect upon notification {PO cl.16}

There are some rules that the RMA deems to have legal effect when the proposed plan is notified (s86B(3)). These rules protect or relate to water, air, or soil (for soil conservation), protect areas of significant indigenous vegetation, protect areas of significant habitats of indigenous fauna, protect historic heritage, or provide for or relate to aquaculture activities. Council has resolved that these rules, which are listed in Table 1.2.2, will only have legal effect once the 2GP is made operative.

Table 1.2.2: Rules that Council has resolved do not have legal effect upon notification {PO cl.16}		
Section	Rule numbers (activity status rule numbers unless otherwise indicated)	Notes
3 – Public amenities	3.3.2.3.c	
5 – Network utilities	5.3.2.9.d, 5.3.2.10.d, 5.3.2.12 – 5.3.2.23	Where activity is located within a Heritage Precinct or Scheduled Heritage Site
10 – Natural environment	Assessment rules 10.5.2.7 – 10.5.2.9, 10.6.2.6, 10.6.2.7, 10.7.2.2, 10.7.2.3	
13 – Heritage	Performance standards: 13.3.1 – 13.3.3	
	Assessment rules: 13.4 – 13.8	
	Special information requirements: 13.9	
14 – Manawhenua	Assessment rules: 14.3.2.3 – 14.3.2.7, 14.4.2, 14.5.2, 14.6.2	
15 – Residential zones	15.3.4.7 – 15.3.4.28	
	Performance standard: 15.6.2.1.a.2	Where activity is located within a Scheduled Heritage Site
	Performance standard: 15.6.7.2.e	
16 – Rural zones	16.3.3 as it applies in column d, 16.3.4 as it applies in column d, 16.3.4.8 – 16.3.4.14, 16.3.5.1.d	
	Performance standard: 16.6.1.1.a.2	Where activity is located within a Scheduled Heritage Site
	Performance standards: 16.6.1.1.a as it applies in column 5, 16.6.1.8	
17 – Rural residential zones	17.3.4.8 – 17.3.4.12	
	Performance standard: 17.6.1.8	
18 – Commercial mixed use zones	18.3.6.9 – 18.3.6.29	
	Performance standard: 18.6.3.1.a.2	

Table 1.2.2: Rules that Council has resolved do not have legal effect upon notification {PO cl.16}

19 – Industrial zones	19.3.4.4 – 19.3.4.12	
	Performance Standard: 19.6.2.1.a.2	Where activity is located within a Scheduled Heritage Site
20 – Recreation Zone	20.3.3 as it applies in column c, 20.3.4 as it applies in column c, 20.3.4.8 – 20.3.4.14, 20.3.5.1.c	
	Performance standard: 20.6.1.1.a.2	Where activity is located within a Scheduled Heritage Site
	Performance standard 20.6.1.1.a as it applies in column 4	
22 – Dunedin Botanic Garden Zone	22.3.4.5 – 22.3.4.9	
26 – Invermay and Hercus Zone	26.3.4.4. – 26.3.4.8	
27 – Mercy Hospital Zone	27.3.4.5 – 27.3.4.9	
29 – Otago Museum Zone	29.3.4.5 – 29.3.4.9	
31 – Schools Zone	31.3.4.5 – 31.3.4.9	
33 – Taieri Aerodrome Zone	33.3.4.6 – 33.3.4.10	
34 – Campus Zone	34.3.4.6 – 34.3.4.27	
	Performance standard: 34.6.2.1.a.2	

1.2.3 When the Remaining Rules Have Legal Effect {PO cl.16}

The remainder of the rules in the proposed 2GP will not have legal effect when the plan is notified. These rules will have legal effect when decisions have been made on submissions, unless the RMA deems any rules to be operative earlier.

1.3 Kāi Tahu and the District Plan (Notified as 1.3.3)

1.3.1 Te Tiriti o Waitangi/The Treaty of Waitangi

Te Tiriti o Waitangi / the Treaty of Waitangi is a founding legal document for New Zealand. The Crown is the primary Treaty partner responsible for the Treaty relationship. However, in delegating responsibilities to local authorities, Parliament acknowledges the need to ensure local authorities give appropriate consideration to the principles of the Treaty as part of their statutory obligations. Kāi Tahu is the Crown's Treaty partner in the Otago region. The Resource Management Act 1991 (RMA) and Local Government Act (LGA) provide a clear direction on the Dunedin City **{PO cl.16}** Council's responsibilities in terms of te Tiriti o Waitangi / the Treaty of Waitangi.

The overriding approach is one of active recognition of the principles of te Tiriti o Waitangi / the Treaty of Waitangi in the exercise of Council's functions and duties under the RMA. The Treaty implies a partnership exercised in the utmost good faith. The principles of the Treaty, as articulated by the Waitangi Tribunal and the Courts, include the following:

- The principle of the government's right to govern.
- The principle of tribal rakatirataka/management over resources.
- The principle of partnership: that both Treaty partners will act reasonably and in the utmost good faith.
- The principle of active protection of Māori in the use and management of their resources.
- The principle of the right of development. This Treaty right is not confined to customary uses or the state of knowledge as at 1840, but includes an active duty to assist Māori in the development of their properties and taoka.
- The principle of consultation. Acting reasonably and with the utmost good faith to one another requires fully fledged discussion with every attempt to find an agreed position that is in accord with Treaty principles.

The Dunedin City Council is committed to meeting its responsibilities under te Tiriti o Waitangi / the Treaty of Waitangi and statutory obligations under the RMA. The Dunedin City Council recognises the mana whenua and tino rakatirataka of Kāi Tahu Manawhenua over their resources and taoka and the Dunedin City **{PO cl.16}** Council's commitment to its Treaty responsibilities is reflected throughout this Plan. This Plan has been developed in consultation with Kāi Tahu Manawhenua and identifies the matters that have the potential to affect cultural values and well-being, along with enabling Manawhenua to actively participate in resource management processes. Council will work to ensure that its policies and actions recognise and protect Manawhenua rights and interests within Dunedin.

The objectives and policies in this Plan recognise the protection given by the Treaty to tino rakatirataka held by Kāi Tahu Manawhenua over their own resources. At the same time, the policies recognise the right of Council to exercise its duties and functions in promoting the sustainable management of resources.

1.3.2 Implementation of Kāi Tahu values through the District Plan

~~The Council has worked closely with Kāi Tahu to ensure that t~~The resource management issues of interest to Kāi Tahu are addressed through this Plan in a number of ways. ~~The Plan clearly identifies Kāi Tahu interests and values and directs decision makers where these must be considered in Dunedin.~~ **{PO cl.16}**

Particular areas of interest to Kāi Tahu include:

- Identification and protection of natural and physical resources of importance, including the coast, waterways, wetlands and indigenous flora and fauna;
- Protection of mahika kai areas from uses or development which threaten the values of these areas and, where necessary, restoration of access to mahika kai;
- Protection of wāhi tūpuna and urupā; and

- Papakāika housing.

These are primarily managed through:

- management of identified threats, such as buildings, earthworks and vegetation clearance, within wāhi tūpuna (ancestral landscapes);
- requirements for setbacks from waterbodies and the coastline;
- provision for papakaika housing; and
- consideration of Manawhenua as an affected person in relation to consent applications for particular activities.
{PO cl.16}

1.3.2.1 Statutory acknowledgements

Statutory acknowledgements are an acknowledgement by the Crown of Kāi Tahu cultural, spiritual, historical, and traditional associations with specified areas. The Ngāi Tahu Settlement Act 1998 requires Council to send summaries of consent applications that may affect a Statutory Acknowledgement to Kāi Tahu, and to have regard to Statutory Acknowledgements when forming an opinion as to whether Kāi Tahu is an affected party for a consent application.

There are two areas covered by Statutory Acknowledgements within the Dunedin city area: Te Tai o Arai Te Uru (the Otago coastal marine area) and Te Tauraka Poti (Merton Tidal Arm). The Otago coastal marine area is under the jurisdiction of the Otago Regional Council. Te Tauraka Poti is included within the plan as a **wāhi tūpuna mapped area** (see Appendix A4).

1.3.2.2 East Otago Taiapure **{MW 329.1}**

The Fisheries Act 1996 contains provisions allowing a Taiapure-local fishery management committee to recommend to the Minister of Fisheries the making of regulations for the conservation and management of fish, aquatic life, or seaweed in the Taiapure-local fishery. The East Otago Taiapure includes the marine and estuarine waters enclosed by a line from Cornish Head to Brinns Point to Warrington Spit to Potato Point. The East Otago Taiapure Management Committee is able to provide advice and recommendations to the Minister of Fisheries for regulations to manage the fisheries in the area. The regulations may relate to the species and quantities of fish taken, and set restrictions on dates, size limits, methods and areas of fishing. **{MW 329.1}**

1.3.2.3 Consultation with Kāi Tahu ki Otago Ltd Aukaha **{MW cl.16}**

Kāi Tahu ki Otago Ltd (KTKO Ltd) Aukaha **{MW cl.16}** is a consultancy established by the local rūnaka to help streamline the resource consent process for applications requiring consultation with Kāi Tahu in Otago.

The plan identifies where Manawhenua may be affected by a proposal. If this is the case, applicants for resource consent are encouraged to contact KTKO Ltd Aukaha **{MW cl.16}** prior to lodging their application. KTKO Ltd Aukaha **{MW cl.16}** can then advise whether consultation with rūnaka is required.

Where consultation is required, work is done on a cost-recovery basis and applicants may be charged a fee. KTKO Ltd Aukaha **{MW cl.16}** sends a summary and recommendation for each resource consent application to the rūnaka that are kaitiaki of the area the application is located in. As there are many areas of shared interest, details of the application may be sent to more than one rūnaka. A letter detailing the rūnaka position on the application (oppose, support, neither oppose nor support) is sent to the applicant.

For large applications with extensive cultural effects, a Cultural Impact Assessment (CIA) may be required as part of the Assessment of Environmental Effects.

Contact details for Aukaha are in Appendix A8. **{MW cl.16}**

1.3.2.4 Outcomes sought by Kāi Tahu

The following table sets out the natural resource and environmental management issues and desired outcomes of significance to Kāi Tahu. It is not an exhaustive list. Some of the issues and outcomes are addressed through other DCC processes and strategies, and some by other organisations, such as the ORC. The District Plan includes policies that address issues within its statutory context. Methods are outlined throughout the Plan to provide for Kāi Tahu's relationship with natural and physical resources in Dunedin.

Issues	Outcomes desired by Kāi Tahu
a. Kaitiakitaka	
Historically, recognition of kaitiakitaka in resource management processes and decision making has been limited	Kāi Tahu's role as kaitiaki is recognised. Kāi Tahu is engaged in resource management decision making processes in the spirit and intent of the Treaty and RMA. This includes, but is not limited to: • Engagement with Kāi Tahu, at operational and political levels, is regular and effective. • The Kāi Tahu ki Otago Natural Resource Management Plan 2005 and Resource Consent Protocol are implemented appropriately. • Cultural Impact Assessments are used to assess effects of land use change and development on cultural values, where Kāi Tahu considers this is appropriate. • Kāi Tahu is actively involved in a range of decision making fora including as hearings commissioners and on planning committees. • The wider Dunedin community is aware of, and understands Kāi Tahu's kaitiakitaka role. • Kāi Tahu is actively involved when the DCC plans and undertakes research in areas of mutual interest.
b. Built environment	
• The cumulative effects of land use change and development on wāhi tūpuna, wāhi taoka sites, mahika kai and indigenous biodiversity. • Loss of cultural associations with wāhi tūpuna. • Deteriorating water quality from stormwater and wastewater discharges. • Kāi Tahu presence in the urban environment and in urban design is very limited.	• Development is holistic in approach and: • Protects Kāi Tahu cultural values. • Protects wāhi tūpuna from inappropriate development. • Maintains and enhances water quality. • Treatment and disposal of wastewater and stormwater accords with Kāi Tahu values (land based treatment is preferred). • Consent conditions are monitored effectively. • Water quality is safeguarded through the 3 Waters Strategy. • Kāi Tahu culture and presence is visible in the built environment – through public art, information and urban design
c. Climate change	

Issues	Outcomes desired by Kāi Tahu
The Kāi Tahu communities of Puketeraki (Karitāne) and Ōtākou are at risk from natural hazards. Coastal erosion and rising sea levels could impact Kāi Tahu's relationship with land, the use of Māori land, and cultural values and uses of these areas.	• The special nature of Māori land with its multiple owners and ancestral connections is recognised when climate change adaptation measures and hazards controls are proposed. Cultural preferences are taken into account with regard to hazard mitigation and the maintenance of relationships with the land is facilitated. • The DCC recognises the constraints on Māori land when considering climate change measures.
d. Coast	
• Management of the land-sea interface is integrated and holistic. • Inappropriate land use and development affects wāhi taoka sites, wāhi tūpuna, mahika kai and kaimoana, and the relationship that Kāi Tahu has with these landscapes and resources. • Discharges from the urban environment impact on inlet and estuary health, on the coastal environment, and on kaimoana and taoka species. • Land development in upper catchments impacts on inlets, estuaries and the coast, including the effects of sedimentation on kaimoana and taoka species. • Loss of natural habitat affects indigenous marine species • Loss of access to wāhi taoka sites, and to mahika kai and kaimoana resources.	• The spiritual and cultural significance of the marine and coastal area to Kāi Tahu is provided for in the management of the coastal environment. • Adverse effects on Kāi Tahu values in the coastal environment caused by inappropriate coastal land use, subdivision and development are avoided. • Cross-jurisdictional integrated management occurs. • The cultural integrity of coastal landscapes and seascapes (wāhi tūpuna) is protected. • Te Tai o Arai Te Uru (the Otago coast) supports the full range of healthy ecosystems and species. • Access to culturally healthy mahika kai, taoka species, and sites of significance is maintained or enhanced. • The discharge of contaminants, including human waste to coastal waters, is reduced and ultimately ceases. • Kāi Tahu can safely access, gather and eat mahika kai and kaimoana • Estuaries support Kāi Tahu customs.
e. Ecosystems and indigenous biodiversity	
• Loss of indigenous biodiversity and habitat. • Sediment discharged to water affects water quality, and in turn mahika kai. The ability of Kāi Tahu to safely access, gather and eat mahika kai and kaimoana is compromised by poor water quality. • The ability to pass on mahika kai traditions to future generations is compromised.	• Indigenous plant and animal communities and the ecological processes that ensure their survival are recognised and protected to restore and improve indigenous biodiversity. • Habitats and the wider needs of mahika kai and kaimoana taoka species and other species of importance to Kāi Tahu are protected. • Mahika kai and kaimoana resources are healthy and abundant in Otago.
f. Energy	

Issues	Outcomes desired by Kāi Tahu
• The placement of infrastructure for producing and distributing energy can affect the relationship of Kāi Tahu with waterways and wāhi tūpuna. • Extractive uses and power generation affect natural seasonal flow regimes which can cause bank erosion, sedimentation and damage to wāhi taoka sites.	• The relationship between Kāi Tahu natural water bodies and water and the effects of energy generation on this relationship are taken into account in decisions on energy generation. • Efficient energy and water use is encouraged as part of new developments. • Wāhi tūpuna are protected from inappropriate placement of energy generation and distribution infrastructure. • The capacity of existing infrastructure is maximised before developments occur in new catchments.
g. Hazardous substances	
Discharges of hazardous substances affect land and water quality.	• Contaminants being discharged directly to water are reduced. • The management / disposal of hazardous waste is undertaken in accordance with Kāi Tahu values.
h. Infrastructure	
• Poorly planned and located infrastructure impacts on fresh and coastal water quality, wāhi tapu, wāhi tūpuna and indigenous biodiversity. • Inappropriately located telecommunications and energy infrastructure affects wāhi tūpuna, views from marae, and other significant landscapes and landforms.	• Contaminants being discharged directly or indirectly to water are reduced. • The range of landscape features of importance to Kāi Tahu, including wāhi tūpuna and view shafts, are protected from inappropriate development.
i. Land use	
• Papakāika housing planning provisions have been restrictive. • The utilisation of Māori land is constrained by policy that does not take into account the multi-ownership nature of the land. • Sea level rise and coastal erosion could affect the marae communities at Ōtākou and Karitāne.	• The use of Māori land by beneficial owners according to cultural preferences is supported and the maintenance of relationships with the land facilitated. • The relationship of Kāi Tahu with their ancestral land is recognised through the provision for Papakāika housing on general title land within the original native reserves. • The constraints on Māori land held under Te Ture Whenua Māori Act 1993 are recognised.
j. Minerals	

Issues	Outcomes desired by Kāi Tahu
• Historic and continuing loss of wāhi tapu sites and landscapes of significance from quarrying and earthworks. • The quarrying of Pukemakamaka and Turimakamaka (Saddle Hill), and Blackhead. • Loss of historical associations with Puke Makamaka and Turi Makamaka (Saddle Hill). Landscapes such as Saddle Hill no longer reflect the creation stories related to the taniwha traditions.	• Protection of wāhi tūpuna.
k. Natural hazards	
• Natural hazards and natural hazard mitigation activities can impact on values of importance to Kāi Tahu. • Erosion and deposition rates affects Kāi Tahu values in the coast, bays, hāpua (estuaries) and harbours.	• Kāi Tahu values are considered in natural hazard management and planning. • The waters of the Dunedin district are healthy and support Kāi Tahu customs.
l. Soil	
• Subdivision and development can cause sedimentation and erosion. • The importance of soil and its life-supporting capacity is often low priority in decision making.	• Human-induced soil erosion is avoided. • Life supporting capacity of soils is safeguarded.
m. Transportation	
• Limited public transport in rural areas affects rural Kāi Tahu communities and marae. • Stormwater discharges from urban roads can contain contaminants (hydrocarbons, heavy metals and wastewater from cross-connections).	• Access to transport (all modes) is equitable. • The fresh and coastal waters of the Dunedin district are healthy and support Kāi Tahu customs. • Contaminants being discharged directly or indirectly to water are reduced.
n. Wāhi Tāpu and Wāhi Taoka	

Issues	Outcomes desired by Kāi Tahu
- Archaeological sites are increasingly vulnerable to coastal erosion and sea level rise. - Wāhi tapu and wāhi taoka are modified or damaged by the direct and indirect effects of development, such as quarrying and earthworks. - Access to sites of cultural significance is impeded. - The general public lacks understanding of the statutory and non-statutory tools and processes for managing discoveries of taoka, accidental or otherwise. - The management of wāhi tapu and wāhi taoka lacks co-ordination and collaboration.	- Wāhi tapu and wāhi taoka are protected in a culturally appropriate manner. - Adverse effects on wāhi tapu and other sites of cultural heritage value as a result of inappropriate land-use, subdivision and development are avoided. - Wāhi tapu and wāhi taoka are given appropriate value in decision-making processes. - All sites of significance, including those not registered as Heritage New Zealand or New Zealand Archaeological Association sites are protected. - Kāi Tahu can access sites of cultural significance. - The general public has better access to information about statutory and non-statutory tools and processes for managing discoveries of taoka, accidental or otherwise.

1.3.3 Kāi Tahu ki Otago Natural Resource Management Plan

The Kāi Tahu ki Otago Natural Resource Management Plan 2005 is the principal resource management planning document for Kāi Tahu ki Otago, and recognises and provides for Kāi Tahu values. The kaupapa of the plan is 'Ki Uta ki Tai' (from the mountains to the sea), which reflects the holistic Kāi Tahu philosophy of integrated resource management. Council has had regard to this plan during preparation of the 2GP, to recognise and provide for Kāi Tahu values. **{PO cl.16}**

1.4 Outcomes Sought by Kāi Tahu¹

¹PO cl.16: As a clause 16 amendment, all text in this section has been moved to 1.3.2.4. Any amendments to provisions as a result of submissions are shown there.

1.4 Activities managed by this Plan (Nested Tables) (Notified as 1.6) {Was "Nested Tables" - PO cl.16}

Introduction {NH 457.36 and others}

The activities managed in this Plan reflect the responsibilities that Dunedin City Council holds as a territorial authority as provided under Section 31 of the RMA. {PO cl.16}

The 'nested tables' below group activities into a hierarchy of categories, sub-categories, activities, and sub-activities. The nested tables should be referred to alongside the relevant activity status table when determining the activity status of an activity. {NH 457.36 and others}

The nested tables in Section 1.6 are intended to be a complete list of activities. The activities within the tables are all defined. However, in some cases defined activities identify aspects of those activities that are not managed by this Plan either because they are managed through other statutory instruments or because they were considered to be highly unlikely to create effects that warranted management. These activities include:

- commercial advertising located within a building that is not visible from a public space outside the building;
- earthworks associated with the maintenance of sports fields, landscaping or gardens, existing farm tracks, private roads, private ways, dams, farmyards, drains, farm service areas, silage pits, and fences;
- filming associated with news coverage or any filming activity that does not have any associated development activity and involves no more than five people involved in the activity;
- irrigation races and open drains and stormwater detention basins; however, earthworks associated with these activities are subject to earthworks provisions;
- public display boards with a maximum area of all display faces of 2m² or less, and used exclusively by individuals, community groups or public bodies for advertising local activities, such as sale of second hand goods by individuals, and working from home activities, local community events, community notices, or public notices; and
- freedom camping. {NH 457.36 and others}

A proposal may include more than one type of activity. For example, building a house will generally include:

- a new standard residential activity (a land use activity);
- a new building (in the development activities category and buildings and structures sub-category);
- earthworks (a city-wide activity in the earthworks activity category);
- a new parking area for the dwelling (in the development activities category and site development activities sub-category); and
- construction (a city-wide activity in the temporary activities category). {NH 457.36 and others}

1.4.1 City-wide Activities

Public Amenities Category

Activities	Sub-activities
Public amenities	Public toilets
	Public artworks - small scale
	Public artworks - large scale
	Public display boards

Temporary Activities Category

Activities	Sub-activities
Construction	
Filming	Filming - small scale
	Filming - large scale
Mobile trading	
Military exercises	
Temporary disaster management accommodation	
Temporary events	Temporary events - small scale
	Temporary events - large scale
Temporary signs	Election signs
	Event promotion signs
	Temporary public notices
	Construction signs
	Real estate signs
Helicopter landings <u>movements</u> {TA 917.13}	

Network Utilities Utility {NU cl.16¹} Activities Category

Activity	Sub-activities
Operation, repair, minor upgrading {NU 457.4} and maintenance of existing network utilities	
Realignment, reconfiguration or relocation of existing network utilities {NU 457.4}	
Underground or internal network utilities	
Standby or temporary {NU 457.8} energy generators	
Substations {NU 915.17}	
Small-scale network utilities {NU 576.4}	Amateur radio configurations {NU cl.16 ¹ }
	Standby energy generators {NU 576.4}
	Network utility structures – small-scale {NU 576.4}
	Network utility poles and masts – small-scale {NU 576.4}
	Hydro generators – on-site energy generation {NU 308.122}
	Wind generators – on-site energy generation {NU 308.122}
	Solar panels – on-site energy generation {NU 308.122}
	Biomass generators – on-site energy generation {NU 308.137}
	Energy resource investigation devices {NU 308.122}
Large-scale network utilities {NU 576.4}	Network utility structures – large-scale {NU 576.4}
	Biomass generators – stand-alone {NU 308.468}
	Hydro generators – community scale {NU 308.462}
	Hydro generators – regional scale {NU 308.462}
	Solar panels – community scale {NU 308.462}
	Solar panels – regional scale {NU 308.462}
	Wind generators – community scale {NU 308.462}
	Wind generators – regional scale {NU 308.462}

Activity	Sub-activities
<u>Network utility structures – small scale {NU 576.4}</u>	<u>Network utility poles and masts – small scale {NU 576.4}</u>
	<u>Hydro generators – small scale {NU 308.122}</u>
	<u>Solar panels – small scale {NU 308.122}</u>
	<u>Wind generators – small scale {NU 308.122}</u>
<u>Network utility structures – large scale {NU 576.4}</u>	<u>Hydro generators – large scale {NU 308.462}</u>
	<u>Wind generators – large scale {NU 308.462}</u>
	<u>Solar panels - large scale {NU 308.462}</u>
<u>Irrigation races and open drains {NU cl.16}</u>	
<u>Stormwater detention basins {NU cl.16}</u>	

¹ **NU cl.16:** Under clause 16, this table has been reformatted: to remove “irrigation races and open drains” and “stormwater detention basins” (which are managed via earthworks provisions only); to remove “amateur radio configurations” (which are now treated as a type of network utility structure); to treat network utility poles and masts – small scale, hydro generators – small scale, wind generators – small scale and solar panels – small scale as sub-activities of network utility structures – small scale; and to treat hydro generators – large scale, wind generators – large scale and solar panels – large scale as sub-activities of network utility structures – large scale. These amendments do not result in substantive changes to the effect of provisions.

Transportation Activities Category

Activities	Sub-activities
Operation, repair and maintenance of the roading network	
New roads or additions or alterations to existing roads	
Passenger transportation hubs	
Heliports	

Scheduled Trees Activities Category {ST cl.16}

Activity
Removal of a scheduled tree that is: dead, in terminal decline or with extreme failure, or subject to a court order for removal
Modification of a scheduled tree
Removal and any other work on a scheduled tree that will lead to the death or terminal decline of a scheduled tree

Natural Hazard Mitigation Activities Category

Activity
<u>Natural</u> Hazard mitigation earthworks {HazMit cl.16}
<u>Natural</u> Hazard mitigation structures {HazMit cl.16}
Repair and maintenance of <u>natural</u> hazard mitigation earthworks features or <u>natural hazard mitigation</u> structures {HazMit cl.16}
Emergency natural hazard mitigation

Earthworks Activities Category {EW cl.16}

Activity	Sub Activities
Earthworks	Earthworks - small scale
	Earthworks - large scale

1.4.2 Land Use activities {Was "Activities in Management and Major Facility Zones" - PO cl.16}

Commercial Activities Category

Activities	Sub-activities
Ancillary licensed premises	
Commercial advertising	Tourism advertising
Conference, meeting and function	
Entertainment and exhibition	
Office	Registered health practitioners
	Training and education
	Veterinary services
	<u>Campus-affiliated office</u> {MF 308.5}
Restaurants	
Restaurant - drive through	

Activities	Sub-activities
Retail	Bulky goods retail
	Dairies
	Food and beverage retail
	General retail
	Trade related retail
	Yard based retail
Service stations	<u>Self-service fuel stations</u> {CP 634.32}
Stand-alone car parking	
Visitor accommodation	Campgrounds

Residential Activities Category

Activities	Sub-activities
Supported living facilities	Rest homes
	Retirement villages
	Student hostels
Standard residential	Papakāika
Working from home	

Community Activities Category

Activities	Sub-activities
Community and leisure	Community and leisure - small scale
	Community and leisure - large scale
Conservation	
Early childhood education	Early childhood education - small scale
	Early childhood education - large scale
Sport and recreation	Sport and recreation that involves motor vehicles

Industrial Activities Category

Activities	Sub-activities
Industry	Industrial ancillary tourism
	Rural industry
	<u>Rural contractor and transport depots (note that this activity is managed at two scales: rural contractor and transport depots – large scale and rural contractor and transport depots – small scale)</u> {RU 911.5}

Rural Activities Category

Activities	Sub-activities
Domestic animal boarding and breeding	
~~Factory farming~~ <u>Intensive farming</u> {RU 1090.3}	
Farming	
Forestry	
Grazing	
Landfills	
Mineral exploration	
Mineral prospecting	
Mining	
Rural ancillary retail	
Rural tourism	Rural tourism - small scale
	Rural tourism - large scale
Rural research	Rural research - small scale
	Rural research - large scale
<u>Scheduled mining activity</u> {CP 874.2 and others}	

Major Facility Activities Category

Activities	Sub-activities
Airport	
Campus	
Cemeteries	
Crematoriums	
Dunedin Botanic Garden	
Emergency services	
Hospital	
Invermay/Hercus	
Major recreation facility	
<u>New Zealand Marine Studies Centre</u> {MF 308.283}	
Port	

Activities	Sub-activities
Prisons or detention centres	
Schools	
Taieri Aerodrome	

1.4.3 Development activities {Confirmed for addition - PO cl.16}

Development Activities Category

Sub-categories	Activities	Sub-activities
Buildings and structures activities	Additions and alterations	Earthquake strengthening
		Restoration
		<u>Signs attached to or incorporated into buildings {PO cl.16}</u>
	Demolition	
	<u>New {PO cl.16}</u> Buildings	
	Removal for relocation	
	Repairs and maintenance	
	<u>New {PO cl.16}</u> Structures	Fences
		Retaining walls (for the purposes of rules that apply in heritage precincts only) {EW cl.16 ² }
		Freestanding signs
Site development activities	Earthworks {EW cl.16 ³ }	Earthworks – small scale {EW cl.16 ³ }
		Earthworks – large scale {EW cl.16 ³ }
	Outdoor storage	Service areas
	Parking, loading and access	Parking areas
	Storage and use of hazardous substances	
	<u>Tree planting Shelterbelts and small woodlots {RU cl.16}</u>	
	Vegetation clearance	Indigenous vegetation clearance (note that this activity is managed at two scales; indigenous vegetation clearance – large scale and indigenous vegetation clearance – small scale) {NatEnv cl.16 ⁴ }

¹ **PO cl.16:** Part of a suite of clarifications to better highlight that non-freestanding signs that are attached or incorporated into buildings are treated as a type of ‘additions and alterations’ in the Plan rules.

² **EW cl.16:** Retaining walls are generally managed through the Earthworks (Section 8A) provisions, and not as a sub-activity of structures. They are managed as structures in heritage precincts for the purposes of managing effects on heritage streetscape character.

³ **EW cl.16:** Earthworks activities are now being managed as a city-wide activity.

⁴ **Nat Env cl.16:** Indigenous vegetation clearance rules have been reformatted. Indigenous vegetation clearance that was exempt from the notified definition of “indigenous vegetation clearance”, or that was permitted under notified Rule 10.3.2.2 Maximum area of indigenous vegetation clearance, is now provided for as Indigenous Vegetation Clearance – Small Scale. Other indigenous vegetation clearance is now provided for as Indigenous Vegetation

Clearance – Large Scale. This does not change the effect of provisions.

1.4.4 Subdivision activities {Confirmed for addition - PO cl.16}

Subdivision Activities Category

Activities	Sub-activities
Cross lease, company lease and unit title subdivision	
General subdivision	

1.5 Definitions

1.5.1 Definitions

1.5.2 Other Definitions {Confirmed to be deleted - PO cl.16¹}

¹ **PO cl.16:** Section 1.5.2 Other Definitions has been merged into 1.5.1 Definitions.

A

Accessway

Any driveway, walkway or other means of access (sealed or unsealed) to and/or from any part of a road.

Accidental Discovery Protocol

A process to be followed if archaeological material is discovered during earthworks. See Appendix A8.

Adaptive Re-use

The upgrade, redevelopment or refurbishment of a building to allow for a complementary change in use, where the original purpose for which the building was constructed is no longer viable and the new use is sympathetic to the heritage values of the building.

Additions and Alterations

Changes to the external envelope (i.e. size) of a building or structure and signs attached to buildings and structures. **{PO cl.16¹, 239.2 and 308.357}**

For the purposes of rules that apply to protected parts of scheduled heritage buildings, scheduled heritage structures and character-contributing buildings, additions and alterations also include: **{PO 239.2, PO 308.357}**

- Any changes to the fabric, or **{PO 239.2 and 308.357}** characteristics, or size **{PO 239.2 and 308.357}** of a building or structure, including the removal or replacement of building components, and the attachment or construction of additional components, including building utilities, **{Her 360.17}** but not including network utility activities **{NU 576.2}; and**
- changes to the internal fabric or characteristics of scheduled heritage buildings where the interior features are protected. **{PO 239.2 and 308.357}**

For the purposes of the reflectivity performance standard that applies in landscape and coastal character overlay zones, this definition also includes any change to the light reflectance value (LRV) of exterior surfaces, including roofs. **{PO 239.2 and 308.357}**

For the purposes of the heritage provisions of this Plan, earthquake strengthening and restoration are managed as sub-activities of additions and alterations. Additions and alterations that are related to work required to comply with section 112 (Alterations) or section 115 (Change of use) of the Building Act 2004 are also treated differently in the policies and the assessment rules. **{PO cl.16³}**

This definition excludes:

- activities defined as repairs and maintenance or demolition.
- signs, for the purposes of heritage activity status provisions **{PO cl.16³}**

The following activities are managed as sub-activities of additions and alterations: **{PO cl.16}**

- earthquake strengthening **{PO cl.16}**

- restoration {PO cl.16}
- signs attached to or incorporated into buildings {PO cl.16}

Additions and alterations that are related to work required to comply with section 112 (Alterations) or section 115 (Change of use) of the Building Act 2004 are also treated differently in the policies and the assessment rules. {PO cl.16}

Additions and alterations are an activity in the buildings and structures sub-category, which is the development activities category. {PO cl.16}

¹ **PO cl.16:** Part of a suite of clarifications to better highlight that non-freestanding signs that are attached or incorporated into buildings are treated as a type of 'additions and alterations' in the Plan rules.

² **PO cl.16:** Information about the management of earthquake strengthening, restoration, and additions and alterations that are related to work required to comply with section 112 (Alterations) or section 115 (Change of use) of the Building Act, has been reformatted within the text of this definition. This does not change the effect of provisions.

³ **PO cl.16:** Due to a reformatting of provisions, this text has been deleted and the definition has been amended to indicate that signs attached to or incorporated into buildings are a sub-activity of 'additions and alterations'. This does not change the effect of provisions.

Aerials {confirmed for deletion - NU 576.5}

~~The part of a telecommunication facility that is used or intended for transmission or reception.~~

~~This definition includes: panel antennae, any aerial mountings, and incidental equipment such as: lightning protection, mast-head amplifiers, and remote radio units.~~

~~This definition excludes: dish antennae and supporting masts.~~

Airport

~~The use of land and buildings for any of the following aircraft operations and aircraft servicing, including: {PO cl.16}~~

- aircraft operations and aircraft servicing {PO cl.16}
- fuel storage
- customs and quarantine facilities
- temporary accommodation for air crews, training and airport related personnel
- training activities and facilities associated with the aeronautical industry; and
- any activities directly associated with the functioning of the airport, including offices for contractors and companies providing services to the airport.

Airport is an activity in the major facility activities category. {PO cl.16}

Allotment {Confirmed for addition - PO 860.9 and others}

1. An allotment is: {PO cl.16}
 - a. any parcel of land under the Land Transfer Act 1952/2017 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not: {PO 860.9 and others}
 - i. the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or {PO 860.9 and others}
 - ii. a subdivision consent for the subdivision shown on the survey plan has been granted under this

Act; or {PO 860.9 and others}

- b. any parcel of land or building or part of a building that is shown or identified separately: {PO 860.9 and others}
 - i. on a survey plan; or {PO 860.9 and others}
 - ii. on a licence within the meaning of Part 7A of the Land Transfer Act 1952/2017; or {PO 860.9 and others}
 - c. any unit on a unit plan; or {PO 860.9 and others}
 - d. any parcel of land not subject to the Land Transfer Act 1952/2017. {PO 860.9 and others}
2. An allotment that is:
- a. subject to the Land Transfer Act 1952/2017 and is comprised in one certificate of title or for which one certificate of title could be issued under that Act; or
 - b. not subject to that Act and was acquired by its owner under one instrument of conveyance
- shall be deemed to be a continuous area of land notwithstanding that part of it is physically separated from any other part by a road or in any other manner whatsoever, unless the division of the allotment into such parts has been allowed by a subdivision consent granted under this Act or by subdivision approval under any former enactment relating to the subdivision of land.
3. The balance of any land from which allotment is being or has been subdivided is deemed to be an allotment. {PO 860.9 and others}

Alluvial Fan {Confirmed for addition - NH 908.57}

A build-up of river or stream sediments which form a sloping landform where rivers or streams exit a valley, shaped like an open fan or a segment of a cone. {NH 908.57}

Amateur Radio Configurations

Aerials Antennas {NU 576.5}, dish-antenna {NU 576.6} and any associated support structures that are owned and operated by licensed amateur radio operators.

Amateur radio configurations are a sub-activity of small scale network utilities. {NU 576.4}

Ancillary

For the purposes of this Plan, an activity being "ancillary" means it is subordinate to and part of the operation of the primary activity identified. It is not a stand-alone activity that is operated outside of or distinctly apart from the operation of the primary activity.

Ancillary Licensed Premises

Activities that sell liquor alcohol. {PO cl.16}

For the purposes of this Plan, licensed premises are not a stand-alone activity and are always treated as secondary to another activity. Examples are:

- bottle shops fall under the definition of food and beverage retail
- bars fall under the definition of restaurant
- breweries that sell alcohol on-site fall under the definition of retail ancillary to industry
- home-based internet alcohol sales may fall under the definition of working from home or general retail

depending on the nature of the activity; and

- restaurants, dairies, visitor accommodation, sport and recreation activities are also common activities that may also be licensed premises.

Both the activity status and other rules for the underlying activity and for the ancillary licensed premises apply for an activity that involves alcohol sales.

Ancillary licensed premises are an activity in the commercial activities category. {PO cl.16}

Ancillary Signs

Signs relating to any permitted or lawfully established land use activity taking place on the site on which the sign is located, ~~including any temporary events held on the site;~~ **{PA cl.16}** that provides information about any of the following:

- the name of a business or activity operating on-site
- the street address
- information about the nature or operation of the business including: opening hours and contact details
- any temporary events held on the site; and {PA cl.16}
- information on types of goods sold or services provided, including current special promotions or events.

Information on types of goods sold does not include Ancillary signs do not provide for generic product advertising signs that have a display face greater than 1m² in the Recreation Zone or 2m² in all other locations (Note: this size may not be able to be achieved in all circumstances as performance standards for ancillary signs may prescribe a smaller maximum sign area). of goods sold on-site, except for: {PA cl.16}

- in the Recreation Zone, those that have a maximum area per display face of 1m² **{PA cl.16}**
- in the Residential Zone where ancillary to dairies, those that have a maximum area per display face of 2m²; and **{PA cl.16}**
- in all other zones, those that have a maximum area per display face of 2m²: **{PA cl.16}**

For the sake of clarity, signs that advertise goods or services that do not meet the definition of ancillary signs or temporary signs are managed as a separate land use activity - commercial advertising. {PO. cl.16}

¹ **PA cl.16:** amended to clarify the relationship between these maximums and those provided for in the Number, location and design of ancillary signs performance standards.

Animal feedlot

A covered or uncovered standing area for the primary purpose of intensive feeding of livestock on food other than pasture grasses.

Antenna {Confirmed for addition - NU 576.5 and others}

A device that receives or transmits radiocommunication or telecommunication signals.

For the sake of clarity, this includes:

- any mount to attach the device to network utility poles and masts, buildings or structures; and
- any shroud and any incidental equipment such as: lightning protection; mast-head amplifiers; and remote radio units.

This definition excludes activities otherwise defined as network utility poles and masts.

Approved Containers

Containers approved to Environmental Risk Management Authority (ERMA) specifications.

Ara tawhito

Ancient trails.

Archaeological site

Any place in New Zealand, including any building or structure (or part of a building or structure), that:

- 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
- provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand.

This definition includes a site for which a declaration is made under section 43(1) of the Heritage New Zealand Pouhere Taonga Act 2014.

Architectural features and details

Decorative and defining elements of a building. Examples are including {PO cl.16}:

- columns
- brackets
- windows and doors
- relief detailing
- verandah's verandahs {PO cl.16} and posts
- entranceway features
- construction materials; and
- motifs and friezes.

Area of Significant Biodiversity Value {was "Scheduled Area of Significant Conservation Value" - NatEnv 958.60}

Any area listed in Appendix A1.2 Schedule of Areas of Significant Biodiversity Value on the Area of Significant Conservation Value (ASCV) Schedule A1.2 {NatEnv 958.60}.

Arterial Road {Confirmed for addition - Trans cl.16}

A road classified as arterial road within the Road Classification Hierarchy mapped area shown on the Planning Map.

B

Best Arboricultural Practice

Work undertaken by a suitably qualified arborist in accordance with the Best Practice Guidelines by the New Zealand Arboricultural Association Incorporated.

Biodiversity

The variability among living organisms, and the ecological complexes of which they are a part, including diversity within species, between species, and of ecosystems. {NatEnv 690.2}

Biodiversity Offset {Confirmed for addition - NatEnv 949.1}

A method that involves measuring biodiversity values and compensating for residual loss in biodiversity values on-site with an equivalent or greater gain ('no net loss') in biodiversity values elsewhere. {NatEnv 949.1}

Biodiversity Values {Confirmed for addition - NatEnv 958.60}

The intrinsic values, and value to the community, of indigenous biota and indigenous or mixed habitats and ecosystems that support indigenous biota.

For the sake of clarity, effects on biodiversity values include effects on the health of the indigenous or mixed habitats and ecosystems that support indigenous biota, as well as effects on the indigenous biota themselves. {NatEnv 958.60}

Biomass Generators {Confirmed for deletion - NU 308.137 and 308.468}

Renewable energy generators that generate energy through the use of biomass resources. {NU 308.137 and 308.468}

Biomass Generators - On-site Energy Generation {Confirmed for deletion - NU 308.137}

Renewable energy generators that generate energy through the use of biomass resources and that are used for the supply of electricity, heating or cooling to a land use activity on the same site. This definition provides for excess energy to be fed into the grid as long as the device is primarily for the supply of on-site needs. {NU 308.137}

Biomass generators – on-site energy generation are a sub-activity of small scale network utilities. {NU 308.137}

Biomass Generators - Stand-alone {Confirmed for deletion - NU 308.468}

Biomass generators that do not meet the definition of biomass generators – on-site energy generation. {NU 308.468}

Boarding House

A residential activity where individual sleeping quarters are rented to boarders or lodgers, and facilities are provided for communal use by tenants. In some cases, services may be provided in the form of meals, cleaning or laundry services.

This definition excludes any activities defined as supported living facilities.

Building

A structure that includes a roof that is, or could be, fully or partially enclosed with walls. The definition of building includes the parts of buildings defined as building utilities and rooftop structures. {NU cl.16}

Buildings

The development activity which includes a new {PO cl.16} building that is permanently fixed to the land and over 10m².

This definition only applies to "buildings" as an activity in the development category. It does not cover any other use

of the word "building", which should rely on the broader definition for "building" (singular), ~~provided in Section 1.5.2 (Other Definitions).~~ **{PO cl.16}**

For the sake of clarity, this definition includes newly constructed buildings and buildings relocated to, or within, a site. **{Res 1035.1}**

Buildings are an activity in the buildings and structures sub-category, which is in the development activities category. **{PO cl.16}**

Buildings and structures activities

The sub-category of activities that consists of includes **{PO cl.16}**:

- buildings
- structures
- additions and alterations
- removal for relocation
- demolition; and
- repairs and maintenance.

~~Buildings and structures activities is a sub-category of development.~~ **{PO cl.16}**

Buildings and structures activities are a sub-category in the development activities category. **{PO cl.16}**

Building Site Coverage

The part of a site covered by buildings.

Building Utilities

Utility structures attached to buildings that form part of heating, cooling, electricity generation, **{NU 308.137}** cooking, hot or cold water, wastewater, telecommunication, or radio-communication reception systems for the building. ~~These include~~ Examples are **{NU cl.16}**:

- heat pumps, air conditioning, and ventilation units
- ~~roof-mounted solar panels mounted to the building including those that supply excess electricity to the network~~ **{NU 764.1}** or wind turbines **{NU 743.17}**
- roof-mounted water (pressure) tanks
- gas bottles
- antennas, aërials, **{NU 576.5}** and satellite dishes; and
- pipes.

~~Building utilities do not include any structures associated with network utilities activities, including radio transmission systems~~ the following structures, which are provided for as network utility activities: **{NU cl.16}**

- amateur radio configurations **{NU cl.16}**
- roof-mounted wind turbines **{NU cl.16}**
- underground and internal utilities; and **{NU cl.16}**
- network utility connections. **{NU 576.2}**

Bulky Goods Retail

Retail where the predominant items sold or hired are bulky goods. Bulky goods are limited to furniture, whiteware, and large electronic goods. ~~To be included in this definition, at least 90% of product display floor area must be bulky goods.~~ **{CMU 211.2}**

This definition excludes retail activity in the form of department stores, which are defined as general retail.

Bulky goods retail is a sub-activity of retail.

C

Campgrounds

The use of land and buildings for the purpose of providing visitor accommodation primarily in the form of tent, caravan, or campervan sites, but may also include visitor accommodation units.

This definition excludes freedom camping which is managed through a DCC by-law.

Campgrounds are as **{PO cl.16}** a sub-activity of visitor accommodation.

Campus

The use of land and buildings by the University of Otago or the Otago Polytechnic, in the Campus Zone, for the provision of teaching, training, learning, and research; ~~and any ancillary activities associated with the functioning of these institutions, including . For the sake of clarity, this includes~~ **{MF 308.5}**:

- laboratories **{MF 308.5}**
- libraries **{MF 308.5}**
- joint-venture facilities **{MF 308.5}**
- administrative services **{MF 308.5}**
- staff and student facilities, including student and staff employment, health and well-being **{MF 308.5}** support services, student union offices, student and staff clubs and organisations
- activities shared with the Dunedin Hospital **{MF 308.5}**
- administration activities **{MF 308.5}**
- amenities for staff and students that would otherwise meet the definition of public amenities; and **{PA 308.9}**
- any temporary activities that otherwise meet this definition. **{TA 308.495 and others}**

Campus is an activity in the major facility activities category. **{PO cl.16}**

Campus-affiliated office {Confirmed for addition - MF 308.5}

Office activity based on or supporting the research, development or innovation activities of the University of Otago, Otago Polytechnic, Dunedin Hospital or Otago Museum staff or students. **{MF 308.5}**

Campus-affiliated office is a sub-activity of office. **{PO cl.16}**

Carriageway

The formed section of road between kerb and channel on sealed roads, or between the outer edge-line of unsealed shoulders on unsealed roads, constructed principally for the carriage of vehicles and/or cycles.

Cemeteries

The use of land and buildings for the burial of the dead.

Cemeteries are an activity in the major facility activities category. {PO cl.16}

Centres

Principal, Suburban, Rural, Neighbourhood, Neighbourhood Convenience and Neighbourhood Destination centres zones {CMU cl.16}.

Character-contributing buildings

Buildings identified as character-contributing buildings in Schedule Appendix {PO cl.16} A1.1

Cliff

A slope with an average angle of over 63° (1:2 horizontal to vertical ratio, or 200% grade) and a minimum height of 9m.

Closely Similar

In relation to repairs and maintenance and restoration of heritage items, very similar, but not identical to.

Examples are For example {PO cl.16}:

- the use of long run roofing iron in place of short run iron roofing
- small changes in size or scale due to the use of metric measurements rather than imperial measurements that are not visually obvious
- the use of imported or renewable timber where native timber cannot be sourced; and
- the use of lightweight concrete in place of masonry.

Collector Road {Confirmed for addition - Trans cl.16}

A road classified as collector road within the Road Classification Hierarchy mapped area shown on the Planning Map. {Trans cl.16}

Commercial Activities

The category of land use activities that consists of includes {PO cl.16}:

- ancillary licensed premises
- commercial advertising
- conference, meeting and function
- entertainment and exhibition
- office
- restaurants
- restaurant - drive through

- retail
- service stations
- stand-alone car parking; and
- visitor accommodation.

For the sake of clarity, definitions in the commercial activities category include all normal parts of that activity, for example warehousing, staff offices and facilities, even when those activities might on their own meet another activity definition. {CMU 713.3}

Commercial Advertising

The use of land, buildings or structures for the advertising of goods and services that are not sold or provided on the site on which the sign is located, or other advertising of products and/or services that does not meet the definition of an ancillary sign. For the sake of clarity, {PO cl.16} this includes mobile signs displayed on a vehicle or trailer parked with the primary purpose of displaying the sign rather than for transport. This definition excludes ~~does not include~~ {PO cl.16}

- commercial advertising located within a building that is not visible from a public space outside the building, which is not managed by this Plan; and {PO cl.16}
- signs that are managed as temporary signs. {PA cl.16}

Tourism advertising is managed as a sub-activity of commercial advertising. {PO cl.16}

Commercial advertising is an activity in the commercial activities category. {PO cl.16}

Commercial Centre Street {Confirmed for addition - Trans cl.16}

A road classified as commercial centre street within the **Road Classification Hierarchy mapped area** shown on the Planning Map. {Trans cl.16}

Commercial Sponsorship Signs

Any sign erected by a business or organisation that is sponsoring an event or a team, which is located within a sports ground or facility.

Community Activities

The category of land use activities that includes consists of {PO cl.16} :

- community and leisure
- conservation
- early childhood education; and
- sport and recreation.

Community and Leisure

The use of land and buildings for the purpose of social gathering, worship, community support, non-competitive informal recreation, or leisure activities. These activities are generally not-for-profit and/or may make use of space in an existing building.

Examples are:

- churches

- community halls
- after school care and holiday programmes
- Plunket
- playgroups
- Scouts, Girl Guides, Brownies
- community gardens
- game and hobby clubs
- libraries
- marae-related activities; and
- funeral service providers.

~~Community and leisure activities are managed at two different scales – small scale and large scale. {PO cl.16}~~

This definition excludes activities otherwise defined as office activities {PO cl.16}, schools, early childhood education, and sport and recreation.

The following activities are managed as sub-activities of community and leisure: {PO cl.16}

- community and leisure - large scale; and {PO cl.16}
- community and leisure - small scale. {PO cl.16}

Community and leisure is an activity in the community activities category. {PO cl.16}

Community and Leisure - Large Scale

~~Community and leisure that exceeds an the attendance rate of people at any one time or, for a maximum of 10 days per calendar year, an attendance rate of 50 or more people at any one time of Community and Leisure - small scale. {Rec 557.2 }~~

Community and leisure - large scale is a sub-activity of community and leisure. {PO cl.16}

Community and Leisure - Small Scale

~~Community and leisure that does not exceed an attendance rate of 25 50 people at any one time or, except for a maximum of 10 days per calendar year, where the attendance rate does not exceed 100 an attendance rate of up to 50 people at any one time. {Rec 557.2 }~~

Community and leisure - small scale is a sub-activity of community and leisure. {PO cl.16}

Community Garden

An area of land cultivated collectively by a group of people for personal use, and not for commercial gain.

Community Notices

A notice displayed by an individual member of the public or a community group in relation to events or items for sale that are not part of, or related to commercial activity activities {PO cl.16}.

Community Scale Energy Generation {Confirmed for deletion - NU 308.122}

Energy generation that is of a scale that generally provides for micro-generation to a group of individuals, a small business, or a small community to meet their own needs, which may be part of distributed generation.

There are 3 activities defined as and managed as community scale energy generation:

- wind generators – community scale
- hydro generators – community scale
- solar panels – community scale.

Communal Outdoor Gathering Area

Outdoor area provided in a supported living facility, visitor accommodation or sport and recreation facility, for the purposes of social gathering and communal events for residents, visitors or patrons.

Conference, Meeting and Function

The use of land and buildings for the purposes of holding organised conferences, seminars and meetings, or as a venue that is hired for weddings or other functions.

This definition excludes activities otherwise defined as entertainment and exhibition, community and leisure (which includes and churches and community halls), which are included in the definition of community and leisure {Rec cl.16} and sport and recreation. {Rec 557.4 }

Conference, meeting and function is an activity in the commercial activities category. {PO cl.16}

Conservation

The use of land for the establishment, maintenance or enhancement of indigenous vegetation and/or habitat for indigenous fauna.

Examples of component activities of conservation are:

- restoration planting
- pest and weed control
- track construction and maintenance; and
- fencing.

Conservation is an activity in the community activities category. {PO cl.16}

Construction

The use of plant, tools, gear or materials as part of the erection, installation, repair, maintenance, alteration, dismantling or demolition of any building or structure; or site development. This definition includes all work from site preparation to site restoration.

This definition does not include any resultant buildings, structures or site development activities (including demolition or removal for relocation), which are separately defined under development activities or city-wide activities.

Construction is an activity in the temporary activities category. {PO cl.16}

Construction Signs

A sign erected on a construction site to provide information to the public about the construction project. This For the sake of clarity, this {PO cl.16} includes companies involved with providing services or products for the project, or safety warnings or notices.

This definition excludes real estate signs.

Construction signs are a sub-activity of temporary signs. {PO cl.16}

Council

For the purposes of this Plan, Council refers to the Dunedin City Council as the consent authority in terms of the Resource Management Act 1991.

Crematoriums

The use of land and buildings for the reduction to ashes of dead bodies by burning.

The definition of crematorium excludes the provision of funeral services which are defined as community and leisure.

Crematoriums are an activity in the major facility activities category. {PO cl.16}

Cross Lease, Company Lease and Unit Title Subdivision

The division of a site by way of a:

- cross lease - lease of a building or part of a building, granted by any owner of the land, and held by any person who has an estate or interest in an undivided share of the land
- company lease - lease of a building or part of a building, granted by a company owning or having a registered interest to the land, and held by a person having virtue of being a shareholder in the company. This included a license within the meaning of section 121A of the Land Transfer Act 1952; and
- unit title - land consisting of a space of any shape situated below, on or above the surface of the land, all the dimensions of which are limited, and that is designed for separate ownership.

Cross lease, company lease and unit title subdivision is an activity in the subdivision activities category. {PO cl.16}

Cycleway

A special road, route, or path intended for use by cyclists from which vehicles and pedestrians are generally {Trans 881.7} excluded.

Customary

For the purposes of the Manawhenua provisions, customary means in accordance with custom or usual habitual practice. Customs, or customary uses, may include those involving uninterrupted use and occupation.

Customer-facing

Activities designed so customers can 'walk-in' to purchase goods and/or services, including entertainment and exhibition activities that are open to the public.

Examples include are {PO cl.16}:

- shops (retail)
- restaurants

- museums; and
- galleries.

D

Dairies

A shop serving a local neighbourhood, which primarily sells milk, bread, beverages {PO cl.16} and other day-to-day convenience food; but which may also include the beverage {PO cl.16} sales of lottery tickets {CMU 877.38} and household consumables.

Dairies are a sub-activity of retail.

Default zone

The zone to which a major facility zone may transition in accordance with plan rules. Default zones are listed in Appendix A9.

Demolition

The complete or partial destruction of a building or structure.

Demolition is an activity in the building and structures sub-category, which is in the development activities category. {PO cl.16}

Descendant of an original grantee

Descendant of an original grantee means a blood or adopted descendant of one of the original individuals in whom the particular reserve in which the papakāika is proposed, was vested.

Note: original ownership lists can be obtained from the Māori Land Court.

Development Activities

The category of activities that includes the sub-categories of:

- buildings and structures activities; and
- site development activities.

Directional signs {Confirmed for addition - CMU 271.18}

Signs that identify the location of routes, entrances, or direction and/or distance to destinations. {CMU 271.18}

Dish Antenna {Confirmed for deletion - NU 576.6 and others}

~~Any satellite dish or microwave dish, including the mounting of the dish, but not any support mast. {NU 576.6 and others}~~

Display Face

The entire area within a notional perimeter enclosing the extreme limits of lettering, framework, emblem or logo, together with any material or colour forming an integral part of the sign or used to differentiate such a sign from the background against which it is placed.

Domestic Animal Boarding and Breeding

The use of land and buildings for the boarding and/or commercial breeding of cats and/or dogs. For the sake of clarity, commercial breeding refers to more than one breeding pair of dogs or cats domiciled at the site. One

breeding pair of dogs and/or cats is a working from home activity.

Domestic animal boarding and breeding is an activity in the rural activities category. {PO cl.16}

Drain {Confirmed for addition - EW 919.4 and others}

Artificial channel or subsurface conduit (e.g. mole drain, tile drain or drainage tunnel) constructed to either lower the water table or divert water, excluding a water race. {EW 919.4 and others}

Dripline

The area under a tree canopy defined by the outer circumference of the tree's branches, where water drips from the tree branches onto the ground (refer to Figure 7.5A).

Driveways

A constructed accessway on a site ~~{Trans cl.16}~~ that provides vehicular access to residential activities or other ~~{Trans cl.16}~~ urban uses. This For the sake of clarity, this {PO cl.16} includes access legs, private ways, and service lanes.

Dunedin Botanic Garden

The use of land and buildings at the Dunedin Botanic Garden for the primary ~~{PO cl.16}~~ purpose of establishment, care and maintenance of amenity and conservation plantings and aviary facilities, including: ~~{PO cl.16}~~.

- ~~vegetation removal, planting and propagation {PO cl.16}~~
- ~~conservation {PO cl.16}~~
- ~~ancillary education and entertainment activities; and {PO cl.16}~~

For the sake of clarity, this includes {PO cl.16} any ancillary activities directly associated with the functioning of the activity, including such as {PO cl.16} administration facilities.

Dunedin Botanic Garden is an activity in the major facility activities category. {PO cl.16}

E

Early Childhood Education

A place or premises used for the care, education and welfare of children of pre-school age ~~and includes any creche, Kōhanga Reo, day care, kindergarten, or play centre {PO cl.16}~~, where children can be left in the care of others.

Examples are: {PO cl.16}

- crèche {PO cl.16}
- Kōhanga Reo {PO cl.16}
- day care {PO cl.16}
- kindergarten; and {PO cl.16}
- play centre. {PO cl.16}

Early childhood education is managed at two different scales – small scale and large scale. {PO cl.16}

This definition excludes:

- home-based early childhood education and childcare for five or less fewer {PO cl.16} children, ~~that meets which is provided for under {PO cl.16}~~ the definition of working from home; and

- Plunket and play groups, which are provided for under the definition of **{PO cl.16}** a community and leisure activity.

The following activities are managed as sub-activities of early childhood education: **{PO cl.16}**

- early childhood education – large scale; and **{PO cl.16}**
- early childhood education – small scale. **{PO cl.16}**

Early childhood education is an activity in the community activities category. **{PO cl.16}**

Early Childhood Education - Large Scale

Early childhood education that has a licence for more than 50 35 **{Res 394.61}** children.

Early childhood education – large scale is a sub-activity of early childhood education. **{PO cl.16}**

Early Childhood Education - Small Scale

Early childhood education that has a licence for no more than 50 35 **{Res 394.62}** children.

Early childhood education – small scale is a sub-activity of early childhood education. **{PO cl.16}**

Earthquake Strengthening

Work undertaken to improve the seismic performance of a building or structure, including strengthening or replacing elevated features on a façade or roof.

Earthquake strengthening is a sub-activity of additions and alterations.

Earthworks

The disturbance and alteration of the land surfaces by the re-contouring of land and/or the excavation or deposition of materials including clean fill, soil, or rock.

This definition excludes:

- earthworks associated with cultivation, harvesting **{EW 1090.2}** and tilling, which is are **{PO cl.16}** included as part of the definition of farming
- earthworks associated with quarrying or mining, which is are **{PO cl.16}** included as part of the definition of mining
- vegetation clearance that is associated with earthworks, which is included as part of the definition of vegetation clearance
- earthworks associated with the maintenance of: sports fields, landscaping or gardens, farm tracks, private roads, private ways, dams, farmyards, drains, farm service areas, silage pits, and fences **{EW 919.4 and others}**; which are not managed by the Plan; and **{RU cl.16}**
- earthworks that meet the definition of natural hazard mitigation earthworks. **{PO cl.16}**

The following activities are managed as sub-activities of earthworks: **{PO cl.16}**

- earthworks – large scale; and **{PO cl.16}**
- earthworks – small scale. **{PO cl.16}**

Earthworks are an activity in the earthworks activities category. {PO cl.16}

Earthworks Activities {Confirmed for addition - EW cl.16}

The category of activities that consists of earthworks (including earthworks - large scale and earthworks - small scale, which are sub-activities of earthworks. {EW cl.16}

Earthworks ancillary to forestry

~~Earthworks, including those associated with the construction and maintenance of roads, firebreaks, processing areas, landings, tracks, and quarries, undertaken within a part of a site that is or will be planted in trees as part of a lawfully established forestry activity, or that are directly adjacent (within 20 metres) to the areas planted in trees.~~
{EW cl.16'}

~~This definition does not include earthworks associated with forestry that are not within these areas, including roads leading to and from forests.~~ **{EW cl.16'}**

¹ **EW cl.16:** Earthworks ancillary to forestry has been incorporated in the definition of 'Forestry' as these earthworks are now a permitted activity under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

Earthworks ancillary to network utilities activities {Confirmed for deletion - NU 576.9}

~~Earthworks required for the operation, repair and maintenance of existing network utilities activities, or the construction of new network utilities. This activity does not include earthworks associated with roading leading to and from utilities {NU 576.9}~~

Earthworks - large scale

~~Earthworks that exceed do not meet {PO cl.16} the scale thresholds for earthworks - small scale thresholds performance standards as set out in management and major facilities zones' earthworks performance standards {PO cl.16}.~~

Earthworks – large scale are a sub-activity of earthworks. {EW cl.16}

Earthworks - small scale

Include:

- ~~Post holes for the erection of fences {EW cl.16'}~~
- ~~Post holes for permitted or approved buildings or signs {EW cl.16'}~~
- ~~Driving of piles for building foundations; and {EW cl.16'}~~

~~Earthworks that meet the scale thresholds for earthworks - small scale thresholds performance standards as set out in the earthworks performance standards in the management and major facilities zones {EW cl.16}.~~

Earthworks – small scale are a sub-activity of earthworks. {PO cl.16}

¹ **EW cl.16:** Moved to Rule 8A.5.1.1 Earthworks – small scale thresholds. Any amendments to provisions as a result of submissions are shown there.

Election Signs

A sign erected for a local body election by a candidate or group of candidates, or for parliamentary elections by any

registered political party, independent or non-party affiliated candidate contesting a general election, by-election, or referendum.

Election signs are a sub-activity of temporary signs. {PO cl.16}

Electrical distribution structures {NU 915.17}

Cabinets or other structures containing equipment for the control and/or transformation of electricity, which have a maximum nominal operating voltage and energy transfer of 22kV and 3MVA respectively. {NU 915.17}

Elevated Features

Architectural elements of a building that project above the roofline independent of the main structure of the building. Examples include are {PO cl.16}: parapets, chimneys and finials.

Emergency Natural Hazard Mitigation

Temporary emergency defences against an imminent risk from a natural hazard that is a threat to safety or property undertaken during a natural hazard event, which include Examples are {PO cl.16}:

- sand bagging; and
- beach sand replenishment.

Emergency natural hazard mitigation is an activity in the natural hazard mitigation activities category. {PO cl.16}

Emergency Services

The use of land and buildings by those authorities responsible for the safety and welfare of people and property in the community.

Including Examples are {PO cl.16}:

- fire stations
- ambulance stations
- police stations
- civil defence; and
- search and rescue.

Emergency services are an activity in the major facility activities category. {PO cl.16}

Energy Resource Investigation Devices

A device required to investigate the extent of an energy resource and/or to assess the suitability of a site for the generation of electricity from an energy resource.

~~Energy resource investigation devices are a sub-activity of small scale network utilities. {NU 576.4}~~

Entertainment and Exhibition

The use of land and buildings for the primary purpose of cultural, entertainment, or exhibition activities, including. For the sake of clarity, this includes {PO cl.16} ancillary office facilities, ticket sales, retail, and restaurants activities {PO cl.16}.

Examples are:

- museums
- theatres
- public art galleries
- casinos
- cinemas
- music venues; and
- interpretation centres that are not otherwise defined as rural tourism, including garden-based tourism.

This definition excludes:

- rural tourism
- industrial ancillary tourism
- sport and recreation
- conference, meeting and function; and
- temporary events.

Entertainment and exhibition is an activity in the commercial activities category. {PO cl.16}

Esplanade Reserve

A reserve within the meaning of the Reserves Act 1977 which is vested in a territorial authority under section 239, and is either:

- a local purpose reserve within the meaning of section 23 of that Act, if vested in the territorial authority under section 239; or
- a reserve vested in the Crown or a regional council under section 237D.

Esplanade Strip

A strip of land created by the registration of an instrument in accordance with section 229 of the Resource Management Act 1991 for a purpose or purposes set in section 229 of the Resource Management Act 1991.

Event Promotion Signs

A sign advertising a temporary event or an event of a temporary nature at an entertainment and exhibition, conference, meeting and function, major recreation facility, or sports and recreation venue.

This definition excludes promotion of events associated with a retail activity and movies, which is provided for under the definition of commercial advertising {PO cl.16}.

Event promotion signs are a sub-activity of temporary signs. {PO cl.16}

Extremely Unlikely

For the purpose of the natural hazards provisions, extremely unlikely means an event that has a chance of, at most, one in 2,500 of occurring in any given year. This can be expressed as an average return period of more than 2,500 years, or as an Annual Exceedance Probability of 0.0004 (0.04%) or less.

F

Fabric

The physical material of any building, structure or site, including subsurface material, structures, interior and exterior surfaces, fixtures and fittings.

Façade

The part of a building facing onto any public place.

Family Flats

A secondary residential unit occupied by a person or persons related to dependent on or, in the rural zones, employed by, the household that lives in the primary residential unit **{PO cl.16}** that is ancillary to a primary residential activity **{PO cl.16}** on the same site. To be considered a family flat, the residential unit must be **{PO cl.16}**:

- within the same site as the primary residential unit **{PO cl.16}**
- on the same available water and waste infrastructure connection, or the same non-reticulated wastewater disposal system **{PO cl.16}**
- on the same household electricity account **{PO 876.1}**
- share the same vehicle access as the primary residential unit. **{PO 876.1}**

This definition excludes sleep outs.

¹ **PO cl.16:** As a clause 16 amendment this has been moved to new family flats performance standards.

Farming

The use of land and buildings for the purpose of the commercial production of vegetative matter or livestock.

For the sake of clarity, this also **{PO cl.16}** includes:

- on-farm extraction and processing of aggregate for the sole purpose of constructing and maintaining access within the property
- earthworks associated with cultivation, harvesting and tilling **{EW 1090.2}**
- the processing of animals or plants, or the produce of animals or plants, that are grown on the property
- farm landfills, offal pits, silage pits and silage stacks (note these are still subject to earthworks - small scale thresholds); and **{RU cl.16}**.
- the take-off or landing of fixed-wing aircraft undertaking operations as part of farming on rural airstrips and landing areas. **{RU 1090.4}**

This definition excludes activities which otherwise meet the definition of **{PO cl.16}** factory farming intensive farming **{RU 1090.3}**, domestic animal boarding and breeding, rural ancillary retail, forestry, helicopter movements **{RU 1090.4}** or and activities defined as **{PO cl.16}** earthworks.

Farming is an activity in the rural activities category. **{PO cl.16}**

Farm Landfill

A landfill situated on a farm in which only the disposal of waste generated from the farming activity on that property takes place.

Fences

A barrier, railing, or other upright structure, typically of wood or wire, normally used for controlling access to an area of ground or to mark a boundary. For the sake of clarity, this definition {PO cl.16} includes gates that are part of or incidental to a fence.

Fences are a sub-activity of structures. {PO cl.16}

Filming

The temporary use of land or buildings for the purposes of commercial filming or photography. This definition For the sake of clarity, this {PO cl.16} includes temporary buildings, structures, or site development activities {PO cl.16} associated with the filming.

This definition excludes filming associated with news coverage or any filming activity that does not have any associated development activity and involves no more than five people involved in the activity, which are not managed under this District Plan.

Filming activities are managed at two different scales – small and large scale. {PO cl.16}

The following activities are managed as sub-activities of filming: {PO cl.16}

- filming – large scale; and {PO cl.16}
- filming – small scale. {PO cl.16}

Filming is an activity in the temporary activities category. {PO cl.16}

Filming - Large Scale

Filming that exceeds the scale thresholds for filming - small scale.

Filming - large scale is a sub-activity of filming. {PO cl.16}

Filming - Small Scale

Filming that does not exceed either of the following thresholds:

- a maximum duration (including site preparation and site clean-up and restoration) of 30 days within a 12 month period; or
- an average of 50 vehicle movements per day and no more than 100 vehicle movements generated per day.

Filming - small scale is a sub-activity of filming. {PO cl.16}

Finished Ground Level {Confirmed for addition - EW 634.26}

The level of the ground after all works are completed, including the level of the ground adjoining any structure or building that is set into the ground e.g. a utility pole. {EW 634.26 }

Fixed (Stationary) Noise Sources

For the purpose of military exercises, ~~includes~~ means **{PO cl.16}** noises from:

- power generation
- heating
- ventilation or air condition systems; and
- water or wastewater pumping/treatment systems.

This definition excludes firing of weapons and use of explosives.

Flash Point

In relation to any substance, means the lowest temperature at which the substance, when tested in a prescribed type of apparatus, liberates vapour at a rate sufficient to produce an explosive mixture with the air that is in immediate contact with the substance.

Food and Beverage Retail

The use of land and buildings primarily **{CMU 887.38}** for the sale of food products, including meat, fish, fruits and vegetables, processed foods, and baked goods ~~but which may also include:~~ ~~This definition includes ancillary~~ **{PO cl. 16}** sales of household consumables and lottery tickets **{CMU 887.38}**, on-site bakeries and other food preparation facilities, and the sale of pre-prepared meals from a deli counter (but excludes on-site cafés or other restaurant facilities).

Examples are:

- supermarkets
- butchers; and
- greengrocers.

Food and beverage retail is a sub-activity of retail.

Footprint **{Confirmed for addition - PO cl.16¹}**

The area of ground covered by a building or structure, measured from the external side of walls or external surfaces and excluding any eaves or spouting. **{PO cl.16¹}**

¹ **PO cl.16:** Footprint is defined to improve plan clarity as a minor and inconsequential amendment.

Forestry

The use of land and buildings for the purpose of growing trees for commercial timber, wood pulp, wood products, or for use as a carbon sink.

For the sake of clarity, this includes all of the following ~~Examples of component activities are~~ **{PO cl.16}**:

- preparation of land for planting of trees
- planting of trees
- tending of trees
- harvesting of trees
- the use of portable sawmills

- the sale of firewood produced from the property
- replanting of trees
- earthworks for the construction, maintenance and upgrade of forestry roads, forestry tracks, landings and river crossing, and cut and fill operations {EW cl. 16}
- necessary infrastructure including roads and forestry landings (i.e. skid sites); and
- on-site extraction and processing of aggregate for the sole purpose of constructing and maintaining access within the property.

This definition excludes:

- the milling and processing of trees, other than with the use of portable sawmills (which are provided for under the definition of rural industry); and **{PO cl.16}** ; ~~and excludes small woodlots where the timber is to be used on the same property, either as firewood or other timber products. {RU 853.6}~~
- activities that otherwise meet the definition of shelterbelts and small woodlots. {RU 853.6}

Forestry is an activity in the rural activities category. {PO cl.16}

Note that Forestry activity is also subject to any rules related to component development activities, including vegetation clearance rules. {NatEnv cl.16}

¹ **EW cl.16:** Earthworks as part of the Forestry activity were incorporated from the definition of 'Earthworks Ancillary to Forestry' and to be consistent with the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

Freestanding Flagpoles

Flagpoles not attached to a building.

This definition excludes structures ~~described~~ otherwise defined {PO cl.16} as freestanding signs.

Freestanding Signs

Signs that are standing on their own independent of any building for their support or a structure that is primarily designed to support one or more signs. Freestanding signs include:

- permanently fixed freestanding signs; and
- portable freestanding signs that are displayed on a regular and on-going basis and, thereby, do not meet the definition of a temporary sign (even if they do not otherwise meet the definition of "structures").

Freestanding signs are a sub-activity of structures. {PO cl.16}

Frequent Public Transport Services

Public transport routes that provide services at intervals of no greater than 30 minutes from 8.00am - 6.00pm Monday to Friday.

G

Garages and Carports

A building principally used for housing motor vehicles.

General Retail

Any retail activity that is not otherwise defined as:

- food and beverage retail
- dairies
- service stations
- bulky goods retail
- yard based retail; or
- trade related retail.

General retail is a sub-activity of retail.

General Subdivision

The division of a site including:

- the creation of fee simple allotments with new certificates of title; and
- the lease of land or buildings, for 35 years or or **{PO cl.16}** longer by way of application to the Registrar-General of land.

General subdivision is an activity in the subdivision activities category. **{PO cl.16}**

Grazing

The use of land for the keeping of livestock, where not part of farming.

Grazing is an activity in the rural activities category. **{PO cl.16}**

Gross Floor Area **{Confirmed for addition - PO cl.16¹}**

The total internal floor area used for the stated activity. This includes all normal parts of the activity, for example storage, warehousing, office and staff facilities. **{PO cl.16¹}**

¹ **PO cl.16:** Gross floor area is defined to improve plan clarity as a minor and inconsequential amendment.

Gross Public Floor Area

The area open to the general public excluding the following:

- lift and stair wells
- toilets, bathrooms and staff facilities
- storage and loading areas; and
- parking and manoeuvring areas.

Ground Floor Area **{Confirmed for addition - NH 360.217}**

The footprint area of a building, excluding any decks, patios, or other features that do not form part of the internal usable space of the building where they do not impede the free flow of water. **{NH 360.217}**

Ground Level

The natural surface of the ground prior to any earthworks on the site or if the land has been subdivided and

earthworks assessed, the level of the ground existing when assessed earthworks associated with the prior subdivision of the land were completed (but before filling or excavation for new buildings on the land has commenced).

H

Habitable Room

Any room in a residential unit, family flat or sleep out that is designed to be, or could be, used as a bedroom. The calculation of a habitable room will exclude only one principal living area per residential unit (including family flats). Any additional rooms that could be used as a bedroom but are labelled for another use, such as a second living area, gym or study, will be counted as a habitable room.

Hapū

Subtribe or extended whānau.

Hard Surface

A compacted surface that does not contain loose material that can be picked up in vehicle tyres or washed onto the road by rainfall **{Trans cl.16}** or become muddy when wet., including asphalt, concrete, paving, and similar materials. Hard surfaces may be permeable or impermeable. Examples of hard surfaces are: **{Trans cl.16}**

- asphalt **{Trans cl.16}**
- concrete **{Trans cl.16}**
- paving and paving stones, and **{Trans cl.16}**
- chip seal. **{Trans cl.16}**

Hazard Mitigation Earthworks {Renamed "Natural Hazard Mitigation Earthworks" and moved to Section N - NH cl.16}

Earthworks for the purpose, or effect, of natural hazard mitigation, including:

- earth-stop-banks
- drainage channels
- ponds
- earth dams
- general land contour changes, including sand dune re-contouring and beach sand replenishment: **{NH cl.16}**

Hazard Mitigation Structures {Renamed "Natural Hazard Mitigation Structures" and moved to Section N - HazMit cl.16}

Structures that have the purpose, or effect, of protection from, or reducing the risk from natural hazards. Including:

- walls
- flood gates
- concrete dams
- geotextile sandbags/tubes: **{HazMit cl.16}**

Hazardous Sub-Facility

A location within a site where multiple quantities of hazardous substances that meet the hazardous substances quantity limits performance standard **{PHS 634.8}** may be stored.

Head Arrays

An array of aërials and/or dish antennae antennas **{NU 576.10 and others}** attached to a mast, including . For the sake of clarity, this includes **{PO cl.16}** any mounting support structures.

Helicopter Movements {Confirmed for addition - TA 917.13}

The use of land for the occasional loading and unloading, and take-off and landing of helicopters.

Helicopter movements are an activity in the temporary activities category. **{TA 917.13}**

Heliports

The use of land or buildings for the take-off and landing of helicopters.

Heliports are an activity in the transportation activities category. **{PO cl.16}**

Heritage Conservation {Confirmed for addition - Her 743.2}

Safeguarding the cultural heritage value of a building or place, while retaining authenticity and integrity. **{Her 743.2}**

Highly productive land {Confirmed for addition - RU 1090.13}

Land that has the ability to sustain the production of a wide variety of plants including horticultural crops, through a combination of land, soil and climate attributes. **{RU 1090.13}**

High Trip Generators {was "High Trip Generating Activities" - Trans cl.16}

The group of activities which includes:

- ~~Service stations, including additions or alterations that create additional fuel pumps **{Trans 634.7}**~~
- ~~Restaurant – drive through, including additions or alterations that create additional drive through windows **{Trans 458.4 and others}**~~
- ~~Early childhood education – large scale **{Trans 308.152}**~~
- ~~Schools **{Trans 458.4 and others}**~~
- ~~Quarrying (defined as part of mining) **{Trans 458.4 and others}**~~
- ~~new or additions to parking areas which create that result in 50 or more new parking spaces; and **{Trans cl.16}**~~
- ~~any other **{Trans cl.16}** activities that generate 250 or more vehicle movements per day.~~

Hospital

~~The use of land or buildings for the primary purpose of providing health care services related to the health of for the community and which includes in-patient care. **{MF 241.1}** For the sake of clarity, this includes: **{PO cl.16}**~~

~~On-site activities may include: **{MF 360.14}**~~

- ~~medical assessment, diagnosis, treatment, and rehabilitation and in-patient care **{MF 360.14}** services~~
- ~~temporary accommodation for family/support people **{MF 32.2}**~~

- supported accommodation for patients, including transitioning from hospital to community care **{MF 32.2}**
- dispensaries
- in-patient care **{MF 32.2}**
- outpatient departments and clinics
- medical or health training; education or research, including public education **{MF 32.2}**
- physiotherapy facilities; and **{MF 360.14 and 917.30}**
- medical research **{MF 241.1}**
- medical training and education; **{MF 241.1}**
- mortuaries **{MF 241.1}**
- ~~closely associated non-medical, support any activities ancillary to, or an integral part of, the functioning of the facility, including: such as health education, chapel activities, administration services, laundries, kitchens, temporary staff accommodation, staff facilities, cafeterias, gift shops, refreshment facilities, temporary staff accommodation, generators, storage facilities, workshops, laboratories, mortuaries, staff rooms, ancillary infrastructure, accessory buildings and car parking, and for at Dunedin Public Hospital only, helicopter facilities a heliport. **{MF 360.14}**~~

This definition excludes activities otherwise defined as rest homes and registered health practitioners. **{MF 241.1}**

Hospital is an activity in the major facility activities category. **{PO cl.16}**

Hui

Meeting or assembly.

Hydro Generators

Renewable energy generators that generate energy using the energy of falling water.

Hydro Generators - Community Scale **{Confirmed for deletion - NU 308.122}**

~~Renewable energy generators that generate energy using the energy of falling water that do not exceed the following thresholds:~~

- ~~the height of any dam is less than or equal to 2m~~
- ~~the surface of any stored water is less than or equal to 200m²; and~~
- ~~the installed capacity of the system does not exceed 4MW.~~

~~Hydro generators – community scale are a sub-activity of large scale network utilities. **{NU 308.122}**~~

Hydro Generators - Large Scale **{Confirmed for addition - NU 308.122}**

Hydro generators that exceed the scale thresholds for hydro generators – small scale as set out in Rule 5.5.A. **{NU 308.122 and PO cl.16}**

Hydro generators – large scale are a sub-activity of network utility structures – large scale. **{NU 308.122}**

Hydro Generators - On-site Energy Generation {Confirmed for deletion - NU 308.122}

Renewable energy generators that generate energy using the energy of falling water that meet the definition of on-site energy generation. **{NU 308.122}**

Hydro generators – on-site energy generation are a sub-activity of small scale network utilities **{NU 308.122}**

Hydro Generators - Regional Scale {Confirmed for deletion - NU 308.122}

Renewable energy generators that generate energy using the energy of falling water that exceed the scale thresholds for hydro generators – community scale. **{NU 308.122}**

Hydro Generators – regional scale are a sub-activity of large scale network utilities **{NU 308.122}**

Hydro Generators - Small Scale {Confirmed for addition - NU 308.122}

Hydro generators that meet the scale thresholds for hydro generators – small scale as set out in Rule 5.5.A. **{NU 308.122 and PO cl.16}**

Hydro generators – small scale are a sub-activity of network utility structures – small scale. **{NU 308.122}**

I

Impermeable Surface

A surface through which water cannot pass and that sheds water.

This definition excludes paths that use paving stones, and retaining walls, provided they are less than 1m in width, and are separated from other impermeable surfaced areas by at least 1m. **{Res 172.7}**

Indigenous Vegetation

A plant or lichen **{NatEnv 900.4 and 958.4}** community in which species indigenous to that part of New Zealand are dominant, where dominance is measured as either:

- indigenous species comprising at least 30% coverage by area or 30% of the total number of specimens present; or
- indigenous species comprising at least 20% coverage, in plant or lichen **{NatEnv 900.4 and 958.4}** communities where indigenous species make up the tallest stratum or are visually conspicuous.

Where dominance is unclear, the assessment of a suitable qualified ecologist will be used to determine the status of an area. **{NatEnv cl.16}**

¹ **NatEnv cl.16:** Clause deleted as considered a Plan administration matter, rather than forming part of the definition. This clause has been superseded by assessment rule guidance which directs Plan users to new Rule 10.8.3. This deletion does not change the effect of provisions.

Indigenous Vegetation Clearance

Vegetation clearance of indigenous vegetation.

In Areas of Significant Conservation Value, Outstanding Natural Coastal Character Areas, High Natural Coastal Character Areas and Natural Coastal Character Areas that are not within a hazard overlay, this definition excludes: **{NatEnv cl.16}**

- clearance that is part of conservation activity involving vegetation clearance and replacement with indigenous species **{NatEnv cl.16}**
- clearance for the erection, maintenance or alteration of fences (including gates) **{NatEnv cl.16}**
- clearance for the maintenance (but not extension) of existing network utilities, tracks, drains, structures, or roads **{NatEnv cl.16}**
- clearance for the construction or maintenance of tracks up to 2m in width; and **{NatEnv cl.16}**
- clearance that is 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 **{NatEnv cl.16}**

Indigenous vegetation clearance is a sub-activity of vegetation clearance. **{PO cl.16}**

¹ **NatEnv cl.16:** Content from the notified definition of Indigenous Vegetation Clearance has been reformatted in new Rule 10.3.2.A Indigenous vegetation clearance – small scale thresholds. This does not change the effect of provisions.

Indigenous Vegetation Clearance - large scale {Confirmed for addition - NatEnv cl.16}

Indigenous vegetation clearance that does not meet the indigenous vegetation clearance – small scale thresholds performance standard. **{NatEnv cl.16}**

Indigenous vegetation clearance – large scale is a sub-activity of vegetation clearance. **{NatEnv cl.16}**

¹ **NatEnv cl.16:** Indigenous vegetation clearance rules have been reformatted. Indigenous vegetation clearance that was exempt from the notified definition of "indigenous vegetation clearance", or that was permitted under notified Rule 10.3.2.2 Maximum area of indigenous vegetation clearance, is now provided for as Indigenous Vegetation Clearance – Small Scale. Other indigenous vegetation clearance is now provided for as Indigenous Vegetation Clearance – Large Scale. This does not change the effect of provisions.

Indigenous Vegetation Clearance - small scale {Confirmed for addition - NatEnv cl.16}

Indigenous vegetation clearance that meets the indigenous vegetation clearance – small scale thresholds performance standard. **{NatEnv cl.16}**

Indigenous vegetation clearance – small scale is a sub-activity of vegetation clearance. **{NatEnv cl.16}**

¹ **NatEnv cl.16:** Indigenous vegetation clearance rules have been reformatted. Indigenous vegetation clearance that was exempt from the notified definition of "indigenous vegetation clearance", or that was permitted under notified Rule 10.3.2.2 Maximum area of indigenous vegetation clearance, is now provided for as Indigenous Vegetation Clearance – Small Scale. Other indigenous vegetation clearance is now provided for as Indigenous Vegetation Clearance – Large Scale. This does not change the effect of provisions.

Industrial Activities

The category of land use activities that includes consists of **{PO cl.16}** industry and including industrial ancillary tourism, and **{PO cl.16}** rural industry and rural contractor and transport depots, which are sub-activities of Industry **{RU 911.5}** as sub-activities **{PO cl.16}**.

Industrial Ancillary Tourism

The use of land and buildings for the ancillary purpose of interpretation and demonstration of an industrial industry {Ind cl.16} activity on the site.

For the sake of clarity, this {PO cl.16} includes associated restaurant or retail activity where ancillary to the industrial ancillary tourism activity. {Ind 1015.10}

Industrial ancillary tourism is a sub-activity of industry.

Industrial Road {Confirmed for addition - Trans cl.16}

A road classified as industrial road within the **Road Classification Hierarchy mapped area** shown on the Planning Map. {Trans cl.16}

Industry

The use of land and buildings for the ~~primary purpose of~~ any of the following {PO cl.16}:

- manufacturing, assembly, processing, storage, repair, maintenance, and packing of goods and materials, including machinery or vehicles
- transport facilities including distribution centres, collection points, courier depots and bus depots (except where passengers are picked up or dropped off) and
- depots for the storage and dispatch of vehicles, equipment, and/or materials, and the administration and dispatch of workers using these in the field {CP 354.3}
- laboratory or factory-based research
- waste management facilities including refuse transfer and recycling stations {Ind 796.30}
- property and equipment maintenance services {Ind 737.1 and others}
- vehicle repair and testing stations; and {Ind 737.1 and others}
- wholesale. {Ind 737.1 and others}

For the sake of clarity, this definition includes:

- any ancillary offices and staff facilities; and {PO cl.16}
- the generation of energy from the combustion of biomass waste that is the by-product of industry. {NU 308.468}

This definition excludes:

- bakeries ancillary to food and beverage retail; and laboratories ancillary to any major facility ~~activity~~ activities {PO cl.16} or office activity, which are included as part of those definitions, respectively
- ~~activities that meet the definition of~~ otherwise defined as {PO cl.16} working from home; and
- direct 'customer facing' retail sales, which is ~~separately defined as provided for under the definition of retail~~ and included in 19.3.3 activity status table as 'retail ancillary to industry' {PO cl.16}.

The following activities are managed as sub-activities of industry: {PO cl.16}

- industrial ancillary tourism {PO cl.16}
- rural contractor and transport depots; and {RU 911.5}
- rural industry. {PO cl.16}

Industry is an activity in the industrial activities category. {PO cl.16}

Intensive Farming {was "Factory Farming" - RU 1090.3}

The use of land and/or buildings for the production of livestock or fungi at a commercial scale, where the regular feed source is substantially provided other than from the property grazing the property {RU 924.2} concerned.

Examples are:

- intensive pig and poultry {RU 702.9} farming
- poultry farming {RU 702.9}
- animal feedlots; and
- wintering barns; and {RU 924.2}
- mushroom farming.

This definition excludes the temporary use of buildings for the housing of stock (including for temporary wintering of stock and calf-rearing which are considered to be part of farming). {PO cl.16}

Intensive farming is an activity in the rural activities category. {PO cl.16}

Invermay/Hercus

The use of land and buildings at the Invermay Research Centre and Hercus Taieri Resource Unit for:

- agricultural, forestry, animal, food and biomedical related research, training and education activities, including field days
- industrial or commercial activities deriving directly from research or education activities undertaken within the zone; and
- any ancillary activities necessary for the functioning of the facility, including but not limited to laboratories, conference and meeting facilities, staff offices and facilities, administration services, laundries, kitchens and temporary staff accommodation, staff facilities and laboratories {MF cl.16}.

Invermay/Hercus is an activity in the major facility activities category. {PO cl.16}

Iwi

Tribe

J

K

Kāika

Settlement or occupation site

Kāika Nohoaka

A network of seasonal settlements

Kai moana

Food obtained from the sea

Kāi Tahu

Descendants of Tahu, the tribe

Kaitiaki

Guardians

Kaitiakitaka

The exercise of customary custodianship, in a manner that incorporates spiritual matters, by takata whenua who hold Manawhenua status, for a particular area or resource.

Kōiwi takata

Human skeletal remains

L

L_{Aeq} (15 minutes) (L_{Aeq} (15 min)) {Confirmed for addition - PHS 917.17}

The A-frequency-weighted time-average noise level over 15 minutes, in decibels (dB). {PHS 917.17}

L_{AFMax} (L_{AFMax}) {Confirmed for addition - PHS 917.17}

The maximum A-frequency-weighted fast-time-weighted noise level, in decibels (dB), recorded in a given measuring period. {PHS 917.17}

Landfills

The use of land and buildings for the primary purpose of providing a disposal facility for the controlled deposit of solid wastes, household wastes and green waste onto or into land.

For the sake of clarity, this definition includes: {PO cl.16}

- the generation of energy from these wastes, for example from landfill gas {NU 308.468}
- rehabilitation activities after landfills are closed; and {RU 796.13}
- related waste management facilities such as recycling stations. {Ind 796.30}

This definition excludes farm landfills, offal pits, silage pits and silage stacks, which are part provided for under the definition {PO cl.16} of farming activity {PO cl.16}.

Landfills are an activity in the rural activities category. {PO cl.16}

Landscape Building Platform

For the purposes of rules 16.3.4.3-b {RU cl.16} and 17.3.4.3-e, {RR cl.16} a landscape building platform is an approved building site that has been registered on the title by way of a consent notice as part of an approved subdivision resource consent process.

Landscaping

Any part of a site which is planted in trees, shrubs or grasses and retains a permeable surface, and is not used for parking, manoeuvring ~~manoeuvring~~ {PO cl.16} or loading of motor vehicles.

Large Scale Network Utilities (confirmed for deletion - NU 576.4)

Include:

- ~~Network utilities structures – large scale~~
- ~~biomass generators – stand-alone~~
- ~~hydro generators – community scale~~
- ~~hydro generators – regional scale~~
- ~~solar panels – community scale~~
- ~~solar panels – regional scale~~
- ~~wind generators – community scale~~
- ~~wind generators – regional scale: {NU 576.4}~~

Ldn (Ldn) {Confirmed for addition - PHS 917.17}

The day/night level, which is the A-frequency-weighted time average noise level, in decibels (dB), over a 24-hour period obtained after the addition of 10 decibels to the noise levels measured during the night (2200 to 0700 hours). {PHS 917.17}

Least Sensitive Activity {Renamed "Natural Hazards Least Sensitive Activity" and moved to section N - NH cl.16}

~~For the purposes of the natural hazards provisions, a least sensitive activity is a land use activity: {NH cl.16}~~

- ~~where there is a minimal presence of people and buildings {NH cl.16}~~
- ~~which will not create a public health issue in a natural hazard event; and {NH cl.16}~~
- ~~that does not provide a critical public service: {NH 923.7 and others}~~

Least Sensitive Activities {Renamed "Natural Hazards Sensitive Activities" and moved to section N - NH cl.16}

~~For for the purpose of the natural hazard provisions, the category of activities that include activities that meet the definition of a "least sensitive activity", for the purposes of the natural hazard provisions. The activities included in this category are:-~~

- ~~commercial advertising~~
- ~~conservation~~
- ~~domestic animal boarding and breeding~~
- ~~Dunedin Botanic Garden~~
- ~~farming~~
- ~~forestry~~
- ~~grazing~~
- ~~mineral exploration~~
- ~~mineral prospecting~~
- ~~public amenities~~

- rural ancillary retail
- rural tourism – small scale
- temporary activities
- working from home; and
- all other rural activities **{NH cl.16}**

Legibility

An urban design term that means the characteristic of a place being easy to navigate or understand how to find one's way around.

Level Crossing **{Confirmed for addition - Trans cl.16¹}**

Any place where a railway line crosses a road on the same level. **{Trans cl.16¹}**

¹ **Trans cl.16:** Added to the Plan for clarity.

Licence to hunt

A parking permit system that enables permit holders to park in a parking space in an allocated area, provided that one is available. The licence does not reserve or guarantee any particular parking space.

Line Maintenance **{Confirmed for deletion - NU 457.4}**

Any of the following additions or alterations to telecommunication or electricity lines: **{NU 457.4}**

- ~~the replacement of support structures, including support structure cross arms~~
- ~~the reconductoring or replacement of the line~~
- ~~the resagging of conductors or lines~~
- ~~the addition of longer or more efficient insulators or mountings~~
- ~~the addition of earthwires, which may contain telecommunication lines, earthpeaks and lightning rods~~
- ~~the provision of additional structures as required to support existing lines, including existing lines to which new wires or other conductors have been added~~
- ~~the substitution of low voltage (400 volts) electricity lines with aerial bundled cable, provided that the overall diameter of the bundle does not exceed 40mm~~
- ~~the installation of new mid-span electricity poles in existing networks, to address clearances in New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001); and~~
- ~~increasing the power carrying or operating capacity, efficiency or security of existing electricity, gas distribution or telecommunication lines, where the line was originally constructed to operate at the higher voltage~~

Lines

Wires, or other conductors including: **{PO cl.16}** cables or other conductors fibre-optic cables used or intended to be **{PO cl.16}** used for:

- telecommunication
- the generation, transmission and distribution of electricity; or and **{PO cl.16}**

- the transmission or reception of signs, signals, impulses, writing, images, sounds, or intelligence of any nature by means of any electromagnetic system.

This For the sake of clarity, this {PO cl.16} definition includes any: receiver, insulator, casing, minor fixture, tunnel, or other equipment or material used, or intended to be used for: supporting, enclosing, surrounding, or protecting any such wire or conductor.

This definition excludes any freestanding pole or mast used to support the line, which are provided for under the definition of network utility poles and masts {PO cl.16}.

Loading areas

An area used for the loading and un-loading of vehicles, including drop-off and pick-up.

Local Road {Confirmed for addition - Trans cl.16}

A road classified as local road within the Road Classification Hierarchy mapped area shown on the Planning Map. {Trans cl.16}

Low Risk

For the purpose of the natural hazards provisions, low risk means:

- minor consequences that are likely, possible, or rare
- moderate consequences that are possible or rare; and
- major consequences that are rare.

The level of risk is determined by the potential for risk based on location as well as any mitigation measures to reduce the level of risk. {NH 788.1 and others}

M

Mahika kai

The customary gathering of food or natural materials and the places where those resources are gathered.

Major consequences

For the purposes of the natural hazards provisions, major consequences means having at least 2 of the following outcomes as a result of a natural hazard event resulting from a natural hazard event include: **{NH 788.1 and others}**

- significant property or asset damage or loss, including structural damage that is extensive and ~~has a high cost to fix, or {NH 788.1 and others}~~ so severe that it may lead to a property being abandoned or an asset {NH 788.1 and others} requiring complete replacement
- a likely potential for {NH 788.1 and others} long term displacement, deaths or serious injuries
- ~~significant disruptions to, or damage to, or failure of, infrastructure {NH 788.1, and others}~~
- potential for significant effects to be felt over a wider area, including {NH 788.1 and others} public health issues
- ~~potential for significant {NH 788.1 and others} economic impact to be {NH 788.1 and others} felt at a district to {NH 788.1 and others} regional scale; and~~
- significant {NH 788.1 and others} civil defence assistance being required, including temporary shelter or evacuation.

Major Facilities {Confirmed for addition - MF cl.16¹}

Facilities that are zoned as major facility zones. {MF cl.16}

¹ **MF cl.16:** As a clause 16 amendment the definition is needed to clarify the relationship between the zone and the activities and explain what the terms include.

Major Facility Activities

The category of land use activities that ~~includes~~ consists of {PO cl.16}:

- airport
- campus
- cemeteries
- crematoriums
- Dunedin Botanic Garden
- emergency services
- hospital
- Invermay/Hercus
- major recreation facility
- port
- New Zealand Marine Studies Centre {MF 308.283}
- prisons or detention centres
- schools; and
- Taieri Aerodrome.

Major Recreation Facility

The use of land and buildings at the Forsyth Barr Stadium, Edgar Centre and Moana Pool for:

- sport and recreation ~~activities~~ activity {PO cl.16} and events
- cultural, entertainment and exhibition activities
- trade fairs, market days and displays
- conference, meeting and function
- sports-related education
- after school / holiday programmes
- physiotherapy and massage; and
- any ancillary activities necessary for the functioning of the facility, including ancillary office activities activity {PO cl.16} and ticket sales.

Major recreation facility is an activity in the major facility activities category. {PO cl.16}

Mana

Authority, influence or prestige.

Manawhenua

An iwi or hapū who exercise customary authority or rakatirataka in an identified area.

Māori Freehold Land {Confirmed for deletion - MW cl.16}

Any land given the status of Māori freehold land pursuant to Te Ture Whenua Māori Act 1993 **{MW cl.16}**

Māori land

Any land given the status of Māori freehold land pursuant to Te Ture Whenua Māori Act 1993 or subsequent legislation.

Marae

The marae atea and the buildings around it, including the whareniui, wharekai, church and urupā.

Marae atea

Courtyard or meeting place in front of the whareniui.

Marae-related activities

Māori cultural activities and provision of services primarily aimed at the health and well-being of the Māori population, undertaken on a marae that has the agreement of Manawhenua, including Examples are {PO cl.16}:

- hui
- wānaka
- tangi
- overnight accommodation for visitors
- events and gatherings
- health services; and
- cultural tourism.

Marae-related activities are included in the definition of community and leisure. {PO cl.16}

Mātaitai

Area of traditional importance to Māori for seafood harvesting.

Mauka

Mountains

Mauri

Essential life force or principle; a metaphysical quality inherent in all things both animate and inanimate.

Maximum Development Potential

For the purposes of density rules, the total number of habitable rooms that may be provided per site, including habitable rooms in family flats and sleep outs.

Mean High Water Springs

The average height of the high waters of spring tides. Land Information New Zealand recommends for cadastral surveying purposes predicted tidal levels for Mean High Water Springs at Port Dunedin and Port Chalmers as 2.18m and 2.14m above sea level respectively. ~~UNDER REVIEW~~ **{PO cl.16}**

Meteorological or Air Quality Monitoring

Any facility or device that measures, collects and/or distributes meteorological information or that monitors air quality.

Military Exercises

The temporary use of land and buildings for military training activities carried out pursuant to the Defence Act 1990.

Military exercises are an activity in the temporary activities category. **{PO cl.16}**

Mineral Exploration

Any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of one or more minerals. ~~This~~ For the sake of clarity, this **{PO cl.16}** definition includes any drilling, dredging, or excavations, whether surface or sub-surface, that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence.

~~This definition excludes mineral exploration that involves blasting, which is defined as mining.~~ **{CP 458.1 and others}**

Mineral exploration is an activity in the rural activities category. **{PO cl.16}**

Mineral Prospecting

Any activity undertaken for the purpose of identifying land likely to contain ~~exploitable~~ **{CP 458.34 and others}** mineral deposits or occurrences. ~~This~~ For the sake of clarity, this **{PO cl.16}** definition includes geological, geochemical and geophysical surveys, the taking of samples by hand or hand-held equipment and aerial surveys.

~~This definition excludes mineral prospecting that involves blasting, which is defined as mining.~~ **{CP 458.1 and others}**

Mineral prospecting is an activity in the rural activities category. **{PO cl.16}**

Mining

The use of land and buildings for the primary purpose of the extraction, winning, quarrying, excavation and associated processing of minerals, sand or aggregates. ~~; or mineral exploration or prospecting that involves blasting.~~ **{CP 458.1 and others}**

This definition excludes:

- ~~mineral exploration, which does not involve blasting~~ **{CP 458.1 and others}**
- ~~mineral prospecting, which does not involve blasting~~ **{CP 458.1 and others}**; and
- on-site extraction of aggregate for the sole purpose of constructing and maintaining access within a farm or forestry property, which is included as part of a farming or forestry activity.

Mining is an activity in the rural activities category. **{PO cl.16}**

Minor Consequences

For the purposes of the natural hazards provisions, minor consequences as a result of a natural hazard event include:

- limited property damage that may be repairable without access to insurance, such as cracks in walls or wet foundations
- minor, non-life threatening injuries
- localised (rather than district-wide) economic impact; and
- restricted site access to a site for no more than 2 days due to flood waters, but where safe access is still possible on foot.

Mixed use

In the context of zoning, refers to zones that provide for more than one **{CMU cl.16}** predominant category of activities.

Examples are:

- commercial and residential mixed use zones; or
- light industry and residential mixed use zones.

Mobile Noise Sources

For the purpose of military exercises, means includes **{PO cl.16}** noise from sources such as:

- personnel
- light and heavy vehicles
- self-propelled equipment; and
- earthmoving equipment.

This definition excludes firing of weapons and use of explosives.

Mobile Trading

The sale of goods, services, food, or beverages from a vehicle or trailer.

Examples are:

- ice cream trucks
- coffee vendors
- food vendors; and
- general retail vendors.

Mobile trading is an activity in the temporary activities category. **{PO cl.16}**

Moderate consequences

For the purposes of the natural hazards provisions, moderate consequences means having at least 2 of the following outcomes as a result of a natural hazard event resulting from a natural hazard event include: **{NH 788.1 and others}**

- serious structural damage to property which is costly, but still repairable, where access to insurance is almost always necessary to fix damage

- a potential for significant injury ~~a threat to safety, including injury and near misses~~ **{NH 788.1 and others}**
- physical isolation on-site for more than 2 days at a time
- potential for **{NH 788.1 and others}** economic impact that may be felt at a district-wide scale; and
- limited some **{NH 788.1 and others}** reliance on civil defence.

Moderately Likely

For the purpose of the natural hazards provisions, moderately likely means an event that has a chance of between one in 50 and one in 200 of occurring in any given year. This is sometimes expressed as an average return period of between 50 and 200 years, or as an Annual Exceedance Probability of between 0.02 (or 2%) and 0.005 (0.5%).

Modulation

The use of vertical and horizontal changes in the form and scale of a building and between adjoining buildings to create clearly defined buildings or building elements, including changes in roof height, building projections or recesses.

Monuments and memorials

A statue, plaque, or structure, erected in memory of, or to commemorate a person, place, building, structure, or event.

Motorway {Confirmed for addition - Trans cl.16}

A road classified as motorway within the Road Classification Hierarchy mapped area shown on the Planning Map. **{Trans cl.16}**

Multi-unit development {Confirmed for addition - Res 743.46}

The construction of a single or multiple buildings that contain three or more residential units on a site within a two year period. **{Res 743.46}**

N

National Grid {Confirmed for addition - NU 806.10}

The assets used or owned by Transpower New Zealand Limited which is the network that conveys electricity throughout New Zealand. **{NU 806.10}**

National Grid Sensitive Activities {Confirmed for addition - PO cl.16¹}

The group of activities that are considered to be sensitive for the purposes of the National Grid provisions, and that consist of: **{PO cl.16}**

- early childhood education
- hospitals
- marae-related activities
- prisons or detention centres
- registered health practitioners
- residential activities (excluding new working from home activities in existing dwellings)
- schools; and
- visitor accommodation.

¹ **PO cl.16:** This definition has been added to clarify the activities that are treated as sensitive for the purposes of National Grid provisions. In relation to these provisions, this definition replaces the notified definition of Sensitive Activities, which has been deleted. This does not result in a substantive change to the effect of provisions.

National Grid Support Structure

A support structure that is part of the ~~n~~National ~~g~~Grid, which is the network that conveys electricity throughout New Zealand. **{NU 806.10}**

Natural Hazard Mitigation Activities

The category of activities that consists of ~~includes~~ **{PO cl.16}**:

- ~~natural~~ **{HazMit cl.16}** hazard mitigation earthworks
- ~~natural~~ **{HazMit cl.16}** hazard mitigation structures
- repair and maintenance of ~~natural~~ **{HazMit cl.16}** hazard mitigation earthworks features or natural hazard mitigation structures, features or earthworks **{HazMit cl.16}**; and
- emergency natural hazard mitigation activities.

Note: Tree planting for natural hazard mitigation is managed as a forestry or shelterbelts and small woodlots activity depending on the scale. **{RU cl.16}**

Natural Hazard Mitigation Earthworks {was "Hazard Mitigation Earthworks" - NatHaz cl.16}

Earthworks for the purpose, or effect, of natural hazard mitigation, ~~including~~ Examples are **{PO cl.16}**:

- earth stop-banks
- drainage channels
- ponds
- earth dams; and
- general land contour changes, including sand dune re-contouring and beach sand replenishment.

Natural hazard mitigation earthworks are an activity in the natural hazard mitigation activities category. **{PO cl.16}**

Natural Hazards Least Sensitive Activities {was "Least Sensitive Activities" - NH cl.16}

~~For~~ The category of activities that are considered to be a "natural hazards least sensitive activity" **{NH cl.16}** for the purposes of the natural hazards provisions is all other activities not specifically listed in the definition of sensitive activities or potentially sensitive activities. ~~, the category of activities that include activities that meet the definition of a "least sensitive activity", for the purposes of the natural hazard provisions. The activities included in this category are:~~ **{NH 1088.11}**

- commercial advertising **{NH 1088.11}**
- conservation **{NH 1088.11}**
- domestic animal boarding and breeding **{NH 1088.11}**
- Dunedin Botanic Garden **{NH 1088.11}**

- farming {NH 1088.11}
- forestry {NH 1088.11}
- grazing {NH 1088.11}
- mineral-exploration {NH 1088.11}
- mineral-prospecting {NH 1088.11}
- public-amenities {NH 1088.11}
- rural-ancillary-retail {NH 1088.11}
- rural-tourism--small-scale {NH 1088.11}
- temporary-activities {NH 1088.11}
- working-from-home; and {NH 1088.11}
- all-other-rural-activities-{NH 1088.11}

Natural Hazards Least Sensitive Activity {was "Least Sensitive Activity" - NH cl.16}

For the purposes of the natural hazards provisions, a natural hazards {NH cl.16} least sensitive activity is a land use activity:

- where there is a minimal presence of people and buildings; and
- which will not create a public health issue in a natural hazard event.
- that does not provide a critical public service: {NH 923.7 and others}

Natural Hazards Potentially Sensitive Activities {was "Potentially Sensitive Activities" - NH cl.16}

For The category of activities that are considered to be a "natural hazards potentially sensitive activity" for {NH cl.16} the purposes of the natural hazards provisions, the category of activities that are considered to be "potentially sensitive" . {NH cl.16} This includes These consist of {PO cl.16}:

- airport
- campus
- community and leisure (excluding marae-related activities)
- commercial activities (excluding visitor accommodation, registered health practitioners, service stations {NH 634.3} and commercial advertising)
- ~~factory-farming~~ intensive farming {RU 1090.3}
- industrial activities
- Invermay/Hercus
- major recreation facility
- mining
- NZ Marine Studies Centre {MF 308.283}
- port
- rural tourism - large scale
- rural research - large scale which requires a building {NH cl.16}

- scheduled mining activity {CP 874.2 and others}
- sport and recreation; and
- Taieri Aerodrome.
- ~~all other commercial, community, industrial and major facility activities not otherwise listed.~~ {NH cl.16}

Natural Hazards Potentially Sensitive Activity {was "Potentially Sensitive Activity" - NH cl.16}

For the purposes of the natural hazards provisions, a natural hazards {NH cl. 16} potentially sensitive activity means an activity:

- where people are regularly present and buildings are routinely required to carry out the activity but people are not usually in a vulnerable state; and
- which are unlikely to create a significant public health issue in a natural hazard event.; and
- ~~that does not provide a critical public service.~~ {NH 923.7 and others}

Natural Hazards Sensitive Activities {was "Sensitive Activities" - NH cl.16}

The category of activities that are considered to be a "natural hazards {NH cl.16} sensitive activity" for the purposes of the ~~national grid setback, new roads or additions or alterations to existing roads, and~~ {NH cl.16} natural hazards provisions. Sensitive activities include These consist of {PO cl.16}:

- cemeteries
- crematoriums
- registered health practitioners
- early childhood education
- ~~emergency services~~ {NH 945.5}
- hospital
- landfills
- marae-related activities
- prisons or detention centres
- residential activities (excluding working from home that do not involve additional people on-site) {NH cl.16¹}
- ~~schools; and~~
- ~~service stations; and~~ {NH 634.3}
- visitor accommodation.

¹ NH cl.16: Alignment with Table 11.2 Hazard provisions sensitivity classification for natural hazards sensitive activities.

Natural Hazards Sensitive Activity {was "Sensitive Activity" - NH cl.16}

For the purposes of the natural hazards provisions, a natural hazards {NH cl.16} sensitive activity is a land use activity:

- where people are regularly present and often in a vulnerable state because they sleep there, require medical treatment, or require extra assistance to evacuate; and/or {PO cl.16}

- which may create a significant public health issue if damaged as a result of a natural hazard event.
- which provide a critical public service: **{NH 923.7 and others}**

Navigational Aids

Any permanent or temporary structure constructed and operated for the purpose of facilitating navigation by aircraft or shipping.

Network Infrastructure (Confirmed for deletion - PO 360.234}

The public reticulated systems of pipes and associated accessory structures that enable the management and distribution of stormwater, wastewater or water supply. This definition excludes any private stormwater, wastewater or water supply systems or structures: **{PO 360.234}**

Natural Hazard Mitigation Structures {was "Hazard Mitigation Structures" - HazMit cl.16}

Structures that have the purpose, or effect, of protection from, or reducing the risk from natural hazards. Including Examples are **{PO cl.16}**:

- walls
- flood gates
- concrete dams; and
- geotextile sandbags/tubes.

Natural hazard mitigation structures are an activity in the natural hazard mitigation activities category. **{PO cl.16}**

Network Utilities

Any systems, services and networks associated with:

- the investigation and generation of electricity, and of other forms of energy such as heat **{NU 360.233}**
- the supply transmission and distribution **{NU 806.14}** of electricity, and of other forms of energy such as hot water or steam **{NU 308.126}**
- community municipal and domestic **{NU cl.16}** water, wastewater and stormwater **{NU 360.233}** supply, treatment **{NU 360.233}** and drainage
- the storage **{NU 634.10}** transmission and distribution of natural or manufactured gas, petroleum, biofuel, or geothermal energy **{NU 634.10}**
- telecommunications and radiocommunication
- navigational aids
- meteorological facilities; and **{NU cl.16}**
- air quality monitoring facilities; and **{NU cl.16}**
- river flow recording facilities.

In order to be considered a network utility under the provisions of this plan, it is not necessary for a network utility to be operated by a 'network utility operator' as defined in the RMA. **{NU 308.126}**

Network Utility Activities {was "Network Utilities Activities" - NU cl.16}

The category of activities that covers network utilities and other energy generation and includes consists of {NU cl.16 and PO cl.16}:

- operation, repair, minor upgrading {NU 457.4} and maintenance of existing network utilities
- realignment, reconfiguration or relocation of existing network utilities {NU 457.4}
- earthworks ancillary to network utilities activities {NU cl.16}¹
- underground or internal network utilities
- small scale network utilities {NU 576.4}
- large scale network utilities {NU 576.4}
- irrigation races and open drains {NU cl.16}²
- stormwater detention basins {NU cl.16}³
- standby or temporary energy generators {NU 576.4}
- substations {NU 915.17}
- network utility structures - small scale; and {NU 576.4}
- network utility structures - large scale. {NU 576.4}

¹**NU cl.16** As a clause 16 amendment, "Earthworks ancillary to network utilities" has been removed from this definition, because the activity is managed via earthworks provisions. This does not result in a substantive change to the effect of provisions.

²**NU cl.16** As a clause 16 amendment, "Irrigation races and open drains" has been removed from this definition. Under reformatted provisions, this activity is managed via earthworks provisions only. This does not result in a substantive change to the effect of provisions.

³**NU cl.16** As a clause 16 amendment, "Stormwater detention basins" has been removed from this definition. Under reformatted provisions, this activity is managed via earthworks provisions only. This does not result in a substantive change to the effect of provisions.

Network Utility Poles and Masts {was "Network Utilities Poles and Masts" - NU cl.16}

Any poles, masts (including telecommunication masts), {NU cl.16} or similar structures, and any associated cross arms {NU cl.16} used to support another network utility structures, including such as {NU cl.16}: lines, aerials antennas {NU 576.5 and others}, head arrays or dish antenna.

Examples are: {NU cl.16}

- structures supporting electricity or telecommunication lines, including electricity transmission towers {NU cl.16}
- telecommunication masts; and {NU cl.16}
- wind monitoring masts. {NU 308.122 and 743.17}

This definition ~~does not include any support structures considered to be~~ excludes structures otherwise defined as {PO cl.16} amateur radio configurations.

Network Utility Poles and Masts - Small Scale {was "Network Utilities Poles and Masts - Small Scale" - NU cl.16}

Network utility poles and masts that meet the scale thresholds in the maximum dimensions and maximum height performance standards as set out in the network utilities and energy generation section as set out in Rule 5.5.A {NU cl.16}.

Network utility poles and masts – small scale are a sub-activity of network utility structures – small scale. {PO cl.16}

Network utilities poles and masts – small scale are a sub-activity of small scale network utilities. {NU 576.4}

Network Utility Structures

Include Any structure that forms part of a network utility. {NU 360.236} Examples are {PO cl.16}:

- above-ground {NU 915.2} lines and pipes; {NU 360.236}
- head arrays; {NU 360.236}
- meteorological or air quality monitoring facilities or devices {NU 360.236}
- navigational aids {NU 360.236}
- water, stormwater, or wastewater utility; {NU 360.236}
- roadside cabinets {NU 360.236}
- river flow recording facilities {NU 360.236}
- gas pressure regulating stations {NU 360.236}
- telephone booths {NU 360.236}
- structures necessary for the treatment, supply or distribution of water and the drainage and treatment of stormwater or wastewater, such as pipes, pumping stations, water distribution booster pumps, flow regulative valves, water supply bores, switchboards and generators, backflow prevention devices, and the associated casing around any of these structures {NU 360.236}
- structures for the generation of electricity and of other forms of energy (e.g. heat), such as generators {NU 360.236} and energy resource investigation devices {NU 308.122 and 743.17}
- structures necessary for the transmission and distribution of: electricity; natural or manufactured gas, petroleum, biofuel, or geothermal energy; and other forms of energy such as hot water or steam: such as lines, pipes, support structures, {NU 360.236} transformers, switching stations, kiosks, {NU 457.11} electrical distribution structures {NU 915.17}, electric vehicle charging stations, gas pressure regulating stations, {NU 360.236} and underground fuel storage systems {NU 634.10}
- structures necessary for telecommunications and radiocommunication, such as lines, support structures, masts, head arrays, antennas, cabinets, telephone booths and amateur radio configurations; and {NU 360.236}
- structures necessary for meteorological or air quality monitoring, river flow recording, or navigation. {NU 360.236}

Network utilities structures do not include any network utilities which meet the definition of underground or internal network utilities {NU 918.16} or amateur radio configurations: {NU cl.16}

Network utility structures exclude structures otherwise defined as: {NU cl.16}

- operation, repair, minor upgrading and maintenance of existing network utilities {NU cl.16²}
- standby or temporary energy generators {NU cl.16²}
- substations {NU 915.17}
- building utilities; and {NU cl.16²}
- rural industry, industry or landfills (in the case of energy generation structures that use the by-products of these activities as fuel). {NU 308.468}

Note irrigation races and open drains and stormwater detention basins are not managed in this Plan as network utility structures. However, earthworks associated with these activities are subject to earthworks provisions. {NU cl.16³}

¹ **NU cl.16:** The reference to amateur radio configurations not being treated as network utility structures has been deleted from this definition because, due to reformatting of provisions discussed in section 3.0 of the Network Utilities Decision, amateur radio configurations are now to be treated as network utility structures, and provided for via the Network Utility Structures – Small Scale or Network Utility Structures – Large Scale activities. This does not result in a substantive change to the effect of provisions.

² **NU cl.16:** The definition has been amended to clarify that it excludes structures otherwise defined as ‘Operation, repair, minor upgrading and maintenance of existing network utilities’ or ‘Standby or temporary energy generators’; these activities have their own activity definitions, and therefore are not subject to provisions for Network Utility Structures – Small Scale or Network Utility Structures – Large Scale activities. The definition has also been amended to clarify that it does not include Building utilities; Building utilities are not subject to any provisions for network utility activities, but are treated as part of the building to which they are attached and are subject to development standards set out in management zone provisions. These amendments do not result in a substantive change to the effect of provisions.

³ **NU cl.16:** The definition has been amended to clarify that irrigation races and open drains, and stormwater detention basins, are not managed as network utility structures, but that associated earthworks are subject to earthworks provisions. This is a clarification of notified provisions; it does not result in a substantive change to the effect of provisions.

Network Utility Structures - Large Scale {was "Network Utilities Structures - Large Scale" - NU cl.16}

~~Network utilities utility~~ {NU cl.16} structures and ~~network utilities utility~~ {NU cl.16} poles and masts that exceed the ~~performance standards for maximum dimensions or maximum height~~ scale thresholds in Rule 5.5.A. {NU cl.16}

Network utility structures – large scale exclude structures otherwise defined as underground or internal network utilities. {NU cl.16}

The following activities are managed as sub-activities of network utility structures – large scale: {NU cl.16²}

- hydro generators – large scale {NU cl.16}
- solar panels – large scale; and {NU cl.16}
- wind generators – large scale. {NU cl.16}

Network utility structures – large scale are a sub-activity of large scale network utilities. {NU 576.4}

Network utility structures - large scale is an activity in the network utility activities category. {PO cl.16}

¹ **NU cl.16:** As a clause 16 amendment, this definition has been clarified to indicate that underground or internal network utilities are treated as a separate activity from network utility structures – large scale.

² **NU cl.16:** As a clause 16 amendment, provisions have been reformatted so that hydro generators – large scale,

wind generators – large scale and solar panels – large scale are now treated as sub-activities of network utility structures – large scale. This does not result in a substantive change to the effect of provisions.

Network Utility Structures - Small Scale {was "Network Utilities Structures - Small Scale" - NU cl.16}

Network Utility Structures - Small Scale {PO cl.16} which include consists of: {NU cl.16}

- ~~above ground lines and pipes; {NU 360.237}~~
- ~~head arrays, aerials, and dish antenna; {NU 360.237}~~
- ~~meteorological or air quality monitoring facilities or devices; {NU 360.237}~~
- ~~navigational aids {NU 360.237}~~
- ~~water, stormwater, or wastewater utilities; {NU 360.237}~~
- ~~roadside cabinets {NU 360.237}~~
- ~~substations {NU 360.237}~~
- ~~river flow recording facilities {NU 360.237}~~
- ~~gas pressure regulating stations {NU 360.237}~~
- ~~telephone booths; {NU 360.237}~~
- ~~lines; {NU 576.9} and~~
- network utility structures that do not exceed the scale thresholds in Rule 5.5.A. {NU cl.16}

~~that do not exceed the performance standards for maximum dimensions or maximum height. {NU cl.16}~~

~~Network utilities structures – small scale are a sub-activity of small scale network utilities. {NU 576.4}~~

Network utility structures – small scale exclude structures otherwise defined as underground or internal network utilities. {NU cl.16¹}

The following activities are managed as sub-activities of network utility structures – small scale: {NU cl.16²}

- hydro generators – small scale {NU cl.16}
- network utility poles and masts – small scale {NU cl.16}
- solar panels – small scale; and {NU cl.16}
- wind generators – small scale. {NU cl.16}

Network utility structures - small scale is an activity in the network utility activities category. {PO cl.16}

¹ **NU cl.16:** As a clause 16 amendment, this definition has been clarified to indicate that underground or internal network utilities are treated as a separate activity from network utility structures – small scale.

² **NU cl.16:** As a clause 16 amendment, provisions have been reformatted so that network utility poles and masts – small scale, hydro generators – small scale, wind generators – small scale and solar panels – small scale are now treated as sub-activities of network utility structures – small scale. This does not result in a substantive change to the effect of provisions.

New roads or additions or alterations to existing roads

The construction of a new road, whether within or outside the legal road reserve, and the widening or realignment of an existing road outside of the existing road reserve.

New roads or additions or alterations to existing roads are an activity in the transportation activities category. {PO cl.16}

New Zealand Marine Studies Centre {Confirmed for addition - MF 308.283}

The use of land and buildings at the Portobello Marine Laboratory and New Zealand Marine Studies Centre for:

- marine research, education, training, learning, and teaching activities
- commercial activities deriving directly from, and ancillary to, research or education activities; and
- any ancillary activities necessary for the functioning of the facility, including but not limited to laboratories, conference and meeting facilities, staff offices and facilities, administration services, staff accommodation, and staff facilities.

New Zealand Marine Studies Centre is an activity in the major facility activities category. {MF 308.283}

Noise Affected Property

Any noise sensitive activity within the **port noise control mapped area** and shown on the Port Noise Contour Map as receiving levels of port noise above 55dBA L_{dn}. This definition excludes properties: ~~that have received acoustic treatment in accordance with Rule 30.5.4 and Appendix 30B or are receiving port noise at or below the certified level of port noise.~~ **{Port cl.16}**

- that have received acoustic treatment in accordance with Rule 30.5.4 and Appendix 30B; or {Port cl.16}
- that are receiving port noise at or below the certified level of port noise. {Port cl.16}

Noise Sensitive Activities

Activities where people are more likely to be sensitive to a high level of noise because they are sleeping, studying, seeking medical treatment, or engaged in religious activity.

This definition includes These consist of {PHS cl.16}:

- residential activities
- hospital
- campus
- schools
- early childhood education {PHS 1046.2}
- registered health practitioners
- visitor accommodation; and
- the following community and leisure **{PHS 1046.2}** activities: libraries, early childhood education, **{PHS 1046.2}** ~~mararemarae-related {PHS cl.16} activities, activities that involve the provision of care for babies and pre-school children {PHS 1046.2}~~ and places of worship.

Non character-contributing buildings

Any building within a heritage precinct that is not a scheduled heritage building or character-contributing building.

No net loss {Confirmed for addition - NatEnv 949.2}

No overall reduction in indigenous biodiversity values, as measured by type, amount and condition. {NatEnv 949.2}

Notional Boundary

A line 20m from any side of a residential building, or the site boundary where this is closer to the residential building. {PHS 917.6}

The notional boundary is a line 20m from the sides of any residential building, if this is within the site's boundaries. This line is used for the purpose of setting a location for the measurement of noise limit standards. However, for any part of a residential building that is located within 20m of the site boundary, the notional boundary does not apply. {PHS 917.6}

O

Offal Pit

A disposal hole excavated for the purpose of disposing of waste comprised of dead animal matter.

Office

The use of land and buildings for any of the following:

- administrative offices where the administration of any entity, whether trading or not, and whether incorporated or not, is conducted; or
- professional offices, such as offices of accountants, registered health practitioners, veterinary services, training and education, solicitors, architects, surveyors and engineers.

~~Office activity includes three sub-activities~~ The following activities are managed as sub-activities of office {PO cl.16}:

- campus-affiliated office {MF 308.5}
- registered health practitioners
- training and education; and
- veterinary services.

Office is an activity in the commercial activities category. {PO cl.16}

On-site Energy Generation {Confirmed for deletion - NU 308.122}

~~Energy generation on a site for the supply of electricity, heating or cooling to a land use activity on the same site. This definition provides for excess energy to be fed into the grid as long as the device is primarily for the supply of on-site needs. {NU 308.122}~~

~~There are 4 types of activities in the plan that are managed as on-site energy generation:~~

- ~~wind generators – on-site energy generation~~
- ~~hydro generators – on-site energy generation~~
- ~~biomass – on-site energy generation; and~~

- solar panels – on-site energy generation.

Operation, repair and maintenance of the roading network

The normal **{Trans cl.16}** use of the road for transport-related activity by all travel methods **modes {Trans 881.19}** and the maintenance and minor upgrade of roads. ~~including~~ For the sake of clarity, this includes: **{PO cl.16}**

- general road maintenance **{PO cl.16}**
- road widening or realignment; ~~provided this takes place {Trans cl.16}~~ within an existing formed road corridor or within the **{Trans cl.16}** legal road reserve
- installation and replacement of road signs, street lighting, landscaping, parking meters and other ancillary structures or features that are not listed as public amenities **{Trans cl.16}**; and
- on-road bus stops where up to four bus stops are co-located; and **{Tran 394.82 and others}**
- any activities, such as temporary traffic management, associated with the above, including **{PO cl.16}** temporary traffic management. **{Trans cl.16}**.

This definition excludes activities otherwise **{Trans cl.16}** defined as:

- public amenities **{Trans cl.16}**
- commercial advertising
- mobile trading; and **{Trans cl.16}**
- passenger transportation hubs; and **{Trans cl.16}**
- network utilities. **{Trans cl.16}**

Operation, repair and maintenance of the roading network is an activity in the transportation activities category. {PO cl.16}

Operation, repair, minor upgrading and maintenance of existing network utilities **{was "Operation, repair and maintenance of existing network utilities" - NU 457.4}**

Activities necessary to operate, repair and maintain associated with the operation, repair, maintenance and minor upgrading of {NU 457.4} any existing network utilities utility {NU cl.16} structures, systems or services., including For the sake of clarity, this includes trimming and pruning of vegetation necessary to protected electricity lines (required to meet the Electricity (Hazards from Trees) Regulations 2003). {PO cl.16}:

- line maintenance; and **{NU 457.4}**
- trimming and pruning of vegetation necessary to protected electricity lines (required to meet the Electricity (Hazards from Trees) Regulations 2003). **{PO cl.16}**

The operation, repair and maintenance of existing network utilities does not include the realignment, reconfiguration or relocation of existing network utilities. {NU 457.4}

For the purposes of this definition, minor upgrading consists of the following activities: {NU 457.4}

1. Addition of new poles and masts: {NU 457.4}
 - a. a single new pole, where this is required to provide a customer connection to an existing above ground network {NU 457.4}
 - b. new mid-span poles and masts, where these are required in existing networks to meet the safety

clearance requirements of the New Zealand Electrical Code of Practice for Electrical Distances (NZECP34); and {NU 457.4}

- c. new poles or masts required to support existing lines, including existing lines to which new wires or other conductors have been added. {NU 457.4}
2. Replacement of existing poles and masts: {NU 457.4}
- a. replacement poles and masts up to the greatest of: {NU 457.4}
 - i. 2.5m higher than the existing pole or mast: {NU 457.4}
 - ii. 30% higher than the existing pole or mast: {NU 457.4}
 - iii. as required to meet the safety clearance requirements of NZECP 34:2001. {NU 457.4}
 - b. replacement poles or masts up to 50% wider than the existing pole or mast. {NU 457.4}
 - c. except that, in the case of poles and masts that are transmission line support structures as defined in the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA), existing transmission line support structures (i.e. poles or towers) may be replaced with new support structures provided: {NU 457.4}
 - i. the maximum height is no more than 15% higher than the existing support structure: {NU 457.4}
 - ii. height restrictions for airport purposes, or any public view shafts, specified in a rule are complied with: {NU 457.4}
 - iii. the replacement support structure is not within 12m of any occupied building (measured horizontally at ground level), or where the existing support structure is already within 12m of an occupied building, no closer to that building than the existing support structure: {NU 457.4}
 - iv. each side of the replacement tower's footprint is no longer than the total of: the length of that side of the existing tower's footprint; plus 25% of the existing tower's width: {NU 457.4}
 - v. a tower at ground level does not fall outside the tower's 'envelope for permitted activities' (as defined in NESETA): {NU 457.4}
 - vi. a pole is not be replaced with a tower; and {NU 457.4}
 - vii. a pole is not be more than 5m from the existing pole's base position (measured horizontally). {NU 457.4}
3. Alterations to existing poles and masts and attached structures: {NU 457.4}
- a. alterations that are required because of the mechanical loading requirements of the re-conductoring or the reconfiguration of equipment, such as stay wires, or anchor blocks, on overhead electricity and telecommunication lines: {NU 457.4}
 - b. addition of earth wires, earthpeaks and lightning rods: {NU 457.4}
 - c. addition of electrical or telecommunication fittings (excluding antennas) {NU 457.4}
 - d. increase in diameter of existing head arrays by up to 30% in industrial zones, and in CMU zones other than the CBD Zone and Centres: {NU 457.4}
 - e. increase in pole or mast height to meet the safety clearance requirements of NZECP34: {NU 457.4}
 - f. addition of insulators; and {NU 457.4}
 - g. addition of mast fittings, e.g. light fittings, lightning protection devices and antenna mountings. {NU 457.4}
4. Addition of or alterations to cross-arms: {NU 457.4}

- a. replacement of existing cross arms, including with cross arms of alternative design: {NU 457.4}
 - b. additional cross arms up to 3m in length; and {NU 457.4}
 - c. except that, in the case of cross-arms that are part of transmission line support structures as defined in NESETA, cross-arms of any length may be installed where they form part of replacement support structures that comply with the standards set out at 2(c) above. {NU 457.4}
5. Increasing the voltage of electricity lines: {NU 457.4}
- a. increase in the power carrying or operating capacity, efficiency or security of existing electricity lines. {NU 457.4}
6. Alterations to existing above-ground pipes: {NU 457.4}
- a. increase in the diameter of the pipe of up to 300mm. {NU 457.4}
7. Realignment, reconfiguration or relocation of existing above-ground pipes and network utility poles and masts that occurs within 5m {NU 457.10} of the existing location or alignment. {NU 457.4}
8. Addition of new lines: {NU 457.4}
- a. addition of new National Grid overhead conductors and overhead circuits, as defined in NESETA, provided: {NU 457.4}
 - i. new conductors are configured so that there are no more than two conductors in the same phase (duplex configuration): {NU 457.4}
 - ii. the diameter of a new conductor, or part of a new conductor, does not exceed 50mm: {NU 457.4}
 - iii. the diameter of a replacement conductor, or a replacement part of a conductor, does not exceed the greater of: 50mm; or the diameter of the existing conductor or part; and {NU 457.4}
 - iv. in the case of new circuits, the transmission line support structures of the transmission line have been designed and built to carry the additional circuit, and the conductors that make up the circuit comply with the conditions set out at points i. and ii. above; and {NU 457.4}
 - b. addition of any other new lines to existing network utility poles and masts or existing buildings or structures. {NU 457.4}

Operation, repair, minor upgrading {NU 457.4} and maintenance of existing network utilities is an activity in the network utility activities category. {PO cl.16}

Original Grantee

Original grantee means one of the original original {MW cl.16} individuals in whom the reserve was vested. Original ownership lists can be obtained from the Māori Land Court.

Original Native Reserve {was "Native Reserve" MW 248.10}

A property or site that was granted as a reserve for Māori occupation or use, and is shown as an original {MW 248.10} native reserve on the planning maps.

Outdoor Living Space

An area of open space that can be used for leisure, recreation, or food production to be provided for the use of the occupants of the residential unit/s to which the space is allocated. Outdoor living space excludes any area used for parking and/or vehicle access.

Outdoor Storage

Any goods, materials, or waste stored outdoors.

Service areas are managed as a sub-activity of outdoor storage. {PO cl.16}

Outdoor storage is an activity in the site development activities sub-category, which is in the development activities category. {PO cl.16}

P

Pā

Village or fortified village.

Papakāika

Residential activity within the boundaries of an original {MW 248.10} native reserves mapped area where:

1. the land is fully or partly owned by one or more of the following:
 - a. a descendant of an original grantee of an original {MW 248.10} native reserve, or their trustee
 - b. a management structure governed by the Te Ture Whenua Māori Act 1993 or subsequent legislation over the land concerned, for the benefit of such persons in (a)
 - c. a Rūnaka with authority/mana over the area in which the original {MW 248.10} native reserve is located
 - d. a spouse/civil union/de facto partner of a descendant of an original grantee who has inherited the land from the descendant; and
2. the dwelling is primarily occupied by at least one of the following:
 - a. a descendant of an original grantee of the reserve
 - b. a spouse/civil union/de facto partner of a descendant of an original grantee who has inherited the land from the descendant; or
 - c. a whāngai of a descendant of an original grantee.

Papakāika is a sub-activity of standard residential. {MW 360.13}

Parking Areas

The part of a site used for vehicle parking and manoeuvring. This definition does not include garages and carports. {Trans 360.120}

Parking areas are a sub-activity of parking, loading and access. {PO cl.16}

Parking, Loading and Access

Site development which includes {PO cl.16} New or additions and alterations to vehicle accesses tracks {Trans cl.16}, driveways, parking areas, manoeuvring areas, and loading areas. Note that vehicle tracks and driveways include vehicle crossings and vehicle accesses. {Trans cl.16}

Parking areas are managed as a sub-activity of parking, loading and access. {PO cl.16}

Parking, loading and access is an activity in the site development activities sub-category, which is in the development activities category. {PO cl.16}

Parking Spaces

A marked space for car, motorbike or other vehicle parking.

Passenger Transportation Hubs

~~Train stations, bus stations, tram stations or ferry terminals that provide passenger access to public transport services.~~ **{Trans cl.16}**

Facilities providing for passenger access to public transport services, including: **{Trans cl.16}**

- train stations **{Trans cl.16}**
- bus stations/exchanges **{Trans cl.16}**
- tram stations; and **{Trans cl.16}**
- ferry terminals. **{Trans cl.16}**

This definition excludes:

- ~~In-road exchanges of no more than four on-road bus stops where fewer than five bus bays stops are co-located,~~ **{Trans 394.82 and others}** (which are included under the definition of operation, repair and maintenance of the roading network); and
- train, bus, ferry or tram terminals or depots that do not include passenger services, which are included under the definition of industrial activity industry **{Ind cl.16}**.

Passenger transportation hubs are an activity in the transportation activities category. **{PO cl.16}**

Pā tawhito

Ancient pā sites.

Pedestrian Street Frontages

Includes These consist of the areas shown as **{PO cl.16}**:

- **Primary Pedestrian Street Frontage mapped area**
- **Secondary Pedestrian Street Frontage mapped area**

Permanently Fixed Freestanding Signs

A freestanding sign that is permanently fixed on or into the ground.

Place name signs

A sign indicating the name of, or welcoming people to, a town, settlement, or a suburb.

This definition excludes road signs and ancillary signs.

Port

The use of land and buildings for the operation of a port. This includes, but is not limited to ,including **{PO cl.16}**:

- mooring, berthing, departure, manoeuvring, refuelling, storage, maintenance and repair of vessels
- embarking and disembarking of passengers
- loading, unloading and storage of cargo; and
- any ancillary activities ~~directly~~ **{Port737.2}** associated with the operation of the facility, including offices,

storage **{Port 737.2}** and staff facilities.

Port is an activity in the major facility activities category. **{PO cl.16}**

Portable Freestanding Signs

A free standing sign that can be readily moved. Examples are include **{PO cl.16}** sandwich boards and flag signs.

Port Noise

Noise generated within the Port Zone and the adjacent coastal marine area associated with port activities, excluding:

- noise from ships not **{Port 737.4}** at berth
- noise from construction of permanent port facilities (see definition of construction noise); and
- noise from an emergency situation.

Potentially Sensitive Activities {Renamed "Natural Hazards Potentially Sensitive Activities" and moved to section N - NH cl.16}

For the purposes of the natural hazard provisions, the category of activities that are considered to be "potentially sensitive" This includes: **{NH cl.16}**

- airport
- campus
- community and leisure (excluding marae-related activities)
- commercial activities (excluding visitor accommodation, registered health practitioners, service stations and commercial advertising)
- factory farming
- industrial activities
- invermay/hercus
- major recreation facility
- mining
- port
- rural tourism – large scale
- rural research which requires a building
- sport and recreation
- taieri aerodrome; and
- all other commercial, community, industrial and major facility activities not otherwise listed.

Potentially Sensitive Activity {Renamed "Natural Hazards Potentially Sensitive Activity" and moved to section N - NH cl.16}

For the purposes of the natural hazards provisions, a potentially sensitive activity means an activity: **{NH cl.16}**

- where people are regularly present and buildings are routinely required to carry out the activity but people are not usually in a vulnerable state; **{NH cl.16}**

- which are unlikely to create a significant public health issue in a natural hazard event; and ~~{NH cl.16}~~
- that does not provide a critical public service: **{NH 923.7 and others}**

Premise

Any separately occupied land, building, or part of the same.

Principal Living Area

The room in a residential building that contains the main lounge/living area, whether separated from, or part of, an open plan space that also contains the dining and/or kitchen areas.

Prisons or Detention Centres **{Confirmed for addition - MF cl.16¹}**

Prisons or detention centres are an activity in the major facility activities category. **{MF cl.16}**

¹ **MF cl.16:** The addition of this definition is for clarity, because in the nested table of the notified Plan prisons or detention centres are listed as activities in the major facility activities category,

Property

Land held by one person, associated persons, company, or trust in one or more Certificates of Title, and managed as one entity.

Protected Part

The part or parts of a scheduled heritage building or scheduled heritage structure detailed in Schedule Appendix A1.1 - Schedule of Protected Heritage Items and Sites **{Her cl.16}** under the heading 'protection required'.

Public Amenities

~~Structures and facilities~~ Any structure or facility **{PA cl.16}** established for the convenience, enjoyment, or amenity of the public. For the sake of clarity, this includes signs containing information directly relevant to the purpose of the public amenity. **{PA 908.87}**

Examples are:

- pedestrian/biking tracks or paths
- public seating
- public picnic tables
- information or interpretation kiosks or panels (e.g. track/area or historical information and notice boards)
- public barbeques
- public shelters
- bus stop shelters and seating, including signs that display information related to public transport products, services, and service changes **{PA 908.87}**
- monuments and memorials
- rubbish and recycling bins
- bicycle stands
- public display boards
- public play equipment

- drinking fountains
- public artworks
- public lights
- free standing flagpoles
- permanent public notices
- place name signs; and
- public toilets.

~~Public toilets, public artworks – small scale, public artworks – large scale, and public display boards are managed as sub-activities of public amenities. {PO cl.16}~~

This definition excludes activities otherwise defined as {PA cl.16} commercial advertising {PA 908.87}, sport and recreation, or temporary activities (including temporary structures and buildings associated with temporary activities) {PA cl.16} and campus {PA 308.9}.

The following activities are managed as sub-activities of public amenities:

- public artworks – large scale
- public artworks – small scale
- public display boards; and
- public toilets. {PO cl.16}

Public amenities are an activity in the public amenities category. {PO cl.16}

Public Artworks

Artistic works located in a public place or located and designed to be viewed from a public place, for public enjoyment. This includes works of a permanent or temporary nature.

Examples are:

- sculptures
- sound art
- light art
- moving image
- digital and media art
- street art; and
- murals.

This definition excludes:

- activities otherwise {PO cl.16} defined as ancillary signs, commercial advertising signs or ~~and~~ {PO cl.16} temporary signs; and
- artworks on private property that may be visible from a public place but are for the enjoyment of residents, occupants, or visitors to that property, and are unlikely to attract significant public attention.

Public Artworks - Large Scale

Public artworks that exceed the scale thresholds for public artworks - small scale.

Public artworks - large scale are a sub-activity of public amenities. {PO cl.16}

Public Artworks - Small Scale

Public artworks that do not exceed the following thresholds:

- for murals or artwork painted on a building or structure {PA 360.253}, a maximum area of 10m² and a maximum height of 4m above ground level; and
- for all other artworks, the maximum total volume of a 3 dimensional artwork must be capable of being contained within an envelope with a gross floor area footprint {PO cl.16¹} of 5m² and a height of 3m above ground level.

Where an artwork installation comprises multiple pieces of artwork they must collectively fit within the dimensions of the envelope specified above.

Public artworks - small scale is a sub-activity of public amenities. {PO cl.16}

¹ **PO cl.16:** Footprint is included in the definition to improve plan clarity as a minor and inconsequential change.

Public Display Boards

A bollard or display board, visible from a public place, which provides a location for the temporary display of:

- event promotion signs
- community notices; and
- public notices.

This definition excludes public display boards with a maximum area of all display faces of 2m² or less, and used exclusively by individuals, community groups or public bodies for advertising local activities, such as sale of second hand goods by individuals, and working from home activities, local community events, community notices, or public notices. These are not managed by the District Plan. {PA 588.32}

Public display boards are a sub-activity of public amenities. {PO cl.16}

Public Infrastructure

Public infrastructure consists of: {PO cl.16}

- the public reticulated systems of pipes and associated accessory structures that enable the management and distribution of stormwater, wastewater or water supply. This definition {PO cl.16} excludes any private stormwater, wastewater or water supply systems or structures; and
- public roading networks (including DCC and NZTA managed roads). {PO 881.11 and PO 881.13}

Public Notices

A notice issued by a central or local government body or agency, which provides the public with information:

- in accordance with any official statute, rule or regulation;
- to promote community health or safety; or
- in relation to a potential hazard.

Public Place

Publicly accessible roads, and {Her 308.480} reserves and footpaths/tracks. {Her 308.480}

Public Play Equipment

Play or exercise equipment in a public place, or generally available for public use (such as at a school).

Examples are:

- swings
- slides
- modular play systems
- safety surfacing
- skate equipment/structures; and
- exercise equipment or structures.

Public Toilets

A stand-alone building with toilet facilities, including those with changing room facilities, established for the convenience and amenity of the public.

Public toilets are a sub-activity of public amenities.

Q

Queuing spaces

An area provided for vehicles to queue for access to: vehicle accesses or internal access points such as ramps or other pinch points; pumps in the case of service stations; or kiosks or windows in the case of drive-through restaurants.

R

Rakatirataka

Chieftainship or authority, decision making rights.

Real Estate Signs

A sign advertising a property or building for sale or lease.

Real estate signs are a sub-activity of temporary signs. {PO cl.16}

Regional Scale Energy Generation {Confirmed for deletion - NU 308.122}

~~Energy generation that is of a scale that generally is part of the national grid. {NU 308.122}~~

~~There are 3 activities defined as and managed as regional scale energy generation:~~

- ~~• wind generators – regional scale~~
- ~~• hydro generators – regional scale~~
- ~~• solar panels – regional scale.~~

Registered Health Practitioners

The use of land or buildings for the provision of primary health care services by doctors, nurses, dentists, physiotherapists, or other health professionals who operate under the Health Practitioners Competence Assurance Act (2003), including any administrative support staff.

This definition excludes activities otherwise **{PO cl.16}** defined as hospital.

Registered health practitioners are **{PO cl.16}** a sub-activity of office.

Regulatory signs **{CMU 271.18}**

Signs that give information about required or prohibited actions (for example parking signs). **{CMU 271.18}**

Relocatable **{Was "Relocatable Building" - NH cl.16}**

For the purposes of the natural hazards provisions, relocatable means a building that is designed and constructed to be able to be either:

- portable (designed to fit in one piece on a truck) or has wheels and can be towed; or
- safely deconstructed into parts (if required), lifted, and transported off site, by crane and truck. This includes buildings that can be transported either in one piece, or a limited number of pieces.

Removal for Relocation

Moving a building from its current location to a new location either on the same or a different site.

Removal for relocation is an activity in the buildings and structures sub-category, which is in the development activities category. **{PO cl.16}**

Repairs and Maintenance

Work required to make good decayed or damaged fabric of a building or structure, or to prevent deterioration of the fabric, and in the case of a scheduled heritage site, all normal work required to maintain the garden or landscape features or structures.

For clarity, this includes:

- painting, only where the building or structure was previously painted
- re-cladding
- replacement of doors, windows, gates and roof; and
- in relation to an interior, redecoration and all normal work required to maintain the fittings, decoration, trim, surfaces, materials or structures.

This definition excludes activities defined as additions and alterations.

Repairs and maintenance is an activity in the buildings and structures sub-category, which is in the development activities category. **{PO cl.16}**

Repair and Maintenance of Natural Hazard Mitigation Earthworks Features or Natural Hazard Mitigation Structures {was "Repair and Maintenance of Natural Hazard Mitigation Structures or Earthworks Features" - HazMit cl.16}

Activities required to be undertaken to ensure the structure or earthworks feature is structurally sound and can operate as originally intended, but which does not result in a permanent change to the scale, nature, function or location of the structure or earthworks feature.

Repair and maintenance of natural hazard mitigation earthworks features or natural hazard mitigation structures is an activity in the natural hazard mitigation activities category. {PO cl.16}

Repo raupo

Wetland or swamp

Reserve

Land owned by Council or government for public open space, or classified as a reserve under the Reserves Act 1977.

Residential Activities

The category of land use activities that ~~includes~~ consists of {PO cl.16}:

- supported living facilities (including rest homes, retirement villages, and student hostel)
- standard residential (including papakāika); and
- working from home.

Residential Building

A building that is, or will be, used entirely or in part, for residential activity and contains one or more residential units or, for the purposes of hazards or National Grid {NU806.11} related rules, any sleeping accommodation.

Residential Unit

For the purposes of determining density, a residential unit is any building, or part of a building, that is capable of being used as a self-contained residence with sleeping, cooking, bathing, and toilet facilities.

Restaurant - Drive through

The use of land and buildings for the sale of on-demand meals prepared on the premises and offered to the motoring public primarily in a manner where the customer can remain in their vehicle.

Restaurant - drive through is an activity in the commercial activities category. {PO cl.16}

Restaurants

The use of land and buildings for the purposes of selling prepared food and/or beverages for consumption on the premises or as cooked food for immediate 'take-away' consumption.

Examples are:

- restaurants
- cafes

- bars/taverns
- tearooms; and
- takeaways.

This definition excludes activities defined as restaurant - drive through.

Note: activities that sell alcohol are also managed as ancillary licensed premises.

Restaurants are an activity in the commercial activities category. {PO cl.16}

Rest Homes

Supported living facilities licensed as a rest home or hospice that provide full time care of the elderly or infirm.

This definition excludes activities defined as hospital or retirement villages.

Rest homes are is {PO cl.16} a sub-activity of supported living facilities.

Restoration

To accurately {Her 547.75} return the fabric of a building or structure to its original a known earlier {Her 547.75} form by reassembling and reinstating components in accordance with known earlier details {Her 547.75} using new or original materials. Restoration For the sake of clarity, restoration {PO cl.16} includes the removal of later components or {Her 547.75} additions, except where they are specifically protected in Schedule Appendix {Her cl.16} A1.1.

Restoration is a sub-activity of additions and alterations. {PO cl.16}

Resultant Site

All of the land intended to be held in a separate {PO cl.16} certificate of title after completion of a subdivision process, including: For the sake of clarity, this includes both new certificates of title and existing certificates of titles after land is either amalgamated into, transferred out, or both. {PO cl.16}

- new certificates of title; and {PO cl.16}
- existing certificates of title after land is either amalgamated into, transferred out, or both. {PO cl.16}

Retail

The use of land and buildings for:

- the sale or hire of goods; or
- retail services, which are include {PO cl.16} the provision of personal, household, financial, property or other services, where a front counter customer service is provided.

(e.g. Examples of retail services are: {PO cl.16} banks, health and beauty salons, visitor information centres, travel agents and TAB venues).

The following activities are managed as sub-activities of retail Retail activity is broken into six sub-activities {PO cl.16}:

- bulky goods retail
- dairies

- food and beverage retail
- general retail
- trade related retail; and
- yard based retail.

Retail is an activity in the commercial activities category. **{PO cl.16}**

Retaining Walls

A structure designed and constructed to hold soil in place and support an earthworks cut and/or fill. Where a retaining wall structure extends above ground level (e.g. is not used to support soil), the part of the wall that extends above ground level is considered to be a fence.

Retaining walls are managed both as part of earthworks (Rule 8A.5.4) for the purposes of managing effects on the stability of land and buildings, and as structures in heritage precincts only, for the purposes of managing effects on heritage streetscape character. **{EW cl.16}**

¹ **EW cl.16:** Amendment clarifies the relationship between Rule 8A.5.4, which manages the size and location of retaining walls for the purposes of managing effects on the stability of land and buildings, and rules 15.3.4, 18.3.6 and 34.3.4, which manage structures in heritage precincts for the purposes of managing effects on heritage streetscape character.

Retirement Villages

Supported living facilities that provides supported living in individual residential units and may also provide rest home care.

Retirement villages are **{PO cl.16}** a sub-activity of supported living facilities.

Reverse sensitivity

When existing lawful activities that create effects beyond site boundaries (such as noise, odour, traffic movements, risk or electromagnetic interference) are affected by newer uses establishing nearby that may have sensitivity to, and subsequently complain about; these effects of the existing activity ; and seek to limit the ability of the existing activities to continue. Lawful activities in the context of this definition refers to: existing lawfully established activities, permitted activities, designations and consented activities that are likely to establish. The most common examples are is new residential development activities establishing next to farming or industrial operations, or airports, which can lead to the new residents complaining about noise, odour or other nuisance effects from those established activities. **{PO 1046.5}**

Right of Way

An easement for vehicular access as defined in the Property Law Act 2007.

Risk

For the purpose of the natural hazards provisions, risk means the likelihood of a natural hazard event occurring, in combination with the potential adverse consequences of that event.

Road

Any public road or street (formed or unformed) **{Trans cl.16}** as defined by the provisions in section 315 **{Trans 881.14}** of the Local Government Act 1974 (formed or unformed) **{Trans cl.16}**. The definition of road For the sake of clarity, this **{PO cl.16}** includes any vehicle lane, cycleway, footpath, shared path, track, and any parking or loading areas that are located within the road reserve.

Road Boundary

Where a site boundary **{Trans cl.16}** adjoins the road reserve **{Trans cl.16}**.

Road Reserve {Confirmed for addition - Trans 881.15}

An area of land held by the Dunedin City **{PO cl.16}** Council or the Crown for roading or access purposes. **{Trans 881.15}**

Roadside Produce Stall

A structure used for rural ancillary retail that is up to 10m² in gross floor area footprint **{PO cl.16}** and located inside the required setback from the road boundary (boundary setback performance standard).

¹ **PO cl.16**: Gross floor area is replaced by footprint as it is the more appropriate term, as a minor and inconsequential amendment.

Road Signs

Regulatory, warning or directional signs designed and installed by the Dunedin City Council, **{CMU 271.18}** the NZ Transport Agency (NZTA) **{Trans 881.17}** or other public roading body, or relevant roading contractor on a carriageway, cycle path or footpath. For the sake of clarity, these include signs related to public transportation services. 'A sign required to provide vehicles, cycles, or pedestrians on a carriageway, cycle path or footpath with any of the following information: **{CMU 271.18}**

- 'regulatory' – requiring or prohibiting specified actions; **{CMU 271.18}**
- 'warning' – informing of hazards or of other features requiring a safe response on or near carriageway, cycle path or footpath; and **{CMU 271.18}**
- 'directional' – identifying the location of, direction to and/or distance to destinations, routes, public amenities and building entrances, designed and installed by the Dunedin City Council, the New Zealand Transportation Agency (NZTA), or other public roading body, or relevant roading contractor. **{CMU 271.18}**

Road signs are included in the definition of operation, repair and maintenance of the roading network. **{Trans cl.16}**

Rooftop Structures

Structures attached to roofs that do not form a part of the internal usable space of the building and are not associated with network utilities **{NU cl.16}**. These include Examples are **{PO cl.16}**:

- decorative architectural or elevated features including spires and finials; living roofs; chimneys; flues; lighting; skylights; building utilities; and flag poles (including those mounted to the sides of buildings); and
- for large commercial and industrial buildings and major facilities: they may also include cooling towers; smoke and exhaust stacks; machinery rooms; guy wires; chain link and other visually permeable fences, and lightning rods.

This definition excludes structures otherwise defined as network utility structures **{NU cl.16}**.

Rūnaka

Local representative group; community system of representation of the Manawhenua.

Rural Activities

The category of land use activities that ~~includes~~ consists of **{PO cl.16}**:

- domestic animal boarding and breeding
- ~~factory farming~~ intensive farming **{RU 1090.3}**
- farming
- forestry
- grazing
- landfills
- mineral exploration
- mineral prospecting
- mining
- rural ancillary retail
- rural tourism
- rural research; and
- scheduled mining activity. **{CP 874.2 and others}**

Rural Ancillary Retail

The use of land and buildings for the direct sale to the public of:

- produce from the property on which it was grown; or
- other goods produced on the same property as part of a working from home activity.

Rural ancillary retail is an activity in the rural activities category. **{PO cl.16}**

Rural Contractor and Transport Depots {Confirmed for addition - RU 911.5}

The use of land and buildings as a depot for rural contractor and transport services. For the sake of clarity, this includes the storage, maintenance, repair and refuelling of the vehicles, machinery and other materials associated with these activities as well as the administration and dispatch of workers.

Rural contractor and transport depots are managed at two different scales - small scale and large scale.

Rural contractor and transport depots are a sub-activity of industry. **{RU 911.5}**

Rural Contractor and Transport Depots - Large Scale {Confirmed for addition - RU 911.5}

Rural contractor and transport depots that exceed the people operating on site of Rural contractor and transport depots - small scale. **{RU 911.5}**

Rural Contractor and Transport Depots - Small Scale

Rural contractor and transport depots that do not exceed more than two persons operating from the site (relying on

equipment or vehicles stored on the site or making regular visits to the site) per day, other than persons living on the site as their principal place of residence; except up to 5 people can operate from the site per day for no more than 20 days in one calendar year. {RU 911.5}

Rural Industry

~~An industrial activity~~ A type of industry {Ind cl.16} that processes or transports **{RU 911.5}** the raw materials of farming, ~~factory farming~~ intensive farming {RU 1090.3}, forestry or mining activities.

Examples are:

- sawmills
- timber treatment plants
- firewood operations, which process timber grown on a separate property
- stock sale yards
- ~~rural transport depots {RU 911.5}~~
- ~~agricultural contractors depots {RU 911.5}~~
- offal rendering plants {RU 343.5}
- primary processing and packaging of farm produce; and
- the processing of minerals and quarry products where not part of a mining activity on the same site. {CP 458.3 and others}

This definition includes:

- any ancillary retail carried out on the site, and
- generation of energy from the combustion of biomass waste that is the by-product of rural industry. {NU 308.468}

This definition excludes:

- activities otherwise defined as rural contractor and transport depots; and {RU 911.5}
- activities that otherwise meet the definition of farming. {RU cl.16}

Rural industry is a sub-activity of industry. {PO cl.16}

Rural Research

The use of land and buildings for research linked to rural activities occurring on the site (such as farming) or linked to the natural environment on or surrounding the site. ~~This definition also~~ For the sake of clarity, this definition {PO cl.16} includes any educational, training or teaching activities ancillary to the research activity.

Examples include are {PO cl.16} research linked to:

- agricultural production
- rural land management
- forestry
- marine activities; and
- geological features.

Rural research is managed at two different scales – small scale and large scale. **{PO cl.16}**

The following activities are managed as sub-activities of rural research:

- rural research – large scale; and
- rural research – small scale. **{PO cl.16}**

Rural research is an activity in the rural activities category. **{PO cl.16}**

Rural Research - Large Scale

Rural research that employs more than 20 full time equivalent staff on-site.

Rural research - large scale is a sub-activity of rural research. **{PO cl.16}**

Rural Research - Small Scale

Rural research that employs 20 or fewer full time equivalent staff on-site.

Rural research - small scale is a sub-activity of rural research. **{PO cl.16}**

Rural Tourism

The ancillary use of land or buildings for the interpretation and demonstration of a rural or conservation activity and/or viewing and interpretation of the natural environment (including coastal environment), scheduled heritage item ~~on-site,~~ **{Her cl.16}** or scheduled **{Her cl.16}** archaeological site ~~on the site~~ **{Her cl.16}**, where the tourism activity is ancillary to a rural or conservation activity on the site.

~~Rural~~ For the sake of clarity, rural **{PO cl.16}** tourism includes associated restaurant, retail, and conference, meeting and function activities, where ancillary to the rural tourism activity.

This definition excludes activities otherwise **{PO cl.16}** defined as entertainment and exhibition, or and **{PO cl.16}** conference, meeting and function.

~~Rural tourism is managed at two different scales – small scale and large scale.~~ **{PO cl.16}**

The following activities are managed as sub-activities of rural tourism:

- rural tourism – large scale; and
- rural tourism – small scale. **{PO cl.16}**

Rural tourism is an activity in the rural activities category. **{PO cl.16}**

Rural Tourism - Large Scale

Rural tourism that exceeds the attendance rate thresholds for rural tourism - small scale.

Rural tourism – large scale is a sub-activity of rural tourism. **{PO cl.16}**

Rural Tourism - Small Scale

Rural tourism that does not exceed the following attendance rate thresholds:

- An attendance rate of 25 or fewer people per day, except for a maximum of 10 days per calendar year an attendance rate of 26 to 50 people per day.

Rural tourism – small scale is a sub-activity of rural tourism. {PO cl.16}

S

Scheduled Heritage Building

A heritage building listed in Schedule Appendix {Her cl.16} A1.1 - Schedule of Protected Heritage Items and Sites {Her cl.16}.

Scheduled Heritage Buildings

A heritage building listed in Schedule Appendix {Her cl.16} A1.1 - Schedule of Protected Heritage Items and Sites {Her cl.16}.

Scheduled Heritage Item

A scheduled heritage building, scheduled heritage structure, or scheduled heritage site.

Scheduled Heritage Site

A heritage site listed in Schedule Appendix {Her cl.16} A1.1 - Schedule of Protected Heritage Items and Sites {Her cl.16}.

Scheduled Heritage Sites

A heritage site listed in Schedule Appendix {Her cl.16} A1.1 - Schedule of Protected Heritage Items and Sites {Her cl.16}.

Scheduled Heritage Structure

A heritage structure listed in Schedule Appendix {Her cl.16} A1.1 - Schedule of Protected Heritage Items and Sites {Her cl.16}.

Scheduled Heritage Structures

A heritage structure listed in Schedule Appendix {Her cl.16} A1.1 - Schedule of Protected Heritage Items and Sites {Her cl.16}.

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

A mining activity listed in Appendix A1.5 - Scheduled Mining Activities. {CP 874.2 and others}

A scheduled mining activity is an activity in the rural activities category. {CP 874.2 and others}

Scheduled Tree

A tree or group of trees listed in Schedule Appendix {ST cl.16} - A1.3 - Schedule of Trees {ST cl.16}.

Scheduled Trees Activities {Confirmed for addition - ST cl.16¹}

The category of activities that consists of:

- removal of a scheduled tree that is: dead, in terminal decline or with extreme failure, or subject to a court order for removal
- modification of a scheduled tree; and
- removal and any other work on a scheduled tree that will lead to the death or terminal decline of a scheduled tree. {ST cl.16}

¹ **ST cl.16:** This definition was included to be consistent with the approach taken in the Nested Tables and to differentiate between the activities managed by this Plan and the definition of Scheduled Tree.

Scheduled Wetland

Any wetland on the ASGV ASBV {**NatEnv 958.60**} Schedule Appendix {**NatEnv cl.16**} A1.2 - Schedule of Areas of Significant Biodiversity Value {**NatEnv cl.16**}.

Schools

The use of land or buildings for any of the following:

- provision of primary, intermediate or secondary education
- closely associated support activities such as cultural, sport, health and retail activities, including after school care and holiday programmes
- community services provided from schools
- community use of school facilities, including for sporting and cultural purposes; and
- any ancillary activities necessary for the functioning of the school including administration services, kitchens, staff accommodation and staff facilities.

This definition excludes activities otherwise {**PO cl.16**} defined as campus, training and education, early childhood education, and community and leisure.

Schools are an activity in the major facility activities category. {PO cl.16}

Self-service fuel stations {Confirmed for addition - CP 634.32}

The use of land or buildings for the self-service sale of motor vehicle fuels or other vehicle power sources. This excludes all of the ancillary activities (sales of tyres, convenience food etc) that are provided for in the definition of service stations. {CP 634.32}

Self-service fuel stations are a sub-activity of service stations {CP 634.32}

Sensitive Activities {Renamed "Natural Hazards Sensitive Activities" and moved to section N - NH cl.16}

~~The category of activities that are considered to be a "sensitive activity" for the purposes of the national grid setback, new roads or additions or alterations to existing roads, and natural hazards provisions. Sensitive activities include: {NH cl.16}~~

- ~~cemeteries {NH cl.16}~~
- ~~crematoriums {NH cl.16}~~
- ~~registered health practitioners {NH cl.16}~~
- ~~early childhood education {NH cl.16}~~

- emergency services *{NH 945.5}*
- hospital *{NH cl.16}*
- landfills *{NH cl.16}*
- marae-related activities *{NH cl.16}*
- prison or detention centre *{NH cl.16}*
- residential activities (excluding working from home) *{NH cl.16}*
- schools *{NH cl.16}*
- service stations; and *{NH 634.3}*
- visitor accommodation. *{NH cl.16}*

Sensitive Activity {Renamed "Natural Hazards Sensitive Activity" and moved to Section N - NH cl.16}

For the purposes of the natural hazards provisions, a sensitive activity is a land use activity: *{NH cl.16}*

- where people are regularly present and often in a vulnerable state because they sleep there, require medical treatment, or require extra assistance to evacuate; or *{NH cl.16}*
- which may create a significant public health issue if damaged as a result of a natural hazard event; or *{NH cl.16}*
- which provide a critical public service. *{NH 923.7 and others}*

Service Areas

An outdoor area provided to store rubbish and recycling.

Service areas are a sub-activity of outdoor storage.

Service Stations

The use of land and buildings where the primary activity is the sale of motor vehicle fuels or other vehicle power sources *{NU 764.1}*, but which may also include any of the following ancillary activities:

- sale of tyres, batteries, kerosene and other accessories normally associated with motor vehicles
- sale of packaged convenience food and beverage (including cafe-style takeaways) *{CP 634.5}*
- the mechanical repair and servicing of motor vehicles, including boats
- hire of trailers; and
- car wash facilities.

This definition excludes any restaurants activities *{PO cl.16}* that may also be provided on-site.

Self-service fuel stations are managed as a sub-activity of service stations. *{CP 634.32}*

Service stations are an activity in the commercial activities category. *{PO cl.16}*

Shared Path

A special road, route, or path intended for use by cyclists and pedestrians (including wheeled pedestrians) from which vehicles are excluded.

Shelterbelts and Small Woodlots {Was: Tree Planting - RU cl.16}

The planting of tree species in as a shelter belt or small woodlot a group or row {RU cl.16} for the purpose of shelter, screening, stability or erosion control, or as a carbon sink, where this planting is not greater than 1 hectare in size {RU 853.6} or for timber use on the same property as which it is grown.

This definition excludes activities defined as forestry or conservation.

Shelterbelts and small woodlots are an activity in the site development activities sub-category, which is in the development activities category. {PO cl.16}

Short term house rentals {Confirmed for addition - Res 360.126}

The short term rental of a residential unit, where the residential unit is primarily occupied by the owner(s) and let for no more than a total of 28 nights per calendar year.

This definition excludes activities otherwise identified as visitor accommodation. {Res 360.126}

Signs

Lettering or symbols used to identify a place of business, advertise a product or service, or communicate a direction or command.

This definition includes Note: signs are managed as follows {PO cl.16}:

The following signs are managed as development activities:

- freestanding signs are managed as a sub-activity of structures; and
- signs attached to buildings and structures are managed as a sub-activity of additions and alterations or signs incorporated within the design of any building or structure, including by painting {PO cl.16'}.

The following signs are managed as city-wide activities:

- Road signs are managed as part of the definition of the operation, repair and maintenance of the roading network (transportation activities category)
- Temporary signs are managed as an activity in the temporary activities category; and
- Public display boards are managed as a sub-activity of public amenities. {PO. cl.16'}.

The advertising of goods or services that does not meet the definition of ancillary signs or temporary signs is managed as a separate land use activity - commercial advertising. {PO. cl.16}

¹ **PO cl.16:** Part of a suite of clarifications to better highlight that non-freestanding signs that are attached or incorporated into buildings are treated as a type of 'additions and alterations' in the Plan rules; and which signs are managed as development activities vs as city-wide activities.

Signs attached to buildings and structures {Confirmed for addition - PO cl.16}

Signs attached to buildings and structures or incorporated within the design of any building or structure, including by painting. {PO cl.16'}

Signs attached to buildings and structures are a sub-activity of additions and alterations. {PO cl.16'}

¹ **PO cl.16:** Part of a suite of clarifications to better highlight that non-freestanding signs that are attached or incorporated into buildings are treated as a type of 'additions and alterations' in the Plan rules.

Site

An area of land which is either:

- one allotment in one certificate of title, or two or more contiguous allotments held together in one certificate of title, in such a way that the allotments cannot be dealt with separately without the prior consent of the DCC
- contained in a single allotment on an approved survey plan of subdivision for which a separate certificate of title could be issued without further consent from the DCC
- two or more contiguous allotments held in two or more certificates of titles, and where the titles are subject to a condition imposed under section 77 of the Building Act 2004 or section 643 of the Local Government Act 1974, or held together in such a way that they cannot be dealt with separately without the prior consent of the DCC
- partly made of land which complies with clauses a, b, or c above, and partly made up of an interest in airspace above or subsoil below a road, where both areas of land are adjacent and held together in such a way that they cannot be dealt with separately without the prior approval of DCC
- for land subdivided under the cross lease system, a building or buildings for residential or business purposes, together with any other building(s) and/or land that is exclusively restricted to the users of that/those building(s), together with the lawful share of any building(s) and/or land of which the user of the exclusive building or buildings enjoys a degree of non-exclusive use
- for land subdivided under the Unit Titles Act 2010, an area of land containing a principal unit or proposed unit on a unit plan, together with its accessory units, together also with the lawful share of any unit(s) and/or common property of which the user of the principal unit or proposed unit enjoys a degree of non-exclusive use
- for land in a strata title, the underlying certificate of title of the entire land containing the strata titles immediately prior to subdivision; or
- for land not subject to the Land Transfer Act 1952, is the whole parcel of land acquired under one instrument of conveyance.

In addition to the above:

- a site includes the airspace above the land
- if any site is crossed by a zone boundary under this Plan, with the exception of a boundary between two rural zones. {PO 360.146 and others} the site is deemed to be divided into two or more sites by that zone boundary
- where a site is situated partly within Dunedin City and partly within an adjoining territorial authority, then the part situated within Dunedin City is deemed to be one site; and
- the area of a 'site' is all of the area associated with any exclusive ownership portion(s) plus the lawful share of any non-exclusive ownership portion(s).

Site Development Activities {was "Site Development" - PO cl.16}

The sub-category of activities that include consists of {PO cl.16}:

- ~~earthworks activities~~ {PO cl.16}
- outdoor storage
- parking, loading and access
- ~~modification of a Scheduled Tree~~ {PO cl.16}
- ~~removal of a Scheduled Tree~~ {PO cl.16}

- storage and use of hazardous substances
- tree-planting shelterbelts and small woodlots **{RU cl.16}**; and
- vegetation clearance.

Site development activities are a sub-category in the development activities category. **{PO cl. 16}**

Sleep Out

A building that contains one or more habitable rooms but is not a self-contained residential unit.

Small Scale Network Utilities (Confirmed for deletion - NU 576.4)

Include: **{NU 576.4}**

- Amateur radio configurations
- standby energy generators
- network utilities structures – small scale
- network utilities poles and masts – small scale
- hydro generators – on-site energy generation
- wind generators – on-site energy generation
- solar panels – on-site energy generation
- biomass generators – on-site energy generation
- energy resource investigation devices
- electric vehicle charging stations.

Solar Panels

Renewable energy generators that generate energy from solar resources.

Solar Panels - Large Scale {Confirmed for addition - NU 308.122}

Solar panels that exceed the scale thresholds for solar panels – small scale as set out in Rule 5.5.A. **{NU 308.122}**

Solar panels exclude structures otherwise defined as building utilities. **{PO cl.16}**

Solar panels – large scale are a sub-activity of network utility structures – large scale. **{NU 308.122}**

Solar Panels - Small Scale {Confirmed for addition - NU 308.122}

Solar panels that meet the scale thresholds for solar panels – small scale as set out in Rule 5.5.A. **{NU 308.122}**

Solar panels exclude structures otherwise defined as building utilities. **{PO cl.16}**

Solar panels – small scale are a sub-activity of network utility structures – small scale. **{NU 308.122}**

Sport and Recreation

The use of land and buildings for organised indoor and outdoor **{Rec 922.24 and 916.18}** sport; and recreation activities activity **{PO cl.16}**, ancillary events, and sports education, and club meetings, presentations, and functions **{Rec 557.4}**. This For the sake of clarity, this definition includes ancillary office facilities activity **{PO cl.16}**, meeting rooms, **{PO cl.16}** and ticket sales activities.

Examples are facilities managed by clubs, Dunedin City Council, schools or private entities including:

- sports fields
- basketball/tennis/netball/squash courts
- swimming pools
- athletics tracks
- bowling greens
- gyms
- golf courses
- shooting ranges, and
- walking tracks.

Sport and recreation that involves motor vehicles is managed as a sub-category of sport and recreation. {PO cl.16}

Sport and recreation is an activity in the community activities category. {PO cl.16}

Sport and Recreation that involves motor vehicles {Confirmed for addition - Rec 553.5}

Sport and recreation activity that involves the use of motorbikes, cars, trucks, boats, trains, remote controlled vehicles, go-carts, miniature vehicles, or other similar motorised vehicles. {Rec 553.5}

Sport and recreation that involves motor vehicles is a sub-activity of sport and recreation. {Rec 553.5 and PO cl.16}

Solar Panels - Community Scale {Confirmed for deletion - NU 308.122}

~~Renewable energy generators that generate energy from solar resources that do not exceed a ground-mounted area of 500m².~~

~~Solar panels-community scale are a sub-activity of large scale network utilities. {NU 308.122}~~

Solar Panels - On-site Energy Generation {Confirmed for deletion - NU 308.122}

~~Renewable energy generators that generate energy from solar resources that meet the definition of on-site energy generation.~~

~~Solar panels-on-site energy generation do not include any structures that are considered to be building utilities.~~

~~Solar panels-on-site energy generation are a sub-activity of small scale network utilities {NU 308.122}~~

Solar Panels - Regional Scale {Confirmed for deletion - NU 308.122}

~~Renewable energy generators that generate energy from solar resources that exceed a ground-mounted area of 500m².~~

~~Solar panels-regional scale are a sub-activity of large scale network utilities {NU 308.122}~~

Stadium noise events

Events within the Stadium Zone that exceed the relevant zone noise limits in rules 9.3.6.1 - 9.3.6.5 at any point at, or beyond, the **stadium noise mapped area** boundary.

This definition excludes does not include **{PO cl.16}**:

- sound checks associated with a stadium noise event; and
- noise generated by activities listed in rules 9.3.6.6.e to 9.3.6.6.k.

Stand-alone

Self-contained and able to operate independently.

Stand-alone Car Parking

The use of land or buildings for the short or long term lease or hire of car parks that are not provided as parking ancillary to another activity on-site. This definition includes Examples are **{PO cl.16}**:

- free public car parking
- sites used entirely for carparking as the primary activity on the site; and
- letting of more than 2 excess car parks on a site that are not required by the activity on the site.

Stand-alone car parking is an activity in the commercial activities category. **{PO cl.16}**

Note: Stand-alone parking that involves a new development activity is also managed as follows:

- the construction of surface level parking is managed as a parking, loading and access activity.
- the erection of a parking building is managed as a new building. **{CMU cl.16}**

Standard Residential

The use of land and buildings for residential activity at a domestic scale.

~~This definition also~~ For the sake of clarity, this definition **{PO cl.16}** includes:

- ~~holiday houses~~ **{Res 360.123 and 360.126}**
- short-term house rentals **{Res 12.4}**
- boarding houses
- supported living accommodation (with **{PO cl.16}** 10 or fewer residents); and
- emergency and refuge accommodation.

This definition excludes supported living facilities.

Papakaikā is managed as a sub-activity of standard residential. **{Res 360.12}**

Standard residential is an activity in the residential activities category. **{PO cl.16}**

Standby or Temporary Energy Generators {was "Standby Energy Generators" - NU 457.8}

Energy generators for temporary, emergency or backup use, ~~including~~ Examples are **{PO cl.16}** diesel, petrol or gas generators.

~~Standby energy generators are a sub-activity of small scale network utilities.~~ **{NU 576.4}**

Standby or temporary energy generators are an activity in the network utility activities category. **{PO cl.16}**

Storage and Use of Hazardous Substances

The storage and use of any substance, or waste generated by the use of hazardous substances, with one or more of the following intrinsic properties that meets the Hazardous Substances (Minimum Degrees of Hazard) Regulations:

- explosiveness
- flammability
- a capability to oxidise
- corrosiveness
- toxicity (including chronic toxicity)
- ecotoxicity, with or without bio-accumulation; or
- any substance, which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance or waste with any one or more of the properties above.

Storage and use of hazardous substances is an activity in the site development activities sub-category, which is in the development activities category. {PO cl.16}

Storey

Part of a building measured from:

- the upper surface of any floor to the upper surface of the floor above; and
- the topmost floor surface to the upper surface of the ceiling joists above or the upper surface of the roof cladding, whichever is the lower.

This definition excludes basements with floor surfaces below ground level.

Stormwater

Rainfall run-off from land and any impermeable or semi-permeable surface on land. Examples of impermeable or semi-impermeable surfaces are ,including, but not limited to **{PO cl.16}**:

- roads
- car parks
- pavements
- porous paving; and
- roofs.

Strategic Road {Confirmed for addition - Trans cl.16}

A road classified as strategic road within the Road Classification Hierarchy mapped area shown on the Planning Map. {Trans cl.16}

Structure

Means any Any **{PO cl.16}** equipment, device, or fabrication.

Structures

The development activity that includes a new **{PO cl.16}** structure, other than as provided for under the definition of

"buildings", and is:

- fixed permanently to the land; or
- if movable, greater than 10m² or 2m in height, and is stored or placed undisturbed on a site for more than 12 months.

This definition only applies in relation to structures as an activity in the development activities category. It does not cover any other use of the word "structures", such as in relation to "utility structures", which should rely on the broad definition for structure (singular) provided in Section 1.5.2 (Other Definitions). **{PO cl.16}**

Shipping containers or other movable structures that do not meet this definition are included considered as part of outdoor storage activity **{PO cl.16}**.

The following activities are managed as sub-activities of structures: **{PO cl.16}**

- fences **{PO cl.16}**
- freestanding signs; and **{PO cl.16}**
- retaining walls **{PO cl.16}** (for the purposes of rules that apply in heritage precincts only). **{EW cl.16'}**

Structures is an activity in the buildings and structures sub-category, which is in the development activities category. **{PO cl.16}**

¹ **EW cl.16:** Retaining walls are generally managed through the Earthworks (Section 8A) provisions, and not as a sub-activity of structures. They are managed as structures in the heritage precincts for the purposes of managing effects on heritage streetscape character.

Student Hostels

Supported living facilities for school or tertiary students, including Examples are **{PO cl.16}** halls of residence, university colleges, school boarding houses and hostels.

For the sake of clarity, this definition includes use of those facilities outside of the time of occupancy by students for the accommodation of visitors to the educational facility or events hosted by the educational facility on or off-site (e.g. sporting events). **{MF 308.10}**

Student hostels are **{PO cl.16}** a sub-activity of supported living facilities.

Subdivision

The division of a site by any of the following including **{PO cl.16}**:

- the creation of fee simple allotments with new certificate of title
- the lease of land or buildings, or both, for 35 years or longer; or
- and **{PO cl.16}** the creation of a unit title, company lease or cross lease, by way of application to the Registrar General of Land.

(Defined in Section 218 of the Resource Management Act 1991).

Subdivision Activities

The category of activities that includes consists of {PO cl.16}:

- general subdivision; and
- cross lease, company lease and unit title subdivision.

Substations {Confirmed for addition - NU 915.17}

A facility for the control and/or transformation of electricity at a high or significant capacity. For the sake of clarity, this includes any associated communication masts and antennas. Examples are: {NU 915.17}

- zone substations {NU 915.17}
- sub-transmission switching stations {NU 915.17}
- National Grid exit points; and {NU 915.17}
- switching stations. {NU 915.17}

This definition excludes activities otherwise defined as electrical distribution structures. {NU 915.17}

Substations are an activity in the network utility activities category. {PO cl.16}

Suitably Qualified Arborist

A person accredited with an Advanced National Certificate in Horticulture (Arboriculture) (Level 4) or overseas accreditation, and a minimum of four years experience, post qualification, working as an arborist.

Supported Living Accommodation

Residential accommodation and care in a supervised environment. Supervision may be required for social, intellectual, or physical disabilities or needs. Supervision may include additional accommodation for a live-in carer, and laundry, meal, and/or cleaning services.

Supported Living Facilities

The use of land or buildings for the purposes of providing supported living accommodation for more than ten over-10 {PO cl.16} residents that includes full-time management, care and supervision, and may include laundry, meal, and cleaning services. This For the sake of clarity, this {PO cl.16} definition includes any ancillary activities directly associated with the functioning of the facility, including medical treatment, recreational facilities, and other facilities necessary to service the needs of the residents or their visitors.

~~Student hostels, rest homes, and retirement villages are sub-activities of supported living facilities. {PO cl.16}~~

~~This definition excludes activities otherwise defined as Supported living accommodation for ten residents or less is defined as part of {PO cl.16} standard residential.~~

The following activities are sub-activities of supported living facilities: {PO cl.16}

- rest homes {PO cl.16}
- retirement villages; and {PO cl.16}
- student hostels. {PO cl.16}

Supported living facilities are an activity in the residential activities category. {PO cl.16}

Surplus dwelling subdivision

The subdivision of land containing an existing surplus dwelling {RU cl.16} from a rural property where the land contains a building used for residential activity that was built before 1 January 2015 and where the subdivision will not result in any additional residential development potential.

~~Additional residential development potential refers to a net increase in the number of residential units (excluding family flats) that exist and/or may be lawfully established on the land that comprises the original site or sites that make up the property. This includes the residential activity that can be established on all resultant sites created as a result of the surplus dwelling subdivision. {RU cl.16}~~

¹ **RU cl.16:** As a clause 16 amendment, this information is now included in Rule 16.7.4.3 (surplus dwelling subdivision standard) for better user improved Plan {PO cl.16} clarity.

Swale

Low tracts of land, often in the form of a depression or channel (as a result of an old river flow path), where water flows or ponds intermittently.

T

Taieri Aerodrome

The use of land and buildings at the Taieri Aerodrome for any of the following ~~aircraft operations and aircraft servicing, including {PO cl.16}~~:

- aircraft operations and aircraft servicing {PO cl.16}
- fuel storage
- training activities and facilities associated with the aeronautical industry
- non-commercial sports sky-diving
- helicopter rescue services; and
- ~~any {PO cl.16}~~ ancillary activities directly associated with, and necessary for, the functioning of an aerodrome, including offices.

Taieri Aerodrome is an activity in the major facility activities category. {PO cl.16}

Takata whenua

The iwi or hapū, that holds Manawhenua in a particular area.

Takiwā

Area of customary interest and authority.

Tangi

Bereavement ceremony.

Taoka

Treasure; applied to anything considered to be of value to Māori.

Taumanu

Fishing sites.

Tauraka waka

Canoe mooring site.

Telecommunication Masts

Any mast, pole, tower or similar structure designed to carry ~~aerials, antennae~~ antennas **{NU 576.10 and others}** or other devices that facilitate telecommunication.

Examples are:

- cell phone towers
- television masts; and
- radio masts.

The definition excludes support structures and lines.

Temporary Activities

The category of land use activities that ~~includes the following activities~~ consists of **{PO cl.16}**:

- construction
- filming
- military exercises
- mobile trading
- temporary disaster management accommodation
- helicopter ~~landings~~ movements **{TA 917.13}**
- temporary events; and
- temporary signs.

This definition excludes activities otherwise defined as campus. **{TA 308.495}**

Temporary Disaster Management Accommodation

The erection and use of tents or buildings in response to a disaster event, such as an earthquake, for the purpose of ~~temporary accommodation, shelter or facilities for: providing shelter or accommodation for people displaced or impacted by the event. The requirement for such facility will be determined by the Dunedin City Council, Civil Defence or emergency organisations, or lawfully established organisation for the purpose of post-disaster management.~~ **{PO cl.16}**

~~This definition includes:~~ **{PO cl.16}**

- ~~temporary accommodation for~~ **{PO cl.16}** people required to work as part of the immediate disaster relief efforts or post disaster development team
- ~~temporary accommodation for~~ **{PO cl.16}** people displaced by the disaster event; and
- ~~temporary facilities for~~ **{PO cl.16}** disaster event management.

Temporary disaster management accommodation is an activity in the temporary activities category. **{PO cl.16}**

Temporary Events

An event of limited duration occurring on a site where it is not part of the day-to-day purpose and function of the site.

~~This~~ For the sake of clarity, this **{PO cl.16}** definition includes temporary buildings and structures associated with the temporary event, including any ancillary mobile trading.

Examples are:

- galas, carnivals, market days, fairs
- concerts, entertainment events
- trade fairs or displays
- pyrotechnics
- fundraisers
- promotional, community, recreation, or ceremonial events
- A & P shows; and
- emergency response organisation training.

This definition excludes activities otherwise **{PO cl.16}** defined as military exercises. **{TA 583.4}** sport and recreation, conference meeting and function, and entertainment and exhibition.

~~Temporary events are managed at two different scales – small and large scale.~~ **{PO cl.16}**

~~The following activities are managed as sub-activities of temporary events:~~

- ~~temporary events – large scale; and~~
- ~~temporary events – small scale.~~ **{PO cl.16}**

~~Temporary events are an activity in the temporary activities category.~~ **{PO cl.16}**

Temporary Events - Large Scale

Temporary events with a daily maximum attendance of more than 1500 people.

~~Temporary events - large scale are a sub-activity of temporary events.~~ **{PO cl.16}**

Temporary Events - Small Scale

Temporary events with a maximum daily attendance of no more than 1500 people.

~~Temporary events - small scale are a sub-activity of temporary events.~~ **{PO cl.16}**

Temporary Public Notices

A public notice that is displayed for no more than 3 months.

Examples are:

- public health and safety notices; and
- resource consent notices.

~~Temporary public notices are a sub-activity of temporary signs.~~ **{PO cl.16}**

Temporary Signs

A sign that is displayed for a period of time and is then removed.

The following activities are managed as sub-activities of temporary signs. Temporary signs include {PO cl.16}:

- construction signs
- election signs
- event promotion signs
- real estate signs; and
- temporary public notices.

Temporary signs are an activity in the temporary activities category. {PO cl.16}

Tohu

Symbol.

Tourism Advertising

A sign that advertises a tourism facility or activity that operates within Otago or Southland and is undertaken by a tourism organisation that is a member of a regional tourism organisation {PO cl.16} (RTO), New Zealand Māori Tourism Council or Tourism Industry Association of New Zealand (TIA).

Tourism advertising is a sub-activity of commercial advertising. {PO cl.16}

Trade Related Retail

Retail where the predominant goods or services sold are:

- goods and materials used for the construction, repair, alteration and renovation of buildings (including building materials, painting, lighting, electrical and plumbing supplies)
- motorised-vehicle repairs
- landscaping; marine equipment
- motorised vehicles; and
- farm equipment or supplies.

~~To be included in this definition, at least 90% of product display floor area must be in these categories: {CMU 489.1} This definition excludes Trade {CMU cl.16} related retail where more than 70% or more {CMU cl.16} of the areas devoted to the sales or display of good is an open or semi-covered yard, as distinct from a secure and weatherproof building, which {CMU cl.16} is defined as yard based retail.~~

Trade related retail is a sub-activity of retail.

Training and Education

The use of land or buildings for the purpose of teaching and/or learning {MF 308.11} a vocation, skill, or subject of interest. This definition includes tertiary education carried out by the University of Otago or Otago Polytechnic outside of the Campus Zone.

Examples are:

- language schools
- 'after school' tuition
- hairdressing schools
- other vocational training centres; and
- study centres. **{MF 308.11}**

This definition excludes activities defined as schools, early childhood education and campus.

Training and education is a sub-activity of office.

Transportation Activities

The category of activities that ~~includes~~ consists of **{PO cl.16}**:

- operation, repair and maintenance of the roading network
- new roads or additions or alterations to existing roads
- passenger transportation hubs; and
- heliports.
- ~~earthworks ancillary to transportation activities.~~ **{Trans cl.16}**

Travel Modes {was "Travel Methods" - Trans 881.19}

~~Travel methods~~ modes **{Trans 881.19}** include but are not limited to the following:

- walking
- cycling
- private motor vehicles (e.g. cars, motorcycles)
- public transport services (e.g. buses)
- helicopters
- freight moving (e.g. trucks); and
- horse-riding.

Trenchless Methods {Confirmed for addition - ST 457.27 and others}

Methods such as tunnelling, microtunnelling, horizontal directional drilling also known as directional boring, pipe ramming, pipe jacking, moling, horizontal auger boring and other methods for the installation of pipelines and cables below the ground with minimal excavation including for the repair of the existing cables/network, pilot-holes or similar works. **{ST 457.27 and others}**

Tūāhu

Places of importance to Māori identity.

U

Umu

Earth ovens.

Underground or Internal Network Utilities

Any network utilities Network utility {NU cl.16} structures which that {NU cl.16} are either {NU cl.16} located:

- a. underground, located {NU cl.16}; or
- b. entirely within a building or pipes transitioning to a building, which are not visible from a public place except that the following structures may be external: {NU cl.16}
 - i. pipes transitioning to an internal utility; and {NU cl.16}
 - ii. minor external protrusions, such as vents and chimneys, associated with an internal utility. {NU 308.137}

This definition excludes any substations which are defined as network utilities – small scale or network utilities – large scale. {NU 915.17}

Underground or internal network utilities are an activity in the network utility activities category. {PO cl.16}

Unlikely

For the purpose of the natural hazards provisions, unlikely means an event that has a chance of between one in 200 and one in 500 of occurring in any given year. This is sometimes expressed as an average return period of between 200 and 500 years, or as an Annual Exceedance Probability of between 0.005 (or 0.5%) and 0.002 (0.2%).

Urban High Density Corridor {Confirmed for addition - Trans cl.16}

A road classified as urban high density corridor within the Road Classification Hierarchy mapped area shown on the Planning map. {Trans cl.16}

Urupā

Human burial site.

V

Vegetation Clearance

The removal, over-planting, crushing, spraying, burning, or any other activity that destroys or directly {NatEnv 919.86} results in extensive failure of an area of vegetation, which if destroyed could lead to: {NatEnv 1088.8 and 312.9}

- land instability {NatEnv 1088.8 and 312.9}
- riverbank, coastal or soil erosion; {NatEnv 1088.8 and 312.9}
- loss of habitat for indigenous species (including areas of vegetation that act as ecological corridors connecting habitats); {NatEnv 1088.8 and 312.9}
- changes to the quality of the ecological habitat provided by a water body; or {NatEnv 1088.8 and 312.9}
- increased flood risk. {NatEnv 1088.8 and 312.9}

This definition excludes the harvesting of plantation trees as part of forestry, which is a separate activity to vegetation clearance. {NatEnv cl.16}

Indigenous vegetation clearance is managed as a sub-activity of vegetation clearance. {PO cl.16}

Vegetation clearance is an activity in the site development activities sub-category, which is in the development

activities category. {PO cl.16}

Vehicle Access

The portion of a driveway or vehicle track between the formed road and the property boundary.

Vehicle Accesses

The portion of a driveway or vehicle track between the formed road and the property boundary.

Vehicle Crossing

The portion of a vehicle access where the vehicle access meets the formed road.

Vehicle Movement {Confirmed for addition - Trans 458.4 and others}

A single journey to or from a particular site by a person or persons in a motor vehicle. {Trans 458.4 and others}

Vehicle Tracks

A constructed pathway on a site that provides ~~vehicular access~~ access for vehicles {CP cl.16} to rural activities within the rural and rural residential zones, and which:

- is capable of carrying a crawler or tractor; and
- is not used for frequent vehicle movements, or vehicle movements associated with residential activity.

Very Likely

For the purpose of the natural hazards provisions, very likely means an event that has a chance of at least one in 50 of occurring in any given year. This is sometimes expressed as an average return period of up to 50 years or as an Annual Exceedance Probability of 0.02 (or 2%) or more.

Very Unlikely

For the purpose of the natural hazards provisions, very unlikely means an event that has a chance of between one in 500 and one in 2500 of occurring in any given year. This can be expressed as an average return period of between 500 and 2500 years, or as an Annual Exceedance Probability of between 0.002 (or 0.2%) and 0.0004 (0.04%).

Veterinary Services

The use of land and buildings for the treatment and prevention of diseases and injuries in animals by registered veterinary practitioners and persons in their employment.

Veterinary services is are {PO cl.16} a sub-activity of office.

Visible

For the purposes of the heritage provisions, 'visible' in the context of 'visible from an adjoining public place', or 'visible from a public place within the heritage site', means visible in the medium to long term (20 to 50 years). *Not visible*, therefore, should be interpreted as meaning obscured by permanent buildings, as opposed to being obscured by vegetation, or any other buildings or structures, where there is not reasonable confidence that they will remain in place for the medium to long term.

Visitor Accommodation

The use of land and buildings for temporary accommodation (up to three months stay within any calendar year period per customer) on a commercial fee paying basis. This For the sake of clarity, this {PO cl.16} definition includes the

provision of facilities for resident guests (e.g. playgrounds, spa pools, swimming pools, gyms)

Examples are:

- motels
- hotels
- homestays or bed and breakfasts for six or more guests
- serviced apartments; and
- backpackers and hostels.

~~This definition excludes private dwelling rentals or homestays for five or fewer guests, which are included under the definition of working from home. This definition excludes activities otherwise defined as working from home or standard residential.~~ **{Res 12.4 and 360.24}** Freedom camping is not managed by this Plan and is managed through a DCC by-law.

Campgrounds are managed as a sub-activity of visitor accommodation.

Visitor accommodation is an activity in the commercial activities category. **{PO cl.16}**

Visitor Accommodation Unit

An individual room or a single or multi-bedroom, self-contained unit with kitchen/lounge facilities, which is offered for rent as part of a visitor accommodation activity.

Visual Permeability {Confirmed for addition - Res cl.16}

The ability to 'see-through'. Fences constructed using materials such as trellis, lattice, wrought iron, or spaced palings (palings maximum width 150mm, spacing minimum width 25mm) or other materials that provide gaps that can be seen through meet this requirement. **{Res cl.16}**

¹ **Res cl.16:** The meaning of visually permeable has been moved from Rule 15.6.3.3 to a new definition as a minor change for Plan clarity.

W

Wāhi kohātu

Rock outcrops.

Wāhi mahi kohātu

Traditional quarry sites.

Wāhi pakaka

Battle sites.

Wāhi paripari

Cliff areas.

Wāhi taoka

Resources, places and sites treasured by Manawhenua.

Wāhi tapu

Places sacred to the takata whenua.

Wāhi tūpuna

Landscapes and sites that embody the ancestral, spiritual and religious traditions of all the generations prior to European settlement.

For the purposes of the Plan, wāhi tūpuna have been mapped as a **wāhi tūpuna mapped area**.

Wāhi tohu

Features used as location markers within the landscape.

Wai māori

Freshwater areas important to Māori.

Wai repo

Wetland or swamp.

Walking Track

A formed track or trail on public or private land, over which the public has right of access for pedestrian or cycling use.

Wānaka

Customary learning method.

Warning signs {Confirmed for addition - CMU 271.18}

Signs that provide information about hazards or other health and safety matters. {CMU 271.18}

Wastewater

Liquid waste, including liquids containing solids, originating from domestic, industrial and commercial activities. It includes but is not limited to Examples are {PO cl.16}:

- toilet wastes
- trade wastes; and
- grey water, sullage {PHS 360.196}

Water Body

Fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that which {NatEnv cl.16} is not located within the coastal marine area.

Water, Stormwater or Wastewater Utilities {Confirmed for deletion -NU 360.235}

~~Utilities associated with the supply or distribution of water or the drainage of stormwater or wastewater. Examples include: {NU 360.235}~~

- ~~• pumping stations~~
- ~~• water distribution booster pump~~

- flow-regulative valve
- water supply bore
- switchboards and generators;
- backflow prevention devices
- the associated casing around any of these structures.

This definition excludes pipes, irrigation races and open drains and stormwater detention basins. **{NU 360.235}**

Wetland

Permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. Vegetation is typically **{NatEnv 853.2}** dominated by plants such as sedges (Cyperaceae), rushes (Juncaceae), restionads (Restionaceae), raupo (Typha orientalis), flax (Phormium **{NatEnv cl.16}** tenax), Sphagnum moss species or other wetland herbs, which emerge from permanent standing water or occupy permanently saturated soil: including riparian and littoral vegetation.

For the purpose of this definition, wetland does not include the following:

- Land sown with exotic grasses containing sparsely distributed wetland plants **{NatEnv 853.2}**
- constructed reservoirs
- farm drains and irrigation canals
- land drainage canals
- constructed farm dams and detention dams
- constructed wetlands used for wastewater or stormwater treatment; and
- oxidation ponds.

Whakapapa

Genealogy or family tree.

Whānau

Family.

Whāngai

A person adopted in accordance with tikaka Māori.

Wharekai

The dining hall of a marae complex.

Wharenuī

The main building of a marae complex, used for hui and where guests are accommodated.

Wholesale {Confirmed for addition - Ind 737.1 and others}

The use of land and buildings for the distribution and sale of goods to businesses and institutional customers (rather than to the general public).

Examples are businesses that supply goods to:

- shops, which on-sell them to the public; and
- institutional customers, such as schools, hospitals, and visitor accommodation.

Wholesale is included in the definition of industry. {PO cl.16}

Wind Generators

Renewable energy generators which generate energy using wind resources.

Wind Generators - Community Scale {Confirmed for deletion - NU 308.122}

~~Renewable energy generators that generate energy using wind resources that do not exceed: {NU 308.122}~~

- ~~five wind turbines, each with a maximum height, measured from base of mast to upper point of blade, of 85m; or {NU 308.122}~~
- ~~three wind turbines, each with a maximum height, measured from based of mast to upper point of blade, of 125m. {NU 308.122}~~

~~Wind Generators – community scale are a sub-activity of large scale network utilities. {NU 308.122}~~

Wind Generators - Large Scale {Confirmed for addition - NU 308.122}

Wind generators that exceed the scale thresholds for wind generators – small scale as set out in Rule 5.5.A. {NU 308.122}

Wind generators – large scale are a sub-activity of network utility structures – large scale. {NU 308.122}

Wind Generators - On-site Energy Generation {Confirmed for deletion - NU 308.122}

~~Renewable energy generators that generate energy using wind resources that meet the definition of on-site energy generation. {NU 308.122}~~

~~Wind generators – on-site energy generation do not include any structures that are considered to be building utilities. {NU 308.122}~~

~~Wind Generators – on-site energy generation are a sub-activity of small scale network utilities {NU 308.122}~~

Wind Generators - Regional Scale {Confirmed for deletion - NU 308.122}

~~Renewable energy generators that generate energy using wind resources that exceed the scale thresholds for wind generators – community scale. {NU 308.122}~~

~~Wind Generators – regional scale are a sub-activity of large scale network utilities {NU 308.122}~~

Wind Generators - Small Scale {Confirmed for addition - NU 308.122}

Wind generators that meet the scale thresholds for wind generators – small scale as set out in Rule 5.5.A. {NU 308.122}

Wind generators – small scale are a sub-activity of network utility structures – small scale. {NU 308.122}

Working from Home

The use of land and buildings as a place of work, as part of an occupation, craft, profession, or service, that is:

- ancillary to the residential activity on the site; and
- carried out by a person or persons living on the site as their principal place of residence, and employs no other person on-site or operating from the site (relying on equipment or vehicles stored on the site or making regular visits to the site).

Working from home may include retail services but not direct retail sales except for goods produced on-site.

~~This~~ For the sake of clarity, this **{PO cl.16}** definition includes: visitor accommodation in the form of homestays, bed and breakfast, or similar, for no more than five guests; for five or fewer guests, {Res 12.3 and 360.125} early childhood education for five or fewer children; and animal breeding involving one breeding pair of dogs and/or cats.

Working from home is an activity in the residential activities category. {PO cl.16}

X

Y

Yard Based Retail

~~Retail that meets the definition of Trade related retail, where more than 70% or more {CMU cl.16} of the area devoted to sales or display of goods is an open or semi-covered external yard, as distinct from a secure and weatherproof building.~~

Examples are:

- caravan or motorised vehicle sales yards
- farm equipment or other heavy machinery sales yards
- landscaping materials/plant sales yards; and
- timber, firewood or coal sales yards.

Yard based retail is a sub-activity of retail.

Z

1.5.3 Abbreviations

A

ASBV {Renamed from ASCV - NatEnv 958.60}

Scheduled Areas of Significant Conservation Biodiversity Value **{NatEnv 958.60}** (see Appendix A1.2). **{NatEnv cl.16}**

ANIC {Confirmed for addition - PO cl.16}

Airport Noise Inner Control mapped area **{PO cl.16}**

B

C

C

Controlled activity

CBD

Central Business District Zone **{PO cl.16}**

CEC

~~Other Commercial~~- CBD Edge Commercial Zones

CEC - North {Confirmed for addition - CMU 551.13}

CBD Edge Commercial North Zone **{CMU 551.13}**

CEC - South {Confirmed for addition - CMU 551.13}

CBD Edge Commercial South Zone **{CMU 551.13}**

CPTED {Confirmed for addition CMU cl.16}

Crime prevention through environmental design **{CMU cl.16}**

D

D

Discretionary activity

dB {Confirmed for addition - PHS 917.18}

Decibel **{PHS 917.18}**

dBA {Confirmed for addition - PHS 917.18}

A-frequency-weighted decibels. **{PHS 917.18}**

DCC {Confirmed for addition - PO cl.16}

Dunedin City Council **{PO cl.16}**

DIA {Confirmed for addition - PO cl.16}

Dunedin International Airport Zone {PO cl.16}

DnT, w + Ctr {Confirmed for addition - PHS 917.18}

Weighted Standardised Level Difference with Spectrum Adaption Term Ctr {PHS 917.18}

E

F

G

GFA {Confirmed for addition - PO cl.16¹}

Gross floor area {PO cl.16¹}

¹ **PO cl.16:** GFA is included in the abbreviation list to improve plan clarity as a minor and inconsequential amendment.

GPMA

Groundwater protection mapped area

GR {Confirmed for deletion - PO cl.16}

General Residential Zones {PO cl.16}

GR1TZ {Abbreviation has changed to "Residential Transition Overlay Zone" - ULS cl.16}

Note that this definition has been changed to Residential Transition Overlay Zone (RTZ) and so is now in section "R" {ULS cl.16}

GR1 {Confirmed for addition - PO cl.16}

General Residential 1 Zone {PO cl.16}

GR2 {Confirmed for addition - PO cl.16}

General Residential 2 Zone {PO cl.16}

GSA {Confirmed for deletion - NH cl.16}

Geologically Sensitive Mapped Area {NH cl.16¹}

¹ **NH cl.16:** Geologically sensitive areas are not part of the Plan, and are included in the data map for information purposes only.

H

Haz1

Hazard 1 Overlay Zones

Haz1A {Confirmed for addition - NH 908.37}

Hazard 1A (flood) Overlay Zone {NH 908.37}

Haz2

Hazard 2 Overlay Zones

Haz3

Hazard 3 Overlay Zones

HE

~~GBD Edge Mixed Use~~ - **{CMU cl.16}** Harbourside Edge Commercial **{CMU cl.16}** Zone

HETZ

~~Harbourside Edge Transitional~~ **{ULS cl.16}** Overlay Zone

HNCC

High Natural Coastal Character Overlay Zone

HP

Heritage Precincts

HSNO

Hazardous Substances and New Organisms Act 1996

HCS {Confirmed for addition - PO cl.16}

High class soils mapped area **{PO cl.16}**

I

ICR {Confirmed for addition - PO cl.16}

Inner City Residential Zone **{PO cl.16}**

Ind

Industrial Zone

IndPort

Industrial Port Zone

IndTZ

~~Industrial Transitional~~ Overlay **{ULS cl.16}** Zone

J

K

L

L10 {Confirmed for addition - PHS 917.18}

10% centile level (fast response) noise pressure level **{PHS 917.18}**

LAEq (15 minutes) {Confirmed for addition - PHS 917.18}

Time average A-frequency-weighted noise pressure level in a 15 minute time interval {PHS 917.18}

LAmx {Confirmed for addition - PHS 917.18}

Maximum A-frequency-weighted noise pressure level {PHS 917.18}

Ldn {Confirmed for addition - PHS 917.18}

Day/night average noise level {PHS 917.18}

LDR

Low Density Residential Zone

LGA

Local Government Act 2002

LLR

Large Lot Residential Zone

LLR1 {Confirmed for addition - PO cl.16}

Large Lot Residential 1 Zone {PO cl.16}

LLR2 {Confirmed for addition - PO cl.16}

Large Lot Residential 2 Zone {PO cl.16}

M

MF {Confirmed for deletion - PO cl.16}

Major Facility Zones {PO cl.16}

MHWS

Mean High Water Springs

N

NC

Non-complying activity

NCC

Natural Coastal Character Overlay Zone

NEC

Neighbourhood Centre Zone {CMU cl.16}

NECC

Neighbourhood Convenience Centre Zone {CMU cl.16}

NEDC

Neighbourhood Destination Centre Zone **{CMU cl.16}**

NESETA

Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009

NESTF

Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 ~~2008~~
{NU cl.16}

NZS {Confirmed for addition - PHS 917.18}

New Zealand Standard **{PHS 917.18}**

O

ONCC

Outstanding Natural Coastal Character Overlay Zone

ONF

Outstanding Natural Feature Overlay Zone

ONL

Outstanding Natural Landscape Overlay Zone

P

P

Permitted activity

PC

Principal Centre Zone **{CMU cl.16}**

PNB {Confirmed for deletion - Port cl.16}

Inner Port Noise Boundary **{Port cl.16}**

PPF

Primary Pedestrian Street Frontage Mapped Area

PPH

~~GBD Edge Mixed Use~~ **{CMU cl.16}** Princes, Parry and Harrow Street Commercial **{CMU cl.16}** Zone

Q

R

RC

Rural Centre Zone **{PO cl.16}**

RD

Restricted Discretionary activity

Rec

Recreation Zone

RHP {Confirmed to be deleted {Res - cl.16}}

~~Residential Heritage Precinct~~ **{Res cl.16}**

RMA

Resource Management Act 1991

RR

Rural Residential zones

RTZ {Renamed from GR1TZ - ULS cl.16}

~~General Residential 1~~ Residential Transition Overlay Zone **{ULS cl.16}**

RU

Rural zones

S

SC

Suburban Centre Zone **{CMU cl.16}**

SHS

Scheduled Heritage Site

SNL

Significant Natural Landscape Overlay Zone

SPF

Secondary Pedestrian Street Frontage Mapped Area

SSYP

~~CBD Edge Mixed Use -~~ **{CMU cl.16}** Smith Street and York Place Commercial **{CMU cl.16}** Zone

STEM

Standard Tree Evaluation Method

STP

Standard Temperature Pressure (Gases are measured at 15° Celsius at 1atm)

T

TR

Other Commercial- **{CMU cl.16}** Trade Related Zone

TS

Township and Settlement Zone

U

UBMA {Renamed from UCMA - NatEnv 958.60}

Urban conservation biodiversity mapped area **{NatEnv 958.60}**

V

W

WP

GBD Edge Mixed Use- **{CMU cl.16}** Warehouse Precinct Commercial **{CMU cl.16}** Zone

X

Y

Z

1.6 Statutory Framework (Notified as 1.3)

1.6.1 Resource Management Act 1991

The District Plan is prepared by the Dunedin City Council in accordance to its obligations under the Resource Management Act (RMA). The District Plan will replace the operative Dunedin City District Plan once it has proceeded through the statutory process within Schedule 1 of the RMA. The District Plan meets Council's functions under the RMA, particularly Part 2, Sections 31, 72, 74 and 75 and Schedule 1, and has been prepared in accordance with Section 32 of the RMA. Users of the District Plan should refer directly to the RMA for more information. **{PO cl.16}**

1.6.2 Relationship to Other Plans, Policy Statements and Strategies

The Resource Management Act 1991 establishes a framework for a hierarchy of policy statements and plans to enable effective resource management. This hierarchy spans across the 3 levels of government, that being the central, regional and district levels. In maintaining the function of this hierarchy, the District Plan must give effect to any documents which sit above it in the hierarchy. These include the policies documents and strategies detailed below. **{PO cl.16}**

1.3.2.1 National Policy Statements and National Environmental Standards

National policy statements and national environmental standards are documents prepared by the Minister for the Environment. These documents have different roles and weightings within the hierarchy of resource management plans and documents.

A national policy statement is a tool issued under section 52(2) of the RMA which provides guidance for decision-making and the development of provisions in a District Plan for matters of national significance. The national policy statements in place as at 26 September 2015 are:

- National Policy Statement on Electricity Transmission
- National Policy Statement for Renewable Electricity Generation
- New Zealand Coastal Policy Statement
- National Policy Statement for Freshwater Management

A national environmental standard contains technical standards, methods and other requirements which provide regulation for maintaining a clean, healthy environment. Methods for implementing the standards are consistent across New Zealand, enabling best practice, a consistent approach and clarity for the management of certain activities. National environmental standards sit above district plans and mandate the approach taken for certain activities. They therefore override District Plan provisions where there is overlap. However, a standard can specify circumstances where a District Plan may impose a more stringent standard than that contained within the national environmental standard itself. The national environment standards in place as at 26 September 2015 are:

- National Environmental Standards for Air Quality
- National Environmental Standard for Sources of Drinking Water
- National Environmental Standards for Telecommunication Facilities
- National Environmental Standard for Electricity Transmission Activities
- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health

In addition, the following national environmental standards are in development:

- Proposed National Environmental Standard on Ecological Flows and Water Levels
- Proposed National Environmental Standard on Plantation Forestry

The RMA mandates that district plans must give effect to any national policy statement. Rules must not be more lenient than those in a national environmental standard. **{PO cl.16}**

1.3.2.2 Regional Plans and Policy Statement

Regional plans and policy statements are other documents required by the RMA, and sit above the District Plan in the hierarchy of resource management documents. The Otago Regional Council (ORC) is responsible for preparing relevant regional plans and policy statements for the Otago Region. As per section 75(2) of the RMA the District Plan must be prepared having regard to any relevant regional plans and policy statements. Therefore, in developing the provisions of the District Plan, the Dunedin City Council has had regard to the following regional plans and policy statement:

- Otago Regional Plan: Water
- Otago Regional Plan: Coast
- Otago Regional Plan: Air
- Otago Regional Plan: Waste
- Otago Regional Policy Statement
- Proposed Otago Regional Policy Statement: **{PO cl.16}**

1.5.2.3 Kāi Tahu ki Otago Natural Resource Management Plan

The Kāi Tahu ki Otago Natural Resource Management Plan 2005 is the principal resource management planning document for Kāi Tahu ki Otago. The kaupapa of the plan is 'Ki Uta ki Tai' (from the mountains to the sea), which reflects the holistic Kāi Tahu philosophy of integrated resource management. Council has had regard to this plan during preparation of the 2GP, to recognise and provide for Kāi Tahu values. **{PO cl.16}**

2. Strategic Directions

2.1 Introduction

The strategic directions section focuses on key issues for the city and establishes the overall management approach for the 2GP the Plan **{PO cl.16}**, including zoning and other methods used in the Plan. These strategic directions reflect the strategic directions of the Spatial Plan for Dunedin adopted in September 2012, key goals for Dunedin identified by the community in the development of the 2GP the Plan **{PO cl.16}**, and the purpose and principles of the Resource Management Act 1991.

There are six overall strategic directions. Each strategic direction covers includes **{PO cl.16}** objectives and policies (which outline key methods). The strategic directions include the spatial distribution policies necessary to achieve strategic city-wide objectives.

The objectives and policies in the strategic directions section will be most relevant to the assessment of resource consent applications for non-complying activities, but they may also be relevant for other resource consent applications, particularly in considering cumulative effects. Situations where they are most relevant are outlined in the assessment rules of the management and major facility zones and city-wide activities and provisions sections.

The strategic directions, and the objectives and policies within them, are not ordered in any particular way. **{PO cl.16}**

2.2 Dunedin is Environmentally Sustainable and Resilient

Objective 2.2.1: Risk from natural hazards	
The risk to people, communities, and property from natural hazards, ~~and from considering {NH 394.6}~~ the potential effects of climate change, is minimised so that the risk ~~{NH 394.6}~~ is no more than low.	
Policy 2.2.1.1	Manage land use, development and subdivision based on: - the sensitivity of activities, by identifying them as: a <u>natural hazards {NH cl.16}</u> sensitive activity, a <u>natural hazards {NH cl.16}</u> potentially sensitive activity, or a <u>natural hazards {NH cl.16}</u> least sensitive activity; - the risk from natural hazards to people, communities and property, considering both the likelihood and consequences of natural hazards, as shown in Table 11.1 in Section 11.
Policy 2.2.1.2	In calculating the likelihood and consequences of natural hazards consider: - risks from a single natural hazard event or from repetitive natural hazard events; - risks from a combination of different natural hazards, including any potential interplay between natural hazards; - risks that may arise in the next 100 years; and - risks that may increase in frequency or consequence as a result of climate change.
Policy 2.2.1.3	Identify areas with risk from terrestrial flooding, and include these in hazard (flood) ~~{NH 908.57}~~ overlay zones as follows: - in the Hazard 1A (flood) Overlay Zone, include areas that are part of a flood protection scheme which have a crucial role in the conveyance or storage of floodwater where there may be a high risk to people and property and of transference or exacerbation of risk elsewhere; ~~{NH 908.37}~~ - in the ~~hazard 1 (flood) overlay zone~~ Hazard 1 (flood) Overlay Zone ~~{NH cl.16}~~, include areas that have a crucial role in the conveyance or storage of floodwater where there ~~is~~ may be ~~{NH 788.1 and others}~~ a high risk to people and property and of transference or exacerbation of risk elsewhere, ~~but where prohibited activity status is not seen as appropriate; {NH 908.37}~~ - in the ~~hazard 2 (flood) overlay zone~~ Hazard 2 (flood) Overlay Zone ~~{NH cl.16}~~, include areas in a flood plain or alluvial fan ~~{NH 908.57}~~ where there may be a moderate risk to people; ~~to and {NH cl.16}~~ property, and of transference or exacerbation of risk elsewhere; ~~and {NH cl.16}~~ - in the ~~hazard 3 (flood) overlay zone~~ Hazard 3 (flood) Overlay Zone ~~{NH cl.16}~~, include areas that are vulnerable to short term surface flooding but where there ~~is~~ may be ~~{NH 788.1 and others}~~ a low risk to people and property; ~~and {NH cl.16}~~ - in the Hazard 3 (alluvial fan) Overlay Zone, include areas that could be subject to flooding, including sediment-laden flows, but where there may be a low risk to people and property and of transference or exacerbation of risk elsewhere. ~~{NH 908.57}~~

Objective 2.2.1: Risk from natural hazards

The risk to people, communities, and property from natural hazards, and from considering **{NH 394.6}** the potential effects of climate change, is minimised so that the risk **{NH 394.6}** is no more than low.

Policy 2.2.1.4	Identify areas at risk from coastal hazards, and include these as follows: - in the dune system mapped area, include undeveloped dune systems that may be vulnerable to, or buffer adjacent areas from, coastal processes including erosion, inundation from the sea and sea level rise. - in the ~~hazard 3 (coastal) overlay zone~~ Hazard 3 (coastal) Overlay Zone {NH cl.16}, include areas where there may be ponding of water, including where it is from poor drainage caused by connectivity of groundwater with the sea and inundation from the sea. In these areas there is a low risk to property and to the safe and efficient operation of on-site wastewater disposal. This includes areas where the risk from these hazards will worsen over time due to the effects of climate change, taking into account a 1.05metre sea level rise.
Policy 2.2.1.5	Identify areas that may contain land at risk from land instability and include these in the hazard (land instability) overlay zone as follows: - in the ~~hazard 1 (land instability) overlay zone~~ Hazard 1 (land instability) Overlay Zone {NH cl.16}, areas identified as active landslides with a high sensitivity to either environmental or human induced modifications; that have experienced activity within the last 50 years; and where there is a high risk to people or property; and - in the ~~hazard 2 (land instability) overlay zone~~ Hazard 2 (land instability) Overlay Zone {NH cl.16}: - areas identified as definitely or likely to be a landslide, which have a moderate to high sensitivity to environmental or human-induced modifications; and - areas identified as mine shafts.
Policy 2.2.1.6	Manage the risk posed by natural hazards, so that it is no more than low, including through rules that: - change the activity status of activities based on the sensitivity of the activity and the level of risk associated with an identified hazard overlay zone; - use performance standards on permitted and restricted discretionary activities, wherever appropriate; - provide for natural hazard mitigation activities ~~where appropriate as restricted discretionary activities~~ {HazMit cl.16}; and - manage subdivision in a way that considers future land use and development.
Policy 2.2.1.7	In the hazard overlay zones, provide for more lenient rules on the expansion of existing activities in acknowledgement of the pre-existing financial investment and other operational ties in a site.
Policy 2.2.1.8	Where there is incomplete or uncertain information about natural hazards take a precautionary approach and require applicants to demonstrate that risk will be no more than low.
Policy 2.2.1.9	Support and encourage earthquake strengthening of heritage buildings that are earthquake-prone through more lenient rules on: - earthquake strengthening affecting the scheduled parts of heritage buildings; - replacement of elevated features where there is a risk to safety.

Objective 2.2.1: Risk from natural hazards

The risk to people, communities, and property from natural hazards, and from considering **{NH 394.6}** the potential effects of climate change, is minimised so that the risk **{NH 394.6}** is no more than low.

Policy 2.2.1.10	In areas identified as having a moderate to high likelihood of liquefaction-susceptible materials present, only allow plan changes to change zoning from rural to rural residential or residential where the risks from liquefaction are no more than low, or can be mitigated so that they will be no more than low.
Policy 2.2.1.11 {NH 908.35}	<u>Enable lifeline utilities and emergency services activities where these will have positive effects on the ability of communities to be resilient to natural hazards. {NH 908.35}</u>

Objective 2.2.2: Energy resilience

Dunedin reduces its reliance on non-renewable energy sources and **{NU 764.1}** is well equipped to manage and adapt to any changes that may result from volatile energy markets or diminishing energy sources changing or disrupted energy supply **{NU 764.1}** by having:

- a. increased local electricity renewable energy **{NU 308.36}** generation;
- b. reduced reliance on private motor cars for transportation; and **{Res 425.2}**
- c. increased capacity for local food production; and
- d. housing that is energy efficient. **{Res 425.2}**

Policy 2.2.2.1	Identify areas important for food production and protect them from activities or subdivision (such as conversion to residential use -oriented development) {RU 919.7} that may diminish food production capacity through: a. use of zoning and rules that limit subdivision and residential activity, based on the nature and scale of productive rural activities in different parts of the rural environment; b. consideration of rural productive values including the location of highly productive land {RU 1090.13 and 919.7} in identifying appropriate areas for urban expansion; and c. identification of areas where high class soils are present (high class soils mapped area) and use rules that require these soils to be retained on site; and d. use rules that require these soils to be retained on site. {RU cl.16}
Policy 2.2.2.2	Enable opportunities for urban food production through rules that: a. enable community gardens; b. require adequate areas of outdoor living space in residential areas; and c. require outdoor living spaces to get adequate access to sunlight.
Policy 2.2.2.3	Enable renewable energy generation, in recognition of its benefits including those set out in the National Policy Statement for Renewable Electricity Generation 2011, {NU 308.122} through policies and rules that: a. enable renewable on-site energy generation; and {NU 308.122} b. support the development of small and large scale renewable energy generation in appropriate locations: {NU 308.122} a. provide for the development of appropriate scales of generation: {NU 308.122} b. acknowledge the practical constraints of renewable energy generation, including those arising from the need to locate where resources are available: {NU 308.122} c. acknowledge the benefits, in terms of the efficient use of energy, of locating renewable energy generation close to end use and to electricity transmission or distribution infrastructure: {NU 764.1} d. acknowledge the benefits of having a distributed network for greater energy resilience. {NU 764.1}

Objective 2.2.2: Energy resilience

Dunedin reduces its reliance on non-renewable energy sources and {NU 764.1} is well equipped to manage and adapt to any changes that may result from volatile energy markets or diminishing energy sources changing or disrupted energy supply {NU 764.1} by having:

- a. increased local electricity renewable energy {NU 308.36} generation;
- b. reduced reliance on private motor cars for transportation; and {Res 425.2}
- c. increased capacity for local food production; and
- d. housing that is energy efficient. {Res 425.2}

Policy 2.2.2.4	Support transport mode choices and reduced car dependency through <u>policies and {ULS cl. 16}</u> rules that: a. <u>require activities that attract high numbers of users, including, major retail areas, offices, and community facilities, to locate where there are several convenient travel mode options, including private vehicles, public transport, cycling and walking restrict the location of activities that attract high numbers of users, and to which access by a range of travel modes is practicable, to where there are several convenient travel mode options, including private vehicles, public transport, cycling and walking: {CMU 634.51}</u> b. <u>encourage new community facilities to locate where there are several convenient travel mode options, including private vehicles, public transport, cycling and walking, unless there are specific operational requirements that make this impracticable: {CMU 634.51}</u> c. <u>allow the highest development densities in the most accessible locations, being in the central city and suburban centres zones: {ULS cl.16}</u> d. <u>require most new housing to locate in areas that are currently serviced or likely to be easily serviced by frequent bus services; and {ULS 1080.2} use existing access to public transport, or the ability to be serviced by public transport in the future, as a criterion for determining appropriate locations for new residential and medium density zones; and {ULS 1080.2}</u> e. <u>providing provide {ULS cl.16}</u> for dairies and registered health practitioners in residential zones to meet day to day needs, in a way that does not undermine Objective 2.3.2.
Policy 2.2.2.5 <u>{Res 425.2}</u>	<u>Encourage the development of new housing that is durably-constructed and energy efficient to operate, and located to minimise, as far as practicable, transportation costs and car-dependency by: {Res 425.2}</u> a. <u>managing the design of subdivision to promote connectivity and legibility and maximise accessibility by transportation modes other than private motor cars; and {Res 425.2}</u> b. <u>managing subdivision, and building and site design to maximise solar access and the environmental performance of buildings. {Res 425.2}</u>

Objective 2.2.3: Indigenous biodiversity

Dunedin's significant **{NatEnv 958.7}** indigenous biodiversity is retained, protected or **{NatEnv 958.7}** enhanced, and restored; and other indigenous biodiversity is maintained or enhanced, and restored; **{NatEnv 1088.13}** with all indigenous biodiversity having **{NatEnv cl.16}** improved connections and improved **{NatEnv cl.16}** resilience.

Policy 2.2.3.X {NatEnv 900.9 and 958.8}	Protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, including by: {NatEnv 900.9 and 958.8} <u>promoting the protection of these in a schedule as {NatEnv 900.9 and 958.8} Areas of Significant Biodiversity Value (ASBVs) {NatEnv 958.60}, QEII covenants, and/or other legal covenants; and {NatEnv 900.9 and 958.8}</u> <u>assessment rules which require the consideration of significance as part of the assessment of effects on biodiversity values. {NatEnv 900.9 and 958.8}</u>
Policy 2.2.3.1	Identify <u>as</u> areas of significant indigenous vegetation and/or <u>as</u> significant habitats of indigenous fauna and promote the protection of these as {NatEnv 900.9 and 958.8} Scheduled Areas of Significant Conservation Value (ASCVs) {NatEnv 958.60} and/or through QEII covenants. Identify {NatEnv 900.9 and 958.8} areas which <u>meet</u> have all or a number <u>one or more</u> {NatEnv 900.9 and 958.8} of the following criteria: <u>Protected areas: {NatEnv cl.16} existing protected areas set aside by statute or covenant or listed in an operative Otago Regional Council Regional Plan as having significant indigenous biodiversity value;</u> <u>habitats for indigenous species that are nationally threatened, at risk, or uncommon; {NatEnv cl.16}</u> <u>Rarity: {NatEnv cl.16} indigenous vegetation and/or fauna habitat types that are rare, acutely or chronically threatened; areas that support: {NatEnv 949.22 and 958.8}</u> <u>habitats {NatEnv 1088.14} for indigenous species that are nationally {NatEnv 949.22 and 958.8} threatened, at risk, or uncommon, nationally or within an ecological district {NatEnv 949.22 and 958.8};</u> <u>indigenous vegetation or habitat of indigenous fauna that has been reduced to less than 20% of its former extent nationally, regionally or within a relevant land environment, ecological district or freshwater environment including wetlands; or {NatEnv 949.22 and 958.8}</u> <u>indigenous vegetation and habitats within originally rare ecosystems; {NatEnv 949.22 and 958.8}</u> <u>Representativeness: {NatEnv cl.16} indigenous vegetation or indigenous fauna that is distinctive or representative of the natural diversity of the ecological district <u>areas that are examples of an indigenous vegetation type or habitat that is typical or characteristic of the natural diversity of the relevant ecological district, which may include degraded examples of their type or represent all that remains of indigenous vegetation and habitats of indigenous fauna in some areas; {NatEnv 949.22 and 958.8}</u></u> <u>Distinctiveness: {NatEnv cl.16} areas that support or provide habitat for: {NatEnv 949.22 and 958.8}</u> <u>indigenous species at their distributional limit within Dunedin or nationally; {NatEnv 1088.14, 949.22 and 958.8}</u> <u>indigenous species that are endemic to the Otago region; or {NatEnv 949.22 and 958.8}</u> <u>indigenous vegetation or an association of indigenous species that is distinctive, of</u>

Objective 2.2.3: Indigenous biodiversity

Dunedin's significant {NatEnv 958.7} indigenous biodiversity is ~~retained, protected or~~ {NatEnv 958.7} enhanced, and restored; and other indigenous biodiversity is ~~maintained or enhanced, and restored;~~ {NatEnv 1088.13} with all indigenous biodiversity having {NatEnv cl.16} improved connections and improved {NatEnv cl.16} resilience.

restricted occurrence, or has developed as a result of an unusual environmental factor or combinations of factors; {NatEnv 949.22 and 958.8}

- f. Ecological Context: {NatEnv cl.16} areas important for their ecological context ~~as an ecological buffer, connection or as a habitat for indigenous fauna, including areas that: {NatEnv 949.22 and 958.8}~~
 - i. have important connectivity value allowing dispersal of indigenous vegetation and fauna between different areas; {NatEnv 949.22 and 958.8}
 - ii. perform an important buffering function that helps to protect the values of an adjacent area or feature; or {NatEnv 949.22 and 958.8}
 - iii. are important for indigenous fauna, on a regular or temporary basis, for breeding, refuge, feeding or resting; {NatEnv 949.22 and 958.8}
- g. Diversity: {NatEnv cl.16} ~~areas with a relatively high indigenous diversity and pattern areas that support a high diversity of indigenous ecosystem types, indigenous taxa or have changes in species composition reflecting the existence of diverse natural features or gradients {NatEnv 949.22 and 958.8}; or~~
- h. Size: {NatEnv cl.16} areas that are of a size to make them significant.

Policy 2.2.3.2

- Maintain or enhance indigenous biodiversity in the rural environment through rules that:
- a. require indigenous vegetation clearance to be set back from the coast, wetlands and water bodies, and that {NatEnv 900.10} restrict indigenous vegetation clearance along in the coastal margins environment, riparian corridors {NatEnv 900.10} and in wetlands;
 - b. protect significant indigenous vegetation and/or significant habitats of indigenous fauna {NatEnv 690.5} in Scheduled Areas of Significant Conservation Biodiversity Value (ASCVs ASBVs); {NatEnv 958.60}
 - c. protect threatened species and mature examples of important native trees, and otherwise limit the removal clearance {NatEnv cl.16} of indigenous vegetation;
 - d. manage the location and scale of development adjacent to the coast and water bodies; and {NatEnv cl.16}
 - e. require esplanade reserves or esplanade strips when land is subdivided adjacent to the coast and identified water bodies; and {NatEnv cl.16}
 - f. require the assessment of effects on biodiversity values for discretionary and non-complying land use, development and city-wide activities. {NatEnv 900.35}

Policy 2.2.3.3

- Encourage conservation activity in all zones through:
- a. rules that enable conservation activity; and
 - b. assessment rules that encourage the consideration of the positive effects of conservation (protection, restoration {NatEnv 908.24} or enhancement of indigenous biodiversity) as part of consent applications.

Objective 2.2.3: Indigenous biodiversity

Dunedin's significant **{NatEnv 958.7}** indigenous biodiversity is ~~retained, protected or~~ **{NatEnv 958.7}** enhanced, and restored; and other indigenous biodiversity is maintained or enhanced, and restored; **{NatEnv 1088.13}** with all indigenous biodiversity having **{NatEnv cl.16}** improved connections and improved **{NatEnv cl.16}** resilience.

Policy 2.2.3.4 Encourage maintenance and enhancement of ~~Maintain or enhance~~ **{NatEnv 900.12}** biodiversity values in the urban environment through:

- identification of an **urban conservation biodiversity mapped area {NatEnv 958.60}** and rules that restrict vegetation clearance in these areas;
- rules that restrict vegetation clearance along water bodies;
- requiring esplanade reserves or esplanade strips when land is subdivided adjacent to the coast and identified water bodies; and
- rules that require buildings, structures and earthworks to be set back from the coast and identified **{NatEnv 1088.41}** water bodies.

Policy 2.2.3.5 **{NatEnv 949.29}**

Only consider a biodiversity offset, as a positive effect to be balanced against the adverse effects of an activity, where the offset: **{NatEnv 949.29}**

- is proposed to address residual adverse effects after taking steps to first: **{NatEnv 949.29}**
 - avoid adverse effects; then **{NatEnv 949.29}**
 - minimise adverse effects as far as practicable; by **{NatEnv 949.29}**
 - mitigating effects and then remedying effects that cannot be mitigated; and **{NatEnv 949.29}**
 - ensuring that any on-site rehabilitation or restoration measures will occur as soon as practicable; **{NatEnv 949.29}**
- is close to the donor site, unless a more distant site will result in a significantly better ecological outcome; **{NatEnv 949.29}**
- will result in no net loss and preferably a net gain in biodiversity value; where: **{NatEnv 949.29}**
 - the biodiversity values gained will be the same or similar to those being lost; **{NatEnv 949.29}**
 - any gains in biodiversity values are demonstrably additional to those that may have occurred if the proposed activity had not gone ahead; and **{NatEnv 949.29}**
 - the positive effects of the offset last at least as long as the adverse effects of the proposed activity, and preferably in perpetuity; **{NatEnv 949.29}**
- will not be used to offset irreplaceable and vulnerable biodiversity and is not contrary to Policy 11 of the New Zealand Coastal Policy Statement; and **{NatEnv 949.29}**
- does not include forfeiting rights to permitted or consented land use or development activities. **{NatEnv 949.29}**

Objective 2.2.3: Indigenous biodiversity

Dunedin's significant **{NatEnv 958.7}** indigenous biodiversity is ~~retained, protected or~~ **{NatEnv 958.7}** enhanced, and restored; and other indigenous biodiversity is maintained or enhanced, and restored; **{NatEnv 1088.13}** with all indigenous biodiversity having **{NatEnv cl.16}** improved connections and improved **{NatEnv cl.16}** resilience.

Policy 2.2.3.6
{NatEnv
1088.15}

- Only consider environmental compensation, as a positive effect to be balanced against the adverse effects of an activity, where: **{NatEnv 1088.15}**
- a. the compensation is proposed to address residual adverse effects after taking steps to first: **{NatEnv 1088.15}**
 - i. avoid adverse effects; then **{NatEnv 1088.15}**
 - ii. minimise adverse effects as far as practicable; by **{NatEnv 1088.15}**
 1. mitigating effects and then remedying effects that cannot be mitigated; and **{NatEnv 1088.15}**
 2. ensuring that any on-site rehabilitation or restoration measures will occur as soon as practicable; then **{NatEnv 1088.15}**
 - iii. offset adverse effects in accordance with Policy 2.2.3.5; **{NatEnv 1088.15}**
 - b. the environmental compensation is as close as possible to meeting the criteria for a biodiversity offset as set out in Policy 2.2.3.5. **{NatEnv 1088.15}**

¹ **NatEnv cl.16:** The criteria in Policy 2.2.3.1 have been given sub-headers to provide greater clarity and ensure consistency with the Regional Policy Statement for Otago. This does not change the effect of provisions.

² **NatEnv cl.16:** Clause 2.2.3.1.b has shifted to 2.2.3.1.c.i. This does not change the effect of provisions.

Objective 2.2.4: Compact and accessible city

Dunedin stays a compact and accessible city with resilient townships based on sustainably managed urban expansion. Urban expansion only occurs if required and in the most appropriate form and locations.

Policy 2.2.4.1	Prioritise the efficient use of existing urban land over urban expansion by: ~~a. identifying {Res 881.27} existing areas of urban land that could be used more efficiently in a range of locations that could be used more efficiently {ULS cl.16} to provide for medium density housing in accordance with Policy 2.6.3.4; while minimising any effects on neighbourhood amenity, based on having all or a majority of the following characteristics: {ULS 194.9 and ULS 394}~~ ~~b. ensuring that land is used efficiently and zoned at a standard or medium density (General Residential 1, General Residential 2, Inner City Residential, Low Density, or Township and Settlement), except if: hazards; slope; the need for on-site stormwater storage; the need to protect important biodiversity, water bodies, landscape or natural character values; or other factors make a standard density of residential development inappropriate; in which case, a large lot zoning or a structure plan mapped area should be used as appropriate. {ULS 194.9 and ULS 394}~~ a. locations with good transportation choices (proximity to frequent bus services); {ULS 194.9 and ULS 394} b. good access to services and facilities (proximity to CBD and centres and other community facilities); {ULS 194.9 and ULS 394} c. locations with older or cheaper housing stock more likely to be able to be redeveloped; {ULS 194.9 and ULS 394} d. compatibility of medium density housing with existing neighbourhood character; {ULS 194.9 and ULS 394} e. ability for medium density housing to be developed without significant effects on streetscape amenity; {ULS 194.9 and ULS 394} f. locations with a topography that is not too steep; {ULS 194.9 and ULS 394} g. locations that will receive reasonable levels of sunlight; {ULS 194.9 and ULS 394} h. locations that are not subject to significant hazards, including from rising sea level; and {ULS 194.9 and ULS 394} i. market desirability particularly for one and two person households. {ULS 194.9 and ULS 394}
Policy 2.2.4.2	Encourage new residential housing development in the central city and larger centres, through rules that: {CMU cl.16} a. the use of mixed-use zoning that provides {CMU cl.16} for residential development in the central city and centres; and b. rules that enable adaptive re-use of heritage buildings for apartments, including by exempting scheduled heritage buildings from minimum parking requirements. {CMU cl.16}

Objective 2.2.4: Compact and accessible city

Dunedin stays a compact and accessible city with resilient townships based on sustainably managed urban expansion. Urban expansion only occurs if required and in the most appropriate form and locations.

Policy 2.2.4.3	Ensure expansion of urban and rural residential {ULS 394} areas occurs in the most appropriate locations and only when required by: - use of transitional {ULS cl.16} overlay zones and appropriate triggers for release of land based on including, for residential transitional overlay zones, when existing capacity in the catchment has reduced to a specified level: to identify areas to provide for future residential, commercial and industrial needs; and appropriate criteria for the release of land based on: {ULS 394} - public infrastructure provision; and {ULS 394} - for residential and commercial and mixed use zoned land, a shortage of capacity: {ULS 394} . - avoiding the creation of any new rural residential subdivisions and instead enable the use of existing undersized rural sites for rural residential activity through rezoning as Rural Residential 2 sites, and consider conversion of these areas into Rural Residential 1 zoning when there is a demonstrated shortage of rural residential capacity: {ULS 394} - encouraging applications for any subdivision that fundamentally changes rural land to rural residential land or {ULS 394} residential land to be processed as a plan change; and - requiring any alternative development areas suggested via a plan change process to demonstrate that they are able to achieve the proposed zoning is the most appropriate in terms of {ULS 394} the objectives and policies contained within these strategic directions, and including that for residential zoning, meet the proposal is appropriate in terms of the {ULS 394} criteria contained in Policy 2.6.3.1.
Policy 2.2.4.4	Avoid subdivision that provides for residential activity of a fundamentally different type than provided for in the various zones, through: - rules that prevent rural residential or urban-scale residential living in rural zones; - rules that prevent urban-scale residential living in a rural residential zone; - rules in urban environments that require the density of residential activity to reflect the existing or intended future character of the residential area; and - rules that do not provide for family flats, that are provided solely to allow extended or large families to live together, {PO 539.3 and 708.2} to be converted into primary residential units through subdivision or other means.
Policy 2.2.4.5	Limit areas where water supply, wastewater and/or stormwater network connections are allowed to zones where network connections are anticipated (including residential and other urban zones) in order to avoid future pressure for changes to the type or density of development provided for in rural or rural residential zones adjacent to areas where water supply, wastewater and/or stormwater infrastructure may pass through.

Objective 2.2.5: Environmental performance

Development in the city is designed to reduce environmental costs and adverse effects on the environment as much as practicable, including energy consumption, water use, and the quality and quantity of stormwater discharge.

Policy 2.2.5.1	Encourage ~~domestic-scale~~ <u>small scale</u> {NU 308.122} renewable energy generation through <u>policies and {NU cl.16}</u> rules that ~~enable these utilities provide for these activities where they are of an appropriate scale, design and location.~~ {NU 394.68 and others}
Policy 2.2.5.2	Enable and encourage on-site stormwater and wastewater management, where <u>this would not endanger groundwater and is</u> {PHS 908.7} not in conflict with the efficient use of existing <u>public, wastewater and stormwater</u> {PO 881.11, 881.13 and 881.167} infrastructure, through rules that provide for an alternative to connecting to <u>reticulated public water supply, wastewater and stormwater</u> {PO 881.11 and 881.13} infrastructure.
Policy 2.2.5.3	Encourage improvements to the environmental performance of new housing by: - assessment rules that consider the layout of subdivision <u>and development</u> {Res 425.8} in terms of solar orientation; - encouraging new medium density housing in parts of the city that have old housing stock that is not protected for its heritage values; and - rules that require outdoor living space to be on the sunny side of buildings, and requiring principal living areas to connect to the outdoor living space; <u>and</u> <u>rules that restrict height in relation to boundary to facilitate access to sunlight in outdoor areas.</u> {Res 425.8}

Objective 2.2.6: Public health and safety {PHS cl.16}

The risk to people's health and safety from contaminated sites, hazardous substances, and high levels of noise or emissions is minimised. **{PHS cl.16}**

Policy 2.2.6.1 {PHS cl.16}	Protect people from noise, light or offensive emissions that may create adverse effects on health or well-being through rules that: {PHS cl.16} a. <u>encourage heavier industrial activities into industrial zones, which have lenient noise limits and do not allow residential or other noise sensitive activities in these zones: {PHS cl.16}</u> b. <u>require adequate separation distances between noise sensitive activities and activities that may generate excessive noise in the rural zones: {PHS cl.16}</u> c. <u>require acoustic insulation of buildings containing noise sensitive activities in mixed use environments: {PHS cl.16}</u> d. <u>allow for lighter industrial activities in mixed use zones, provided any parts of the activity that may generate excessive noise or odour are in a part of the building without doors and windows opening onto a pedestrian street frontage mapped area: {PHS cl.16}</u> e. <u>restrict the level of noise and light spill from activities and development to safe levels depending on the nature of the receiving environment (zone); and {PHS cl.16}</u> f. <u>restrict activities that generate high levels of noise from locating in residential zones. {PHS cl.16}</u>
Policy 2.2.6.2 {PHS cl.16}	Manage the risk posed by the storage and use of hazardous substances so that it is no more than low, including through rules that: {PHS cl.16} a. <u>limit the quantity of different hazardous substances that may be used in different environments (zones); and {PHS cl.16}</u> b. <u>restrict sensitive activities from locating within a hazard facility mapped area. {PHS 906.1}</u>

¹ **PHS cl.16:** Objective 2.2.6 and related policies were omitted from the notified Plan due to a technical error, however they were referred to in Rule 9.7.2. They are included as a minor change as they only summarise methods used in the Plan and therefore their inclusion as a cl.16 amendment has no substantive effect.

2.3 Dunedin is Economically and Socially Prosperous

Objective 2.3.1: ~~Protection of land~~ Land and facilities {NU 918.22} important for economic productivity and social well-being {NU 918.22}	
Land <u>and facilities</u> {NU 918.22} that is <u>are</u> {NU 918.22} important for economic <u>productivity</u> {NU 918.22} and social prosperity <u>well-being</u> {NU 918.22}, including which include {NU 918.22} industrial areas, major facilities, key transportation routes, <u>network utilities</u>: {NU 918.22} and productive rural land; <u>are</u>: {NU 918.22} a. is {NU 918.22} protected from less productive competing uses or incompatible uses, <u>including activities that may give rise to reverse sensitivity</u>: {NU 918.22 and PO 1046.5} and b. <u>in the case of facilities, able to operate efficiently and effectively</u>. {NU 918.22}	
Policy 2.3.1.1	Identify important gateways (including Dunedin International Airport, Dunedin Port and Port of Otago at Port Chalmers) <u>and</u> zone these as major facilities <u>or industrial port</u> {Ind 634.53} and use rules to: a. enable them to continue to operate efficiently and effectively, while minimising as far as <u>practical practicable</u> {PO 908.3 and others} any adverse effects on surrounding areas; and b. protect them from activities that may lead to reverse sensitivity issues. {PO 1046.5}
Policy 2.3.1.2	Maintain or enhance the productivity of farming and other activities that support the rural economy through: a. rules that enable productive rural activities; b. rules that provide for rural industry and other activities that support the rural economy; c. zoning and rules that limit subdivision and residential activity based on; - the nature and scale of productive rural activities in different parts of the rural environment; <u>the location of highly productive land; and</u> {RU 1090.13} <u>potential conflict with rural water resource requirements</u>: {RU 908.71}; d. rules that restrict residential activity within the rural environment to that which supports productive rural activities or that which is associated with papakāika; e. <u>rules that require residential buildings to be set back from boundaries to minimise the potential for reverse sensitivity</u>: {RU 1090.14} f. rules that restrict subdivision that may lead to land fragmentation and create pressure for residential-oriented development; g. rules that prevent the loss of high class soils; and h. rules that restrict commercial and community activities in the rural zones to those activities that need a rural location <u>and or</u> {RU 366.3} support rural activity <u>activities</u> {PO cl.16}.
Policy 2.3.1.3	In order to avoid cumulative effects on rural productivity and rural character values set and strictly enforce a minimum site size standard for subdivision in the rural zones. Determine the minimum site size standard considering: a. the median size land holding associated with and necessary to support farming activity in each rural zone; b. the existing pattern of settlement and land use in each rural zone; and c. the character and amenity values that exist in each rural zone.

Objective 2.3.1: Protection of land Land and facilities {NU 918.22} important for economic productivity and social well-being {NU 918.22}

Land and facilities {NU 918.22} that is are {NU 918.22} important for economic productivity {NU 918.22} and social prosperity well-being {NU 918.22}, including which include {NU 918.22} industrial areas, major facilities, key transportation routes, network utilities; {NU 918.22} and productive rural land; are: {NU 918.22}

- a. is {NU 918.22} protected from less productive competing uses or incompatible uses, including activities that may give rise to reverse sensitivity; {NU 918.22 and PO 1046.5} and
- b. in the case of facilities, able to operate efficiently and effectively. {NU 918.22}

Policy 2.3.1.4	Identify land strategically important for industrial activities, including near the Harbour and key transport routes, and use industrial zoning and rules to protect industrial activities from incompatible or competing land uses in these areas, in particular retail (other than yard-based retail) and residential activities.
Policy 2.3.1.5	Identify key transportation routes, and protect the safety and efficiency of these roads from inappropriate subdivision or development through: a. rules that control the location and design of access points; and b. rules that require minimum on-site car parking and loading requirements.
Policy 2.3.1.6	Identify facilities that contribute significantly to the economic productivity {NU 918.22} and social prosperity wellbeing {NU 918.22} of the city, including the University of Otago and Otago Polytechnic campuses, hospitals, schools and Invermay, zone these as major facilities and use rules to: a. enable them to continue to operate efficiently and effectively, while minimising as far as practical practicable {PO 908.3 and others} any adverse effects on surrounding areas; and b. protect them from activities that may lead to reverse sensitivity issues. {PO 1046.5}
Policy 2.3.1.7 {NU 918.22}	Enable network utilities through: a. identifying National Grid infrastructure on planning maps and protecting the safe and efficient establishment, operation and upgrading of this infrastructure from inappropriate development; b. rules that enable network utilities to be established, operated and upgraded efficiently and effectively, while managing any adverse effects on the environment; and c. rules that require activities that may damage or impede access to network utilities, and activities that may be sensitive to their effects, to be set back an adequate distance from network utilities.
Policy 2.3.1.8 {CP 1088.17 and others}	Provide for mining by: a. using scheduled activities rules for quarries and sand mines that are reliant on these rules from the Dunedin City District Plan (2006), with maximum annual extraction limits based on existing operations; b. considering as part of resource consent applications for new or expanded mining: i. the need for mining to locate where resources are available; and ii. the transport benefit of locating mining close to where the product of mining is required.

Objective 2.3.1: Protection of land Land and facilities {NU 918.22} important for economic productivity and social well-being {NU 918.22}

Land and facilities {NU 918.22} that is are {NU 918.22} important for economic productivity {NU 918.22} and social prosperity well-being {NU 918.22}, including which include {NU 918.22} industrial areas, major facilities, key transportation routes, network utilities; {NU 918.22} and productive rural land; are: {NU 918.22}

- a. is {NU 918.22} protected from less productive competing uses or incompatible uses, including activities that may give rise to reverse sensitivity; {NU 918.22 and PO 1046.5} and
- b. in the case of facilities, able to operate efficiently and effectively. {NU 918.22}

**Policy 2.3.1.Y
{RU 796.3}**

Provide for landfills in the rural zones by considering as part of resource consent applications for new or expanded landfills:

- a. the need for landfills to locate where the environmental performance of the landfill is supported, and
- b. the transport benefit of locating landfills close to the sources of waste destined for the landfill.

**Policy 2.3.1.9
{RU 360.161
and 853.1}**

Identify areas of high class soils and promote the protection of these through a **high class soils mapped area**. Identify areas which have all of the following criteria:

- a. slope at most rolling (15° or less);
- b. at most, moderate erosion susceptibility;
- c. water available;
- d. mean annual temperature greater than 8°C;
- e. not subject to severe winds;
- f. not very gravelly horizon at surface;
- g. not peaty or fragmental;
- h. drainage adequate or readily improved;
- i. pans, if present, capable of amelioration;
- j. 25mm or more readily available water to 60cm depth;
- k. 100mm or more total available water to 1m depth; and
- l. pH greater than 4.8 and less than 7.5.

Objective 2.3.2: Centres hierarchy

Dunedin has a hierarchy of vibrant centres anchored around one Central Business District Zone {CMU cl.16} (CBD), which provides a focus for economic and employment growth, driven by:

- a. attraction of businesses to these areas based on the high level of amenity and density of activity in the area;
- b. opportunities for social interaction, exchange of ideas and business cooperation;
- c. public investment in public amenities and other infrastructure in the CBD; and
- d. opportunities for agglomeration benefits from the co-location of activities.

Policy 2.3.2.1	Identify and protect the existing hierarchy of centres in Dunedin, which includes: a. the CBD, <u>which comprises</u> including {CMU cl.16} the commercial core of the city centred around George Street, the Octagon, Princes Street to the Exchange and connecting down to the Railway Station. b. principal centres, many of which were the former town centres of the various historic boroughs that make up Dunedin (South Dunedin, Mosgiel, Green Island, Port Chalmers). These centres provide a full range of commercial services to these communities and are important to their individual identity and for community-building; c. suburban centres, <u>which</u> ~~that~~ {CMU cl.16} provide a full range of commercial services to suburban catchments; d. rural centres, which like principal centres serve as community centres but generally provide for a smaller range of activities based on smaller population catchments; e. neighbourhood centres, which are generally small clusters of shops that provide for a range of day-to-day needs for local areas as well as, in <u>neighbourhood</u> {CMU cl.16} destination centres, ~~also~~ {CMU cl.16} to visitors, and in <u>neighbourhood</u> {CMU cl.16} convenience centres, ~~also~~ {CMU cl.16} to passing motorists.
Policy 2.3.2.2	Maintain or enhance the density and productivity of economic activity in the CBD and centres in order to provide sufficient supply for the projected needs for retail and office development for a 15 year period, while avoiding over-supply, and decentralisation of these activities and location outside of centres, unless they are unlikely to contribute to, or may detract from, the vibrancy of centres {CMU 877.2} through a zoning and {CMU 877.2} rules that restrict the distribution of retail and office activities outside of these areas <u>unless</u>: {CMU 877.2} a. <u>they are unlikely to contribute to, or may detract from, the vibrancy of centres; or</u> {CMU 877.2} b. <u>as provided for under Policy 18.2.1.3 or 15.2.1.5.</u> {CMU 877.2}
Policy 2.3.2.3	Manage the ~~existing and proposed harbourside edge~~ {CMU cl.16} mixed use areas around the edge of the CBD through zones that provide for a compatible mix of activities that support rather than detract from the vibrancy and vitality of the CBD and centres (Warehouse Precinct <u>Zone</u>, Princes, Parry and Harrow Street Zone, Smith Street and York Place Zone and Harbourside Edge Zone), and that: a. for the Warehouse Precinct <u>Zone</u>, support the retention of scheduled heritage buildings and heritage precinct values; and b. for the Harbourside Edge Zone, allow for a transition toward a mixed use environment, with enhanced public connection to and along the coast, focused on residential, visitor accommodation, restaurant and entertainment and exhibition <u>and limited office</u> {CMU 908.102} activities, alongside continued use for <u>any existing</u> {CMU 908.102} port-related and other {CMU 908.102} industrial activities.

Objective 2.3.2: Centres hierarchy

Dunedin has a hierarchy of vibrant centres anchored around one Central Business District Zone {CMU cl.16} (CBD), which provides a focus for economic and employment growth, driven by:

- a. attraction of businesses to these areas based on the high level of amenity and density of activity in the area;
- b. opportunities for social interaction, exchange of ideas and business cooperation;
- c. public investment in public amenities and other infrastructure in the CBD; and
- d. opportunities for agglomeration benefits from the co-location of activities.

Policy 2.3.2.4	Manage the other existing low-amenity mixed commercial/industrial areas around Andersons Bay Road, ~~King Edward Street~~ {CMU 866.2} Hillside Road and the outer edges of the central city through zones that only provide for commercial activities that are likely to be incompatible with the amenity expectations of the CBD <u>and</u> ~~centres~~, or require larger sites than are available in the CBD <u>and</u> ~~centres~~, including: a. for the Trade Related Zone providing for trade related retail mixed with yard-based retail and industrial activities, and large supermarkets; and b. for the CBD Edge Commercial Zones {PO cl.16}, provide for large format and bulky goods retail along with yard-based retail and industrial activities.

Objective 2.3.3: Facilities and spaces that support social and cultural well-being

Dunedin has a range of accessible recreational, sporting, social and cultural facilities and spaces, which provide for high levels of physical, social, and cultural well-being across the community.

Policy 2.3.3.1	Support community and leisure ~~activities~~ <u>activity</u> {PO cl.16}, sport and recreation, and essential community facilities in Dunedin through: - rules that provide for community and leisure ~~activities~~ <u>activity</u> {PO cl.16} across all zones, subject to relevant performance standards; - rules that enable restaurant and retail activities within sport and recreation facilities where they are designed and operated to be ancillary to that activity and will not conflict with Objective 2.3.2; - rules that require subdivision to maintain or enhance public access to the coast and waterways and <u>encourage</u> {Res cl.16} connection and expansion of the recreational track networks where appropriate; - applying a recreation zone to important recreational and open space areas, to enable the community activities that occur there and protect important reserve values; - providing for cemeteries and crematoriums in appropriate locations while minimising, as far as practicable, any adverse cultural or amenity effects on surrounding sensitive activities; and - rules that enable temporary activities, subject to relevant performance standards.
Policy 2.3.3.2	Identify important recreational and community facilities that are of a scale or type that is significantly different to activities provided for in the surrounding management zones, including the Forsyth Barr Stadium, Edgar Centre, Moana Pool, Dunedin Botanic Garden, Otago Museum and Taieri Aerodrome, and zone these as major facilities and use rules to: - enable them to continue to operate efficiently and effectively, while minimising as far as ~~practical~~ <u>practicable</u> {PO 908.3 and others} any adverse effects on surrounding areas; and - protect them from activities that may lead to reverse sensitivity issues. {PO 1046.5}

2.4 Dunedin is a Memorable City with a Distinctive Built and Natural Character

Objective 2.4.1: Form and structure of the urban {ULS cl.16'} environment	
The elements of the urban {ULS cl.16'} environment that contribute to residents' and visitors' aesthetic appreciation for and enjoyment of the city are protected and enhanced. These include: a. important green and other open spaces, including green breaks between coastal settlements; {ULS 447.11} b. trees that make a significant contribution to the visual landscape and history of neighbourhoods; c. built heritage, including nationally recognised built heritage; {Her 417.7} d. important visual landscapes and vistas; e. the amenity and aesthetic coherence of different urban {ULS cl.16'} environments; and f. the compact and accessible form of Dunedin.	
Policy 2.4.1.1	Identify and protect important green and open spaces, such as the Town Belt, through including them in a the Recreation Zone {Rec cl.16}, with rules that protect and enhance the values associated with these areas.
Policy 2.4.1.2	Identify in a schedule (see Appendix A1.3) trees that make a significant contribution to the visual and historical landscape and amenity of neighbourhoods and other places, and use rules to restrict removal or modification of these trees. Identify significant trees based on the following criteria: a. health and condition of the tree, including: i. vigour and vitality; and ii. age; and b. contribution to the amenity of an area, including: i. occurrence of the species and historic and scientific values; ii. function (usefulness), for example biodiversity supporting or fruit bearing; iii. stature; iv. visibility; v. proximity of other trees; vi. role in the setting; vii. climatic influence; and c. any potential adverse effects, including: i. risk to safety; and ii. risk of potential damage to existing infrastructure, buildings or structures.

Objective 2.4.1: Form and structure of the urban {ULS cl.16} environment

The elements of the urban {ULS cl.16} environment that contribute to residents' and visitors' aesthetic appreciation for and enjoyment of the city are protected and enhanced. These include:

- a. important green and other open spaces, including green breaks between coastal settlements; {ULS 447.11}
- b. trees that make a significant contribution to the visual landscape and history of neighbourhoods;
- c. built heritage, including nationally recognised built heritage; {Her 417.7}
- d. important visual landscapes and vistas;
- e. the amenity and aesthetic coherence of different urban {ULS cl.16} environments; and
- f. the compact and accessible form of Dunedin.

Policy 2.4.1.3	Identify in a schedule of 'character-contributing buildings' (see Appendix A1.1), buildings that contribute to the heritage streetscape character of heritage precincts as a result of their design being broadly consistent with the predominant values and characteristics of the heritage precinct, and use rules to manage additions, alterations and demolition of these buildings. Design aspects that may be relevant in determining whether a building is 'character-contributing' include: a. building age; b. architectural style; c. materials; d. height; e. bulk and location; and f. quality.
Policy 2.4.1.4	Identify and protect key aspects of the visual relationship between the city and its natural environment or heritage buildings and landmarks through rules that: a. restrict the height of buildings along the harbourside to maintain views from the central city and Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula; and b. manage the height of buildings in the CBD to maintain a primarily low-rise heritage cityscape.
Policy 2.4.1.5	In residential neighbourhoods, manage building bulk and location, site development (including site coverage), and overall development density to: a. maintain or create attractive streetscapes; and b. protect the amenity of residential activities and public open space on surrounding sites {Res cl.16}.
Policy 2.4.1.6	Across the whole city, avoid visual clutter from signage through rules that: a. restrict the size, number and design of signs ancillary to activities; b. restrict the size, number, design and location of temporary signs; and {PO cl.16} c. do not allow new commercial advertising (hoarding) sites.
Policy 2.4.1.7	Maintain a compact city with a high degree of legibility based on clear centres, edges and connections through rules that: a. manage the expansion of urban areas; and b. require new large subdivisions to provide a concept or structure plan that demonstrates how the subdivision will provide for good connectivity to existing or potential future urban areas for pedestrians, cyclists and motor vehicles.

Objective 2.4.1: Form and structure of the urban {ULS cl.16¹} environment

The elements of the urban {ULS cl.16¹} environment that contribute to residents' and visitors' aesthetic appreciation for and enjoyment of the city are protected and enhanced. These include:

- a. important green and other open spaces, including green breaks between coastal settlements; {ULS 447.11}
- b. trees that make a significant contribution to the visual landscape and history of neighbourhoods;
- c. built heritage, including nationally recognised built heritage; {Her 417.7}
- d. important visual landscapes and vistas;
- e. the amenity and aesthetic coherence of different urban {ULS cl.16¹} environments; and
- f. the compact and accessible form of Dunedin.

Policy 2.4.1.8	Require subdivision to be designed to ensure any future land use or development is able to meet the performance standards in the zone, or where in ~~structure plans~~ a structure plan mapped area {ULS cl.16}, reflects the requirements of the structure plan mapped area performance standards {ULS cl.16}, unless: a. a resource consent is approved for a development that does not meet the performance standard and the subdivision is intended for and capable of providing for that approved development; or b. the resultant site is required for: i. a Scheduled ~~ASCV~~ ASBV; or {NatEnv 958.60} ii. a QEII covenant; or iii. a reserve; or iv. an access; or v. a utility; or vi. a road.

¹ **ULS cl.16:** Urban is deleted as the methods listed in the objective also apply to non-urban environments.

Objective 2.4.2: Heritage

Dunedin's heritage is central to its identity and is protected and celebrated as a core value of the city, through the heritage conservation and {Her 743.9} retention of important heritage items, and the maintenance and active use of built heritage.

Policy 2.4.2.1	a. Identify in a schedule (Appendix A.1.1) buildings and structures that have significant heritage values and use rules to: i. manage additions and alterations to, ~~and demolition~~ {Her 308.67} or removal for relocation of these buildings, in a way that maintains important heritage values; ii. ~~restrict demolition of these buildings except in limited circumstances; and~~ {Her 308.67} iii. ~~supporting~~ adaptive re-use, <u>heritage conservation</u> {Her 743.10} and restoration; and iv. prioritise protection of heritage values over compliance with other performance standards where there is a conflict. b. Identify heritage buildings and structures based on the following criteria: i. historic and social significance; ii. spiritual/cultural significance, including significance to Māori; iii. design significance; and iv. technological/scientific significance.
Policy 2.4.2.2	Identify in a schedule (Appendix A.1.1) important heritage sites that have significant heritage values and use rules to manage development on these sites in <u>a</u> {Her cl.16} way that maintains important heritage values. Identify these sites based on the following factors: a. importance as part of the relationship between two or more heritage buildings and adding value to the overall heritage value of the group; or b. importance in providing a foreground to, and views of, key heritage buildings or groups of buildings; or c. significant heritage values in their own right in terms of <u>the</u> {Her cl.16} criteria outlined in Policy 2.4.2.1.
Policy 2.4.2.3	Encourage adaptive re-use of heritage buildings through rules that: a. enable a wider range of activities to be undertaken in scheduled heritage buildings in ~~certain zones with a large number of heritage buildings~~ ({Her cl.16} the Warehouse Precinct and the Smith Street and York Place zones); b. exempt scheduled heritage buildings from minimum parking standards; and {Her 308.35} c. enable earthquake strengthening; and {Her 308.35} d. <u>enable work required to comply with sections 112 and 115 of the Building Act 2004.</u> {Her 308.35}

Objective 2.4.3 Vibrant CBD and centres

Dunedin's Central Business District and hierarchy of urban and rural centres are is a strong, **{CMU 452.1}** vibrant, attractive and enjoyable spaces that are space that is **{CMU 452.1}** renowned nationally and internationally for providing the highest level of pedestrian experience that attracts visitors, residents and businesses to Dunedin. It is supported by a hierarchy of attractive urban and rural centres. **{CMU 452.1}**

Policy 2.4.3.1	Identify key pedestrian routes, and include these in a mapped primary pedestrian street frontage mapped area or secondary pedestrian street frontage mapped area . In these areas use rules to control development and land use at street level to ensure a public-private interface that supports a high level of pedestrian amenity and accessibility in centres.
Policy 2.4.3.2	Protect the heritage streetscape character and high amenity of the CBD by identifying important heritage precincts and zoning these as heritage <u>precincts</u> overlay-zones {Her cl.16} and using rules to: a. manage the design and materials used in additions and alterations to character-contributing and scheduled heritage buildings, and major additions and alterations to non character-contributing buildings within heritage precincts; and b. manage the design of new buildings to ensure they are sympathetic to the heritage streetscape character and contribute to the amenity of the CBD.
Policy 2.4.3.3	Manage the number and design of signs to avoid visual clutter, protect pedestrian safety, and maintain the attractiveness and architectural features of buildings.
Policy 2.4.3.4	Maintain or enhance the vibrancy and density of activity in the CBD and centres through rules that restrict the distribution of retail and office activity.

Objective 2.4.4: Natural landscapes and natural features

Dunedin's outstanding and significant natural landscapes and natural features are protected.

Policy 2.4.4.1	Identify and assess natural features and natural landscapes based on the following values: a. natural science factors; b. aesthetic values and memorability; c. expressiveness and legibility; d. transient values; e. whether values are shared and recognised; f. value to takata whenua; and g. historical associations.
Policy 2.4.4.2	Classify and map natural features and natural landscapes as: a. Outstanding Natural Features (ONFs) and Outstanding Natural Landscapes (ONLs) <u>overlay zones {NatEnv cl.16}</u> where features and landscapes have exceptional values; and b. Significant Natural Landscapes (SNLs) <u>Overlay Zone {NatEnv cl.16}</u> where landscapes have values of high significance.
Policy 2.4.4.3	Protect the values in identified ~~natural features and natural landscapes (ONFs, ONLs, SNLs)~~ <u>Outstanding Natural Feature (ONF), Outstanding Natural Landscape (ONL) and Significant Natural Landscape (SNL) overlay zones {NatEnv cl.16}</u> by listing these values in Appendix A3 and using rules that: a. ~~limit land use activities that may be carried out on~~ <u>prohibit certain activities in {NatEnv 447.75 and 447.76}</u> ONFs; b. ~~manage land use activities that may be carried out in~~ <u>require resource consent for activities in {NatEnv cl.16} ONFs, {NatEnv cl.16} ONLs and SNLs, where they may be incompatible with the values of the area {NatEnv 919.12}; and</u> c. <u>restrict the scale of development {NatEnv cl.16} in ONFs, ONLs and SNLs {NatEnv cl.16} and ensure the {NatEnv 919.12} design of development in ONFs, ONLs and SNLs {NatEnv cl.16} is appropriate. {NatEnv 919.12}; and</u> d. ~~restrict forestry activity in ONLs and SNLs. {NatEnv cl.16}~~

¹ **NatEnv cl.16:** Removed as a clause 16 amendment as it replicates content in (b).

Objective 2.4.5: Natural character of the coastal environment

The natural character of the coastal environment is ~~maintained~~ preserved **{NatEnv 900.21}** or enhanced.

Policy 2.4.5.1	Identify and assess areas that contribute to the natural character of the coastal environment based on the following criteria: a. natural elements, processes and patterns; b. biophysical, ecological, geological and geomorphological aspects; c. natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, estuaries, reefs, freshwater springs and surf breaks; d. the natural movement of water and sediment; e. the natural darkness of the night sky; f. places or areas that are wild or scenic; g. a range of natural character from pristine to modified; and h. experiential attributes, including the sounds and smell of the sea; and their context or setting.
Policy 2.4.5.2	Classify and map coastal areas as: a. Outstanding Natural Coastal Character areas (ONCC) <u>Overlay Zone</u> {NatEnv cl.16} where the natural character of these areas is exceptional; b. High Natural Coastal Character areas (HNCC) <u>Overlay Zone</u> {NatEnv cl.16} where the natural character of these areas is of high significance; and c. Natural Coastal Character areas (NCC) <u>Overlay Zone</u> {NatEnv cl.16} where natural character is of less than high significance but restoration or enhancement of natural character will be promoted.
Policy 2.4.5.3	Protect and enhance the natural character values in <u>Outstanding Natural Coastal Character (ONCCs)</u>, <u>High Natural Coastal Character (HNCCs)</u> and <u>Natural Coastal Character (NCCs) overlay zones</u> {NatEnv cl.16} through listing natural character values in Appendix A5 and using rules that: a. ~~prohibit certain activities in ONCCs and HNCCs;~~ {NatEnv 447.75 and 447.76} b. ~~manage land use activities that may be carried out~~ <u>require resource consent for activities in ONCCs, HNCCs and NCCs</u> {Nat Env cl.16}, <u>where they may be incompatible with the values of the area;</u> {NatEnv 919.13} c. <u>restrict the scale of development in ONCCs, HNCCs and NCCs</u> {Nat Env cl.16} and <u>ensure the</u> {NatEnv 919.13} <u>design of development is appropriate; and</u> {NatEnv 919.13} d. ~~restrict forestry activity; and~~ {Nat Env cl.16} e. promote restoration of natural character.

¹ **NatEnv cl.16:** Removed as a clause 16 amendment as it replicates content in (b).

Objective 2.4.6: Character of rural environment

The character and visual amenity of Dunedin's rural environment is maintained or enhanced.

Policy 2.4.6.1	Identify the important character and visual amenity values of different rural environments that should be maintained, and use these as part of the determination of rural zones that require different management approaches. Identify and list these values in Appendix A7 based on the following: a. landform and naturalness; b. open space characteristics; c. nature, scale and design of buildings; d. density of development; e. nature, scale and types of productive uses; and f. presence of indigenous vegetation and habitats for indigenous fauna.
Policy 2.4.6.2	Maintain the identified values within different rural environments through mapping rural zones and using rules that: a. limit the density of residential activities; b. manage the bulk and location of buildings; c. manage the form and design of development associated with large scale activities such as ~~factory farming~~ <u>intensive farming</u> {RU 1090.3} and <u>mining</u>; and {CP 1088.22} d. manage the pattern, scale and design of subdivision.

2.5 Dunedin is a City that Gives Effect to the Principles of the Treaty of Waitangi, Protects Kāi Tahu Values, Culture and Traditions, and Enables Kāi Tahu to Express Kaitiakitaka

Objective 2.5.1: Kaitiakitaka

Kāi Tahu can exercise kaitiakitaka over resources within their takiwā.

Policy 2.5.1.1	Give sufficient weight in decision making to Kāi Tahu values and associations through identifying these values, and issues of significance to Manawhenua in the Plan.
Policy 2.5.1.2	Provide for effective and meaningful engagement with Manawhenua at appropriate stages of the resource management process through: a. encouraging early consultation by applicants; b. requiring that the effects on values of significance to Manawhenua are considered for culturally sensitive activities and activities that may adversely affect wāhi tūpuna and mahika kai; c. recognising and providing for matauraka Māori and tikaka during the consent and hearing process; and d. advising rūnaka of applications for activities affecting sites and values of significance to them.

Objective 2.5.2: Occupation of original {MW 248.10} native reserve land

Kāi Tahu can occupy, develop and use land in areas originally set aside for that purpose, in accordance with their culture and traditions and economic, social and cultural aspirations.

Policy 2.5.2.1	Enable occupation of <u>original</u> {MW 248.10} native reserve land, through rules that provide for papakāika in these locations.
Policy 2.5.2.2	Enable marae-related activities at existing marae, and any new marae established with the agreement of Manawhenua.

Objective 2.5.3: Wāhi tūpuna

Wāhi tūpuna (including wāhi tapu and wāhi taoka) and their relationship with Kāi Tahu is acknowledged and protected.

Policy 2.5.3.1	Identify wāhi tūpuna and protect them from identified threats through rules that manage: a. buildings, structures, forestry, network utility structures, roading, mining and earthworks on the upper slopes and peaks of hills and mauka; b. earthworks in areas where there is high likelihood of archaeological remains; <u>and</u> c. <u>natural hazard mitigation activities and subdivision.</u> {MW 1071.30}

Objective 2.5.4: Mahika kai

Mahika kai is protected from the adverse effects of land use and development so that it is maintained or enhanced in order to support customary use.

Policy 2.5.4.1	Identify wāhi tūpuna that have mahika kai areas and manage activities that have the potential to adversely affect those values, or adversely affect access to them, including: a. buildings, structures, <u>earthworks, natural hazard mitigation activities,</u> {MW 1071.31} and development activities adjacent to waterways and the coastal environment; and b. vegetation clearance.

2.6 Dunedin has Quality Housing Choices and Adequate Urban Land Supply

Objective 2.6.1: Housing choices	
There is a range of housing choices in Dunedin that provides for the community's needs and supports social well-being.	
Policy 2.6.1.1	Provide for housing development necessary to meet the future housing needs of Dunedin, through zones and rules that provide for an appropriate mix of development opportunities, including: infill development, redevelopment, and greenfield development; and that support Objective 2.2.4. Identify housing needs based on population projections and analysis of housing types required.
Policy 2.6.1.2	Encourage more residential housing suitable for our ageing population and growing number of one and two person households, through: a. zoning of areas that provide for medium density housing to enable transition to lower maintenance housing in existing neighbourhoods ('ageing in place'); b. rules that enable family flats, other than in General Residential 2 and Inner City Residential zones and areas subject to natural hazards.
Policy 2.6.1.Y {RR 447.4, ULS 394 and 194.9}	<u>Apply rural residential zoning to clusters of sites in separate land tenure already developed or mostly developed for rural residential activity before 7 November 2018, and that meet the criteria in Policy 2.6.1.4, as follows: {RR 447.4, 394 and 194.9}</u> a. <u>where the cluster comprises sites already subdivided, or which have consent to subdivide, to an average density of greater than 2ha and less than 4ha, and are either already being used for rural residential activity or there is a high degree of likelihood they will be developed for rural residential activity in the short term, Rural Residential 1 zoning is appropriate; and {RR 447.4, 394 and 194.9}</u> b. <u>where the cluster comprises sites each under 15ha with an average site size of generally between 4ha and 10ha, Rural Residential 2 zoning is appropriate. {RR 447.4, 394 and 194.9}</u>

Objective 2.6.1: Housing choices

There is a range of housing choices in Dunedin that provides for the community's needs and supports social well-being.

Policy 2.6.1.3	Use large lot residential zoning only where all of the following factors are present: {ULS 194.9 and 394} a. for new zoning, it is in line with Policy 2.2.4.3: {ULS 194.9 and 394} b. land is already subdivided in a way that means it is not capable of supporting productive use as part of rural zoning; {ULS 194.9 and 394} c. land is constrained by hazards, slope or other factors that make a standard density of residential development unachievable or development at a larger lot size is necessary to protect important conservation, waterways, landscape or natural values; {ULS 194.9 and 394} d. development at a large lot density will have no more than minor effects on rural productivity, landscape values, and rural character; {ULS 194.9 and 394} e. due to factors a-c it is not more appropriate to apply a rural residential zoning; {ULS 194.9 and 394} f. the location enables reasonable levels of accessibility to critical services and facilities (centres); and {ULS 194.9 and 394} g. the zoned area (number of lots) is of an adequate size to support community building, and will not create isolated housing: {ULS 194.9 and 394} Apply new rural residential zoning only where: {RR 447.4, 394 and 194.9} a. <u>there is a demonstrated shortage of rural residential land for lifestyle farming or hobby farming: {RR 447.4, 394 and 194.9}</u> b. <u>the amount of land zoned rural residential appropriately balances providing some land resource for lifestyle farming or hobby farming with the overall Plan objectives that:</u> i. <u>Dunedin stays a compact and accessible city with resilient townships based on sustainably managed urban expansion. Urban expansion only occurs if required and in the most appropriate form and locations (Objective 2.2.4); {RR 248.6, 194.9 and 394}</u> ii. <u>public infrastructure networks operate efficiently and effectively and have the least possible long term cost burden to {RR 248.6, 194.9 and 394} the public {PO 881.41} (Objective 2.7.1); and {RR 248.6, 194.9 and 394}</u> iii. <u>the multi-modal land transport network, including connections between land, air and sea transport networks, operates safely and efficiently for all road users (Objective 2.7.2); {RR 248.6, 194.9 and 394}</u> c. <u>the proposed zoning meets the criteria contained in Policy 2.6.1.4; and {RR 447.4, 394 and 194.9}</u> d. <u>the plan change proposal: {RR 447.4, 394 and 194.9}</u> i. <u>considers first rezoning of Rural Residential 2 to Rural Residential 1 land to increase capacity: {RR 447.4, 394 and 194.9}</u> ii. <u>considers next rezoning of any remaining clusters of sites below the minimum site sizes in the rural zones; and {RR 447.4, 394 and 194.9}</u> iii. <u>only after the options in clause i and ii are assessed as inappropriate and/or unfeasible, considers the conversion of other rural sites to rural residential land. {RR 447.4, 394 and 194.9}</u>

Objective 2.6.1: Housing choices

There is a range of housing choices in Dunedin that provides for the community's needs and supports social well-being.

Policy 2.6.1.4	~~Use rural residential zoning only where all of the following factors are present: {ULS 194.9 and 394}~~ ~~for new zoning, it is in line with Policy 2.2.4.3; {ULS 194.9 and 394}~~ ~~land is already subdivided, and partly or fully developed, at a rural residential density; {ULS 194.9 and 394}~~ ~~development at a rural residential density will have no more than minor effects on rural productivity, landscape values, and rural character; {ULS 194.9 and 394}~~ ~~the location enables reasonable levels of accessibility to critical services and facilities (centres); {ULS 194.9 and 394}~~ ~~development will not lead to pressure for infrastructure upgrades, including road sealing; and {ULS 194.9 and 394}~~ ~~the zoned area (number of lots) is of an adequate size to support community building, and economies of scale necessary to encourage smaller scale productive activities, and will not create isolated housing; {ULS 194.9 and 394}~~ <u>Identify areas for new rural residential zoning in accordance with Policy 2.6.1.3 based on the following criteria: {RR 447.4, 394 and 194.9}</u> <u>the land is unlikely to be suitable for future residential zoning in line with Policy 2.6.3.1: {RR 447.104}</u> <u>rezoning is unlikely to lead to pressure for unfunded public infrastructure upgrades including road sealing, unless an agreement between the infrastructure provider and the developer on the method, timing, and funding of any necessary public infrastructure provision is in place; and {RR 447.4, 394 and 194.9}</u> <u>considering the zoning, rules, and potential level of development provided for, the zoning is the most appropriate in terms of the objectives of the Plan, in particular: {RR 447.4, 394 and 194.9}</u> <u>the character and visual amenity of Dunedin's rural environment is maintained or enhanced (Objective 2.4.6); {RR 447.4, 394 and 194.9}</u> <u>land and facilities that are important for economic productivity and social well-being, which include industrial areas, major facilities, key transportation routes, network utilities and productive rural land are: {RR 447.4, 394 and 194.9}</u> <u>protected from less productive competing uses or incompatible uses, including activities that may give rise to reverse sensitivity; and {RR 447.4, 394 and 194.9}</u> <u>in the case of facilities, able to operate efficiently and effectively (Objective 2.3.1). Achieving this includes generally avoiding areas that are highly {RR 394.14} productive land or may create conflict with rural water resource requirements; {RR 447.4, 394 and 194.9}</u> <u>Dunedin's outstanding and significant natural landscapes and natural features are protected (Objective 2.4.4). Achieving this includes generally avoiding the application of new rural residential zoning in ONF, ONL and SNL overlay zones; {RR 447.4, 394 and 194.9}</u> <u>the natural character of the coastal environment is preserved or enhanced (Objective</u>

Objective 2.6.1: Housing choices

There is a range of housing choices in Dunedin that provides for the community's needs and supports social well-being.

- 2.4.5). Achieving this includes generally avoiding the application of new rural residential zoning in ONCC, HNCC and NCC overlay zones: {RR 447.4, 394 and 194.9}
- v. 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). Achieving this includes generally avoiding the application of new rural residential zoning in ASBV and UBMA: {RR 447.4, 394 and 194.9}
 - vi. the biodiversity values and natural character of the coast and riparian margins are maintained and enhanced (Objective 10.2.2): {RR 447.4, 394 and 194.9}
 - vii. 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 (Objective 10.2.4): {RR 447.4, 394 and 194.9}
 - viii. the elements of the environment that contribute to residents' and visitors' aesthetic appreciation for and enjoyment of the city are protected or enhanced. These include: {RR 447.4, 394 and 194.9}
 - 1. important green and other open spaces including green breaks between coastal settlements: {RR 447.4, 394 and 194.9}
 - 2. trees that make a significant contribution to the visual landscape and history of neighbourhoods: {RR 447.4, 394 and 194.9}
 - 3. built heritage, including nationally recognised built heritage: {RR 447.4, 394 and 194.9}
 - 4. important visual landscapes and vistas: {RR 447.4, 394 and 194.9}
 - 5. the amenity and aesthetic coherence of different environments; and {RR 447.4, 394 and 194.9}
 - 6. the compact and accessible form of Dunedin (Objective 2.4.1); and {RR 447.4, 394 and 194.9}
 - ix. the potential risk from natural hazards, including climate change, is no more than low, in the short to long term (Objective 11.2.1). {RR 447.4, 394 and 194.9}

Policy 2.6.1.5 Require new urban residential areas to be designed to support social connectedness and well-being through rules that require subdivisions to be designed in accordance with best practice urban design principles, including:

- a. designing suburbs to encourage walking; and
- b. providing adequate and appropriately located land for neighbourhood centres, public open spaces, and community facilities, where not already adequately serviced by nearby areas/facilities.

Policy 2.6.1.6 Require structure plans for large subdivisions to ensure Policy 2.6.1.5, Policy 2.6.2.1 and Policy 2.6.2.2 2.2.2.5 {Res 425.2} are achieved.

Objective 2.6.2: Cost efficient housing {Res 425.2}

New housing in Dunedin is durably constructed and energy efficient to operate, and located to minimise transportation costs and car dependency.

Policy 2.6.2.1	Manage the design of subdivision to promote connectivity and legibility and maximise accessibility by transportation modes other than private motor cars.
Policy 2.6.2.2	Manage subdivision, and building and site design to maximise solar access and the environmental performance of buildings.

¹ **Res 425.2:** This Objective and its policies have been deleted as a consequential amendment to changes made to Policy 2.2.2.5

Objective 2.6.3: Adequate urban land supply

Dunedin has adequate urban land supply identified provides sufficient, feasible, development capacity (as intensification opportunities and zoned urban land) **{ULS 394}** in the most appropriate locations to meet the demand over the medium term (up to 10 years), **{ULS 394}** and while sustainably manages managing **{ULS cl.16}** urban expansion in a way that maintains a compact city with resilient townships as outlined in Objective 2.2.4 and policies 2.2.4.1 to 2.2.4.3.

Policy 2.6.3.1	Identify areas for new future residential development zoning {ULS cl.16} based on the following criteria: a. prioritising areas that: {ULS 194.9 and 394} i. are close to the main urban area or townships that have a shortage of capacity {ULS 194.9 and 394} ii. are able to be serviced by high frequency public transportation; {ULS 194.9 and 394} iii. are close to existing community facilities such as schools, recreational facilities, health services, and libraries or other community centres; {ULS 194.9 and 394} iv. are close to existing centres; and {ULS 194.9 and 394} v. can be serviced by existing infrastructure capacity and/or will require the least long-term overall infrastructure cost; and {ULS 194.9 and 394} b. avoiding areas that: {ULS 194.9 and 394} i. are productive rural land; {ULS 194.9 and 394} ii. may create conflict with rural water resource requirements; {ULS 194.9 and 394} iii. have a potential short or longer term risk from natural hazards, including flooding, land instability, inundation from the sea or other coastal hazards, or liquefaction; {ULS 194.9 and 394} iv. are identified protected landscape or natural coastal character areas; and {ULS 194.9 and 394} v. may create reverse sensitivity effects for existing industrial or other incompatible activities. {ULS 194.9 and 394} a. rezoning is necessary to meet a shortage of residential capacity (including capacity available through releasing a Residential Transition overlay zone), either: {ULS 248.7} i. in the short term (up to 5 years), or {ULS 248.7} ii. in the medium term (up to 10 years), in which case a Residential Transition overlay zone is applied to the rezoned area; and {ULS 248.7} b. rezoning is unlikely to lead to pressure for unfunded public infrastructure upgrades, unless either an agreement between the infrastructure provider and the developer on the method, timing, and funding of any necessary public {PO cl.16} infrastructure provision is in place, or a

Objective 2.6.3: Adequate urban land supply

Dunedin has adequate urban land supply identified provides sufficient, feasible, development capacity (as intensification opportunities and zoned urban land) **{ULS 394}** in the most appropriate locations to meet the demand over the medium term (up to 10 years), **{ULS 394}** and while sustainably manages managing **{ULS cl.16}** urban expansion in a way that maintains a compact city with resilient townships as outlined in Objective 2.2.4 and policies 2.2.4.1 to 2.2.4.3.

Residential Transition overlay zone is applied and a future agreement is considered feasible; and **{ULS 194.9 and 394}**

- c. the area is suitable for residential development by having all or a majority of the following characteristics: **{ULS 194.9 and 394}**
 - i. a topography that is not too steep: **{ULS 425.1 and 394.94}**
 - ii. being close to the main urban area or townships that have a shortage of capacity: **{ULS 194.9 and 394}**
 - iii. currently serviced, or likely to be easily serviced, by frequent public transport services: **{PO 908.3}, {ULS 194.9 and 394}**
 - iv. close to centres; and **{ULS 194.9 and 394}**
 - v. close to other existing community facilities such as schools, public green space and recreational facilities, health services, and libraries or other community centres: **{ULS 194.9 and 394}**
- d. considering the zoning, rules, and potential level of development provided for, the zoning is the most appropriate in terms of the objectives of the Plan, in particular: **{ULS 248.6, 194.9 and 394}**
 - i. the character and visual amenity of Dunedin's rural environment is maintained or enhanced (Objective 2.4.6): **{ULS 248.6, 194.9 and 394}**
 - ii. land and facilities that are important for economic productivity and social well-being, which include industrial areas, major facilities, key transportation routes, network utilities and productive rural land are: **{ULS 248.6, 394 and 194.9}**
 - 1. protected from less productive competing uses or incompatible uses, including activities that may give rise to reverse sensitivity; and **{ULS 248.6, 394 and 194.9}**
 - 2. in the case of facilities, able to operate efficiently and effectively (Objective 2.3.1). Achieving this includes generally avoiding areas that are highly **{ULS 394.14}** productive land or may create conflict with rural water resource requirements: **{ULS 248.6, 194.9 and 394}**
 - iii. 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). Achieving this includes generally avoiding the application of new residential zoning in ASBV and UBMA: **{ULS 248.6, 194.9 and 394}**
 - iv. Dunedin's outstanding and significant natural landscapes and natural features are protected (Objective 2.4.4). **{ULS 248.6, 194.9 and 394}** Achieving this includes generally avoiding the application of new residential zoning in ONF, ONL and SNL overlay zones: **{ULS 447.68 and 447.69}**
 - v. the natural character of the coastal environment is, preserved or enhanced (Objective 2.4.5). Achieving this includes generally avoiding the application of new residential zoning in ONCC, HNCC and NCC overlay zones: **{ULS 248.6, 194.9 and 394}**

Objective 2.6.3: Adequate urban land supply

Dunedin has adequate urban land supply identified provides sufficient, feasible, development capacity (as intensification opportunities and zoned urban land) **{ULS 394}** in the most appropriate locations to meet the demand over the medium term (up to 10 years), **{ULS 394}** and while sustainably manages managing **{ULS cl.16}** urban expansion in a way that maintains a compact city with resilient townships as outlined in Objective 2.2.4 and policies 2.2.4.1 to 2.2.4.3.

- vi. 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 (Objective 10.2.4); **{ULS 447.11 and 900.23}**
- vii. the elements of the environment that contribute to residents' and visitors' aesthetic appreciation for and enjoyment of the city are protected or enhanced. These include: **{ULS 248.6, 194.9 and 394}**
 - 1. important green and other open spaces, including green breaks between coastal settlements; **{ULS 248.6, 447.11 and 900.23}**
 - 2. trees that make a significant contribution to the visual landscape and history of neighbourhoods; **{ULS 248.6, 194.9 and 394}**
 - 3. built heritage, including nationally recognised built heritage; **{ULS 194.9 and 394}**
 - 4. important visual landscapes and vistas; **{ULS 248.6, 194.9 and 394}**
 - 5. the amenity and aesthetic coherence of different environments; and **{ULS 248.6, 194.9 and 394}**
 - 6. the compact and accessible form of Dunedin (Objective 2.4.1); **{ULS 248.6, 194.9 and 394}**
- viii. the potential risk from natural hazards, including climate change, is no more than low, in the short to long term (Objective 11.2.1); **{ULS 248.6, 194.9 and 394}**
- ix. public infrastructure networks operate efficiently and effectively and have the least possible long term cost burden on **{ULS 248.6, 194.9 and 394}** the public **{PO 881.41}** (Objective 2.7.1); **{ULS 248.6, 194.9 and 394}**
- x. the multi-modal land transport network, including connections between land air and sea transport networks, operates safely and efficiently for all road users (Objective 2.7.2); and **{ULS 248.6, 194.9 and 394}**
- xi. Dunedin stays a compact and accessible city with resilient townships based on sustainably managed urban expansion. Urban expansion only occurs if required and in the most appropriate form and locations (Objective 2.2.4) **{ULS 248.6, 194.9 and 394}**

Objective 2.6.3: Adequate urban land supply

Dunedin has adequate urban land supply identified provides sufficient, feasible, development capacity (as intensification opportunities and zoned urban land) **{ULS 394}** in the most appropriate locations to meet the demand over the medium term (up to 10 years). **{ULS 394}** and while sustainably manages managing **{ULS cl.16}** urban expansion in a way that maintains a compact city with resilient townships as outlined in Objective 2.2.4 and policies 2.2.4.1 to 2.2.4.3.

Policy 2.6.3.2 {ULS 394}	Manage the release of new urban land by requiring a Council resolution to allow transition from rural-zoned land to the new urban zone only when: a. for residential zoning, there is a demonstrated need for new land; and b. the Council is satisfied that the amount and location of land reflects both: i. for residential zoning, an appropriate amount of land based on projected land needs for a 5 year period; and ii. an appropriate location based on a logical staging of development from the point of infrastructure provision; and c. there is sufficient existing, or planned and approved transport, wastewater and stormwater infrastructure capacity to accommodate industrial development; and d. the Council is satisfied that the design of the proposed development, as outlined in a development plan appropriate for the scale of development, will meet the relevant objectives and policies of this Plan.
Policy 2.6.3.3	Manage subdivision, new buildings and site design in transitional {ULS cl.16} overlay zones to ensure that these activities do not restrict the future use of the land for urban development; {ULS cl.16}

Objective 2.6.3: Adequate urban land supply

Dunedin has adequate urban land supply identified provides sufficient, feasible, development capacity (as intensification opportunities and zoned urban land) **{ULS 394}** in the most appropriate locations to meet the demand over the medium term (up to 10 years), **{ULS 394}** and while sustainably manages managing **{ULS cl.16}** urban expansion in a way that maintains a compact city with resilient townships as outlined in Objective 2.2.4 and policies 2.2.4.1 to 2.2.4.3.

Policy 2.6.3.4 {ULS 194.9 and 394}	Identify areas for new medium density zoning based on the following criteria: {ULS 194.9 and 394} a. alignment with Policy 2.6.3.1; and {ULS 194.9 and 394} b. rezoning is unlikely to lead to pressure for unfunded public infrastructure upgrades, unless either an agreement between the infrastructure provider and the developer on the method, timing, and funding of any necessary public infrastructure provision is in place, or an infrastructure constraint mapped area is applied; and {ULS 194.9 and 394} c. considering the zoning, rules, and potential level of development provided for, the zoning is the most appropriate in terms of the objectives of the Plan, in particular: {ULS 248.6, 194.9 and 394} i. there is a range of housing choices in Dunedin that provides for the community's needs and supports social well-being (Objective 2.6.1); {ULS 248.6, 194.9 and 394} ii. Dunedin reduces its reliance on non-renewable energy sources and is well equipped to manage and adapt to changing or disrupted energy supply by having reduced reliance on private motor cars for transportation (Objective 2.2.2), including through one or more of the following: {ULS 248.6, 194.9 and 394} 1. being currently serviced, or likely to be easily serviced, by frequent public transport services; and {PO 908.3, ULS 248.6, 194.9 and 394} 2. being close (good walking access) to existing centres, community facilities such as schools, public green spaces recreational facilities, health services, and libraries or other community centres; and {ULS 248.6, 194.9 and 394} iii. the elements of the environment that contribute to residents' and visitors' aesthetic appreciation for and enjoyment of the city are protected or enhanced. These include: {ULS 248.6, 194.9 and 394} 1. important green and other open spaces, including green breaks between coastal settlements; {ULS 248.6, 447.11 and 900.23} 2. trees that make a significant contribution to the visual landscape and history of neighbourhoods; {ULS 248.6, 194.9 and 394} 3. built heritage, including nationally recognised built heritage; {ULS 194.9 and 394} 4. important visual landscapes and vistas; {ULS 248.6, 194.9 and 394} 5. the amenity and aesthetic coherence of different environments; and {ULS 248.6, 194.9 and 394} 6. the compact and accessible form of Dunedin (Objective 2.4.1); and {ULS 248.6, 194.9 and 394} iv. the potential risk from natural hazards, including climate change, is no more than low, in the short to long term (Objective 11.2.1); and {ULS 248.6, 194.9 and 394} d. the area is suitable for medium density housing by having all or a majority of the following characteristics: {ULS 194.9 and 394}

Objective 2.6.3: Adequate urban land supply

Dunedin has adequate urban land supply identified provides sufficient, feasible, development capacity (as intensification opportunities and zoned urban land) **{ULS 394}** in the most appropriate locations to meet the demand over the medium term (up to 10 years). **{ULS 394}** and while sustainably manages managing **{ULS cl.16}** urban expansion in a way that maintains a compact city with resilient townships as outlined in Objective 2.2.4 and policies 2.2.4.1 to 2.2.4.3.

- i. lower quality housing stock more likely to be able to be redeveloped; **{Res 743.54}**
- ii. locations with a topography that is not too steep; **{ULS 194.9 and 394}**
- iii. locations that will receive reasonable levels of sunlight; and **{ULS 194.9 and 394}**
- iv. market desirability, particularly for one and two person households. **{ULS 194.9 and 394}**

Policy 2.6.3.5 **{CMU 877.2}**

Identify areas for new commercial and mixed use zoning based on the following criteria:

- a. rezoning is necessary to meet a medium term (up to 10 year) shortage of capacity to meet demand in the intended customer catchment; and
- b. the new area will not detract from, and preferably support, Objective 2.4.3 (Vibrant CBD and centres)

Policy 2.6.3.6 **{CMU 877.2}**

Encourage any proposal for the creation or expansion of a centre to be considered through a plan change process unless it represents a minor extension to a centre in accordance with Policy 15.2.1.5.

2.7 Dunedin has Affordable and Efficient Public Infrastructure

Objective 2.7.1: Efficient public infrastructure	
Public infrastructure networks operate efficiently and effectively and have the least possible long term cost burden on ratepayers <u>the public</u> {PO 881.41} .	
Policy 2.7.1.1	Manage the location of new housing to ensure efficient use <u>and provision</u> of <u>public</u> {PO 881.167} infrastructure through: - rules that restrict development density in line with current or planned <u>public</u> {PO 881.167} infrastructure capacity; - consideration of <u>public</u> {PO 881.167} infrastructure capacity as part of zoning and rules that enable intensification of housing; - consideration of <u>public</u> {PO 881.167} infrastructure capacity as part of the identification of transitional {ULS cl.16} overlay zones, <u>assessment of changes to zoning, or assessment of any greenfield subdivision proposals</u> {ULS 394.16}; - assessment rules that require consideration of whether any discretionary or non-complying activities would consume ~~transportation or water, wastewater, or stormwater~~ <u>public</u> {PO 881.167} infrastructure capacity provided for another activity intended in the zone and prevent it from occurring; and - rules that control the area of impermeable surfaces in urban areas to enable stormwater to be absorbed on-site, and reduce the quantity of stormwater run-off.
Policy 2.7.1.2	Ensure areas of new urban development provide for <u>public</u> {PO 881.167} infrastructure networks that represent the least possible long term cost to ~~ratepayers~~ <u>the public</u> {PO 881.41} through: - rules that require <u>public</u> {PO 881.167} infrastructure networks to be included as part of a structure plan or comprehensive plan; - inclusion of relevant costs of additional <u>public</u> {PO 881.167} infrastructure needed as a result of growth in: - the Dunedin City Council's (DCC) {PO 881.167} Development Contributions Policy; or - conditions on consent that require developers to pay for or provide infrastructure prior to development; - assessment rules for new urban development that require consideration of the long term costs to ~~council~~ <u>the DCC</u> {PO 881.167} of any new infrastructure, including up-front capital costs to the DCC; the extent of debt required to be taken on by the DCC including the costs of the debt; and the on-going maintenance and renewals costs of new <u>public</u> {PO 881.167} infrastructure; and - assessment rules that require consideration of additional <u>public</u> {PO 881.167} infrastructure ~~at~~ {PO cl.16} capacity to provide for future urban development on adjoining or nearby sites.
Policy 2.7.1.3	Avoid future pressure for unplanned expansion of public infrastructure through rules that restrict the density of activity outside of areas reticulated for wastewater, water supply, or stormwater to ensure these are able to be self-sufficient where public infrastructure is not provided.

Objective 2.7.2: Efficient transportation

The multi-modal land **{Trans 881.44}** transport network, including connections between land, air and sea transport networks **{Trans 881.44}** operates safely and efficiently for all road users, including freight and passenger vehicles, public transport, motorcycles, cycling, walking, horse riding. **{Trans 881.44}**

Policy 2.7.2.1	Support the safe and efficient operation of the <u>multi-modal land</u> {Trans 881.45} transport network through rules that: - provide for transportation activities; - manage the location, scale and design of high trip generators; - manage the location, number and design of vehicle accesses; - require on-site vehicle loading where vehicle loading on-street could compromise the safety and efficiency of the transport network; - require on-site car parking where required to enable adequate accessibility and/or to avoid or adequately mitigate adverse effects on the safety and efficiency of the transport network; and {Trans 322.27} - manage the design of parking, loading and access areas; and - {Trans 322.27} <u>require minimum separation distance of vehicle crossings from level crossings.</u> {Trans 322.27}
Policy 2.7.2.2 {Trans 753.2}	<u>Encourage cycling by:</u> <u>considering the need for and design of on-site cycle parking as part of consent applications where accessibility is a relevant consideration;</u> <u>considering the safety of cyclists entering and exiting sites where effects on the safe and efficient operation of the transport network is a relevant consideration;</u> <u>enabling parking spaces required through minimum parking standards to be used for bicycle parking; and</u> <u>considering reductions in parking requirements where a travel management plan which encourages cycling has been implemented and/or a lower requirement due to a shift to active modes and/or public transport has been demonstrated.</u>

B. City-wide Activities

3. Public Amenities

3.1 Introduction

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

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

In response to these issues, ~~the rules proposed in the Second Generation Plan (2GP)~~ this Plan **{PO cl.16}** imposes limits on scale or requires consent in order to enable public amenities to occur while managing effects on the amenity of surrounding sites and other users of public places.

3.2 Objectives and Policies

Objective 3.2.1	
Public amenities contribute positively to community well-being and streetscape amenity, while:	
a. ~~avoiding or, if avoidance is not practicable, adequately mitigating~~ minimising, as far as practicable, {PA 308.101} any adverse effects on the amenity of surrounding sites; and	
b. meeting the relevant objectives and policies for any overlay zone, scheduled site, or mapped area in which they are located.	
Policy 3.2.1.1	Provide for public amenities throughout the city.
Policy 3.2.1.2	Require public amenities to be designed and located to avoid ~~or, if avoidance is not practicable, adequately mitigate~~ significant {PA/PO 308.101} adverse effects on the amenity of surrounding sites and streetscape amenity.
Policy 3.2.1.3	Only allow public toilets and public display boards where ~~significant~~ adverse effects on surrounding sites will be avoided ~~or, if avoidance is not practicable, adequately mitigated~~ {PA/PO 308.101} .
Policy 3.2.1.4	Only allow public artworks - large scale ~~if where~~ {PA cl.16} : a. it has positive effects ~~for~~ <u>on</u> streetscape amenity; and b. ~~significant~~ adverse effects on surrounding sites will be avoided ~~or, if avoidance is not practicable, adequately mitigated~~ {PA/PO 308.101} .

Rules

Rule 3.3 Activity Status

3.3.1 Activity status introduction

1. The activity status table in Rule 3.3.2 shows the activity status of public amenities activities across all zones, provided any performance standards shown in the far right column are met. The activities in the public amenities category are listed in the Nested Table in Section 1.36.
2. Performance standards apply to permitted, and restricted discretionary activities.
3. If a permitted activity does not meet one or more performance standards, then the activity status of the activity ~~will become restricted discretionary, unless otherwise indicated by the relevant performance standard is indicated in the relevant performance standard rule.~~ **{PO cl.16}**
4. If a restricted discretionary activity does not meet one or more performance standards, then the activity status remains restricted discretionary, unless otherwise indicated in the performance standard.
5. Any site development activities associated with an activity provided for in the activity status table in Rule 3.3.2 are subject to the provisions of the relevant management zone section. **{PO cl.16}**
6. Any earthworks associated with an activity provided for in the activity status table in Rule 3.3.2 are subject to the provisions in Section 8A. **{PO cl.16}**
7. Any construction associated with an activity provided for in the activity status table in Rule 3.3.2 is subject to the provisions in Section 4. **{PO cl.16}**
8. Any network utilities associated with an activity provided for in the activity status table in Rule 3.3.2 is subject to the provisions in Section 4. **{PO cl.16}**
9. Any modifications to a scheduled heritage building or structure is managed through the rules for additions and alterations in the relevant management or major facility zone. **{PO cl.16}**

¹ **PO cl.16:** moved from Note 3.3A to Rule 3.3.1 and minor amendments to wording to clarify.

Legend

Acronym	Activity status Meaning {PO cl.16}
±	Additional provisions apply (assessment criteria for activities in the overlay need to be viewed) {PO 490.1 and others}
P	Permitted Activity
RD	Restricted Discretionary Activity
Res	Residential Zones

3.3.2 Activity status table - public amenities activities

1.	Performance standards that apply to all public amenities activities				a. Buildings and structures located on or above the footpath b. Height in relation to boundary c. Light spill d. Setback from scheduled tree e. Noise f. <u>Natural Hazards performance standards</u> Hazard overlay zones development standards {NH cl.16}
Public amenities activities		Activity status ¹			Performance standards
		a. Res	b. All other zones	c. In a heritage precinct or on a scheduled heritage site	
2.	Public artworks - small scale painted on network ~~utility~~ utilities {NH cl.16} structures or bus shelters	P	P	P	
3.	All other public artworks - small scale	RD	P	RD+ (in Residential Heritage Precincts)	
4.	Public artworks - large scale	RD	RD	RD+	
5.	Public display boards	RD	RD	RD+	i. Maximum dimensions
6.	Public toilets	RD	RD	RD+	i. Maximum height
7.	All other activities in the public amenities category	P	P	P	i. Maximum height ii. Setback from ~~n~~ National ~~g~~ Grid iii. Maximum dimensions

¹ **PO 490.1:** Em-dashes are no longer used, and activity status is shown for all overlays (not just those that have additional provisions applying), except where two areas (zones, overlays, mapped areas etc.) do not intersect, in which case N/A is used. A plus symbol has been added to activity statuses that are the same as in the underlying zone but where additional assessment matters apply. See amended legend.

Note 3.3.A – Other relevant District Plan provisions

1. ~~Painting of unpainted scheduled heritage buildings and structures, and character-contributing buildings, is defined as additions and alterations to the building, and consent is required. See the additions and alterations rules within each zone. **{PO cl.16}**~~
2. ~~Rule 11.3.1.1 restricts all buildings and structures in a **swale mapped area**. **{PO cl.16}**~~

3. Earthworks are managed through the management and major facilities zone sections: **{PA cl.16²}**

¹ **PO cl.16:** moved from Note 3.3A.1 and 3 to Rule 3.3.1 and minor amendments to wording to clarify. Note 3.3A.2 is not required as already indicated in relevant performance standards.

² **PA cl.16:** Duplication of Rule 3.3.1.6.

Note 3.3.2B - Other requirements outside of the District Plan

1. Permission must be obtained for any public amenities on Dunedin City Council (DCC) land including reserves and roads, please contact 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
2. Permission must be obtained from the New Zealand NZ **{Trans 881.17}** Transport Agency for the erection of any public amenities within the state highway road reserve.
3. The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. **{Her 547.80}** If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand before you begin **{Her 547.80}**. This is the case regardless of whether the land on which the **{Her 547.80}** site is located is **{Her 547.80}** designated, or the activity is permitted under the District Plan or Regional Plan or a resource or building consent has been granted.
4. The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol (Appendix A8) manages archaeological sites which that **{Her cl.16}** may be discovered as a result of earthworks. The protocol applies to any area, not just scheduled archaeological sites.
5. Scheduled archaeological sites are identified on the planning maps. Archaeological sites may also be found outside these areas, but are more likely to be found within the archaeological alert layer. **{Her 1071.47}**

Note 3.3C - Other requirements outside of the District Plan {PA cl.16¹}

1. The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand before you begin. This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District Plan or Regional Plan or a resource or building consent has been granted. **{PA cl.16}**
2. The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol (Appendix A8) manages archaeological sites which may be discovered as a result of earthworks. The protocol applies to any area, not just scheduled archaeological sites. **{PA cl.16}**

¹ **PA cl.16:** Content has been moved to Note 3.3.2B.

Note 3.3D - Other relevant District Plan provisions {PA cl.16¹}

1. Earthworks are managed through the management and major facilities zone sections: **{PA cl.16}**

¹ **PA cl.16:** Content has been moved to Rule 3.3.1.6 and amended to reflect changes to location of earthworks provisions .

Rule 3.4 Notification

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

Rule 3.5 Performance Standards

3.5.1 Buildings and Structures Located on or Above the Footpath

Public amenities must comply with Rule 6.7.2.

3.5.2 Height

3.5.2.1 Height in relation to boundary

- a. Public amenities that meet the definition of a building {PA cl.16}¹ must comply with the performance standard for height in relation to boundary of the zone in which they are located.
- b. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

¹ **PA cl.16:** Amendment to improve clarity.

3.5.2.2 Maximum height

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

Public amenity		Maximum height
i.	Public play equipment	9m
ii.	Freestanding flagpoles	9m
iii.	Public display boards	2m
iv.	Monuments and memorials	5m
v.	All other public amenities	3m

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

3.5.3 Light Spill

Public amenities must comply with Rule 9.3.5.

3.5.4 Maximum Dimensions

1. For flat public display boards, the maximum area of all display faces is 3m², with no single display face exceeding 1.5m² in area.
2. The maximum diameter for bollards is 1m.
3. For place name signs, the maximum area of the display face is 2m².
4. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

3.5.5 Setback from National Grid

Public play equipment and freestanding flagpoles must comply with Rule 5.6.1.1.

3.5.6 Setback from Scheduled Tree

Public amenities must comply with Rule 7.5.2.

3.5.7 Noise

Public amenities must comply with Rule 9.3.6.

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

3.5.8.1 Hazard exclusion areas (swale mapped area)

Public amenities must comply with Rule 11.3.1.1.

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

Rule 3.6.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 3.6.2 - 3.6.3:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

3.6.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards, site specific factors including topography, make meeting the standard impracticable. c. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. <i>General assessment guidance:</i> d. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

3.6.3 Assessment of public amenities performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. ~~Buildings and structures~~ <u>Public amenities {PA cl.16}</u> located on or above the footpath	a. Effects on the safety and efficiency of the transport network b. Effects on health and safety	See Rule 6.9 See Rule 9.4.3.1 {PA cl.16}
2. - Height in relation to boundary - Maximum dimensions - Maximum height	a. Effects on amenity	<i>Relevant objectives and policies:</i> i. Objective 3.2.1 ii. Public amenities are designed and located to avoid ~~or if avoidance is not practicable, adequately mitigate significant effects on the amenity of surrounding sites and streetscape amenity~~ <u>adverse effects on the amenity of the surrounding sites and streetscape amenity {PA/PO 308.101}</u> (Policy 3.2.1.2). <i>General assessment guidance:</i> iii. ~~The public amenity must be designed or located to not impede pedestrian movement, distract drivers, or obstruct sightlines.~~ {PA cl.16'}
3. Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6

¹ **PA cl.16:** Assessment rule and guidance moved to Rule 6.9.6.1 as it is the more relevant location for this matter. Minor amendments have been made to wording to follow style guide with no substantive effect.

Rule 3.7 Assessment of Restricted Discretionary Activities

Rule 3.7.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 3.7.2 - 3.7.3:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**;
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard;
 - iii. the performance standard contravention will be assessed as indicated in Section 3.6; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**;
 - ii. the performance standard contravention will be assessed; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**;
 - ii. the performance standard contravention will be assessed as indicated in Section 3.8; and
 - iii. the assessment guidance in this section will also be considered.

3.7.2 Assessment of all public amenities activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. • Public artworks - large scale • Public artworks - small scale in {residential zones only} (except public artworks - small scale printed on network utility structures or bus shelters) {PA cl.16'}	a. Effects on amenity, and use and enjoyment of public spaces	<i>Relevant objectives and policies:</i> i. Objective 3.2.1 ii. Public artworks has positive effects for streetscape amenity (Policy 3.2.1.4.a). iii. ~~Significant~~ ~~a~~Adverse effects of public artworks on surrounding sites will be <u>are avoided or, if avoidance is not practicable, adequately mitigated</u> {PA/PO 308.101} (Policy 3.2.1.4.b). <i>General assessment guidance:</i> iv. In assessing the effects on amenity, Council will consider the appropriateness of the location and design, and in particular consider the following matters: 1. Artworks should not overly dominate a public space. 2. Artworks must use colours that are appropriate to the location and purpose of the artwork, with consideration of the context of the artwork. 3. The artworks must be made of robust materials and constructed to meet environmental conditions so they will maintain their physical integrity for the life of the artwork. 4. The artwork must be designed and located to not impede pedestrian movement or create concealment places, or significantly obstruct clear sightlines though public spaces. 5. Artworks must be culturally and socially sensitive so as to be inclusive of the wider community, and not present material that would be offensive or inappropriate. 6. Artworks must be located to avoid creating clutter in public spaces. 7. Illuminated artworks must not distract drivers or create nuisance effects for surrounding sites or other activities on the same site by having appropriate direction, movement, and intensity of light. 8. Artworks must not create sound that would be a nuisance to users of a public space, surrounding sites, or other activities on the same site. 9. Kinetic artworks must not distract drivers or be a nuisance to users of a public space, to surrounding sites, or other activities on the same site, as a result of movement or sound.
2. Public display boards	a. Effects on amenity	<i>Relevant objectives and policies:</i> i. Objective 3.2.1 ii. ~~Significant~~ ~~a~~Adverse effects of public display boards on surrounding sites are <u>avoided or, if avoidance is not practicable, adequately mitigated</u> {PA/PO 308.101} (Policy 3.2.1.3).

3.7.2 Assessment of all public amenities activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Public toilets	a. Effects on amenity	<i>Relevant objectives and policies:</i> i. Objective 3.2.1 ii. Significant adverse effects of public toilets on surrounding sites are avoided or, if avoidance is not practicable, adequately mitigated {PA/PO 308.101} (Policy 3.2.1.3). <i>Potential circumstances that may support a consent application include:</i> iii. Toilets are set back from side and rear boundaries with residential properties by an adequate distance to avoid effects on surrounding sites.

¹ **PA cl.16:** Alignment with activity status Rule 3.3.2.3.

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. In the ONF, ONL or SNL overlay zones: • Public artworks - large scale	a. Effects on landscape values	See Rule 10.5
2. In the ONCC, HNCC or NCC overlay zones: • Public artworks - large scale	b. Effects on natural character of the coast	See Rule 10.5
3. In a heritage precinct or on a scheduled heritage site: • Public artworks - large scale • Public display boards • Public toilets • Public artworks - small scale in a residential heritage precinct (<u>except public artworks - small scale painted on network utility structures or bus shelters</u>) {PA cl.16}	a. Effects on heritage streetscape and {PA cl.16} character	See Rule 13.6
4. In a wāhi tūpuna mapped area: {MW 1071.3} • <u>Public artworks - large scale</u> • <u>Public display boards</u> • <u>Public toilets</u>	a. Effects on cultural values of <u>Manawhenua.</u>	See Rule 14.4

¹ **PA cl.16:** Alignment with activity status Rule 3.3.2.3.

Rule 3.8 Assessment of Discretionary Activities

Rule 3.8.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 3.8.2 provides guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.

3.8.2 Assessment of discretionary performance standards		
Performance standard		Guidance on the assessment of resource consents
1.	• Light spill - where the limit is exceeded by 25% or less • Noise - where the noise limit is exceeded by less than 5dB LAeq (15 min)	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

Rule 3.9 Assessment of Non-complying Activities

Rule 3.9.1 Introduction

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

3.9.2 Assessment of non-complying performance standards		
Performance standard		Guidance on the assessment of resource consents
1.	- Light spill - where the limit is exceeded by greater than 25% - Noise - where the limit is exceeded by 5dB LAeq (15 min) or more	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
2.	Setback from National Grid	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.4 5.2.2 {NU 918.29} and effects related to the efficient and effective operation of network utilities and public health and safety.
3.	In a ~~swale mapped area~~: hazard exclusion areas Hazard exclusion areas (Rule 11.3.1.1) – Swale mapped area {NH cl.16}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to risk from natural hazards.

4. Temporary Activities

4.1 Introduction

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

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

~~While they make a positive contribution,~~ **{TA cl.16}** Temporary activities can also generate adverse effects on surrounding environments, particularly in the form of noise, increased traffic movements and parking requirements. ~~That said,~~ **{TA cl.16}** The temporary nature of such activities generally minimises these adverse effects and consequently many events of short duration are tolerated by parts of the community, while other members enjoy what the event has to offer.

~~To address these issues, the Second Generation Plan proposes to include objectives, policies and rules to ensure the number, scale and intensity of temporary events and uses does not increase to a level beyond which the effects of the event are more than of a temporary and do not have more than a minor effect.~~ **{TA cl.16}**

4.2 Objectives and Policies

Objective 4.2.1	
Temporary activities are enabled while:	
a. minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and {TA 583.7}	
b. ensuring any adverse effects on people's health and safety are minimised <u>as far as practicable.</u> ; and {PO 906.34 and 308.497}	
c. meeting the relevant objectives and policies for any overlay zone, scheduled site, or mapped area in which it is located. {TA 583.7}	
Policy 4.2.1.1	Require temporary activities to be designed and operated to minimise, <u>as far as practicable.</u> {PO 906.34 and 308.497} adverse effects on: a. the amenity of surrounding properties; b. people's health and safety; and c. the safety and efficiency of the transport network. {TA cl.16}
Policy 4.2.1.2	Require temporary signs to be located and designed to minimise, <u>as far as practicable.</u> {PO 906.34 and 308.497} adverse effects on: a. ~~streetscape~~ <u>streetscape</u> {PO cl.16} amenity; and b. the safety and efficiency of the transport network.
Policy 4.2.1.3	Only allow temporary events - large scale and filming - large scale where they are located and operated to ensure adverse effects on amenity and the transport network ~~can will~~ {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigated.

¹ **TA cl.16:** The only temporary activities that require consent are covered by Policy 4.2.1.3, which relates to effects on the transportation network and none of the RD performance standard contraventions have effects on transportation as a matter of discretion so this part of the policy is redundant.

Rules

Rule 4.3 Activity Status

4.3.1 Activity status introduction

1. The activity status table in Rule 4.3.2 shows the activity status of temporary activities across all zones, provided any performance standards shown in the far right column are met. The activities in the temporary activities category are listed in the Nested Table in Section 1.36 **{PO cl.16}**.
2. Performance standards apply to permitted and restricted discretionary activities.
3. If a permitted activity does not meet one or more performance standards, then the activity status of the activity ~~will become restricted discretionary, unless otherwise indicated by the relevant performance standard~~ is indicated in the relevant performance standard rule. **{PO cl.16}**.
4. If a restricted discretionary activity does not meet one or more performance standards, then the activity status remains restricted discretionary, unless otherwise indicated in the performance standard.
5. Any site development activities associated with an activity provided for in the activity status table in Rule 4.3.2 are subject to the provisions of the relevant management zone section. **{PO cl.16}**
6. Any earthworks associated with an activity provided for in the activity status table in Rule 4.3.2 are subject to the provisions in Section 8A. **{PO cl.16}**

Legend

Acronym	Activity-status Meaning {PO cl.16}
P	Permitted Activity
RD	Restricted Discretionary Activity

4.3.2 Activity status table - temporary activities

1.	Performance standards that apply to all temporary activities		a. Development standards b. Light spill c. ~~Hazard overlay zones development standards~~ {TA 583.9}
Activity		Activity status	Performance standards
2.	Construction	P	a. Noise
3.	Filming - small scale	P	a. ~~Maximum duration and site restoration~~ Maximum Duration, Frequency, and Site Restoration {TA cl.16} b. Hours of operation c. Noise

4.	Filming - large scale	RD	a. ~~Maximum duration and site restoration~~ Maximum Duration, Frequency, and Site Restoration {TA cl.16} b. Hours of operation c. Noise
5.	~~Temporary {TA cl.16}~~ Helicopter landings <u>movements</u> {TA 917.13}	P	a. ~~Maximum duration and site restoration~~ Maximum Duration, Frequency, and Site Restoration {TA cl.16} b. <u>Noise</u>
6.	Military exercises	P	a. Notice to DCC (military exercises) b. Setbacks (military exercises) c. Noise
7.	Mobile trading of readily consumable foods in a public place	P	a. ~~Maximum duration and site restoration~~ Maximum Duration, Frequency, and Site Restoration {TA cl.16}
8.	Temporary disaster management accommodation	P	
9.	Temporary events - small scale	P	a. ~~Maximum duration and site restoration~~ Maximum Duration, Frequency, and Site Restoration {TA cl.16} b. Hours of operation c. Noise
10.	Temporary events - large scale	RD	a. ~~Maximum duration and site restoration~~ Maximum Duration, Frequency, and Site Restoration {TA cl.16} b. Hours of operation c. Noise
11.	Temporary signs	P	a. Number, design and location of temporary signs

Note 4.3.2A - Other requirements outside of the District Plan

1. Permission from the Dunedin City Council (DCC) must be obtained for all temporary activities on DCC land including reserves and roads. Please contact the DCC's Transportation Group or Parks and Recreation Department on 03 477 4000 and ensure all appropriate permissions are received including for:
 - a. temporary road closures; and
 - b. use of reserves or open space.
2. If food will be sold at an event, it is the responsibility of the event organiser to ensure all food operators have approval from the DCC's Environmental Health Department. Please contact Environmental Health Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
3. Activities that involve the sale or provision of alcohol may require a licence. Please contact the DCC's Alcohol Licensing Department on 03 477 4000 for more information.
4. Building consent may be required for some temporary structures. These must be obtained from DCC. Please contact Council's Building Services Department on 03 477 4000 for more information.
5. A licence is required under the Mobile Trading and Temporary Stall Bylaw 2014 to carry out mobile trading. Permission from the DCC must be obtained for all mobile trading activities on DCC land including reserves and roads. Please contact the DCC's Environmental Health Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
6. In addition to the noise limits specified in this section, noise emissions from temporary events will be subject to complaint based Excessive Noise provisions (sections 326-328) of the Resource Management Act 1991. The DCC's Environmental Health Department or their contractors will be responsible for responding to any noise complaints received by the DCC in relation to an event. To ensure there are no surprises on the day of the event it is recommended you liaise with the Environmental Health Department prior to the event, provide contact details for key personnel and agree on a protocol for responding to noise complaints should they arise. For more information, please contact the DCC on 03 477 4000 or visit the DCC website at www.dunedin.govt.nz.
7. Permission must be obtained from the NZ Transport Agency for all temporary activities on state highway road reserve. {TA 881.46}

Note 4.3.2B - Other relevant District Plan provisions

1. Mobile trading, other than as provided for in Rule 4.3.2.7 is managed as if it were not operating from mobile premises (i.e. the activity status and land use performance standards of the zone in which it is occurring apply)
 2. ~~Earthworks are managed through the management and major facilities zone sections. {PO cl.16}~~
- ¹ **PO cl.16:** moved from Note 4.3A to Rule 4.3.1 and minor amendments to clarify new location of earthworks provisions.

Note 4.3C - Other relevant District Plan provisions {PO cl.16¹}

1. ~~Earthworks are managed through the management and major facilities zone sections. {PO cl.16}~~
- ¹ **PO cl.16:** moved from Note 4.3C to Rule 4.3.1 and minor amendments to wording to clarify new location of earthworks provisions.

Rule 4.4 Notification

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

Rule 4.5 Performance Standards

4.5.1 Development Standards

- Temporary buildings, structures, earthworks, **{TA cl.16}** and site development activities associated with temporary activities must meet the maximum height, height in relation to boundaries, setbacks, hazard exclusion areas, vegetation clearance standards, and earthworks performance standards of the zone in which they are located, except:
 - temporary signs (see Rule 4.5.7);
 - setbacks from coast and water bodies, provided buildings and structures are set back from the coast or water bodies a minimum of 5m; and
 - temporary buildings and structures associated with construction are exempt from meeting performance standards for maximum height, height in relation to boundary, and boundary setbacks provided they are erected for no more than 90 days.
- Temporary buildings and structures associated with temporary activities may be located on parking areas required to meet the performance standard for minimum car parking for up to 90 days.
- Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

¹ **TA cl.16:** Earthworks is specifically mentioned in this rule as it is now a citywide activity and therefore no longer included within 'site development activities'.

4.5.2 Hours of Operation

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

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

- Except in all zones the hours of operation for New Years Eve celebrations, including those that involve the operation of amplified sound equipment, is extended until 1.00am the following morning.
- Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

4.5.3 Maximum Duration, Frequency, and Site Restoration

Rule 4.5.3.1 Temporary events and filming

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

Location	Maximum duration of event
i. The Oval (Town Belt (The Oval) Town of Dunedin SO 14526) {TA cl.16}	10 consecutive days
ii. The Octagon (Sec 1 Reserve No 2 SO 12279 Town of Dunedin) {TA cl.16} and Museum Reserve (363 and 381 Great King Street) {TA cl.16}	5 consecutive days
iii. All other locations	3 consecutive days

- iv. Except, site preparation, which must not occur more than two days before an event; and site clean-up and restoration, which must be completed within two days of the completion of the event.
- b. No more than five temporary events may occur on a site within any calendar year, except, temporary events in public places, churches, and community halls.
- c. Filming and temporary events must return sites to their original condition after filming or the temporary event is finished.
- d. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

Rule 4.5.3.2 Mobile Trading

- a. Mobile trading must not operate in any location for a cumulative period exceeding four hours in any 24 hour period, except:
- if the activity would otherwise be permitted in the zone;
 - if the mobile trading is associated with a temporary event; or
 - if the mobile trading is associated with an event occurring as part of a sport and recreation activity or an event occurring in the Recreation Zone or at major facilities, in which case the maximum duration is for a period starting 2 hours before the start of the event until two hours after the completion of the **{TA cl.16}** event.
- b. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

Rule 4.5.3.3 Helicopter Landings Movements **{TA 917.13}**

- a. ~~Helicopter landings must not exceed 10 landings on the same site within any calendar year, except two days of unlimited landings on the same site are allowed within any calendar year.~~ **{TA 583.11 and others}**
- b. ~~Helicopter landings must only occur during daylight hours.~~ **{TA 583.11 and others}**
- c. ~~The following activities are exempt from this standard:~~ **{TA 583.11 and others}**
- ~~helicopter landings for emergencies by police, fire service, ambulance, or for search and rescue; and~~ **{TA 583.11 and others}**
 - ~~helicopter landings that meet the noise performance standards for the relevant zone.~~ **{TA 583.11 and others}**
- a. Helicopter movements must not exceed twenty flight movements (a take-off or landing) per calendar month per site. **{TA 583.11}**

- b. Helicopter landings for emergency services are exempt from this standard {TA 583.11}
- c. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

Note 4.5.3.3A - Copyright information

1. The limits on helicopter movements in Rule 4.5.3.3 are from NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas. {TA 583.11}

4.5.4 Noise

4.5.4.1 Construction

- a. Construction activity **{TA cl.16}** must not exceed the following limits and will be measured and assessed in accordance with NZS6803:1999 Acoustics – Construction Noise {TA 917.11}:

Noise limits as measured at: the boundary of any property in residential zones, the notional boundary of any residential building in a rural residential zone, or from 6pm to 7.30am within the notional boundary of any building housing any noise sensitive activities in any other zone		Noise limits		
		1. For no more than 14 days of a single construction project	2. For no more than a further 18 weeks of a single construction project	For all other times
i.	Weekdays 6.30 to 7.30am	a. 65-dB LAeq b. 75-dB Lmax	a. 60-dB LAeq b. 75-dB Lmax	a. 55-dB LAeq b. 75-dB Lmax
ii.	Weekdays 7.30am to 6pm and Saturdays 7.30am to 6pm	a. 80-dB LAeq b. 95-dB Lmax	a. 75-dB LAeq b. 90-dB Lmax	a. 70-dB LAeq b. 85-dB Lmax
iii.	Weekdays 6 to 8pm	a. 75-dB LAeq b. 90-dB Lmax	a. 70-dB LAeq b. 85-dB Lmax	a. 65-dB LAeq b. 80-dB Lmax
iv.	Sundays and public holidays 7.30am to 6pm	a. 55-dB LAeq b. 85-dB Lmax	a. 55-dB LAeq b. 85-dB Lmax	a. 55-dB LAeq b. 85-dB Lmax
v.	All other periods not specified above	a. 45-dB LAeq b. 75-dB Lmax	a. 45-dB LAeq b. 75-dB Lmax	a. 45-dB LAeq b. 75-dB Lm
Time period		1. For no more than 14 days of a single construction project	2. For no more than a further 18 weeks of a single construction project	3. Long-term duration (greater than 20 weeks)
vi.	All days 7.30am to 6pm	80-dB LAeq	75-dB LAeq	70-dB LAeq
vii.	All days 6pm to 7.30am	85-dB LAeq	80-dB LAeq	75-dB LAeq

- i. **Construction noise received in residential zones and dwellings in rural and rural residential zones, and buildings housing any noise sensitive activities in any other zone {TA 917.11}**

Time of Week	Time Period	Duration of work



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

ii. **Construction noise received in industrial, Port and commercial mixe use zones for all days of the year {TA 917.11}**

<u>Time Period</u>	<u>Duration of Work</u>		
	<u>1. Typical Duration</u>	<u>2. Short-Term Duration</u>	<u>3. Long-Term Duration</u>
	<u>LAeq (dBA)</u>	<u>LAeq (dBA)</u>	<u>LAeq (dBA)</u>
1. 7.30am - 6.00pm	75	80	70
2. 6.00pm - 7.30am	80	85	75

- b. Vibration from construction must not exceed a maximum particle velocity measured on any foundation of an adjacent building on another site, or the same site if different ownership, of 25mm/second for commercial buildings or 10mm/second for buildings housing noise sensitive activities.
- c. Activities that contravene this performance standard by less than 5dB LAeq (15 min) are discretionary activities.
- d. Activities that contravene this performance standard by 5dB LAeq (15 min) or more are non-complying activities.
- e. For the purposes of Rule 4.5.4.1 "short-term duration" means construction work at any one location for up to 14 calendar days per project; "typical duration" means construction work at any one location for more than 14 calendar days but less than 20 weeks per project; and "long-term duration" means construction work at any one location with a duration exceeding 20 weeks per project {TA 917.11}

Note 4.5.4.1A - Copyright information {TA cl.16}

1. For Rule 4.5.4.1: {TA cl.16}
 - a. The provisions in Rule 4.5.4.1 are from {TA cl.16} NSZ 6803:1999 Acoustics Construction Noise by permission of Standards New Zealand under licence 001161.

4.5.4.2 Temporary events

- a. Temporary events must comply with the performance standard for noise of the zone in which they are located (see Rule 9.3.6). or for
- b. Temporary events in the CBD Zone; must comply with the following noise limits: {TA cl.16}

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

- c. Pyrotechnics and firing of a ceremonial cannon are exempt from the performance standards for noise.
- d. Noise will be measured in accordance with NZS 6801:2008 Acoustics - Measurement of Environmental Sound and assessed in accordance with NZS 6802:2008 Acoustics - Environmental Noise. {TA 917.11 and others}
- e. Activities that contravene this performance standard by less than 5 dB LAeq (15 min) are discretionary activities. {TA cl.16}
- f. Activities that contravene this performance standard by 5 dB LAeq (15 min) or more are non-complying activities. {TA cl.16}

¹ TA cl.16: Rules giving activity status for contravention of this standard omitted in error and added to reflect the related content in rules 4.9.2.1, 4.10.2.1 and linked rules in 9.6 and 9.7.

4.5.4.3 Filming (small and large scale)

Filming activities {TA cl.16} must comply with the performance standard for noise of the zone in which they are located (see Rule 9.3.6) {TA cl.16}.

4.5.4.4 Military exercises

- a. Noise from military exercises must not exceed the following limits:
 - i. for mobile noise sources, the noise limits for construction activities {TA cl.16} set out in Rule 4.5.4.1 apply.
 - ii. for fixed (stationary) noise sources, the following limits as measured at the notional boundary of a building housing any noise sensitive activities apply:

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

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

and assessed in accordance with NZS 6802:2008 Acoustics - Environmental Noise. **{TA 917.11 and others}**

- c. The live firing of weapons and explosive events and the firing of blank ammunition are exempt from this performance standard (see Rule 4.5.6).
- d. Military exercises that contravene this performance standard are a controlled activity.

Rule 4.5.4.5 Helicopter Movements {TA 917.11 and others}

- a. Helicopter movements must not result in a maximum sound level (LAFMax) exceeding 70 dB at night time (10.00pm - 7.00am) or 90 dB during daytime (7.00am - 10.00pm) within any site in a residential zone or within the notional boundary to any noise sensitive activity in rural zones, rural residential zones or the Ashburn Clinic Zone.
- b. Helicopter noise will be measured and assessed in accordance with NZS6807:1994 Noise Management & Land Use Planning For Helicopter Landing Areas.
- c. Helicopter movements for emergency services are exempt from this standard
- d. Activities that contravene this performance standard by less than 5dB LAeq (15 min) are discretionary activities.
- e. Activities that contravene this performance standard by 5dB LAeq (15 min) or more are non-complying activities.

4.5.5 Notice to DCC (Military Exercises)

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

4.5.6 Setbacks (Military Exercises)

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

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

- e. Except where:
 - i. peak sound pressure level is below 120 dBC between the hours of 7am and 7pm; and
 - ii. peak sound pressure level is below 90 dBC between the hours of 7pm and 7am.

- f. Activities that contravene this performance standard are controlled activities.

4.5.7 Number, Location and Design of Temporary Signs

4.5.7.1 General

- a. Temporary signs visible from a public place must meet all of the following performance standards;
- b. Temporary signs must not be illuminated (internally or externally), digital, or projected; and
- c. Signs must also comply with:
 - i. Rule 6.7.2 where located on or above public footpaths {TA cl.16}; and
 - ii. Rule 6.7.3, where visible from the road.
- d. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities. {PO cl.16}

4.5.7.2 Election signs

- a. Signs must be erected no more than two months prior to election or polling {TA cl.16} day and must be removed by midnight prior to election or polling {TA cl.16} day.
- b. Signs on a site {TA cl.16} must not exceed a maximum number of:
 - i. one per site for any {TA cl.16} candidate or group of candidates for local authority elections and referenda: {TA cl.16} and
 - ii. one per site for any {TA cl.16} registered political party, independent or non-party affiliated candidate, for parliamentary general {TA cl.16} elections; and
- c. Signs must not exceed:
 - i. a maximum height of 2m above ground level; and
 - ii. a maximum area of 3m² on DCC or New Zealand Transport Agency land within the road reserve; or {TA 881.48 and others}
 - iii. 1m² on all other sites: {TA 881.48 and 1083.1}
- d. For the purpose of Rule 4.5.7.2 'local election' refers to elections for City or Regional Council, District Health Board or a community board; and 'general election' refers to elections for the New Zealand Government. {TA cl.16}

4.5.7.3 Temporary eEvent promotion {TA cl.16} signs

- a. Signs must not be erected more than 21 days before an event and must be removed within 3 days of the completion of the event;
- b. Signs must be designed such that any names of sponsoring businesses are no more than 50% of the size of the font used for advertising the event;
- c. Signs must not exceed:
 - i. a maximum height of 2m above ground level;
 - ii. a maximum area of:
 1. 3m² on DCC or New Zealand NZ {Trans 881.17} Transport Agency land within the road reserve; or
 2. 1m² on all other sites; and
 - iii. for signs outside the road reserve:

1. only one sign is allowed to be displayed on a property site **{TA cl.16}** at a time; and
2. the total display time of all signs must not exceed 30 days in any calendar year.

d. Event promotion signs on lawfully established public display boards are exempt from these standards. **{TA cl.16}**

4.5.7.4 Real estate signs

- a. Signs must not exceed the following maximum numbers **{TA cl.16}**:
 - i. ~~one per property, or a maximum of one sign per site; **{TA cl.16}**~~
 - ii. on sites with a street frontage greater than 500m, a maximum of **{TA cl.16}** one sign for every 500m of frontage; and
 - iii. in the CBD, real estate signs in windows and below verandas (including in windows), ~~must not exceed a maximum of **{TA cl.16}**~~ one sign **{TA cl.16}** per real estate agent/company.
- b. Open home signs and auction signs are exempt from the maximum number of signs.
- c. The maximum display time for real estate signs is:
 - i. open home signs must only be displayed for the duration of the open home;
 - ii. auction signs must be displayed for no more than 14 days before the auction and 3 days after the auction; or
 - iii. all real estate signs must be removed within three days after the sale of the property.
- d. The maximum size and location of signs is:
 - i. auction signs must not exceed 2m² per display face;
 - ii. all other signs must not exceed a maximum area of 1m² per display face and a maximum of two display faces
- e. All real estate signs must be located on, or adjacent to, the property site **{TA cl.16}** to which they relate.

¹ **TA cl.16:** Amended to improve clarity.

4.5.7.5 Construction signs

1. Construction signs: **{TA cl.16}**
 - a. must not exceed a total area for all signs of 4m² per site;
 - b. must not be displayed for more than 10 days before commencement of construction and must be removed within three days after the completion of construction; and
 - c. must be located on the site where the construction activity is occurring.

Note 4.5B.7A - Other requirements outside of the District Plan

1. Permission must be obtained from the Dunedin City Council (DCC) for the erection of temporary signs (except real estate signs) on DCC land, including reserves and roads, please contact 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
2. Permission must be obtained from the New Zealand NZ **{Trans 881.17}** Transport Agency for erection of temporary signs within state highway road reserve.
3. Approved election sign sites where the DCC give approval for the erection of signs are published on the DCC website www.dunedin.govt.nz.

4.5.8 Light Spill

Temporary activities must comply with Rule 9.3.5.

4.5.9 Hazard Overlay Zones Development Standards {Confirmed for deletion - TA 583.9}

~~4.9.5.1 Hazard exclusion areas (swale mapped area)~~

~~Buildings and structures associated with temporary activities must comply with Rule 11.3.1.1. {TA 583.9}~~

Rule 4.6 Assessment of Controlled Activities (Performance standard contraventions)

Rule 4.6.1 Introduction

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rule 4.6.2:
 - a. lists the matters over which Council has reserved its control; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
 - ii. conditions that may be imposed.
3. ~~Where a controlled activity does not meet a performance standard the following occurs: {TA cl.16¹}~~
 - a. ~~if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) then:~~
 - i. ~~the activity, as a whole, will be treated as **restricted discretionary**;~~
 - ii. ~~the matters of discretion are expanded to include the areas of non-compliance with the performance standard;~~
 - iii. ~~the performance standard contravention will be assessed as indicated in Section 4.7; and~~
 - iv. ~~the matters of control become matters of discretion and will be assessed as indicated in this section.~~
 - b. ~~if the contravention of the performance standard defaults to **discretionary** then:~~
 - i. ~~the activity, as a whole, will be treated as **discretionary**;~~
 - ii. ~~the performance standard contravention will be assessed as indicated in Section 4.9; and~~
 - iii. ~~the assessment guidance in this section will also be considered.~~
 - c. ~~if the contravention of the performance standard defaults to **non-complying** then:~~
 - i. ~~the activity, as a whole, will be **non-complying**;~~
 - ii. ~~the performance standard contravention will be assessed as indicated in Section 4.10; and~~
 - iii. ~~the assessment guidance in this section will also be considered.~~

¹ **TA cl.16:** There are no controlled activity status temporary activities.

4.6.2 Assessment of controlled performance standard contraventions

Performance standard	Matters of control	Guidance on the assessment of resource consents
1. - Noise (military exercises) - Notice to DCC (military exercises) - Setbacks (military exercises)	a. Effects on <u>amenity</u> of surrounding sites' <u>amenity</u> {TA cl.16} b. Effects {TA cl.16} on health and safety	<i>Relevant objectives and policies:</i> i. Objective 4.2.1 ii. Temporary activities are designed and operated in a way that minimises <u>as far as practicable</u> {PO 906.34 and 308.497} effects on: 1. the amenity of surrounding properties; and 2. the health and safety of people (Policy 4.2.1.1a and b). <i>Conditions that may be imposed to ensure these outcomes include, but are not limited to:</i> iii. Higher noise levels may be restricted to short durations during daytime hours, or hours agreed with affected neighbours. iv. ~~Potentially affected neighbours to be advised and consulted with prior to the activity taking place.~~ {TA cl.16} <i>General assessment guidance:</i> v. The assessment of an application for military exercises that contravenes the noise (military exercises) performance standard Rule 4.5.4.4 will consider the findings of a noise management plan (see Special Information Requirements - Rule 4.11.1).

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

Rule 4.7.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rule 4.7.2:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

4.7.2 Assessment of all performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	All performance standard contraventions		<i>Potential circumstances that may support a consent application include:</i> i. The degree of non-compliance with the performance standard is minor. <i>General assessment guidance:</i> ii. Where more than one standard is contravened, the combined effects of the contraventions should be considered. iii. In assessing performance standard contraventions, consideration will be given to all relevant assessment guidance in the underlying zone.
2.	Development standards	See relevant zone for assessment of restricted discretionary activities (performance standard contraventions).	
3.	Hours of operation	a. Effects on <u>amenity of surrounding sites</u> amenity {TA cl.16} b. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objective 4.2.1 ii. Temporary activities are designed and operated in a way that minimises, <u>as far as practicable</u>, {PO 906.34 and 308.497} effects on: 1. the amenity of surrounding properties; and 2. people's health and safety (Policy 4.2.1.1a ~~and b~~ {TA cl.16}). <i>Potential circumstances that may support a consent application include:</i> iii. The extension of hours will not result in unreasonable disturbance from vehicle headlights, vehicle movements, or noise.

4.7.2 Assessment of all performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
4. Maximum duration, frequency, and site restoration	a. Effects on <u>amenity of surrounding sites</u> amenity {TA cl.16} b. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objective 4.2.1 ii. Temporary activities are designed and operated in a way that minimises, <u>as far as practicable</u>, {PO 906.34 and 308.497} effects on: 1. the amenity of surrounding properties; and 2. people's health and safety (Policy 4.2.1.1). <i>Potential circumstances that may support a consent application include:</i> iii. The extension of duration or frequency will not result in unreasonable disturbance from extended periods of noise or vehicle movements. <i>General assessment guidance:</i> iv. Council will assess the noise effects of helicopter movements in accordance with the standards set out in NZS6807:1994 <i>Noise Management and Land Use Planning for Helicopter Landing Areas</i> {TA 917.11 and others}
5. Number, location, and design of temporary signs	a. Effects on neighbourhood character and <u>streetscape</u> {TA cl.16} amenity b. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 4.2.1 ii. Temporary signs are located and designed to minimise <u>as far as practicable</u> {PO 906.34 and 308.497} adverse effects on streetscape amenity (Policy 4.2.1.2.a). <i>Relevant objectives and policies:</i> i. Objective 4.2.1 ii. Temporary signs are located and designed to minimise <u>as far as practicable</u> {PO 906.34 and 308.497} adverse effects on the safety and efficiency of the transport network (Policy 4.2.1.2.b). <i>Potential circumstances that may support a consent application include:</i> iii. The location of the sign will not obscure sightlines, pedestrians, and cyclists or vehicle access. iv. The relevant road controlling authority has provided approval for the proposed design and location of the sign.
6. In a swale mapped area: hazard exclusion areas {TA 583.9}	a. Risk from natural hazards	See Rule 11.4

Rule 4.8 Assessment of Restricted Discretionary Activities

Rule 4.8.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rule 4.8.2:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**;
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard;
 - iii. the performance standard contravention will be assessed as indicated in Section 4.7; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**;
 - ii. the performance standard contravention will be assessed as indicated in Section 4.9;
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**;
 - ii. the performance standard contravention will be assessed as indicated in Section 4.10; and
 - iii. the assessment guidance in this section will also be considered.

4.8.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. - Filming - large scale - Temporary events - large scale	a. Effects on amenity	<i>Relevant objectives and policies:</i> i. Objective 4.2.1 ii. <u>Temporary events - large scale and filming - large scale are located and operated to ensure Any {PO cl.16} adverse effects on the transport network amenity {TA cl.16} can will {PO cl.16} be avoided or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigated (Policy 4.2.1.3).</u> <i>Potential circumstances that may support a consent application include:</i> iii. A traffic management plan has been approved by the DCC (or New Zealand <u>NZ</u> {Trans 881.17} Transport Agency where relevant).
	b. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 4.2.1 ii. <u>Temporary events - large scale and filming - large scale are located and operated to ensure Any {PO cl.16} adverse effects on the transport network can will {PO cl.16} be avoided or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigated (Policy 4.2.1.3).</u>

TA cl.16: As a clause 16 amendment this corrects errors and aligns with the matter of discretion with the correct policy wording.

Rule 4.9 Assessment of Discretionary Activities

Rule 4.9.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 4.9.2 provides guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.

4.9.2 Assessment of all discretionary performance standard contraventions

Activity	Guidance on the assessment of resource consents
1. • Noise - where the noise limit is exceeded by less than 5dB LAeq (15 min) • Light spill - where the limit is exceeded by 25% or less	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

Rule 4.10 Assessment of Non-complying Activities

Rule 4.10.1 Introduction

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

4.10.2 Assessment of non-complying performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
1.	• Noise - limit is exceeded by 5dB LAeq (15 min) or more • Light spill - where the limit is exceeded by greater than 25%	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and the effects related to public health and safety.

Rule 4.11 Special Information Requirements

4.11.1 Noise management plan

All resource consent applications for military exercises which do not comply with Rule ~~4.5.4.4~~ 4.5.6 **{TA 917.12}** must be accompanied by a noise management plan prepared by a suitably qualified expert. The noise management plan must contain:

1. a description of the site and activity including times, dates, nature and location of the proposed training activities;
2. a map showing potentially affected noise sensitive activities and predicted LCpeak **{TA 917.12}** sound pressure levels for each of these receiver **{TA 917.12}** locations and a programme for notification and communication with the occupiers of those sites prior to the activities commencing, including updates during the event;
3. methods to minimise the noise disturbance at sites housing noise sensitive activities; and
4. the method for following up any complaints received during or after the event, and any proposed debriefing meetings with the DCC.

5. Network Utilities {Was "Network Utilities and Energy Generation" - NU 360.233}

5.1 Introduction

Activities generally managed as network utilities in this Plan include: electricity generators and other energy generators; structures associated with the investigation of energy resources; National Grid electricity transmission infrastructure and other energy distribution infrastructure; water, waste water and stormwater infrastructure; telecommunication and radiocommunication infrastructure; navigational aids; meteorological facilities; and river flow recording facilities. {NU cl.16¹}

The exception to this is that "building utilities", which are structures attached to buildings that form part of the utility systems of that building (for example, roof-top solar panels and satellite dishes), are treated as part of the building or structure to which they are attached. This means that building utilities are managed by the rules for buildings and structures in the management zone sections, and are not subject to the network utilities provisions. {NU cl.16²}

Certain types of infrastructure that are included in the definition of "network utility operation" in the Resource Management Act 1991 (section 166) are not managed as network utilities in this Plan. These include: irrigation infrastructure, which is managed via provisions for structures in the management zones sections; roads, which are managed as transportation activities in Section 6; railways, which are managed via designations; the airport and air traffic control services, which are managed via the Dunedin International Airport Zone section; and the Taieri Aerodrome, which operates as a secondary airport in the event of emergency, and is managed via the Taieri Aerodrome Zone section. {NU cl.16³}

Network utilities form part of the services and infrastructure that contribute to support {NU cl.16⁴} the efficient functioning of the city; {NU cl.16} and contribute directly to the social, economic and cultural {NU 918.23} well-being, and the health and safety, {NU cl.16} of people living in Dunedin, including during civil defence operations {NU cl.16}. Network utilities are important in providing efficient and effective networks of infrastructure, telecommunications and electricity to Dunedin and civil defence operations. {NU cl.16⁵}

The benefits of electricity transmission and renewable electricity generation in particular have been recognised in the National Policy Statement on Electricity Transmission 2008 (NPSET) {NU 806.20} and the National Policy Statement for Renewable Electricity Generation 2011 (NPSREG). {NU 308.122} The benefits of sustainable, secure and efficient electricity transmission include: security of electricity supply; efficient transfer of energy through a reduction of transmission losses; the facilitation of the use and development of new electricity generation, including renewable generation; and enhanced supply of electricity through the removal of points of congestion. {NU 806.20} While they are not strictly 'network utilities', the structures and devices used for the purposes of renewable energy generation are increasingly an essential part of the electricity generation network. {NU cl.16⁶} The New Zealand Government is committed to increasing New Zealand's proportion of renewable energy generation to 90% by 2025. {NU cl.16⁷} Increasing the proportion of renewable energy generation not only contributes to national targets, but increases the resilience of Dunedin's economy to energy related issues. At a central government level, the National Policy Statement for Renewable Electricity Generation 2011 recognises the significance of renewable energy generation by establishing a national level policy framework for Renewable Electricity Generation activities, and this national level policy has been implemented in this District Plan. Grouped together in this Plan, the category of network utilities activities includes both the technical service infrastructure and energy generation devices. The benefits of renewable electricity generation include: maintaining or increasing generation capacity while avoiding, reducing or displacing greenhouse gas emissions; benefits to the security of electricity supply from diversification of the type and/or location of generation; using renewable natural resources rather than finite resources; the reversibility of the adverse effects on the environment of some renewable electricity generation technologies; and avoiding reliance on imported fuels for

the purposes of generating electricity. **{NU 308.122}**

While network utilities ~~activities enable the efficient and effective operation of infrastructure networks and allow people to provide for their well-being~~ have social, economic, cultural and environmental benefits **{NU 918.23}**, ~~network utilities structures they can also~~ **{NU cl.16}** have adverse effects on landscape, natural character, **{NU cl.16⁸}** biodiversity, cultural ~~Manawhenua~~ **{NU 1071.34}** and heritage values, on **{NU cl.16}** public health and safety, and on the amenity ~~and character~~ of residential and other areas. **{NU cl.16⁸}**

Land use activities, development and subdivision can also have adverse effects on the efficient operation of network utilities. In relation to the National Grid, the NPSET requires that councils, through their district plans, manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised. **{NU 806.20}**

In response to the ~~these~~ **{NU cl.16}** issues, the Second Generation Plan (2GP) proposes this Plan puts in place **{NU cl.16}** a framework for balancing the necessary provisions that enable the **{NU cl.16}** establishment, operation, maintenance and upgrading of network utilities with while managing **{NU cl.16}** the adverse environmental effects that can occur as a result of these activities. The management of network utilities ~~activities places controls on such aspects as the~~ **{NU cl.16}** The design, location, and scale and size **{NU cl.16}** of the structures used in these activities required for network utilities are managed **{NU cl.16}** in order to minimise these **{NU cl.16}** adverse effects as far as practicable. The degree of restriction on these aspects **{NU cl.16}** is determined by the sensitivity of the **{NU cl.16}** environment in which the particular structures are located and by **{NU cl.16⁹}** the scale needed to effectively operate and contribute to the network technical and operational requirements of the activity. **{NU 918.23}**

In addition, the Plan restricts sensitive activities and other incompatible development in the vicinity of both National Grid infrastructure, and Radio New Zealand's facilities on the Otago Peninsula, in order to manage potential adverse effects on these utilities. **{NU cl.16¹⁰}**

The controls in the 2GP ~~will lead to~~ Plan are intended to facilitate **{NU cl.16}** efficient and effective infrastructure networks in Dunedin, and provide for the increased development of electricity from renewable resources.

~~It is noted that the safe and efficient use and development of network utilities is primarily the responsibility of the utility operator and the proposed provisions seek to enable operators to fulfil those responsibilities. Network utilities should be operated in the most efficient manner possible, while minimising any adverse effects which may occur as a result of their activities.~~ **{NU cl.16}**

¹ **NU cl.16:** This paragraph is provided as a clarification of what it meant by 'network utilities' for the purposes of this Plan – i.e. what types of utility are provided for in section 5.

² **NU cl.16:** This paragraph clarifies how 'building utilities' are managed.

³ **NU cl.16:** This paragraph is provided as a clarification of the relationship between the Plan's definition of 'network utility' and RMA definition of 'network utility operation'.

⁴ **NU cl.16:** Removal of unnecessary words, in part to avoid the repetition of 'contribute to'.

⁵ **NU cl.16:** Removal of unnecessary words.

⁶ **NU cl.16:** The deletion of this sentence is required for clarity; the content is misleading, given that REG is provided for in the Plan as a type of network utility.

⁷ **NU cl.16:** The deletion of this sentence is required to ensure that the content does not become outdated over time, given that government policy on this matter may change during the life of the Plan.

⁸ **NU cl.16:** The clause 16 amendments in this sentence are required to better align the content with the different types of effect from network utilities that are managed in the Plan.

⁹ **NU cl.16:** All clause 16 amendments in this paragraph are intended to improve clarity and readability, and remove unnecessary words.

¹⁰ **NU cl.16:** This paragraph has been added for clarity, to explain the methods used in the Plan to protect network

utilities from the effects of third party activities.

¹¹ **NU cl.16:** This paragraph has been removed on the basis that it is superfluous; it does not relate to any provision in Section 5.

5.2 Objectives and Policies

Objective 5.2.1	
Network utilities utility {NU cl.16} activities, including renewable energy generation activities, are able to <u>establish, operate and upgrade</u> {NU 806.21} efficiently and effectively, while minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and, where located in an overlay zone, scheduled site, or mapped area, meeting the relevant objectives and policies for those areas.	
Policy 5.2.1.1	Encourage the use and development of renewable energy generation.
Policy 5.2.1.A {NU 457.192}	<u>Enable network utility activities throughout the city where effects can be adequately managed in line with policies 5.2.1.5, 5.2.1.7, 5.2.1.11, 5.2.1.12, 5.2.2.2 and the objectives and policies of any relevant overlay zones, scheduled sites or mapped areas.</u>
Policy 5.2.1.2 {NU 918.29}	~~Require development to be designed and located to avoid adverse effects on the safe and efficient operation of the national grid infrastructure or, where avoidance is not possible, ensure any adverse effects would be insignificant.~~
Policy 5.2.1.3 {NU 918.29}	~~Require sensitive activities, hazardous substances, and earthworks to be set back an adequate distance from the national grid to ensure adverse effects on the health and safety of people are avoided.~~
Policy 5.2.1.5	Require underground or internal network utilities and {NU 308.137} network utilities utility {NU cl.16} structures – small scale {NU 576.9} to be of a scale, size, design and location that enables <u>designed and located to enable {NU cl.16}² the provision of network utilities while</u> a. <u>minimising, as far as practicable, avoiding or, where avoidance is not practicable, adequately mitigating {NU 906.7} adverse effects on the amenity and character of the zone;</u> b. <u>maintaining a high level of pedestrian amenity in pedestrian street frontages. {NU cl.16}³</u>
Policy 5.2.1.6 {NU 308.122 and 743.17}	~~Require energy resource investigation devices to be designed, operated and located to minimise, as far as practicable, any adverse effects on amenity.~~
Policy 5.2.1.7	~~Require network utilities structures are substations. {NU 915.17} underground or internal network utilities and network utility structures – small scale to be {NU 576.9} located, designed, and operated to ensure any risk to health and safety is no more than minor~~ <u>avoided or minimised as far as practicable. {NU 918.27}</u>
Policy 5.2.1.9 {NU 918.29}	~~Require earthworks to be set back from network utilities an adequate distance to avoid:~~ a. ~~damage to existing network utilities;~~ b. ~~obstruction of access to existing underground network utilities; and~~ c. ~~adverse effects on the health and safety of people.~~
Policy 5.2.1.10 {NU 308.122 and 308.468}	~~Avoid regional scale energy generation {NU 308.122} and biomass generators – stand-alone {NU 308.468} outside the rural or industrial zones unless there will be no material adverse effects on the amenity of surrounding area. {NU 308.122 and 308.468}~~

Objective 5.2.1

Network utilities utility **{NU cl.16}** activities, including renewable energy generation activities, are able to establish, operate and upgrade **{NU 806.21}** efficiently and effectively, while minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and, where located in an overlay zone, scheduled site, or mapped area, meeting the relevant objectives and policies for those areas.

Policy 5.2.1.11	Only allow network utility structures - large scale (in all zones) {NU cl.16} , regional-scale energy generation in the rural zones, {NU 308.122} network utility poles and masts - small scale (other than in the rural, rural residential or industrial zones in residential and recreation zones {NU 576.40}), community scale energy generation, {NU 308.122} biomass generators – stand-alone, {NU 308.468} and biomass energy generation on-site energy generation {NU 308.137} and energy resource investigation devices (other than in the rural and industrial zones) {NU 308.122 and 743.17} and substations (other than in industrial zones) {NU 915.17} where the activity is designed and located to avoid any significant adverse effects and minimise adverse effects, as far as practicable, including or, if avoidance is not practicable, adequately mitigate {NU 457.14} : a. <u>adverse</u> {NU 457.14} effects on visual amenity and the character of the zone in which the activity is located; and b. <u>adverse</u> {NU 457.14} effects on the amenity of any surrounding residential activities.
Policy 5.2.1.12	Only allow new network utilities or additions to existing network utilities in transition overlay zones where network utilities are located to support a logical and efficient future pattern of development.

¹ **NU 918.29**: Policies 5.2.1.2, 5.2.1.3, and 5.2.1.9 have been moved to new Objective 5.2.2.

² **NU cl.16**: As a clause 16 amendment, the maximum volume of network utility structures – small scale in pedestrian street frontages is now managed via new Policy 18.2.3.13. This does not result in a substantive change to provisions.

Objective 5.2.2 **{NU 918.29}**

The operational efficiency and effectiveness of network utilities is not compromised by development locating near these activities. **{NU 918.29}**

Policy 5.2.1.2 {NU 806.26}	Require development to be designed and located to avoid adverse effects on the safe and efficient operation of the national grid infrastructure or, where avoidance is not possible, ensure any adverse effects would be insignificant.
Policy 5.2.1.9 5.2.2.1 {NU 918.29} ³	Require earthworks to be set back from network utilities an adequate distance to avoid: a. damage to existing network utilities; b. obstruction of access to existing underground network utilities; and c. adverse effects on the health and safety of people.

Objective 5.2.2 {NU 918.29}

The operational efficiency and effectiveness of network utilities is not compromised by development locating near these activities. {NU 918.29}

Policy 5.2.1.3 5.2.2.2 {NU 918.29 ³ }	Require <u>National Grid {PO cl.16²}</u> sensitive activities, hazardous substances, <u>buildings, structures, public amenities, network utility activities {NU 806.26}</u> and earthworks to be set back an adequate distance from the <u>National Grid {NU cl.16}</u> to ensure: a. <u>adverse effects on the health and safety of people are avoided;</u> b. <u>adverse effects on the operation, maintenance, upgrading and development of the National Grid are avoided or, if avoidance is not practicable, insignificant; and {NU 806.11}</u> c. <u>the potential for reverse sensitivity is avoided or minimised as far as practicable. {NU 806.11}</u>
Policy 5.2.2.3 {NU 806.11}	Require subdivision activities in the National Grid Corridor mapped area to be designed so that any necessary building platforms are located a sufficient distance from the National Grid to ensure that: a. <u>adverse effects on the health and safety of people are avoided;</u> b. <u>adverse effects on the operation, maintenance, upgrading and development of the National Grid are avoided or, if avoidance is not practicable, insignificant; and</u> c. <u>the potential for reverse sensitivity is avoided or minimised as far as practicable.</u>
Policy 5.2.2.4 {NU 806.11}	Only allow subdivision activities in the National Grid Corridor mapped area where the subdivision is designed to ensure that any associated future land use and development will: a. <u>avoid adverse effects on the health and safety of people;</u> b. <u>avoid or, where avoidance is not practicable, have not more than insignificant effects on the operation, maintenance, upgrading and development of the National Grid; and</u> c. <u>avoid or minimise, as far as practicable, the potential for reverse sensitivity.</u>
Policy 5.2.2.5 {NU 918.25}	Only allow subdivision and sensitive activities, where these are not otherwise permitted, in the radio transmitters mapped area where the potential for reverse sensitivity is avoided or minimised as far as practicable.

¹ **NU 806.26:** Policy 5.2.1.2 has been moved from Objective 5.2.1 to new Objective 5.2.2 as part of the decision to add the new objective. It has then been deleted, and its content incorporated into revised Policy 5.2.1.3.

² **PO cl.16:** As a clause 16 amendment, a reference has been added to the new definition of “National Grid sensitive activities” which is discussed in the Plan Overview decision. This does not result in a substantive change to the effect of provisions.

³ **NU 918.29:** Policy 5.2.2.1 and Policy 5.2.2.2 were notified as Policy 5.2.1.9 and Policy 5.2.1.3 respectively. They have been moved from Objective 5.2.1 to new Objective 5.2.2 as part of the decision to add the new objective.

Rules

Rule 5.3 Activity Status

Rule 5.3.1 Activity Status introduction

1. The activity status table in Rule 5.3.2 shows the activity status of network utilities utility {NU cl.16} and energy generation {NU 360.233} activities across all zones, provided any performance standards shown in the far right column are met. The activities in the network utilities utility {NU cl.16} and energy generation activities {NU 360.233} category are listed in the Nested Table in Section 1.36 {PO cl.16}.
2. Performance standards apply to permitted, controlled, and restricted discretionary activities.
3. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity ~~will become restricted discretionary, unless otherwise indicated by the relevant performance standard is indicated in the relevant performance standard rule.~~ {PO cl.16}.
4. If a restricted discretionary activity does not meet one or more performance standards, then the activity status remains restricted discretionary, unless otherwise indicated in the performance standard.
5. The following activities are managed through the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 2016 {NU cl.16} (NESTF), although rules in the District Plan may still apply in certain circumstances, as set out in the NESTF {NU cl.16}:
 - a. ~~telecommunication utilities activities facilities {NU cl.16} which that {NU cl.16}~~ emit radio-frequency fields;
 - b. ~~telecommunication equipment cabinets in the road reserve and noise from these cabinets; {NU cl.16}~~
 - c. ~~noise from these cabinets, only when located in the road reserve; and {NU cl.16}~~
 - d. ~~the installation or replacement of masts and antenna on existing buildings or structures in the road reserve; new poles and attached antennas, in the road reserve and in rural and rural residential zones only (note that masts are called poles under the NESTF); {NU cl.16}~~
 - e. ~~new antennas on existing poles, and new antennas on buildings; {NU cl.16}~~
 - f. ~~small-cell units on existing structures; and {NU cl.16}~~
 - g. ~~telecommunications lines. {NU cl.16}~~
6. The operation, maintenance, upgrading, relocation or removal of existing transmission lines which are part of the National Grid are managed through the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA), unless otherwise stated by a NESETA rule.
7. Any utilities included in the definitions of building utilities or rooftop structures are managed by zone rules and are not considered to be network utility activities.
8. The activity status of network utilities in the major facility zones is determined by the default zone of the major facility as listed in Appendix A9, except for the Port, Dunedin International Airport and Campus zones which are included in the 'all other zones' category in Rule 5.3.2.
9. For all transitional {ULS cl.16} overlay zones, the provisions of the proposed (transition) zone apply.
10. Any site development activities associated with an activity provided for in the activity status table in Rule 5.3.2 are subject to the provisions of the relevant management zone section. {PO cl.16}
11. Any earthworks associated with an activity provided for in the activity status table in Rule 5.3.2 are subject to the provisions in Section 8A. {PO cl.16}
12. Any construction associated with an activity provided for in the activity status table in Rule 5.3.2 is subject to the provisions in Section 4. {PO cl.16}

¹ **NU cl.16:** All clause 16 changes in Rule 5.3.1.5 are required to reflect the differences between NESTF 2008 and NESTF 2016.

Legend

Acronym	Activity status Meaning {PO cl.16}
±	<u>Additional provisions apply (assessment criteria for activities in the overlay need to be viewed) {PO 490.1 and others}</u>
N/A	No additional provisions apply or not relevant <u>Not Applicable {PO 490.1 and others}</u>
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
RU	Rural Zones
RR	Rural Residential Zones
CMU	Commercial and Mixed Use Zones
WP {NU cl.16}	<u>Warehouse Precinct Zone</u>
PPH {NU cl.16}	<u>Princes, Parry and Harrow Street Zone</u>
SSYP {NU cl.16}	<u>Smith Street and York Place Zone</u>
HE {NU cl.16}	<u>Harbourside Edge Zone</u>
Ind	Industrial Zones
ONL	Outstanding Natural Landscape Overlay Zone
ONF	Outstanding Natural Feature Overlay Zones
SNL	Significant Natural Landscape Overlay Zone
NCC	Natural Coastal Character Overlay Zone
HNCC	High Natural Coastal Character Overlay Zone
ONCC	Outstanding Natural Coastal Character Overlay Zone
HP	Heritage Precinct
SHS	Scheduled Heritage Site
PPE {NU cl.16}	<u>Primary Pedestrian Street Frontage mapped area</u>



Acronym	Activity-status <u>Meaning</u> { <i>PO cl.16</i> }
<u>SPF</u> { <i>NU cl.16</i> }	<u>Secondary Pedestrian Street Frontage mapped area</u>
ASCV <u>ASBV</u>	<u>Areas</u> Scheduled-area of Significant Conservation Biodiversity Value { <i>NatEnv 958.60</i> }
UCMA	<u>Urban Conservation Mapped Area</u> { <i>NU cl.16</i> }
GPMA	<u>Groundwater</u> Protection Mapped Area { <i>NU cl.16</i> }
MHWS	Mean High Water Springs
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
NESETA	Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009
NESTF	Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 <u>2016</u> { <i>NU cl.16</i> }

5.3.2 Activity status table — Network ~~utilities~~ utility {**NU cl.16**} activities

1.	Performance standards that apply to all network ~~utilities~~ <u>utility</u> {NU cl.16} activities	a. Noise b. ~~Reflectivity (network utilities activities in landscape or natural coastal character overlays only)~~ {NU 743.17} c. Setback from coast and water bodies; d. Setback from a ~~National~~ <u>Grid</u> e. ~~Setback from ridgeline~~ {RU 874.41 and others} f. Setback from scheduled tree				
New, or additions and alterations to existing, network ~~utilities~~ <u>utility</u> {NU cl.16} activities		Activity status:				Performance standards
		a. RU, ~~Ind Res~~ and <u>Rec</u> {NU cl.16³}	b. All other zones	c. ONF, HNCC, ONCC	d. SNL, NCC, ONL, ASGV, <u>ASBV</u> {NatEnv 958.60} , SHS, HP	
2.	Operation, repair, <u>minor upgrading</u> {NU 457.4} and maintenance of existing network utilities	P	P	P	P	i. Light spill
3. {NU 457.4}	~~Realignment, reconfiguration or relocation of existing network utilities~~	P	P	—	—	i. ~~Location~~
4.	Underground or internal network utilities	P	P	P	P	i. Technical standards (gas pressure regulating stations and water or energy pipes only) ii. <u>Maximum height</u> {NU 308.137}
5. {NU cl.16¹}	Amateur radio configurations	P	P	~~RD~~	—	i. Amateur radio standards
6. {NU cl.16²}	~~Irrigation races and open drains~~	P	P	—	—	
7. {NU cl.16²}	~~Stormwater detention basins~~	P	P	—	—	
11.	Standby or <u>temporary</u> {NU 457.8} energy generators	P	P	P	P	

A. {NU 915.17}	Substations {NU 915.17}	RD	RD (P in Ind) {NU 915.17}	NC	D	i. <u>Technical standards</u> {NU 915.17}
Network utility structures - small scale {NU cl.16}		a. RU, Ind Res and Rec {NU cl.16}	b. All other zones	c. ONF, HNCC, ONCC	d. SNL, NCC, ONL, ASCV ASBV {NatEnv 958.60}, SHS, HP	Performance standards
9.	Network utilities utility {NU cl.16} poles and masts - small scale	P RD {NU cl.16 ³ }	RD (P in RR) P {NU 576.40}	RD	RD	i. Buildings and structures located on or above the footpath {NU 457.169} ii. Maximum dimensions iii. Maximum height {NU cl.16} i. <u>Scale thresholds</u> {NU cl.16 ⁴ }
12.	Wind generators - on-site energy generation small scale {NU 308.122}	P	P	NC RD {NU 302.122}	RD	i. On-site energy generation design standards <u>Scale thresholds</u> {NU 308.122} ii. <u>Design standards for wind generators</u> {NU cl.16 ¹⁰ } iii. <u>Setbacks for wind generators</u> {NU cl.16 ¹¹ }

13.	Hydro generators - on-site energy generation <u>small scale</u> { NU 308.122 }	P	P	NC RD { NU 302.122 }	RD	i. On-site energy generation design standards <u>Scale thresholds</u> {NU 308.122} ii. Location
14.	Solar panels - on-site energy generation <u>small scale</u> { NU 308.122 }	P	P	NC RD { NU 302.122 }	RD	i. On-site energy generation design standards <u>Scale thresholds</u> {NU 308.122} ii. <u>Site coverage</u> {NU cl.16}
8.	<u>All other Network utilities network utility</u> { NU cl.16 } structures - small scale	P	P	RD	P	i. Buildings and structures located on or above the footpath {NU 457.169} ii. Location iii. <u>Maximum dimensions</u> <u>Scale thresholds</u> {NU cl.16} iv. <u>Maximum height</u> <u>Maximum volume in PPF, SPF, HP and SHS</u> {NU 457.20} v. Technical standards vi. <u>Clearance from navigable water body</u> {NU cl.16}

Network utility structures - large scale {NU cl.16}		a. RU, Ind Res and Rec {NU cl.16}	b. All other zones	c. ONF, HNCC, ONCC	d. SNL, NCC, ONL, ASGV ASBV {NatEnv 958.60} , SHS, HP	Performance standards
16. {NU 308.462}	Wind generators – community scale	RD	Ø	NC	NC	i. Boundary setbacks
17. {NU 308.462}	Hydro generators – community scale	P	Ø	NC	Ø	
15.	Solar panels - community-scale large scale {NU 308.462} with an area between 200m ² and 500m ² in a rural or industrial zone {NU cl.16^o}	RD N/A {NU cl.16^o}	Ø RD {NU cl.16^o}	NC	D	
18.	All other solar panels - regional scale large scale {NU 308.462}	D	NC D {NU 308.462}	NC	NC D+ {NU 308.462}	
19.	Wind generators - regional large {NU 308.462} scale	D	NC D {NU 308.462}	NC	NC D+ {NU 308.462}	
20.	Hydro generators - regional large {NU 308.462} scale	D	NC D {NU 308.462}	NC	NC D+ {NU 308.462}	
C. {NU cl.16_s}	Network utility structures – large scale (amateur radio configurations only)	RD	RD	RD+	RD	
10.	All other Network utilities network utility {NU cl.16} structures - large scale	RD D {NU 764.1}	RD D {NU 764.1}	NC	D+	i. Buildings and structures located on or above the footpath {NU 457.169}
21. {NU 308.122 and 743.17}	Energy resource investigation devices	P	RD	NC	RD	i. Energy resource investigation standards
22. {NU 308.137}	Biomass generators – on-site energy generation	P	RD	NC	RD	i. On-site energy generation design standards
23. {NU 308.468}	Biomass generators – stand-alone	Ø	NC	NC	NC	

- ¹ **NU cl.16:** All clause 16 changes in Rule 5.3.2.5 are required due to reformatting of provisions to treat amateur radio configurations as a type of network utility structure. This does not change the effect of provisions.
- ² **NU cl.16:** All clause 16 changes in rules 5.3.2.6 and 5.3.2.7 are required due to reformatting of provisions to manage irrigation races and open drains, and stormwater detection basins, via earthworks provisions only, given that they are always permitted, with no performance standards, under notified network utility rules. This does not change the effect of provisions.
- ³ **NU cl.16:** Amendment required due to reformatting of columns; column 'a' now covers the Res and Rec zones, not the RU and Ind zones. This does not change the effect of provisions.
- ⁴ **NU cl.16:** Clause 16 amendments in this cell are necessary due to reformatting of 'Maximum dimensions' and 'Maximum height' standards as 'Scale thresholds'. This does not change the effect of provisions.
- ⁵ **NU cl.16:** New Rule 5.3.2.C required due to reformatting of provisions to treat amateur radio configurations as a type of network utility structure. This does not change the effect of provisions.
- ⁶ **PO 490.1:** Em-dashes are no longer used, and activity status is shown for all overlays (not just those that have additional provisions applying), except where two areas (zones, overlays, mapped areas etc.) do not intersect, in which case N/A is used. A plus symbol has been added to activity statuses that are the same as in the underlying zone but where additional assessment matters apply. See amended legend.
- ⁷ **NU cl.16:** The site coverage performance standard was part of notified Rule 5.5.10 on-site energy generation design standards, but has now been separated out into new Rule 5.5.E. This does not change the effect of provisions.
- ⁸ **NU cl.16:** The clearance from navigable water body performance standard was part of notified Rule 5.5.8 maximum height, but has now been separated out into new Rule 5.5.C. This does not change the effect of provisions.
- ⁹ **NU cl.16:** This rule has been reformatted, for reasons discussed in the Network Utilities decision. This does not change the effect of provisions.
- ¹⁰ **NU cl.16:** The content of this performance standard was notified as part of 'On-site energy generation design standards'. The renaming of the content does not change the effect of provisions. However, some content has been amended in response to submissions – see details at Rule 5.5.D.
- ¹¹ **NU cl.16:** The content of this performance standard was notified as part of 'On-site energy generation design standards'. The renaming of the content does not change the effect of provisions. However, some content has been amended in response to submissions – see details at Rule 5.5.12.A.

Note 5.3.2A - Other requirements outside of the District Plan

1. For telecommunication ~~utilities facilities~~ **{NU cl.16}**, also refer to the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 ~~2016~~ **{NU cl.16}** (NESTF). The ~~NESTF are regulations made under the RMA and specify the activity status of activities which involve the emission of radio-frequency fields, installation of telecommunication equipment cabinets in public roads including regulations on noise emissions, and the installation, addition and replacement of mast and antennas on existing structures alongside public roads or in the road reserve. Activities not specified as permitted in the NESTF are managed under the rules in this Plan.~~ **{NU cl.16}**
2. For activities on existing high voltage ~~n~~National ~~g~~Grid transmission lines also refer to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA). The NESETA outlines the activity status, conditions and resource consent requirements for electricity transmission activities undertaken as part of the operation of high voltage ~~n~~National ~~g~~Grid transmission lines.
3. For the trimming and pruning of vegetation necessary to protect electricity lines also refer to the Electricity (Hazards from Trees) Regulations 2003.
4. For works within the road reserve a corridor access request may be required by the DCC, see <http://www.dunedin.govt.nz/services/roads-and-footpaths/corridor-access-request> for further information. For works within a state highway road corridor, an agreement to work on the road corridor will be required from the NZ Transport Agency. **{NU 881.53}**
5. Works within the dripline of trees in the road reserve may require approval from the DCC's Parks, Recreation and Aquatics Group Department. For more information, please contact the DCC on 03 477 4000 or visit the DCC website at www.dunedin.govt.nz.
6. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on

the location of structures and activities in relation to electricity transmission and distribution lines. Compliance with this code is mandatory. Compliance with this Plan does not ensure compliance with NZECP 34:2001. {NU cl.16}

7. The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. {Her 547.80} If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand before you begin {Her 547.80}. This is the case regardless of whether the land on which the {Her 547.80} site is located is {Her 547.80} designated, or the activity is permitted under the District Plan or Regional Plan or a resource or building consent has been granted. {PO cl.16}
8. The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol (Appendix A8) manages archaeological sites which that {Her cl.16} may be discovered as a result of earthworks. The protocol applies to any area, not just scheduled archaeological sites. {PO cl.16}
9. Scheduled archaeological sites are identified on the Planning Maps. Archaeological sites may also be found outside these areas, but are more likely to be found within the archaeological alert layer. {Her 1071.47}

¹ **PO cl.16:** Content moved from Note 5.3.2A

Note 5.3.2B - General advice

1. Network utilities utility {NU cl.16} activities are not subject to the natural hazards rules, with the exception of Rule 10.3.3 Setback from the Coast and Water Bodies, which implements Natural Hazards Policy 11.2.1.19 {NU cl.16}. However, the establishment of new network utilities; and the operation, minor upgrading. {NU 457.4} repair and maintenance of existing network utilities and the realignment, relocation or reconfiguration of existing network utilities {NU 457.4} should take into account risks associated with natural hazards.

Note 5.3C - Other requirements outside of the District Plan

1. The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand before you begin. This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District Plan or Regional Plan or a resource or building consent has been granted.
2. The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol (Appendix A8) manages archaeological sites which may be discovered as a result of earthworks. The protocol applies to any area, not just scheduled archaeological sites. {PO cl.16}

¹ **PO cl.16:** Content moved to Note 5.3.2A. Any amendments to provisions as a result of submissions are shown there.

Note 5.3D - Other relevant District Plan provisions {NU cl.16}

1. Earthworks are managed through the management and major facilities zone sections. {NU cl.16}

Rule 5.4 Notification

1. With respect to resource consent applications for the following activities, Heritage New Zealand will be considered an affected person in accordance with section 95BE **{PO cl.16}** of the RMA where their written approval is not provided:
 1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand.
2. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95BE **{PO cl.16}** of the RMA where their written approval is not provided:
 1. all restricted discretionary activities that list 'effects' **{NU cl.16}** on cultural values of Manawhenua as a matter for discretion; and
 2. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat to the **wāhi tūpuna mapped area** in Appendix A4.
3. With respect to resource consent applications for the following activities, Transpower NZ Limited will be considered an affected person in accordance with section 95BE **{PO cl.16}** of the RMA where their written approval is not provided:
 1. activities that contravene performance standard 5.6-4 **{NU cl.16}** 'Setback from National Grid'.
4. ~~In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons: **{PO cl.16}**~~
5. Applications for resource consent for the following activities will be considered without the need to obtain the written approval of affected persons and will not be notified in accordance with section 95A or 95B of the RMA, unless Council considers special circumstances exist in relation to the application that require public notification: **{NU 457.20}**
 1. Freestanding network utility structures in a **primary** or **secondary pedestrian street frontage mapped area**, heritage precincts and scheduled heritage sites that exceed 0.5m³ in volume (where visible from an adjoining public place) but that do not exceed 4m in height or 4m² in area of footprint. **{NU 457.20}**
6. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 5.5 Network Utility Activities Performance Standards

5.5.1 Amateur Radio Standards {Confirmed to be replaced by 5.5.A - NU cl.16¹}

¹ **NU cl.16:** The content of Rule 5.5.1 has been moved to new Rule 5.5.A.7 Amateur radio configurations - small scale thresholds.

5.5.1.1 Antenna and aerials

- a. The maximum diameter of amateur radio configurations is:
 - i. for aerial elements, 80mm;
 - ii. for wire aerials, 115mm;
 - iii. for dish antenna, 2m; and
 - iv. for panel antenna, 2m, unless than 2m² in area.
- b. The maximum length of horizontal high frequency Yagi aerials is:
 - i. for elements, 14.9m; and
 - ii. for booms, 13m.
- c. The maximum height of aerials is 2m above the maximum height of the zone in which the activity is located, except:
 - i. one vertical aerial is permitted to a maximum height of 20m, provided there is only one vertical aerial or one support structure (and attached aerials) per site.
- d. One pedestal mounted antenna is allowed per site where all of the following are met:
 - i. the antenna is pivoted at a maximum of 4m above the ground;
 - ii. the maximum diameter of the antenna is 5m; and
 - iii. the pedestal and antenna comply with the boundary setbacks and height in relation to boundary performance standards of the zone in which the activity is located.

5.5.1.2 Support Structures

- a. There must be no more than six support structures for wire aerials.
- b. Only one support structure may be a lattice mast.
- c. The maximum height of poles and support structures is the maximum height of the zone in which the activity is located, except:
 - i. one support structure may exceed the height of the zone
 - ii. in which the activity is located by a maximum of 2m.
- d. The maximum diameter of guy wires is 12mm.

5.5.2 Buildings and Structures Located on or Above the Footpath {Confirmed for deletion - NU 457.169}

Network utilities poles and masts – small scale, network utilities structures – small scale and network utilities structures – large scale must comply with Rule 6.7.2.1. **{NU 457.169 and others}**

5.5.3 Blank Page {Confirmed for deletion - NU 881.54}

This page has no content **{NU 881.54}**

5.5.4 Energy Resource Investigation Standards {Confirmed for deletion - NU 308.122 and NU 743.17}

1. The maximum height of energy resource investigation devices is 80m. **{NU 308.122}**
2. Masts and guy wires must be set back from boundaries a distance at least equal to the height of the masts. **{NU 308.122}**
3. The anchor points for any guy wires must meet the boundary setback performance standard for the zone in which the activity is located. **{NU 308.122}**
4. The maximum number of masts per site is three. **{NU 308.122}**
5. The maximum installation period is five years. **{NU 743.17}**

5.5.5 Light Spill

The operation, repair, minor upgrading **{NU 457.4}** and maintenance of existing network utilities must comply with Rule 9.3.5.

5.5.6 Location

1. Network utilities utility **{NU cl.16}** structures - small scale must be located co-locate **{NU cl.16}** against a building or be attached to an existing **{NU 576.44}** network utility utilities **{NU cl.16}** pole or mast if:
 - a. on a **primary** of secondary **{NU 576.44}** **pedestrian street frontage mapped area**;
 - b. within a heritage precinct and visible from an adjoining public place; or
 - c. over 0.5m² in area or 500mm in height, located in a Natural eCoastal landscape Character Overlay Zone (NCC), **{NU 576.44}** visible from an adjoining public place, and located on the seaward side of a coastal road.
2. Pipes (excluding those considered defined **{NU cl.16}** as building utilities) and lines must be located underground, except:
 - a. lines in the rural or rural residential zones;
 - b. lines attached to existing network utility utilities **{NU cl.16}** poles and masts, or to existing buildings or structures **{NU 576.44}**;
 - c. activities undertaken as part of the operation, repair, minor upgrading **{NU 457.4}** and maintenance of existing network utilities (including extensions of overhead lines to serve a single customer) **{NU 457.18}**; and
 - d. pipes or lines provided for under NESETA or NESTF.
3. The realignment, reconfiguration or relocation of above-ground pipes and network utilities poles and masts must occur within 3 of the existing location or alignment, except: **{NU 457.4}**
 - a. national grid support structure and/or national grid line managed under NESETA are exempt from this performance standard. **{NU 457.4}**
4. In a heritage precinct, hydro generators - small scale on-site energy generation **{NU 308.122}** must be located so that they are not visible from any adjoining public place.
5. Network utility utilities **{NU cl.16}** structures - small scale located on outstanding natural features must co-locate against an existing **{NU 576.44}** building or with an existing network utility structure, or be attached to a network utility pole or mast. **{NU 576.44}**
6. Activities that contravene Rule 5.5.6.5 are a non-complying activityies. **{NU cl.16}**

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

¹ For the purposes of rules 5.5.6.1 and 5.5.6.5, "against" means "as close as practicable to the structure specified in the rule, subject to the requirements of the Building Code". {NU 576.44}

Note 5.5.6A - Other requirements outside of the District Plan {NU cl.16}

1. Under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF), activities provided for under the NESTF are exempt from Rule 5.5.6.1 in **primary pedestrian street frontage mapped areas.** {NU cl.16}

5.5.7 Maximum Dimensions {Confirmed to be replaced by 5.5.A and 5.5.B - NU cl.16¹}

¹ **NU cl.16:** The content of Rule 5.5.7 has been moved to new rules 5.5.A and 5.5.B except that rules 5.5.7.1.a.i, 5.5.7.1.a.ii, 5.5.7.1.a.vii and 5.5.7.2.a have been deleted in response to submissions.

Rule 5.5.7.1 Maximum dimensions: network utilities structures – small scale {NU cl.16}

- a. Small scale network utility structures must comply with the following maximum dimensions:

Activity		1. Res, RR, Rec, ONF, HNCC, ONCC, NCC, SNL, ONL	2. Along primary or secondary street frontages; in heritage precincts; or on a scheduled heritage site, where visible from an adjoining public place	3. All other zones
i. {NU 576.46}	Volume (when pole-mounted)	0.3m ³	0.3m ³	0.3m ³
ii. {NU 576.46}	Volume (ground-mounted)	0.4m ³	0.4m ³	0.4m ³
iii.	Maximum area	4m ²	0.5m ² {NU 457.20}	4m ²
iv.	Diameter of head arrays	0.8m	0.8m	4m
v.	Diameter of dish antenna	1.2m	1.2m	1.8m
vi.	Gross-sectional area of aerials	1.m ²	1.m ²	1.5m ²
vii. {NU 915.17}	Gross floor area of substations	6.5m ²	6.5m ²	6.5m ²

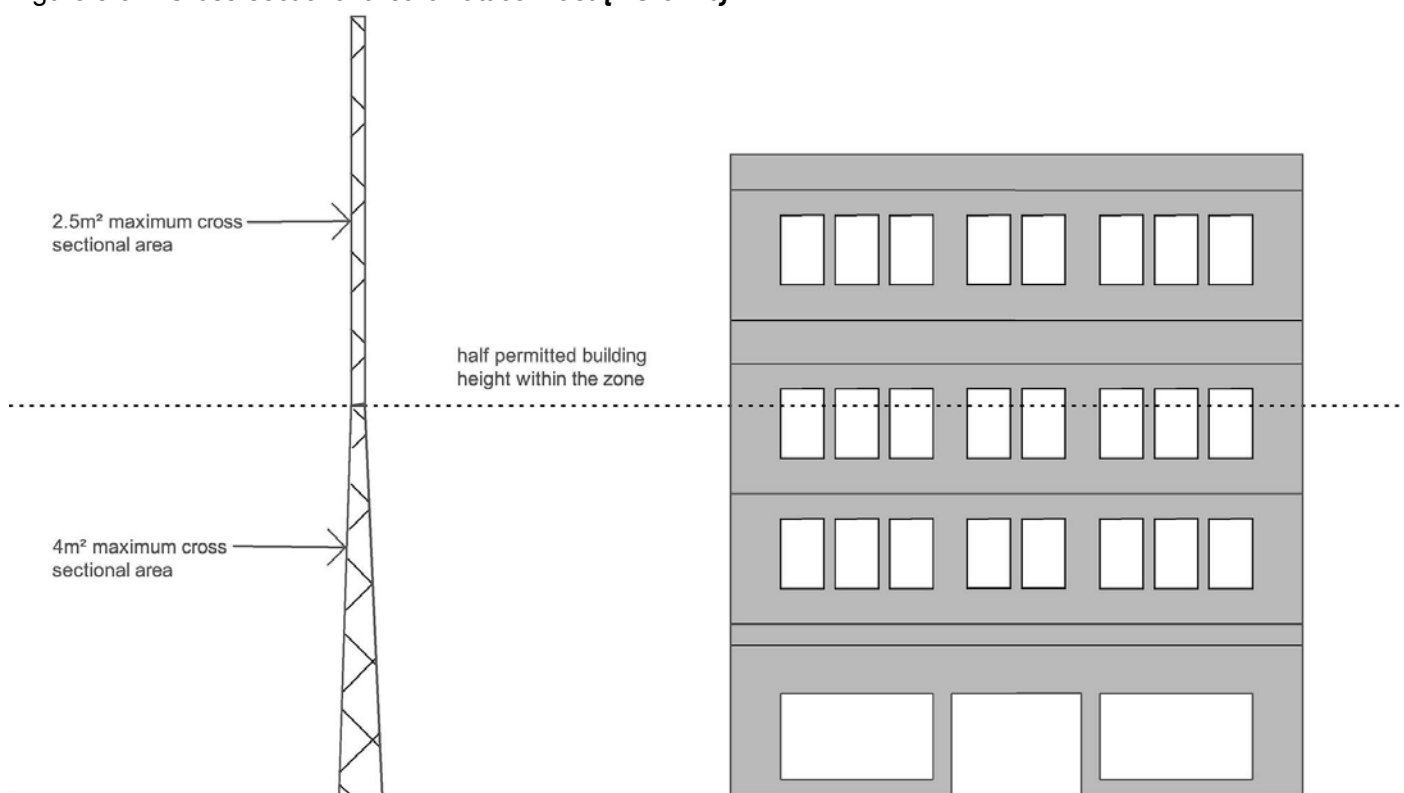
- b. ~~Except dish antenna and aerials in the Dunedin International Airport, industrial zones, and Port Zone are exempt from these performance standards.~~
- c. ~~Network utilities structures – small scale that exceed these thresholds will be treated as network utilities structures – large scale.~~

Rule 5.5.7.2 Maximum dimensions: Network utilities poles and masts – small scale

- a. The maximum diameter of tubular masts is 0.5m, except tubular masts in the Dunedin International Airport, industrial zones and Port Zone, are exempt from the standard. {NU 576.47 and others}

- b. The maximum cross-sectional area of lattice masts is:
 - i. 4m^2 to the point that is half the maximum height of the zone in which the activity is located, and
 - ii. 2.5m^2 from the point that is half the maximum height of the zone in which the activity is located to the top of the mast (see Figure 5.5A).
- c. The maximum cross-sectional area of all other network utilities poles and masts – small scale is 1m^2 .
- d. Network utilities poles and masts – small scale that exceed these thresholds will be treated as network utilities structures – large scale.

Figure 5.5A: Cross-sectional area of lattice mast {NU cl.16}¹



¹ NU cl.16: Figure has moved to Rule 5.5.A

Note 5.5A – Other requirements outside of the District Plan {NU cl.16}

1. There may be additional controls specified under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008, for the installation or replacement of masts and antenna in the road reserve. {NU cl.16}

5.5.8 Maximum Height {Confirmed to be replaced by 5.5.A, 5.5.B and 5.5.C - NU cl.16¹}

¹ **NU cl.16:** The content of Rule 5.5.8 has been moved to new rules 5.5.A, 5.5.B and 5.5.C, except that Rule 5.5.8.5.b.ii has been deleted in response to submissions.

1. Rules 5.5.8.3 – 5.5.8.6 specify the maximum height of network utilities activities in all zones.
2. Except:
 - a. network utilities in the Dunedin International Airport and Port zones have no maximum height;
 - b. for additions provided for under the NESTF, the maximum height only applies in SNL, ONF, ONL, NCC, HNCC, and ONCC overlay zones; and
 - c. for amateur radio configurations, which are managed by Rule 5.5.1.

5.5.8.3 Maximum height: network utilities attached to buildings

- a. The maximum height of network utilities structures – small scale including necessary support structures (excluding any attached lightning rods) attached to buildings is:
 - i. in residential zones, Recreation Zone, General Residential 1 Transitional Overlay Zone, and all landscape and coastal overlay zones, 2m above the section of building to which the structure is attached; and
 - ii. in all other zones, 5m above the section of building to which the structure is attached (see Figure 5.5B).
- b. Activities that exceed these thresholds will be treated as network utilities structures – large scale.

5.5.8.4 Maximum height: network utilities attached to existing network utilities poles and masts

- a. The maximum height of network utilities structures – small scale (excluding any attached lightning rods) attached to existing network utilities poles and masts is 5m above the height of the existing pole or mast, or 25m, whichever is the lesser (see Figure 5.5C)
- b. Activities that exceed these thresholds will be treated as network utilities structures – large scale.

5.5.8.5 Maximum height: 'freestanding' network utilities structures and network utilities poles and masts

- a. The maximum height of network utilities poles and masts – small scale (including any attached head arrays, aerials, and dish antenna, but excluding lightning rods) is:
 - i. in the rural, rural residential, and industrial zones, 20m; and
 - ii. in all other zones, 5m above the maximum height of the zone in which the activity is located (see Figure 5.5D)
- b. The maximum height of 'freestanding' network utilities structures – small scale is:
 - i. along any primary or secondary street frontage, or in a heritage precinct, or on a scheduled heritage site, where visible from an adjoining public place, 0.5m; and **{NU 457.20}**
 - ii. in all other zones, 4m (except for roadside cabinets where only the limits of the NESTF apply).
- c. Activities that exceed these thresholds will be treated as network utilities structures – large scale.

5.5.8.6 Clearance from navigable water body

- a. Network utilities structures (small and large scale) must maintain a minimum clearance between lines and a navigable water body of 10m between the lowest point of the line and highest point of either river bank (see Figure 5.5E)

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

Note 5.5B – Other requirements outside of the District Plan {NU cl.16}

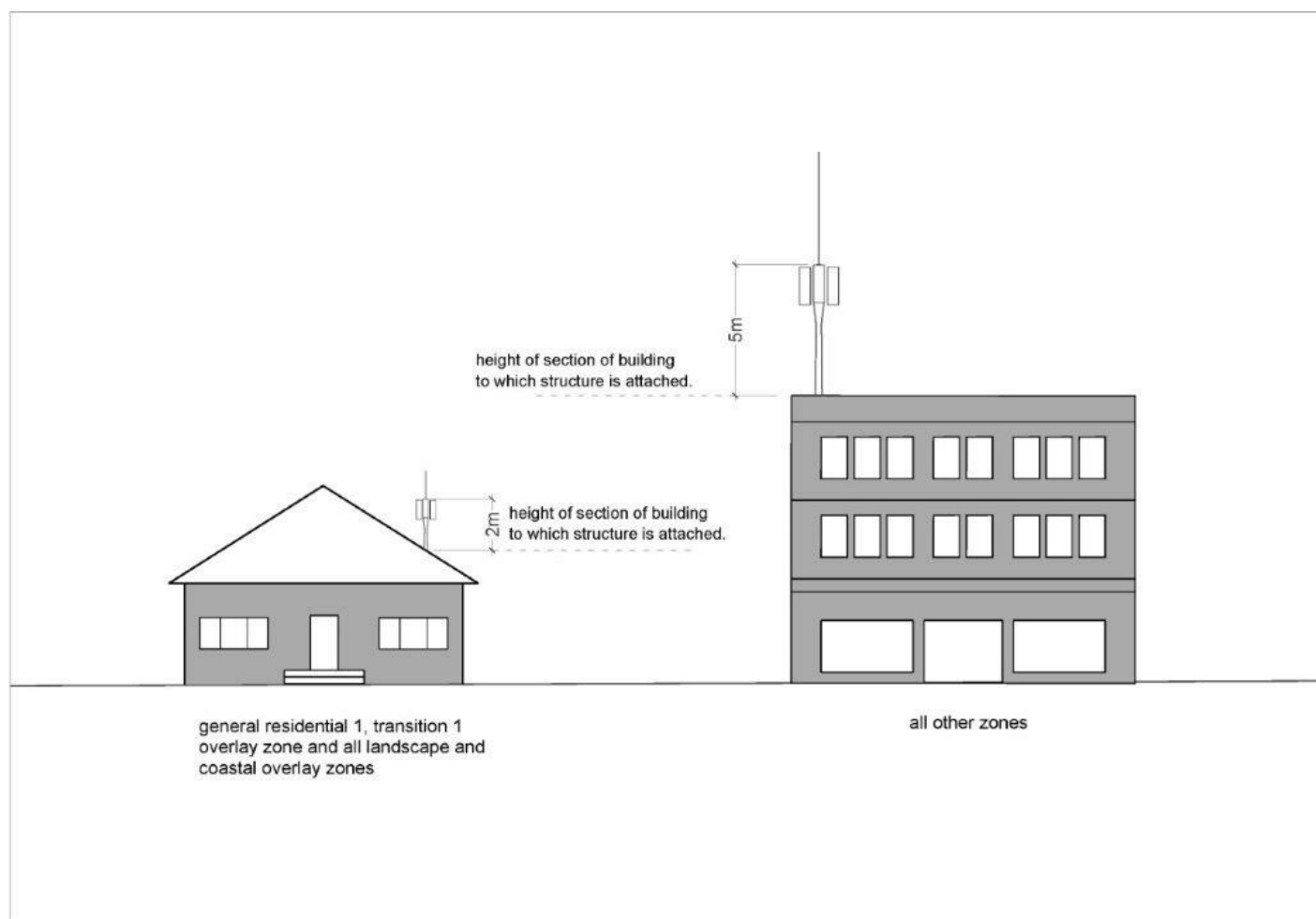
1. Where for the installation or replacement of masts and antenna in the road reserve, there may be additional controls specified under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008.

Note 5.5C – Other relevant District Plan provisions {NU 360.199}

1. See also rules 5.5.7 and 5.5.1.

Figure 5.5B: Height of utilities attached to buildings {NU cl.16}

¹ **NU cl.16:** Figure 5.5B has moved to Rule 5.5A



5.5C: Height of utilities attached to existing poles or masts {**NU cl.16**}¹

¹ **NU cl.16:** Figure 5.5C has moved to Rule 5.5.A

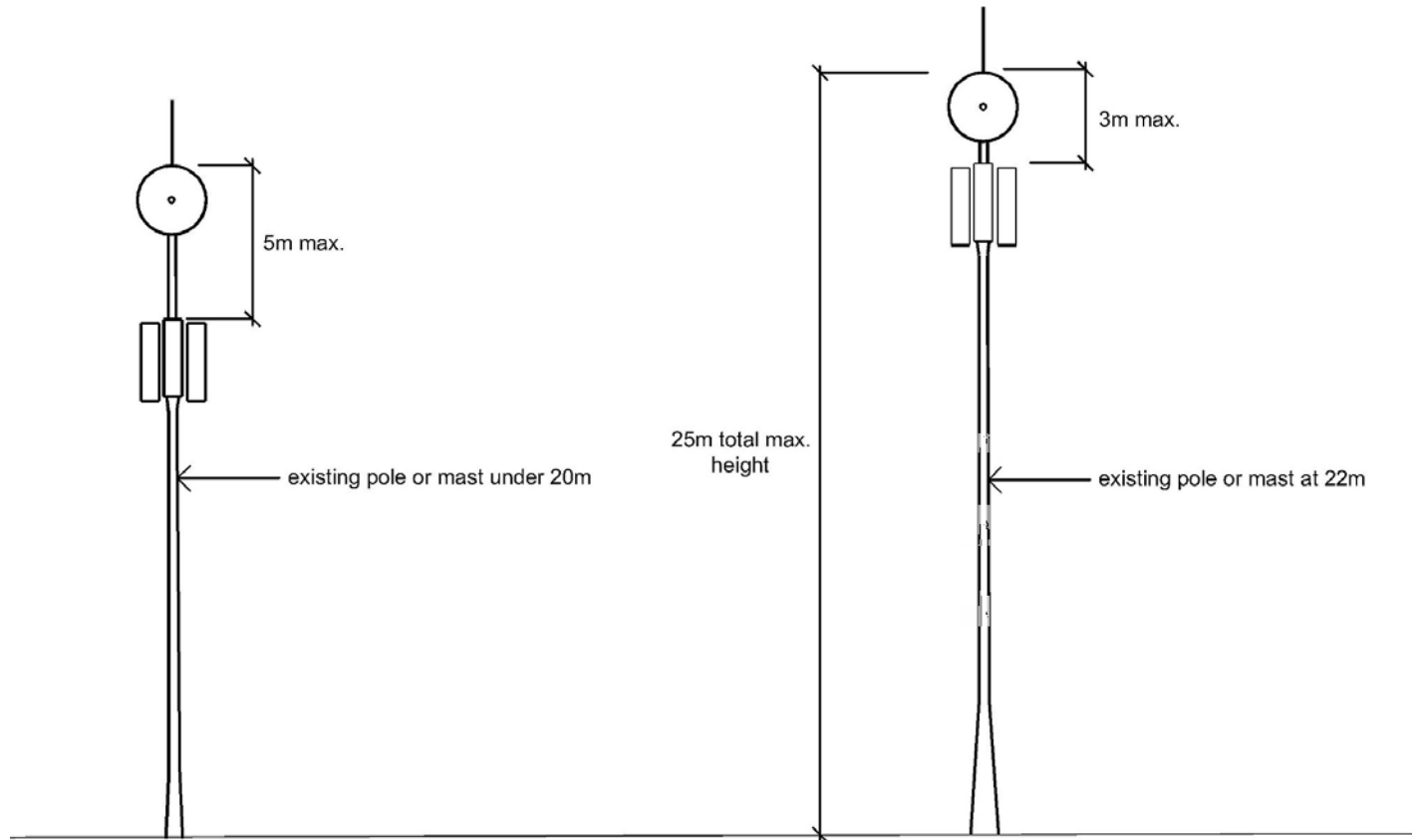


Figure 5.5D: Maximum height of utilities in all zones except the rural, rural residential and industrial zones {**NU cl.16**}¹

¹ **NU cl.16:** Figure 5.5D has moved to Rule 5.5.A

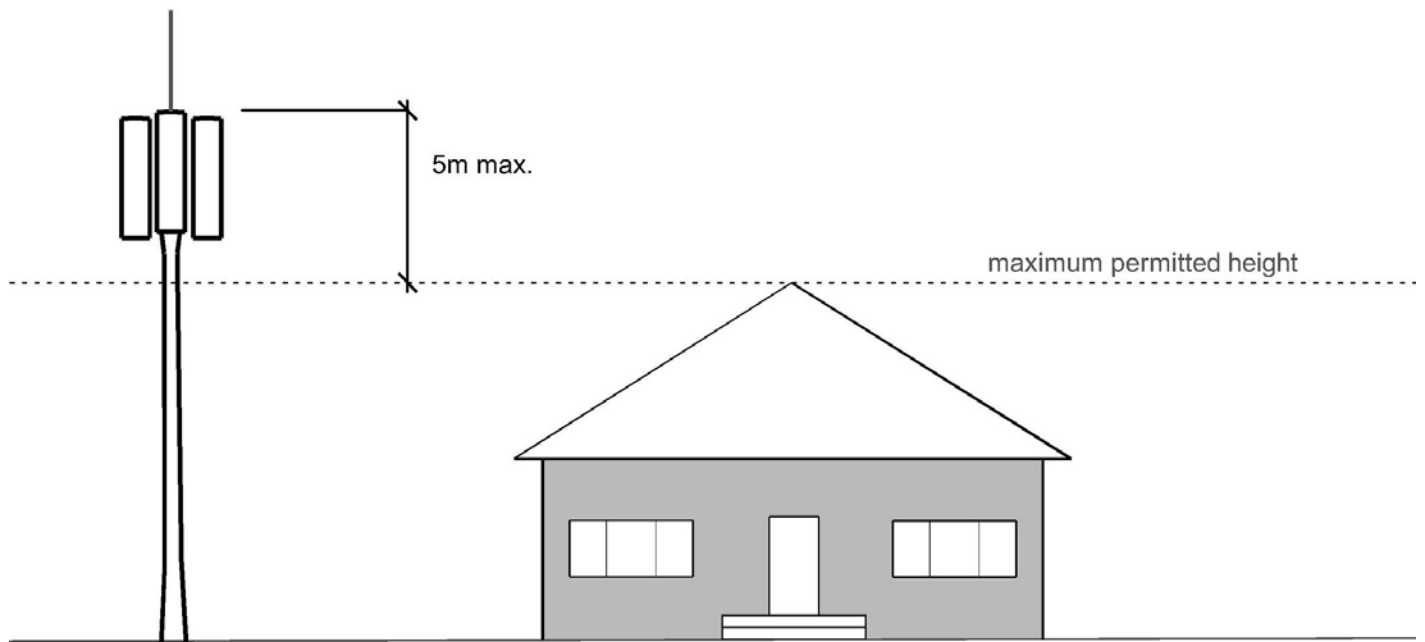
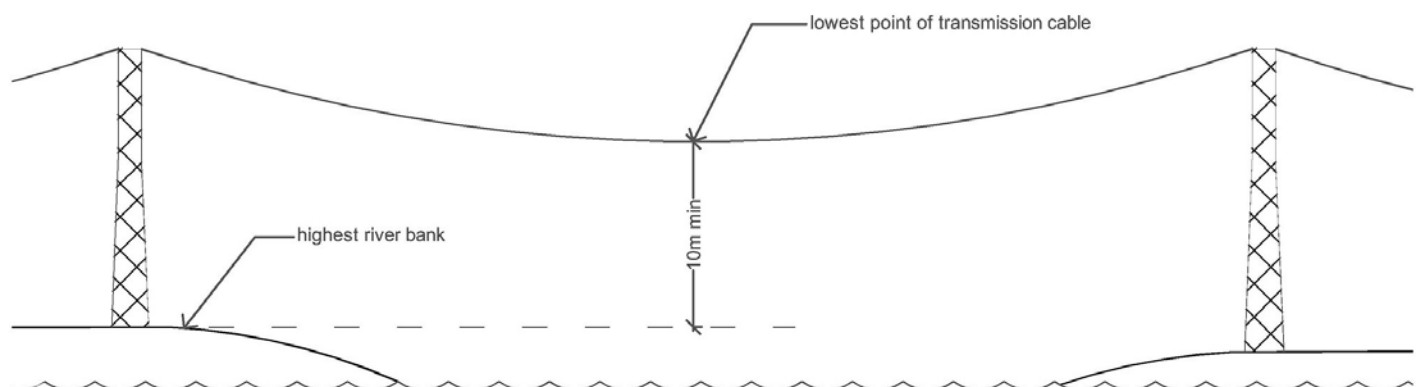


Figure 5.5E: Height above navigable water body {**NU cl.16**}¹

¹ **NU cl.16:** Figure 5.5E has moved to Rule 5.5.C



5.5.A Scale Thresholds {Confirmed to replace 5.5.7 and 5.5.8 - NU cl.16¹}

¹ **NU cl.16:** New Rule 5.5.A was notified as Rule 5.5.1, Rule 5.5.7, Rule 5.5.8 and Rule 5.5.10. Where there has been no change to the effect of rules (i.e. only formatting has changed), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references are provided.

1. The following network utility structures are always considered network utility structures – small scale: {NU 576.9}
 - a. Lines. {NU576.9}
2. All other network utility structures must not exceed the scale thresholds set out in rules 5.5.A.3 to 5.5.A.8 to be considered small scale. Network utility structures that exceed these thresholds are treated as large scale.

Rule 5.5.A.3 Hydro generators design standards - small scale thresholds {NU 308.122}

Threshold		i. Rural and industrial zones ²	ii. All other zones
a.	Maximum surface area of stored water	200m ²	100m ²
b.	Maximum height of weir or dam	2m	1m
c.	Maximum installed capacity	4MW	500kW

- d. Hydro generators that exceed these thresholds are treated as hydro generators – large scale. {NU 308.122}

² **NU cl.16:** The scale thresholds shown in this table for Hydro Generators - Small Scale in Rural and Industrial Zones were the notified thresholds in the definition of Hydro Generators - Community Scale, which was a Permitted activity in these zones. Given the removal of the Community Scale activity, and given that Hydro Generators - Large Scale are Discretionary in all zones, it is necessary to use the notified Community Scale (rather than On-site Energy Generation) thresholds here, in order to retain the effect of notified provisions.

Rule 5.5.A.4 Solar panels design standards - small scale thresholds {NU 308.122}

- a. The maximum area of solar panels – small scale is 200m².
- b. Solar panels that exceed this scale threshold are treated as solar panels – large scale. {NU 308.122}

Note 5.5.A.4A - Other relevant District Plan provisions {NU cl.16}

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

Rule 5.5.A.5 Number and design of wind turbines Wind generators - small scale thresholds {NU 308.122}

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

i.	Rural zones	2
ii.	All other zones	1

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

i.	Rural and rural residential zones	20m
ii.	Freestanding wind generators in all other zones	2m above the maximum height for buildings and structures in the zone in which the wind generator is located
iii.	<u>Rooftop wind generators in all other zones {NU 308.122}</u>	i. <u>2m above the part of the building the generator is attached to (in residential zones, Recreation Zone, CBD and centres zones, and WP, PPH, SSYP and HE zones) {NU 308.122}</u> ii. <u>The greater of: 2m above the maximum height for buildings and structures in the zone in which the wind generator is located; or 2m above the part of the building the generator is attached to (in all other zones). {NU 308.122}</u>

c. The maximum rotor diameter of wind generators is: {NU 743.17}

i.	<u>Rural and rural residential zones {NU 743.17}</u>	<u>6m {NU 743.17}</u>
ii.	Industrial zones, Trade Related Zone and CBD Edge Commercial zones	No limit on rotor diameter
iii.	<u>All other zones {NU 743.17}</u>	<u>1.5m {NU 743.17}</u>

d. Wind generators that exceed these thresholds are treated as wind generators – large scale. {NU 308.122}

Rule 5.5.A.6 Network utility poles and masts - small scale thresholds

Dimension		Scale threshold		
		i. Res, Rec	ii. All other zones	iii. ONF, HNCC, ONCC, NCC, SNL, ONL
a.	Diameter of head arrays	0.8m	<u>1m - CBD and centres {NU 576.40}</u> <u>6m - rural, rural residential and industrial zones {NU 576.46}</u> 4m - all other zones	0.8m
b.	Diameter of dish antenna	~~4m~~ <u>1.2m {NU 576.46}</u>	1.8m	~~4m~~ <u>1.2m {NU 576.46}</u>

c.	Cross-sectional area of aerials <u>Maximum area of largest antenna face (excluding dish antennas) {NU 576.46}</u>	4m ² 1.5m ² {NU 576.46}
d.	Maximum height	<u>The greater of {NU 457.20}</u> 1. 20m 25m {NU 576.50} in the rural, rural residential and industrial zones; or 5m over the maximum height for buildings and structures in the zone in which the activity is located in all other zones (see Figure 5.5X); or 2. <u>the height required to meet the safety clearance requirements of the New Zealand Electrical Code of Practice for Electrical Distances (NZECP34). {NU457.20}</u>
e. {NU 576.40}	<u>Height in relation to boundary</u>	<u>In commercial and mixed use and major facility zones, network utility poles and masts on sites adjacent to residential zones must comply with any height in relation to boundary rule that applies to buildings and structures on the same site.</u>
f.	Maximum cross sectional area of lattice masts	1. 4m ² to the point that is half the maximum height of the zone in which the activity is located, and 2. 2.5m ² from the point that is half the maximum height of the zone in which the activity is located to the top of the mast (see Figure 5.5W).
g.	Cross sectional area of all other poles and masts (<u>excluding any associated cross arms</u>) {NU cl.16}	4m ² 2m ² {NU 576.47}

- h. Except:
- any lightning rods attached to network utility poles and masts or attached network utility structures are exempt from these thresholds
 - dish antennas in the Dunedin International Airport Zone {NU cl.16}, industrial zones, **{NU cl.16}** and Port Zone are exempt from these thresholds
 - network utility poles and masts in the Dunedin International Airport Zone {NU cl.16} and Port Zone have no maximum height
 - wind monitoring masts that are installed for no more than 24 months are exempt from these thresholds {NU 308.122 and 743.17}
- i. Network utility poles and masts that exceed these thresholds are treated as network utility structures – large scale.

Note 5.5.A.6A - Other requirements outside of the District Plan {NU cl.16}

- Under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF), activities provided for under the NESTF are exempt from any scale thresholds in Rule 5.5.A.6 that are more restrictive than the NESTF, except in ONE, HNCC, ONCC, NCC, SNL and ONL overlay zones, in heritage precincts and on scheduled heritage sites.

Figure 5.5W: Cross-sectional area of lattice mast {**NU cl.16**}

¹ **NU cl.16:** Figure has moved from Rule 5.5.7

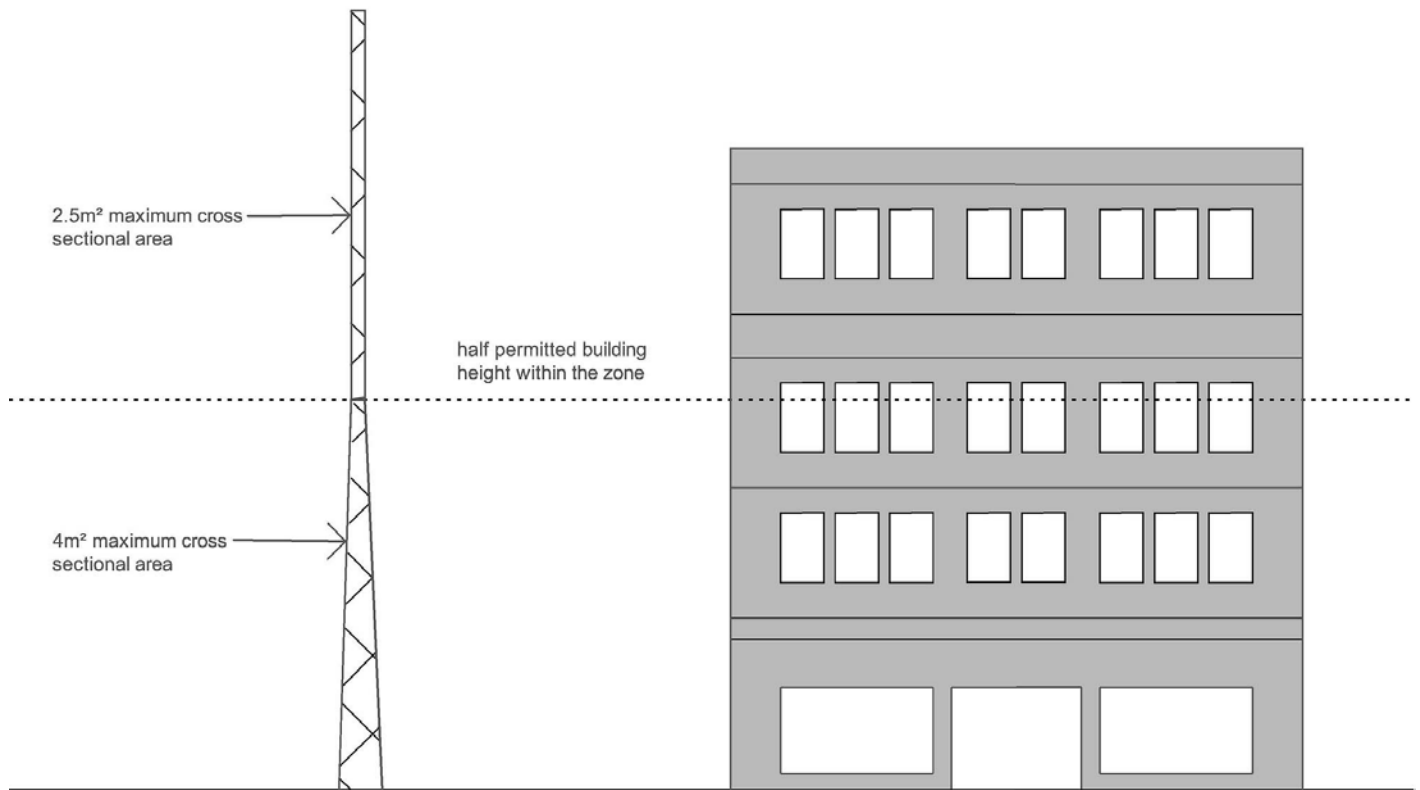
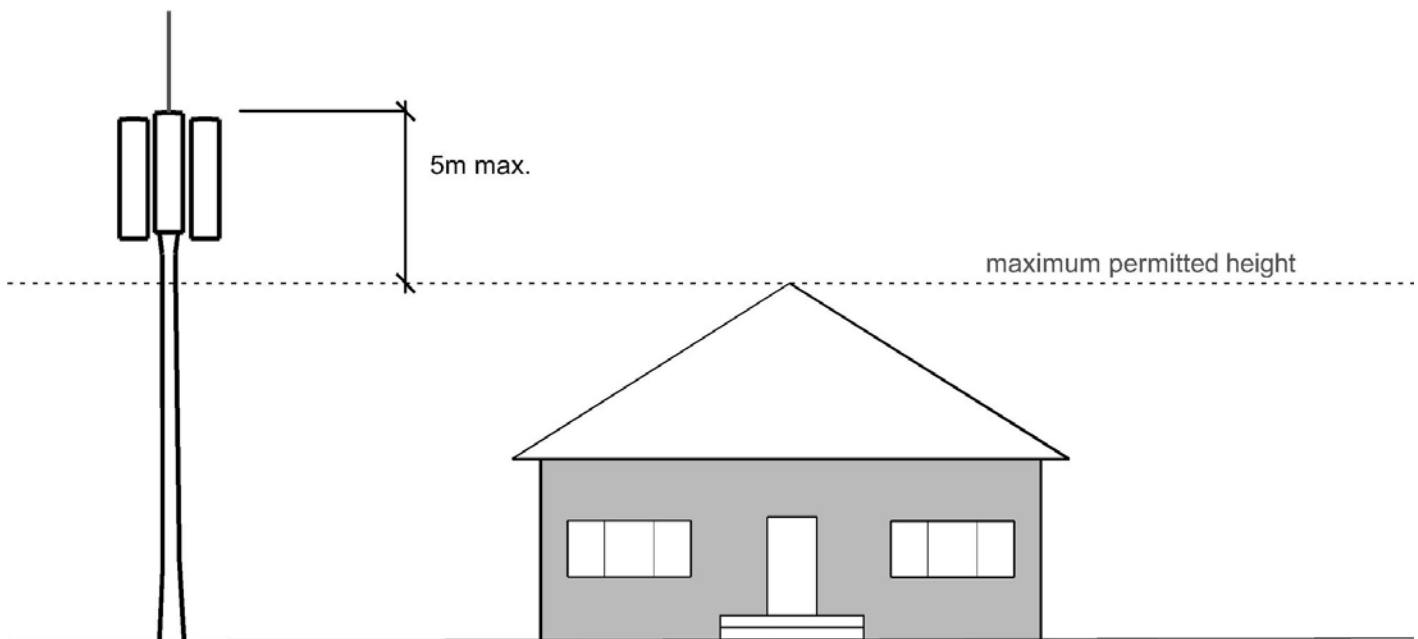


Figure 5.5X: Maximum height of new poles or masts in all zones except the rural, rural residential and industrial zones
{NU cl.16}

¹ **NU cl.16:** Figure has moved from Rule 5.5.8



Rule 5.5.A.7 Amateur radio standards Amateur radio configurations - small scale thresholds {NU cl.16}

- Amateur radio configurations must not exceed the following scale thresholds to be considered network utility structures – small scale.
- The maximum diameter of amateur radio configurations is:

Part of amateur radio configuration		Maximum diameter
i.	aerial Antenna {NU 576.5} elements	80mm
ii.	Wire aerials antennas {NU 576.5}	415mm 15mm {NU 402.1}
iii.	Dish antennas	2m
iv.	Panel antennas	2m, unless less {NU 402.1} than 2m ² in area
v.	Guy wires	12mm

- The maximum length of horizontal high frequency Yagi aerials antennas {NU 576.5} is:

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

- The maximum height of aerials antennas {NU 576.5} is 2m 5m {NU 402.3} above the maximum height of the zone in which the activity is located, except that one vertical aerial antenna {NU 576.5} is permitted to a

maximum height of 20m, ~~provided there is only one vertical aerial or one support structure (and attached
aerials) per site.~~ **{NU402.2}**

- e. One pedestal mounted antenna is allowed per site where all of the following are met:
 - i. the antenna is pivoted at a maximum of 4m above the ground;
 - ii. the maximum diameter of the antenna is 5m; and
 - iii. the pedestal and antenna comply with the boundary setbacks and height in relation to boundary performance standards of the zone in which the activity is located.
- f. There must be no more than six support structures for wire ~~aerials~~ antennas **{NU 576.5}**
- g. Only one support structure may be a lattice mast.
- h. The maximum height of poles and support structures is the maximum height for buildings and structures in the zone in which the activity is located, except:
 - i. ~~one support structure may exceed the height of the zone in which the activity is located by a maximum of 2m in the commercial and mixed use, rural, and rural residential zones, one support structure (including attached antennas) may have a maximum height of 20m~~ **{NU 402.3}**
 - ii. in all other zones:
 - 1. one non-retractable support structure (including attached antennas) may have a maximum height of 5m above the maximum height for buildings and structures in the zone where the activity is located **{NU 402.3}**
 - 2. one retractable support structure (including attached antennas) up to 20m in height may be used from sunset to sunrise. **{NU 402.3}**
- i. Amateur radio configurations that exceed these thresholds are treated as network utility structures – large scale.

¹ **NU cl.16:** Provisions for amateur radio configurations have been reformatted so that they are treated as a type of network utility structure. i.e. they are provided for either as network utility structures - small scale or network utility structures - large scale depending on whether they comply with scale thresholds. This does not change the effect of provisions.

Rule 5.5.A.8 All other network utility structures - small scale thresholds

a. Network utility structures – *freestanding*

Dimension		Scale threshold - all zones
i.	Height	4m
ii.	Area of footprint	4m ²

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

Dimension		Scale threshold		
		Res, Rec	GRITZ RTZ, ~~{ULS cl.16}~~ ONF, HNCC, ONCC, NCC, SNL, ONL	All other zones
i.	Height when attached to buildings (including necessary support structures) (see Figure 5.5Y)	2m above the section of the building to which the structure is attached	2m above the section of the building to which the structure is attached	5m above the section of the building to which the structure is attached
ii.	Height when attached to existing poles and masts	5m above the height of the existing pole or mast, or 25m, whichever is the lesser (see Figure 5.5Z)		
iii.	Diameter of head arrays	The relevant threshold stated in Rule 5.5.A.6.a above applies.		
iv.	Diameter of dish antenna	The relevant threshold stated in Rule 5.5.A.6.b above applies.		
v.	~~Cross sectional area of antennas~~ <u>Maximum area of largest antenna face (excluding dish antennas)</u> ~~{NU 576.46}~~	The relevant threshold stated in Rule 5.5.A.6.c above applies		

c. Except:

- i. any lightning rods attached to network utility structures are exempt from these thresholds
- ii. dish antennas in the Dunedin International Airport Zone ~~{NU cl.16}~~, industrial zones, and Port Zone are exempt from these thresholds
- iii. network utility structures in the Dunedin International Airport Zone ~~{NU cl.16}~~ and Port Zone have no maximum height
- iv. wind monitoring masts that are installed for no more than 24 months are exempt from these thresholds
~~{NU 308.122 and 743.17}~~
- v. ~~for additions provided for under the NESTF, the maximum height only applies in SNL, ONF, ONL, NCC, HNCC, and ONCC overlay zones~~ ~~{NU cl.16}~~

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

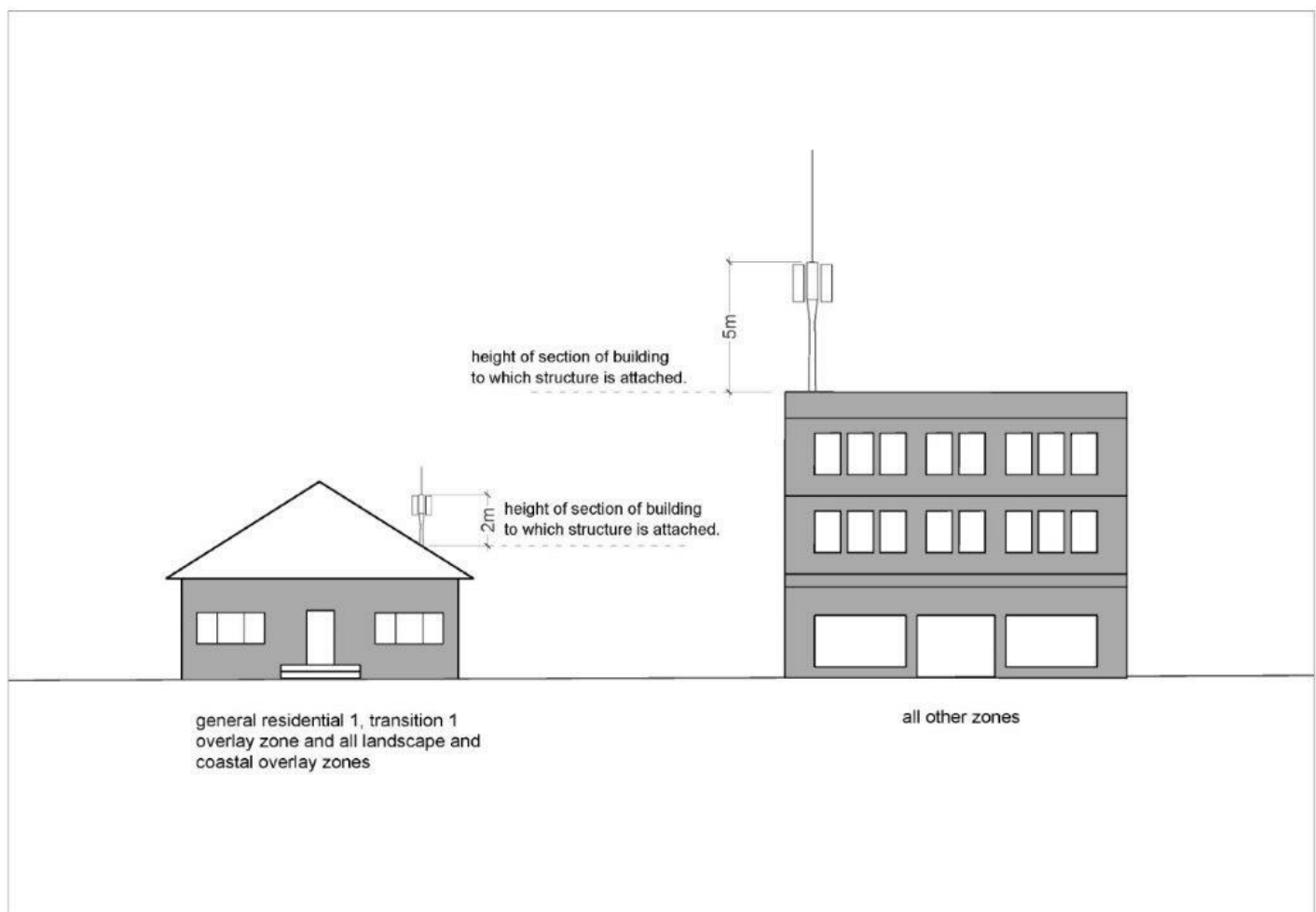
¹ **NU cl.16:** Clarification of the relationship between Plan provisions and the NESTF 2016 has been transferred from the rule to a note to plan users (Note 5.5Z). This does not change the effect of provisions.

Note 5.5.A.8A - Other requirements outside of the District Plan {NU cl.16}

1. Under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF), activities provided for under the NESTF are exempt from any scale thresholds in Rule 5.5.A.8 that are more restrictive than the NESTF, except in ONF, HNCC, ONCC, NCC, SNL and ONL overlay zones, in heritage precincts and on scheduled heritage sites.
2. Under Regulations 26, 27, 30, 31, 32 and 33 of the NESTF 2016, once an antenna is established on a new pole, it may be upgraded to a larger structure as a permitted activity. These regulations set out the permitted scale (height, pole width and headframe width) of upgrades in different environments.

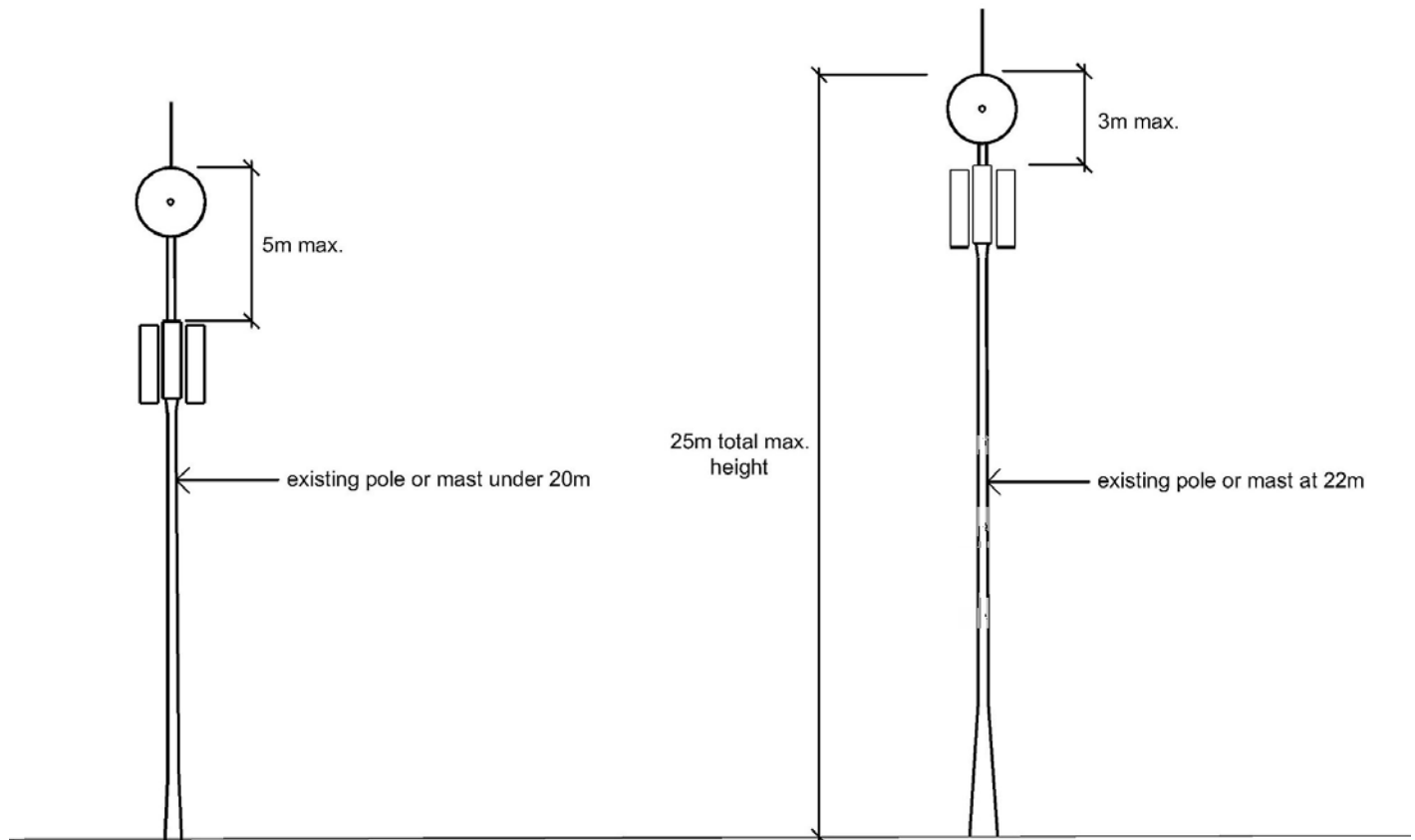
Figure 5.5Y: Height of utilities attached to buildings {NU cl.16}

¹ **NU cl.16:** Figure has been moved from Rule 5.5.8 and corrected so that it accurately illustrates Rule 5.5.A.8.b.i



5.5Z: Height of utilities attached to existing poles or masts {**NU cl.16**}

¹ **NU cl.16**: Figure has moved from Rule 5.5.8



5.5.B Maximum Volume in Pedestrian Street Frontage mapped areas, Heritage Precincts and Scheduled Heritage Sites {Confirmed to replace 5.5.7.1.a.iii.2 and 5.5.8.5.b.i - NU 457.20¹}

1. In **primary** and **secondary pedestrian street frontage mapped areas**, heritage precincts and scheduled heritage sites, the maximum ~~scale~~ volume {NU 457.20} of freestanding network utility structures - small scale that are visible from an adjoining public place is ~~0.5m² in area and 0.5m in height 0.5m³.~~ **{NU 457.20}**
2. Network utility structures - small scale that contravene this performance standard are restricted discretionary activities. **{NU 457.20}**

¹ **NU 457.20:** Rule 5.5.B has been separated out from notified rules 5.5.7 and 5.5.8, in response to NU 457.20. This is to allow for more enabling provisions to apply to contraventions of this standards (as compared to contraventions of Rule 5.5.A).

Note 5.5.BA - Other requirements outside of the District Plan {NU cl.16}

1. Under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF), activities provided for under the NESTF are exempt from Rule 5.5.B in **primary** and **secondary pedestrian street frontage mapped areas**.

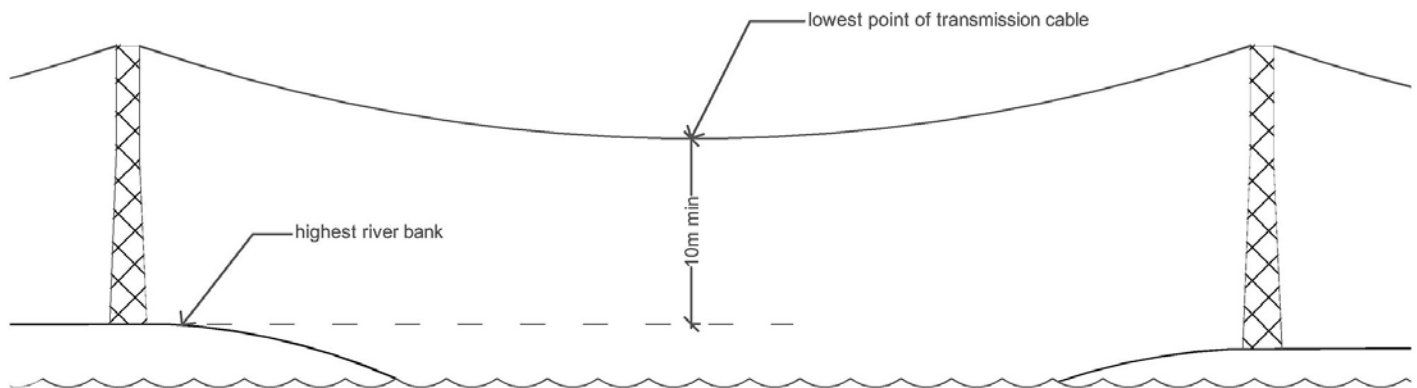
5.5.C Clearance from Navigable Water Body {Confirmed to replace 5.5.8.6 - NU cl.16¹}

- a. Network utility structures – small scale that cross navigable water bodies must maintain a minimum clearance of 10m between the lowest point of any lines and the highest point of either river bank (see Figure 5.5E), except:
 - i. this standard does not apply in the case of lines attached to any existing bridge or structure crossing a navigable water body, where the existing freeboard height above the waterway is not reduced. **{NU 322.24}**
- b. Network utility structures – small scale that contravene this performance standard are non-complying activities.

¹ **NU cl.16:** New Rule 5.5.C was notified as Rule 5.5.8.6. Where there has been no change to the effect of the rule, plain text is used. Where the rule has been amended in response to submissions, this is shown in the usual way.

Figure 5.5X: Height above navigable water body {**NU cl.16**}

¹ **NU cl.16**: Figure has moved from Rule 5.5.8



5.5.9 Noise

All network utility activities must comply with Rule 9.3.6.

5.5.10 On-site Energy Generation Design Standards {Confirmed to be replaced by 5.5.A.3-5, 5.5.D and 5.5.12.A - NU cl.16¹}

¹ **NU cl.16**: The content of Rule 5.5.10 has been moved to new rules 5.5.A.3-5, 5.5.D and 5.5.12.A, except that Rule 5.5.10.4 has been deleted in response to submissions.

5.5.10.1 Number and design of wind turbines

- a. ~~Wind turbines must not use lattice towers.~~
- b. ~~The maximum number of wind turbines per site is two in the rural zones, and one in all other zones.~~
- c. ~~The maximum height of wind turbines is:~~
 - i. ~~in the rural and rural residential zones, 20m;~~
 - ii. ~~in all other zones, 2m above the maximum height of the zone in which the wind turbine is located~~
- d. ~~Wind turbines must be set back from road and site boundaries a distance equal to the height of the structure.~~

5.5.10.2 Solar panel design standards

- a. ~~The maximum area of solar panels is 200m².~~
- b. ~~In zones where site coverage standards exist, solar panels which are ground mounted must also comply with these standards.~~

5.5.10.3 Hydro generator design standards

- a. ~~The maximum surface area of stored water is 100m².~~
- b. ~~The maximum height of a weir or dam is 1m.~~
- c. ~~The maximum installed capacity of a hydro generator is 500kW.~~

5.5.10.4 Biomass energy generators – design standards {**NU 308.137**}

Biomass energy generators – on-site energy generation must comply with the development standards of the zone in which they are located. **{NU 308.137}**

5.5.11 Reflectivity {Confirmed to be replaced by 5.5.D.4 - NU 743.17¹}

Wind generators – on-site energy generation in any landscape or natural coastal character overlay zone must comply with Rule 10.3.6. **{NU 743.17}**

¹ **NU 743.17:** Rule 5.5.11 has been replaced by new Rule 5.5.D.4. The effect of this rule has been amended in response to submissions.

5.5.D Design Standards for Wind Generators {Confirmed to replace 5.5.10 and 5.5.11 - NU cl.16¹}

1. Wind generators – small scale must not use lattice towers.
2. In the CBD Zone, centres zones, WP, PPH, SSYP and HE zones, residential zones and the Recreation Zone, wind generators – small scale must be attached to rooftops. **{NU 743.53}**
3. For freestanding wind generators – small scale, the maximum diameter of the mast is 600mm. **{NU743.17}**
4. All exterior surfaces of wind generators – small scale in any landscape or natural coastal character overlay zone **{NU 743.17}** must have a light reflectance value (LRV) of 30% or less.
5. Rooftop wind generators must comply with the height in relation to boundary rule that applies to buildings and structures in the zone in which the wind generator is located, except in the Rural, Rural Residential and Industrial zones. **{NU 743.53}**
6. Wind generators – small scale that contravene these standards are restricted discretionary activities.

¹ **NU cl.16:** New Rule 5.5.D was notified as rules 5.5.10 and 5.5.11. Where there has been no change to the effect of the rule, plain text is used. Where the rule has been amended in response to submissions, this is shown in the usual way.

5.5.E Site Coverage {Confirmed to replace 5.5.10.2.b - NU cl.16¹}

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

¹ **NU cl.16:** New Rule 5.5.E was notified as Rule 5.5.10.2. There is no change to the effect of the rule.

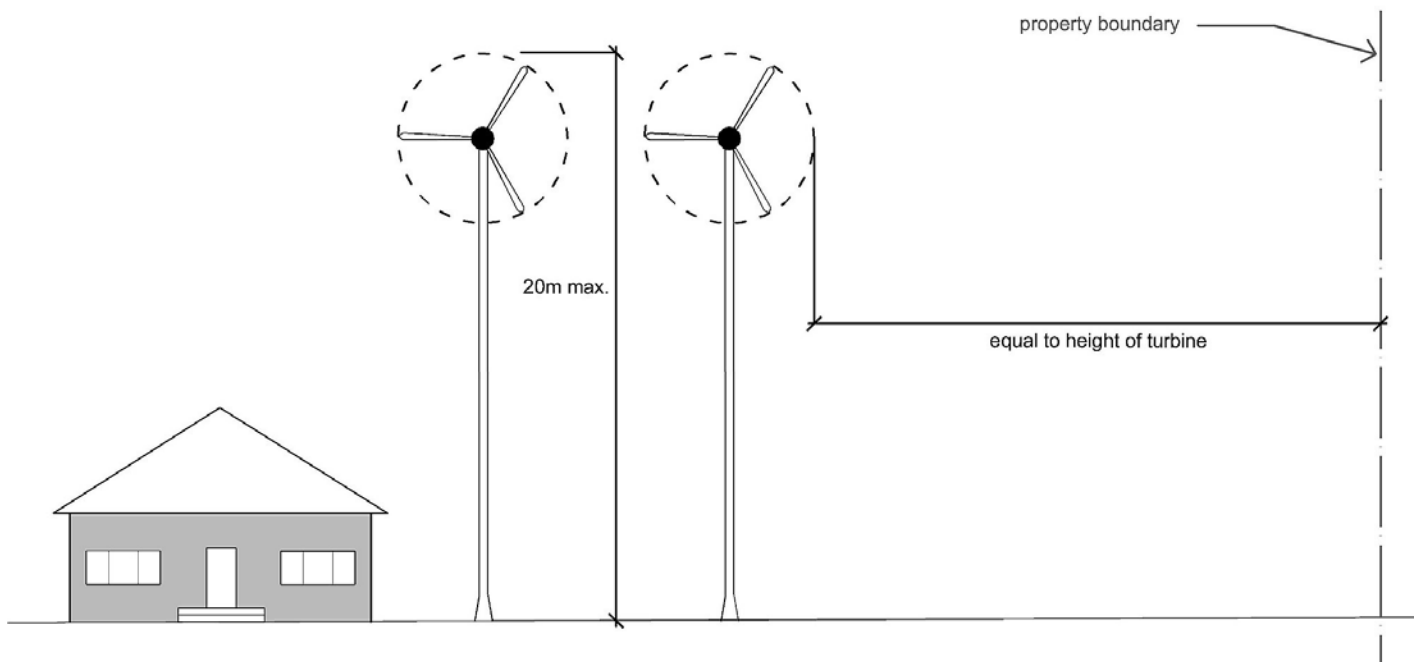
5.5.12 Setbacks

5.5.12.1 Boundary Setbacks {NU 308.122}

~~Wind generators – community scale must set back all structures from road and site boundaries a distance equal to the height of the structure.~~

Note: Boundary setbacks for wind generators – on-site energy generation are managed through Rule 5.5.10.1.

Fig 5.5F: Wind generators setback from boundary {NU 308.122}



5.5.12.A Setbacks for wind generators {NU cl.16}

a. Setbacks in industrial zones

Activity		1. Minimum setback from boundaries of any Residential, Recreation or CMU Zone (excluding the Trade Related Zone and the CBD Edge Commercial zones) {NU 743.53}	2. Minimum setback from road and site boundaries
i.	Wind generators – small scale with a rotor diameter less than or equal to 1.5m	N/A	A distance equal to the height of the structure
ii.	Wind generators – small scale with a rotor diameter exceeding 1.5m {NU 743.53}	100m {NU 743.53}	A distance equal to the height of the structure

b. Setbacks in rural and rural residential zones

~~Wind turbines must be set back from road or site boundaries a distance equal to the height of the structure {NU 743.17}~~

- ~~Wind generators – small scale with a rotor diameter less than or equal to 4m, and with a height less than or equal to 15m, must be set back at least 50m from any road or property boundary; and {NU 743.17}~~
- ~~Wind generators – small scale with a rotor diameter exceeding 4m, and/or with a height exceeding 15m, must be set back at least 100m from any road or property boundary. {NU 743.17}~~

c. Setbacks in commercial and mixed use and major facility zones

Free standing **{NU 308.122}** wind generators – small scale in the Trade Related Zone, the CBD Edge Commercial zones and all major facility zones must have a minimum setback as follows:

Location		Setback distance
i.	From site boundaries	Equal to the height of the structure above ground level
ii. {NU 394.69}	From any residential building on a separate site	Equal to three times the height of the structure above ground level

- d. Wind generators - small scale that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

¹ **NU cl.16:** New Rule 5.5.12.A was notified as Rule 5.5.10.1.d. The rule has been significantly expanded in response to submissions.

5.5.12.2 Setback from coast and water bodies

Network ~~utility~~ utilities **{NU cl.16}** activities must comply with Rule 10.3.3.

5.5.12.3 Setback from ridgeline **{RU 874.41 and others}**

~~Network utilities structures (all scales) and network utilities poles and masts – small scale must comply with Rule 16.6.11.4.~~ **{RU 874.41 and others}**

5.5.12.4 Setback from scheduled tree

Network ~~utility~~ utilities **{NU cl.16}** activities must comply with Rule 7.5.2.

5.5.13 Technical Standards

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

5.5.F Maximum Height **{NU 308.137}**

1. Any external protrusions, such as vents and chimneys, associated with underground or internal network utilities are subject to the maximum height performance standard for the zone in which the utility is located, and for the purposes of that standard are considered rooftop structures.
2. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Rule 5.6 Setbacks from National Grid and Network Utilities

5.6.1 Setback from National Grid

5.6.1.1 Setback from National Grid ~~{NU cl.16}~~ (sensitive activities, buildings and structures) (buildings and structures, city-wide activities and National Grid sensitive activities) ~~{NU cl.16¹}~~

- a. Sensitive activities, new buildings to be used for sensitive activities, additions and alterations to buildings used for sensitive activities, must be set back at least 12m from national grid transmission lines, and national grid substations (see **Figure 5.6A**), except: **{NU 806.11}**
 - i. additions or alterations that do not increase either the building height or footprint. **{NU 806.11}**
- b. Other buildings and structures, above-ground network utilities activities, public play equipment, and freestanding flagpoles must be set back at least 10m from any point of a national grid transmission line, except: **{NU 806.11}**
 - i. network utilities activities within the road reserve or associated with the operation of the national grid; **{NU 806.11}**
- c. Buildings, structures and above-ground network utilities activities must be set back 12m from a national grid support structure, except fences with a maximum height of 2.5m must be set back 5m from a national grid support structure. **{NU 806.11}**
- d. All buildings and structures must maintain a minimum vertical clearance of 10m below the lowest point of the national grid transmission line. **{NU 806.11}**
- e. Activities that contravene the setback from national grid (sensitive activities, buildings and structures) are non-complying activities. **{NU 806.11}**
- a. Buildings, structures, additions and alterations, public amenities, underground or internal network utilities (except where located within an existing building or structure), network utility structures - small scale, network utility structures – large scale, standby or temporary energy generators and National Grid sensitive activities must be set back at least: **{NU 806.11}**
 - i. 12m from the outside edge of a National Grid support structure foundation or from the boundary of a National Grid substation; and **{NU 806.11}**
 - ii. 12m from the centre line of any point of a National Grid transmission line: **{NU 806.11}**
- b. The following activities are exempt from this standard, provided either that they meet the requirements of NZECP 34:2001 (where the prior written consent of the electricity infrastructure owner is not needed to meet those requirements), or that there is a minimum vertical clearance of 10m between the lowest point of the National Grid conductor and the highest point of any structure: **{NU 806.11}**
 - i. network utility operation as defined in section 166 of the RMA (excluding the reticulation and storage of water for irrigation purposes); **{NU 576.54}**
 - ii. fences not more than 2.5m in height and located at least 5m from a National Grid support structure; **{NU 806.11}**
 - iii. artificial crop protection and crop support structures not more than 2.5m in height and located at least 8m from a National Grid pole support structure (but not a tower), provided that such structures: **{NU 1090.21}**
 1. are removable or temporary to allow a clear working space of 12m from the pole for maintenance and repair purposes, and **{NU 1090.21}**
 2. allow all weather access to the pole and a sufficient area for maintenance equipment, including a crane; **{NU 1090.21}**

- iv. farming or horticultural buildings that are not used for intensive farming, milking/dairy sheds, produce packing facilities or commercial greenhouses and that are not residential buildings (exempt from Rule 5.6.1.1.a.ii only); {NU 806.11}
- v. structures associated with irrigation or the supply of stockwater, including the reticulation and storage of water, provided that they do not permanently obstruct existing vehicular access to a National Grid support structure (exempt from Rule 5.6.1.1.a.ii only) {NU 576.54}
- vi. in residential zones, buildings that are not residential buildings and that are less than 10m² in area and under 2.5m in height (exempt from Rule 5.6.1.1.a.ii only). {NU 806.11}

c. Activities that contravene these standards are non-complying activities. {NU 806.11}

¹ **NU cl.16:** The title of this rule has been amended to more accurately reflect its content. This does not change the effect of the rule.

5.6.1.2 Setback from national grid National Grid {NU cl.16} (earthworks)

- a. Earthworks within 12m of a national grid support structure or transmission line must:
 - i. be no greater than 300mm in depth;
 - ii. not compromise the stability of any national grid support structure; and
 - iii. not breach the ground to conductor clearance distances required by Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) as follows:

Table 5.6A: Ground to conductor clearance distances

Circuit voltage		Vertical distance to ground			Radial distance
		a. Across or along roads or driveways	b. Any other land traversable by vehicles (including mobile plant) but excluding across or along roads or driveways	c. Any land not traversable by vehicles (including mobile plant) due to its inaccessibility (e.g. topography)	
1.	Not exceeding 1 kV and insulated	5.5m	4.0m	2.7m	2.0m
2.	Not exceeding 1 kV	5.5m	5.0m	4.5m	2.0m
3.	Exceeding 1 kV but not exceeding 33 kV	6.5m	5.5m	4.5m	2.0m
4.	Exceeding 33 kV but not exceeding 110 kV	6.5m	6.5m	5.5m	3.0m

Circuit voltage		Vertical distance to ground			Radial distance
		a. Across or along roads or driveways	b. Any other land traversable by vehicles (including mobile plant) but excluding across or along roads or driveways	c. Any land not traversable by vehicles (including mobile plant) due to its inaccessibility (e.g. topography)	
5.	Exceeding 110 kV but not exceeding 220 kV	7.5m	7.5m	6.0m	4.5m
6.	Exceeding 220 kV a.c. or d.c.	8.0m	8.0m	6.5m	5.0m

- b. Except the following are exempt from 5.6.1.2.a.i:
- earthworks for the repair, sealing or resealing of a road, footpath, driveway or farm track;
 - earthworks which result in vertical holes less than 500mm in diameter and more than 1.5m from the outer edge of a national grid support structure or stay wire;
 - earthworks ancillary to network utilities activities; and
 - earthworks ancillary to the operation, repair, and maintenance of the roading network
- a. The maximum depth of earthworks within 12m of the outer edge of a foundation of a National Grid support structure is 300mm, except that the following earthworks are exempt from this standard: {NU 806.11}
- earthworks ancillary to the operation, repair, and maintenance of the roading network: {NU 806.11}
 - earthworks for the repair, sealing or resealing of a driveway or vehicle track: {NU 806.11}
 - earthworks that result in vertical holes less than 500mm in diameter, provided that the earthworks are located more than 1.5m from the outer edge of a National Grid pole or stay wire (this exemption does not apply to earthworks within 12m of the outer edge of National Grid towers): {NU 806.11}
 - earthworks associated with post holes for the erection of farm fences or horticulture structures, provided that the earthworks are located at least 5m from the outer edge of a National Grid support structure {NU 806.11}
 - earthworks ancillary to a network utility operation as defined in section 166 of the RMA (excluding the reticulation and storage of water for irrigation purposes) and associated access tracks, provided that the activity is undertaken in accordance with NZECP 34:2001; {NU 806.11}
 - earthworks that are part of cultivation. {NU 806.11}
- b. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

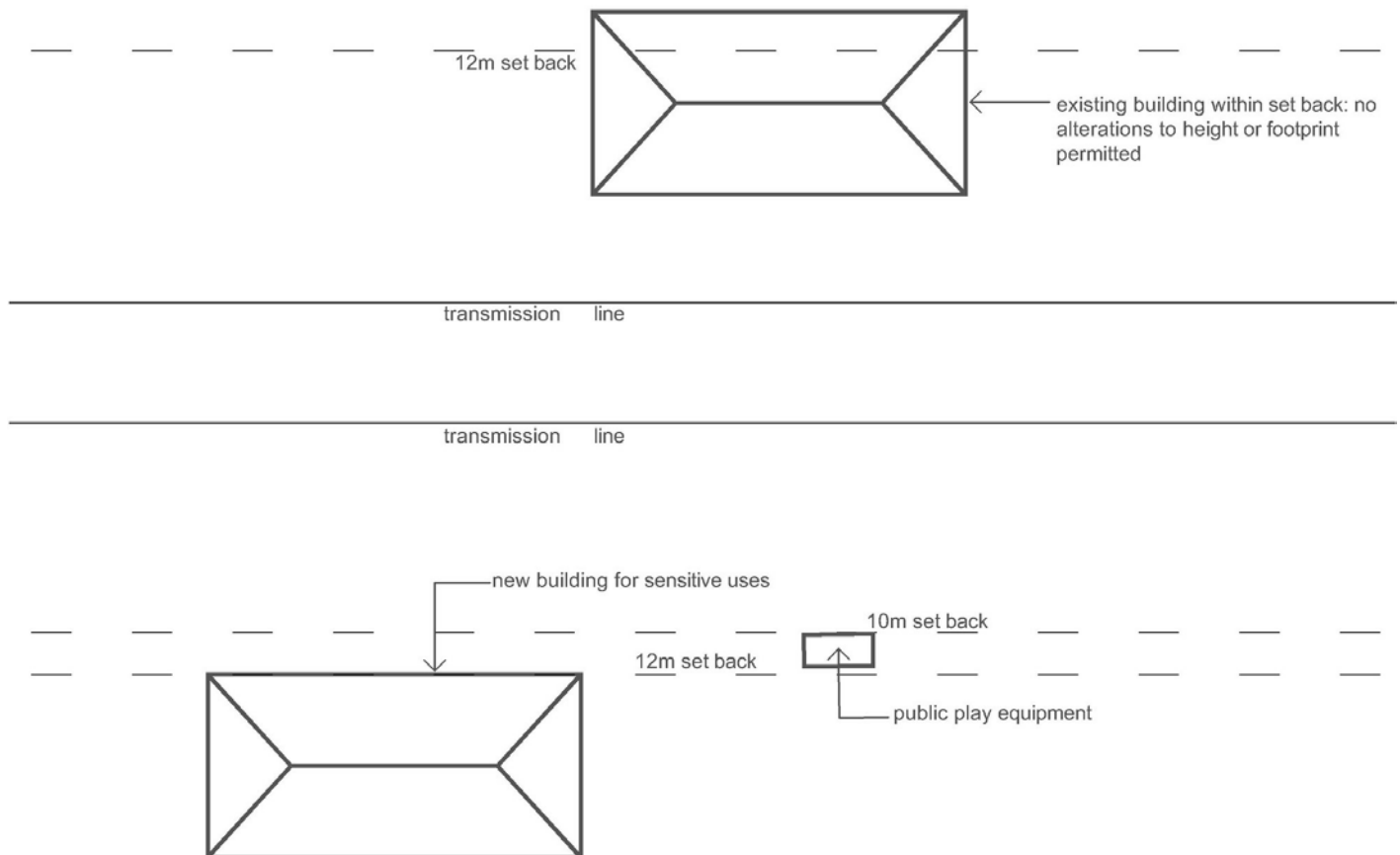
Note 5.6.1A – Other requirements outside of the District Plan {NU 806.11}

- The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to transmission lines. Compliance with this code is mandatory.

Compliance with this plan does not ensure compliance with NZECP 34:2001.

2. Vegetation to be planted near National Grid infrastructure should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

Figure 5.6A: National gGrid setbacks (to be deleted; {NU 806.11})



5.6.2 Setback from Network Utilities

- a. Earthworks must be set back at least 2.5m from any water mains and at least 1.5m from all other network utilities utility {NU cl.16} structures, except:
 - i. earthworks within 12m of a ~~nNational gGrid transmission line or {NU 806.11}~~ support structure, which are managed through Rule 5.6.1;
 - ii. earthworks ancillary to network utility activities including earthworks associated with roading/accessways leading to and from network utility activities {NU 576.9}; and
 - iii. earthworks ancillary to the operation, repair, and maintenance of the roading network.
- b. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

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

Rule 5.7.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 5.7.2 - 5.7.3 5.7.5 **{NU cl.16}**:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rules 5.7.2 and 5.7.3 apply to network utilities utility activities performance standards generally **{NU cl.16}**; Rule 5.7.4 applies to performance standards for setbacks **{NU cl.16}** from the National Grid national-grid **{NU cl.16}** and network utilities. Rule 5.7.5 contains additional provisions that apply to network utility activities performance standards in overlay zones and mapped areas and on scheduled items. **{NU cl.16}**

¹ **NU cl.16:** New Rule 5.7.5 provides cross references to relevant assessment rules in other Plan sections. This does not change the effect of provisions.

5.7.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. All performance standards contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards, or site specific factors including topography, make meeting the standard impracticable. c. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. d. Non-compliance with a performance standard would improve the design of the network utilities structure in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. <i>General assessment guidance: {NU 576.58}</i> e. Whether breaching the performance standard is essential to establish or maintain an essential network utility service. {NU 576.58} f. The potential benefits of the proposed utility particularly; {NU 576.58} i. contributions to national energy objectives or renewable energy generation targets {NU 576.58}

5.7.3 Assessment of performance standard contraventions (network utilities utility {NU cl.16} activities)

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
A.	All performance standard contraventions {NU 576.58}	a. Benefits of network utility activities {NU 576.58}	<u>Relevant objectives and policies:</u> {NU 576.58} i. <u>Objectives 2.2.2. {NU 764.1} 2.3.1. {NU 918.22} 5.2.1 {NU 576.58}</u> ii. <u>Policies 2.3.1.7 {NU 918.22}, 2.2.2.3 {NU 764.1}</u> iii. <u>Network utility activities are enabled throughout the city where effects can be managed in line with policies 5.2.1.5, 5.2.1.7, 5.1.2.11, 5.2.1.12, 5.2.2.2 and the objectives and policies of any relevant overlay zones, scheduled sites or mapped areas (Policy 5.2.1.A) {NU 457.192}</u> iv. <u>The use and development of renewable energy generation is encouraged (Policy 5.2.1.1) {NU 308.122}</u> <u>General assessment guidance:</u> {NU 576.58} In assessing the effects of the proposed activity, Council will consider: {NU 576.58} v. <u>The potential benefits of the proposed activity, particularly: {NU 576.58}</u> 1. <u>contributions to national energy objectives or renewable energy generation targets: {NU 576.58}</u> 2. <u>the benefits, in terms of the efficient use of energy, of locating renewable energy generation close to end use and to electricity transmission or distribution infrastructure; and {NU 764.1}</u> 3. <u>the benefits of having a distributed network for greater energy resilience. {NU 764.1}</u> <u>Potential circumstances which may support a consent application include:</u> {NU 576.58} vi. <u>The proposed activity is essential to establish or maintain a network utility service. {NU 576.58}</u>

5.7.3 Assessment of performance standard contraventions (network utilities utility {NU cl.16} activities)

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
		<u>b. Technical and operational constraints of network utility activities {NU 576.58}</u>	<u>Relevant objectives and policies: {NU 576.58}</u> i. <u>Objectives 2.2.2, {NU 764.1} 2.3.1, {NU 918.22} 5.2.1 {NU 576.58}</u> ii. <u>Policies 2.3.1.7 {NU 918.22}, 2.2.2.3 {NU 764.1}</u> iii. <u>Network utility activities are enabled throughout the city where effects can be managed in line with policies 5.2.1.5, 5.2.1.7, 5.1.2.11, 5.2.1.12, 5.2.2.2 and the objectives and policies of any relevant overlay zones, scheduled sites or mapped areas (Policy 5.2.1.A) {NU 457.192}</u> iv. <u>The use and development of renewable energy generation is encouraged (Policy 5.2.1.1) {NU 308.122}</u> <u>General assessment guidance: {NU 576.58}</u> In assessing the effects of the proposed activity, Council will consider: {NU 576.58} v. <u>The constraints imposed on size, design and location by the technical and operational requirements of the network utility. {NU 576.58}</u>
4. {NU cl.16'}	Amateur radio standards	a. Effects on character and amenity of zone	<u>Relevant objectives and policies:</u> i. <u>Objective 5.2.1</u> ii. <u>Network utility structures are of a scale, size, design and location that enables the provision of amateur radio configurations while:</u> 1. <u>minimising, as far as practicable, adverse effects on the amenity and character of the zone</u> <u>Potential circumstances which may support a consent application include:</u> iii. <u>Breach of the performance standard is essential to establish or maintain effective functioning of amateur radio configurations:</u>

5.7.3 Assessment of performance standard contraventions (network utilities utility {NU cl.16} activities)

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2. {NU 308.122}	Boundary setbacks (wind generators)	a. Effects on character and amenity of zone	<i>Relevant objectives and policies:</i> i. Objective 5.2.1 ii. Network utility structures are of a location that enables the provision of network utilities while minimising, as far as practicable, adverse effects on the amenity and character of the zone (Policy 5.2.1.5.a)
		b. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objective 5.2.1 ii. Network utility structures are located, designed and operated in a way that ensures any risk to health and safety is no more than minor (Policy 5.2.1.7). <i>Potential circumstances which may support a consent application include:</i> iii. There is no risk that wind turbines may collapse and damage buildings and pose a risk to the health and safety of people.
3. {NU 457.169 and others}	Buildings and structures located on or above footpath	a. Effects on safety and efficiency of the transport network	See Rule 6.9
		b. Effects on health and safety	See Rule 9.4
4. {NU 308.122 and 743.17}	Energy resource investigation standards	a. Effects on amenity	<i>Relevant objectives and policies:</i> i. Objective 5.2.1 ii. Energy resource investigation devices are designed, operated and located in a way that minimises, as far as practicable, any adverse effects on amenity (Policy 5.2.1.6). <i>Potential circumstances which may support a consent application include:</i> iii. The natural landforms of topography (e.g. cliffs, tall trees on-site or on adjacent sites or reserves) provide a backdrop to the device.

5.7.3 Assessment of performance standard contraventions (network utilities utility {NU cl.16} activities)

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
5.	Location	a. Effects on character and amenity of surrounding the {NU cl.16} zones {NU cl.16}	<i>Relevant objectives and policies:</i> i. Objective 5.2.1 ii. Network utility structures are of a location that designed and located to enables {NU cl.16} the provision of network utilities while: <u>avoiding or, where avoidance is not practicable, adequately mitigating adverse effects on the amenity and character of the zone (Policy 5.2.1.5) {NU 906.7}</u> 1. minimising, as far as practicable, adverse effects on the amenity and character of the zone; and {NU 906.7} 2. maintaining a high level of pedestrian amenity in pedestrian street frontages (Policy 5.2.1.5). {NU cl.16} ³ <i>Potential circumstances which may support a consent application include:</i> iii. Alternative siting has been considered which would provide the same service without detracting from the streetscape profile or pedestrian accessibility. <u>Alternative sites, which would have lesser effects on character and amenity, have been considered but are impracticable for operational reasons {NU 576.58}</u> iv. Ground conditions, topography, or other site constraints make placing pipes underground impracticable.
6- {NU cl.16 ² }	Location in a heritage precinct {NU cl.16}	a. Effects on heritage streetscape character {NU cl.16}	
7- {NU cl.16 ² }	Location in a pedestrian street frontage {NU cl.16}	a. Effects on pedestrian amenity {NU cl.16}	

5.7.3 Assessment of performance standard contraventions (network utilities ~~utility~~ {NU cl.16} activities)

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
8- {NU 308.122}	On-site energy generation design standards	a. Effects on character and amenity of zone	<i>Relevant objectives and policies:</i> i. Objective 5.2.1 ii. Network utilities structures are of a scale, size, design and location that enables the provision of network utilities while minimising, as far as practicable, adverse effects on the amenity and character of the zone (Policy 5.2.1.5). <i>Potential circumstances which may support a consent application include:</i> iii. Due to the location of on-site energy generation structures within the site, effects on rural character and visual amenity outside of the site will not be significant. iv. Natural landforms of topography (e.g. cliffs, tall trees on-site or on adjacent sites or reserves) provide a backdrop to the device so increase in contravention has no or only minor effects. v. Sunlight admission to the footpath and street is maintained. vi. The device is consistent with the height of the surrounding properties.
9- {NU 743.17}	In the ~~ONL~~ or ~~SNL overlay zones~~ : • Reflectivity	a. Effects on landscape	See Rule 10.4
10- {NU 743.17}	In the ~~NCC Overlay Zone~~ : • Reflectivity	a. Effects on natural character of the coast	See Rule 10.4
11.	Setback from coast and water bodies	a. Effects on biodiversity <u>values</u> {NatEnv 958.60} and natural character of riparian margins and the coast	See Rule 10.4
		b. Effects on public access	
		c. Risk from natural hazards	See Rule 11.4

5.7.3 Assessment of performance standard contraventions (network utilities utility {NU cl.16} activities)

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
12. {NU cl.16 ⁶ }	Setback from national grid (earthworks)	a. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objective 5.2.1 ii. Earthworks are set back an adequate distance from the national grid to ensure adverse effects on the health and safety of people is avoided (Policy 5.2.1.3) iii. Earthworks do not create a risk of electrical hazard which affects public or individual safety or property.
		b. Effects on efficient and effective operation of network utilities	<i>Relevant objectives and policies:</i> i. Objective 5.2.1 ii. Development is designed and located to avoid adverse effects on the safe and efficient operation of national grid infrastructure or, where avoidance is not possible, ensures any adverse effects are insignificant (Policy 5.2.1.2). iii. Earthworks do not compromise the structural integrity of the national grid, or the ability to gain access to national grid infrastructure for maintenance.
13. {NU cl.16 ⁷ }	Setback from network utilities (earthworks)	a. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objective 5.2.1 ii. Earthworks, excluding earthworks ancillary utilities, are set back from network utilities an adequate distance to avoid adverse effects on the health and safety of people (Policy 5.2.1.9.c).
		b. Effects on efficient and effective operation of network utilities	<i>Relevant objectives and policies:</i> i. Objective 5.2.1 ii. Earthworks are set back from network utilities an adequate distance to avoid adverse effects on: 1. damage to existing network utilities (Policy 5.2.1.9.a); and 2. obstruction of access to existing underground network utilities (Policy 5.2.1.9.b). <i>Potential circumstances which may support a consent application include:</i> iii. The network utility owner or operator has provided written approval for the proposed earthworks. iv. Earthworks comply with the NZ Electrical Code of Practice for Electrical Safe Distances 34:2001.

5.7.3 Assessment of performance standard contraventions (network utilities utility {NU cl.16} activities)

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
14. {RU 874.41 and others}	Setback from ridgeline	a. Effects on rural character and visual amenity	See Rule 16.9
15.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
16.	Technical standards	a. Effects on health and safety	<i>Relevant objectives and policies (priority considerations):</i> i. Objective 5.2.1 ii. Network utilities structures utility activities {NU cl.16} are located, designed and operated to ensure any risk to health and safety is no more than minor <u>avoided or minimised as far as practicable</u> {NU 918.27} (Policy 5.2.1.7) <i>Potential circumstances which may support a consent application include:</i> iii. Breach <u>Contravention</u> {NU cl.16} of the performance standard does not result in a safety risk.
18. {NU cl.16.}	• Design standards for wind generators • Setbacks for wind generators	a. Effects on character and amenity of zone	<i>Relevant objectives and policies:</i> i. Objective 5.2.1 ii. Network utility structures are designed and located to enable the provision of network utilities while <u>minimising, as far as practicable avoiding or, where avoidance is not practicable, adequately mitigating</u> {NU 906.7} adverse effects on the amenity and character of the zone (Policy 5.2.1.5). <i>Potential circumstances which may support a consent application include:</i> iii. The visibility of wind generators outside the site is limited by their location within the site, or by vegetation, existing buildings and structures, natural landforms or topography. iv. The scale or design is consistent or compatible with surrounding buildings or structures.
19. {NU cl.16.}	Site coverage	a. Effects on character and amenity of zone	<i>Relevant objectives and policies:</i> i. Objective 5.2.1 ii. Network utility structures are designed and located to enable the provision of network utilities while <u>minimising, as far as practicable avoiding or, where avoidance is not practicable, adequately mitigating</u> {NU 906.7} adverse effects on the amenity and character of the zone (Policy 5.2.1.5).

5.7.3 Assessment of performance standard contraventions (network utilities utility {NU cl.16} activities)

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
20.	Maximum height (underground or internal network utilities) {NU 308.137}	a. Effects on character and amenity of zone {NU 308.137}	<u>Relevant objectives and policies: {NU 308.137}</u> i. <u>Objective 5.2.1 {NU 308.137}</u> ii. <u>Network utility structures are designed and located to enable the provision of network utilities while avoiding or, where avoidance is not practicable, adequately mitigating adverse effects on the amenity and character of the zone (Policy 5.2.1.5). {NU 308.137}</u>

¹ **NU cl.16:** Deletion of this rule is required due to the reformatting of provisions to treat amateur radio configurations as a type of network utility structure. This does not change the effect of provisions.

² **NU cl.16:** Deletion of this rule is required due to creation of separate table (Rule 5.7.5) for effects assessed via assessment rules in other sections of the Plan. This does not change the effect of provisions.

³ **NU cl.16:** Policy 5.2.1.5 has been amended to remove reference to effects on pedestrian amenity. Management of this type of effect has moved to Policy 18.2.3.13. This does not change the effect of provisions.

⁴ **NU cl.16:** New assessment rule needed due to reformatting of associated performance standards. The content of this rule reflects that of notified Rule 5.7.3.8, but with amendments for brevity and clarity. This does not change the effect of provisions.

⁵ **NU cl.16:** New assessment rule needed due to reformatting of associated performance standards. This does not change the effect of provisions.

⁶ **NU cl.16:** Rule 5.7.3.12 has been deleted because it duplicates Rule 5.7.4.1. This does not change the effect of provisions.

⁷ **NU cl.16:** Rule 5.7.3.13 has been deleted because it duplicates Rule 5.7.4.2. This does not change the effect of provisions.

5.7.4 Assessment of performance standard contraventions (setbacks from nNational gGrid and network utilities)

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Setback from nNational gGrid (earthworks)	a. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objectives ~~5.2.1~~ <u>5.2.2</u> {NU 918.29} ii. Earthworks are set back an adequate distance from the national grid to ensure that adverse <u>Adverse</u> {NU cl.16} effects on the health and safety of people are avoided (Policy 5.2.1.3 <u>5.2.2.2.a</u> {NU 918.29}) <u>General assessment guidance:</u> {NU806.11} iii. Council will generally refuse consent if earthworks do not comply with <u>Section 2 of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).</u> {NU806.11} <i>Potential circumstances that may support a consent application include:</i> iv. Earthworks do not create a risk of electrical hazard which affects public or individual safety or property.
	b. Effects on efficient and effective operation of network utilities	<i>Relevant objectives and policies:</i> i. Objectives ~~5.2.1~~ <u>5.2.2</u> {NU 918.29} ii. ~~Development is designed and located to avoid adverse effects on the safe and efficient operation of national grid infrastructure or, where avoidance is not possible, ensures any adverse effects are insignificant (Policy 5.2.1.2).~~ <u>Adverse effects on the operation, maintenance, upgrading and development of the National Grid are avoided or, if avoidance is not practicable, insignificant (Policy 5.2.2.2.b)</u> {NU806.11} <u>Potential circumstances that may support a consent application include:</u> {NU cl.16} iii. Earthworks do not compromise the structural integrity of the nNational gGrid, or the ability to gain access to nNational gGrid infrastructure for maintenance.

5.7.4 Assessment of performance standard contraventions (setbacks from nNational gGrid and network utilities)

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
2. Setback from network utilities (earthworks)	a. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objectives ~~5.2.1~~ <u>5.2.2</u> {NU 918.29} ii. Earthworks, ~~excluding earthworks ancillary utilities, {NU cl.16}~~ are set back from network utilities {NU cl.16} an adequate distance from network utilities {NU cl.16} to avoid adverse effects on the health and safety of people (Policy ~~5.2.1.9-e~~ <u>5.2.2.1.c</u> {NU 918.29}).
	b. Effects on efficient and effective operation of network utilities	<i>Relevant objectives and policies:</i> i. Objectives ~~5.2.1~~ <u>5.2.2</u> {NU 918.29} ii. Earthworks are setback from network utilities {NU cl.16} an adequate distance from network utilities {NU cl.16} to avoid: adverse effects on {NU cl.16} 1. damage to existing network utilities (Policy ~~5.2.1.9-a~~ <u>5.2.2.1.a</u> {NU 918.29}); and 2. obstruction of access to existing underground network utilities (Policy ~~5.2.1.9-b~~ <u>5.2.2.1.b</u> {NU 918.29}). Potential circumstances that may support a consent application include: iii. The network utility owner or operator has provided written approval for the proposed earthworks. iv. Earthworks comply with the NZ Electrical Code of Practice for Electrical Safe Distances 34:2001.

¹ **NU cl.16:** This amendment is required so that the assessment rule correctly paraphrases the policy. This does not change the effect of provisions.

5.7.5 Assessment of restricted discretionary performance standard contraventions located in an overlay zone or mapped area, or affecting a scheduled item {NU cl.16} ¹

Activity {NU cl.16}		Matters of discretion {NU cl.16}	Guidance on the assessment of resource consents {NU cl.16}
1. {NU cl.16}	In a primary or secondary pedestrian street frontage mapped area: {NU cl.16} • Location (Rule 5.5.6.1.a) • <u>Maximum volume in pedestrian street frontage mapped areas, heritage precincts and scheduled heritage sites</u> {NU 457.20}	a. Effects on pedestrian amenity	See Rule 18.9
2. {NU cl.16}	In a heritage precinct: • Location (Rule 5.5.6.1.b, Rule 5.5.6.4) • <u>Maximum volume in pedestrian street frontage mapped areas, heritage precincts and scheduled heritage sites</u> {NU 457.20}	a. Effects on heritage streetscape character	See Rule 13.5

5.7.5 Assessment of restricted discretionary performance standard contraventions located in an overlay zone or mapped area, or affecting a scheduled item {NU cl.16} ¹

Activity {NU cl.16}		Matters of discretion {NU cl.16}	Guidance on the assessment of resource consents {NU cl.16}
3. {NU cl.16}	On a scheduled heritage site: Maximum volume in pedestrian street frontage mapped areas, heritage precincts and scheduled heritage sites {NU 457.20}	a. Effects on heritage values	See Rule 13.5
4. {NU 576.9}	In the NCC Overlay Zone: Location (Rule 5.5.6.1.c)	a. Effects on natural character of the coast	See Rule 10.4

¹ **NU cl.16:** New table, to reflect formatting of other Plan sections. This table provides cross references to assessment rules in other Plan sections. This does not change the effect of provisions.

Rule 5.8 Assessment of Restricted Discretionary Activities

Rule 5.8.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 5.8.2 - 5.8.45 **{NU 806.11}**:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rule 5.8.2 applies to network utility activities generally; Rule 5.8.3 contains additional provisions that apply to network utility activities in overlay zones, mapped areas, heritage precincts, and on scheduled items; Rule 5.8.4 contains additional provisions that apply to subdivision activities in the **radio transmitters mapped area {NU 918.25}**; Rule 5.8.5 contains additional provisions that apply to subdivision activities in the **National Grid Corridor mapped area {NU806.11}**.
4. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 5.7; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 5.9; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 5.10; and
 - iii. the assessment guidance in this section will also be considered.

5.8.2 Assessment of restricted discretionary network utilities utility {NU cl.16} activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
A.	All restricted discretionary network utility activities {NU 576.58}	a. Benefits of network utility activities {NU 576.58}	<u>Relevant objectives and policies: {NU 576.58}</u> i. <u>Objectives 2.2.2, {NU 764.1} 2.3.1, {NU 918.22} 5.2.1 {NU 576.58}</u> ii. <u>Policies 2.3.1.7, {NU 918.22} 2.2.2.3, {NU 764.1} 2.2.1.11 {NH 908.35}</u> iii. <u>Network utility activities are enabled throughout the city where effects can be managed in line with policies 5.2.1.5, 5.2.1.7, 5.1.2.11, 5.2.1.12, 5.2.2.2 and the objectives and policies of any relevant overlay zones, scheduled sites or mapped areas (Policy 5.2.1.A) {NU 457.192}</u> iv. <u>The use and development of renewable energy generation is encouraged (Policy 5.2.1.1) {NU 308.122}</u> <u>General assessment guidance {NU 576.58}</u> <u>In assessing the effects of the proposed activity, Council will consider: {NU 576.58}</u> v. <u>The potential benefits of the proposed activity, particularly: {NU 576.58}</u> 1. <u>contributions to national energy objectives or renewable energy generation targets. {NU 576.58}</u> 2. <u>the benefits, in terms of the efficient use of energy, of locating renewable energy generation close to end use and to electricity transmission or distribution infrastructure {NU 764.1}</u> 3. <u>the benefits of having a distributed network for greater energy resilience {NU 764.1}.</u> <u>Potential circumstances that may support a consent application include: {NU 576.58}</u> vi. <u>The proposed activity is necessary to establish or maintain a network utility service. {NU 576.58}</u>

5.8.2 Assessment of restricted discretionary network utilities utility {NU cl.16} activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
		<u>b. Technical and operational constraints of network utility activities {NU 576.58}</u>	<u>Relevant objectives and policies: {NU 576.58}</u> i. <u>Objectives 2.2.2, {NU 764.1} 2.3.1, {NU 918.22} 5.2.1 {NU 576.58}</u> ii. <u>Policies 2.3.1.7 {NU 918.22}, 2.2.2.3 {NU 764.1}</u> iii. <u>Network utility activities are enabled throughout the city where effects can be managed in line with policies 5.2.1.5, 5.2.1.7, 5.1.2.11, 5.2.1.12, 5.2.2.2 and the objectives and policies of any relevant overlay zones, scheduled sites or mapped areas (Policy 5.2.1.A) {NU 457.192}</u> iv. <u>The use and development of renewable energy generation is encouraged (Policy 5.2.1.1) {NU 308.122}</u> <u>General assessment guidance: {NU 576.58}</u> <u>In assessing the effects of the proposed activity, Council will consider: {NU 576.58}</u> v. <u>The constraints imposed on size, design and location by the technical and operational requirements of the network utility. {NU 576.58}</u>
<u>4- {NU cl.16⁵}</u>	• Network utilities structures—large-scale {NU 764.1}	<u>a- c. Effects on character and amenity of zone {NU cl. 16}</u>	<u>Relevant objectives and policies:</u> i. <u>Objective 5.2.1</u> ii. <u>Network utilities are designed and located to avoid any significant adverse effects, and minimise adverse effects, as far as practicable, including or, if avoidance is not practicable, adequately mitigate {NU 457.14 and others}</u> 1. <u>adverse effects on visual amenity and the character of the zone in which the activity is located (Policy 5.2.1.11.a); and {NU cl.16}</u> 2. <u>effects on the amenity of any surrounding residential activities. (Policy 5.2.1.11). {NU cl.16}</u> <u>Potential circumstances that may support a consent application include:</u> iii. <u>Access to sunlight to the outdoor living space(s) and windows of bedrooms and living areas of nearby dwellings is maintained or any reduction is minor. {NU 576.58}</u> iv. <u>Where practicable, the network utility is designed, located or screened to be unobtrusive. {NU 576.58}</u> v. <u>The same network utility poles or masts are to be used to support multiple network utilities. {NU 576.58}</u> vi. <u>For utilities attaching to existing masts or buildings, there</u>

5.8.2 Assessment of restricted discretionary network utilities utility {NU cl.16} activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
		~~are other utilities which are of a similar scale. {NU 576.58}~~ vii. ~~The height of the network utility is consistent with surrounding buildings. The scale or design is consistent or compatible with surrounding buildings or structures. {NU 576.58}~~ viii. ~~The visibility of the network utility is limited by vegetation, existing buildings or structures and/or natural landforms of or topography (e.g. cliffs, tall trees on adjacent reserves) provide a backdrop to the building so increase in height as a result of utility has no or only minor effects. {NU 576.58}~~ ix. ~~No alternative sites exist which could provide the same coverage with reduced effects on visual amenity. Alternative sites, which would have lesser effects on character and amenity, have been considered but are impracticable for operational reasons {NU 576.58}~~ x. ~~Sunlight admission to the footpath and street is maintained, and there are no significant shadowing effects on residential buildings. {NU 576.58}~~ xi. ~~The structure is not situated on visually prominent rural zoned land. {NU cl.16²}~~ xii. ~~Landscaping is used to screen the structure from public viewpoints. {NU cl.16³}~~ <u>Relevant objectives and policies {NU cl.16}</u> ¹ i. <u>Objective 5.2.1 {NU cl.16}</u> ii. <u>Network utilities are designed and located to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the amenity of any surrounding residential activities (Policy 5.2.1.11.b). {NU cl.16}</u> <u>Potential circumstances that may support a consent application include: {NU cl.16}</u> iii. <u>Alternative sites, which would have lesser effects on the amenity of surrounding residential activities, have been considered but are impracticable for operational reasons. {NU 576.58}</u> b. d. Effects on surrounding sites' residential amenity c. Effects on streetscape amenity {NU cl.16} ³

5.8.2 Assessment of restricted discretionary network utilities ~~utility~~ {NU cl.16} activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
2. {NU cl.16} ⁴	Outside the rural and industrial zones:	a. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 5.2.1 ii. Network utilities are designed and located to avoid any significant adverse effects, and minimise adverse effects, as far as practicable, including: 1. effects on visual amenity and the character of the zone in which the activity is located; and 2. effects on the amenity of any surrounding residential activities (Policy 5.2.1.11). <i>Potential circumstances that may support a consent application include:</i> iii. The utility structure is designed, located or screen to be as unobtrusive as possible. iv. The visual cohesion of the street is not reduced by the utility structure. v. Sunlight admission to the footpath and street is maintained. vi. The scale, size or design is consistent or compatible with surrounding properties. vii. No alternative siting exists which could provide the same coverage with reduced effects on visual amenity. viii. The activity which could provide the same coverage with reduced effects on visual amenity, is set back from boundaries an adequate distance to avoid shading or visual effects on adjacent residential properties or public places.
	• Energy resource investigation devices {NU 308.122} • Biomass generators – on-site energy generation {NU 308.137} Outside the rural, rural residential and industrial zones: • Network utilities poles and masts – small scale	b. Effects on streetscape amenity	

5.8.2 Assessment of restricted discretionary network utilities ~~utility~~ {*NU cl.16*} activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
3- { <i>NU 308.462</i> }	In the rural and industrial zones:	a. Effects on the amenity of surrounding properties	~~<i>Relevant objectives and policies:</i>~~ i. ~~Objective 5.2.1~~ ii. ~~Network utilities are designed and located to avoid any significant adverse effects, and minimise adverse effects, as far as practicable, including:~~ 1. ~~effects on visual amenity and the character of the zone in which the activity is located; and~~ 2. ~~effects on the amenity of any surrounding residential activities (Policy 5.2.1.11).~~ iii. ~~The structure is not situated on visually prominent rural zoned land.~~ iv. ~~Landscaping is used to screen the structure from public viewpoints.~~ v. ~~The nature of the activity is such that reverse sensitive effects to industrial or port activities will not occur.~~
	- Solar panels – community scale - Wind generators – community scale	b. Effects on rural character and amenity	

¹ **NU cl.16:** This assessment rule has been reformatted to separate assessment of "effects on character and amenity of zone" from assessment of "effects on surrounding sites' residential amenity". As a result, the reference to the part of Policy 5.2.1.11 that concerns effects on surrounding sites' residential amenity has been deleted from Rule 5.8.2.A.c.ii, and a reference to this part of Policy 5.2.1.11 has been included in a separate row (as Rule 5.8.2.A.d.ii). This does not change the effect of provisions.

² **NU cl.16:** This assessment rule has been transferred from Rule 5.8.2.3, which applied to solar panels under notified provisions. This does not change the effect of provisions.

³ **NU cl.16:** Deletion of this rule is required due to creation of separate table (Rule 5.7.5) for effects assessed via assessment rules in other sections of the Plan. This does not change the effect of provisions.

⁴ **NU cl.16:** Assessment rule no longer needed due to: deletion of separate provisions for Energy Resource Investigation Devices and Biomass Generators - On-site Energy Generation, in response to submissions, as indicated; and amalgamation of assessment rule for Network Utility Poles and Masts - Small Scale in residential and recreation zones with Rule 5.8.2.1. This does not change the effect of provisions.

⁵ **NU cl.16:** Notified Rule 5.8.2.1 has been amalgamated with new Rule 5.8.2.A, which applies to all restricted discretionary activities. This does not change the effect of provisions.

5.8.3 Assessment of restricted discretionary network utilities utility {NU cl.16} activities in an overlay zone, mapped area, heritage precinct, or scheduled item

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. In the ONF Overlay Zone: • <u>Network utility structures - large scale (Aamateur radio configurations only) {NU cl.16}</u> • <u>Network utilities Network utility {NU cl.16}</u> poles and masts - small scale • <u>Wind generators – small scale {NU 308.122}</u> • <u>Hydro generators – small scale {NU 308.122}</u> • <u>Solar panels – small scale {NU 308.122}</u> • <u>All other Network utilities network utility {NU cl.16}</u> structures - small scale	a. Effects on landscape values	See Rule 10.5
2. In the HNCC or ONCC overlay zones: • <u>Network utility structures - large scale (Aamateur radio configurations only) {NU cl.16}</u> • <u>Network utilities Network utility poles and masts - small scale {NU cl.16}</u> • <u>Wind generators – small scale {NU 308.122}</u> • <u>Hydro generators – small scale {NU 308.122}</u> • <u>Solar panels – small scale {NU 308.122}</u> • <u>All other Network utilities network utility structures - small scale {NU cl.16}</u>	a. Effects on natural character of the coast	See Rule 10.5
3. In an ~~Scheduled ASCV ASBV~~ {NatEnv 958.60}: • <u>Network utilities Network utility poles and masts - small scale {NU cl.16}</u> • <u>Wind generators - small scale on-site energy generation {NU 308.122}</u> • <u>Hydro generators - small scale on-site energy generation {NU 308.122}</u> • <u>Solar panels - small scale on-site energy generation {NU 308.122}</u> • <u>Energy resource investigation devices {NU 308.122}</u> • <u>Biomass generators – on-site energy generation {NU 308.137}</u>	a. Effects on biodiversity values {NatEnv 958.60}	See Rule 10.5
4. In a wāhi tūpuna mapped area where network utility activities are identified as a threat in Appendix A4	a. Effects on cultural values of Manawhenua	See Rule 14.4

5.8.3 Assessment of restricted discretionary network utilities utility {NU cl.16} activities in an overlay zone, mapped area, heritage precinct, or scheduled item

Activity	Matters of discretion	Guidance on the assessment of resource consents
5. In the SNL or ONL overlay zones: • ~~Network utilities~~ <u>Network utility</u> poles and masts - small scale {NU cl.16} • Wind generators - <u>small scale</u> on-site energy generation {NU 308.122} • Hydro generators - <u>small scale</u> on-site energy generation {NU 308.122} • Solar panels - <u>small scale</u> on-site energy generation {NU 308.122} • Energy resource investigation devices {NU 308.122} • Biomass generators - on-site energy generation {NU 308.137}	a. Effects on landscape values	See Rule 10.5
6. In the NCC Overlay Zone: • ~~Network utilities~~ <u>Network utility</u> poles and masts - small scale {NU cl.16} • Wind generators - <u>small scale</u> on-site energy generation {NU 308.122} • Hydro generators - <u>small scale</u> on-site energy generation {NU 308.122} • Solar panels - <u>small scale</u> on-site energy generation {NU 308.122} • Energy resource investigation devices {NU 308.122} • Biomass generators - on-site energy generation {NU 308.137}	a. Effects on natural character of the coast	See Rule 10.5
7. All RD activities due to affecting scheduled heritage sites • ~~Network utilities~~ <u>Network utility</u> poles and masts - small scale {NU cl.16} • Wind generators - <u>small scale</u> on-site energy generation {NU 308.122} • Hydro generators - <u>small scale</u> on-site energy generation {NU 308.122} • Solar panels - <u>small scale</u> on-site energy generation {NU 308.122} • Energy resource investigation devices {NU 308.122} • Biomass generators - on-site energy generation {NU 308.137}	a. Effects <u>{NU cl.16}</u> on heritage values	See Rule 13.6

5.8.3 Assessment of restricted discretionary network utilities utility {NU cl.16} activities in an overlay zone, mapped area, heritage precinct, or scheduled item

Activity		Matters of discretion	Guidance on the assessment of resource consents
8.	All RD activities due to being in a heritage precinct • ~~Network utilities~~ <u>Network utility</u> poles and masts - small scale {NU cl.16} • Wind generators - <u>small scale</u> on-site energy generation {NU 308.122} • Hydro generators - <u>small scale</u> on-site energy generation {NU 308.122} • Solar panels - <u>small scale</u> on-site energy generation {NU 308.122} • Energy resource investigation devices {NU 308.122} • Biomass generators - on-site energy generation {NU 308.137}	a. Effects on heritage streetscape character	See Rule 13.6

5.8.4 Assessment of subdivision activities within the radio transmitters mapped area **{NU 918.25}**

Activity {NU 918.25}		Matters of discretion {NU 918.25}	Guidance on the assessment of resource consents {NU 918.25}
1. {NU 918.25}	<u>General Subdivision</u>	a. Reverse sensitivity effects {NU 918.25}	<i>Relevant objectives and policies (priority considerations):</i> i. <u>Objective 5.2.2</u> ii. <u>The potential for reverse sensitivity is avoided or minimised as far as practicable (Policy 5.2.2.5)</u>

5.8.5 Assessment of subdivision activities in the National Grid Corridor mapped area {NU 806.11}

Activity {NU 806.11}		Matters of discretion {NU 806.11}	Guidance on the assessment of resource consents {NU 806.11}
1. {NU 806.11}	All Subdivision activities in the National Grid Corridor mapped area	a. <u>Effects on health and safety</u>	<i>Relevant objectives and policies:</i> i. <u>Objective 5.2.2</u> ii. <u>Subdivision in the National Grid Corridor mapped area is designed to ensure that any associated future land use and development will avoid effects on the health and safety of people (Policy 5.2.2.4.a).</u> <i>Design considerations that may support a consent application include:</i> iii. <u>The design and layout of the subdivision allows for earthworks, buildings and structures to comply with the safe separation distance requirements in the New Zealand Code of Practice for Safe Electrical Distances (NZECP 34:2001)</u> <i>Potential circumstances that may support a consent application include:</i> iv. <u>Written approval is obtained from the owner and/or operator of the National Grid.</u>
		b. <u>Reverse sensitivity effects</u>	<i>Relevant objectives and policies:</i> i. <u>Objective 5.2.2</u> ii. <u>Subdivision in the National Grid Corridor mapped area is designed to ensure that any associated future land use and development will avoid or minimise the potential for reverse sensitivity. (Policy 5.2.2.4.c)</u> <i>Potential circumstances that may support a consent application include:</i> iii. <u>Written approval is obtained from the owner and/or operator of the National Grid</u>

5.8.5 Assessment of subdivision activities in the National Grid Corridor mapped area {NU 806.11}

Activity {NU 806.11}	Matters of discretion {NU 806.11}	Guidance on the assessment of resource consents {NU 806.11}
	c. <u>Effects on efficient and effective operation of network utilities</u>	<i>Relevant objectives and policies:</i> i. <u>Objective 5.2.2</u> ii. <u>Subdivision in the National Grid Corridor mapped area is designed to ensure that any associated future land use and development will avoid or, where avoidance is not practicable, have not more than insignificant effects on the operation, maintenance, upgrading and development of the National Grid (Policy 5.2.2.4.b).</u> <i>Design considerations that may support a consent application include:</i> iii. <u>The design and layout of the subdivision clearly identifies the National Grid and:</u> 1. <u>ensures continued access to existing transmission lines for maintenance, inspections and upgrading</u> 2. <u>provides for the on-going efficient operation, maintenance, development and upgrade of the National Grid</u> 3. <u>enables roads and reserves to be located near to or under transmission lines and building platforms away from transmission lines</u> 4. <u>allows buildings and structures to be located and orientated and vegetation positioned in a way that meets the policy test in 5.2.2.4.b.</u> <i>Potential circumstances that may support a consent application include:</i> iv. <u>Written approval is obtained from the owner and/or operator of the National Grid.</u>

Rule 5.9 Assessment of Discretionary Activities

Rule 5.9.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 5.9.2 - 5.9.34 **{NU 918.25}** provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.

5.9.2 Assessment of discretionary network utilities ~~utility~~ {NU cl.16} activities		
Activity		Guidance on the assessment of resource consents
1. {NU cl.16}	All discretionary activities, <u>including but not limited to the activities listed below {PO cl. 16}</u>	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 5.2.1, 2.2.2 {NU 764.1}, 2.3.1 {NU 918.22}, 10.2.1 {Nat Env 900.35}, Policies 2.3.1.7 {NU 918.22}, 2.2.2.3 {NU 764.1} b. <u>Network utility activities are enabled throughout the city where effects can be managed in line with policies 5.2.1.5, 5.2.1.7, 5.2.1.11, 5.2.1.12, 5.2.2.2 and the objectives and policies of any relevant overlay zones, scheduled sites or mapped areas (Policy 5.2.1.A) {NU 457.192}</u> c. <u>The use and development of renewable energy generation is encouraged (Policy 5.2.1.1) {NU 308.122}</u> d. ~~Large-scale n~~Network utilities {NU cl.16} are designed and located to avoid any significant adverse effects, and minimise adverse effects, as far as practicable, including <u>or, if avoidance is not practicable, adequately mitigate: {NU 457.14 and others}</u> i. <u>adverse</u> effects on visual amenity and the character of the zone in which the activity is located; and {NU 457.14 and others} ii. <u>adverse</u> effects on the amenity of any surrounding residential activities (Policy 5.2.1.11). {NU 457.14 and others} <i>General assessment guidance:</i> e. <u>In assessing the effects of the activity, Council will consider: {NU cl.16}</u> i. the potential benefits of proposed network utilities, particularly: 1. contributions to national energy objectives and renewable energy generation targets will be considered; {NU cl.16}

5.9.2 Assessment of discretionary network utilities utility {NU cl.16} activities

Activity	Guidance on the assessment of resource consents
	2. <u>the benefits, in terms of the efficient use of energy, of locating renewable energy generation close to end use and to electricity transmission or distribution infrastructure; {NU 764.1}</u> 3. <u>the benefits of having a distributed network for greater energy resilience; and {NU 764.1}</u> ii. ~~Whether network utilities are being conducted in accordance with relevant industry standards will be considered. {NU cl.16}~~ iii. <u>the constraints imposed on size, design and location by the technical and operational requirements of the network utility or energy generation activity. {NU 576.58}</u> f. ~~In assessing the significance of effects, consideration will be given to: {MW cl.16}~~ i. ~~Manawhenua values and the relationship between Manawhenua and the natural environment is maintained, including the cultural values and traditions associated with {MW cl.16}~~ 1. ~~wāhi tūpuna; and: {MW cl.16}~~ 2. ~~mahika kai (Objective 14.2.1): {MW cl.16}~~ ii. ~~If located outside a wāhi tūpuna mapped area, Kai tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi tūpuna is located, or the linkages between wāhi tūpuna. {MW 1071.109}~~ g. In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. <i>Potential circumstances that may support a consent application include:</i> h. ~~The location of proposed network utilities~~ <u>The proposed activity {NU cl.16} is essential for the effective operation of a network service utility. {NU cl.16}.</u> i. <u>The proposed activity is to be undertaken in accordance with relevant industry standards. {NU cl.16}</u> j. <u>The utility is not located on visually prominent land. {NU 576.58}</u> k. <u>The visibility of the utility is limited by vegetation, existing building/structures, and/or natural forms or topography. {NU 576.58}</u>

5.9.2 Assessment of discretionary network utilities utility {NU cl.16} activities

Activity		Guidance on the assessment of resource consents
		I. <u>Landscaping is used to screen the utility from public viewpoints.</u> {NU 576.58} m. <u>Wind generators – large scale are located a sufficient distance from dwellings to adequately mitigate adverse effects on amenity, taking into account factors such as: the number, scale and geographical spread of turbines; and the degree to which landform or vegetation reduces visual and noise effects from turbines on nearby dwellings.</u> {NU 600.5} n. <u>Alternative sites, which would have lesser effects on character or amenity, have been considered but are impracticable for operational reasons.</u> {NU 576.58} <i>Relevant guidance from other sections (priority considerations):</i> o. <u>For activities that may have effects on biodiversity values see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1.</u> {Nat Env 900.35} p. <u>For activities adjacent to water bodies and the coast, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.2.</u> {NatEnv 900.38} q. <u>See Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua.</u> {MW cl.16³}
2- {NU cl.16 ³ }	In the rural or industrial zones: • Solar panels – regional scale {NU308.122} • Wind generators – regional scale {NU308.122} • Hydro generators – regional scale {NU308.122} • Biomass generators – stand-alone {NU 308.468}	<i>Relevant objectives and policies (priority considerations):</i> {NU cl.16} a. Objective 5.2.1 {NU cl.16} b. Large scale network utilities are designed and located to avoid any significant adverse effects, and minimise adverse effects, as far as practicable, including: {NU cl.16} i. effects on visual amenity and the character of the zone in which the activity is located; and {NU cl.16} ii. effects on the amenity of any surrounding residential activities (Policy 5.2.1.11). {NU cl.16}

5.9.2 Assessment of discretionary network utilities utility {NU cl.16} activities

Activity	Guidance on the assessment of resource consents
3. {NU 308.122} In all zones except the rural or industrial zones: {NU 308.122} • Solar panels – community scale • Wind generators – community scale • Hydro generators – community scale	<i>Relevant objectives and policies (priority considerations):</i> - Objective 5.2.1 - Large scale network utilities are designed and located to avoid any significant adverse effects, and minimise adverse effects, as far as practicable, including - effects on visual amenity and the character of the zone in which the activity is located; and - effects on the amenity of any surrounding residential activities (Policy 5.2.1.11). - Landscaping or screening are used to screen the device from surrounding properties. - The height of network utilities are compatible with the height of surrounding properties.
4. In the SNL or ONL overlay zones: • Network utilities <u>utility</u> {NU cl.16} structures - large scale <u>other than amateur radio configurations</u> {NU cl.16} • Solar panels - community <u>large</u> {NU 308.122} scale • Hydro generators - community <u>large</u> {NU 308.122} scale • Wind generators - large scale {NU 308.122 and others} • Substations {NU 915.17}	<i>Relevant guidance from other sections (priority considerations):</i> See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and effects on <u>related to</u> {NatEnv cl.16} landscape values.
5. In an <u>scheduled ASCV ASBV</u> {NatEnv 958.60}: • Network utilities <u>utility</u> {NU cl.16} structures - large scale <u>other than amateur radio configurations</u> {NU cl.16} • Solar panels - community <u>large</u> {NU 308.122} scale • Hydro generators - community <u>large</u> {NU 308.122} scale • Wind generators - large scale {NU 308.122 and others} • Substations {NU 915.17}	<i>Relevant guidance from other sections (priority considerations):</i> See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity <u>values</u>. {Nat Env 958.60}

5.9.2 Assessment of discretionary network utilities utility {NU cl.16} activities

Activity	Guidance on the assessment of resource consents
6. In the NCC Overlay Zone: • Network utilities <u>utility</u> {NU cl.16} structures - large scale <u>other than amateur radio configurations</u> {NU cl.16} • Solar panels - community <u>large</u> {NU 308.122} scale • Hydro generators - community <u>large</u> {NU 308.122} scale • Wind generators - large scale {NU 308.122 and others} • Substations {NU 915.17}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and effects related to the natural character of the coast.
7. On a scheduled heritage site: • Network utilities <u>utility</u> {NU cl.16} structures - large scale <u>other than amateur radio configurations</u> {NU cl.16} • Solar panels - community <u>large</u> {NU 308.122} scale • Hydro generators - community <u>large</u> {NU 308.122} scale • Wind generators - large scale {NU 308.122 and others} • Substations {NU 915.17}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Rule 13.7 for guidance on the assessment of resource consents in relation to Objective 13.2.2 and effects on heritage values.
8. In a heritage precinct: • Network utilities <u>utility</u> {NU cl.16} structures - large scale <u>other than amateur radio configurations</u> {NU cl.16} • Solar panels - community <u>large</u> {NU 308.122} scale • Hydro generators - community <u>large</u> {NU 308.122} scale • Wind generators - large scale {NU 308.122 and others} • Substations {NU 915.17}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Rule 13.7 for guidance on the assessment of resource consents in relation to Objective 13.2.3 and effects on heritage values.

5.9.2 Assessment of discretionary network utilities ~~utility~~ {**NU cl.16**} activities

Activity		Guidance on the assessment of resource consents
9.	All discretionary activities identified as a threat in a wāhi tūpuna mapped area in Appendix A4	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.
~~10. {NU 360.200}~~	~~In a hazard overlay zone:~~ ~~• Network utilities structures – large scale~~ ~~• Solar panels – community scale~~ ~~• Hydro generators – community scale~~	~~See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards.~~

¹ **NU cl. 16:** Rule 5.9.2.1 has been reformatted to include the contents of notified Rule 5.9.2.2 (these moved clauses are 5.9.2.1.f, 5.9.2.1.g, and 5.9.2.1.m through to 5.9.2.1.q), and to rearrange the text so that “*General assessment guidance*” appears above “*Potential circumstances that may support a consent application*”. This does not change the effect of provisions.

² **NU cl. 16:** The contents of notified Rule 5.9.2.2 has been included in Rule 5.9.2.1. This does not change the effect of provisions.

³ **MW cl.16:** As a clause 16 amendment, 5.9.2.1.h has been rewritten to redirect to Section 14.5. This is not a substantive change.

5.9.3 Assessment of discretionary performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Noise - where the limit is exceeded by ~~up to~~ <u>less than</u> { PHS cl.16 } 5dB LAeq (15min)	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
2.	Light spill - where the limit is exceeded by 25% or less	

5.9.4 Assessment of discretionary activities within the radio transmitters mapped area {**NU 918.25**}

Activity { NU 918.25 }		Guidance on the assessment of resource consents { NU 918.25 }
1. { NU 918.25 }	<u>All discretionary activities</u>	<i>Relevant objectives and policies (priority considerations):</i> i. <u>Objective 5.2.2</u> ii. <u>The potential for reverse sensitivity is avoided or minimised as far as practicable (Policy 5.2.2.5)</u>

Rule 5.10 Assessment of Non-complying Activities

Rule 5.10.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 5.10.2 - 5.10.45 **{NU 918.25}** 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.

5.10.2 Assessment of all non-complying network utilities-utility **{NU cl.16}** activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities <u>listed below</u> {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives <u>2.2.2</u>, <u>2.7.1</u>, <u>2.3.1</u> {NU 918.22}, <u>5.2.1</u> b. Policies <u>2.2.2.3</u> {NU 764.1}, <u>2.3.1.7</u> {NU 918.22}, <u>5.2.1.1</u> {NU 308.122}, <u>5.2.1.A</u> {NU 457.192} c. In assessing the significance of effects, consideration will be given to: i. short and long term effects, including effects in combination with other activities; ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent; iii. any effects otherwise managed through performance standards and consistent with all relevant objectives and policies for the zone; iv. ~~Manawhenua values and the relationship between Manawhenua and the natural environment is maintained, including the cultural values and traditions associated with;~~ {MW cl.16'} 1. ~~wāhi tūpuna;~~ and {MW cl.16} 2. mahika kai (Objective 14.2.1): {MW cl.16} v. ~~If located outside a wāhi tūpuna mapped area, Kai tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi tūpuna is located, or the linkages between wāhi tūpuna~~ {MW 1071.109} <i>General assessment guidance:</i> d. ~~In assessing the effects of the activity, the~~ {NU cl.16} Council will consider: i. the potential benefits of ~~the~~ {NU cl.16} proposed network utilities activities <u>activity</u> {NU cl.16}, particularly: 1. contributions to national energy objectives or renewable energy generation targets; 2. <u>the benefits in terms of the efficient use of energy of locating renewable energy generation close to end use and to electricity transmission or distribution infrastructure:</u> {NU 764.1}

5.10.2 Assessment of all non-complying network ~~utilities~~ **utility** {**NU cl.16**} activities

Activity	Guidance on the assessment of resource consents
	3. <u>the benefits of having a distributed network for greater energy resilience; and {NU 764.1}</u> ii. <u>the constraints imposed on size, design and location by the technical and operational requirements of the network utility; and {NU 576.58 and others}</u> iii. whether relevant industry standards are being complied with. e. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. <i>Potential circumstances that may support a consent application include:</i> f. <u>The proposed activity is essential to establish or maintain a network utility service. {NU 576.58}</u> <i>Relevant guidance from other sections (priority considerations):</i> g. <u>See section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua. {MW cl.16'}</u> h. <u>For activities that may have effects on biodiversity values, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1. {NatEnv 900.35}</u> i. <u>For activities adjacent to water bodies and the coast see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.2. {NatEnv 900.38}</u>

¹ **MW cl.16:** As a clause 16 amendment, 5.10.2.1.c.iv has been rewritten to redirect to Section 14.6. This is not a substantive change.

5.10.3 Assessment of non-complying network utilities utility {NU cl.16} activities

Activity		Guidance on the assessment of resource consents
1. {NU 308.462}	In all zones except the rural or industrial zones: {NU 308.462} • Biomass generators – stand-alone {NU 308.468} • Hydro generators – regional scale {NU 308.462} • Solar panels – regional scale {NU 308.462} • Wind generators – regional scale {NU 308.462}	<i>Relevant objectives and policies (priority considerations):</i> {NU 308.462} - Objectives 5.2.1 {NU 308.462} - There will be no material adverse effects on the amenity of surrounding area (Policy 5.2.1.10): {NU 308.462}
2.	In the HNCC or ONCC overlay zones: • Biomass generators – all scales {NU 308.137 and NU 308.468} • Energy resource investigation devices {NU 308.122} • Hydro generators - all scales <u>large scale</u> {NU 308.462} • Solar panels - all scales <u>large scale</u> {NU 308.462} • Wind generators - all scales <u>large scale</u> {NU 308.462} • Network utilities <u>utility</u> {NU cl.16} structures - large scale <u>other than amateur radio configurations</u> {NU cl.16} • <u>Substations</u> {NU 915.17}	<i>Relevant guidance from other sections (priority considerations):</i> See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and effects related to the natural character of the coast.

5.10.3 Assessment of non-complying network utilities utility {NU cl.16} activities

Activity	Guidance on the assessment of resource consents
4. In the ONF, SNL or ONL {NU 308.122} overlay zones: • Biomass generators – all scales {NU 308.137 and NU 308.468} • Energy resource investigation devices {NU 308.122} • Hydro generators - all scales <u>large scale</u> {NU 308.462} • Solar panels - all scales <u>large scale</u> {NU 308.462} • Wind generators - all scales <u>large scale</u> {NU 308.462} • Network utilities <u>utility</u> {NU cl.16} structures - large scale <u>other than amateur radio configurations</u> {NU cl.16} • Substations {NU 915.17}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and effects on <u>related to</u> {NatEnv cl.16} landscape values.
~~In a scheduled ASCV {NU 308.462}~~ • Biomass generators – stand-alone {NU 308.468} • Hydro generators – regional scale {NU 308.462} • Solar panels – regional scale {NU 308.462} • Wind generators – community scale {NU 308.462} • Wind generators – regional scale {NU 308.462}	See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity. {NU 308.462}
5. All non-complying activities identified as a threat in a wāhi tūpuna mapped area in Appendix A4	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.

5.10.3 Assessment of non-complying network utilities utility {NU cl.16} activities

Activity	Guidance on the assessment of resource consents
6- {NU 308.462} ~~On a scheduled heritage site or in a heritage precinct: {NU 308.462}~~ • Biomass generators – stand-alone {NU 308.468} • Hydro-generators – regional scale {NU 308.462} • Solar panels – regional scale {NU 308.462} • Wind generators – community scale {NU 308.462} • Wind generators – regional scale {NU 308.462}	See Rule 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.3 and effects on heritage values: {NU 308.462}

5.10.4 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • ~~Maximum height – {NU cl.16}~~ Clearance from navigable water body (Rule 5.5.8.6 <u>5.5.C</u> {NU cl.16}) • Technical standards - Maximum gauge pressure (Rule 5.5.10.2 <u>5.5.13.2</u> {NU cl.16})	<i>Relevant objectives and policies (priority considerations):</i> - Objective 5.2.1 - Policy 5.2.1.7 <i>Potential circumstances which may support a consent application include:</i> ~~Non-compliance with~~ <u>Contravention of</u> {NU cl.16} the performance standard does not result in a safety risk.
2. Light spill - where the limit is exceeded by greater than 25%	<i>Relevant guidance from other sections (priority considerations):</i> See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health <u>and safety</u> {PHS cl.16}.
3. ~~Location – co-location on an ONF (Rule 5.5.6.5)~~ <u>Network utility structures - small scale - location within an ONF (Rule 5.5.6.5)</u> {NU 360.201}	<i>Relevant guidance from other sections (priority considerations):</i> See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and effects <u>on related to</u> {NatEnv cl.16} landscape values.
4. Noise - where the limit is exceeded by 5bD LAeq (15 min) or more ~~Noise from wind turbines used for on-site energy generation~~ {NU cl.16³}	<i>Relevant guidance from other sections (priority considerations):</i> See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

5.10.4 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
5. • Setback from <u>National Grid</u> national-grid {NU cl.16} (sensitive activities, buildings, and structures, city-wide activities and National Grid sensitive activities (Rule 5.6.1.1) {NU cl.16}) • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) - <u>Setback from National Grid</u> {NU cl.16} • <u>Subdivision performance standards - Shape</u> (rules 15.7.6.2.c, 16.7.5.2.d, 17.7.6.2.d, 18.7.5.2.c, 19.7.5.2.c and 20.7.5.2) {NU 806.11}	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 5.2.1 5.2.2 {NU 918.29} b. Sensitive activities Activities {NU cl.16} and hazardous substances {NU cl.16} are set back an adequate distance from the ~~n~~National gGrid to ensure: - adverse effects on the health and safety of people are avoided or are insignificant {NU cl.16} (Policy 5.2.1.3 5.2.2.2.a {NU 918.29}); - adverse effects on the operation, maintenance, upgrading and development of the National Grid are avoided, or, where avoidance is not practicable, insignificant. (Policy 5.2.2.2.b); and {NU 806.11 and others} - the potential for reverse sensitivity is avoided or minimised as far as practicable (Policy 5.2.2.2.c). {NU 806.11} c. Any necessary building platforms are located a sufficient distance from the National Grid to ensure that: {NU 806.11} - adverse effects on the health and safety of people are avoided; {NU 806.11} - adverse effects on the operation, maintenance, upgrading and development of the National Grid are avoided or, if avoidance is not practicable, insignificant; and {NU 806.11} - the potential for reverse sensitivity is avoided or minimised as far as practicable (Policy 5.2.2.3). {NU 806.11} <i>Potential circumstances that may support a consent application include:</i> d. Written approval is obtained from the owner and/or operator of the ~~n~~National gGrid line. e. The ability to operate, maintain, upgrade and develop the national transmission network, including access to the national grid infrastructure, is not impeded: {NU 918.29} f. The proposal complies with New Zealand Electrical Code of Practices for Electrical Safe Distances (NZECP34:2001). g. The design and layout of the subdivision enables appropriate separation distances between national-grid infrastructure and land use and development. {NU 806.11}

5.10.4 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
	5.10.4

¹ **NU cl.16:** The title of this performance standard has been amended to more accurately reflect its contents. This does not change the effect of provisions.

² **NU cl.16:** This amendment is required so that the assessment rule accurately paraphrases the policy. This does not change the effect of provisions.

³ **NU cl.16:** This text has been deleted from this rule because it was included in error, and does not align with the noise rules in Section 9 of the Plan. This does not change the effect of provisions.

5.10.5 Assessment of non-complying activities within the radio transmitters mapped area {NU 918.25}

Activity {NU 918.25}		Guidance on the assessment of resource consents {NU 918.25}
1. {NU 918.25}	All non-complying activities	<u>Relevant objectives and policies (priority considerations):</u> i. <u>Objective 5.2.2</u> ii. <u>The potential for reverse sensitivity is avoided or minimised as far as practicable (Policy 5.2.2.5)</u>

6. Transportation

6.1 Introduction

The transport network provides for the movement of people and goods, and is essential to the accessibility and functioning of the city. The establishment and use of an integrated transport network connects the city with other centres and countries, and within the city provides for the safe and efficient movement of all travel methods modes {Trans 881.19}. The network includes: the Dunedin International Airport, the Port at Port Chalmers and the Port at Dunedin; railways; {Trans cl.16} any state highways and local roads; cycleways, footpaths or and shared paths; on and off roads {Trans cl.16} and public transport routes and stops.

Responsible land use planning (such as enabling dense residential development in close proximity to local services and/or the city centre) {Trans cl.16} encourages development patterns that support a variety of travel methods modes {Trans 881.19}, including walking, cycling, and public transport, for example by enabling dense residential development in close proximity to local services and/or the city centre. {Trans cl.16}

The establishment, maintenance and use of transportation infrastructure such as roads, railways, and carparking areas {Trans cl.16} can cause adverse effects on the surrounding environment including by {Trans cl.16} reducing amenity where the use of land for vehicle parking has become dominant and or by conflicting with the retention of heritage values and or the promotion of good quality urban design. Such adverse effects need to be balanced with the practical transportation needs of the city.

In response to these issues, the Second Generation this Plan 2GP {PO cl.16} contains establishes a range of objectives, policies, and rules to manage issues relating to all travel modes, across all zones, with the intention of providing with the aim of achieving {Trans cl.16} an integrated transport network that supports sustainable development and growth.

The Dunedin International Airport and the Port at Port Chalmers are managed as major facility zones: Sections 24

and 30 of this Plan contain provisions for these zones. The Port at Dunedin is managed as the Industrial Port Zone, under provisions in Section 19.

This section of the Plan manages other key elements of the transport network, including the operation and development of roads, and the establishment of passenger transportation hubs and heliports. Railways are principally managed via designations.

This section also manages the effects of activities on the functioning of the transport network. Provisions are intended to encourage the accessibility of land use activities by a range of travel modes (including car, walking, cycling and public transport), and to ensure that activities are located and designed in a way that facilitates the safe and efficient operation of the transport network. These provisions are linked to performance standards located in management and major facility zone sections, including minimum car parking and minimum vehicle loading requirements, and design standards for parking and loading areas and vehicle access. **{Trans cl.16}**

A road classification system is used to group roads into categories, thereby enabling some of the rules in the 2GP to apply only to those roads in a particular category provisions to be tailored to different categories of road, where appropriate **{Trans cl.16}**. The classification reflects not only the transportation function of a road but also its role in creating a 'sense of place' and its contribution to the surrounding environment; taking into account the surrounding land use and the role the road plays in contributing to the amenity values, identity, and quality of the public space of the adjoining area.

The proposed transportation provisions apply across the whole plan and are triggered by activities undertaken in management zones and major facilities, with parking and loading requirements sitting in the relevant zones as performance standards. There are also specific transportation activities relating to the maintenance and development of transportation infrastructure. **{Trans cl.16}**

It is also noted that access to a range of travel methods such as public transport services, cycleways, and pedestrian walkways is a key factor in reducing private vehicle use and associated demand for car parking. These matters sit outside the provisions of the District Plan but are integral to reducing demand in terms of parking and encouraging use of alternative methods of transport. **{Trans cl.16}**

The Plan contains additional provisions where activities are high trip generators. High trip generators are defined as new or additions to parking areas that result in 50 or more new parking spaces; and any activities that generate 250 or more vehicle movements per day. The additional provisions include:

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

These additional provisions apply to development activities that create 50+ car parks and any other RD/D/NC land use activities that are assessed as being likely to generate 250 or more vehicle movements per day. **{Trans cl.16}**

6.2 Objectives and Policies

Objective 6.2.1	
Transportation {PO cl.16} infrastructure is designed and located to ensure the safety and efficiency of the transport network for all travel methods <u>modes</u> {Trans 881.19} while: - minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and - meeting the relevant objectives and policies for any overlay zone, scheduled site, or mapped area in which it is located.	
Policy 6.2.1.1	Enable the operation, repair and maintenance of the roading network.
Policy 6.2.1.2	Require road signs to be designed and located to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigate adverse effects on the safety and efficiency of the transport network for all travel methods <u>modes</u> {Trans 881.19} .
Policy 6.2.1.3	Only allow new roads or additions or alterations to existing roads where: - the road is designed to provide for the needs of all users <u>and to integrate with surrounding land uses</u> {Trans 881.58} as appropriate for the surrounding environment and road classification hierarchy mapped area; and - the location and design of the road: - minimises, <u>as far as practicable</u>, {PO 906.34 and 308.497} adverse effects on surrounding residential or other sensitive activities, including severance effects, changes to drainage patterns, and vibration, noise, glare and fumes from vehicle movements; <u>and</u> - maintains or enhances the safety and efficiency of the overall transport network; and ~~minimises adverse effects on water bodies or the coast, areas of indigenous vegetation or other areas important for biodiversity, or identified landscape or natural character of the coast values: {NatEnv 900.142 and others}~~
Policy 6.2.1.4	Only allow passenger transportation hubs where they are located and designed to: - allow for convenient connections with other travel methods <u>modes</u> {Trans 881.19}; - ensure the safety of users; - maintain or enhance the safety and efficiency of the overall transport network; and - maintain or enhance the amenity of the surrounding environment.
Policy 6.2.1.5	Only allow heliports where they are located and designed to: - ensure the safety of users; - maintain the amenity of the surrounding environment; and - maintain or enhance the safety and efficiency of the overall transport network.

Objective 6.2.2

Land use activities are accessible by a range of travel methods modes **{Trans 881.19}**.

Policy 6.2.2.1	Require land use activities whose parking demand either cannot be met by the public parking supply, or would significantly affect the availability of that supply for surrounding activities, to provide ~~car~~ {Trans 917.1} parking either on or near the site at an amount that is adequate to: ~~a. avoid excessive pressure on publicly available parking in the vicinity of the site (including on-street parking and off-street facilities);~~ {Trans 308.147} ~~b. a.~~ avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate adverse effects on the availability of publicly available {Trans 308.147} parking in the vicinity of the site (including on-street parking and off-street facilities); and ~~c. b.~~ ensure accessibility for residents, visitors, customers, staff and students (as relevant) who have limited mobility, including disabled people, the elderly and people travelling with young children.
Policy 6.2.2.2	Enable the sharing of parking areas by different land use activities, where adequate accessibility for all users is maintained.
Policy 6.2.2.3	Only allow visitor accommodation and supported living facilities to locate on sites where customers and residents will have convenient walking access to centres, or frequent public transport services; access to other appropriate transport services; and/or an appropriate range of on-site services or facilities.
Policy 6.2.2.4 {Trans 753.2}	<u>Only allow activities that are likely to generate a significant number of trips by walking, cycling or public transport where:</u> {Trans 753.2} a. <u>for activities likely to generate trips by cycling, there will be safe access for cyclists into and through the site and sufficient secure cycle parking:</u> {Trans 753.2 and 764.5} b. <u>for activities likely to generate trips by walking, there will be safe access for pedestrians into and through the site; and</u> {Trans 159.6} c. <u>for activities likely to generate trips by public transportation, the activity will be located a reasonable walking distance from a frequent public transportation route with safe access for pedestrians from a bus stop to the site.</u> {Trans 1080.4}

Objective 6.2.3

Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel methods modes **{Trans 881.19}** and its affordability to the public. **{Trans 881.63}**

Policy 6.2.3.1	Require ancillary signs to be located and designed to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigate adverse effects on the safety and efficiency of the transport network.
Policy 6.2.3.2	Require <u>tree-planting shelterbelts and small woodlots</u> {RU cl.16} and forestry to be set back a sufficient distance from: - roads to avoid <u>or minimise, as far as practicable,</u> {PO 308.497} road safety hazards caused by shading leading to ice formation ; and <u>railway lines to avoid or minimise, as far as practicable, the risk of trees falling across railway lines.</u> {Trans 322.106 and others}
Policy 6.2.3.3	Require land use activities to provide adequate vehicle loading and manoeuvring space to support their operations and to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigate adverse effects on the safety and efficiency of the transport network.
Policy 6.2.3.4	Require land use activities to provide the amount of <u>car</u> {Trans 917.2} parking space {Trans cl.16} necessary to ensure that any overspill parking effects that could adversely affect the safety and efficiency of the transport network are avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigated.
Policy 6.2.3.5	Only allow domestic animal boarding and breeding, rural ancillary retail and rural tourism to be accessed directly from a state highway with a speed limit of 80kmh or over where any adverse effects on the safety and efficiency of the state highway <u>can</u> {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigated.
Policy 6.2.3.6	Only allow early childhood education and dairies where adequate short-term parking and dropping off and picking up facilities are available, either on-site or on-street, to: - allow for people to safely enter or exit vehicles; and - maintain the safety and efficiency of the frontage road.
Policy 6.2.3.7	Only allow emergency services where the operational needs of the activity can be met in a way that <u>will</u> {PO cl.16} maintains {PO cl.16} the safety and efficiency of the transport network.
Policy 6.2.3.8	Only allow high trip <u>generators</u> generating activities {Trans cl.16} where they are designed and located to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigate adverse effects on the safety and efficiency of the transport network.
Policy 6.2.3.9	Only allow land use <u>and</u> {Trans cl.16} development <u>activities</u> {Trans cl.16} or subdivision activities that may lead to land use or development <u>activities</u> {Trans cl.16} , where: - there are no significant <u>adverse</u> {Trans 881.72 and 1088.24} effects on the safety and efficiency of the transport network <u>will be avoided or, if avoidance is not practicable, adequately mitigated</u> {Trans 881.72 and 1088.24}; and <u>any associated changes to the transportation network will be affordable to the public in the long term.</u> {Trans 881.63}.

Objective 6.2.3

Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel methods modes **{Trans 881.19}** and its affordability to the public. **{Trans 881.63}**

Policy 6.2.3.10	Require garages and carports to be set back an adequate distance from the road boundary to allow pedestrians and cyclists to see vehicles exiting before they cross the footpath, and to minimise, as far as practicable, {PO 906.34 and 308.497} the risk to pedestrians and cyclists from garage doors opening over the footpath.
Policy 6.2.3.11	Require ~~buildings and structures~~ <u>public amenities and signs</u> {Trans cl.16³} located on or above the footpath to provide for the safe movement of vehicles, pedestrians and cyclists.
Policy 6.2.3.12	Only allow subdivision activities that involve new roads where roads are designed to: - provide for the safe and efficient movement of vehicles, pedestrians and cyclists within the subdivision; - provide adequate connections to surrounding areas <u>and the wider transport network</u> {Trans 881.73}, particularly for buses, pedestrians, and cyclists; and - use materials that provide good urban design outcomes and provide good value with respect to on-going costs to ratepayers for maintenance if the roads are to be vested in Council.
Policy 6.2.3.13 {Trans cl.16³}	~~Require subdivisions to be designed to ensure that any required vehicle access can be provided in a way that will maintain the safety and efficiency of the adjoining road and wider transport network.~~ {Trans cl.16³}
Policy 6.2.3.X {Trans cl.16¹}	~~Require service stations to be designed to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the safety and efficiency of the transport network~~ {Trans cl.16¹} <u>and its affordability to the public.</u> {Trans 881.63}

¹ **Trans cl.16:** In the notified plan, assessment Rule 6.9.6.2.ii erroneously referred to Policy 6.2.3.9. Policy 6.2.3.9 is not related to service stations and has different wording. This publication error, whereby a policy was missed from the list of objectives and policies, has been addressed by including a new policy based on the wording that was included in the assessment rules. This correction has been made in accordance with the provisions of clause 16 of the RMA.

² **Trans cl.16:** Alignment with Rule 6.7.2.

³ **Trans cl.16:** This policy has been removed due to duplication of content in policy 6.2.3.9.

Objective 6.2.4

Parking areas, loading areas and vehicle accesses are designed and located to:

- a. provide for the safe and efficient operation of both the parking or loading area and the transport network; and
- b. facilitate the safe and efficient functioning of the transport network and connectivity for all travel methods modes **{Trans 881.19}**.

Policy 6.2.4.1	Require parking and loading areas, including associated manoeuvring and queuing areas, to be designed to ensure: a. the safety of pedestrians travelling on footpaths and travelling through parking areas; b. that vehicle parking and loading ~~can~~ <u>will</u> {PO cl.16} be carried out safely and efficiently; c. that any adverse effects on the safe and efficient functioning of the transport network are avoided, or if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, ~~would~~ <u>will</u> {PO cl.16} be no more than minor; d. the safe and convenient access to and from parking and loading areas for vehicles, <u>emergency vehicles</u>, {Trans 945.16} pedestrians and cyclists; and e. that mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths.
Policy 6.2.4.2	Require ~~all~~ {Trans cl.16} driveways to be designed to ensure <u>that</u> {Trans cl.16} : a. the surfacing and gradient of the driveway allows it to be used safely and efficiently; b. ~~that~~ {Trans cl.16} mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths. c. the width of the driveway is sufficient to allow the type and number of vehicles (<u>including emergency vehicles</u>), {Trans 945.16} likely to be using it to do so safely and efficiently; and d. sufficient distance is provided between shared driveways and dwellings.
Policy 6.2.4.3	Avoid new loading areas that require access over a Primary Pedestrian Street Frontage mapped area , unless any adverse effects on pedestrian safety and ease of movement would be insignificant.
Policy 6.2.4.4	Require vehicle accesses to be limited in number and width, in order to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigate adverse effects on: a. pedestrian <u>and cyclist</u> {Trans 917.5} safety and ease of movement; and b. the safety and efficiency of the <u>multi-modal</u> {Trans 917.5} transport network.
Policy 6.2.4.5	Require new vehicle accesses to be located a sufficient distance from intersections <u>and level crossings</u> {Trans 322.27} to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigate adverse effects on safety and efficiency due to: a. vehicles queuing to enter the crossing hindering the efficient functioning of the intersection <u>or level crossing</u> {Trans 322.27}; and b. confusion over whether indicating vehicles are seeking to turn at the crossing or the intersection <u>creating safety problems</u> {Trans cl.16}.
Policy 6.2.4.6	Require sufficient visibility to be available: a. at vehicle crossings, to minimise, <u>as far as practicable</u>, {PO 906.34 and 308.497} the likelihood of unsafe vehicle manoeuvres; <u>and</u> {Trans 322.30} b. <u>where a road or vehicle access crosses an operational rail network via a level crossing, to maintain the safety of the road and rail users.</u> {Trans 322.30}

Objective 6.2.4

Parking areas, loading areas and vehicle accesses are designed and located to:

- a. provide for the safe and efficient operation of both the parking or loading area and the transport network; and
- b. facilitate the safe and efficient functioning of the transport network and connectivity for all travel ~~methods~~ modes **{Trans 881.19}**.

Policy 6.2.4.7	Require vehicle accesses onto state highways in the rural ~~zones~~, and rural residential zones ~~and all strategic roads as identified in the~~ road classification hierarchy mapped area {Trans cl.16} to be designed to: a. safely accommodate the type and number of vehicles likely to be using the access; and b. avoid or, if avoidance is not ~~possible~~ <u>practicable</u> {PO 908.3 and others}, adequately mitigate adverse effects on the safety and efficiency of the frontage road.

¹ **Trans cl.16:** The wording of Policy 6.2.4.7 has been amended to remove reference to design requirements for vehicle accesses onto “all strategic roads as identified in the road classification hierarchy mapped area”, because the performance standard that implements this policy (Rule 6.6.3.5) does not apply to all strategic roads. This correction to the policy wording does not result in a substantive change to provisions.

Rules

Rule 6.3 Activity Status

6.3.1 Activity status introduction

1. The activity status table in Rule 6.3.2 shows the activity status of transportation activities across all zones, provided any performance standards shown in the far right column are met. The activities in the transportation activities **{PO cl.16}** category are listed in the Nested Table in Section 1.36: **{PO cl.16}**
2. Performance standards apply to permitted, controlled, and restricted discretionary activities.
3. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity ~~will become restricted discretionary, unless otherwise indicated by the relevant performance standard is indicated in the relevant performance standard rule.~~ **{PO cl.16}**.
4. If a restricted discretionary activity does not meet one or more performance standards, then the activity status remains restricted discretionary, unless otherwise indicated in the performance standard.
5. Any site development activities associated with an activity provided for in the activity status table in Rule 6.3.2 are subject to the provisions of the relevant management zone section. **{PO cl.16}**
6. Any earthworks associated with an activity provided for in the activity status table in Rule 6.3.2 are subject to the provisions in Section 8A. **{PO cl.16}**
7. Any construction associated with an activity provided for in the activity status table in Rule 6.3.2 is subject to the provisions in Section 4. **{PO cl.16}**

Legend

Zone-key Acronym {PO cl.16}	Zone/overlay zone-name Meaning {PO cl.16}
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity

6.3.2 Activity status of transportation activities

Activity		Activity status	Performance standards
1.	Operation, repair and maintenance of the roading network	P	a. Design and location - road signs b. ~~Vehicle access design and location~~ {Trans cl.16'}
2.	New roads or additions or alterations to existing roads	D	
3.	New roads or additions or alterations to existing roads where part of an approved subdivision consent	RD	a. Design and location - road signs b. ~~Vehicle access design and location~~ {Trans cl.16'} c. Setback from scheduled tree
4.	Passenger transportation hubs	D	
5.	Heliports	D	

¹ **Trans cl.16:** The “Vehicle access design and location” performance standard has been removed from the “Operation, repair and maintenance of the roading network” and “New roads or additions or alterations to existing roads where part of an approved subdivision consent” activities, on the basis that it is not relevant to these activities, because it applies to vehicle accesses rather than roads. This correction does not change the effect of provisions.

Note 6.3.2A - Other requirements outside of the District Plan

1. ~~The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. {Her 547.80}~~ If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand ~~before you begin~~ **{Her 547.80}**. This is the case regardless of whether the land on which the **{Her 547.80}** site is located is **{Her 547.80}** designated, or the activity is permitted under the District Plan or Regional Plan or a resource or building consent has been granted.
2. The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol (Appendix A8) manages archaeological sites ~~which that~~ **{Her cl.16}** 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 maps. Archaeological sites may also be found outside these areas, but are more likely to be found within the archaeological alert layer. {Her 1071.47}~~

Note 6.3B - Other relevant District Plan provisions **{PO cl.16'}**

1. ~~Earthworks are managed through the management and major facilities zone sections~~ **{PO cl.16}**

¹ **PO cl.16:** moved from Note 6.3B to Rule 5.3.1.6 and minor amendments to wording to clarify new location of earthworks provisions.

Rule 6.4 Notification

1. Applications for resource consent for high trip generating activities will be publicly notified in accordance with s95A(2) of the RMA, including the following activities: ***{Trans 634.42 and others}***
 1. service stations, including additions or alterations that create additional fuel pumps; ***{Trans 634.42 and others}***
 2. restaurant – drive through, including additions or alterations that create additional drive through windows; ***{Trans 634.42 and others}***
 3. early childhood education – large scale; ***{Trans 634.42 and others}***
 4. schools; and ***{Trans 634.42 and others}***
 5. quarrying (defined as part of mining); ***{Trans 634.42 and others}***
2. The NZ Transport Agency will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided with respect to the following applications for resource consent:
 1. high trip generators generating activities ***{Trans cl.16}*** on state highways;
 2. any new vehicle accesses onto state highways; and
 3. a subdivision that proposes to have access onto a state highway.
3. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with s95B of the RMA where their written approval is not provided:
 1. all restricted discretionary activities that list 'effect on cultural values of Manawhenua' as a matter for discretion; and
 2. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat to the **wāhi tūpuna mapped area** in Appendix A4.
4. ~~In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons: ***{PO cl.16}***~~
5. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

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

Rule 6.5 Transportation Activities Performance Standards

6.5.1 Design and Location - Road Signs

1. Any road sign overhanging the footpath must, at its lowest point, be at least 2.6m above the footpath directly beneath the sign.
2. Road signs must not obstruct the carriageway.
3. The maximum area of road signs providing directional information is 0.25m². For road signs providing regulatory or warning information, there is no maximum area.
4. Road signs providing directional information must not be of a design or form that resembles signs providing regulatory or warning information.
5. Road signs providing directional information must not limit the visibility of road signs providing regulatory or warning information.
6. Road signs must not replicate the colours or shapes used for traffic control devices.
7. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

6.5.2 Setback from Scheduled Tree

New roads or additions or alterations to existing roads where part of an approved subdivision **{Trans cl.16¹}** must comply with Rule 7.5.2.

¹ **Trans cl.16:** Alignment with Rule 6.3.2.3.

Rule 6.6 Parking, Loading and Access Standards {was 'Parking, Loading and Access Performance Standards' - Trans cl.16}

6.6.1 Car Parking Design

6.6.1.1 Minimum parking space dimensions

- a. Parking spaces provided for residential activities must have the following minimum dimensions, to allow for 85th percentile design motor vehicles (See **figures 6.14H 6B.1, 6B.2 and 6B.8 {Trans cl.16}**):

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

- b. Parking spaces provided for all other activities must have the following minimum dimensions, to allow for 99th percentile design motor vehicles (See **figures 6.14F 6B.1, 6B.3 and 6B.6 {Trans cl.16}**):

1. Parking angle	2. Stall width	3. Aisle width	4. Stall depth
i. 90°	2.5m	6.2m	5m
ii. 60°	2.5m	5.1m	5m
iii. 45°	2.5m	4.2m	5m
iv. 30°	2.5m	3.45m	5m
v. 0° (parallel) - on one side	2.3m	3.3m (one-way aisle width) 6.3m (two-way aisle width)	6m
vi. 0° (parallel) - on both sides	2.3m	6.6m	6m

- c. Except:

- i. For angle parking at 30°, 45° and 60° on one side, with parallel parking on the other, the minimum aisle width is 6.3m.
- ii. Where parking spaces are bounded by permanent obstructions higher than 150mm (such as walls, fences or columns):
 1. The minimum stall widths must be increased by 300mm where there is a permanent obstruction on one side of the parking space and by 600mm where there is a permanent obstruction on both sides of the parking space, in the case of angled parking spaces.
 2. The minimum stall depth must be increased by 300mm if one end of the parking space is obstructed or by 600mm if both ends are obstructed and the parallel parking spaces must be located at least 300mm clear of permanent obstructions, in the case of parallel parking spaces.
- iii. For aisles bounded on one side by a permanent obstruction, the minimum aisle width must be increased by at least 300mm.
- iv. At blind aisles (i.e. parking aisles that are closed at one end), the aisle must be extended at least 1m

beyond the last parking space and the last parking space must be widened by at least 300mm if it is bounded by a wall or fence.

- d. Blind aisles must be designed so that it is possible for cars to turn around at the closed end of the aisle and drive out forwards.
- e. Parking aisles used in off-street parking must be designed as follows.
 - i. Parking aisles for 90° parking must be designed for two-way movement even though one-way movement may need to be imposed in some instances.
 - ii. Parking aisles for 30°, 45° and 60° parking must be one-way, except where parallel parking is allowed on one side.
 - iii. Mobility parking spaces must be provided at a parking angle of 90° and must provide a stall width of 3.6m.
- f. ~~Any activity that provides 50 or more parking spaces is considered to be high trip generating activities and are subject to Rule 6.10. {Trans cl.16}~~
- g. ~~Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}~~

¹ **Trans cl.16:** Rule 6.6.1.1.f has been deleted on the basis that it is not necessary to provide this information here, and may confuse Plan users. Requirements for high trip generators are set out in other provisions. This change does not alter the effect of the rule.

Note 6.6.1.1A - Copyright information

1. ~~Rule 6.6.1.1.a and 6.6.1.1.b:~~ Dimensions for all parking spaces in Rules 6.6.1.1.a and 6.6.1.1.b have been calculated in accordance with derived from {Trans cl.16} Clause 2.4 of AS/NZS 2890.1:2004 with the permission of Standards New Zealand under Copyright Licence 000753.
2. ~~Rule 6.6.1.1.c:~~ These clarifications and additions set out in Rules 6.6.1.1.c-e to the minimum parking space dimensions set out in rules 6.6.1.2.a and 6.6.1.2.b 6.6.1.1.a and 6.6.1.1.b {Trans cl.16} have been reproduced from AS/NZS 2890.1:2004 with the permission of Standards New Zealand under Copyright Licence 000753. Some modifications have been applied.

6.6.1.2 Minimum manoeuvring space dimensions for parking areas

- a. Parking areas must provide manoeuvring space that ensures a motor vehicle is not required to reverse onto or off the site in any of the following circumstances:
 - i. the site is directly accessed from a motorway, strategic road, arterial road, urban high density corridor, commercial centre street or collector road, ~~as per the road classification hierarchy mapped area {Trans cl.16}~~;
 - ii. the parking area provides for five or more non-residential activities;
 - iii. the parking area provides for five or more parking spaces that share a common access; and/or **{Trans cl.16}**
 - iv. the activity is on a rear site.
- b. The manoeuvring space required under Rule 6.6.1.2.a must be designed to accommodate the following vehicle sizes:
 - i. for non-residential activities: 99th percentile design motor vehicle (**Figure 6.14F 6B.7 {Trans cl.16}**)
 - ii. for residential activities: 85th percentile design motor vehicle (**Figure 6.14H 6B.9 {Trans cl.16}**).
- c. The manoeuvring space required under Rule 6.6.1.2.a must be of an adequate size to avoid the need for:
 - i. a turntable;

- ii. the vehicle specified in Rule 6.6.1.2.b.i to undertake more than one reverse manoeuvre when manoeuvring into or out of any required parking space; and
 - iii. the vehicle specified in Rule 6.6.1.2.b.ii to undertake more than two reverse manoeuvres when manoeuvring into or out of any required parking space.
- d. The manoeuvring space required under Rule 6.6.1.2.a may include any right of way that the site on which the manoeuvring is taking place is legally entitled to use.
- e. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

6.6.1.3 Minimum queuing space for parking areas

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

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

- v. Where the parking area has more than one access, the required queuing space may be divided proportionally between the accesses, in accordance with the proportion of traffic volume (number of vehicle movements per access per day) to be served by each access.
 - vi. Queuing space length is measured from the road boundary to the nearest vehicle control point or point where conflict with vehicles already on the site may arise.
- b. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

6.6.1.4 Gradient of parking areas

1. The gradient of parking areas provided for any activity other than standard residential must not exceed 1 in 20 in any one direction.
2. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

6.6.1.5 Surfacing and marking of parking areas

- a. Parking areas (including associated access and manoeuvring areas) provided for any activity other than standard residential, must:
- i. be designed to ensure that water will not pool on the surface of the parking area, and will enter an appropriate stormwater drain effectively;
 - ii. be hard surfaced;
 - iii. have individual parking spaces permanently marked; and
 - iv. where there are five or more parking spaces in total provided in the parking area, mobility parking spaces must be permanently marked to reserve them for the use of people with mobility parking permits.
- b. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Note 6.6.1.5A - General advice {Confirmed for addition - Trans cl.16}

1. Areas that are hard surfaced to meet Rule 6.6.1.5 must still meet the performance standards for Maximum Building Site Coverage and Impermeable Surfaces. Products that meet the requirements of hard surfacing and that are also permeable include: {Trans cl.16}
 - a. road metal used with a geogrid material, matting, or similar product, installed to manufacturer specifications, that stabilises loose material preventing it from migrating {Trans cl.16}
 - b. GobiBlock® {Trans cl.16}
 - c. GrassPaver™ {Trans cl.16}
 - d. PorousPave® {Trans cl.16}
 - e. Hydropavers™ {Trans cl.16}
 - f. PavePro™ {Trans cl.16}

6.6.1.6 Lighting of parking areas

- a. Parking areas must be illuminated to a minimum maintained level of 2 lux, with high uniformity, during the hours of operation, if all of the following circumstances apply:
 - i. the parking area is provided for any activity other than standard residential;
 - ii. the parking area is designed to accommodate 4 or more vehicles; and
 - iii. the parking area will be used at night.
- b. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

6.6.1.7 Access to parking areas

- a. Required parking spaces must be designed to allow vehicles using the spaces to enter and exit the site without the need to move a vehicle occupying any other parking or vehicle loading space on the site.
- b. Parking areas must be accessed from a clearly defined vehicle crossing and the remainder of the parking area must be designed to be physically separated from, and inaccessible from, the road.
- c. Except, Rule 6.6.1.7.a does not apply to cases in which no more than two parking spaces are required for single residential unit.
- d. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

6.6.2 Vehicle Loading Design

6.6.2.1 Minimum manoeuvring space dimensions for loading areas

- a. Sufficient manoeuvring space must be provided to ensure that no vehicle accessing a vehicle loading area is required to reverse either onto or off a motorway, strategic road, arterial road, urban high density corridor, commercial centre street or collector road, ~~as identified in the road classification hierarchy mapped area~~ **{Trans cl.16}**.
- b. In the Industrial Port Zone and the ~~Major Facility Zone: port~~, Port Zone **{Trans cl.16}** loading areas must be designed and located to avoid the need for vehicles to reverse either onto or off any road. Refer turning circles 8m Rigid Truck (**Figure 6.14J 6B.10**); B-train (**Figure 6.14K 6B.11**); Coach (**Figure 6.14L 6B.12**) **{Trans cl.16}**.
- c. Vehicles must not be required to undertake more than one reverse manoeuvre when manoeuvring out of any required loading space. Refer turning circles 8m Rigid Truck (**Figure 6.14J 6B.10**); B-train (**Figure 6.14K 6B.11**); Coach (**Figure 6.14L 6B.12**) **{Trans cl.16}**.
- d. Parking spaces and loading spaces may be serviced in whole or in part by a common manoeuvring area.

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

6.6.2.2 Gradient of loading areas

- a. The gradient of loading areas must not exceed 1 in 20 in any one direction.
- b. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

6.6.2.3: Surfacing and marking of loading areas

- a. Loading areas, including associated access and manoeuvring areas, must:
- be hard surfaced;
 - be designed to ensure that, if impermeable surfacing **{Trans cl.16}** is used, water will not pool on the surface of the parking loading **{Trans cl.16}** area and will enter an appropriate stormwater drain effectively; and
 - be permanently marked.
- b. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

6.6.2.4 Lighting of loading areas

- a. Loading areas, including associated access and manoeuvring areas, that are used at night must be illuminated to a minimum maintained level of 2 lux, with high uniformity, during the hours of operation.
- b. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

6.6.2.5 Access to loading areas

- a. Required vehicle loading spaces must be designed to allow vehicles using the spaces to enter and exit the site without the need to move a vehicle occupying any other parking or vehicle loading space on the site.
- b. New vehicle loading areas must not be accessed from a **primary pedestrian street frontage mapped area**.
- c. Loading areas that contravene Rule 6.6.2.5.a are restricted discretionary activities. **{PO cl.16}**
- d. Loading areas that contravene ~~do not comply with~~ **{Trans cl.16}** Rule 6.6.2.5.b are non-complying activities.

6.6.3 Vehicle Access Design and Location

6.6.3.1 Maximum number of vehicle crossings

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

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

- b. No new vehicle crossings are permitted onto a Commercial Centre Street except for fire stations **{Trans 945.18}**.

- c. For fire stations, the maximum number of vehicle crossings on each road frontage is two for all sites, except where three vehicle crossings are otherwise permitted. {Trans 945.18}
- d. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

Note 6.6B.3.1A - Other relevant District Plan provisions

1. New vehicle crossings are not allowed on a **primary pedestrian street frontage mapped area** (see Rule 18.6.15.b).

6.6.3.2 Minimum sight distance from a vehicle crossing access {Trans cl.16}

- a. The minimum sight distance from a new vehicle crossing access {Trans cl.16} onto any state highway:

Speed (km/h)	Sight distance (m)
i. 50	113
ii. 60	140
iii. 70	170
iv. 80	203
v. 90	240
vi. 100	282

- b. The minimum sight distance from a new vehicle crossing access {Trans cl.16} onto any road other than a state highway:

Speed (km/h)	Sight distance (m)
i. 50	~~55~~ <u>69</u> {Trans 881.87}
ii. 60	~~73~~ <u>83</u> {Trans 881.87}
iii. 70	~~92~~ <u>97</u> {Trans 881.87}
iv. 80	~~114~~ <u>111</u> {Trans 881.87}
v. 90	~~139~~ <u>125</u> {Trans 881.87}
vi. 100	~~165~~ <u>139</u> {Trans 881.87}

- c. Sight distances are measured from the points shown on Figure 6-14M 6B.13 {Trans cl.16}.
- d. In the rural and rural residential zones, ~~vehicle accesses must contain clear sight triangles must be provided~~ {Trans cl.16}, as shown in Figure 6-14M 6B.13 {Trans cl.16}. The clear sight triangle must be on the road side of any gate and visibility must not be obstructed by fences, structures, vegetation or any barrier above a height of 800mm.
- e. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

Note 6.6C.3.2A - Copyright information General advice {Confirmed to be moved from 6.6.3.3 - Trans cl.16}

1. ~~Rule 6.6.3.3: Minimum sight distances from new vehicle crossings~~ accesses in Rule 6.6.3.2 {Trans cl.16} are calculated in accordance with Austroads Approach Sight Distance (ASD) values

6.6.3.3 Minimum sight distance from a vehicle crossing {Trans 360.3}

- a. The minimum sight distance from a new vehicle crossing onto any road other than a state highway: **{Trans 360.3}**

Speed (km/h) {Trans 360.3}		Sight distance (m) {Trans 360.3}
i.	50	55
ii.	60	73
iii.	70	92
iv.	80	114
v.	90	139
vi.	100	165

- b. Sight distances are measured from the points shown on Figure 6.14M: **{Trans 360.3}**
- c. In the rural and rural residential zones, vehicle accesses must contain clear sight triangles, as shown in Figure 6.14M. The clear sight triangle must be on the road side of any gate and visibility must not be obstructed by fences, structures, vegetation or any barrier above a height of 800mm: **{Trans 360.3}**

6.6.3.X Maximum width for a vehicle access {Trans cl.16¹}

- a. The maximum width for a vehicle access: **{Trans cl.16}**

All Zones {Trans cl.16}		Maximum vehicle access width (m) {Trans cl.16}
i. {Trans cl.16}	Residential activities	6
ii. {Trans cl.16}	All other activities	9

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

¹ **Trans cl.16:** Notified Rule 6.6.3.9.a.3 has been transferred to new Rule 6.6.3.X because it applies to the maximum width of the vehicle crossing rather than the driveway. This does not change the effect of provisions.

6.6.3.4 Minimum distances of new vehicle crossing from intersections and level crossings **{Trans 322.30}**

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

Frontage road		Intersecting road type		
		1. <u>Motorway, strategic road, arterial road</u> Arterial, urban high density corridor, and commercial centre street <u>and industrial road</u> {Trans cl.16'}	2. Collector	3. Local
i.	<u>Motorway, strategic road, arterial road</u> Arterial, urban high density corridor, and commercial centre street <u>and industrial road</u> {Trans cl.16'}	30m	30m	30m
ii.	Collector	20m	20m	10m
iii.	Local	20m	15m	10m

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

Frontage road		Intersecting road type		
		1. <u>Motorway, strategic road, arterial road</u> Arterial, urban high density corridor, and commercial centre street <u>and industrial road</u> {Trans cl.16'}	2. Collector	3. Local
i.	<u>Motorway, strategic road, arterial road</u> Arterial, urban high density corridor, and commercial centre street <u>and industrial road</u> {Trans cl.16'}	100m	100m	100m
ii.	Collector and local	45m	45m	

- c. Except, one vehicle crossing only may be constructed to provide access to the site, in the position that most nearly complies with rules 6.6.3.5.a and or **{Trans cl.16}** 6.6.3.5.b.
- d. The minimum distance of a new vehicle crossing from intersections on roads where the speed limit is greater than 90 km/h is as follows:

Frontage road	Intersecting road type

	1. <u>Motorway, strategic road, arterial road Strategic and Arterial, urban high density corridor, and commercial centre street and industrial road {Trans cl.16}</u>	2. Collector	3. Local
i. <u>Motorway, strategic road, arterial road, urban high density corridor, commercial centre street and industrial road Strategic and Arterial (includes urban high density corridor and commercial centre streets) {Trans cl.16}</u>	200m	200m	200m
ii. Collector and Local	60m	60m	60m

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

	Posted speed of state highway	Minimum distance between access and nearest intersection (on-state highway) <u>Vehicle access onto a state highway {Trans cl.16}</u>	Minimum distance between local authority road access and intersection with a state highway <u>Vehicle access onto a road other than a state highway {Trans cl.16}</u>
i.	Less than 70km	30m	20m
ii.	70 - 89 km	100m	45m
iii.	Greater than 90 km	200m	60m

- f. Distances will be measured as shown in Figure 6.14Q 6B.17 {Trans cl.16}.
- g. The minimum distance between a new vehicle crossing and a level crossing on the same road is 30m. {Trans 322.29}
- h. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

¹ **Trans cl.16:** Omitted in error from the notified version of the Plan.

6.6.3.5 Standard of vehicle accesses onto state highways

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

1. Volume of traffic using vehicle access (ecm per day)		2. Volume of traffic using state highway (volume per day)	Vehicle access design and sealing	
			3. less than or equal to {Trans cl.16} 1 movement per day of a vehicle weighing over 3.5 tonnes	4. more than 1 movement per day of a vehicle weighing over 3.5 tonnes
i.	1 - 30	less than 10, 000	(see Figure 6.14N 6B.14 {Trans cl.16})	(see Figure 6.14O 6B.15 {Trans cl.16})
ii.		more than 10, 000	(see Figure 6.14O 6B.15 {Trans cl.16})	(see Figure 6.14O 6B.15 {Trans cl.16})
iii.	31 - 100	less than 10, 000	(see Figure 6.14O 6B.15 {Trans cl.16})	(see Figure 6.14P 6B.16 {Trans cl.16})
iv.		more than 10, 000	(see Figure 6.14P 6B.16 {Trans cl.16})	(see Figure 6.14P 6B.16 {Trans cl.16})

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

- one car moving to and from a property equals 2 ecm;
- one truck moving to and from a property equals 6 ecm; and
- one truck and trailer moving to and from a property equals 10 ecm.

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

6.6.3.6 Surfacing of vehicle {Trans cl.16} driveways

- a. ~~Vehicle~~ {Trans cl.16} Driveways that adjoin a legal road that is hard surfaced, must be constructed with a hard surface for a minimum distance of 5m from the edge of the road as shown in Figure 6B.19 {Trans 881.91}.
- b. In all zones other than the rural and rural residential zones, the full length of any driveway that serves 2 or more residential properties must be hard surfaced.
- c. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

Note 6.6.3.6A - General advice {Trans cl.16}

- Driveways {Trans cl.16} that are hard surfaced to meet Rule 6.6.3.6 must still meet the performance standards for Maximum Building Site Coverage and Impermeable Surfaces. Products that meet the requirements of hard surfacing and that are also permeable include: {Trans cl.16}
 - road metal used with a geogrid material, matting, or similar product, installed to manufacturer specifications, that stabilises loose material preventing it from migrating {Trans cl.16}
 - GobiBlock® {Trans cl.16}
 - GrassPaver™ {Trans cl.16}
 - PorousPave® {Trans cl.16}
 - Hydropavers™ {Trans cl.16}
 - PavePro™ {Trans cl.16}

6.6.3.7 Gradient of vehicle **{Trans cl.16}** driveways

- a. The maximum change in gradient without transition for vehicle **{Trans cl.16}** driveways is 1 in 8 for summit grade changes or 1 in 6.7 for sag grade changes.
- b. The gradient of the first 5m measured from the road boundary into the site must be no greater than 1 in 8.
- c. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

6.6.3.8 Minimum distance between driveways and dwelling

- a. Where a driveway serves more than one residential building, the formed section of **{Trans 228.1}** the driveway must be set back a minimum of 1m from any residential building see **(Figures 6.14D 6B.4 and 6.14E 6B.5) {Trans cl.16}**
- b. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

6.6.3.9 Width of vehicle **{Trans cl.16}** driveways

- a. The minimum widths of vehicle **{Trans cl.16}** driveways ~~is~~ are **{Trans cl.16}** as follows:

All zones except rural and rural residential zones		1. Number of residential units served	2. Minimum legal width	3. ~~Maximum~~ width {Trans cl.16} ¹	4. Minimum formed width
i.	Residential activities	1-6	~~4.5m~~ 4m {Trans 704.5 and others}	~~6m~~ {Trans cl.16}	3m
ii.		7 +	~~6.5m~~ 4.5m {Trans 490.6 and 490.32}	~~9m~~ {Trans cl.16}	<u>3.5m {Trans 490.6 and 490.32}</u> i. 3.5m for a vehicle that adjoins a 'local road'. {Trans 490.6 and 490.32} ii. 5m for a vehicle adjoins any other road {Trans 490.6 and 490.32}
iii.	All other activities	All	6m	~~9m~~ {Trans cl.16}	5m
Rural and rural residential zones					
iv.	Residential activities	1-3	4m	~~6m~~ {Trans cl.16}	3.5m
v.		4 +	6m	~~6m~~ {Trans cl.16}	5m
vi.	All other activities	All	6m	~~9m~~ {Trans cl.16}	5m

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

¹ **Trans cl.16:** Notified Rule 6.6.3.9.a.3 has been transferred to new Rule 6.6.3.X, because it applies to the maximum width of the vehicle crossing rather than the driveway. This does not change the effect of provisions.

6.6.3.10 Sightlines to level crossings (Trans 322.30}

- a. Vehicle accesses and roads that cross an operational rail network via a level crossing must maintain clear sightlines within the sight line triangles shown in Appendix 6B, Figure 6B.18. {Trans 322.30}
- b. Activities that contravene this performance standard are restricted discretionary activities. {Trans 322.30}

Note 6.6B.3A - General advice

1. Approval for any work in a road, including the establishment of access to properties, must be obtained from the relevant road controlling authority. Under section 317 of the Local Government Act 1974, the Dunedin City Council is the road controlling authority for all in roads in the city, with the following exceptions:
 - a. state highways are under the control of the NZ Transport Agency (NZTA), unless the NZTA has delegated control to the Dunedin City Council.
 - b. government roads are under the control of the Minister of Transport.
2. Under section 51 (2) of the Government Rounding Powers Act 1989, the written permission of the NZTA must be obtained prior to the commencement of any work on any state highway. Early consultation with the NZTA should be undertaken for subdivision or development proposals adjacent to, or seeking access to, state highways.
3. Where the state highway has been declared a *limited access road*, approval from the ~~NZ Transport Agency~~ NZTA **{Trans cl.16}** is required for new accesses or changes to existing accesses. The objective of this control is to protect the operation of state highway from uncontrolled property access that can affect the safety, efficiency, functionality and level of service of the state highway. Limited access roads are most commonly in areas with a heightened development pressure. The ~~NZ Transport Agency~~ NZTA **{Trans cl.16}** should be consulted initially with respect to development along limited access roads.
4. Vehicle accesses must comply with the fire safety requirements of the New Zealand Building Code. See Acceptable Solution C/AS1 Part 8: Fire Fighting of New Zealand Building Code Compliance Document C Fire Safety, which sets out vehicle access dimensions and design to allow access for fire fighting. Under this acceptable solution, a minimum access width of 4m is required to within 18m of at least one side of each building, except that when a building is sprinklered and has a fire riser main installed, access need only be to within 18m of the inlets to these systems. There are additional requirements for buildings containing 'SC and SD purpose groups' as defined in the compliance document. Examples of such buildings include hospitals, care institutions and prisons.
5. Maximum grade changes without transition set out in Rule 6.6.3.7 are reproduced from AS/NZS 2890.1:2004 Parking facilities - Off-street car parking under Copyright Licence 000753.

Rule 6.7 General Performance Standards

Rule 6.7.1 Service Station Standards

1. Pumps must be located at least **{Trans cl.16}**:
 - a. at least **{Trans cl.16}** 7m 6m **{Trans 895.16}** from the road boundary; and
 - b. 12m from the midpoint of any vehicle crossing.
2. Service stations must provide 3 queuing spaces per pump and/or car wash.
3. Queuing spaces must not obstruct any footpath, cycleway or vehicle access.
4. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Rule 6.7.2 Public Amenities and Signs Located on or Above the Footpath {Was "Buildings and Structures Located on or Above the Footpath" - Trans cl.16¹}

1. ~~Public amenities, network utilities poles and masts – small scale, and network utility structures (small and large scale);~~ **{NU 457.169 and others}** temporary signs and portable freestanding signs, located on public footpaths must provide a minimum width of unobstructed area for pedestrian movement as follows:
 - a. 3m in the Central Business District (CBD) Zone; and
 - b. 1.5m in all other zones.
2. Public amenities, temporary signs and portable freestanding signs located on public footpaths must:
 - a. be located in line with any other permanent or temporary obstruction present on the footpath at that location, otherwise at the kerb edge of the footpath;
 - b. not be located within 2m of an intersection or pedestrian crossing location;
 - c. not be located at the kerb directly adjacent to a bus top, taxi stand, mobility parking or an Authorised Vehicles Only parking space; and
 - d. ~~signs must~~ **{Trans cl.16}** not be painted, drawn, chalked or otherwise created on the surface of any footpath.
3. Signs that overhang a footpath must:
 - a. be 2.5m above the footpath at their lowest point;
 - b. hang perpendicular to the footpath;
 - c. not extend past the edge of any verandah; and
 - d. be a minimum of at least 500mm from the road's edge.
4. ~~Ancillary signs~~ Signs **{PO cl.16}**, temporary signs, and public amenities, must not:
 - a. obstruct the visibility of any traffic control device; or
 - b. compromise sightlines from road intersections and vehicle crossings.
5. Signs that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

¹ **Trans cl.16:** Alignment with the content of Rule 6.7.2.

Rule 6.7.3 Signs Visible from Roads

1. The minimum letter height of signs designed to be read by passing motorists must be:
 - a. 120mm where the speed limit is less than 70km per hour; and
 - b. 160mm where the speed limit is greater than 70km per hour.
2. ~~No sign shall~~ Signs must not **{PO cl.16}** be of a design or form such that it ~~that~~ **{PO cl.16}** resembles or conflicts with traffic signs.
3. Illuminated and digital signs must:
 - a. have the sign's light source shielded so that its glare does not extend beyond the sign;
 - b. have all floodlights or concealed lighting directed solely on the sign;
 - c. not use images that are flashing or animated;
 - d. have a minimum display time of 10 seconds per image; and
 - e. have a maximum luminance (cd/m²) of:
 - i. 2000 where the sign has an illuminated area ~~of up to~~ less than or equal to **{Trans cl.16}** 0.5m²;
 - ii. 1600 where the sign has an illuminated area ~~of above 0.5m² to 2m²~~ greater than 0.5m², but less than or equal to 2m²; **{Trans cl.16}**
 - iii. 1200 where the sign has an illuminated area ~~of above 2m² to 5m²~~ greater than 2m², but less than or equal to 5m²; **{ Trans cl.16}**
 - iv. 1000 where the sign has an illuminated area ~~of above 5m² to 10m²~~ greater than 5m², but less than or equal to 10m² **{Trans cl.16}**; and
 - v. 800 where the sign has an illuminated area ~~above~~ greater than **{Trans cl.16}** 10m².
4. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Rule 6.8 Subdivision Performance Standards

6.8.1 Access

1. Every resultant site must have legal and physical access (a vehicle access) to a formed road, except if:
 - a. the resultant site is being created for reserve or as a result of a road closure; or
 - b. minimum car parking is not required by the relevant Plan provisions, in which case only legal access to a formed road is required.
2. ~~Vehicle accesses required by Rule 6.8.1.1 must be located and constructed in accordance with Rule 6.6.3.~~
{Trans cl.16'}
3. ~~Activities that contravene this performance standard are restricted discretionary activities.~~**{PO cl.16}**

¹ **Trans cl.16:** This rule has been deleted on the basis that it is unnecessary; Rule 6.6.3 applies to all new vehicle accesses, not only those required by Rule 6.8.1.1. This does not change the effect of provisions.

Note 6.8.1A - Other requirements outside of the District Plan

1. For subdivisions that access a state highway, approval from the New Zealand NZ **{Trans 881.17}** Transport Agency is required.

Rule 6.8A Assessment of Controlled Activities {Confirmed for addition - MF 308.353}

6.8A.1 Assessment of controlled activities {MF 308.353}		
Activity {MF 308.353}	Matters of discretion control {MF 308.353}	Guidance on the assessment of resource consents {MF 308.353}
1. <u>Student Hostels (Campus) {MF 308.353}</u>	a. Effects on accessibility	<i>Relevant objectives and policies:</i> i. Objective 6.2.2 ii. Visitor accommodation and supported living facilities are located on sites where customers and residents will have convenient walking access to centres, frequent public transport services, other appropriate transport services, and/or an appropriate range of on-site services or facilities (Policy 6.2.2.3). {MF 308.353} iii. <u>For activities that are likely to generate a significant number of trips by walking, cycling or public transport: {Trans 753.2}</u> 1. <u>activities likely to generate trips by cycling have safe access for cyclists into and through the site and secure cycle parking: {Trans 753.2 and 764.5}</u> 2. <u>activities likely to generate trips by walking have safe access for pedestrians into and through the site; and {Trans 159.6}</u> 3. <u>activities likely to generate trips by public transportation are located a reasonable walking distance from a frequent public transportation route with safe access for pedestrians from a bus stop to the site (Policy 6.2.2.4). {Trans 1080.4}</u> <i>General assessment guidance:</i> iv. Convenient walking access is to be determined taking into account the anticipated mobility levels of the intended customers or residents of the activity. {MF 308.353} <i>Possible circumstances that may support a consent application include: {MF 308.353}</i> v. Examples of services and facilities required where supported living facilities are not within walking distance of a centre or frequent public transport services are medical services, personal services such as hairdressers, retail services such as dairies or café, and sport and leisure activities. {MF 308.353}

6.8A.1 Assessment of controlled activities {MF 308.353}

Activity {MF 308.353}	Matters of discretion control {MF 308.353}	Guidance on the assessment of resource consents {MF 308.353}
	b. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 ii. ~~Visitor accommodation and supported living facilities~~ The <u>activity {Trans cl.16}</u> provides the amount of ~~car~~ <u>{Trans 917.2}</u> parking ~~space~~ <u>{Trans cl.16}</u> necessary to ensure that any overspill parking effects that could adversely affect the safety and efficiency of the transport network are avoided or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, adequately mitigated (Policy 6.2.3.4). <i>Possible circumstances that may support a consent application include:</i> iii. The parking demand likely to be generated by the activity means the proposed number of parking spaces will be sufficient. iv. Although the activity may result in the need for the parking of vehicles on-street, this is unlikely to result in adverse effects on the safety and/or efficiency of the transport network.

¹ **MF 308.353:** This content has been copied from 6.10.2.4 to 6.8A because the activity status for student hostels in the Campus Zone has changed from RD to C.

Rule 6.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 6.9.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 6.9.2 - 6.9.6:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rules 6.9.3 apply to performance standards located in the management and major facility zones; Rule 6.9.4 applies to performance standards for transportation activities; Rule 6.9.5 applies to performance standards for parking, loading and access standards; Rule 6.9.6 applies to general performance standards.

6.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards, site specific factors including topography, make meeting the standard impracticable. c. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. <i>General assessment guidance:</i> d. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

6.9.3 Assessment of performance standard contraventions (performance standards located in zones)

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Access (subdivision)	a. Effects on accessibility	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 <u>6.2.2 {Trans cl.16'}</u> ii. Subdivisions are designed to ensure that any required vehicle access can be provided in a way that will maintain the safety and efficiency of adjoining roads and the wider transport network (Policy 6.2.3.13). {Trans cl.16'} <i>General Assessment Guidance:</i> iii. <u>Council will assess contravention of the performance standard for access based on the related contravention of the minimum car parking standard, see Rule 6.9.3.6. {Trans cl.16'}</u>
2. Boundary setbacks - (Rule 15.6.14.1.a.ix.3) <u>garages and carports setback from road boundary</u> {Trans cl.16}	a. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 ii. Garages and carports are set back from the road boundary an adequate distance to allow pedestrians and cyclists to see vehicles exiting before they cross the footpath, and to minimise <u>as far as practicable {PO 906.34 and 308.497}</u> the risk to pedestrians and cyclists from garage doors opening over the footpath (Policy 6.2.3.10).
3. Density (Rule 15.5.2.7.a) - {Trans cl.16} Papakāika in residential zones	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 ii. ~~Land use, or development has no significant~~ <u>Adverse {Trans 881.72 and 1088.24} effects on the safety and efficiency of the transport network will be avoided or, if avoidance is not practicable, adequately mitigated {Trans 881.72 and 1088.24}</u> (Policy 6.2.3.14<u>9.a</u> {Trans cl.16}). iii. <u>Any associated changes to the transportation network will be affordable to the public in the long term</u> (Policy 6.2.3.9.b). {Trans 881.63}

6.9.3 Assessment of performance standard contraventions (performance standards located in zones)

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
4. Forestry and tree planting shelterbelts and small woodlots {RU cl.16} setbacks	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> - Objective 6.2.3 - Tree planting Shelterbelts and small woodlots {RU cl.16} and forestry are set back a sufficient distance from: - all roads with a posted speed environment of greater than 50kmh {Trans cl.16³} to avoid road safety hazards caused by shading leading to ice formation; and - railway lines to avoid or minimise, as far as practicable, the risk of trees falling across railway lines {Trans 322.106 and others} (Policy 6.2.3.2).
5. Location - domestic animal boarding and breeding - rural ancillary retail - rural tourism {Trans cl.16}	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> - Objective 6.2.3 - Any adverse effects on the safety and efficiency of the state highway can will {PO cl.16} be avoided or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigated (Policy 6.2.3.5) <i>Potential circumstances that may support a consent application include:</i> - There are relatively low traffic volumes and/or vehicle speeds on the stretch of the state highway that the site is accessed from.
6. Minimum car parking	a. Effects on accessibility	<i>Relevant objectives and policies:</i> - Objective 6.2.2 - Land use activities whose parking demand cannot be met by the public parking supply, or would significantly affect the availability of that supply for surrounding activities, to provide parking on or near the site at an amount that is adequate to {Trans 308.147}: - provide car parking either on or near the site at an amount that is adequate to avoid excessive pressure on publicly available parking in the vicinity of the site (including on-street parking and off-street facilities); {Trans 308.147} - avoid or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigate adverse effects on the availability of publicly available {Trans 308.147} parking for existing or permitted activities; and - ensure accessibility for (as relevant) {Trans cl.16} residents, visitors, customers, staff and students (as relevant) {Trans cl.16} who have limited mobility,

6.9.3 Assessment of performance standard contraventions (performance standards located in zones)

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
		including disabled people, the elderly and people travelling with young children (Policy 6.2.2.1). <u><i>General assessment guidance {Trans cl.16}</i></u> iii. In balancing consideration of accessibility (Objective 6.2.2) with consideration of significant adverse effects on other values, Council will generally prefer to avoid significant adverse effects on land instability, heritage, streetscape amenity and the safety and efficiency of the transport network, in accordance with objectives 6.2.3 (safety, efficiency of the transport network <u>and its affordability to the public {Trans 881.63}</u>), 13.3.1 to 13.3.3 (scheduled heritage items), 7.2.1 (significant trees), and 15.2.3 (heritage streetscape character) and 15.2.4 (streetscape amenity). {Trans cl.16} <i>Potential circumstances that may support a consent application include:</i> iv. The establishment of required car parking would result in a net loss in the availability of on-street parking in the vicinity of the site. v. The applicant proposes to use the same space on-site to fulfil both minimum car parking and minimum vehicle loading requirements, and can demonstrate that this space will be managed so that both the parking and loading demands of the land use activity will be met. vi. The proposed activity is taking place on an existing site that does not have a vehicle access and one or more of the following circumstances apply: 1. it is not practicable to create a vehicle access that would comply with Rule 6.6.3.4 because the site is located on or near an intersection; 2. it is not practicable to create a vehicle access that would comply with Rule 6.6.3.7 because the site is located on or near a steep slope or cliff; 3. it is not practicable to create a vehicle access that would comply with Rule 6.6.3.14 {Trans cl.16} because the site has no frontage to a legal road, and any existing access way is not wide enough to meet Rule 6.6.3.9. vii. The applicant is proposing to provide a sufficient number of parking spaces to meet the minimum car parking performance standard, but some or all of these parking spaces are to be provided on a site other than the site on which the land use activity is taking place, and all of the following conditions are met: 1. all required mobility parking spaces will be provided

6.9.3 Assessment of performance standard contraventions (performance standards located in zones)

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
		on the same site as the land use activity; 2. all required parking spaces are within 250m of the site on which the land use activity is taking place; 3. all required parking spaces are legally available to users of the land use activity via binding long term agreement; and 4. there are/will be adequate safe pedestrian crossing points for pedestrians moving between the parking area and the site, if there are roads to cross. viii. The applicant is able to demonstrate that, due to current usage rates of public parking in the vicinity of the site, the parking demand of the activity will not result in parking occupancy within 250m of the site exceeding 80% average daily occupancy (9am to 5pm) in residential zones, or 85% average daily occupancy in all other zones (excluding rural and rural residential), after the activity is established (see Special Information Requirements - Rule 6.13.1). ix. If parking spaces shared with other land use activities are not exclusively available to the activity during its hours of operation, the applicant is able to demonstrate that the shared parking spaces will meet the parking demand generated by users of the activity. x. The establishment of required car parking would require significant earthworks that would cause land instability or result in costs that were disproportionate to the total value of the development. xi. The establishment of required car parking would unavoidably result in significant adverse effects on: 1. the safety or efficiency of the transport network; 2. streetscape amenity; or 3. heritage values. xii. In balancing consideration of accessibility (Objective 6.2.2) with consideration of significant adverse effects on other values, Council will generally prefer to avoid significant adverse effects on land instability, heritage, streetscape amenity and the safety and efficiency of the transport network, in accordance with Objectives 6.2.3 (safety and efficiency of the transport network), 13.3.1 to 13.3.3 (scheduled heritage items), 7.2.1 (significant trees), and 15.2.3 (heritage streetscape character) and 15.2.4 (streetscape amenity). {Trans cl.16} xiii. <u>The applicant is able to demonstrate that there will be a reduction in car parking need due to the provision of</u>

6.9.3 Assessment of performance standard contraventions (performance standards located in zones)

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
		<u>secure and convenient cycle parking, in combination with other factors such as: {Trans 917.1 and 917.2}</u> 1. <u>the provision of other end-of-trip facilities: {Trans 917.1 and 917.2}</u> 2. <u>cycle infrastructure in the vicinity of the development: {Trans 917.1 and 917.2}</u> 3. <u>a travel demand management programme; and/or {Trans 917.1 and 917.2}</u> 4. <u>the characteristics of the activity and its predicted mode share. {Trans 917.1 and 917.2}</u>
	b. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 ii. <u>The activity provides {Trans cl.16} the amount of ear {Trans 917.2} parking space {Trans cl.16} necessary to ensure that any overspill parking effects that could adversely affect the safety and efficiency of the transport network are avoided or, if avoidance is not possible practicable {PO 908.3 and others}, adequate mitigation is provided (Policy 6.2.3.4).</u> iii. The parking demand likely to be generated by the activity means the number of parking spaces provided will be sufficient to avoid overspill parking. iv. Although the activity may result in the need for the parking of vehicles on-street, this is unlikely to result in adverse effects on the safety and/or efficiency of the transport network. v. <u>The applicant is able to demonstrate that there will be a reduction in car parking need due to the provision of secure and convenient cycle parking, in combination with other factors such as: {Trans 917.1 and 917.2}</u> 1. <u>the provision of other end-of-trip facilities: {Trans 917.1 and 917.2}</u> 2. <u>cycle infrastructure in the vicinity of the development: {Trans 917.1 and 917.2}</u> 3. <u>a travel demand management programme; and/or {Trans 917.1 and 917.2}</u> 4. <u>the characteristics of the activity and its predicted mode share. {Trans 917.1 and 917.2}</u>

6.9.3 Assessment of performance standard contraventions (performance standards located in zones)

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
7. Minimum vehicle loading	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 ii. <u>The activity provides {Trans cl.16} adequate vehicle loading space is provided to support the activity's its {Trans cl.16} operations and to avoid or, if avoidance is not possible practicable {PO 908.3 and others}, adequately {PO cl.16} mitigate adverse effects on the safety and efficiency of the transport network (Policy 6.2.3.3).</u> <i>Potential circumstances that may support a consent application include:</i> iii. Adequate additional loading space is available on an adjacent or nearby site via binding long-term agreement. iv. Although the activity may result in the need for the loading of vehicles on-street, this is unlikely to result in adverse effects on the safety and/or efficiency of the transport network. v. The applicant proposes to use the same space on-site to fulfil both minimum car parking and minimum vehicle loading requirements, and can demonstrate that this space will be managed so that both the parking and loading demands of the land use activity will be met.
8. Number, location and design of ancillary signs	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 ii. Ancillary signs are located and designed to avoid or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigate adverse effects on the safety and efficiency of the transport network (Policy 6.2.3.1). <i>Potential circumstances that may support consent application include:</i> iii. The location of the sign will not obstruct or obscure sightlines, pedestrian and cycling or vehicle access.

¹ **Trans cl.16:** Under notified Rule 6.9.3.1, 'effects on accessibility' is the matter of discretion, but the objective and policy referred to in assessment guidance relate to effects on the safety and efficiency of the transport network. This error has been corrected by deleting the references to Objective 6.2.3 and Policy 6.2.3.13, adding a reference to Objective 6.2.2, and adding appropriate "general assessment guidance" as shown. This does not result in a substantive change to the effect of provisions.

² **Trans cl.16:** Rule 6.9.3.6.a.iii was notified as 6.9.3.6.a.ix. Its relocation with this assessment rule does not change the effect of provisions.

³ **Trans cl.16:** The paraphrasing of Policy 6.2.3.2 has been amended to accurately reflect the contents of the policy. This does not change the effect of the provisions.

6.9.4 Assessment of transportation activities performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Design and location - road signs	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.1 ii. Road signs are designed and located to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate adverse effects on the safety and efficiency of the transport network for all travel modes {Trans cl.16'} (Policy 6.2.1.2). <i>Potential circumstances that may support a consent application include:</i> iii. The relevant road controlling authority has provided approval for the proposed design and location of the sign. iv. Overhanging signs positioned less than 2.6m above the footpath are considered unlikely to adversely affect pedestrian safety or connectivity, due for example to low volumes of pedestrians on the footpath or the presence of existing structures that limit pedestrian movement in the vicinity of the proposed sign.
2.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6

¹ **Trans cl.16:** The paraphrasing of Policy 6.2.1.2 has been amended to accurately reflect the contents of the policy. This does not change the effect of the provisions.

~~6.9.5 Assessment of parking, loading and access standards performance standards contraventions {Trans cl.16'}~~

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
4.	Car parking design (Minimum parking space dimensions)	a. Effects on safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.4 ii. Vehicle parking can be carried out safely and efficiently (Policy 6.2.4.1b). <i>Potential circumstances that may support a consent application include:</i> iii. The proposed parking spaces are of a sufficient size to accommodate the vehicles likely to be using them.

6.9.5 Assessment of parking, loading and access standards performance standards contraventions {Trans cl.16}

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2-	Car parking design (Minimum manoeuvring space dimensions for parking areas)	a. Effects on safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.4 ii. Vehicle parking can be carried out safely and efficiently (Policy 6.2.4.1b). iii. Any adverse effects on the safe and efficient functioning of the transport network are avoided or would be no more than minor (Policy 6.2.4.1b). <i>Potential circumstances that may support a consent application include:</i> iv. The proposed manoeuvring area will accommodate the vehicles likely to be using it. v. Volumes of traffic, cyclists and pedestrians using the frontage road are low and likely to remain low. vi. The parking area is unlikely to be used by heavy vehicles. vii. The peak hours of use of the loading area will not coincide with peak flows or vehicle queues on the frontage road. viii. Drivers of reversing vehicles can both see, and be seen by, pedestrians, cyclists and drivers of other vehicles. ix. Visibility of, and/or visibility from, reversing vehicles will be increased by altering vegetation, fencing and/or other structures.
3-	Car parking design (Minimum queuing space for parking areas)	a. Effects on safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.4 ii. Vehicle parking can be carried out safely and efficiently (Policy 6.2.4.1b). iii. Any adverse effects on the safe and efficient functioning of the transport network are avoided, or if avoidance is not possible, would be no more than minor (Policy 6.2.4.1c). <i>Potential circumstances that may support a consent application include:</i> iv. The proposed queuing space is adequate for the numbers of vehicles considered likely to be using the parking area on a regular basis. v. Volumes of pedestrian, cycle and vehicle traffic using the frontage road are low. vi. The parking area is unlikely to be used by heavy vehicles. vii. The peak hours of use of the parking area will not coincide with peak flows or vehicle queues on the frontage road.

6.9.5 Assessment of parking, loading and access standards performance standards contraventions {Trans cl.16}

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
4. • Car parking design (access to parking areas) • Car parking design (gradient of parking areas) • Car parking design (lighting of parking areas) • Car parking design (minimum manoeuvring space dimensions for parking areas) • Car parking design (minimum queuing space for parking areas) • Car parking design (minimum parking space dimensions) • Car parking design (surfacing and marking of parking areas) • Vehicle loading design (access to loading area - Rule 6.6.2.5.a) • Vehicle loading design (gradient of loading areas) • Vehicle loading design (lighting of loading areas) • Vehicle loading design (minimum manoeuvring space dimensions for loading areas)	a. Effects on safety and efficiency of the transport network and parking and loading areas	<i>Relevant objectives and policies:</i> i. Objective 6.2.4 ii. Parking and loading areas, including associated manoeuvring and queuing areas, are designed to ensure: 1. the safety of pedestrians travelling on footpaths and travelling through parking areas; 2. that vehicle parking and loading can be carried out safely and efficiently; 3. that any adverse effects on the safe and efficient functioning of the transport network is avoided, or if avoidance is not possible, would be no more than minor; 4. the safe and convenient access to and from parking and loading areas for vehicles, pedestrians and cyclists; and 5. that mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths (Policy 6.2.4.1). <i>Potential circumstances that may support a consent application include:</i> i. For non-compliance with the gradient and surfacing standards: there is little likelihood of mud, stone, gravel or other material being carried onto public roads or footpaths due to the topography of the site or materials used. ii. For non-compliance with the lighting standards: 1. the parking or loading area will not be used frequently during the hours of darkness; or 2. other light sources in the area give adequate light to provide security and/or visibility for users of the parking or loading area and its surrounds iii. For non-compliance with access standards: 1. Volumes of pedestrian, cycle and vehicle traffic using the frontage road are low and likely to remain low. 2. The peak hours of use of the loading area will not coincide with peak flows or vehicle queues on the frontage road. 3. Drivers of reversing vehicles can both see, and be seen by, pedestrians, cyclists and drivers of other vehicles. 4. Visibility of, and/or visibility from, reversing vehicles

6.9.5 Assessment of parking, loading and access standards performance standards contraventions {Trans cl.16}

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
Vehicle loading design (surfacing and marking of parking areas)		will be increased by altering vegetation, fencing and/or other structures.
5. - Vehicle access design and location (gradient of vehicle driveways) - Vehicle access design and location (surfacing of driveways)	a. Effects on safety and efficiency of the transport network and parking, loading and access areas	<i>Relevant objectives and policies:</i> - Objective 6.2.4 - Driveways are designed to ensure: - the surfacing and gradient of the driveway allows it to be used safely and efficiently; - that mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths; - the width of the driveway is sufficient to allow the type and number of vehicles likely to be using it to do so safely and efficiently; and - sufficient distance is provided between shared driveways and dwellings (Policy 6.2.4.2).
6. Vehicle access design and location (Maximum number of vehicle accesses)	a. Effects on safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> - Objective 6.2.4 - Vehicle accesses are limited in number and width, in order to avoid or, if avoidance is not possible, adequately mitigate adverse effects on pedestrian safety and ease of movement and the safety and efficiency of the transport network (Policy 6.2.4.4). <i>General assessment guidance:</i> - Estimates of future pedestrian traffic should take into account the location of the road in relation to the strategic pedestrian network, local centres and schools, and existing and permitted activities in the surrounding area that have the potential to increase pedestrian numbers with priority given to provisions for pedestrian safety and connectivity. <i>Potential circumstances that may support a consent application include:</i> - The current and likely future volume of pedestrian, cycle and vehicle traffic using the frontage road is low. - Potential adverse effects from the additional vehicle crossing(s) are minimal due to the physical form of the road, for example the presence of a solid median to prevent right hand turns.

6.9.5 Assessment of parking, loading and access standards performance standards contraventions {Trans cl.16}

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
7.	Vehicle access design and location (Minimum sight distance from vehicle crossing)	a. Effects on safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.4. ii. Sufficient visibility is available at vehicle crossing to minimise the likelihood of unsafe vehicle manoeuvres (Policy 6.2.4.6). <i>Potential circumstances that may support a consent application include:</i> iii. The speed and/or volume of traffic using the frontage road is low. iv. The volume of traffic that will be using the vehicle crossing is low. v. The peak hours of use of the vehicle access will not coincide with peak flows on the frontage road. vi. The addition of acceleration, deceleration or solid medians will adequately mitigate potential adverse effects on the safe and efficient functioning of the transport network. vii. The New Zealand Transport Agency have given their approval for the proposed reduced sight distance in relation to state highways.
8.	Vehicle access design and location (Minimum distances of new vehicle crossings from intersections)	a. Effects on safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.4 ii. Vehicle crossings are located a sufficient distance from intersections to avoid or, if avoidance is not possible, adequately mitigate adverse effects on the safety and efficiency of the intersection caused by vehicles queuing and/or creating confusion over whether indicating vehicles are seeking to turn at the crossing or the intersection (Policy 6.2.4.5). <i>Potential circumstances that may support a consent application include:</i> iii. The volume of traffic using the frontage road is low. iv. The volume of traffic that will be using the vehicle crossing is low. v. Potential adverse effects will be adequately mitigated by the physical form of the road. vi. Potential adverse effects will be adequately mitigated by traffic controls at the intersection.

6.9.5 Assessment of parking, loading and access standards performance standards contraventions {Trans cl.16}

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
9:	Vehicle access design and location (Vehicle accesses onto state highways)	a. Effects on safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> - Objective 6.2.4 - Require vehicle accesses onto state highways in the rural zones and rural residential zones, and all strategic roads as identified in the Road Classification Hierarchy in Appendix 6A to be designed to safely accommodate the type and number of vehicles likely to be using the access and avoid or, if avoidance is not possible, adequately mitigate adverse effects on the safety and efficiency of the frontage road (Policy 6.2.4.7). <i>Potential circumstances that may support a consent application include:</i> - The Transport Agency have given their approval for the proposed vehicle access design in relation to state highways.
10:	- Vehicle access design and location (gradient of vehicle driveways) - Vehicle access design and location (minimum distance between driveways and dwelling) - Vehicle access design and location (surfacing of vehicle driveways) - Vehicle access design and location (width of driveways)	a. Effects on safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> - Objective 6.2.4 - Driveways are designed to ensure: - the surfacing and gradient of the driveway allows it to be used safely and efficiently; - that mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths; - the width of the driveway is sufficient to allow the type and number of vehicles likely to be using it to do so safely and efficiently; and - sufficient distance is provided between shared driveways and dwellings (Policy 6.2.4.2).

6.9.5 Assessment of parking, loading and access standards performance standards contraventions {Trans cl.16}

Performance Standard	Matters of discretion	Guidance on the assessment of resource consents

6.9.5 Assessment of parking, loading and access standards performance standards contraventions {Trans cl.16}

Performance Standard	Matters of discretion	Guidance on the assessment of resource consents
1. Car parking design - Minimum parking space dimensions (Rule 6.6.1.1) {Trans cl.16} - Minimum manoeuvring space dimensions for parking areas (Rule 6.6.1.2) {Trans cl.16} - Minimum queuing space for parking areas (Rule 6.6.1.3) {Trans cl.16} - Gradient of parking areas (Rule 6.6.1.4) {Trans cl.16} - Surfacing and marking of parking areas (Rule 6.6.1.5) {Trans cl.16} - Lighting of parking areas (Rule 6.6.1.6) {Trans cl.16} - Access to parking areas (Rule 6.6.1.7) {Trans	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> - Objective 6.2.4 - Parking and loading areas, including associated manoeuvring and queuing areas, are designed to ensure: - the safety of pedestrians travelling on footpaths and travelling through parking areas; - that vehicle parking and loading can <u>will</u> {PO cl.16} be carried out safely and efficiently; - that any adverse effects on the safe and efficient functioning of the transport network are avoided, or if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, are no more than minor; - the safe and convenient access to and from parking and loading areas for vehicles, <u>emergency vehicles</u>, {Trans 945.16} pedestrians and cyclists; and - that mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths (Policy 6.2.4.1). <i>Potential circumstances that may support a consent application include:</i> - For non-compliance with minimum manoeuvring space dimensions for parking areas, minimum queuing space for parking areas, access to parking areas or access to loading areas standards: - volumes of pedestrian, cycle and vehicle traffic using the frontage road are low and likely to remain low; <u>and/or</u> {Trans cl.16} - the peak hours of use of the parking area or loading area will not coincide with peak flows or vehicle queues on the frontage road. - For non-compliance with the minimum queuing space for parking areas standard: the proposed queuing space is adequate for the numbers of vehicles considered likely to be using the parking area on a regular basis. - For non-compliance with gradient, and surfacing and marking, of parking areas standards: there is little likelihood of mud, stone gravel or other material being carried onto public roads or footpaths due to the topography of the site or materials used.

6.9.5 Assessment of parking, loading and access standards performance standards contraventions {Trans cl.16}

Performance Standard	Matters of discretion	Guidance on the assessment of resource consents
cl.16} Vehicle loading design • Minimum manoeuvring space dimensions for loading areas (Rule 6.6.2.1) {Trans cl.16} • Gradient of loading areas (Rule 6.6.2.2) {Trans cl.16} • Surfacing and marking of loading areas (Rule 6.6.2.3) {Trans cl.16} • Lighting of loading areas (Rule 6.6.2.4) {Trans cl.16} • Access to loading areas (Rule 6.6.2.5.a) {Trans cl.16}		vi. For non-compliance with the minimum parking space dimensions standard: the proposed parking spaces are of a sufficient size to accommodate the vehicles likely to be using them. vii. For non-compliance with minimum manoeuvring space dimensions for parking areas: the proposed manoeuvring area will accommodate the vehicles likely to be using it. viii. For non-compliance with minimum manoeuvring space dimensions for parking areas or minimum queuing space for parking areas: the parking area is unlikely to be used by heavy vehicles. ix. For non-compliance with minimum manoeuvring space dimensions for parking areas, access to parking areas or access to loading areas: 1. Drivers of reversing vehicles can both see, and be seen by, pedestrians, cyclists and drivers of other vehicles; and/or {Trans cl.16} 2. Visibility of, and/or visibility from, reversing vehicles will be increased by altering vegetation, fencing and/or other structures. x. For non-compliance with lighting of parking areas or lighting of loading areas standards: 1. the parking or loading area will not be used frequently during the hours of darkness; and/or {Trans cl.16} 2. other light sources in the area give adequate light to provide security and/or visibility for users of the parking or loading area and its surrounds.

6.9.5 Assessment of parking, loading and access standards performance standards contraventions {Trans cl.16}

Performance Standard	Matters of discretion	Guidance on the assessment of resource consents
2. Vehicle access design and location - Maximum number of vehicle crossings (Rule 6.6.3.1) {Trans cl.16} - Maximum width for a vehicle access (Rule 6.6.3.X) {Trans cl.16²}	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> - Objective 6.2.4 - Vehicle accesses are limited in number and width, in order to avoid or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigate adverse effects on: - pedestrian and cyclist {Trans 917.5} safety and ease of movement; and - the safety and efficiency of the multi-modal {Trans 917.5} transport network (Policy 6.2.4.4) <i>General assessment guidance:</i> <u>In assessing effects on pedestrian safety with ease of movement, Council will take into account potential changes in levels of pedestrian traffic on the frontage road. {Trans cl.16}</u> Estimates of future pedestrian traffic should will {Trans cl.16} take into account the location of the road in relation to the strategic pedestrian network, local centres and schools, and existing and permitted activities in the surrounding area that have the potential to increase pedestrian numbers with priority given to provisions for pedestrian safety and connectivity. <i>Potential circumstances that may support a consent application include:</i> - Volumes of pedestrian, cycle and vehicle traffic using the frontage road are low and likely to remain low. - Potential adverse effects from the additional vehicle crossing(s) are minimal due to the physical form of the road, for example the presence of a solid median to prevent right hand turns.

6.9.5 Assessment of parking, loading and access standards performance standards contraventions {*Trans cl.16*}

Performance Standard	Matters of discretion	Guidance on the assessment of resource consents
3. Vehicle access design and location • Minimum sight distance from a vehicle access	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.4 ii. Sufficient visibility is available: 1. at vehicle crossings, to minimise, <u>as far as practicable</u>, {PO 906.34 and 308.497} the likelihood of unsafe vehicle manoeuvres (Policy 6.2.4.6). <i>Potential circumstances that may support a consent application include:</i> iii. The speed and/or volume of traffic using the frontage road is low. iv. The volume of traffic that will be using the vehicle crossing access {<i>Trans cl.16</i>} is low. v. The peak hours of use of the vehicle access will not coincide with peak flows on the frontage road. vi. The addition of acceleration, deceleration or solid medians will adequately mitigate potential adverse effects on the safe and efficient functioning of the transport network. vii. The New Zealand <u>NZ</u> {Trans 881.17} Transport Agency have given their approval for the proposed reduced sight distance in relation to state highways.

6.9.5 Assessment of parking, loading and access standards performance standards contraventions {Trans cl.16}

Performance Standard	Matters of discretion	Guidance on the assessment of resource consents
4. Vehicle access design and location Minimum distances of new vehicle crossing access {Trans 322.27} from intersections and level crossings {Trans cl.16} (Rule 6.6.3.4) {Trans 322.39}	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> - Objective 6.2.4 - Vehicle crossings <u>New vehicle accesses {Trans 322.27}</u> are located a sufficient distance from intersections and <u>level crossings {Trans 322.27}</u> to avoid or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, adequately mitigate adverse effects on safety and efficiency due to: - vehicles queuing to enter the crossing hindering the efficient functioning of the intersection or <u>level crossing {Trans 322.27}</u>; and - confusion over whether indicating vehicles are seeking to turn at the crossing or the intersection creating safety problems. (Policy 6.2.4.5) <i>Potential circumstances that may support a consent application include:</i> - The volume of traffic using the frontage road is low. - The volume of traffic that will be using the vehicle crossing is low. - Potential adverse effects will be adequately mitigated by the physical form of the road. - Potential adverse effects will be adequately mitigated by traffic controls at the intersection.
5. Vehicle access design and location Standard of vehicle accesses onto state highways (Rule 6.6.3.5) {Trans cl.16}	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> - Objective 6.2.4 - Vehicle accesses onto state highways in the rural zones, and {Trans cl.16} rural residential zones and ~~all strategic roads as identified in the road classification hierarchy mapped area (Appendix 6A)~~ {Trans cl.16;} are designed to: - safely accommodate the type and number of vehicles likely to be using the access; and - avoid or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, adequately mitigate adverse effects on the safety and efficiency of the frontage road (Policy 6.2.4.7) <i>Potential circumstances that may support a consent application include:</i> - The New Zealand <u>NZ {Trans 881.17}</u> Transport Agency have given their approval for the proposed vehicle access design in relation to state highways.

6.9.5 Assessment of parking, loading and access standards performance standards contraventions *{Trans cl.16}*

Performance Standard	Matters of discretion	Guidance on the assessment of resource consents
6. Vehicle access design and location • Surfacing of vehicle <i>{Trans cl.16}</i> driveways (Rule 6.6.3.6) <i>{Trans cl.16}</i> • Gradient of vehicle <i>{Trans cl.16}</i> driveways (Rule 6.6.3.7) <i>{Trans cl.16}</i> • Minimum distance between driveways and dwelling (Rule 6.6.3.8) <i>{Trans cl.16}</i> • Width of vehicle <i>{Trans cl.16}</i> driveways (Rule 6.6.3.9) <i>{Trans cl.16}</i>	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> - Objective 6.2.4 - Driveways are designed to ensure <u>that</u> <i>{Trans cl.16}</i>: - the surfacing and gradient of the driveway allows it to be used safely and efficiently; - that <i>{Trans cl.16}</i> mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths. - the width of the driveway is sufficient to allow the type and number of vehicles (including emergency vehicles), <i>{Trans 945.16}</i> likely to be using it to do so safely and efficiently; and - sufficient distance is provided between shared driveways and dwellings (Policy 6.2.4.2) <i>{Trans cl.16}</i>.
<u>Y.</u> Vehicle access design and location • <u>Sightlines to level crossings</u> (Rule 6.6.3.10) <i>{Trans 322.30}</i>	a. <u>Effects on the safety and efficiency of the transport network</u> <i>{Trans 322.30}</i>	<i>Relevant objectives and policies:</i> <u>Objective 6.2.4</u> <u>Sufficient visibility is available:</u> <i>{Trans cl.16}</i>: <u>Where a vehicle access or road crosses an operational rail network via a level crossing, to maintain the safety of the road and rail users</u> (Policy 6.2.4.6.b). <i>{Trans 322.30}</i>

¹**Trans cl.16:** Rule 6.9.5 Assessment of parking, loading and access performance standards contraventions table has been re-structured. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

² **Trans cl.16:** Under notified provisions, contraventions of the 'maximum width for a vehicle crossing' standard were to be assessed against Policy 6.2.4.2, via notified Rule 6.9.5.6. This was a drafting error, because Policy 6.2.4.2 is not relevant in this situation. This addition clarifies that contraventions of the rule are to be assessed against Policy 6.2.4.4. This does not result in a substantive change to the effect of provisions.

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

⁴ **Trans cl.16:** The wording of Policy 6.2.4.7 has been amended to remove reference to design requirements for vehicle accesses onto “all strategic roads as identified in the road classification hierarchy mapped area”, because the performance standard that implements this policy (Rule 6.6.3.5) does not apply to all strategic roads. This correction to the policy wording does not result in a substantive change to provisions.

6.9.6 Assessment of general performance standards contraventions		
Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. <u>Buildings and structures Public amenities and signs {Trans cl.16}</u> located on or above the footpath	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 ii. <u>Buildings and structures Public amenities and signs {Trans cl.16}</u> located on or above the footpath are located and designed to provide for the safe movement of vehicles, pedestrians and cyclists (Policy 6.2.3.11). <i>General assessment guidance:</i> iii. <u>The public amenity must be designed or located to not impede pedestrian movement, distract drivers, or obstruct sightlines. {PA cl.16}</u>
	b. Effects on health and safety	See Rule 9.4.3.4 {Trans cl.16}
2. <u>Service station design standards {Trans cl.16}</u>	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 ii. Service stations are designed to avoid or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, adequately mitigate adverse effects on the safety and efficiency of the transport network <u>and its affordability to the public {Trans 881.63}</u> (Policy ~~6.2.3.9~~ <u>6.2.3.X {Trans cl.16}</u>).
3. Signs visible from roads	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 ii. Require {Trans cl.16} Ancillary signs ~~to be~~ <u>are {Trans cl.16}</u> located and designed to avoid or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, adequately mitigate adverse effects on the safety and efficiency of the transport network (Policy 6.2.3.1). iii. ~~Require buildings and structures Public amenities and signs {Trans cl.16}~~ located on or above the footpath ~~to {Trans cl.16}~~ provide for the safe movement of vehicles, pedestrians and cyclists (Policy 6.2.3.11).

¹ **Trans cl.16:** Alignment with Rule 6.7.2.

² **PA cl.16:** Assessment rule and guidance moved from Rule 3.6.3.2 as this is the more relevant location for this matter. Minor amendments have been made to wording to follow style guide with no substantive effect.

Rule 6.10 Assessment of Restricted Discretionary Activities

Rule 6.10.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rule 6.10.2:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 6.9; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 6.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 6.12; and
 - iii. the assessment guidance in this section will also be considered.

6.10.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents

6.10.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. - Ancillary Licensed Premises (Rec) - Campgrounds (Rec) - Cemeteries (Rural, Rec) - Community and leisure – large scale (Rec, Schools, Campus) - Conference, meeting and function (PPH, SSYP) - Crematoriums (Rural) - Domestic animal boarding and breeding (Rural) - Entertainment and Exhibition (PPH, SSYP) - Factory farming (Rural) - Forestry (Rural residential) - Stand-alone car parking (Rec) - Veterinary services – large animal practice (Rural, Rural Residential) {Trans cl.16} All RD activities that are linked to Section 6.10 and that have “effects on the safety and efficiency of the transport network” as a matter of discretion, including but not limited to the activities listed below {Trans cl.16’}	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> - Objective 6.2.3 <u>Only allow land use, development, or subdivision activities that may lead to land use or development, where {Trans cl.16} there are no significant Adverse effects on the safety and efficiency of the transport network will be avoided or, if avoidance is not practicable, adequately mitigated {Trans 881.72 and 1088.24} (Policy 6.2.3.9.a {Trans 881.63}).</u> <u>Any associated changes to the transportation network will be affordable to the public in the long term (Policy 6.2.3.9.b). {Trans 881.63}</u> <u>For activities where no minimum car parking performance standard is specified: The activity provides the amount of parking necessary to ensure that any overspill parking effects that could adversely affect the safety or efficiency of the transport network are avoided or, if avoidance is not {Trans cl.16} practicable {PO 908.3 and others}, adequately mitigated (Policy 6.2.3.4). {Trans cl.16’}</u> <u>For activities where no minimum vehicle loading performance standard is specified: The activity provides adequate vehicle loading and manoeuvring space to support its operations and to avoid or, if avoidance is not {Trans cl.16} practicable {PO 908.3 and others}, adequately mitigate adverse effects on the safety and efficiency of the transport network (Policy 6.2.3.3). {Trans cl.16’}</u> <i>General assessment guidance: {Trans 753.2}</i> <u>For activities that are likely to generate trips by bicycle, Council will consider whether the site and vehicle access design provides for the safety of cyclists entering and exiting the road network. {Trans 753.2}</u> <i>Potential circumstances that may support a consent application include: {Trans cl.16}</i> <u>Although the activity may result in the need for the parking of vehicles on-street, this is unlikely to result in adverse effects on the safety and/or efficiency of the transport network. {Trans cl.16’}</u>

6.10.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
7. {Trans cl.16^a} All RD high trip generators generating activities including which include: {Trans cl.16} • New or additions to parking areas, or extension to existing parking areas, that create that result in {Trans cl.16} 50 or more new parking spaces (all zones) • Any activities that generate 250 or more vehicle movements per day {Trans 458.4 and others} • Early childhood education – large scale {Trans 308.152} • Service stations {Trans 634.7}	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> - Objective 6.2.3 - The activity will maintain the safety and efficiency of the adjoining road and wider transport network {Trans cl.16} High trip generators are designed and located to avoid or, if avoidance is not {Trans cl.16} practicable {PO 908.3 and others}, adequately mitigate adverse effects on the safety and efficiency of the transport network. {Trans cl.16^a} (Policy 6.2.3.8). <i>General assessment guidance:</i> - The assessment will consider the findings of an Integrated Transport Assessment (see Special Information Requirements - Rule 6.13.2). - For activities that are likely to generate trips by bicycle, Council will consider whether the site and vehicle access design provides for the safety of cyclists entering and exiting the road network. {Trans 753.2} - In assessing the effects on the safety and efficiency of the transport network, Council will consider: - the effects of the physical works on safety on the frontage road. - the effects of the physical works on congestion on the frontage road. - the effects of the physical works on pedestrian and cycle connectivity and safety. - the capital and maintenance costs of the physical work. {Trans cl.16^a} - Council will generally only consider new transportation infrastructure (e.g. traffic signals, roundabouts etc.) as acceptable when there are no other practicable design solutions. {Trans cl.16^a} <i>Potential circumstances that may support a consent application include:</i> - Traffic entering and exiting the site does not cause adverse safety or congestion effects on any frontage road. - The vehicle movements generated by the activity do not result in overall traffic volume on any frontage road exceeding the capacity of that road.

6.10.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
		ix. <u>The frontage road has adequate on-road queuing space.</u> x. <u>The activity is located on a frontage road with capacity to absorb the additional vehicle movements associated with the activity.</u> xi. <u>Travel planning interventions are proposed to reduce the number of vehicle movements generated by the activity.</u> xii. <u>Physical works will be used where appropriate (including left in, left out vehicle access; turning bays; traffic signals and roundabouts). {Trans cl.16¹²}</u>
	b. Effects on accessibility	<i>Relevant objectives and policies:</i> i. Objective 6.2.2 ii. <u>For activities that are likely to generate a significant number of trips by walking, cycling or public transport: {Trans 753.2}</u> <u>activities likely to generate trips by cycling have safe access for cyclists into and through the site and secure cycle parking: {Trans 753.2 and 764.5}</u> <u>activities likely to generate trips by walking have safe access for pedestrians into and through the site; and {Trans 159.6}</u> <u>activities likely to generate trips by public transportation are located a reasonable walking distance from a frequent public transportation route with safe access for pedestrians from a bus stop to the site (Policy 6.2.2.4). {Trans 1080.4}</u> iii. <u>Only allow high trip-generating activities where the activity will maintain the safety and efficiency of the adjoining road and wider transport network (Policy 6.2.3.8) {Trans cl.16¹³}</u> iv. <u>In assessing the effects on the safety and efficiency of the transport network, Council will consider: {Trans cl.16}</u> <u>the effects of the physical works on safety on the frontage road: {Trans cl.16}</u> <u>the effects of the physical works on congestion on the frontage road: {Trans cl.16}</u> <u>the effects of the physical works on pedestrian and cycle connectivity and safety: {Trans cl.16}</u>

6.10.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
		4. ~~the capital and maintenance costs of the physical work.~~ {Trans cl.16¹⁴} v. Council will generally only consider new public infrastructure (e.g. traffic signals, roundabouts etc.) as acceptable when there are no other practicable design solutions. {Trans cl.16¹⁵} vi. The assessment of high trip generating activities <u>generators</u> {Trans cl.16} will consider the findings of an Integrated Transport Assessment (see Special Information Requirements - Rule 6.13.2), including the likely parking demand of the land use activity and the availability of public parking in the vicinity of the site. vii. <u>If the activity contravenes a minimum car parking performance standard or is not subject to a minimum car parking performance standard, Council will also assess the activity against Policy 6.2.2.1, via Rule 6.9.3.6 or Rule 6.10.2.2.</u> {Trans cl.16¹⁶} viii. In assessing the appropriateness of the location, Council will consider the road classification of roads where vehicle access is proposed (see Appendix 6A) and, in general, according to that classification, <u>a local roads are is not an</u> appropriate locations for high trip ~~generating activities~~ <u>generators</u> {Trans cl.16}. <i>Potential circumstances that may support a consent application include:</i> ix. ~~Traffic entering and exiting the site does not cause adverse safety or congestion effects on any frontage road.~~ {Trans cl.16¹⁷} x. ~~The vehicle movements generated by the activity do not result in overall traffic volume on any frontage road exceeding the capacity of that road.~~ {Trans cl.16¹⁷} xi. There is safe and convenient access to and within the site for pedestrians. xii. ~~The frontage road has adequate on-road queuing space.~~ {Trans cl.16¹⁷} xiii. ~~The activity is located on a frontage road with capacity to absorb the additional vehicle movements associated with the activity.~~ {Trans cl.16¹⁷} xiv. ~~Travel planning interventions are proposed to reduce~~

6.10.2 Assessment of restricted discretionary activities (activities located in zones)

Activity		Matters of discretion	Guidance on the assessment of resource consents
			the number of vehicle movements generated by the activity. {Trans cl.16¹⁷} xv. Provision of facilities for people accessing the site by a variety of travel methods <u>modes</u> {Trans 881.19} (for example dedicated carpool parking, changing rooms, secure bike storage). xvi. There are frequent public transport services within 200m of the site. xvii. Physical works will be used where appropriate (including left in, left out vehicle access; turning bays; traffic signals and roundabouts). {Trans cl.16¹⁷} xviii. Customer or visitor car parking is designed to ensure that vehicles travel at safe speeds within it (for example by using speed bumps and advisory signage).
2.	<u>All RD activities that are linked to section 6.10, that have "effects on accessibility" as a matter of discretion and/or where no minimum parking performance standards is specified including but not limited to the activities listed below</u> {Trans cl.16}	a. Effects on accessibility	<i>Relevant objectives and policies:</i> i. Objective 6.2.2 ii. Where parking demand either cannot be met by the public parking supply, or would significantly affect the availability of that supply for surrounding activities, the activity will provide ear {Trans 917.1} parking either on or near the site at an amount that is adequate to: 1. ~~avoid excessive pressure on publicly available parking in the vicinity of the site (including on-street parking and off-street facilities);~~ {Trans 308.147} 2. avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate adverse effects on the availability of public <u>publicly available</u> {Trans 308.147} parking in the vicinity of the site (including on-street parking and off-street facilities); and 3. ensure accessibility for (as relevant) {Trans cl.16} residents, visitors, customers, staff and students (as relevant) {Trans cl.16} who have limited mobility, including disabled people, the elderly and people travelling with young children (Policy 6.2.2.1). iii. Enable the sharing of car parking areas by different land use activities, where adequate accessibility for all users is maintained (Policy 6.2.2.2). iv. <u>For activities that are likely to generate a significant</u>

6.10.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
		<u>number of trips by walking, cycling or public transport: {Trans 753.2}</u> <u>activities likely to generate trips by cycling have safe access for cyclists into and through the site and secure cycle parking: {Trans 753.2 and 764.5}</u> <u>activities likely to generate trips by walking have safe access for pedestrians into and through the site; and {Trans 159.6}</u> <u>activities likely to generate trips by public transportation are located a reasonable walking distance from a frequent public transportation route with safe access for pedestrians from a bus stop to the site (Policy 6.2.2.4). {Trans 1080.4}</u> <i>Potential circumstances that may support a consent application include:</i> - The parking demand likely to be generated by the activity means the proposed number of parking spaces will be sufficient. - Although the activity may result in the need for the parking of vehicles on-street, this is unlikely to result in adverse effects on the safety and/or efficiency of the transport network: {Trans cl.16¹⁸} b. Effects on the safety and efficiency of the transport network {Trans cl.16¹} Relevant objectives and policies: {Trans cl.16} - Objective 6.2.3 {Trans cl.16} - Land-use activities to provide adequate vehicle loading and manoeuvring space to support their operations and to avoid or, if avoidance is not possible, adequately mitigate adverse effects on the safety and efficiency of the transport network (Policy 6.2.3.3) {Trans cl.16} - The activity provides the amount of car parking space necessary to ensure that any overspill parking effects that could adversely affect the safety and efficiency of the transport network are avoided or, if avoidance is not possible, adequately mitigated (Policy 6.2.3.4) {Trans cl.16}

6.10.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. RD activities where no minimum vehicle loading performance standard is specified {Trans cl.16¹⁹}		<i>Relevant objectives and policies: {Trans cl.16}</i> i. Objective 6.2.3 {Trans cl.16} ii. Land use activities to provide adequate vehicle loading and manoeuvring space to support their operations and to avoid or, if avoidance is not possible, adequately mitigate adverse effects on the safety and efficiency of the transport network (Policy 6.2.3.3) {Trans cl.16}

6.10.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
4. - Visitor accommodation, including ancillary activities {Trans cl.16} (residential zones and NEC, NECC) - Supported living facilities (residential zones and neighbourhood centres {Trans cl.16²⁰}) - Student Hostels (Campus) {MF 308.353²¹}	a. Effects on accessibility	<i>Relevant objectives and policies:</i> - Objective 6.2.2 - Visitor accommodation and supported living facilities are located on sites where customers and residents will have convenient walking access to centres, frequent public transport services, other appropriate transport services, and/or an appropriate range of on-site services or facilities (Policy 6.2.2.3). - For activities that are likely to generate a significant number of trips by walking, cycling or public transport: {Trans 753.2} - activities likely to generate trips by cycling have safe access for cyclists into and through the site and secure cycle parking; {Trans 753.2 and 764.5} - activities likely to generate trips by walking have safe access for pedestrians into and through the site; and {Trans 159.6} - activities likely to generate trips by public transportation are located a reasonable walking distance from a frequent public transportation route with safe access for pedestrians from a bus stop to the site (Policy 6.2.2.4). {Trans 1080.4} <i>General assessment guidance:</i> - Convenient walking access is to be determined taking into account the anticipated mobility levels of the intended customers or residents of the activity. <i>Potential circumstances that may support a consent application include:</i> - Examples of services and facilities required where supported living facilities are not within walking distance of a centre or frequent public transport services are medical services, personal services such as hairdressers, retail services such as dairies or cafés, and sport and leisure activities.

6.10.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
	b. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 ii. ~~Visitor accommodation and supported living facilities~~ <u>Land use activities {cl.16}</u> provide the amount of car {Trans 917.2} parking space {Trans cl.16} necessary to ensure that any overspill parking effects that could adversely affect the safety and efficiency of the transport network are avoided or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, adequately mitigated (Policy 6.2.3.4). <i>Potential circumstances that may support a consent application include:</i> iii. The parking demand likely to be generated by the activity means the proposed number of parking spaces will be sufficient. iv. Although the activity may result in the need for the parking of vehicles on-street, this is unlikely to result in adverse effects on the safety and/or efficiency of the transport network.
5.	• Early childhood education - small scale (Rec, Res, <u>Campus, commercial and mixed use zones</u>) {Trans cl.16³} • Early childhood education - large scale (Dunedin Hospital, Moana Pool, Otago Museum, Schools, Campus, Wakari Hospital, <u>commercial and mixed use zones</u>) {Trans cl.16} • Dairies (Residential zone) • ~~{all zones except commercial and mixed use zones}~~ {Trans cl.16}	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 ii. Adequate short-term parking and dropping off and picking up facilities are available, either on-site or on-street, to: 1. allow for people to safely enter or exit vehicles; and 2. maintain the safety and efficiency of the frontage road (Policy 6.2.3.6) <i>General assessment guidance:</i> iii. In assessing the safety of short-term parking and dropping off and picking up facilities, Council will consider the speed and volume of traffic and width of the road; and for early childhood education, particular regard will be given to whether children can enter and exit vehicles safely.

6.10.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
6. Emergency services (commercial and mixed use zones {CP 945.49} residential zones {CP 945.30} , industrial zones, {CP 945.36} Taieri Aerodrome)	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 ii. The operational needs of the activity can be met in a way that <u>will</u> {PO cl.16} maintain the safety and efficiency of the transport network (Policy 6.2.3.7).
8. All subdivision activities (all zones)	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 ii. There are no significant {Trans 881.72 and 1088.24} Adverse effects on the safety and efficiency of the transport network <u>are avoided or, if avoidance is not practicable, adequately mitigated</u> (Policy 6.2.3.9.a). {Trans 881.72 and 1088.24} iii. <u>Any associated changes to the transportation network will be affordable to the public in the long term.</u> {Trans 881.63} (Policy 6.2.3.14 <u>6.2.3.9.b</u> {Trans cl.16}). <i>Conditions that may be imposed include:</i> iv. Easements including on/off-site {Trans cl.16} for pedestrian <u>and/or</u> {Trans cl.16} vehicle access <u>either on or off the site</u> {Trans cl.16}. <i>Design considerations that may support a consent application include:</i> v. Shared driveways are low speed environments, and where appropriate provide for the storage of rubbish and recycling bins. vi. In the commercial <u>and</u> {CMU cl.16} mixed use zones {Trans cl.16} and the industrial zones, connections are proposed to link parking areas and provide vehicle access behind buildings to minimise the need for new vehicle accesses. vii. The location and gradient of any new intersection or access ensures the safety and efficiency of the transport network. viii. The design of any driveways is appropriate with respect to the length and potential number of private units to be served.
9. Subdivision activities that include a new road	a. Effects on the safety and efficiency	<i>Relevant objectives and policies:</i> i. Objective 6.2.3

6.10.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
(all zones) {Trans cl.16}	of the transport network	ii. <u>Policy 2.2.1.11 {NH 908.35}</u> iii. ~~Subdivisions that involve new roads ensure that the~~ {Trans cl.16} Roads are designed to: 1. provide for the safe and efficient movement of vehicles, pedestrians and cyclists within the subdivision; and 2. provide adequate connections to surrounding areas and the wider transport network, {Trans 881.73} particularly for buses, pedestrians, and cyclists; and 3. use materials that provide good urban design outcomes and provide good value with respect to ongoing costs to ratepayers for maintenance if the roads are to be vested in Council (<u>Policy {Trans cl.16} 6.2.3.12</u>). <i>General assessment guidance:</i> iv. In assessing the transport network design, Council will make reference to the Dunedin City Council Code of Subdivision and Development 2010 and/or the most recent NZS 4404. v. In assessing the effects on the safety and efficiency of the transport network, Council will consider any changes to traffic volumes on other parts of the network as a result of the subdivision. <i>Conditions that may be imposed include:</i> vi. ~~Easements including on/off-site~~ {Trans cl.16} for pedestrian <u>and/or {Trans cl.16}</u> vehicle access <u>either on or off the site {Trans cl.16}</u>. vii. The standard of pedestrian and/or cycle paths required. viii. The standard of street lighting or private access lighting required. <i>Design considerations that may support a consent application include:</i> ix. Road networks use a permeable 'grid' network design that connects to surrounding streets and/or enables future connections to un-developed areas, except where this is not possible because of natural features or the surrounding patterns of development. Where cul-de-sacs must be provided, pedestrian and cycling links to surrounding roads are provided, if physically possible. x. The design provides for all parking, loading and access standards to be met.

6.10.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
		xi. Appropriate construction standards, materials, design palettes, and products are employed with consideration of both the on-going maintenance costs to ratepayers and appropriate character and amenity standards. xii. The design provides safe and convenient access for pedestrians and cyclists or other active modes to any public places, including the GMA <u>coast</u> {Trans cl.16}, water bodies or reserves.

¹ **Trans cl.16:** Notified Rule 6.10.2.2.b has been deleted and its contents transferred to new Rule 6.10.2.1.a.iv. This does not change the effect of provisions.

² **MF 308.353:** Moved to 6.8A

³ **Trans cl.16:** Early childhood education is a RD activity in the Campus Zone.

⁴ **Trans cl.16:** References to specific activities in specific zones have been replaced with a more general description of the activities the rule applies to. This does not change the effect of provisions.

⁵ **Trans cl.16:** Content from notified Rule 6.10.2.2.b has been transferred to new Rule 6.10.2.1.a.iv, in order to avoid repetition. This does not change the effect of provisions.

⁶ **Trans cl.16:** Content from notified Rule 6.10.2.3 has been transferred to new Rules 6.10.2.1.a.v, in order to avoid repetition. This does not change the effect of provisions.

⁷ **Trans cl.16:** Notified Rule 6.10.2.2.a.vi has been transferred to new Rule 6.10.2.1.a.vii, because it relates to the assessment of 'effects on safety and efficiency of the transport network' rather than 'effects on accessibility'. This does not change the effect of provisions.

⁸ **Trans cl.16:** Rule 6.10.2.7 has been moved up the table to give it more prominence, given that it applies to multiple activities. This does not change the effect of provisions.

⁹ **Trans cl.16:** The paraphrasing of Policy 6.2.3.8 at Rule 6.10.2.7.a.ii has been amended; the notified paraphrasing did not accurately reflect the contents of the policy. This does not change the effect of provisions.

¹⁰ **Trans cl.16:** Notified Rules 6.10.2.7.b.iii.1-4 have been transferred to new Rules 6.10.2.7.a.v.1-4, because they are relevant to the assessment of "effects on safety and efficiency of the transport network", rather than "effects on accessibility". This does not change the effect of provisions.

¹¹ **Trans cl.16:** Notified Rule 6.10.2.7.b.v has been transferred to new Rule 6.10.2.7.a.vi, because it is relevant to the assessment of "effects on safety and efficiency of the transport network", rather than "effects on accessibility". This does not change the effect of provisions.

¹² **Trans cl.16:** A number of "potential circumstances that may support a consent application" have been relocated from 6.10.2.7.b to 6.10.2.7.a (to become new Rules 6.10.2.7.a.vii-xii), because they are relevant to the assessment of "effects on safety and efficiency of the transport network" rather than "effects on accessibility". This does not change the effect of provisions.

¹³ **Trans cl.16:** Notified Rule 6.10.2.7.b.iii (paraphrasing Policy 6.2.3.8) has been deleted, because this policy is not relevant to 'effects on accessibility'.

¹⁴ **Trans cl.16:** Notified Rules 6.10.2.7.b.iii.1-4 have been transferred to new Rules 6.10.2.7.a.v.1-4, because they are relevant to the assessment of 'effects on safety and efficiency of the transport network', rather than 'effects on accessibility'. This does not change the effect of provisions.

¹⁵ **Trans cl.16:** Notified Rule 6.10.2.7.b.v has been transferred to new Rule 6.10.2.7.a.vi, because it is relevant to the assessment of 'effects on safety and efficiency of the transport network', rather than 'effects on accessibility'. This does not change the effect of provisions.

¹⁶ **Trans cl.16:** The general assessment guidance has also been expanded (via the addition of 6.10.2.7.b.iv) to clarify that activities will be assessed against Policy 6.2.2.1, via other assessment rules, where relevant.

¹⁷ **Trans cl.16:** A number of 'potential circumstances that may support a consent application' have been relocated from 6.10.2.7.b to 6.10.2.7.a (to become new Rules 6.10.2.7.a.vii-xii), because they are relevant to the assessment of 'effects on safety and efficiency of the transport network' rather than 'effects on accessibility'. This does not change the effect of provisions.

¹⁸ **Trans cl.16:** Notified Rule 6.10.2.2.a.vi has been transferred to new Rule 6.10.2.1.a.vii, because it is relevant to the assessment of 'effects on safety and efficiency of the transport network' rather than 'effects on accessibility'. This does not change the effect of provisions.

¹⁹ **Trans cl.16:** Notified Rule 6.10.2.3 has been deleted and its contents transferred to new Rule 6.10.2.1.a.v. This does not change the effect of provisions.

²⁰ **Trans cl.16:** Not required as supported living facilities are permitted activities in the Neighbourhood Centre Zone.

Note 6.10.2A - General advice {Trans 753.2 and 764.5}

1. For guidance on best practice for cycle facility design see the Auckland Transport *Transport Design Manual*. {Trans 753.2 and 764.5}

Rule 6.11 Assessment of Discretionary Activities

Rule 6.11.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 6.11.2 and 6.11.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

6.11.2 Assessment of discretionary activities in management and major facility zones

Activity	Guidance on the assessment of resource consents
2. All other {Trans cl.16} discretionary activities that are linked to Section 6.11, including but not limited to the activities listed below {PO cl. 16}	<i>Relevant objectives and policies:</i> i. Objectives 6.2.2 and {Trans 753.2} 6.2.3 ii. Only allow land use, development, or subdivision activities that may lead to land use or development, where there are no significant Adverse {Trans 881.72 and 1088.24} effects on the safety and efficiency of the transport network <u>will be avoided or, if avoidance is not practicable, adequately mitigated {Trans 881.72 and 1088.24} (Policy 6.2.3.9.a)</u> iii. <u>Any associated changes to the transportation network will be affordable to the public in the long term (Policy 6.2.3.9.b). {Trans 881.63}</u> iv. <u>Where parking demand either cannot be met by the public parking supply, or would significantly affect the availability of that supply for surrounding activities, the activity will provide parking either on or near the site at an amount that is adequate to: {Trans cl.16}</u> 1. <u>avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the availability of {Trans cl.16} publicly available parking {Trans 308.147} in the vicinity of the site (including on-street parking and off-street facilities); and {Trans cl.16}</u> 2. <u>ensure accessibility for residents, visitors, customers, staff and students (as relevant) who have limited mobility, including disabled people, the elderly and people travelling with young children (Policy 6.2.2.1). {Trans cl.16}</u> v. <u>For activities that are likely to generate a significant number of trips by walking, cycling or public transport: {Trans 753.2}</u> 1. <u>activities likely to generate trips by cycling have safe access for cyclists into and through the site and secure cycle parking: {Trans 753.2 and 764.5}</u> 2. <u>activities likely to generate trips by walking have safe access for pedestrians into and through the site; and {Trans 159.6}</u> 3. <u>activities likely to generate trips by public transportation are located a reasonable walking distance from a frequent public transportation route with safe access for pedestrians from a bus stop to the site (Policy 6.2.2.4). {Trans 1080.4}</u> <i>Potential circumstances that may support a consent application include: {CP 634.39}</i> vi. <u>Service stations that include the ancillary sale of food or household consumables provide adequate cycle parking and marked pedestrian access to provide for customers who access the site by walking or cycling. {CP 634.39}</u>

6.11.2 Assessment of discretionary activities in management and major facility zones

Activity	Guidance on the assessment of resource consents
1. {Trans cl.16²} All high trip generating activities, including the following specific land use activities: <u>high trip generators, which include: {Trans 458.4 and others}</u> • <u>any activities that generate 250 or more vehicle movements per day {Trans 458.4}</u> • Schools {Trans 458.4 and others} • Restaurant – Drive through {Trans 458.4 and others} • Early childhood education – large scale {Trans 308.152} • Service stations {Trans 634.7} • Mining (Quarries) {Trans 458.4 and others}	Same as for Rule 6.10.2.7

¹ **Trans cl.16:** Reference to Policy 6.2.2.1 was omitted from the notified assessment rule. Its addition does not result in a substantive change to provisions.

² **Trans cl.16:** Rules have been reordered so that Rule 6.11.2.2 appears above 6.11.2.1. This order is more logical given that Rule 6.11.2.2 applies to all activities, whereas Rule 6.11.2.1 only applies to certain activities. This does not change the effect of provisions.

6.11.3 Assessment of discretionary transportation activities

Activity	Guidance on the assessment of resource consents

6.11.3 Assessment of discretionary transportation activities

Activity	Guidance on the assessment of resource consents
1. All discretionary transportation activities	<i>Relevant objectives and policies (priority considerations):</i> a. In assessing the significance of effects, consideration will be given to: {MW cl.16} i. Manawhenua values and the relationship between Manawhenua and the natural environment is maintained, including the cultural values and traditions associated with: {MW cl.16} 1. wāhi-tūpuna; and {MW cl.16} 2. mahika kai (Objective 14.2.1): {MW cl.16} ii. If located outside a wāhi-tūpuna mapped area, Kai Tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi-tūpuna is located, or the linkages between wāhi-tūpuna: {MW 1071.109} b. In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered: {Trans cl.16} c. See Section 9.6 for guidance on the assessment of discretionary resource consents in relation to Objective 9.2.2 and effects related to public health and safety. d. Where in a ONCC, HNCC or NCC overlay zone, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and effects related to the natural character of the coast. e. Where in a ONF, ONL or SNL overlay zone, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and effects on <u>related to</u> {NatEnv cl.16} landscape values. f. See Section 10.6 for guidance on the assessment of discretionary resource consents in relation to Objective 10.2.1 and Objective 2.2.3 <u>For activities that may have effects on biodiversity values, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1.</u> {NatEnv cl.16}. g. <u>For activities adjacent to water bodies and the coast, see section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.2.</u> {NatEnv 900.38} h. Where on a heritage site see Section 13.7 for guidance on the assessment of resource consents in relation to objectives 13.2.2 and 13.2.3 {Trans cl.16} and effects on heritage values. i. <u>See section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua.</u> {MW cl.16}

6.11.3 Assessment of discretionary transportation activities

Activity	Guidance on the assessment of resource consents
2. New roads or additions or alterations to existing roads	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 6.2.1; 6.2.4 {Trans 322.30} b. Policy 2.2.1.11 {NH 908.35} c. Only allow new roads or additions or alterations to existing roads, where: {Trans cl.16} The road is designed to provide for the needs of all users and to integrate with surrounding land uses {Trans 881.58} as appropriate for the surrounding environment and road classification hierarchy mapped area (Policy 6.2.1.3.a). {Trans cl.16} d. The location and design of the road: i. minimises as far as practicable {PO 906.34 and 308.497} adverse effects on surrounding residential or other sensitive activities, including severance effects, changes to drainage patterns, and vibration, noise, glare and fumes from vehicle movements; and ii. maintains or enhances the safety and efficiency of the overall transport network; and (Policy 6.2.1.3.b). iii. minimises adverse effects on water bodies or the coast, areas of indigenous vegetation or other areas important for biodiversity, or identified landscape or natural character of the coast values (Policy 6.2.1.3.b). {NatEnv 900.142 and others} e. Where in a wāhi tūpuna mapped area, see Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua. {MW cl.16} f. Sufficient visibility is available where a vehicle access or road crosses an operational rail network via a level crossing, to maintain the safety of the road and rail users (Policy 6.2.4.6.b) {Trans 322.30} g. Council will assess whether new roads or additions or alterations to roads provide for the safe and efficient movement of cyclists using the road, considering the road space allocation and design, and based on the anticipated role of the road in any cycle networks {Trans 753.2} h. In considering the appropriateness of the road design, Council will consider the function of the road, including but not limited to the elements described in Appendix 6A. {Trans cl. 16} i. Council will require new roads that cross an operational rail network via a level crossing to maintain clear sightlines within the sight line triangles shown in Figure 6B.18 Railway Level Crossing Sight Line Requirements. {Trans 322.30}

6.11.3 Assessment of discretionary transportation activities

Activity	Guidance on the assessment of resource consents
3. Passenger transportation hubs	<i>Relevant objectives and policies (priority considerations): {Trans cl.16}</i> a. Objective 6.2.1 b. Passenger transportation hubs are located and designed to: i. allow for convenient connections with other travel methods <u>modes</u> {Trans 881.19}; ii. ensure the safety of users; iii. maintain or enhance the safety and efficiency of the overall transport network; and iv. maintain or enhance the amenity of the surrounding environment (Policy 6.2.1.4). <i>General assessment guidance: {Trans 753.2}</i> c. <u>For off-street passenger transportation hubs, Council will consider whether the site and vehicle access design provide for the safety of cyclists entering and exiting the road network. {Trans 753.2}</u> d. <u>Council will generally require passenger transportation hubs to provide safe and secure cycle parking facilities {Trans 753.2 and 764.5}</u>
4. Heliports	<i>Relevant objectives and policies (priority considerations): {Trans cl.16}</i> a. <u>Objective 6.2.1 {Trans cl.16}</u> b. Heliports are located and designed to: i. ensure the safety of users; ii. maintain the amenity of the surrounding environment; and iii. maintain or enhance the safety and efficiency of the overall transport network (Policy 6.2.1.5). <i>General assessment guidance: {TA 917.11 and others}</i> c. <u>Council will assess the noise effects of helicopter movements in accordance with the standards set out in NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas. {TA 917.11 and others}</u>

¹ **MW cl.16:** As a clause 16 amendment, 6.11.3.1.d has been rewritten to redirect to Section 14.5. This is not a substantive change.

² **Trans cl.16:** This assessment guidance is not necessary because no transportation activities are discretionary due to being in an overlay zone etc.

³ **NatEnv cl.16:** The assessment rule has been amended to provide greater clarity and consistency with other assessment rules. This does not change the effect of provisions.

⁴ **MW cl.16:** Given the amendment of Rule 6.11.3.1 to refer to Section 14.5, it is no longer necessary to refer to that section in Rule 6.11.3.2, and the relevant text has therefore been deleted. This is not a substantive change.

Note 6.11A - General advice {Trans 753.2 and 764.5}

1. For guidance on best practice for cycle facility design see the Auckland Transport Transport Design Manual. {Trans 753.2 and 764.5}

Rule 6.12 Assessment of Non-complying Activities

Rule 6.12.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 6.12.2 - 6.12.3 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.

6.12.2 Assessment of all *{Trans cl.16}* non-complying activities located in management zone or major facility zone sections *{Trans cl.16}*

Activity	Guidance on the assessment of resource consents
1. All non-complying activities <u>that are linked to Section 6.12, including but not limited to the activities listed below</u> <i>{PO cl. 16}</i>	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 6.2.2, 6.2.3, 6.2.4 <i>General assessment guidance:</i> b. In assessing the significance of effects, consideration will be given to: i. both short and long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of precedent being set by the granting of a resource consent. c. ~~In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.~~ <i>{Trans cl.16¹}</i>
2. <u>All high trip generators, which include:</u> • <u>any activities that generate 250 or more vehicle movements per day</u> <i>{Trans cl.16²}</i>	<u>Same as for Rule 6.10.2.7</u> <i>{Trans cl.16}</i>

¹ **Trans cl.16:** This text has been deleted because it is not relevant to the activities that this rule applies to. This does not change the effects of provisions.

² **Trans cl.16:** This assessment rule has been added to provide a cross-reference to relevant provisions in the transportation section. This cross-reference is required to link activities covered by the notified definition of 'high trip generating activities' with provisions relevant to the assessment of these activities. This does not change the effect of provisions.

6.12.3 Assessment of non-complying performance standard contraventions

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

Rule 6.13 Special Information Requirements

6.13.1 Parking demand information

When land use activities do not meet performance standards for minimum car parking, Council may require that **{Trans cl.16}** the following information, to demonstrate the likely parking demand of the activity and potential effects of that demand on publicly available parking near the site:

- a. Current usage rates (% usage) of all publicly available on- and off-street parking spaces within 250m of the site.
- b. The accessibility of the site in terms of ~~by~~ **{Trans cl.16}** public transport, ~~and for~~ **{Trans cl.16}** cyclists and pedestrians.
- c. The predicted transport behaviour of users of the activity, including the numbers of ~~users who will~~ people predicted to **{Trans cl.16}** access the activity by private vehicle, carpool, public transport, cycle or foot.
- d. ~~Details of and~~ **{Trans cl.16}** any travel plan provided by the applicant, ~~which sets~~ setting **{Trans cl.16}** out targets for increased proportions of users accessing the activity by carpool, public transport, cycle or foot, and a detailed implementation plan for actions to achieve those targets.

6.13.2 Integrated transport assessment

Council will generally require Resource consent applications for all high trip generating activities must include an Integrated Transport Assessment (ITA) for applications for high trip generators unless, having considered the specific circumstances of the activity and site, Council determines that an ITA is unnecessary **{Trans 458.4}**. The information requirements for an ITA are set out in the table below. The level of detail and analysis provided in each section of the ITA should reflect the scale and complexity of the proposed activity and the context of the site and its surrounding environment.

Item	Details to be included
Description of baseline conditions	Description of the site's existing characteristics, any existing land use(s), the trip generation of existing land use(s), the existing transport environment including transport networks, safety, vehicle parking, accessibility by public transport, cycle and foot.
Description of the proposal	Description of the proposed land use, proposed vehicle and pedestrian access arrangements, proposed vehicle parking, proposed vehicle loading, proposed cycle parking, any other facilities proposed to improve access by any transport mode.
Travel characteristics	Estimated trip generation for all modes.
Planned transportation {PO cl.16} infrastructure changes	Description of any planned upgrades to the transport network near the site that may be relevant to the activity.
Accessibility of the activity	Explanation of how accessible the activity will be for each mode, including the following information: • How will the predicted demand for vehicle parking, vehicle loading, pedestrians and cycle parking be met? What facilities will there be on or near the site for users of each mode? • How safe will it be for each mode to access the site? • What facilities will be provided on-site for pedestrians to safely walk within the site? • Details of the demand predicted to be placed on public vehicle and cycle parking facilities (on- and off-street), and an assessment of the capacity of public facilities to absorb that demand.
Assessment of effects on accessibility and on the safety and efficiency of the {Trans cl.16} transport network	Explanation of how the activity will support Objective 6.2.2 and relevant associated policies, in relation to the accessibility of the land use activity by a range of travel modes. Explanation of how the activity will support Objective 6.2.3 and Policy 6.2.3.8, in relation to effects on the safety and efficiency of the transport network for all modes.
Mitigation and options to influence travel choice	Description of measures that are proposed to mitigate effects on accessibility, safety and effects on the transport network.
Summary	Summary of the main aspects of the transport assessment.

Appendices

Appendix 6A. Road Classification Hierarchy

6A.1 Description of the Road Classification Hierarchy

The Road Classification Hierarchy is used to distinguish roads into categories, as some of the rules in the District Plan only apply to some of the roads in a particular category.

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

6A.2 Road Classification

Classification	Description
Motorway	Any New Zealand NZ Transport Agency classified motorway. High speed routes where movement of motorised vehicles {Trans cl.16} is the sole purpose. Pedestrians and cyclists are generally prohibited and property access is limited and controlled.
Strategic	High capacity roads (including state highways) that form part of the national and/or regional network. <u>A strategic road provides</u> They provided through movement for freight, tourists and vehicular traffic; and connect main centres, outlying settlements and goods to markets {Trans cl.16} . <u>A Strategic roads are is constructed and managed to a high standards to ensure they it operates safely and efficiently {Trans cl.16}</u> . In urban areas, these roads may also support local transport, various methods modes {Trans cl.16} of transport and a mixed land use environment. Provision will be is {Trans cl.16} made for pedestrians in urban areas, and where provided, cycle facilities should be physically separated from traffic. Public transport may operates on these roads but stops may be are {Trans cl.16} limited.
Arterial	Roads that connect, distribute and collect within and between residential, rural, commercial and industrial areas; as well as providing property access <u>access to properties {Trans cl.16}</u> . In urban areas, these roads may {Trans cl.16} support a range of travel methods modes {Trans 881.19} including frequent public transport services and considerable pedestrian and cycle activity. <u>On-street parking may be limited in favour of providing for public transport and cyclists</u> On an arterial road, it may be appropriate to prioritise road space allocation/road design to support safe cycling and/or public transportation. This can result in less space for on-street parking {Trans 452.6 and others} . In rural areas, arterials may an arterial road carries {Trans cl.16} moderate volumes {Trans cl.16} of general traffic, including a higher percentage of heavy vehicles serving key sites of primary industry. <u>They Although it may also support some residential development, however, it is inappropriate that arterials in rural an arterial road in a rural area is not expected to meet the same standards that apply in the urban context areas {Trans cl.16}</u> such as kerb and channel gutters and street lighting.

Classification	Description
Urban High Density Corridor	~~A~~ High use arterial <u>road</u> in an increasingly a densely developed, high place {Trans cl.16} environment. These corridors typically support a combination of moderate to high traffic volumes; {Trans cl.16} moderate to high pedestrian volumes; {Trans cl.16} frequent bus services; {Trans cl.16} the Strategic Cycle Network; cycling, {Trans 452.6} freight movements; {Trans cl.16} medium density residential land use; {Trans cl.16} and commercial or tertiary education activity. Through traffic ~~must~~ <u>should</u> {Trans cl.16} be catered for, however it is expected that the form and speed of the corridor will evolve to support the integration of the transport corridor function with adjacent land use. On-street parking ~~will~~ <u>is</u> generally be provided where space allows, but priority ~~will be~~ <u>is</u> given to public transport, <u>and to</u> cycle and pedestrian infrastructure over parking. {Trans cl.16} where space is limited.
Commercial Centre Streets	Roads located within Principe, Suburban, Destination, Neighbourhood and rural activity centres as well as our CBD and Warehouse Precinct zone <u>the Central Business District and centres zones, the CBD edge mixed use zones and other commercial zones</u> {Trans cl.16} . It is expected that the form of these streets will evolve to support a complementary integration of the transport corridor function with adjacent land use. The design elements of these streets ~~will be more~~ <u>should be</u> {Trans cl.16} conducive to a high level of pedestrian activity; <u>and to</u> {Trans cl.16} supporting active frontages and high-quality public spaces. The highest level of safety, connectivity, accessibility and amenity for pedestrians, cyclists and public transport users should be provided on these streets. Where parking is provided in urban areas, it ~~will~~ <u>should</u> {Trans cl.16} increasingly be provided off- street rather than on-street, and toward the periphery of the centre <u>or zone</u> {Trans cl.16} .
Collector	Roads in local neighbourhoods that collect and distribute local traffic. A collector <u>road</u> provides a local through movement function as well as access to ~~property~~ <u>properties</u> {Trans cl.16} . In urban areas, a collector <u>road</u> ~~may~~ supports some public transport services, {Trans cl.16} with frequent stopping points. Considerable pedestrian and cycle activity ~~should be~~ <u>is</u> expected, ~~hence~~ <u>so</u> the road layout should be ~~designated~~ <u>designed</u> {Trans cl.16} to discourage speed.
Local	Roads that are not intended to act as main through routes for motorised vehicle traffic but primarily provides for ~~property~~ <u>access to properties</u> {Trans cl.16} . These roads can be different in nature depending on the land use environments they serve. In residential environments, layout and design discourages speed as the intention is to provide an environment that supports safe and balanced {Trans cl.16} access for cars, pedestrians and cyclists. ~~Some~~ <u>A</u> local roads {Trans cl.16} may support bus routes.
Industrial	Roads ~~whose~~ <u>that have a</u> {MF cl.16} primary role is to ~~of~~ <u>providing</u> {MF cl.16} access to significant {Trans cl.16} industrial sites. Sufficient width needs to be maintained for the manoeuvring of larger and heavier vehicles. Footpaths and on-street parking ~~will~~ <u>are</u> generally be provided, but where necessary, space ~~will~~ <u>should</u> {Trans cl.16} be prioritised for the manoeuvring needs of heavy vehicles. Speeds ~~may be~~ <u>are</u> managed to a level consistent with safe on-street manoeuvring, and height <u>high</u> levels of ~~property~~ <u>access to properties</u> {Trans cl.16} for heavy vehicles should be provided. Parking ~~will~~ <u>should</u> {Trans cl.16} generally be controlled to serve the primary purpose of industrial access. ~~Some~~ <u>An</u> {Trans cl.16} industrial road may support alternative cycle routes.

Appendix 6B. Transportation Figures {Was "Rule 6.14 Transportation Figures" - Trans cl.16}

Figure 6B.1 On-site car parking dimensions {Was "Figure 6.14A" - Trans cl.16}

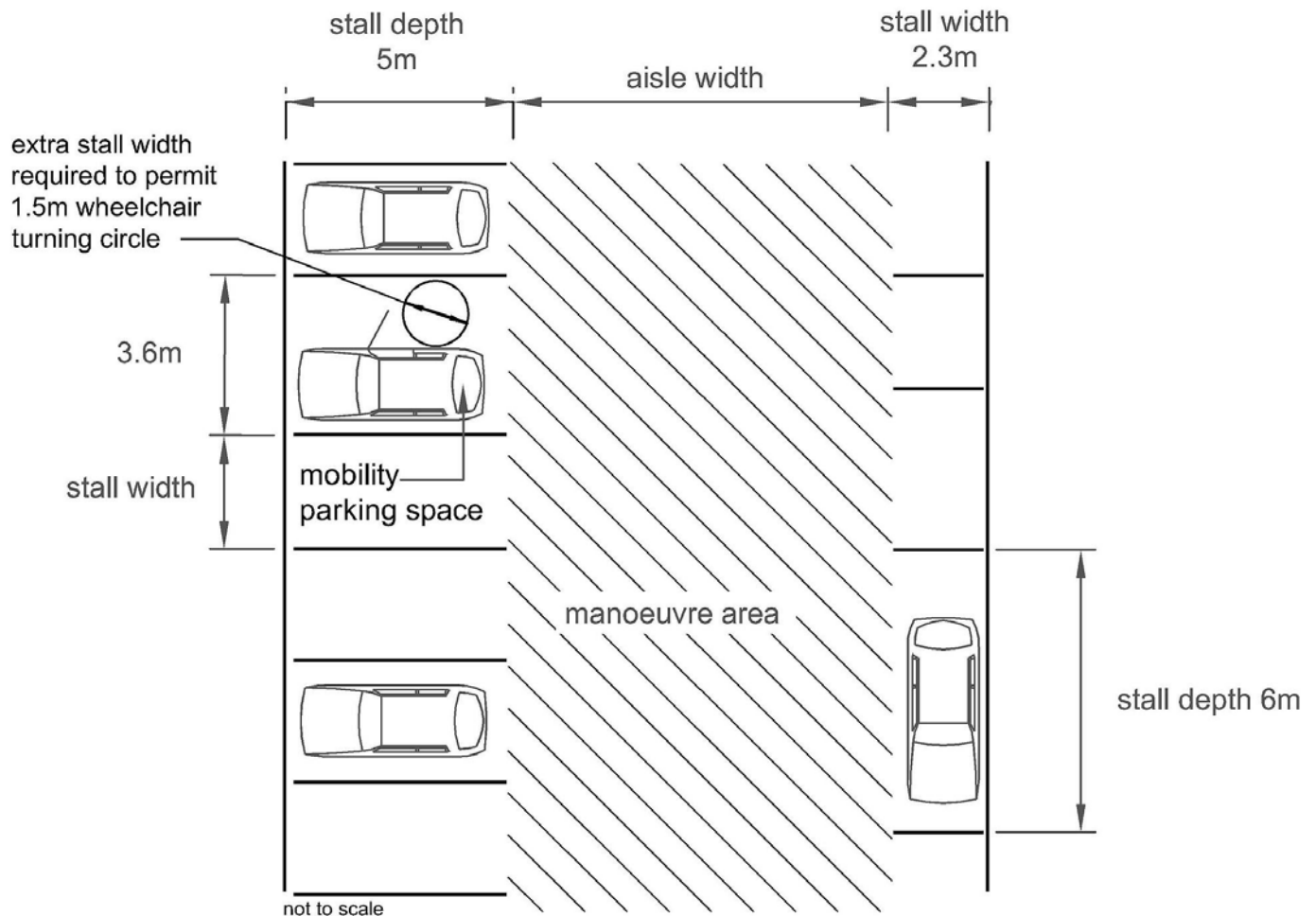


Figure 6B.2 Typical parking layout 85th percentile vehicles {Was "Figure 6.14B" - Trans cl.16}

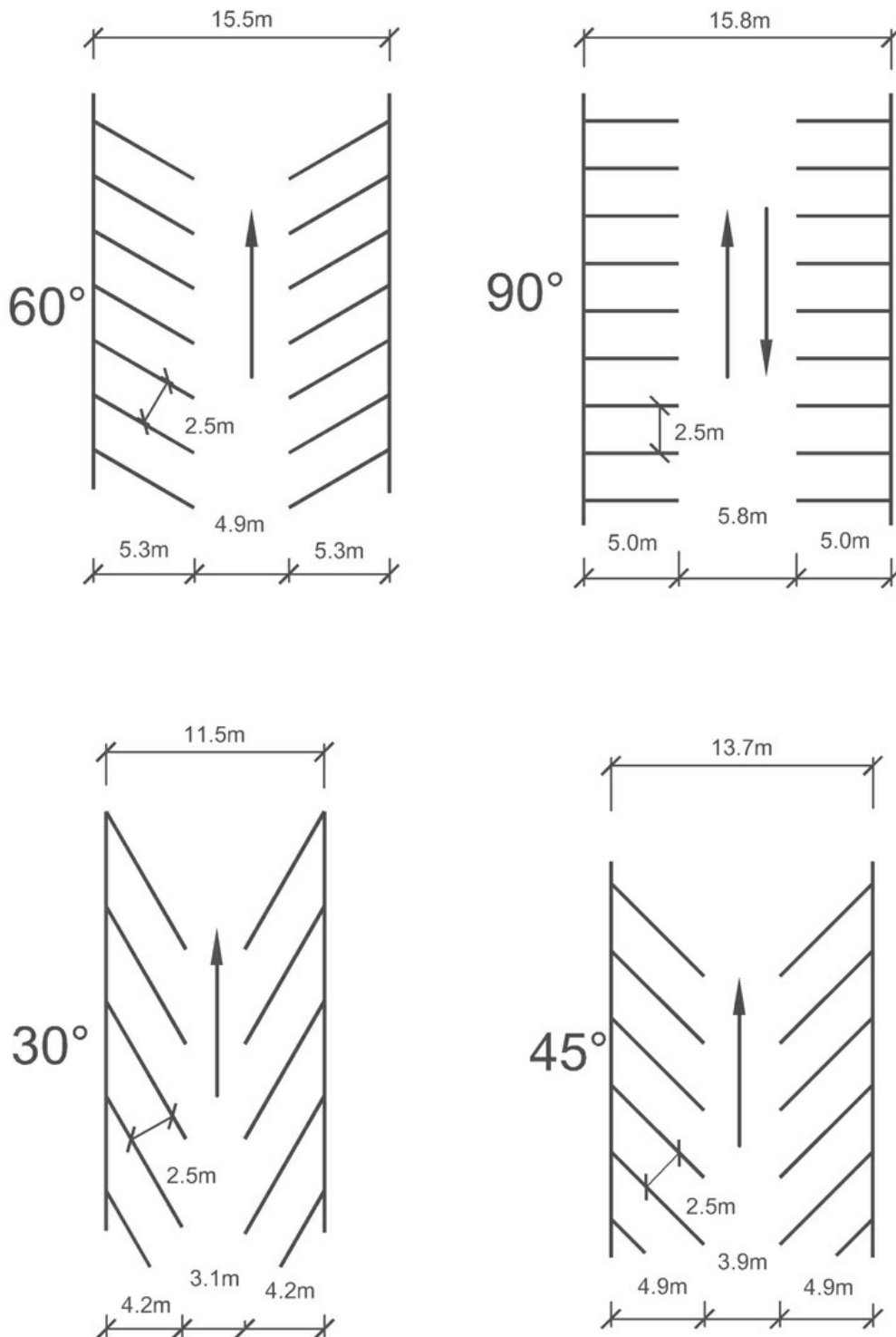


Figure 6B.3 Typical parking layout 99th percentile vehicles {Was "Figure 6.14C" - Trans cl.16}

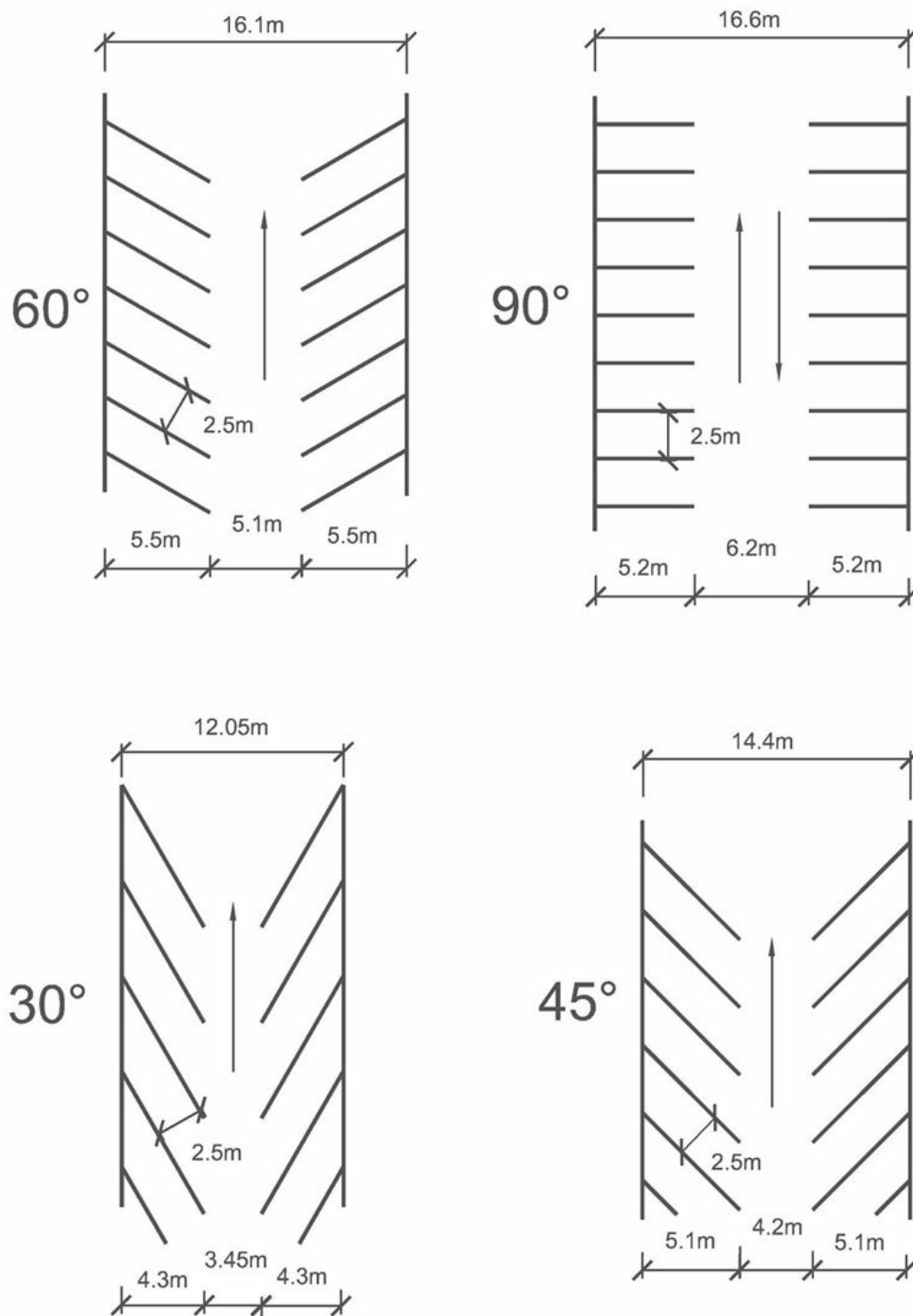


Figure 6B.4 Minimum separation distance between residential unit and vehicle access {Was "Figure 6.14D" - Trans cl.16}

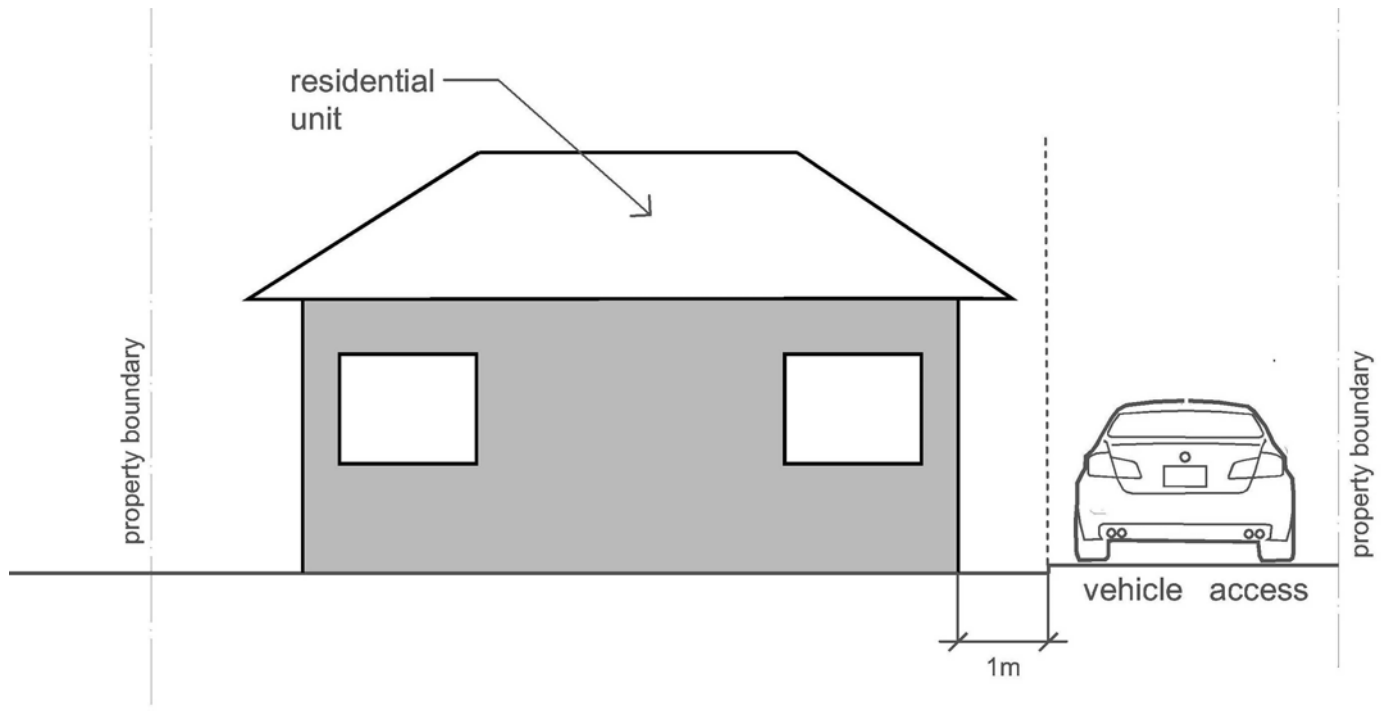


Figure 6B.5 Minimum separation distance between new residential unit and existing under-width vehicle access: possible scenarios {Was "Figure 6.14E" - Trans cl.16}

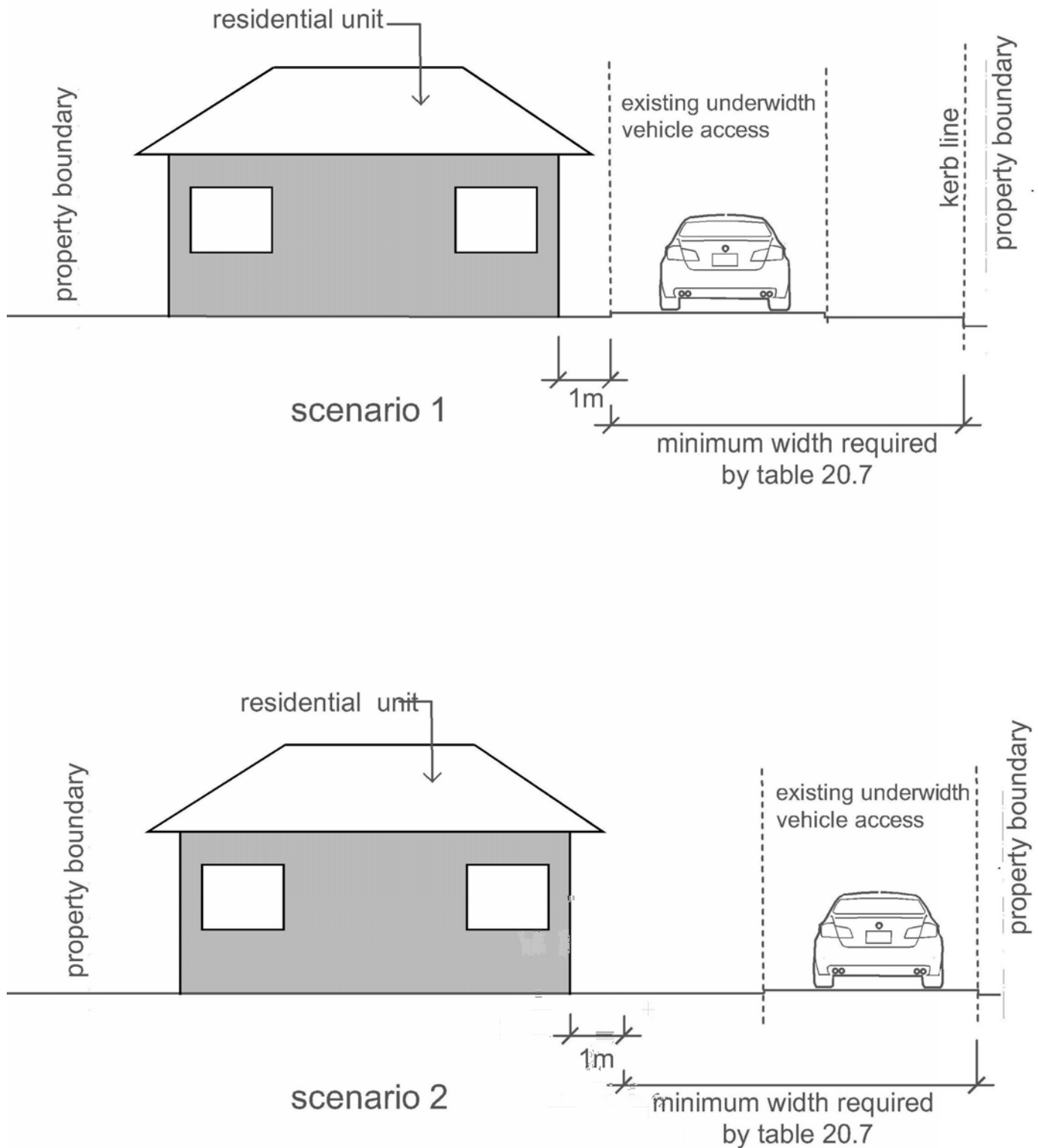


Figure 6B.6 99th percentile vehicle dimensions {Was "Figure 6.14F" - Trans cl.16}

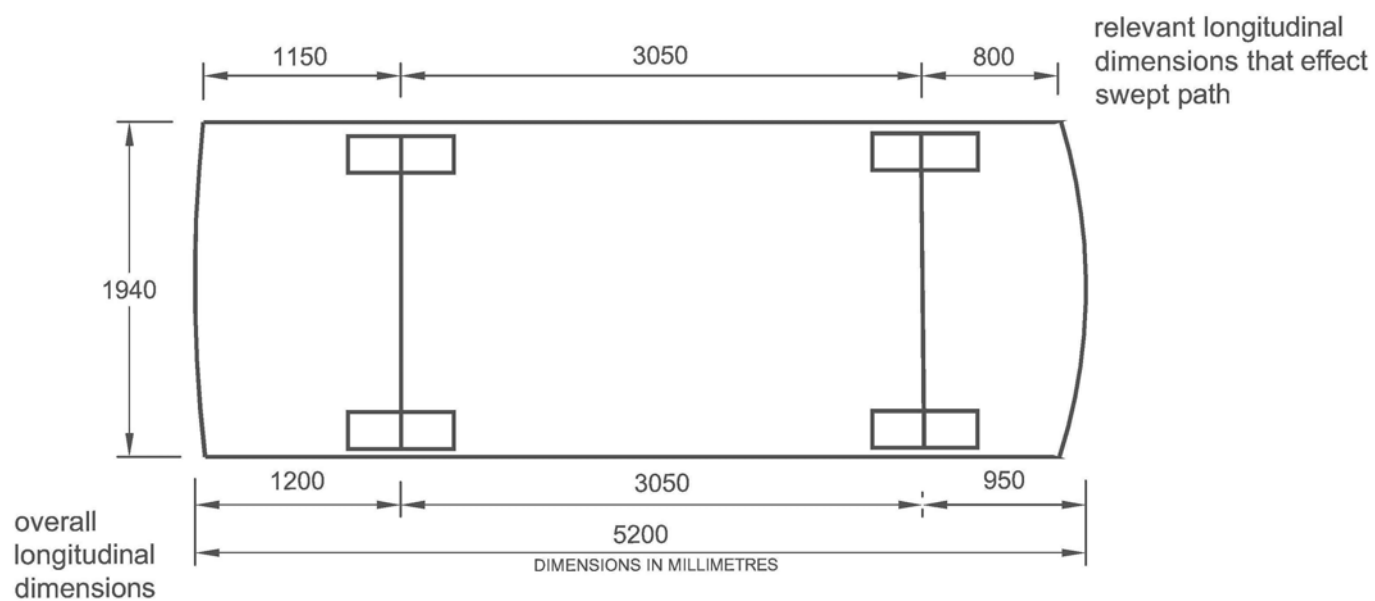
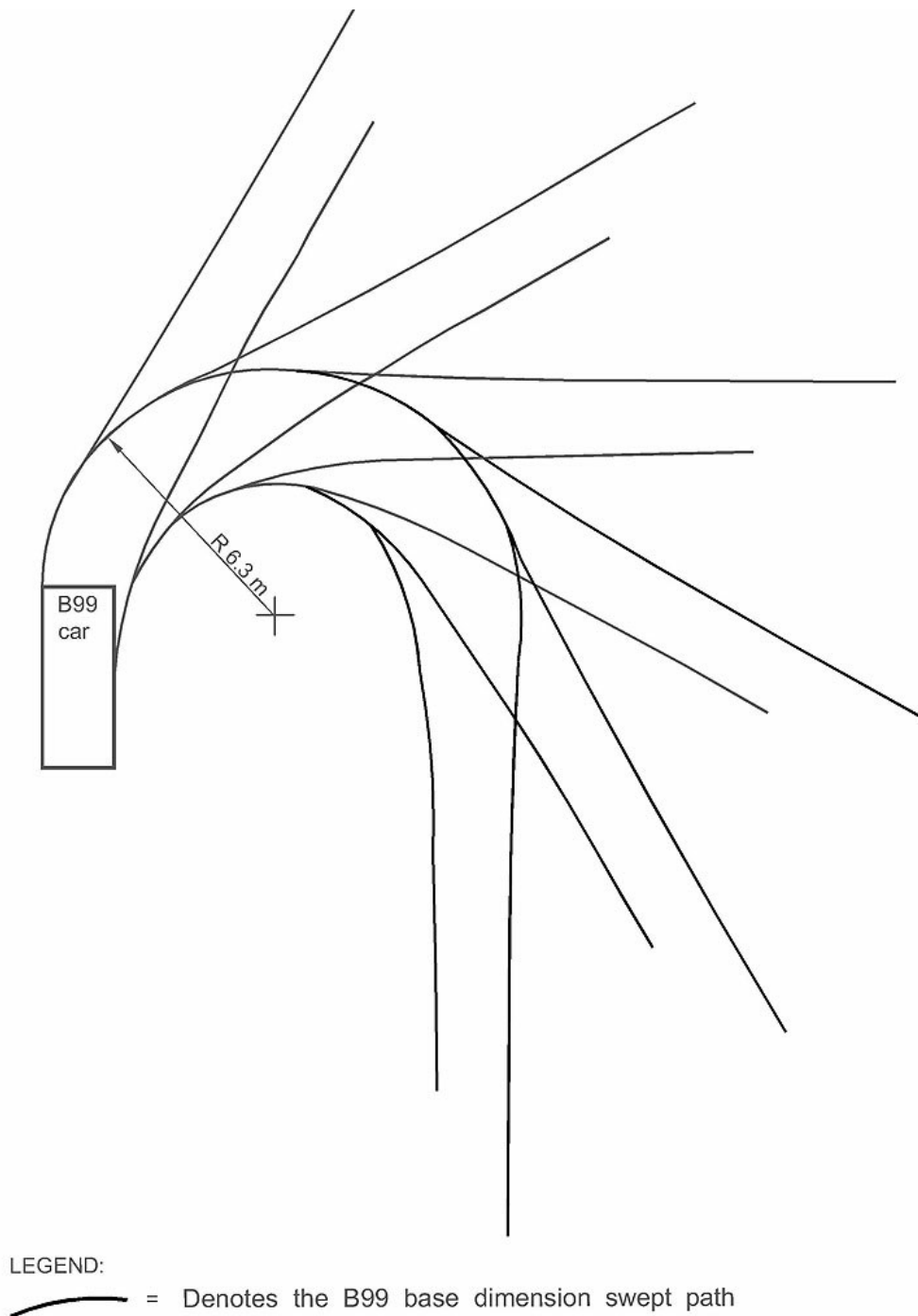


Figure 6B.7 99th percentile vehicle turning circle {Was "Figure 6.14G" - Trans cl.16}



Recommended clearances (300mm) must be added to each side of the tracking curve

NOTE: This is minimum radius turn for a B99 vehicle

Figure 6B.8 85th percentile vehicle dimensions {Was "Figure 6.14H" - Trans cl.16}

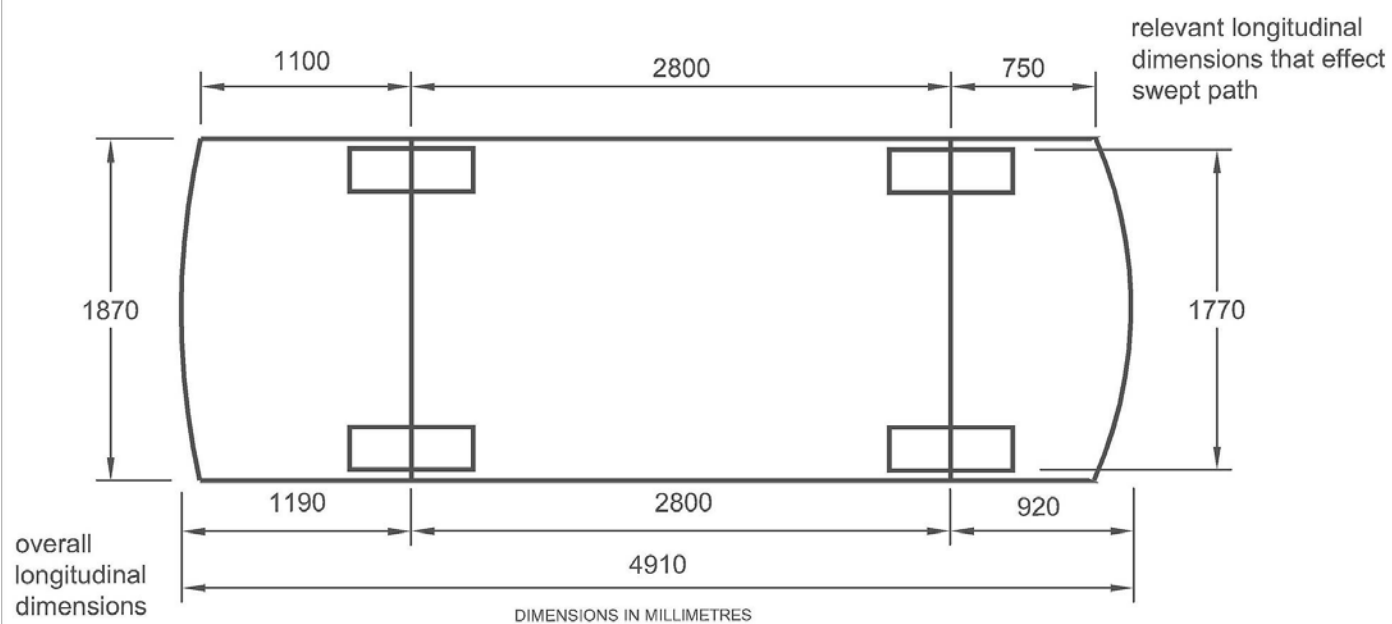
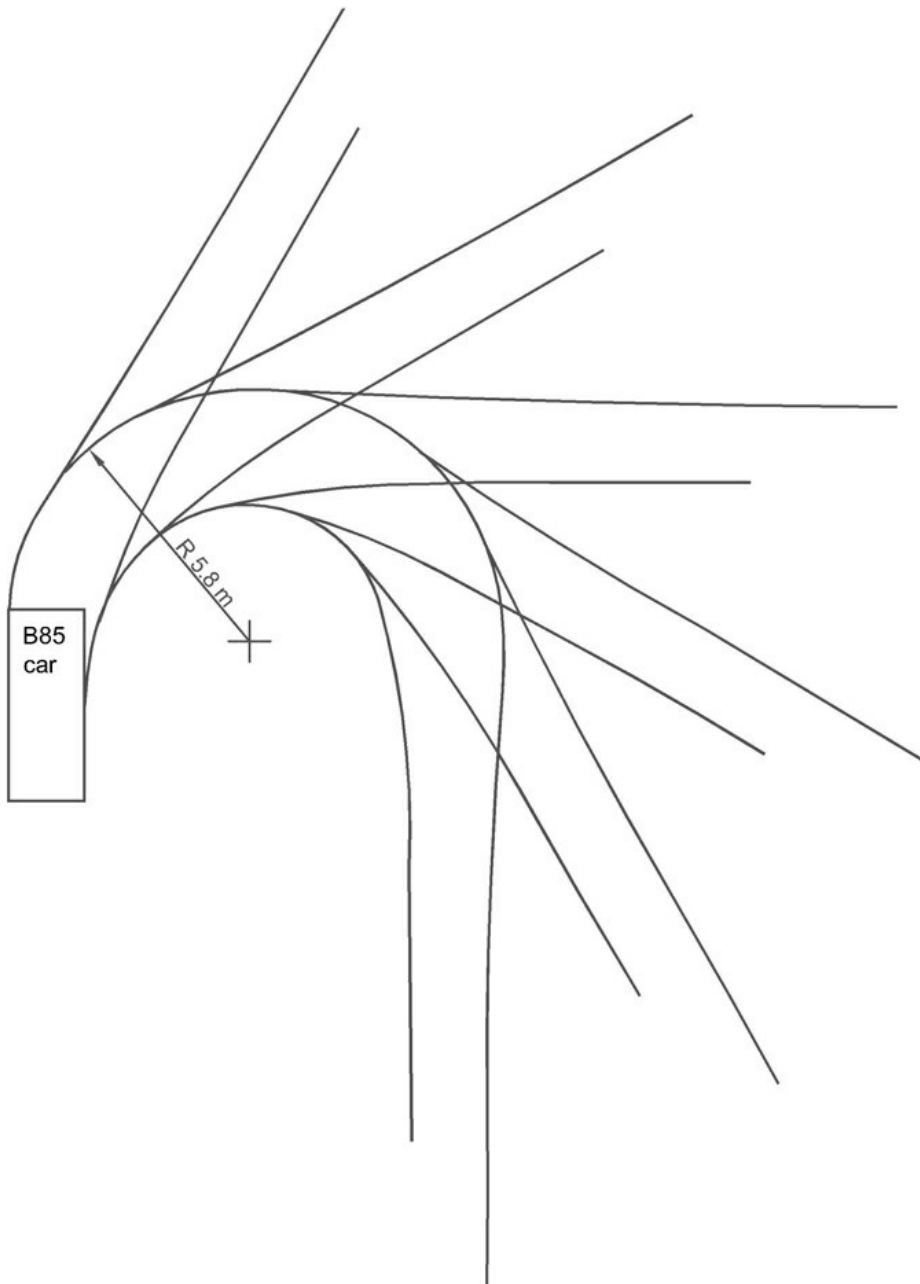


Figure 6B.9 85th percentile vehicle turning circle {Was "Figure 6.14I" - Trans cl.16}



LEGEND:

 = Denotes the B85 base dimension swept path

Recommended clearances (300mm) must be added to each side of the tracking curve

NOTE: This is minimum radius turn for a B85 vehicle

Figure 6B.10 8m rigid truck turning circle {Was "Figure 6.14J" - Trans cl.16}

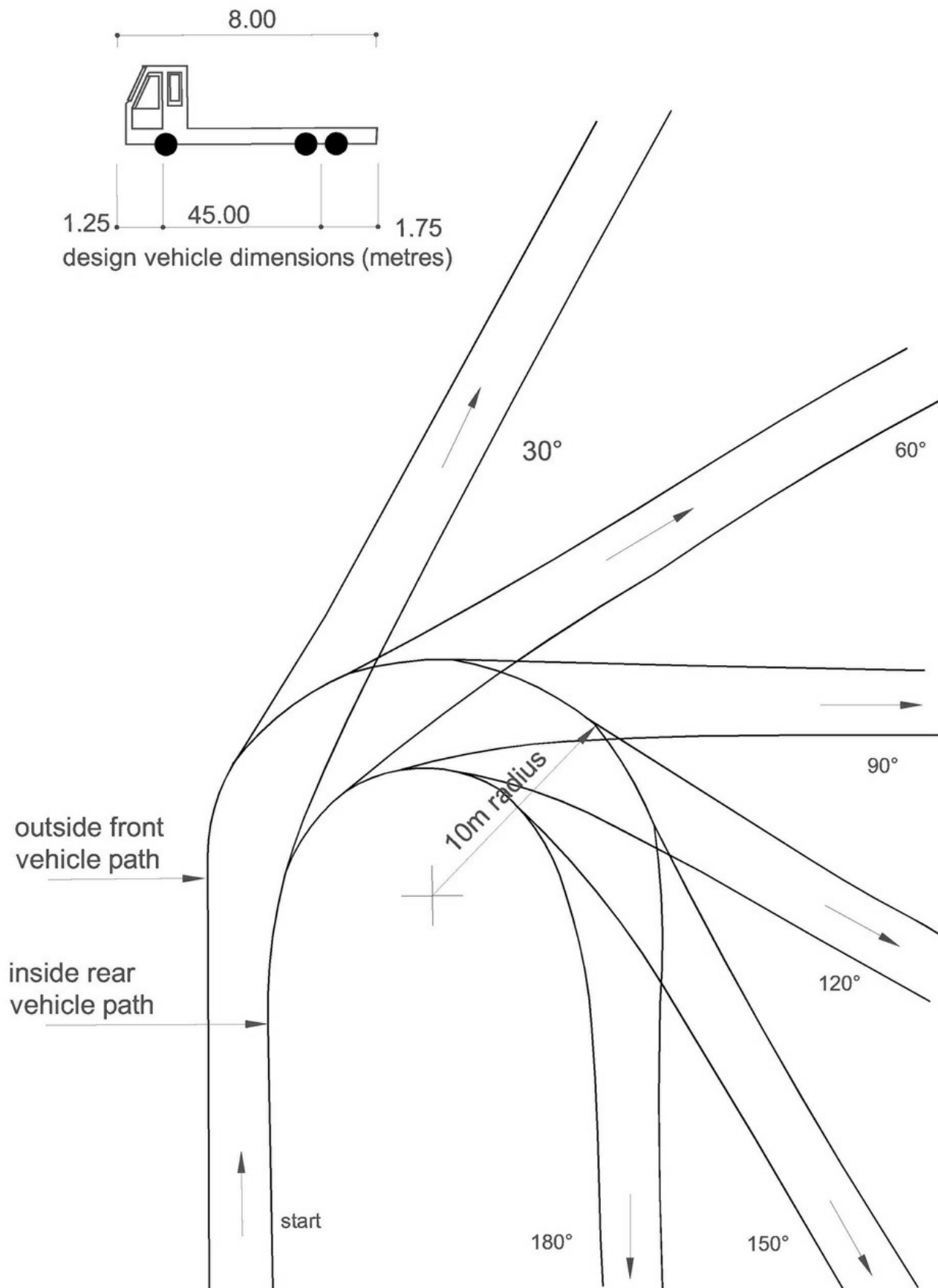


Figure 6B.11 B-train truck turning circle {Was "Figure 6.14K" - Trans cl.16}

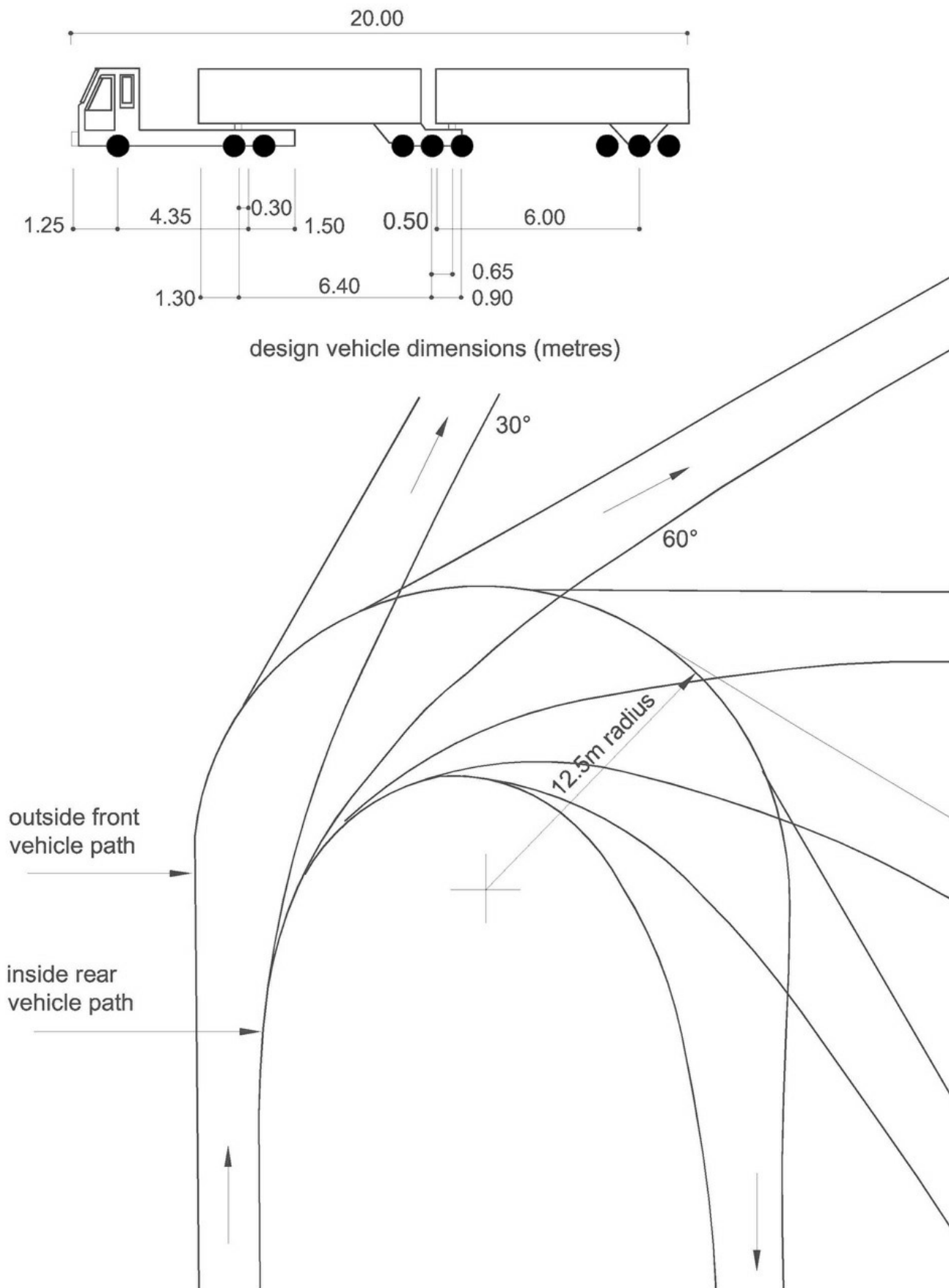


Figure 6B.12 Coach turning circle {Was "Figure 6.14L" - Trans cl.16}

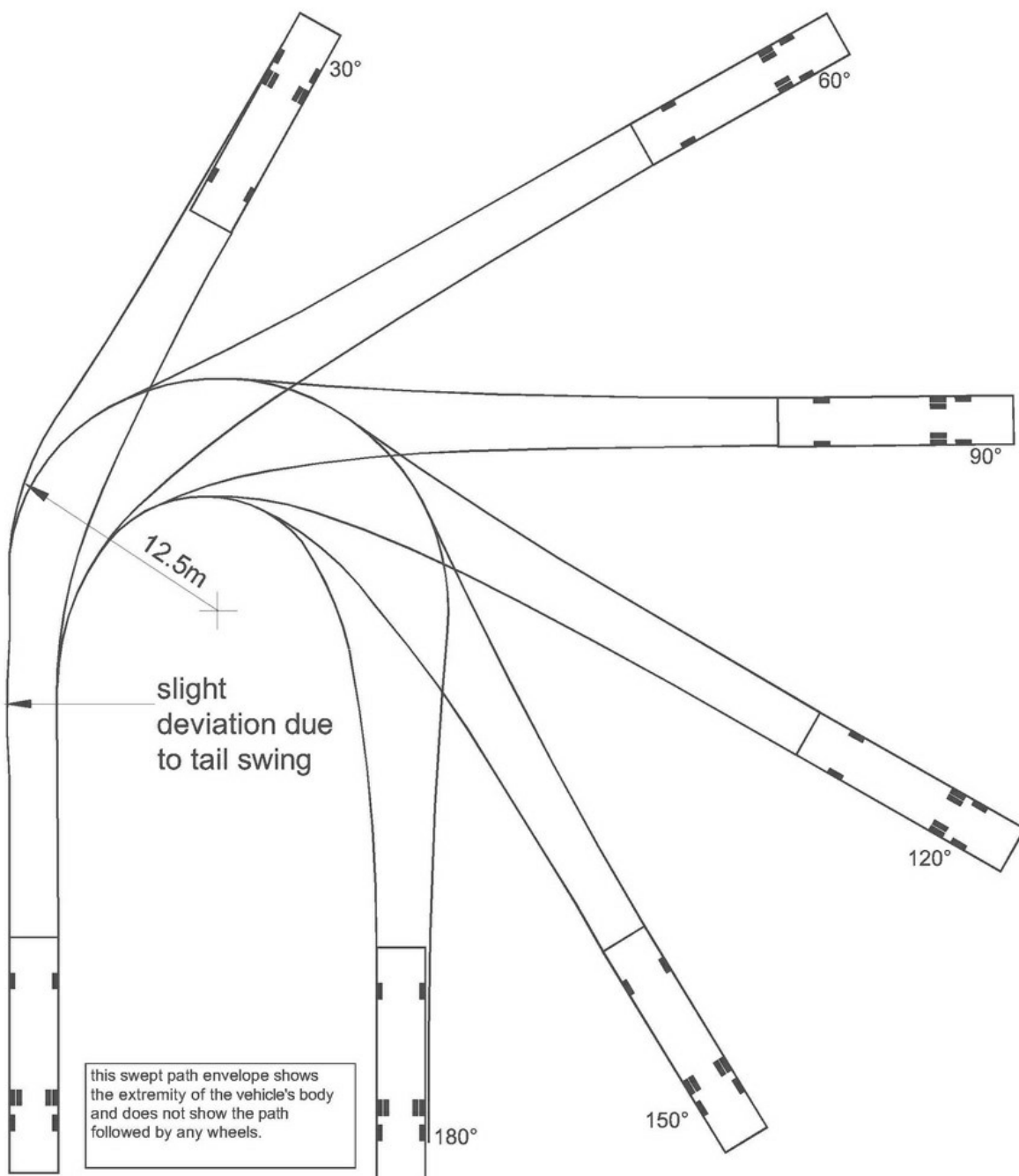
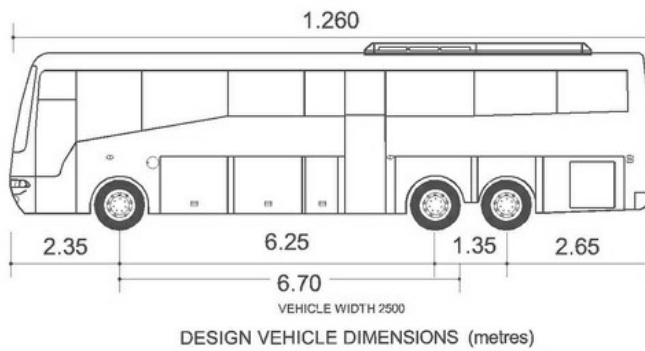
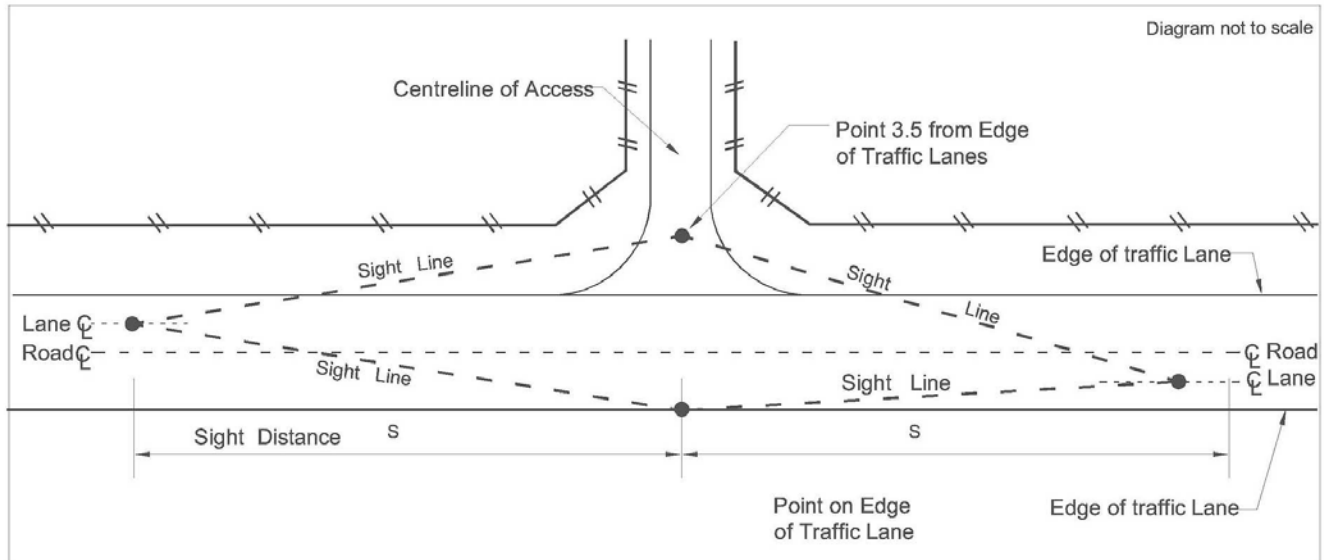


Figure 6B.13 Method for determining sight distance {Was "Figure 6.14M" - Trans cl.16}

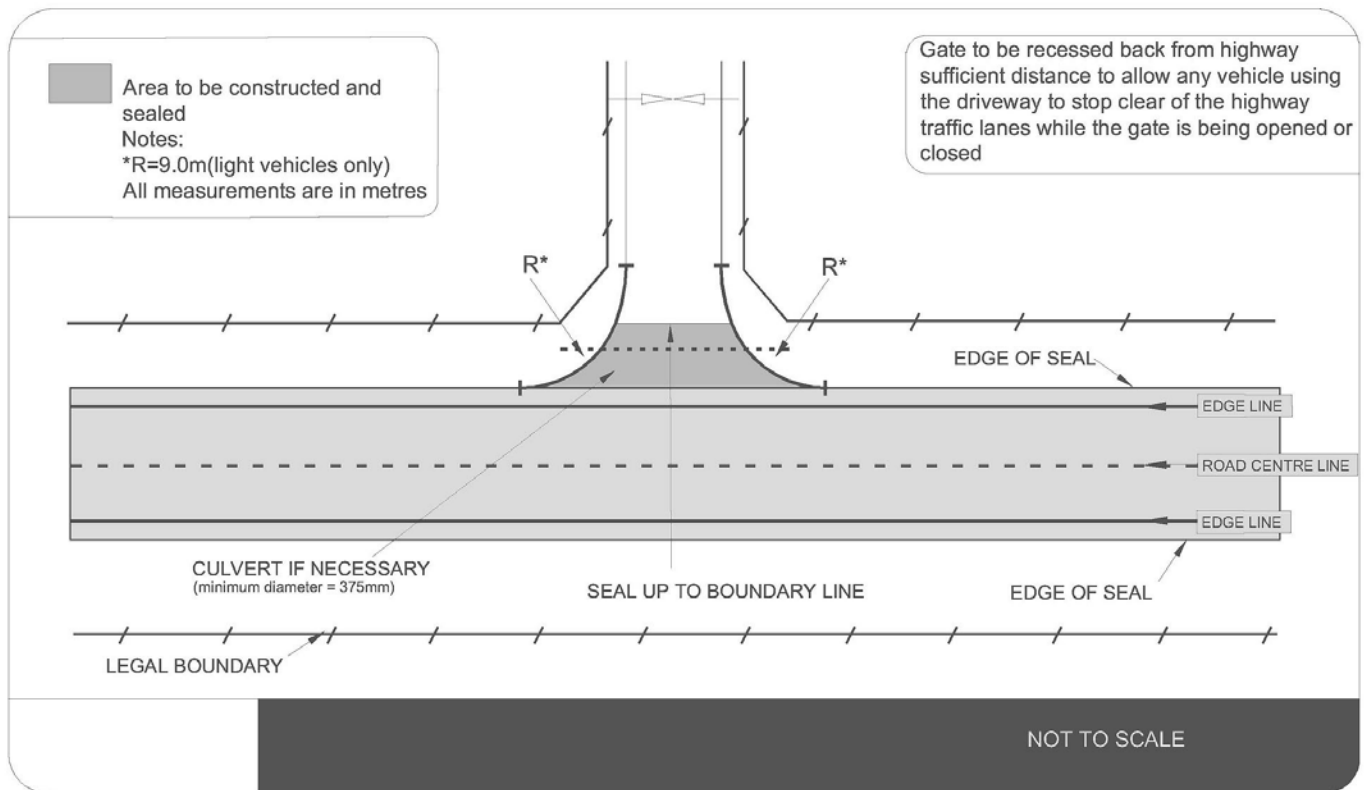
Method to Determine Sight Distance at Property Accesses



Notes:

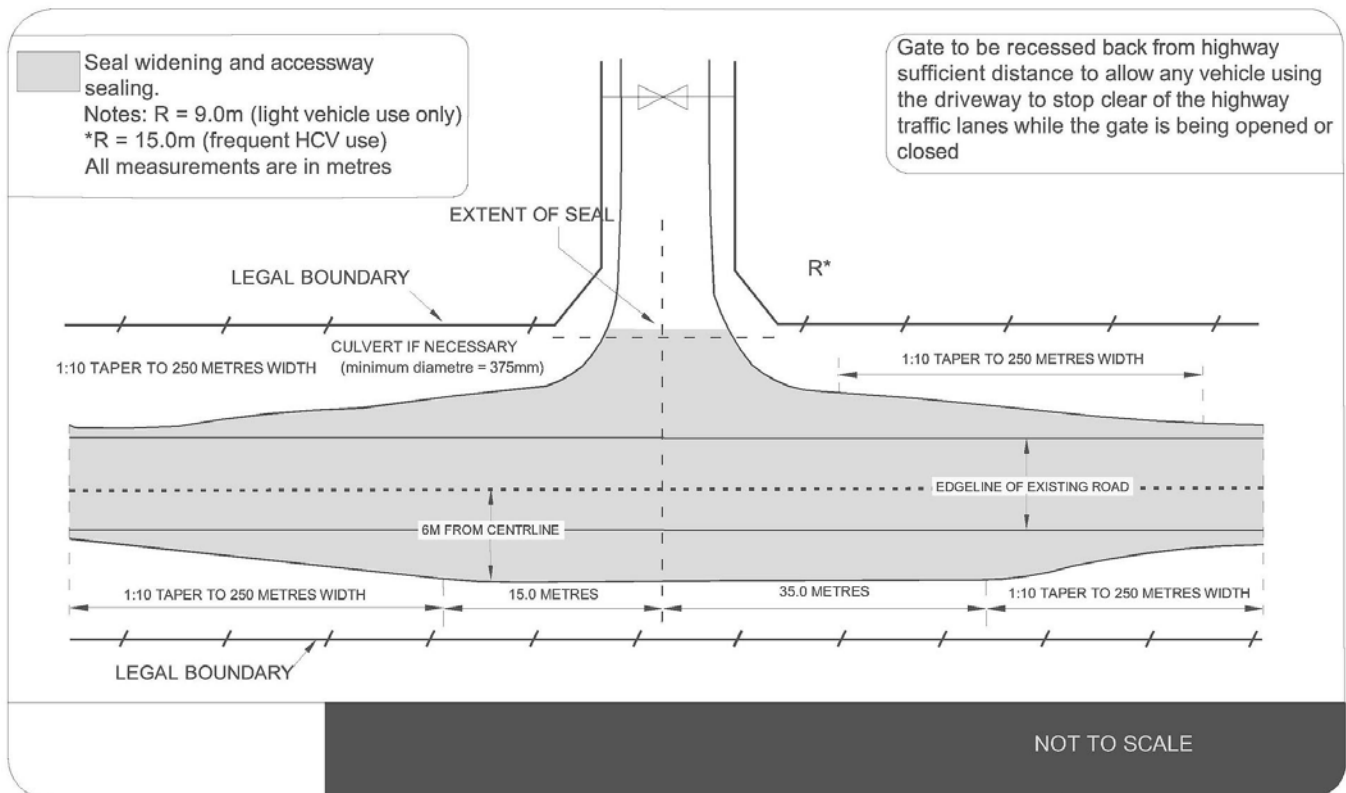
1. Sight distances shall be measured to and from a height of 1.15m above the existing road surface and the proposed road surface level of the side road or access.
2. There are to be no obstructions to visibility inside the area bounded by site lines.

Figure 6B.14 Vehicle access onto a state highway sealing diagram {Was "Figure 6.14N Access sealing diagram" - Trans cl.16}



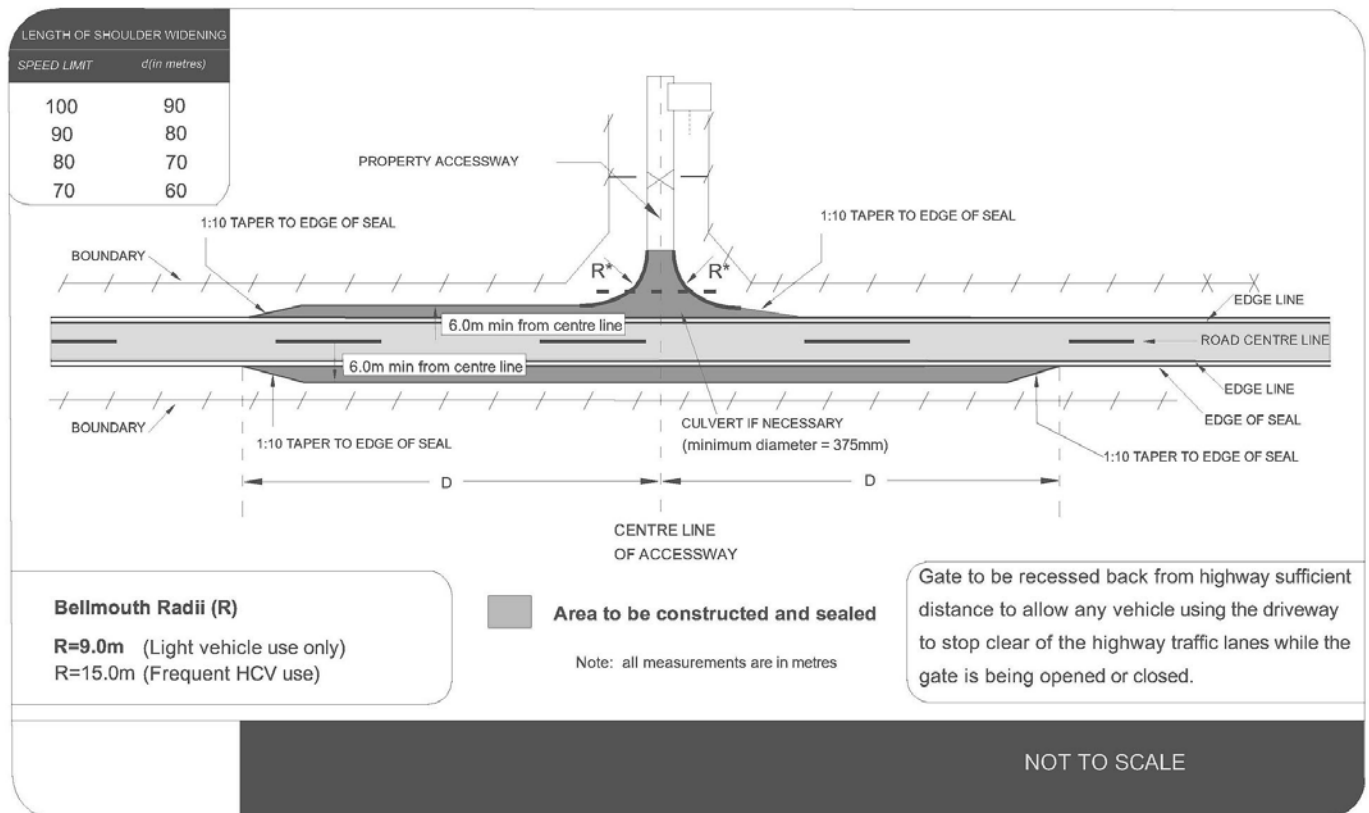
Refer also to Figure 6B.19 {Trans 881.91}

Figure 6B.15 Vehicle access onto a state highway - sealing with localised widening {Was 'Figure 6.14O Access sealing with localised widening" - Trans cl.16}



Refer also to Figure 6B.19 {Trans 881.91}

Figure 6B.16 Vehicle access onto a state highway - sealing with full seal widening {Was "Figure 6.14P Access sealing with full seal widening" - Trans cl.16}



Refer also to Figure 6B.19 {Trans 881.91}

Figure 6B.17 Method to determine minimum sight distance between vehicle crossing and intersection {Was "Figure 6.14Q" - Trans cl.16}

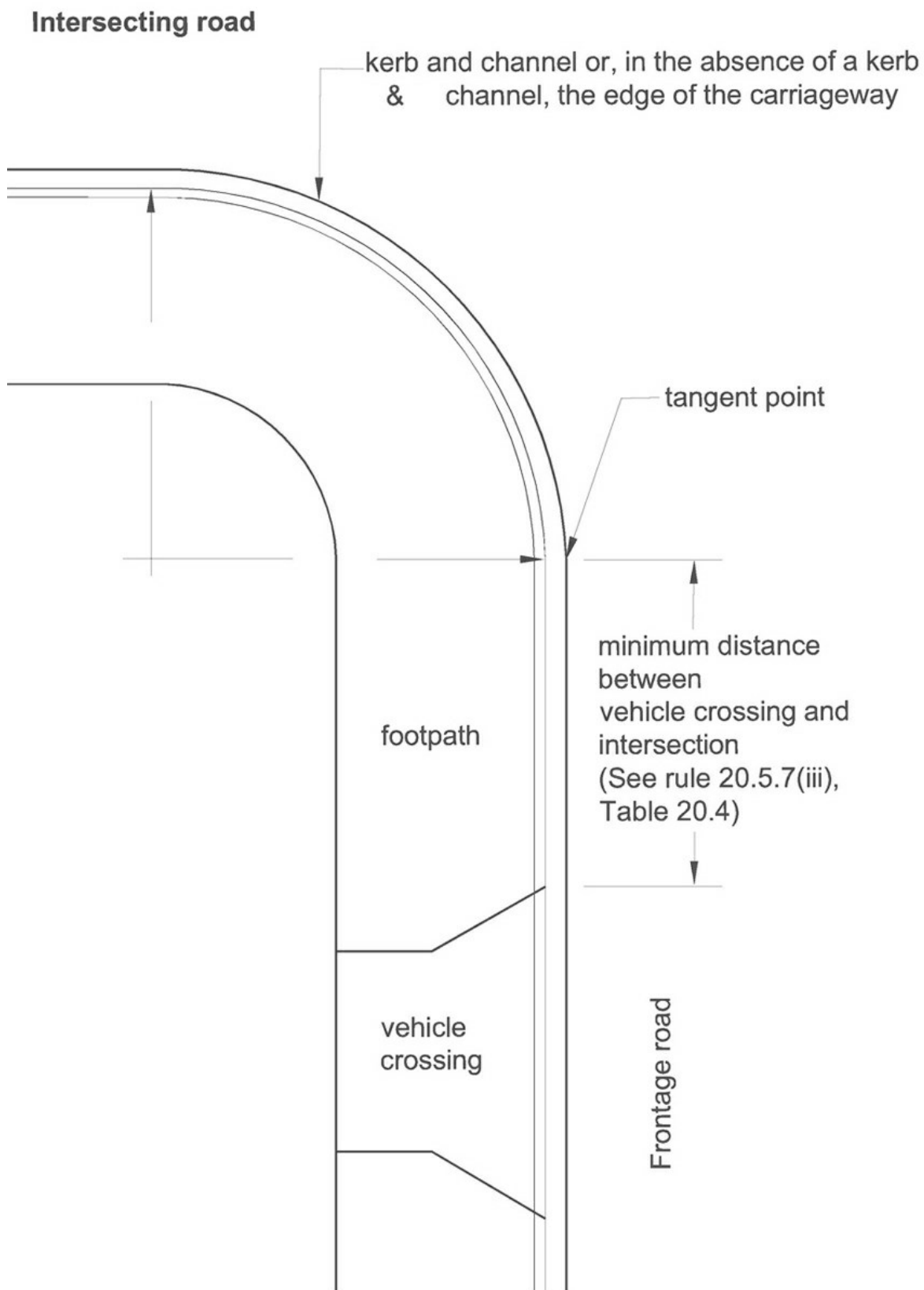


Figure 6B.18 Railway Level Crossing Sight Line Requirements {Was "Figure 6.14R" - Trans cl.16}

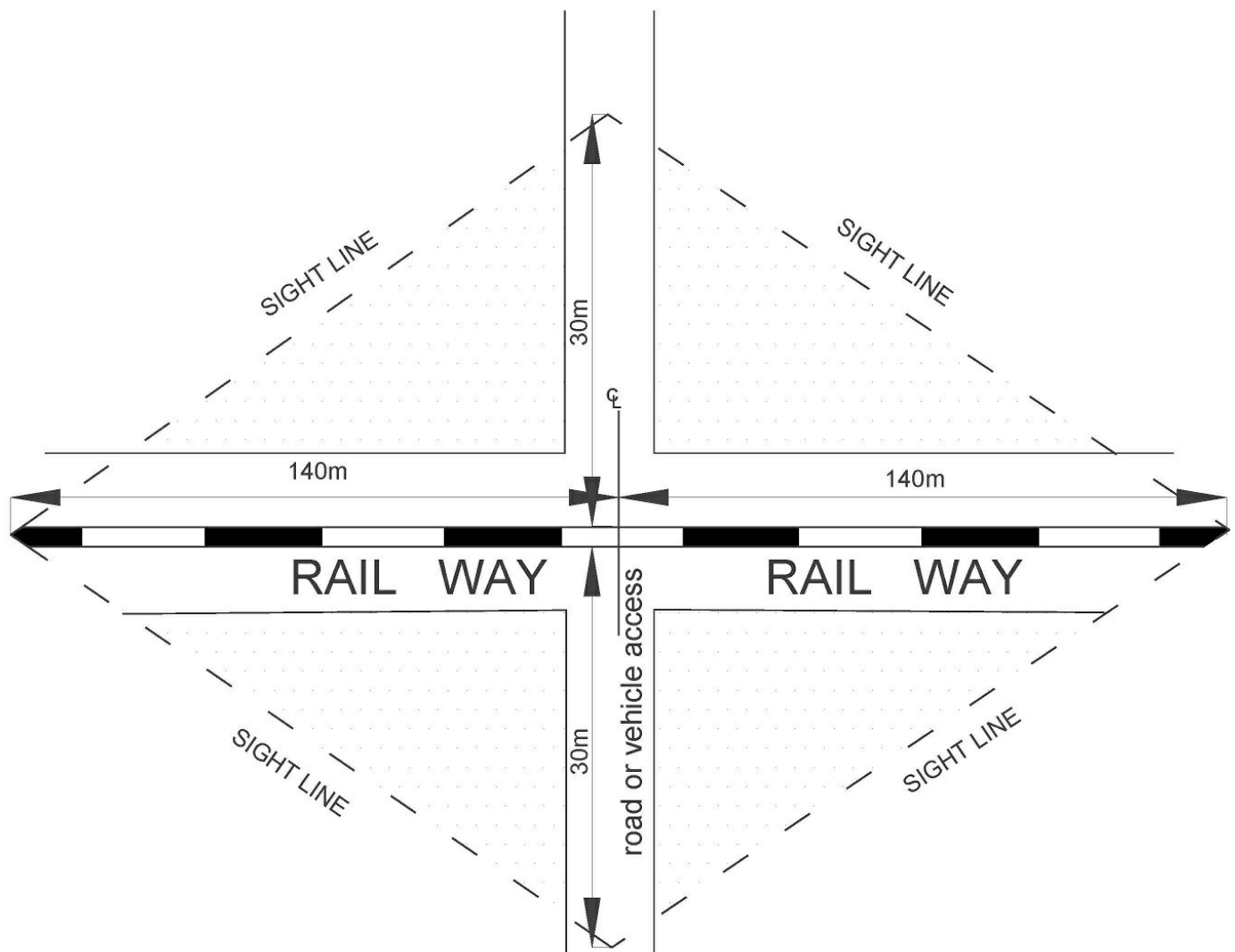
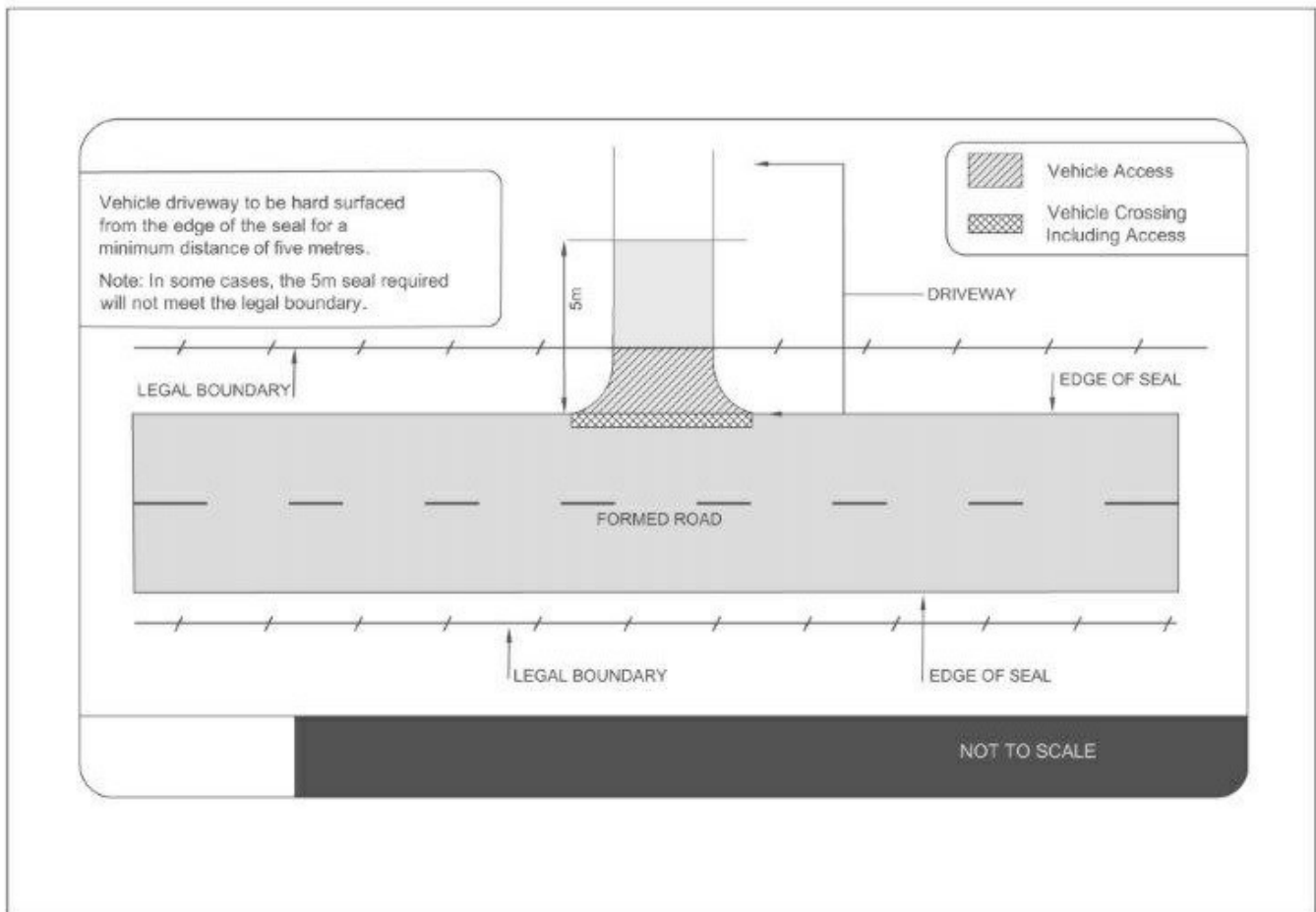


Figure 6B.19 Vehicle Driveway Surfacing Diagram {Confirmed for addition - Trans 881.91}



7. Scheduled Trees

7.1 Introduction

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

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

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

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

In response to the issues, the Second Generation Plan (2GP) proposes to protect significant trees; promote the retention of trees; and promote new plantings in recognition of their important role in enhancing the urban environment while providing for individual landowners who may need to modify or remove trees that are no longer suitable in their location.

Using the 'Standard Tree Evaluation Method' (STEM), the schedule in the operative District Plan was audited in 2012 as part of the 2GP review of the District Plan to ensure that the list of protected trees is current, having been through a robust selection criteria.

The listing of a tree as a Scheduled Tree means that resource consent approval is required to prune the tree (with anything other than hand-operated pruning shears or secateurs), to remove a listed tree, or undertake construction work/earthworks within the drip-line of a tree: **{ST cl.16}**

7.2 Objectives and Policies

Objective 7.2.1	
The contribution made by significant trees to the visual landscape and history of neighbourhoods is maintained.	
Policy 7.2.1.1	Enable the removal of a scheduled tree where they are certified as being dead or in terminal decline by a suitably qualified arborist or where subject to an order for removal in terms of section 333 of the Property Law Act 2007.
Policy 7.2.1.2	Avoid the removal of a scheduled tree (except as provided for in Policy 7.2.1.1) unless: a. there is a significant risk to personal/public safety or <u>a risk to personal safety that is required to be managed under health and safety legislation</u> ~~property~~; {ST 182.1 and others} b. <u>the tree poses a substantial risk to a scheduled heritage building or structure</u>; {ST 182.1} c. ~~the tree is shading existing residential buildings to the point that access to sunlight is significantly compromised;~~ or <u>there is a moderate to significant risk to buildings</u>; {ST 182.1} d. the removal of the tree is necessary to avoid significant adverse effects on <u>existing public</u> ~~{ST 308.156}~~ infrastructure and network utilities; and {ST 457.52}; or e. ~~these adverse effects cannot be reasonably mitigated through pruning and the effects outweigh the loss of amenity from the removal of the tree. removal of the tree will result in significant positive effects in respect of the efficient use of land.~~ {ST 308.156}
Policy 7.2.1.3	Only allow the modification of a scheduled tree where: a. the work is undertaken in accordance with best arboricultural practice; by a suitably qualified arborist and will maintain or improve the health of the tree; b. any adverse effects from the modification of the tree on amenity values are avoided or, if avoidance is not ~~possible~~ <u>practicable</u> {PO 908.3 and others}, no more than minor; and c. the modification is necessary to improve the health of the tree or to mitigate adverse effects of the tree on safety, sunlight access, or damage to property or infrastructure.
Policy 7.2.1.4	Require earthworks, <u>public amenities</u> , ~~{PA cl.16}~~ ¹ network utilities {ST cl.16} activities, new roads and additions and alterations to roads, buildings, structures, <u>additions and alterations</u> {ST cl.16} and site development <u>activities</u> {PO cl.16} that involves the laying of an impermeable surface, to be set back from a scheduled tree an adequate distance, <u>or, where appropriate, to use trenchless methods</u> , {ST 923.32 and others} to avoid: a. damage to the scheduled tree; and b. potential future adverse effects caused by the tree on amenity values, structural integrity of buildings or infrastructure, or safety that may lead to future demand to remove the tree.

¹ **PA cl.16:** Rule included in Rule 3.5.6/3.6.3 but not referenced in policy.

Rules

Rule 7.3 Activity Status

7.3.1 Activity Status Introduction

1. The activity status table in Rule 7.3.2 shows the activity status of scheduled trees activities across all zones, provided any performance standards shown in the far right column are met. The activities in the scheduled trees activities category are listed in the Nested Tables in Section 1.3. {PO cl.16}
2. Performance standards apply to permitted, controlled, and restricted discretionary activities.
3. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity ~~will become restricted discretionary, unless otherwise indicated by the relevant performance standard is indicated in the relevant performance standard rule.~~ **{PO cl.16}**.
4. If a restricted discretionary activity does not meet one or more performance standards, then the activity status remains restricted discretionary, unless otherwise indicated in the performance standard.
5. Any site development activities associated with an activity provided for in the activity status table in Rule 7.3.2 is subject to the provisions of the relevant management zone section. {PO cl.16}
6. Any earthworks associated with an activity provided for in the activity status table in Rule 7.3.2 are subject to the provisions in Section 8A. {PO cl.16}
7. Any construction associated with an activity provided for in the activity status table in Rule 7.3.2 is subject to the provisions in Section 4. {PO cl.16}

Legend

Zone-key Acronym {PO cl.16}	Zone/overlay-zone-name Meaning {PO cl.16}
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity

7.3.2 Activity status table - scheduled trees

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

Note 7.3A – Other relevant District Plan provisions {PO cl.16}

1. Earthworks are managed through the management and major facilities zone sections: {PO cl.16}

¹ **PO cl.16:** moved from Note 7.3A to Rule 7.3.1.6 and minor amendments to wording to clarify new location of earthworks provisions.

Rule 7.4 Notification

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

Rule 7.5 Performance Standards

7.5.1 Best Arboricultural Practice

1. Work is undertaken by a suitably qualified arborist using best arboricultural practice.
2. ~~Modification of a scheduled tree that contravenes the performance standard for best arboricultural practice is a non-complying activity. Activities that contravene this performance standard are non-complying activities.~~
{ST cl.16}

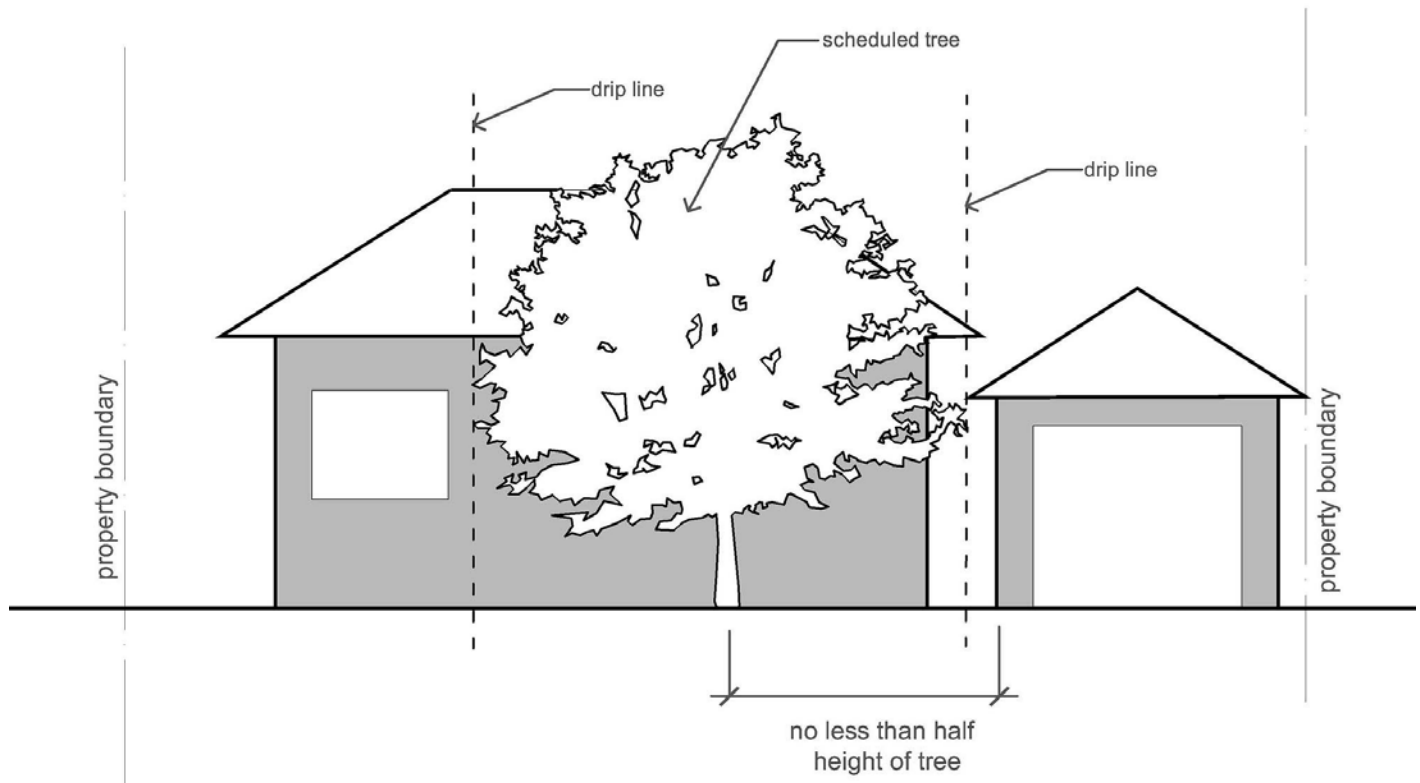
Note 7.5A – General advice {ST cl.16}

1. ~~An application for the modification of a scheduled tree that does not meet the performance standard for best arboricultural practice will be assessed as equivalent to an application to remove a scheduled tree.~~ **{ST cl.16}**

7.5.2 Setback from Scheduled Tree

1. The following activities must not take place under the dripline of a scheduled tree, or within a distance from the trunk equivalent to half the height of the tree, whichever is the greater, if they involve ground excavation or the installation of impermeable surfaces on the ground **{ST 308.161}** (See Figure 7.5A):
 - a. ~~new buildings and structures, or additions or alterations;~~ **{ST cl.16}**
 - b. ~~structures;~~ **{ST cl.16}**
 - c. ~~additions and alterations;~~ **{ST cl.16}**
 - d. public amenities;
 - e. ~~earthworks activities~~ **{ST cl.16}**;
 - f. new roads or additions or alterations to roads;
 - g. ~~network utilities utility~~ **{NU cl.16}** activities; and
 - h. ~~site development activities. that involve the installation of impermeable surfacing.~~ **{ST 308.161}**
2. Activities employing trenchless methods are exempt from this standard where all of the following are met: **{ST 923.32 and others}**
 - a. the entry and exit points are outside the dripline of a scheduled tree, or a distance from the trunk equivalent to half the height of the tree, whichever is the greater (See Figure 7.5A); **{ST 923.32 and others}**
 - b. the tunnel is a minimum of 1.0m below ground level; **{ST 923.32 and others}**
 - c. the work is undertaken under the supervision of a suitably qualified arborist, who has determined that the work will not damage the health or stability of the scheduled tree; and **{ST 923.32 and others}**
 - d. ten working days' notice of the work is provided to the DCC which includes the location of the work and the name of the supervising arborist. **{ST 923.32 and others}**
3. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

Figure 7.5.2A: Setback from a Scheduled Tree {ST cl.16}



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

Rule 7.6.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rule 7.6.2:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

7.6.2 Assessment of performance standard contraventions		
Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Setback from scheduled tree	a. Effects on long term health of tree	<i>Relevant objectives and policies:</i> i. Objective 7.2.1 ii. Earthworks, public amenities, {PA cl.16} new roads and additions and alterations to roads, network utilities activities, buildings, structures, <u>additions and alterations</u> {ST cl.16} and site development <u>activities</u> {PO cl.16} which <u>that</u> involves the laying of an impermeable surface, are set back from a scheduled tree an adequate distance, <u>or where appropriate trenchless methods are used</u>, {ST 923.32 and others} to avoid: 1. damage to the scheduled tree; and 2. potential future adverse effects caused by the tree on amenity values, structural integrity of buildings or infrastructure, or safety that may lead to future demand to remove the tree (Policy 7.2.1.4). <i>General assessment guidance:</i> i. In assessing effects on the scheduled tree, any consequential amenity effects from pressure to remove tree and tree removal will also be assessed.

¹ **PA cl.16:** Rule included in Rule 3.5.6/3.6.3 but not referenced in policy.

Rule 7.7 Assessment of Restricted Discretionary Activities

Rule 7.7.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rule 7.7.2:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
4. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Rule 7.6; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Rule 7.8; and
 - iii. the assessment guidance in this section will also be considered.

7.7.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Modification of a scheduled tree	a. Effects on long term health of tree	<i>Relevant objectives and policies:</i> i. Objective 7.2.1 ii. The work is undertaken in accordance with best arboricultural practice <u>by a suitably qualified arborist {ST cl.16}</u> and will maintain or improve the health of the tree (Policy 7.2.1.3.a). <i>General assessment guidance:</i> iii. The assessment of the long term health of the tree in relation to modification will consider the report from a suitably qualified arborist (see Special Information Requirements - Rule 7.9).
	b. Adverse Effects {PO cl.16} on amenity	<i>Relevant objectives and policies:</i> i. Objective 7.2.1 ii. Any adverse effects from the modification of the tree on amenity values are avoided or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, no more than minor (Policy 7.2.1.3.b). <i>General assessment guidance:</i> iii. In assessing adverse effects on amenity values, Council will consider the information held in the STEM assessment for the tree. iv. The assessment of the long term health of the tree in relation to modification will consider the a report from a suitably qualified arborist (see Special Information Requirements - Rule 7.9).
	c. Positive effects of tree modification	<i>Relevant objectives and policies:</i> i. Objective 7.2.1 ii. The modification is necessary to improve the health of the tree to mitigate adverse effects of the tree on safety, sunlight access, or damage to property or infrastructure (Policy 7.2.1.3.c). <i>General assessment guidance:</i> iii. The assessment of the long term health of the tree in relation to modification will consider the a report from a suitably qualified arborist (see Special Information Requirements - Rule 7.9).
2. Removal of a scheduled tree that is: dead; in terminal decline or with extreme failure; or subject to a court order for removal.	a. Adverse Effects {PO cl.16} on amenity	<i>Relevant objectives and policies:</i> i. Objective 7.2.1 ii. Removal of a scheduled tree is enabled where it is certified as being dead or in terminal decline by a suitably qualified arborist or where subject to an order for removal in terms of section 333 of the Property Law Act 2007 (Policy 7.2.1.1). <i>General assessment guidance:</i> iii. The assessment of the long term health of the tree in relation to modification will consider the a report from a suitably qualified arborist (see Special Information Requirements - Rule 7.9).

¹ **PO cl.16:** Wording of matter of discretion changed to standard phrasing.

² **ST cl.16:** Consistency with Policy 7.2.1.3.a.

Rule 7.8 Assessment of Non-complying Activities

Rule 7.8.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 7.8.2 provides guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

7.8.2 Assessment of non-complying activities

Activity	Guidance on the assessment of resource consents
1. • Removal and any other work on a scheduled tree that will lead to the death or terminal decline of a scheduled tree • Modification of a scheduled tree that ~~does not meet~~ <u>contravenes</u> the <u>best arboricultural practice</u> performance standard (Rule 7.5.1) for best arboricultural practice {ST cl.16}	<i>Relevant objectives and policies (priority considerations)</i> a. Objectives 7.2.1, 2.4.1 b. Policy 2.4.1.2 c. Avoid the removal of a scheduled tree (except as provided for in Policy 7.2.1.1) unless: i. there is a significant risk to personal/public safety or <u>a risk to personal safety that is required to be managed under health and safety legislation</u> property {ST 182.1 and others}; or ii. <u>the tree poses a substantial risk to a scheduled heritage building or structure</u>; {ST 182.1} iii. ~~the tree is shading existing residential buildings to the point that access to sunlight is significantly compromised~~ <u>there is a moderate to significant risk to buildings</u> {ST 182.1 and others}; or iv. the removal of the tree is necessary to avoid significant adverse effects on <u>public existing</u> {ST 308.156} infrastructure <u>and network utilities</u>; and {ST 457.52}; or v. these adverse effects cannot be reasonably mitigated through pruning and the effects outweigh the loss of amenity from the removal of the tree <u>removal of the tree will result in significant positive effects in respect of the efficient use of land</u> {ST 308.156} (Policy 7.2.1.2).

Rule 7.9 Special Information Requirements

7.9.1 Arborist documentation

1. Any application for the removal of a scheduled tree due to the tree being dead or in terminal decline must ~~provide~~ include **{ST cl.16}** written documentation by a suitably qualified arborist to this effect.
2. Any application for the modification of a scheduled tree must ~~provide~~ include **{ST cl.16}** written documentation by a suitably qualified arborist that the modification will be in accordance with good arboricultural practice, and will not lead to the death or terminal decline of the scheduled tree.
3. Any application for the removal of a scheduled tree due to a court order must include a copy of that court order.

8. Natural Hazard Mitigation Activities

8.1 Introduction

Natural hazard mitigation activities include natural hazard mitigation structures and natural hazard mitigation earthworks **{HazMit cl. 16}** and the repair, maintenance and emergency activities that are necessary to manage or reduce the risk and effects of natural hazards. Mitigation works do not entirely remove the risk from natural hazards, and the works themselves can cause adverse effects that require careful management, for example effects on biodiversity through the removal of vegetation. Also, in some instances, natural hazard mitigation activities have the potential to create, exacerbate or transfer risk.

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

The Second Generation Plan Plan {PO cl.16} manages the effects of natural hazard mitigation activities, including on the amenity and character of surrounding areas where mitigation works are proposed, through the consent process unless the works are repair, maintenance or emergency activities.

8.2 Objectives and Policies

Objective 8.2.1	
Natural hazard mitigation activities are enabled where they are the most effective and appropriate way of avoiding or mitigating the risks of natural hazards, and are designed and located to: - minimise, as far as practicable, any adverse effects on the amenity and character of the zone; and - meet the objectives and policies of the Plan related to all relevant overlay zones or mapped areas and any scheduled heritage item.	
Policy 8.2.1.1	Enable the repair and maintenance of <u>natural</u> hazard mitigation structures and <u>natural hazard mitigation</u> earthworks features. {HazMit cl.16}
Policy 8.2.1.2	Only allow <u>natural</u> {HazMit cl.16} hazard mitigation earthworks and <u>natural</u> {HazMit cl.16} hazard mitigation structures where ~~there are no~~ any significant <u>adverse</u> effects on the amenity and character of the surrounding area <u>will be avoided or minimised as far as practicable</u> . {HazMit 308.167}
Policy 8.2.1.3	Enable emergency natural hazard mitigation where necessary during a natural hazard event to provide immediate protection to life or property.

Rules

Rule 8.3 Activity Status

8.3.1 Activity status introduction

1. The activity status table in Rule 8.3.2 shows the activity status of natural hazard mitigation activities across all zones, provided any performance standards shown in the far right column are met. The activities in the natural hazard mitigation activities **{PO cl.16}** category are listed in the Nested Table in Section 1.36. **{PO cl.16}**
2. Performance standards apply to permitted, controlled and restricted discretionary activities.
3. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity ~~will become restricted discretionary, unless otherwise indicated by the relevant performance standard is indicated in the relevant performance standard rule.~~ **{PO cl.16}**.
4. If a restricted discretionary activity does not meet one or more performance standards, then the activity status remains restricted discretionary, unless otherwise indicated in the performance standard.
5. Any site development activities associated with an activity provided for in the activity status table in Rule 8.3.2 are subject to the provisions of the relevant management zone section. **{PO cl.16}**
6. Any earthworks, other than those that meet the definition of hazard mitigation earthworks, associated with an activity provided for in the activity status table in Rule 8.3.2 are subject to the provisions in Section 8A. **{PO cl.16}**
7. Any construction associated with an activity provided for in the activity status table in Rule 8.3.2 are subject to the provisions in Section 4. **{PO cl.16}**

Legend

Acronym	Activity-status Meaning {PO cl.16}
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
ONCC	Outstanding Natural Coastal Character Overlay Zone
HNCC	High Natural Coastal Character Overlay Zone
NCC	Natural Coastal Character Overlay Zone
ONF	Outstanding Natural Feature Overlay Zone
ONL	Outstanding Natural Landscape Overlay Zone
SNL	Significant Natural Landscape Overlay Zone

8.3.2 Activity status table - Natural hazard mitigation activities

Activity		All zones and overlays Activity Status { <i>HazMit</i> <i>cl.16</i> }
1.	Emergency natural hazard mitigation	P
2.	Repair and maintenance of <u>natural</u> { <i>HazMit cl.16</i> } hazard mitigation earthworks features or <u>natural hazard mitigation</u> structures { <i>HazMit cl.16</i> }	P
3.	<u>Natural</u> Hhazard mitigation earthworks { <i>HazMit cl.16</i> }	D
4.	<u>Natural</u> Hhazard mitigation structures { <i>HazMit cl.16</i> }	D

Note 8.3.2A - Other relevant District Plan provisions

- ~~Vegetation clearance and replanting are managed as site development activities in zones: {*PO cl.16*}~~
 - ~~Tree planting Shelterbelts and small woodlots {*RU cl.16*} for land instability mitigation is managed as an activity in zones.~~
 - ~~Earthworks are managed through the management and major facilities zone sections {*PO cl.16*}.~~
- ¹ **PO cl.16:** Note 8.3A.1 and 3 moved from Note 8.3A to Rule 8.3.1.5 and 6 and minor amendments to wording to clarify new location of earthworks provisions. Note 8.3A.2 moved to definition of natural hazard mitigation activities.

Note 8.3.2B - General advice

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

Note 8.3.2C - Other requirements outside of the District Plan

- ~~The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. {*Her 547.80*}~~ If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand before you begin {*Her 547.80*}. This is the case regardless of whether the land on which the {*Her 547.80*} site is located is {*Her 547.80*} designated, or the activity is permitted under the District Plan or Regional Plan or a resource or building consent has been granted.
- The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol (Appendix A8) manages archaeological sites which that {*Her cl.16*} may be discovered as a result of earthworks. The protocol applies to any area, not just scheduled archaeological sites.
- Scheduled archaeological sites are identified on the planning maps. Archaeological sites may also be found outside these areas, but are more likely to be found within the archaeological alert layer. {*Her 1071.47*}

Note 8.3D – Other relevant District Plan provisions

1. Earthworks are managed through the management and major facilities zone sections: **{HazMit cl.16'}**

¹ **HazMit cl.16:** Duplication of Rule 8.3.6.

Rule 8.4 Notification

1. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat to the **wāhi tūpuna mapped area** in Appendix A4.
2. Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided with respect to applications for resource consent in the following locations:
 1. ~~Hazard hazard 1 and hazard 1A~~ (flood) ~~Overlay Zone~~ overlay zones **{NH 908.37}**; and
 2. **swale mapped areas.**
3. ~~In accordance with section 95(B) of the RMA, where an application is not publicly notified, Council will give limited notification of an application to all affected persons: {PO cl.16'}~~
4. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

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

Rule 8.5 Assessment of Discretionary Activities

Rule 8.5.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rule 8.5.2 provides guidance on how a consent application will be assessed, including:
 - a. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance; and
 - d. conditions that may be imposed.

8.5.2 Assessment of discretionary natural hazard mitigation activities

Activity	Guidance on the assessment of resource consents
1. • ~~Natural~~ Hazard mitigation earthworks {HazMit cl.16} • ~~Natural~~ Hazard mitigation structures {HazMit cl.16}	<i>Relevant objectives and policies:</i> a. Objective 8.2.1 b. ~~There are no significant effects on the amenity and character of the surrounding area~~ <u>Natural hazard mitigation earthworks and natural hazard mitigation structures avoid or minimise, as far as practicable, significant adverse effects on the amenity and character of the surrounding area (Policy 8.2.1.2).</u> {HazMit 308.167} <i>General assessment guidance:</i> c. ~~In assessing the significance of effects, consideration will be given to:~~ {MW cl.16} a. ~~Manawhenua values and the relationship between Manawhenua and the natural environment is maintained, including the cultural values and traditions associated with:~~ {MW cl.16} a. ~~wāhi-tūpuna;~~ and {MW cl.16} b. ~~mahika kai (Objective 14.2.1).~~ {MW cl.16} b. ~~If located outside a wāhi-tūpuna mapped area, Kai Tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi-tūpuna is located, or the linkages between wāhi-tūpuna~~ {MW 1071.109} d. In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. e. <u>In assessing whether natural hazard mitigation activities are the most appropriate way to minimise risk on the site and on other sites, natural hazard mitigation activities will only be considered appropriate where there are no non-structural solutions that would be effective.</u> {HazMit 308.167}

8.5.2 Assessment of discretionary natural hazard mitigation activities

Activity	Guidance on the assessment of resource consents
	<i>Relevant guidance from other sections (priority considerations):</i> f. See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity values. {NatEnv 900.35} g. See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.2 and effects on <u>related to</u> {NatEnv cl.16} biodiversity <u>values</u> {Nat Env 958.60} and natural character of riparian margins and the coast. h. Where in a ONCC, HNCC or NCC overlay zone, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and effects related to the natural character of the coast. i. See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.4 and effects on public access. j. Where in a ONF, ONL or SNL overlay zone, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and effects on <u>related to</u> {NatEnv cl.16} landscape values. k. See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risks from natural hazards l. Where in a heritage precinct or on a heritage site see Section 13.7 for guidance on the assessment of resource consents in relation to objectives 13.2.2 and 13.2.3 and effects on heritage values. m. Where in a wāhi tūpuna mapped area, see Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.

8A. Earthworks {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones to a new city-wide activities section. Where there has been no change to the effect of provisions (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of provisions have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

8A.1 Introduction {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of provisions (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of provisions have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

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

If not managed adequately, earthworks have the potential to result in adverse effects on rivers, lakes, streams, wetlands, coastal waters and groundwater, visual amenity, ~~and~~ landscape, the natural character of the coast, {EW cl.16} indigenous flora and fauna, high class agricultural soils, and archaeological and cultural sites. Earthworks also have the potential to result in injury to people and damage to property, exacerbate certain existing hazards, create new hazards, and, if carried out at contaminated sites, release hazardous substances into the environment. Additionally, during construction, earthworks can cause adverse effects on local amenity and on locally, regionally and nationally important infrastructure, such as the transportation network, the reticulated water, foul sewer and stormwater networks, and the National Grid.

To manage the potential adverse effects of earthworks, mechanisms are included in the District Plan. These mechanisms include controls on the location, scale and design of earthworks, implementation of appropriate mitigation measures, and the avoidance of earthworks in sensitive locations. ~~This~~ The aim of this management approach is ~~taken with the aim of minimising~~ to minimise adverse environmental effects and ~~to preventing the effects of earthworks which have the potential to impact~~ adverse effects on {EW cl.16} the safety of people or ~~and~~ {EW cl.16} property.

~~It is also noted that~~ Other regulatory and nonregulatory methods ~~will be used to~~ also {EW cl.16} control the effects of earthworks. Certain earthworks ~~will be~~ are carried out as part of building work; these ~~will be~~ are {EW cl.16} subject to the New Zealand Building Code and may require a building consent under the Building Act 2004. Other regulatory mechanisms through which earthworks of certain types are controlled include the Heritage New Zealand Pouhere Taonga Act 2014, the Regional Plan: Waste for Otago, the Regional Plan: Water for Otago and the Otago Regional Council Flood Protection Management Bylaw 2008.

8A.2 Objectives and Policies {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of provisions (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of provisions have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

Objective 8A.2.1

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

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

Objective 8A.2.1

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

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

Policy 8A.2.1.1	Require earthworks, and associated retaining structures, to be designed and located to avoid <u>or minimise, as far as practicable, {PO 308.497 and EW 241.21}</u> adverse effects on the stability of land, buildings, and structures by: - being set back an adequate distance from property boundaries, buildings, structures and cliffs; and - using a batter gradient that will be stable over time.
Policy 8A.2.1.2	Require earthworks and any associated retaining structures, to be designed, <u>and located and undertaken in a way that to {EW cl.16}</u> minimises, <u>as far as practicable, {PO 906.34 and 308.497}</u> adverse effects on surrounding sites and the wider area, including by: <u>-sediment run-off onto any property, or into any stormwater pipes, drains, channels or soakage systems.</u> - limiting the scale of earthworks that are provided for as a permitted activity; and <u>{EW cl.16}</u> - requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems: <u>{EW cl.16}</u>
Policy 8A.2.1.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where <u>all of {EW cl.16}</u> the following effects will be avoided or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u> , adequately mitigated: - adverse effects on visual amenity and character; - adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and - adverse effects on the stability of land, buildings, and structures.
Policy 8A.2.1.4	Require earthworks ancillary to forestry to be carried out in accordance with industry best practice guidelines.

¹ **EW cl.16:** Clause a of Policy 8A.2.1.2 has been rephrased to more clearly explain the related performance standards. This does not result in a substantive change to the effect of provisions.

Rules {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

Rule 8A.3 Activity Status {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

8A.3.1 Activity status introduction

1. The activity status table in Rule 8A.3.2 shows the activity status of earthworks activities across all zones, provided any performance standards shown in the far right column are met. The activities in the earthworks category are listed in the Nested Table in Section 1.3.
2. Performance standards apply to permitted, and restricted discretionary activities.
3. If a permitted activity does not meet one or more performance standards, then the activity status of the activity ~~will become restricted discretionary, unless otherwise indicated by the relevant performance standard~~ is indicated in the relevant performance standard rule. **{PO cl.16}**.
4. If a restricted discretionary activity does not meet one or more performance standards, then the activity status remains restricted discretionary, unless otherwise indicated in the performance standard.
5. Any site development activities associated with an activity provided for in the activity status table in Rule 8A.3.2 is subject to the provisions of the relevant management zone section. **{PO cl.16}**
6. Any construction associated with an activity provided for in the activity status table in Rule 8A.3.2 is subject to the provisions in Section 4. **{PO cl.16}**

Legend

Acronym	Activity status Meaning {PO cl.16}
P	Permitted Activity
RD	Restricted Discretionary Activity
Res	Residential Zone

8A.3.2 Activity status table - earthworks activities

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

Note 8A.3.2A - Other requirements outside the District Plan **{PHS 634.58}**

1. The National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 applies to any piece of land on which an activity described in the Hazardous Activities and Industries List (HAIL)

is being undertaken, has been undertaken, or is more likely than not to have been undertaken. On land of this kind, any change of use, disturbance of soil, soil sampling, removal, replacement or upgrade of fuel tanks, and any subdivision will trigger the provisions of the NES, and may require a resource consent. The requirements of the NES are site specific; the DCC Resource Consents team can provide advice on likely requirements in relation to a particular property or activity. Information is also available from the Ministry for the Environment at www.mfe.govt.nz/land/nas-assessing-and-managing-contaminants-soil-protect-human-health/about-nas. {PHS 634.58}

2. The Otago Regional Plan: Water manages earthworks undertaken on the bed of any lake or river, and earthworks associated with drilling or bore construction (excluding the deposition of fill resulting from these activities). {PO cl.16}
3. The Otago Regional Plan: Waste manages discharges from offal pits, farm landfills and greenwaste landfills, and excavation and use of composting pits, silage pits and silage stacks. {PO cl.16}

Rule 8A.4 Notification {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

1. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 - a. large scale earthworks in a **wāhi tūpuna mapped area** where the activity is identified as a principal threat to values in Appendix A4; and
 - b. activities that contravene the sediment control performance standard in a **wāhi tūpuna mapped area**.
2. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA. {EW cl.16}

Rule 8A.5 Earthworks Performance Standards {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

8A.5.1 Earthworks - small scale thresholds {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

8A.5.1.1 General {EW cl.16¹}

The following earthworks are always considered earthworks - small scale:

- a. post holes for the erection of fences; {EW cl.16¹}
- b. post holes for permitted or approved buildings or signs; {EW cl.16¹}
- c. driving of piles for building foundations; {EW cl.16¹}
- d. earthworks in the Port Zone; {EW 737.30²}
- e. earthworks in the rural or rural residential zones, outside flood hazard overlay zones, associated with burying material infected by unwanted organisms as declared by the Ministry for Primary Industries' Chief Technical

Officer or an emergency declared by the Minister for Primary Industries under the Biosecurity Act 1993: {EW 1090.2}

- f. earthworks subject to an approved building consent, except in the rural or rural residential zones or where they are located more than 1.8m from the building: {EW 308.374}
- g. earthworks for the erection of new fences {EW 388.4} or the construction of walking tracks or vehicle tracks, where the fence or track is associated with a permitted land use or city-wide activity, provided that the earthworks: {EW 388.4 and 911.1}
 - i. do not result in a change in finished ground level that exceeds 1m; and {EW 388.4 and 911.1}
 - ii. do not exceed 2m in width if located in an ASBV or ONF, ONCC, HNCC or NCC overlay zone, or 3m in width outside these areas. {EW 388.4 and 911.1}
- h. earthworks ancillary to the operation, repair, and maintenance of the roading network; and
- i. earthworks ancillary to forestry.

¹ **EW cl.16:** Under notified provisions, the definition of 'earthworks – small scale' indicated that the types of earthworks listed at Rule 8A.5.1.1.a, b and c were always treated as 'small scale'. Provisions have been reformatting to transfer that content from the definition to this rule. In addition, the types of earthworks listed at Rule 8A.5.1.1.h and i were exempt from all scale thresholds under notified management zone provisions (e.g. notified Rule 16.6.1.1.f). This content has also been transferred to this rule. These changes do not alter the effect of provisions.

² **EW 737.30:** Under notified Rule 30.6.1.1.a.iii.1, earthworks in the Port Zone were only exempt from the 'maximum area' element of the small scale threshold. The exemption has been expanded, in response to EW 737.30, so that earthworks in the Port Zone are also exempt from the other elements of the scale threshold – i.e. 'maximum change in finished ground level' and 'maximum volume of combined cut and fill'.

8A.5.1.2 Scale Thresholds

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

8A.5.1.3 Maximum change in finished ground level {EW 634.26}

- a. The maximum change in finished {EW 634.26} ground level to be considered earthworks – small scale is as follows:

Zone/Overlay		Maximum change in <u>finished</u> {EW 634.26} ground level
i.	Residential, CMU, Industrial, Recreation, Dunedin Botanic Garden, Dunedin Hospital, Edgar Centre, Mercy Hospital, Moana Pool, Otago Museum, School, Stadium, Campus and Wakari Hospital zones	1.5m
ii.	Rural, Rural Residential, Ashburn Clinic, Dunedin International Airport, Invermay and Hercus, and Taieri Aerodrome zones	2.0m

Zone/Overlay		Maximum change in finished {EW 634.26} ground level
iii.	GPMA	1.0m Maximum depth of 250mm (except as required for the foundation of buildings)
iv.	ONF, UGMA UBMA {NatEnv 958.60}, SHS, ONL, ONCC, HNCC	1.0m
v.	SNL, NCC	1.5m
vi.	1. In an ASBV; 2. Within 20m of a water body ¹ or MHWS in the Rural, and Invermay and Hercus Zones; or 3. Within 5m of a water body ¹ or MHWS in all other zones.	0.5m
vii.	Haz1 (flood) & Haz1A {NH 908.37} (flood) Haz2 (flood) & Haz3 (flood, alluvial fan) {NH 908.57}	N/A
viii.	Haz1 (land instability) & Haz2 (land instability)	1.0m

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

¹ See Rule 10.3.3.7 for how setbacks from waterbodies will be measured.

8A.5.1.4 Maximum Area

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

Zone/Overlay		Maximum Area
i.	GPMA, ONF, UGMA UBMA {NatEnv 958.60}, SHS	50m ²
ii.	ONL, ONCC, HNCC	100m ²
iii.	SNL, NCC	200m ²
iv.	1. In an ASBV; 2. Within 20m of a water body ¹ or MHWS in the Rural, and Invermay and Hercus Zones; or 3. Within 5m of a water body ¹ or MHWS in all other zones.	25m ²

- b. In zones other than rural zones, the maximum area stated in Rule 8A.5.1.4.a is the cumulative total area of earthworks undertaken on any site in any two calendar-year period.
- c. In rural zones, more than one earthworks activity up to the maximum area stated in Rule 8A.5.1.4.a may be undertaken provided that each earthworks activity is located at least 1km from any other earthworks taking place on the same site within the same two calendar year period.
- d. The following activities are exempt from this standard:
- Earthworks ancillary to network utility activities.

¹ See Rule 10.3.3.7 for how setbacks from waterbodies will be measured.

8A.5.1.5 Maximum volume of combined cut and fill

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

Location		Slope					
		Less than or equal to 12°	Greater than 12° but less than or equal to 15°	Greater than 15° but less than or equal to 20°	Greater than 20° but less than or equal to 26°	Greater than 26° but less than or equal to 35°	Greater than 35°
i.	All zones	30m ³ per 100m ² of site	25m ³ per 100m ² of site	15m ³ per 100m ² of site	10m ³ per 100m ² of site	0m ³ fill, 5m ³ cut per 100m ² of site	0m ³
ii.	GPMA, ONF, UGMA <u>UBMA</u> {NatEnv 958.60} , SHS	10m ³	10m ³	10m ³	10m ³	0m ³ fill, 10m ³ cut	0m ³
iii.	ONL, ONCC, HNCC	20m ³	20m ³	20m ³	20m ³	0m ³ fill, 20m ³ cut	0m ³
iv.	SNL, NCC	50m ³	50m ³	50m ³	50m ³	0m ³ fill, 50m ³ cut	0m ³
v.	1. In an ASBV; 2. Within 20m of a water body or MHWS in the Rural, and Invermay and Hercus Zones; or 3. Within 5m of a water body or MHWS in all other zones.	1m ³	1m ³	1m ³	1m ³	0m ³ fill, 1m ³ cut	0m ³
vi.	Haz1 (flood) & Haz1A {NH 908.37} (flood)	0m ³ fill	0m ³ fill	0m ³ fill	0m ³ fill	0m ³ fill	0m ³
vii.	Haz2 (flood) & Haz3 (flood, <u>alluvial fan</u>) {NH 908.57}	20m ³ fill	20m ³ fill	20m ³ fill	20m ³ fill	0m ³ fill	0m ³
viii.	Haz1 (land instability)	10m ³	10m ³	10m ³	10m ³	0m ³ fill, 10m ³ cut	0m ³
ix.	Haz2 (land instability)	20m ³	20m ³	20m ³	20m ³	0m ³ fill, 20m ³ cut	0m ³
x.	Swale mapped area Dune system mapped area	0m ³	0m ³	0m ³	0m ³	0m ³	0m ³

- b. The maximum volume of combined cut and fill set out in Rule 8A.5.1.5.a is the maximum cumulative volume on any site within any two calendar year period, except that in rural zones:
- more than one earthworks activity up to the maximum volume stated in Rule 8A.5.1.5.a.i, vii, viii or ix may be undertaken provided that each earthworks activity is located at least 4km 400m **{EW 312.13}**

from any other earthworks taking place on the same site within the same two calendar year period;
and

- ii. more than one earthworks activity up to the maximum volume stated in Rule 8A.5.1.5.a.ii, iii, iv or v may be undertaken provided that each earthworks activity is located at least 1km from any other earthworks taking place on the same site within the same two calendar year period.
- c. Where the part of the site in which the earthworks are located is in more than one slope category, the most restrictive volume threshold applies.
- d. The following activities are exempt from this standard:
 - i. Earthworks ancillary to network utility activities.
 - ii. Earthworks in the rural zones as part of a farming activity for the construction of offal pits, silage pits and farm landfills (exempt from Rule 8A.5.1.5.a.i only).

8A.5.2 Archaeological sites {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

Earthworks must comply with Rule 13.3.3.

8A.5.3 Batter gradient {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

1. Earthworks must:
 - a. have a maximum cut batter gradient of 1:1 (i.e. rising 1m over a 1m distance); and
 - b. have a maximum fill batter gradient of 2:1 (i.e. rising 1m over a 2m distance).
2. Earthworks ancillary to forestry are exempt from the batter gradient performance standard.
3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

8A.5.4 Setback from property boundary, buildings, structures and cliffs {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

1. Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m² footprint**{PO cl.16¹}**, and the top or toe of any cliff, the following minimum distances:
 - a. Earthworks not supported by retaining walls:
 - i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 8A.5A);
 - ii. a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (see Figure 8A.5A); and
 - iii. 300mm, as measured from the crest of any cut (see Figure 8A.5A).

- b. Retaining walls supporting a cut or fill must be set back a distance at least equal to the height of the retaining walls (see Figure 8A.5B), except:
 - i. retaining walls supporting a cut that have been granted building consent are exempt from this standard.
- c. Earthworks ancillary to network utility activities, earthworks ancillary to the operation, repair, and maintenance of the roading network and earthworks ancillary to forestry are exempt from the setback from property boundary, buildings, structures and cliffs performance standard.

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

¹ **PO cl.16:** Footprint is included in the rule to improve plan clarity as a minor and inconsequential amendment.

Figure 8A.5A: Unsupported cut and fill (elevation view)

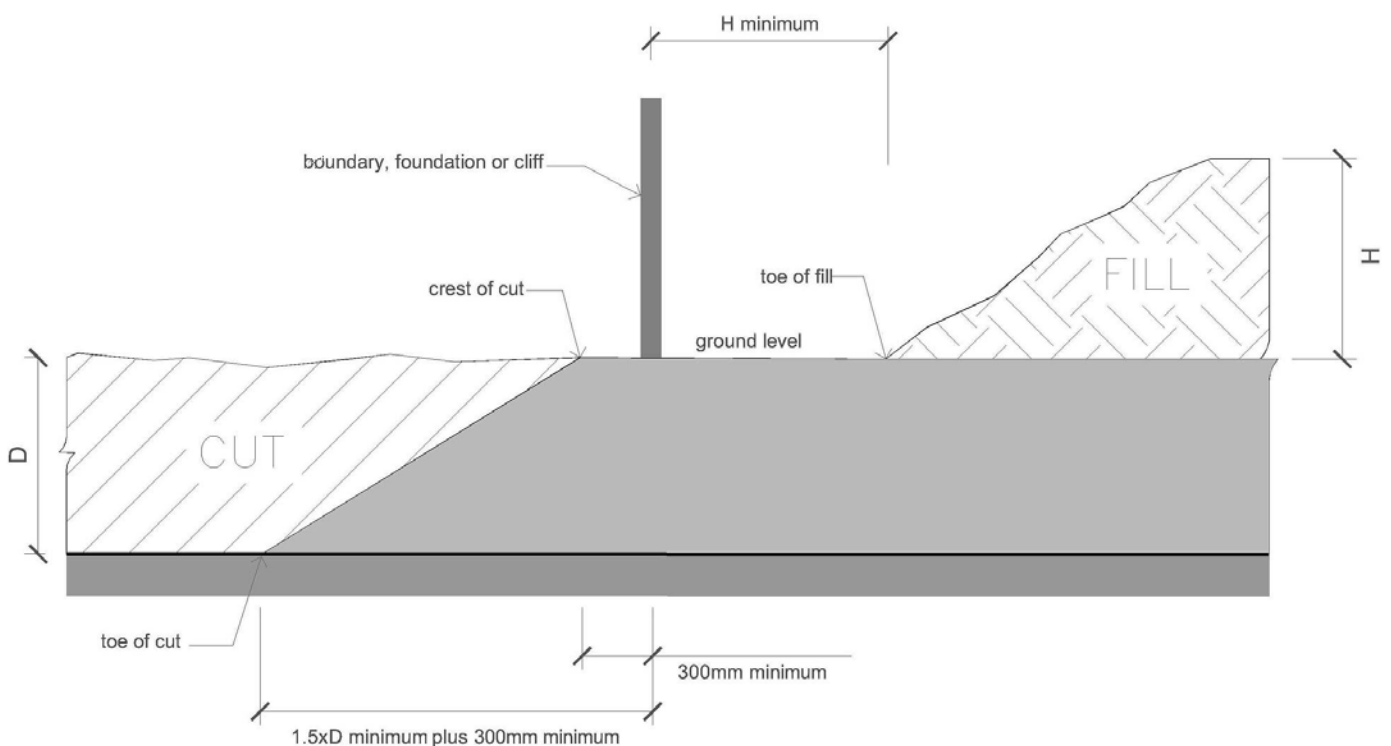
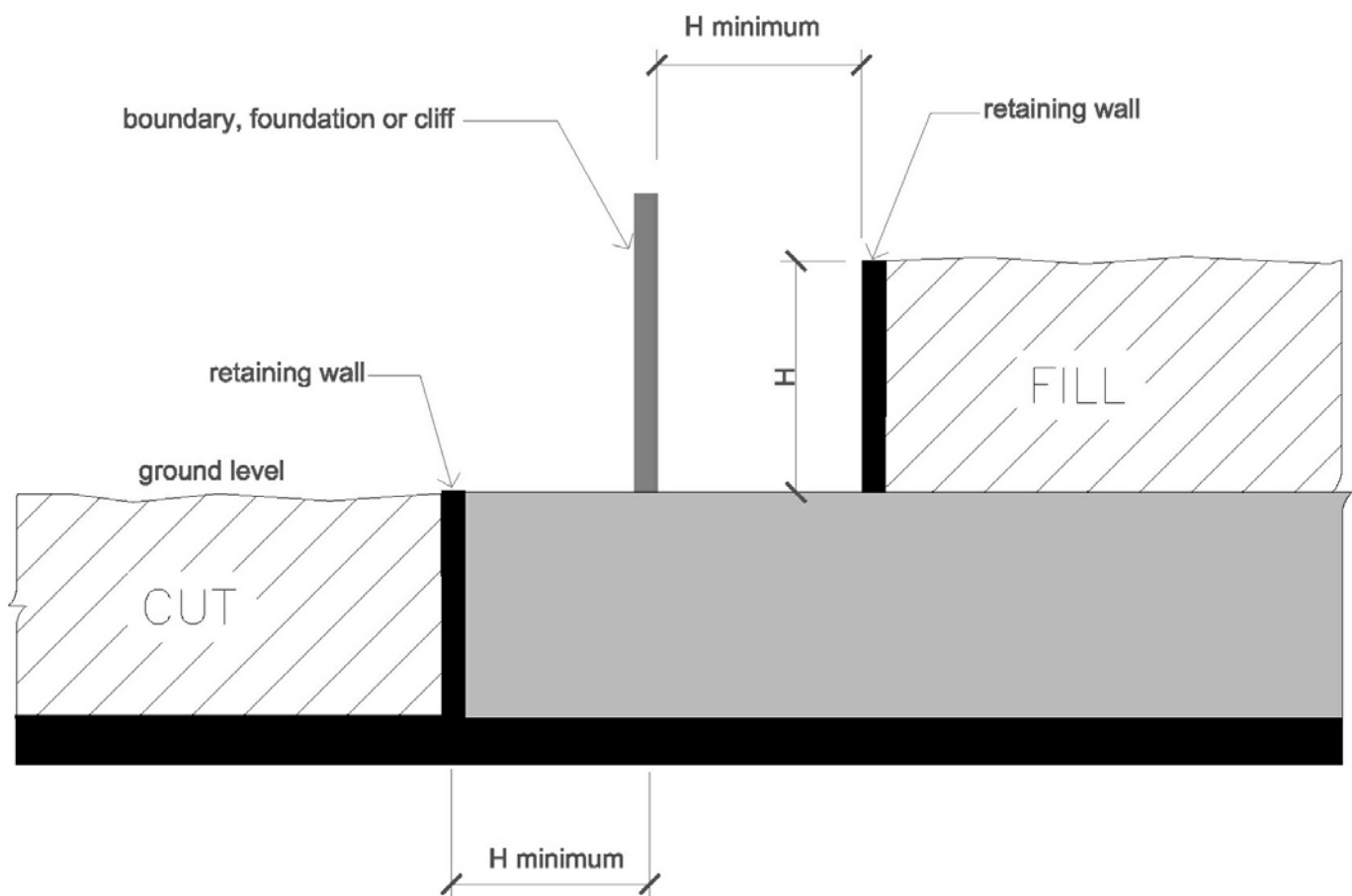


Figure 8A.5B Cut and fill supported by retaining walls (elevation view)



8A.5.5 Setback from National Grid (earthworks) {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

Earthworks must comply with Rule 5.6.1.2.

8A.5.6 Setback from network utilities {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

Earthworks must comply with Rule 5.6.2.

8A.5.7 Sediment control {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

1. Earthworks must be undertaken using best practice sediment control management to in-a-way that prevents **{NatEnv 908.27}** sediment entering water bodies, stormwater networks, or the coastal marine area, {EW 1071.104} or going across property boundaries.

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

Note 8A.5.7A - Other requirements outside of the District Plan {NatEnv 908.27}

1. Discharges of sediment, or of water containing sediment, may require resource consent under the Regional Plan: Water for Otago. {NatEnv 908.27}
2. Discharges of sediment that cross property boundaries may be contrary to the common law principle of natural servitude. {NatEnv 908.27}

8A.5.8 Removal of high class soils {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

1. Earthworks must not remove topsoil or subsoil that is located within the **high class soils mapped area** from the site.
2. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

8A.5.9 NZ Environmental Code of Practice for Plantation Forestry {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

1. Earthworks ancillary to forestry must be in accordance with the New Zealand Environmental Code of Practice for Plantation Forestry 2007.
2. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

8A.5.10 Setback from coast and water bodies {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

Earthworks – large scale must comply with Rule 10.3.3

8A.5.11 Setback from scheduled tree {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

All earthworks must comply with Rule 7.5.2

Rule 8A.6 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions) {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facilities zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in

response to submissions, strikethrough and underlining is used and submitter references provided.

Rule 8A.6.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rule 8A.6.2:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

8A.6.2 Assessment of all performance standard contraventions

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

8A.6.3 Assessment of performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Batter gradient	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 8A.2.1 ii. Earthworks and associated retaining structures are designed and located to avoid or minimise, <u>as far as practicable</u>, {PO 308.497 and EW 241.21} adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 8A.2.1.1.b).
2. Setback from property boundary, buildings, structures and cliffs	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 8A.2.1 ii. Earthworks and associated retaining structures are designed and located to avoid <u>or minimise, as far as practicable</u>, {PO 308.497 and EW 241.21} adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 8A.2.1.1.a).

8A.6.3 Assessment of performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
3. Sediment control	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 8A.2.1 ii. Earthworks and any associated retaining structures are designed, and located and undertaken in a way that to minimises, as far as practicable {PO 906.34 and 308.497} adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems {PO 906.34 and 308.497} (Policy 8A.2.1.2)
	b. Effects on biodiversity values {NatEnv 958.60} and natural character values of riparian margins and coast	See Rule 10.4
	c. Effects on the efficiency and/or {EW cl.16} affordability of infrastructure	See Rule 9.4
4. NZ Environmental Code of Practice for Plantation Forestry	a. Degree of compliance with New Zealand Code of Practice for Plantation Forestry	<i>Relevant objectives and policies:</i> i. Objective 8A.2.1 ii. Earthworks ancillary to forestry are carried out in accordance with industry best practice guidelines (Policy 8A.2.1.4).
5. Setback from coast and water bodies	a. Effects on biodiversity values {NatEnv 958.60} and natural character values of riparian margins and the coast	See Rule 10.4
	b. Effects on public access	
	c. Risk from natural hazards	See Rule 11.4
6. Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6

8A.6.3 Assessment of performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
7. Setback from National Grid (earthworks)	a. Effects on health and safety b. Effects on efficient and effective operation of network utilities	See Rule 5.7
8. Setback from network utilities	a. Effects on health and safety b. Effects on efficient and effective operation of network utilities	See Rule 5.7

8A.6.4 Assessment of restricted discretionary performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. In a high class soils mapped area : removal of high class soils	a. Maintenance of high class soils resource	<i>Relevant objectives and policies:</i> - Objective 16.2.4 and Objective 17.2.4 - Earthworks in a high class soils mapped area retain soils on the site (policies 16.2.4.1 and 17.2.4.1). <i>Potential circumstances that may support a consent application include:</i> - The development will involve productive rural activity <u>activities</u> {PO cl.16}. - The site design will minimise the effect of the activity on the high class soils contained on the site. - The soils are being removed to enhance the productivity of another site.
2. In a wāhi tūpuna mapped area Sediment control	d. <u>Effects on cultural values of Manawhenua</u> {MW 1071.107}	See Rule 14.3 {MW 1071.107}

Rule 8A.7 Assessment of Restricted Discretionary Activities {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facilities zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

Rule 8A.7.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 8A.7.2 and 8A.7.3:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**;
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard;
 - iii. the performance standard contravention will be assessed as indicated in Section 8A.6; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**;
 - ii. the performance standard contravention will be assessed; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**;
 - ii. the performance standard contravention will be assessed as indicated in Section 8A.8; and
 - iii. the assessment guidance in this section will also be considered.

8A.7.2 Assessment of restricted discretionary earthworks activities

Activity	Matters of discretion	Guidance on the assessment of resource consents

8A.7.2 Assessment of restricted discretionary earthworks activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	Earthworks - large scale <u>(all zones)</u> {NatEnv 958.100}	a. Effects on visual amenity b. Effects on the {EW cl.16} amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 8A.2.1 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible <u>practicable</u>. {PO 908.3 and others} adequately mitigated (Policy 8A.2.1.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, <u>practicable</u>. {PO 908.3 and others} adequately mitigated (Policy 8A.2.1.3.b). <i>Potential circumstances that may support a consent application include:</i> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or affect existing vegetation or landscaping. <i>Conditions that may be imposed include:</i> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished. <i>General assessment guidance: {EW 360.134}</i> xii. <u>For earthworks in the rural zones, Council will consider the effects on the values specified in Objective 16.2.3, and the effects on the rural character values identified in Appendix A7. {EW 360.134}</u>

8A.7.2 Assessment of restricted discretionary earthworks activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
		c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 8A.2.1 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, practicable, {PO 908.3 and others} adequately mitigated (Policy 8A.2.1.3.c). <i>Potential circumstances that may support a consent application:</i> iii. A geotechnical report confirms the existing ground is suitably stable for the proposed works, and proposed works will not create instability risks for surrounding land, buildings, or structures (see Special Information Requirements - Rule 8A.9.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards. <i>Conditions that may be imposed include:</i> v. Maximum slopes of cut and fill batters. vi. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. vii. Temporary shoring requirements to maintain stability before a wall is constructed. viii. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
A. {NatEnv 958.100}	<u>Earthworks - large scale (rural zones only)</u>	<u>a. Effects on biodiversity values</u>	<u>See Rule 10.5</u>

8A.7.2 Assessment of restricted discretionary earthworks activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
2.	Earthworks - large scale that exceed scale thresholds within: 20m of a water body or MHWS in rural zones or the Invermay and Hercus Zone {EW cl.16} 5m of a water body or MHWS in all other zones) {EW cl.16}	a. Effects on biodiversity <u>values</u> {NatEnv 958.60} and natural character of riparian margins and the coast b. Effects on public access	See Rule 10.5

8A.7.3 Assessment of restricted discretionary activities in an overlay zone, mapped area or affecting a scheduled item

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	In the ONF, ONL or SNL overlay zones: Earthworks - large scale (that exceed scale thresholds for an ONF, ONL or SNL)	a. Effects on landscape values	See Rule 10.5
2.	In the ONCC, HNCC or NCC overlay zones: Earthworks - large scale (that exceed scale thresholds for an ONCC, HNCC or NCC)	a. Effects on natural character of the coast	See Rule 10.5
3.	In an ~~scheduled~~ ASCV ASBV {NatEnv 958.60}: Earthworks - large scale (that exceed scale thresholds for a ~~Scheduled ASCV ASBV~~) {NatEnv 958.60}	a. Effects on biodiversity <u>values</u> {NatEnv 958.60}	See Rule 10.5
4.	In a wāhi tūpuna mapped area where activity is identified as a threat: Earthworks - large scale that exceed any threshold	a. Effects on cultural values of Manawhenua	See Rule 14.4
5.	In a hazard overlay zone: Earthworks - large scale (that exceed the scale threshold for a hazard overlay zone or swale or dune system mapped area)	a. Risk from natural hazards	See Rule 11.5

8A.7.3 Assessment of restricted discretionary activities in an overlay zone, mapped area or affecting a scheduled item

Activity		Matters of discretion	Guidance on the assessment of resource consents
6.	In a groundwater protection mapped area (GPMA) : • Earthworks - large scale (that exceed scale thresholds for a GPMA)	a. Effects on health and safety	See Rule 9.5
7. {NH cl.16 ¹ }	In a geologically sensitive mapped area (GSA) : • Earthworks - large scale (that exceed underlying zone scale thresholds)	a. Risk from natural hazards	See Rule 11.5
8.	In a UCMA UBMA : {NatEnv 958.60} • Earthworks - large scale (that exceed the scale thresholds for a UCMA UBMA) {NatEnv 958.60}	a. Effects on biodiversity values {NatEnv 958.60}	See Rule 10.5
9.	On a scheduled heritage site : • Earthworks - large scale (that exceed the scale thresholds for a SHS)	a. Effects on heritage values	See Rule 13.6

¹ **NH cl.16**: Geologically sensitive areas are not part of the Plan, and are included in the data map for information purposes only. Reference to them in assessment rules is therefore incorrect and has been removed under cl.16. There is no substantive change to the provisions.

Rule 8A.8 Assessment of Non-complying Activities {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16**: As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facilities zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

Rule 8A.8.1 Introduction

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

8A.8.2 Assessment of non-complying activities

Activity	Guidance on the assessment of resource consents

8A.8.2 Assessment of non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities <u>that are linked to Section 8A.8 {PO cl.16}</u>	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 8A.2.1 <i>General assessment guidance:</i> b. In assessing the significance of effects, consideration will be given to: - short to long term effects, including effects in combination with other activities; - the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the grant of resource consent; and - any effects otherwise managed through performance standards and consistent with all relevant objectives and policies for the zone. c. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.
2. Archaeological sites (earthworks)	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.4 and effects related to the inappropriate development and use in Dunedin's archaeological sites.

Rule 8A.9 Special Information Requirements {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facilities zones. Where there has been no change to the effect of provisions (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of provisions have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

8A.9.1 Geotechnical investigation report

- A geotechnical investigation report may be requested by Council for earthworks ~~of a~~ **{EW cl.16}** large scale and/or where the earthworks are proposed:
 - on a site with a slope angle between 15° (3.7h:1v slope ratio, or 27% slope grade) and 26° (2h:1v slope ratio, or 50% slope grade);
 - on a site identified as hazard-prone in Council's Hazard Information Management System; or
 - on any other site that the **{HazMit cl.16}** Council, with good cause, suspects to be hazard-prone.
- A geotechnical investigation report must be provided for earthworks on all sites with a slope greater than a 26° angle (2h:1v slope ratio, or 50% slope grade).
- All requested geotechnical investigation reports must be prepared by a suitably qualified expert who is experienced in the practice of geotechnical engineering and registered under the Chartered Professional Engineers Act of New Zealand 2002, and who has professional indemnity insurance.
- The geotechnical investigation report must address the following factors:
 - special design or construction requirements;
 - special foundation requirements;

- c. services;
- d. access;
- e. effluent disposal;
- f. non-engineered fills; and
- g. a statement of professional opinion as to the suitability of the land for the proposed development.

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 **{PHS 917.23}** 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 **{PHS 917.23}**, 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 **{PHS 917.23}** 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, and **{PHS 634.55}** their storage and use are potential threats to the health and safety of Dunedin's people and natural environment. ~~Activities which involve hazardous substances also pose a risk to the economic well-being of the city's people and businesses.~~ **{PHS 634.55}** 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 **{PHS 634.55}** controls minimum performance standards **{PHS 1090.22}** for the management of these substances. The RMA enables plans to include additional land use controls for the prevention or mitigation of the **{PHS 634.55}** adverse effects of **{PHS 1090.22}** storage, use, disposal and transport of hazardous substances **{PHS 634.55}** where this is necessary to address a clear resource management issue **{PHS 1090.22}**. Such controls may relate to matters such as the location of hazardous **{PHS 634.55}** facilities substances **{PHS 1090.22}** and their potential impacts on other land uses and the natural environment. ~~Given the risks that the storage and use of hazardous substances pose to the health and safety of people, these must be managed to ensure that these substances are able to be used in a safe and secure manner.~~ **{PHS 634.55}**

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 and Energy Generation **{NU 360.233}** 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 tree planting shelterbelts and small woodlots **{RU cl.16}** 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, often be contaminated and which {PHS 634.59} may enter sources of groundwater and other water bodies {PHS 634.59} and cause risks to the {PHS 634.59} water supplies.

In response to these issues, the ~~Second Generation Plan 2GP {PO cl.16} proposes to controls {PHS cl.16} 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 connecting or providing water supply for firefighting or potable {PHS cl.16} public water, stormwater, and wastewater public {PHS cl.16} infrastructure; requiring water supply for firefighting in un-reticulated areas {PHS cl.16} controlling the emission effects {PHS cl.16} of electrical interference; requiring forestry and tree planting shelterbelts and small woodlots {RU cl.16} 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 <u>public</u> water supply, wastewater and stormwater ~~public~~ {PO cl.16} infrastructure.	
Policy 9.2.1.1	Only allow land use or subdivision activities that may result in land use or development activities where: - in an area with <u>public</u> water supply and/or wastewater ~~public~~ infrastructure, it will not exceed the current or planned capacity of that ~~public~~ {PO cl.16} infrastructure or compromise its ability to service any activities permitted within the zone; and - in an area without <u>public</u> water supply and/or wastewater ~~public~~ infrastructure, it will not lead to future pressure for unplanned expansion of that ~~public~~ {PO cl.16} infrastructure.
Policy 9.2.1.2	Require development in the residential zones and the Mercy Hospital, Wakari Hospital, Moana Pool and Schools zones to provide adequate permeable areas to enable a reasonable level of rain water ground absorption.
Policy 9.2.1.3	Require subdivisions ~~activities~~ {PO cl.16} to provide any available <u>public</u> {PO cl.16} water supply and wastewater ~~public~~ {PO cl.16} infrastructure services to all resultant sites that can be developed, unless on-site or multi-site services are proposed that will have positive effects on the overall <u>public</u> {PO cl.16} water supply and/or wastewater ~~public~~ {PO cl.16} infrastructure services, or any adverse effects on them are insignificant.
Policy 9.2.1.4	Only allow supported living facilities where <u>public water supply, wastewater and stormwater</u> {PO 881.11 and 881.13} infrastructure has capacity and where this would not compromise the capacity required for any future permitted activities within the zone.
Policy 9.2.1.5	Require earthworks 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, ~~if avoidance is not possible, would be insignificant~~ <u>minimised, as far as practicable.</u> {PHS 308.464} .
Policy 9.2.1.6	Require development and subdivision in an infrastructure constraint mapped area to be at a density which does not compromise the current or planned capacity of the <u>public</u> wastewater ~~public~~ infrastructure, or compromise the ability of the <u>public</u> wastewater ~~public~~ {PO cl.16} infrastructure to service any activities permitted within the zone.

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 possible <u>practicable</u> {PO 908.3 and others} , ensure any adverse effects would be insignificant.
Policy 9.2.2.2	Require <u>those parts of</u> {PHS 308.215} buildings used for noise sensitive activities in the following areas to provide adequate acoustic insulation to avoid, <u>as far as practicable</u> , {PO 308.497} significant <u>adverse</u> {PO 308.497} effects from the higher noise environment anticipated in these 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; or m. the Stadium Zone.
Policy 9.2.2.3	Avoid residential and visitor accommodation activity within the Dunedin International Airport {PHS cl.16} 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 possible <u>practicable</u> , {PHS 634.14} ensure any adverse effects would be insignificant.
Policy 9.2.2.5	Require forestry and <u>tree planting shelterbelts and small woodlots</u> {RU cl.16} to be set back from boundaries an adequate distance to avoid risks to safety from fire or tree fall or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , ensure any adverse effects would be insignificant.
Policy 9.2.2.6	Only allow mining <u>or mineral exploration</u> {CP 458.1 and others} where <u>any adverse effects there would be no significant effects</u> {PHS 308.477} from air blast and vibration on people's health and safety or on surrounding properties <u>are avoided or, if avoidance is not practicable, no more than minor</u> . {PHS 308.477}

Objective 9.2.2

Land use, development and subdivision activities maintain or enhance people's health and safety.

Policy 9.2.2.7	Only allow land use, development, or subdivision activities that may lead to land use and development activities, in areas without public <u>wastewater and stormwater</u> {PO 881.11 and 881.13} infrastructure where the land use, development or the size and shape of resultant sites from a subdivision, <u>these activities</u> {PHS cl.16} ensure wastewater and stormwater can <u>will</u> {PO cl.16} be disposed of in such a way that avoids adverse effects on the health of people on the site or on surrounding sites {PHS cl.16} or, if avoidance is not possible <u>practicable</u> {PHS 308.477} , ensures any adverse effects <u>would on the health of people on the site or on surrounding sites will</u> {PHS cl.16} be insignificant.
Policy 9.2.2.8	Require fences in <u>residential, recreation and some major facility zones</u> {PHS 919.17 and 306.216} to be designed to allow a visual connection between buildings and public places, to enable opportunities for informal surveillance.
Policy 9.2.2.9	Require all new residential buildings, or subdivisions <u>activities</u> {PO cl.16} that may result in new residential buildings, to have access to suitable water supply for fire fighting purposes.
Policy 9.2.2.10	Require earthworks in a groundwater protection mapped area to not disturb or contaminate groundwater.
Policy 9.2.2.11	Require hazardous substances to be stored and used in a way that avoids risk of adverse effects on the health and safety of people on the site or surrounding sites or, if avoidance is not possible <u>practicable</u> {PHS 634.17} , ensures any adverse effects <u>is are no more than low</u> -would be insignificant. {PHS 634.17}
Policy 9.2.2.12	Require activities to be designed and operated to avoid adverse effects from electrical interference on the health of people or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , ensure any adverse effects would be insignificant.
Policy 9.2.2.13	Require public amenities, <u>network utility activities</u> , {NU 457.169 and others} and signs located on or above footpaths to avoid adverse effects on the safety of people or, if avoidance is not possible <u>practicable</u> {PHS 308.477} , ensure any adverse effects <u>will be no more than minor</u> would be insignificant. {PHS 308.477}
Policy 9.2.2.14	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 9.2.2.15 {PHS 906.1}	<u>Only allow sensitive activities within a hazard facility mapped area where the risk to people from a low probability but high consequence emergency event at the hazard facility are no more than low.</u> {PHS 906.1}

Rules

Rule 9.3 Performance Standards

9.3.1 Acoustic Insulation

1. Any kitchen, dining area, living room, study or bedroom in a building or parts of buildings **{PHS 308.215 and 807.16}** to be used for noise sensitive activities in any of the following locations must have acoustic insulation that achieves a minimum design standard of DnT, w + Ctr > 30:
 - 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 **{CMU 551.13}**
 - 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; or
 - m. the Stadium Zone.
2. Any kitchen, dining area, living room, study or bedroom in a building or parts of buildings **{PHS 308.215 and 807.16}** to be used for noise sensitive activities within the **port noise control mapped area** must have acoustic insulation that achieves a minimum indoor design standard of 40 dBA Ldn.
3. Habitable rooms Rooms **{PHS 807.16 and 807.59}** other than those exempted in clause 5 below **{PHS 807.16}** must be supplied with a positive supplementary source of ventilation fresh air ducted from outside **{PHS 807.59}** that achieves a minimum of 7.5 litres per second per person, to enable adequate ventilation when windows are closed.
4. The schedule in Appendix 9A describes the minimum requirements necessary to achieve an external sound noise **{PHS 881.102}** insulation level of DnT, w + Ctr > 30.
5. Rules 9.3.1.1 to 9.3.1.4 do not apply to the following parts of buildings: any bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room, or other space of a specialised nature occupied neither frequently nor for extended periods. **{PHS 807.16}**
6. Any development activity **{PHS cl.16}** that contravenes the performance standard for acoustic insulation is a discretionary activity.

Note 9.3.1A - Other relevant District Plan provisions {PHS 881.101}

Refer to Rule 9.8.2 Special Information Requirements – Acoustic insulation {PHS 881.101}

9.3.2 Electrical Interference

1. Activities must be designed and located to ensure that there are no effects from electrical interference on surrounding sites.
2. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

9.3.3 Fire Fighting

1. Subdivision activities must ensure resultant sites have access to sufficient water supplies for fire fighting consistent with the SNZ/PAS:4509:2008 New Zealand Fire Service firefighting water supplies code of practice, except sites created and used solely for the following purposes are exempt from firefighting requirements:
 - a. reserve;
 - b. Scheduled ASGV ASBV **{NatEnv 958.60}** or QEII covenant;
 - c. access;
 - d. network utilities; or
 - e. road.
2. New residential buildings must either:
 - a. connect to the public **{PO cl.16}** water supply (where it is provided) public infrastructure **{PO cl.16}**; or
 - b. provide an hardstand **{PHS 945.24}** area of minimum dimensions of 4.5m x 11m with suitable fire engine access, water storage of 45,000 litres (45m³) or equivalent fire fighting capacity, and have the water supply located within 90m of the fire risk or otherwise provide for water supply and access to water supplies for fire fighting purposes consistent with the SNZ/PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice. **{PHS 945.24}**
3. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

9.3.4 Hazardous Substances Quantity Limits and Storage Requirements

1. The storage and use of hazardous substances must comply with the quantity limits and storage requirements specified in Appendix A6, as follows:

Zones and activities		Appendix
a.	Residential activities in all zones, and all activities in the residential zones, Smith Street and York Place (SSYP), and Schools zones	A6.1
b.	Commercial <u>and</u> mixed use {CMU cl.16} zones (except Smith Street and York Place (SSYP)), industrial, {PHS 85.1} Stadium, Moana Pool, Edgar Centre and Taieri Aerodrome zones	A6.2
c.	Invermay and Hercus, Dunedin Public Hospital, Campus, and Otago Museum zones	A6.3
d.	Recreation, rural, rural residential, and Dunedin Botanic Garden zones	A6.4
e.	<u>Port Zone Industrial zones within a hazard 2 and 3 (flood), hazard 2 (land instability), hazard 3 (alluvial fan) or hazard 3 (coastal) overlay zone.</u> {PHS 85.1}	A6.5 A6.2 {PHS 85.1}
f.	Dunedin International Airport Zone	A6.6
g.	Ashburn Clinic, Mercy Hospital, and Wakari Hospital zones	A6.7

- h. There are no quantity limits and storage requirements in the Port Zone; or in the Port Industrial Zone or Industrial Zone, where located outside a hazard 2 and 3 (flood), hazard 2 (land instability), hazard 3 (alluvial fan) or a hazard 3 (coastal) overlay zone. {PHS 85.1}

2. The storage and use of hazardous substances with explosive or flammable properties {PHS 634.19} must be set back 12m from National Grid transmission lines, support structures and substations, except:
 - a. the storage and use of hazardous substances which comply with the residential zones hazardous substances quantity limits in Appendix A6.1;
 - b. the storage and use of transformer cooling oils in electricity transformers;
 - c. fuel in motor vehicles, boats and small engines;
 - d. gas and oil pipelines;
 - e. trade waste sewers; and
 - f. waste treatment and disposal facilities. **{PHS 634.19}**

3. The following facilities and quantities are exempt from this standard: {PHS 634.6 and others}
 - a. storage of substances in or on vehicles being used in transit on public roads: {PHS 634.6}
 - b. the storage and use of transformer cooling oils in electricity transformers: {PHS 457.54}
 - c. fuel in mobile plant, motor vehicles, boats and small engines: {PHS 634.6}
 - d. gas and oil pipelines and associated equipment: {PHS 634.6}
 - e. 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: {PHS 634.6}{PHS 945.25}
 - f. the application of agrichemicals and fertilisers at a rate and in a manner consistent with their intended purpose: {PHS 634.6 and 1090.24}
 - g. 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**) : {PHS 945.25}
 - h. retail outlets selling domestic scale usage of hazardous substances, such as supermarkets, trade suppliers, and pharmacies: {PHS 634.6}
 - i. the accessory use and storage of hazardous substances in minimal domestic scale quantities: {PHS 634.6}
 - j. activities involving substances of HSNO sub-classes 1.4, 1.5, 1.6, 6.1D, 6.1E, 6.3, 6.4, 9.1D and 9.2D unless other hazard classification applies; and {PHS 634.6}
 - k. the temporary storage, handling and distribution of national or international cargo containers. {PHS 634.6}

4. The storage and use of hazardous substances that contravenes this standard is a restricted discretionary activity, except:
 - a. contravention of 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 **{PHS cl.16}** 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. **{PHS cl.16}**
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. **{PHS cl.16}** Schedule 12 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004 (as amended) **{PHS cl.16}** provides maximum quantities for the indoor storage and use of LPG as follows: ¹ **{PHS cl.16}**

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 10m ² 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 50m ² of the indoor floor area, up to a maximum total quantity of 180kg per occupancy	45kg cylinder

¹The maximum quantity of LPG and cylinder size are subject to change through any updates to Schedule 12 of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004. **{PHS cl.16}**

9.3.5 Light Spill

1. Light spill measured at any point of the vertical plane that marks **{PHS 165.3}** the boundary of a residential zone, or any site used for within a residential purposes zone, or in any other zone the notional boundary of any residential building **{PHS 1088.28}** 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 from street lighting. **{PHS 881.103}**
2. Light spill must not be emitted in the angles above the horizontal. **{PHS 165.3}**
 3. All outdoor lighting, except street lighting, must be shielded from or directed away from adjacent roads and site boundaries. **{PHS 881.103}**

4. Activities that contravene any light spill 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 {PHS 366.1}

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. {PHS 366.1}

9.3.6 Noise

Land use activities, public amenity activities, network utilities utility {NU cl.16} activities, and temporary activities must not exceed the following noise emission limits:

Zoning of receiving property		Noise level measured at the boundary of the receiving property or the notional boundary of noise sensitive activities in a rural, rural residential or Ashburn Clinic zone		
		a. 7.00am to 7.00pm	b. 7.00pm to 10.00pm	c. 10.00pm to 7.00am
1.	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)	i. 40 dB LAeq (15 min); and ii. 70 dB LAFmax
2.	Rural, rural residential, centres and Ashburn Clinic zones (at notional boundary of noise sensitive activities); <u>except in those parts of rural zones that are within 350m of the Industrial Zone {PHS 807.18}</u>	55 dB LAeq (15 min)	50 dB LAeq (15 min)	i. 40 dB LAeq (15 min); and ii. 70 dB LAFmax
X.	<u>Those parts of a rural zone that are within 350m of the Industrial Zone {PHS 807.18}</u>	55 dB LAeq (15 min)	50 dB LAeq (15 min)	i. <u>45 dB LAeq (15 min); and</u> ii. <u>75 dB LAFmax</u>
3.	Rural, rural residential and Ashburn Clinic zones (at property boundaries, where there are no noise sensitive activities within 20 metres of boundary)	60 dB LAeq (15 min)	60 dB LAeq (15 min)	i. 60 dB LAeq (15 min); and ii. 85 dB LAFmax
4.	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)	i. 60 dB LAeq (15 min); and ii. 85 dB LAFmax
5.	Industrial, Industrial Port, Dunedin International Airport, Taieri Aerodrome, Edgar Centre, Port and Stadium zones	65 dB LAeq (15 min)	60 dB LAeq (15 min)	i. 60 dB LAeq (15 min); and ii. 85 dB LAFmax

6. Except, the following activities are exempt from this standard:
 - 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 or trains on rail lines (including at railway yards, railway sidings or stations and level crossing warning devices);
 - 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; {PHS 917.8}
 - k. construction, temporary events in CBD, and military exercises (see Rule 4.5.54 **{TA cl.16}**);
 - l. noise generated as part of a normal farming activities activity {PO cl.16} within the rural zones and rural residential zones;
 - m. noise generated as part of normal forestry activities activity {PO cl.16} within the rural zones;
 - n. noise generated by pyrotechnics and firing of a ceremonial cannon (see Rule 4.5.4.2.c); and
 - o. noise generated by blasting in rural zones, as part of mineral exploration (see Rule 16.5.14). {CP 458.1 and others}
7. 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. {PHS 917.8}
 8. Activities that contravene this performance standard by less than 5dB LAeq (15 min) are discretionary activities.
 9. Activities that contravene this performance standard by 5dB LAeq (15 min) or more are non-complying activities.

9.3.7 Service Connections

1. Subdivision activities must provide to all sites the following infrastructure where available {PO cl.16}: telecommunication (including Ultra Fast Broadband) and power supply, and connections to public water supply, wastewater, and stormwater networks. ~~where available; and public infrastructure, where available but not in the no DCC reticulated wastewater mapped area or in rural or rural residential zones. {PO cl.16}~~ These services must be laid at least 600mm into all resultant sites, except those created and used solely for the following purposes:
 - a. Scheduled ASGV ASBV {NatEnv 958.60} or QEII covenant;
 - b. reserves;
 - c. access;
 - d. network utilities; or
 - e. roads.

2. For the purpose of this rule 'where available' means: {PO cl.16}
 - a. for water supply networks, all areas except the rural, and rural residential zones; and {PO cl.16}
 - b. for wastewater networks, all areas except the no DCC reticulated wastewater mapped area and rural, and rural residential zones. {PO cl.16}
3. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

9.3.8 Location (hazard facility mapped area) {Confirmed for addition - PHS 906.1}

1. Community and leisure - large scale, early childhood education, entertainment and exhibition, major facility activities (other than major recreation facility in the Stadium Zone and port activity in industrial zones), registered health practitioners, residential, training and education and visitor accommodation activities must not be located within the **hazard facility mapped area**.
2. Activities that contravene this performance standard are discretionary activities. {PHS 906.1}

Rule 9.3A - Assessment of Controlled Activities {Confirmed for addition - MF 308.353}

9.3A.1 Assessment of controlled activities {MF 308.353}		
Activity	Matters of control	Guidance on the assessment of resource consents
1. <u>Student hostels in the Campus Zone {MF 308.353}</u>	a. Effects on efficiency and/or {PHS cl.16} affordability of infrastructure	<i>Relevant objectives and policies:</i> i. Objective 9.2.1 ii. <u>Public water supply, wastewater and stormwater {PO 881.11 and 881.13}</u> infrastructure has capacity for supported living facilities and the facilities do and the supported living facility will {PHS cl.16} not compromise the capacity required for any future permitted activities within the zone (Policy 9.2.1.4).

¹ **MF 308.353:** Student hostels in the Campus Zone has been split from Supported living facilities in Rule 9.5.2.2 and the activity status has been changed from restricted discretionary to a controlled activity

Rule 9.4 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 9.4.1 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. Rules 9.4.2 and 9.4.3:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

9.4.2 Assessment of all performance standard contraventions

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

9.4.3 Assessment of performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. ~~Buildings and structures~~ <u>Public amenities {PA cl.16}</u> located on or above the footpath (Rule 6.7.2) {PHS cl.16}	a. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objective 9.2.2 ii. ~~Public amenities, network utility activities, {NU 457.169 and others}~~ and signs located on or above footpaths avoid adverse effects on the safety of people or, if avoidance is not possible <u>practicable {PHS 308.477}</u>, ensure any adverse effects would <u>will {PHS cl.16}</u> be insignificant <u>no more than minor {PHS 308.477}</u> (Policy 9.2.2.13).

9.4.3 Assessment of performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2.	Density (papakāika) in residential zones (Rule 15.5.2) {PHS cl.16}	a. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objective 9.2.2 ii. ~~In areas without public infrastructure land use and development ensure wastewater and stormwater~~ <u>Only allow land use and development in areas without public</u> {PHS cl.16} <u>wastewater and stormwater</u> {PO 881.11 and 881.13} <u>infrastructure where these activities ensure wastewater and stormwater</u> {PHS cl.16} <u>can will</u> {PO cl.16} be disposed of in such a way that avoids adverse effects on the health of people on the site or on surrounding sites {PHS cl.16} or, if avoidance is not practicable {PHS 308.477} possible, ensures any adverse effects ~~would~~ <u>on the health of people on the site or on surrounding sites will</u> {PHS cl.16} be insignificant (Policy 9.2.2.7).
3.	Density - standard residential in General Residential 2 Zone infrastructure constraint mapped area (Rule 15.5.2) {PHS cl.16}	a. Effects on efficiency and/or {PHS cl.16} affordability of infrastructure	<i>Relevant objectives and policies:</i> i. Objective 9.2.1 ii. Development in an infrastructure constraint mapped area, is at a density which does not compromise the current or planned capacity of the <u>public</u> wastewater ~~public~~ infrastructure, or compromise the ability of the <u>public</u> wastewater ~~public~~ {PO cl.16} infrastructure to service any activities permitted within the zone (Policy 9.2.1.6).
4.	Density - residential activity on an existing site not in a no DCC reticulated wastewater mapped area {Res 542.2 and 542.3}	a. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objective 9.2.2 ii. ~~In areas without public infrastructure land use and development ensure wastewater and stormwater be disposed of in such a way that avoids adverse effects on the health of people on the site or on surrounding sites or, if avoidance is not possible, ensures any adverse effects would be insignificant (Policy 9.2.2.7).~~
5.	Earthworks standards: Sediment control (Rule 8A.5.7) {PHS cl.16}	a. Effects on efficiency and/or {PHS cl.16} affordability of infrastructure	<i>Relevant objectives and policies:</i> 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, if avoidance is not possible, are insignificant <u>minimised as far as practicable</u> {PHS 308.464} (Policy 9.2.1.5).

9.4.3 Assessment of performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Electrical interference	a. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objective 9.2.2 ii. Activities ~~to be~~ are {PHS cl.16} designed and operated to avoid adverse effects from electrical interference on the health of people or, if avoidance is not possible ~~practicable~~ {PO 908.3 and others}, ensure any adverse effects ~~would be~~ are {PHS cl.16} insignificant (Policy 9.2.2.12).
7.	Fence height and design	a. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objective 9.2.2 ii. Fences <u>in residential, recreation and some major facility zones</u> {PHS 919.17 and 308.216} are designed to allow a visual connection between buildings and public places, to enable opportunities for informal surveillance (Policy 9.2.2.8). <i>Potential circumstances that may support a consent application include:</i> iii. The increased height or reduced visual permeability is necessary to provide security for a business or protect public well-being. iv. Due to topography, the fence still enables a visual connection between buildings and public places.
8.	Fire fighting	a. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objective 9.2.2 ii. New residential buildings, or subdivisions ~~activities~~ {PO cl.16} that may result in new residential buildings, have access to suitable water supply for fire fighting purposes (Policy 9.2.2.9). iii. Subdivision that may result in new residential buildings ensures there is access to suitable water supply for fire fighting purposes (Policy 9.2.2.9).

9.4.3 Assessment of performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
9.	Forestry and tree planting shelterbelts and small woodlots {RU cl.16} setbacks	a. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objective 9.2.2 ii. Forestry and ~~tree planting~~ shelterbelts and small woodlots {RU cl.16} are set back from boundaries an adequate distance to avoid risks to safety from fire or tree fall or, if avoidance is not possible practicable {PO 908.3 and others}, ensure any adverse effects would be insignificant (Policy 9.2.2.5). <i>Potential circumstances that may support a consent application include:</i> iii. Mitigation measures will be used to avoid risk to buildings in the event of fire originating from the forestry or ~~tree planting~~ shelterbelts and small woodlots {RU cl.16} 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.

9.4.3 Assessment of performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
10. Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objective 9.2.2 ii. Hazardous substances are stored and used in a way that avoids risk of adverse effects on the health and safety of people on the site or surrounding sites or, if avoidance is not possible ~~practicable~~ {PHS 634.17}, ensures any adverse effects are no more than low ~~would be insignificant~~. {PHS 634.17} (Policy 9.2.2.11). <i>Potential circumstances that may support a consent application include:</i> iii. Hazardous substances are stored in a way that meets HSNO requirements <u>and Hazardous Substances Regulations</u>. {PHS cl.16} iv. There is little or no risk of any discharge of hazardous substances into the <u>public</u> stormwater ~~public~~ {PO cl.16} 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 routes. vi. A site management plan and emergency response plan appropriately addresses any potential adverse effects on health and safety (see Special Information Requirements - Rule 9.8.1). <i>General assessment guidance:</i> vii. 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.

9.4.3 Assessment of performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
X.	<u>In a hazard overlay zone:</u> <u>Hazardous substances quantity limits and storage requirements {PO cl.16}</u>	a. Risk from natural hazards {PO cl.16}	<u>See Rule 11.4 {PO cl.16}</u>
11.	Maximum building site coverage and impermeable surfaces	a. Effects on efficiency and affordability of infrastructure	<i>Relevant objectives and policies:</i> i. Objective 9.2.1 ii. Development in the residential zones, Mercy Hospital, Wakari Hospital, Moana Pool and Schools zones provides adequate permeable areas to enable a reasonable level of rain water ground absorption (Policy 9.2.1.2). <i>Potential circumstances that may support a consent application include:</i> iii. There is a genuine need to have additional impermeable surfaces and: 1. mitigation measures such as stormwater storage are proposed; and 2. there is no net increase in the amount or rate of stormwater leaving the site.
12.	Service connections	a. Effects on efficiency and affordability of infrastructure	<i>Relevant objectives and policies:</i> i. Objective 9.2.1 ii. Subdivision activities provide any available <u>public</u> water supply and wastewater <u>public</u> infrastructure services to all resultant sites that can be developed, unless on-site or multi-site services are proposed that will have positive effects on the overall <u>public</u> wastewater and/or water supply <u>public</u> {PO cl.16} infrastructure services, or any adverse effects on them are insignificant (Policy 9.2.1.3). <i>General assessment guidance:</i> iii. When assessing the suitability of any proposed on-site or multi-site services, Council will consider any adverse effects on the natural environment and risk from hazards. <i>Conditions that may be imposed include:</i> iv. Require on-site systems to be included in the subdivision.
13.	Maximum height within the Taieri Aerodrome flight fan mapped area	a. Effects on health and safety	<i>Relevant objectives and policies:</i> 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 9.2.2.14).

Rule 9.5 Assessment of Restricted Discretionary Activities

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. Rule 9.5.2:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

9.5.2 Assessment of restricted discretionary activities		
Activity	Matters of discretion	Guidance for the assessment of resource consents
1. ~~Factory farming~~ <u>Intensive farming</u> {RU 1090.3}	a. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objective 9.2.2 ii. ~~Wastewater~~ <u>Only allow land use and development in areas without public infrastructure where these activities ensure wastewater {PHS cl.16} and stormwater is able to be disposed of in such a way that avoids adverse effects on the health of people on the site or surrounding properties are avoided or, if avoidance is not possible practicable {PHS 308.477}, ensures adverse effects on the health of people on the site or surrounding sites {PHS cl.16} are insignificant (Policy 9.2.2.7).</u>
2. Supported living facilities ~~(except student hostels in the Campus Zone)~~ {MF 308.353}	a. Effects on efficiency and/or ~~{PHS cl.16}~~ affordability of infrastructure	<i>Relevant objectives and policies:</i> i. Objective 9.2.1 ii. <u>Public water supply, wastewater and stormwater {PO 881.11 and 881.13} infrastructure has capacity for supported living facilities and the facilities do and the supported living facility will {PHS cl.16} not compromise the capacity required for any future permitted activities within the zone (Policy 9.2.1.4).</u>
3. Earthworks - large scale (that exceed scale thresholds for a GPMA)	a. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objective 9.2.2 ii. Earthworks in a groundwater protection mapped area do not disturb or contaminate groundwater (Policy 9.2.2.10). <i>General assessment guidance:</i> 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.

9.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance for the assessment of resource consents
4. All subdivision activities	a. Effects on efficiency and/or {PHS cl.16} affordability of infrastructure	<i>Relevant objectives and policies:</i> i. Objective 9.2.1 ii. Subdivisions activities {PHS cl.16} are designed to ensure any future land use or development: 1. where in an area with <u>public</u> water supply and/or wastewater <u>public</u> infrastructure, will not exceed the current or planned capacity of that <u>public</u> {PO cl.16} infrastructure or compromise its ability to service any activities permitted within the zone; and 2. where in an area without <u>public</u> water supply and/or wastewater <u>public</u> infrastructure, will not lead to future pressure for unplanned expansion of that <u>public</u> {PO cl.16} infrastructure (Policy 9.2.1.1). <i>Design considerations that may support a consent application:</i> iii. The subdivision will not require any ratepayer-funded public infrastructure upgrades other than as already programmed. iv. Resultant sites accommodate on-site retention of stormwater where needed. <i>Design considerations for large subdivisions that involve new stormwater management systems that may support a consent application:</i> v. Stormwater management areas are integrated into the layout of the subdivision and neighbourhood including in reserves. vi. The subdivision integrates design elements to minimise adverse effects on the stormwater infrastructure, for example through: 1. minimum impermeable surfaces 2. grassed/landscaped swales and other vegetation areas 3. infiltration trenches/bio-retention systems 4. wetlands/sediment ponds 5. rainwater tanks- harvesting and reuse 6. rain gardens, rooftop greening and planting, and 7. porous surface treatments. <i>General assessment guidance:</i> vii. If required, Council will consider the contents of an integrated stormwater catchment management plan or approved stormwater discharge consent. <i>Conditions that may be imposed include:</i> viii. A requirement for wastewater connections. ix. A requirement that a local purpose reserve be vested in Council as a site for public utility for wastewater treatment/ disposal purposes.

9.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance for the assessment of resource consents
5. Subdivision activities (in areas without public <u>water supply, wastewater and stormwater</u> {PO 881.11 and 881.13} infrastructure)	a. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objective 9.2.2 ii. ~~The size and shape of resultant sites from a subdivision~~ <u>Subdivision activities that may lead to land use and development activities, in areas without public water supply, wastewater and stormwater infrastructure {PO 881.11 and 881.13}, ensure wastewater and stormwater can will {PHS cl.16} be disposed of in such a way that avoids adverse effects on the health of people on the site or on surrounding sites can be avoided {PHS cl.16} or, if avoidance is not possible practicable{PHS 308.477}, ensures adverse effects on the health of people on the site or surrounding sites {PHS cl.16} would will {PHS cl.16} be insignificant (Policy 9.2.2.7).</u> <i>Potential circumstances that may support a consent application include:</i> iii. A design for a wastewater and stormwater disposal system is prepared by a suitably qualified engineer. <i>Conditions that may be imposed include:</i> iv. Requirement wastewater and stormwater disposal design to be included in the subdivision.

² Rule for student hostels in the Campus Zone has been moved to section 9.3A **{MF 308.353}**

Rule 9.6 Assessment of Discretionary Activities

Rule 9.6.1 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. Rules 9.6.2 - 9.6.4 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.

9.6.2 Assessment of all discretionary activities	
Activity	Guidance on the assessment of resource consents
1. All discretionary activities <u>that are linked to Section 9.6, including but not limited to the activities listed below</u> {PHS cl.16}	<u><i>Relevant objectives and policies (priority considerations):</i></u> {PHS cl.16} a. <u>Objective 9.2.2</u> {PHS cl.16} b. <u>Activities are designed and operated to avoid adverse effects from noise on the health of people or, where avoidance is not</u> {PHS cl.16} <u>practicable</u> {PO 908.3 and others}, <u>ensure any adverse effects would be insignificant (Policy 9.2.2.1).</u> {PHS cl.16} c. <u>Activities are designed and operated to avoid adverse effects from light spill on the health of people or, where avoidance is not</u> {PHS cl.16} <u>practicable</u> {PHS 634.14}, <u>ensure any adverse effects would be insignificant (Policy 9.2.2.4).</u> {PHS cl.16} <u><i>General assessment guidance:</i></u> 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.

9.6.3 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
1. Mining	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 9.2.2 b. ~~There are no significant~~ <u>Any adverse</u> {PHS 308.477} effects from air blast and vibration on people's health and safety or on surrounding properties <u>are avoided or, if avoidance is not practicable, no more than minor</u> {PHS 308.477} (Policy 9.2.2.6). c. ~~Wastewater~~ <u>Only allow land use and development in areas without public infrastructure where these activities ensure wastewater</u> {PHS cl.16} and stormwater ~~can~~ <u>will</u> {PO cl.16} be disposed of in such a way that <u>avoids</u> ~~adverse effects on the health of people on the site or on surrounding properties are avoided~~ {PHS cl.16} or, if avoidance is not possible <u>practicable</u>{PHS 308.477}, <u>ensures adverse effects on the health of people on the site or surrounding sites</u> {PHS cl.16} are insignificant (Policy 9.2.2.7). <i>Potential circumstances that may support a consent application include:</i> d. Blasting will be carried out in accordance with appropriate industry standards. e. Blast noise (air blast) measured at the notional boundary on adjoining properties will not exceed a peak overall sound pressure level of 128 dBZ. f. 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. <i>General assessment guidance:</i> g. 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 9.8.1).

9.6.3 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
2. • Rural industry • Landfills	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 9.2.2 b. <u>Wastewater Only allow land use and development in areas without public infrastructure where these activities ensure wastewater {PHS cl.16} and stormwater can will {PO cl.16} be disposed of in such a way that avoids adverse effects on the health of people on the site or on surrounding properties are avoided {PHS cl.16} or, if avoidance is not possible practicable{PHS 308.477}, ensures adverse effects on the health of people on the site or surrounding sites {PHS cl.16} are insignificant (Policy 9.2.2.7).</u> <i>General assessment guidance:</i> c. The assessment for a resource consent for <u>rural industry or landfills or rural industry {PO cl.16}</u> activities will consider the information provided by any site management plan and emergency response plan (see Special Information Requirements - Rule 9.8.1).
3. <u>In a hazard facility mapped area: {PHS 906.1}</u> • <u>Early childhood education - large scale (Recreation Zone)</u> • <u>Registered health practitioners (Stadium Zone)</u> • <u>Training and education (Stadium Zone)</u> • <u>Visitor accommodation (Stadium Zone)</u>	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.2.6 b. Objective 9.2.2 c. <u>The risk to people from a low probability but high consequence emergency event at the hazard facility is no more than low (Policy 9.2.2.15).</u> <i>Potential circumstances that may support a consent application include:</i> d. <u>the layout of the buildings on the site (including the orientation of main building entrances) maximises the separation of higher occupancy areas (such as offices) from the hazard facility.</u> e. <u>glazing is located away from the hazard facility, or where this is not practicable, mitigation measures (such as strengthened glass / protective films) are used to reduce the risk of harm to people.</u> f. <u>emergency egress points are located away from the hazard facility.</u> g. <u>the type and hours of operation, and number of people accommodated, minimises the risk to people if an emergency event occurs.</u> <i>Conditions that may be imposed include:</i> h. <u>Council may require the development of an Emergency Management Plan which outlines how the activity will respond to a potential emergency arising from the hazard facility.</u>

9.6.4 Assessment of discretionary performance standard contraventions

Activity	Guidance on the assessment of resource consents
1. Acoustic insulation	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 9.2.2 b. ~~Buildings~~ <u>Those parts of buildings</u> {PHS 308.215} used for noise sensitive activities in identified areas provide adequate noise <u>acoustic</u> {PHS cl.16} insulation to avoid, <u>as far as practicable</u>, {PO 308.497} significant <u>adverse</u> {PO 308.497} effects from the higher noise environments anticipated in those areas (Policy 9.2.2.2). 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. 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. <u>Council will consider the information provided by an acoustic engineer (see Rule 9.8.2 Acoustic insulation).</u> {PHS 881.101}
2. Minimum site size (Rule 17.7.5.2)	<i>Relevant objectives and policies (priority considerations):</i> a. ~~Subdivisions are designed to ensure any future~~ <u>Subdivision activities that may result in</u> {PHS cl.16} land use or development: i. where {PHS cl.16} in an area with <u>public</u> {PO cl.16} water supply and/or wastewater <u>public</u> {PO cl.16} infrastructure, will not exceed the current or planned capacity of that <u>public</u> {PO cl.16} infrastructure or compromise its ability to service any activities permitted within the zone; and ii. where {PHS cl.16} in an area without <u>public</u> {PO cl.16} water supply and/or wastewater <u>public</u> {PO cl.16} infrastructure, will not lead to future pressure for unplanned expansion of that <u>public</u> {PO cl.16} infrastructure (Policy 9.2.1.1). <i>Potential circumstances that may support a consent application include:</i> b. 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

9.6.4 Assessment of discretionary performance standard contraventions

Activity	Guidance on the assessment of resource consents
3. Density (papakāika) in rural zones	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 9.2.2 b. ~~Wastewater~~ <u>Only allow land use and development in areas without public water supply, wastewater and stormwater infrastructure where these activities ensure wastewater {PO 881.11 and 881.13} and stormwater can will {PO cl.16} be disposed of in such a way that avoids adverse effects on the health of people on the site or on surrounding properties are avoided {PHS cl.16} or, if avoidance is not possible practicable{PHS 308.477}, ensures adverse effects on the health of people on the site or surrounding sites {PHS cl.16} are insignificant (Policy 9.2.2.7).</u> <i>Relevant objectives and policies (priority considerations):</i> a. Objective 9.2.1 b. Development will not lead to future pressure for unplanned expansion of the <u>public</u> wastewater and/or water supply ~~public~~ {PO cl.16} infrastructure (Policy 9.2.1.1.b).
4. Noise - where the limit is exceeded by less than 5dB LAeq (15 min)	<i>Relevant objectives and policies (priority considerations):</i> 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 possible <u>practicable {PO 908.3 and others}</u>, ensure any adverse effects would be insignificant (Policy 9.2.2.1). <i>Potential circumstances that may support a consent application include:</i> 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. <i>General assessment guidance:</i> e. Council will consider the sensitivity of activities on surrounding sites <u>to the noise source {PHS 917.22}</u>, and the distance of noise sensitive activities from the <u>site {PHS 917.22}</u> boundary of the noise source. f. Council may use the following <u>potential {PHS 917.22}</u> '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.

9.6.4 Assessment of discretionary performance standard contraventions

Activity	Guidance on the assessment of resource consents
5. Light spill - <u>where the light spill limit is exceeded by 25% or less, or where rules 16.5.4.1 or 16.5.4.2 are contravened, or where the light spill limit in Rule 16.5.4.3 is exceeded by 25% or less</u> {PHS cl.16}	<i>Relevant objectives and policies (priority considerations):</i> 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 <u>possible practicable</u> {PHS 634.14}, ensure any adverse effects would be insignificant (Policy 9.2.2.4). <i>Potential circumstances that may support a consent application include:</i> 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.
6. {CP 458.1 and others} <u>Blasting (mineral exploration)</u> {CP 458.1 and others}	<i>Relevant objectives and policies (priority considerations):</i> {CP 458.1 and others} a. <u>Objective 9.2.2</u> {CP 458.1 and others} b. <u>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</u> (Policy 9.2.2.6). {CP 458.1 and others and PHS 308.477}
7. <u>Location (hazard facility mapped area)</u> {PHS 906.1}	<i>Relevant objectives and policies (priority considerations):</i> a. <u>Objective 2.2.6</u> b. <u>Objective 9.2.2</u> c. <u>the risk to people from a low probability but high consequence emergency event at the hazard facility is no more than low</u> (Policy 9.2.2.15). <i>Potential circumstances that may support a consent application include:</i> d. <u>the layout of the buildings on the site (including the orientation of main building entrances) maximises the separation of higher occupancy areas (such as offices) from the hazard facility.</u> e. <u>glazing is located away from the hazard facility, or where this is not practicable, mitigation measures (such as strengthened glass / protective films) are used to reduce the risk of harm to people.</u> f. <u>emergency egress points are located away from the hazard facility.</u> g. <u>the type and hours of operation, and number of people accommodated, minimises the risk to people if an emergency event occurs.</u> <i>Conditions that may be imposed include:</i> h. <u>Council may require the development of an Emergency Management Plan (see Rule 9.8.1) which outlines how the activity will respond to potential emergency arising from the hazard facility.</u>

Rule 9.7 Assessment of Non-complying Activities

Rule 9.7.1 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 9.7.2 - 9.7.3 provides **{PHS cl.16}** 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;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. Rules 9.7.2 - 9.7.3 apply as follows: **{PHS cl.16}**
 - a. Rule 9.7.2 applies to non-complying performance standard contraventions. **{PHS cl.16}**
 - b. Rule 9.7.3 applies to all non-complying land use activities that are linked to Section 9.7. **{PHS cl.16}**

9.7.2 Assessment of non-complying performance standard contraventions	
Performance standard	Guidance on the assessment of resource consents
1. All non-complying activities performance standard contraventions that are linked to Section 9.7 {PO cl. 16}	<i>General assessment guidance:</i> 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	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 9.2.1, Policy 9.2.1.1
3. Hazardous substances quantity limits and storage requirements - (Rule 9.3.4.2) - Setback from National Grid {PHS cl.16}	<i>Relevant objectives and policies (priority considerations):</i> {PHS cl.16} a. Objective 2.7.1, policies 2.7.1.1, 2.7.1.3 {PHS cl.16} b. See Rule 5.10
4. Light spill - where the limit is exceeded by greater than 25%	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 9.2.2, Policy 9.2.2.4 b. Objective 2.2.6, Policy 2.2.6.1 <i>Potential circumstances that may support a consent application include:</i> 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	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 9.2.1, Policy 9.2.1.1 b. Objective 2.7.1, policies 2.7.1.1 and 2.7.1.3

9.7.2 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
6. • Noise - where the limit is exceeded by 5dB LAeq (15 min) or more • Noise limits where the limit in Rule 32.5.6.2.a is exceeded	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 9.2.2, Policy 9.2.2.1 b. Objective 2.2.6, Policy 2.2.6.1 <i>Potential circumstances that may support a consent application include:</i> 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. <i>General assessment guidance:</i> e. Council will consider the following <u>potential</u> {PHS 917.22} '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 <u>to the noise source</u>, {PHS 917.22} and the distance of noise sensitive activities from the <u>site</u> boundary of the noise source.

¹ **PHS cl.16:** Removed as link to strategic directions for infrastructure already included in Rule 5.10 and do not need to be repeated here.

9.7.3 Assessment of non-complying land use activities {PHS 906.1}

Activity {PHS 906.1}	Guidance on the assessment of resource consents {PHS 906.1}
1. <u>All non-complying land use activities that are linked to Section 9.7, including but not limited to the activities listed below {PHS cl.16}</u>	a. <u>Objective 9.2.2 {PHS cl.16}</u> b. <u>Activities are designed and operated to avoid adverse effects from noise on the health of people or, where avoidance is not {PHS cl.16} practicable {PO 908.3 and others}, ensure any adverse effects would be insignificant (Policy 9.2.2.1). {PHS cl.16}</u> c. <u>Activities are designed and operated to avoid adverse effects from light spill on the health of people or, where avoidance is not {PHS cl.16} practicable {PO 908.3 and others}, ensure any adverse effects would be insignificant (Policy 9.2.2.4). {PHS cl.16}</u>
2. <u>In a hazard facility mapped area:</u> • <u>Community and leisure - large scale (industrial zones)</u> • <u>Major facility activities (industrial, recreation and PPH zones)</u> • <u>Major facility activities (other than a major recreation facility) in the Stadium Zone</u> • <u>Early childhood education (industrial and stadium zones)</u> • <u>Entertainment and exhibition (industrial, recreation, PPH and stadium zones)</u> • <u>Registered health practitioners (industrial, recreation and PPH zones)</u> • <u>Residential (industrial, recreation and stadium zones)</u> • <u>Training and education (industrial and recreation zones)</u> • <u>Visitor accommodation (industrial and recreation zones) {PHS 906.1}</u>	<u>Relevant objectives and policies:</u> a. <u>Objective 2.2.6 {PHS 906.1}, Policy 2.2.6.2 {PHS cl.16}</u> b. <u>Objective 9.2.2 {PHS 906.1}</u> c. <u>The risk to people from a low probability but high consequence emergency event at the hazard facility is no more than low (Policy 9.2.2.15). {PHS 906.1}</u> <u>Potential circumstances that may support a consent application include:</u> d. <u>The layout of the buildings on the site (including the orientation of main building entrances) maximises the separation of higher occupancy areas (such as offices) from the hazard facility. {PHS 906.1}</u> e. <u>Glazing is located away from the hazard facility, or where this is not practicable, mitigation measures (such as strengthened glass / protective films) are used to reduce the risk of harm to people. {PHS 906.1}</u> f. <u>Emergency egress points are located away from the hazard facility. {PHS 906.1}</u> g. <u>The type and hours of operation, and number of people accommodated, minimises the risk to people if an emergency event occurs. {PHS 906.1}</u> <u>Conditions that may be imposed include:</u> h. <u>Council may require the development of an Emergency Management Plan (see Rule 9.8.1) that outlines how the activity will respond to a potential emergency arising from the hazard facility. {PHS 906.1}</u>

¹ **PHS cl.16:** Of minor consequence as guidance only.

Rule 9.8 Special Information Requirements

9.8.1 Site management and emergency response plans

Council may require a site management plan and an emergency response plan to be provided with an application for resource consent for the following activities:

1. rural industry;
2. landfills;
3. mining (these plans may form part of a quarry management plan) **{CP 458.40}**;
4. any activity that contravenes the Hazardous Substances Quantity Limits and Storage Requirements performance standard 9.3.4;
5. Activities within a hazard facility mapped area. **{PHS 906.1}**

9.8.2 Acoustic insulation {PHS 881.101}

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.

Appendices

Appendix 9A. Acoustic Insulation Requirements

1. Compliance with the acoustic insulation performance standard can be achieved by ensuring that habitable rooms are designed and constructed in accordance with either:
 - a. a construction specification approved as an acceptable solution in the New Zealand Building Code for the provision of Airborne Sound Insulation that is specifically designed to protect against noise from the external environment and that will achieve compliance with the acoustic insulation performance standard; or
 - b. 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
 - c. 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

Building element		Minimum construction requirement	
a.	External walls of habitable room	i. Stud Walls: Exterior cladding	20mm timber or 9mm 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/m ³) 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/m ² (e.g. brick veneer or minimum 25mm stucco plaster), internal wall linings need to be no thicker than 10mm gypsum plasterboard.
		iv. Combined superficial density	Minimum not less than 25kg/m ² being the combined mass of external and internal linings excluding structural elements (e.g. window frames or wall studs) with no less than 10kg/m ² on each side of structural elements.
		v. Mass Walls	190mm concrete block, strapped and lined internally with 10mm gypsum plasterboard, or 150mm concrete wall.

Building element		Minimum construction requirement	
b.	Glazed areas of habitable rooms	i. Glazed areas up to 10% of floor area	6mm glazing single float.
		ii. Glazed areas between 10% and 35% of floor area	6mm laminated 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.
		ii. Sarking	17mm plywood (no gaps).
		iii. Frame	Minimum 100mm gap with fibrous acoustic blanket (batts or similar of a mass of 9kg/m ³).
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/m ³).	
e.	Combined superficial density	Combined mass of cladding and lining of not less than 25kg/m ² with no less than 10kg/m ² on each side of structural elements.	
f.	Pitched Roof (all roofs other than skillion roofs)	i. Cladding	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/m ³) required for all ceilings.
		iii. Ceiling	12mm gypsum plasterboard.
		iv. Combined superficial density	Combined mass with cladding and lining of not less than 25kg/m ² .
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.
		ii. Combined superficial density	Floors to attain a combined mass not less than 25kg/m ² for the floor layer and any external cladding (excluding floor joists or bearers).
h.	External door to habitable rooms	Solid core door (minimum 25kg/m ²) with compression seals (where the door is exposed to exterior noise).	

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. {NatEnv cl.16} There is a duty under section 31. Section 31 states that it is a function of Council {NatEnv 1088.29} 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. {NatEnv 958.57}

The natural environment in Dunedin is also important for the social, cultural and economic well-being of people and communities in Dunedin, and the life supporting capacity of air, water, soil and ecosystems. 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. {RU 447.10} Vegetation, for example, {NatEnv cl.16} (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. {RU 447.10 and 900.22, NatEnv 588.1}

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. {NatEnv 1071.46} The natural environment of Dunedin also {NatEnv cl.16} 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 {NatEnv cl.16} 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. {RU 900.102 and 447.70, NatEnv 447.14}.

Threats to Dunedin's natural environment include the reduction or loss of habitats due to contamination, disturbance, destruction, fragmentation. {NatEnv 900.26} 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 {NatEnv 919.20} there can at times {NatEnv

919.20} 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 more than both **{NatEnv 919.20}** the protection of sites of especially high biodiversity value. It also involves and **{NatEnv 919.20}** the growth, creation, and or **{NatEnv 919.20}** 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, **{NatEnv 900.26}** 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 proposes to focus **{NatEnv cl. 16}** 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 features landscapes **{NatEnv 447.14}**;
- the biodiversity values and natural character values of the coast and riparian margins;
- the conservation values of identified areas of urban biodiversity (**urban conservation biodiversity mapped areas**) **{NatEnv 958.60}**; 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 natural **{NatEnv cl. 16}** 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 {NatEnv 958.60 and 361.1} , including by protecting {NatEnv 900.141} Areas of significant {NatEnv 900.141} indigenous vegetation and the significant {NatEnv 900.141} habitats of indigenous fauna are maintained and enhanced {NatEnv 900.141, 958.60 and 361.1} .	
Policy 10.2.1.W {NatEnv 900.35}	Only allow land use, development and city-wide activities where biodiversity values are maintained or enhanced. {NatEnv 900.35}
Policy 10.2.1.X {NatEnv 900.142}	Avoid adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna or, if avoidance is not practicable, ensure that: {NatEnv 900.142} - there is no net loss and preferably a net gain in the biodiversity values of the area; or {NatEnv 900.142} - where there are no practicable alternative locations, any proposal for a biodiversity offset is in accordance with Policy 2.2.3.5; or {NatEnv 949.29} - where a biodiversity offset is not practicable, environmental compensation is proposed in accordance with Policy 2.2.3.6. {NatEnv 1088.15}
Policy 10.2.1.Y {NatEnv 900.142}	Avoid rural activities (except for rural ancillary retail, rural tourism and rural research), residential activities (except for working from home), early childhood education, commercial activities (except for restaurants or retail activities ancillary to sport and recreation, and stand-alone car parking), industrial activities, major facility activities and indigenous vegetation clearance – large scale in Areas of Significant Biodiversity Value (ASBVs) unless: {NatEnv 900.142} - there is no net loss and preferably a net gain {NatEnv 1088.32} in the biodiversity values of the ASBV including, but not limited to, those biodiversity values listed in Appendix A1.2; or {NatEnv 690.8} - where there are no practicable alternative locations, any proposal for a biodiversity offset is in accordance with Policy 2.2.3.5; or {NatEnv 949.29} - where a biodiversity offset is not practicable, environmental compensation is proposed in accordance with Policy 2.2.3.6. {NatEnv 1088.15}
Policy 10.2.1.2	Only allow ~~land use and development activities~~ rural tourism – large scale, rural research – large scale, community and leisure – large scale, sport and recreation, restaurants and retail activities ancillary to sport and recreation, large buildings and structures, earthworks – large scale, shelterbelts and small woodlots, site development activities (except for outdoor storage, parking, loading and access, vegetation clearance, storage and use of hazardous substances), public amenities, network utility activities, transportation activities and natural hazard mitigation activities {NatEnv 900.142} in a Scheduled {NatEnv cl.16} Areas of Significant Conservation Biodiversity Value (ASCV ASBVs) {NatEnv 958.60} where these activities will have net positive effects on the protection and enhancement of there is no net loss and preferably a net gain in {NatEnv 1088.32} the biodiversity values of the Scheduled ASCV ASBV including, but not limited to, those biodiversity values listed in Appendix A1.2 {NatEnv 690.8} .
Policy 10.2.1.1	Encourage conservation activity in all zones.

Objective 10.2.1

Biodiversity values are maintained or enhanced **{NatEnv 958.60 and 361.1}**, including by protecting **{NatEnv 900.141}** Areas areas of significant **{NatEnv 900.141}** indigenous vegetation and the significant **{NatEnv 900.141}** habitats of indigenous fauna are maintained and enhanced **{NatEnv 900.141, 958.60 and 361.1}**.

Policy 10.2.1.3	Limit <u>Only allow</u> {NatEnv 900.28} indigenous vegetation clearance - large scale {NatEnv cl.16} in the rural and rural residential zones to a size that avoids any <u>where</u> {NatEnv 900.28} adverse effects on the biodiversity values of the area of indigenous vegetation {NatEnv 900.28} are avoided or, if avoidance is not possible practicable {PO 908.3} , ensures that adverse effects are no more than minor. {NatEnv 900.28}
Policy 10.2.1.4	Only allow indigenous vegetation clearance in a Scheduled Area of Significant Conservation Value (ASCV), or {NatEnv 949.5} a wetland, or where there are threatened plant species or <u>fauna species</u> {NatEnv 900.29} or mature trees on the important native tree species list present, where <u>there is no net loss and preferably a net gain in</u> {NatEnv 949.5} the biodiversity values. of the area of indigenous vegetation {NatEnv 1088.34} are maintained or enhanced {NatEnv 949.5}
Policy 10.2.1.5	Only allow vegetation clearance over the maximum permitted {NatEnv cl.16} area, and earthworks - large scale, and subdivision {NatEnv cl.16} in an urban Conservation biodiversity mapped areas (UCMA UBMA) {NatEnv 958.60} where the conservation biodiversity {NatEnv 958.60} values of the UCMA UBMA {NatEnv 958.60} are maintained or enhanced, including, but not limited to, those values listed in Appendix A10. {NatEnv 900.31}
Policy 10.2.1.6	Require forestry and <u>tree planting shelterbelts and small woodlots</u> {RU cl.16} to avoid the use of wilding tree species, unless the risk of wilding tree spread into <u>establishment in</u> {NatEnv 919.25} areas of indigenous vegetation can be avoided or, if avoidance is not possible, {NatEnv 919.25} is insignificant.
Policy 10.2.1.7	Require mineral exploration and mineral prospecting to restore indigenous vegetation <u>and the habitats of indigenous fauna</u> {NatEnv 900.143} where it existed before the activity commenced and has been cleared as part of the exploration or prospecting activity, or, where this is not practicable, to otherwise ensure that biodiversity values maintained or enhanced. {NatEnv 949.8 and 958.58} .
Policy 10.2.1.8 {NatEnv 949.9}	Only allow mining, and landfills where there is certainty that indigenous vegetation will be restored on land where it existed before the activity commenced and has been cleared as part of the mining or landfill activity. {NatEnv 949.9}
Policy 10.2.1.9	Only allow subdivision activities where the subdivision is designed to ensure any future land use or development activities {NatEnv cl.16} will: a. maintain or enhance the biodiversity and conservation values associated with any Scheduled Area of Significant Conservation Value (ASCV) or an Urban Conservation Mapped Area (UCMA); and <u>maintain or enhance, on an on-going basis, biodiversity values:</u> {NatEnv 958.60 and 958.27} b. avoid or, if avoidance is not possible, adequately mitigate adverse effects on other important areas of indigenous vegetation or the habitat of indigenous fauna. {NatEnv 958.60 and 958.27} protect areas of significant indigenous vegetation and the significant habitats of indigenous fauna; and {NatEnv 958.27} c. <u>be in accordance with policies 10.2.1.X, 10.2.1.2, 10.2.1.Y and 10.2.1.5.</u> {NatEnv 958.27}

Objective 10.2.1

Biodiversity values are maintained or enhanced **{NatEnv 958.60 and 361.1}**, including by protecting **{NatEnv 900.141}** Areas ~~areas~~ of significant **{NatEnv 900.141}** indigenous vegetation and the significant **{NatEnv 900.141}** habitats of indigenous fauna are maintained and enhanced **{NatEnv 900.141, 958.60 and 361.1}**.

Policy 10.2.1.10 {NatEnv 949.11}	Only allow network utilities poles and masts – small scale, on-site energy generation devices, network utility structures – large scale, community scale solar panels and wind generators, and energy resource investigation devices where adverse effects on identified biodiversity values can be avoided or, where avoidance is not possible, would be insignificant.
Policy 10.2.1.11 {NU 308.468 and 308.122}	Avoid wind generators – community scale, biomass generators – stand-alone and regional scale energy generation in a Scheduled Area of Significant Conservation Value (ASCV) unless there are no adverse effects on the identified biodiversity values of the Scheduled ASCV.

¹ **NatEnv cl.16:** Subdivision in UBMA's (notified as UCMA's) was provided for in notified Policy 10.2.1.9. It is now provided for in Policy 10.2.1.5. This does not change the effect of provisions.

Objective 10.2.2

The biodiversity values and natural character of the coast and 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 ~~utilities~~ <u>utility</u> {NU cl.16} activities, and earthworks - large scale to be set back from the coast and water bodies an adequate distance to enable the biodiversity and natural character values of coastal and 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, <u>including wetlands</u> , {NatEnv cl.16} to - minimise, <u>as far as practicable</u>, {PO 906.34 and 308.497} the risk of erosion; and - protect, or enable the enhancement of, biodiversity and natural character values.
Policy 10.2.2.X {NatEnv cl.16}	<u>Only allow indigenous vegetation clearance in the coastal environment mapped area where natural character values and biodiversity values of the coast are maintained or enhanced.</u>
Policy 10.2.2.4	Require earthworks to <u>be located and undertaken in a way that</u> {NatEnv 1088.40} minimises, <u>as far as practicable</u> , {PO 906.34 and 308.497} the risk of sediment entering the sea or water bodies. by: ~~being set back an adequate distance from the coast and water bodies; and~~ {NatEnv 1088.40} ~~by using appropriate sediment control techniques to ensure sediment does not enter water bodies or the sea~~ {NatEnv 1088.40}.
Policy 10.2.2.Y {NatEnv 900.38}	<u>Only allow activities adjacent to water bodies and the coast where the biodiversity values and natural character of the coast and riparian margins are maintained or enhanced.</u>
Policy 10.2.2.5	Only allow subdivision activities adjacent to water bodies and the coast where <u>the subdivision is designed to ensure that</u> {NatEnv cl.16} the following biodiversity values and natural character values are maintained or enhanced, including through provision of <u>an</u> esplanade reserves or esplanade strips {NatEnv 360.147} in identified locations: - biodiversity values of riparian margins and the coast; - the water quality and aquatic habitats of the water body or coast; and - the natural functioning of the adjacent sea or water body.
Policy 10.2.2.6	Only allow <u>natural</u> {HazMit cl.16} hazard mitigation earthworks and <u>natural</u> {HazMit cl.16} hazard mitigation structures where ~~there are no~~ {NatEnv 951.8} significant adverse effects on the biodiversity and natural character values of coastal and riparian margins <u>are avoided or minimised as far as practicable</u> {NatEnv 951.8} .

¹ **NatEnv cl.16:** This policy provides for the assessment of indigenous vegetation clearance that contravenes the requirement to locate outside the **coastal environment mapped area** (Rule 10.3.2.3.b.i). The addition of this policy does not change the effect of provisions .

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 their values, as identified in Appendix A5, are maintained preserved **{NatEnv 958.37}** or enhanced.

Policy 10.2.3.1 {NatEnv 900.46}	Limit rural and community activities in the Outstanding Natural Coastal Character (ONCC) and High Natural Coastal Character (HNCC) overlay zones to those which do not require buildings or involve a change to the landform. {NatEnv 900.46}
Policy 10.2.3.W {NatEnv 447.75}	Avoid landfills and mining in the Outstanding Natural Coastal Character (ONCC) and High Natural Coastal Character (HNCC) overlay zones. {NatEnv 447.75}
Policy 10.2.3.2	Avoid indigenous vegetation clearance - large scale, {NatEnv 958.106} buildings and structures, rural activities (except for farming, grazing, rural ancillary retail, rural tourism and rural research – small scale), {NatEnv 900.46} residential activities (except for working from home), {NatEnv cl.16} commercial activities (except for restaurants or retail activities ancillary to sport and recreation, and stand-alone car parking), {NatEnv cl.16} industrial activities, and major facility activities, substations, and {NU 915.17} network utility structures - large scale (excluding amateur radio configurations) {NU cl.16} , on-site energy generation, community scale energy generation, regional scale energy generation, energy resource investigation devices, {NU 308.122} and biomass generators – stand-alone {NU 308.468} in the Outstanding Natural Coastal Character (ONCC) and High Natural Coastal Character (HNCC) overlay zones unless there are no material effects any adverse effects on the natural character values, as identified in Appendix A5, are insignificant {NatEnv 908.17} .
Policy 10.2.3.5 {NatEnv 908.17}	Only allow natural hazard mitigation activities, transportation activities, and public amenities in Outstanding Natural Coastal Character (ONCC), High Natural Coastal Character (HNCC) and Natural Coastal Character (NCC) overlay zones where any adverse effects on the values identified in Appendix A5 are minimised as far as practicable; and if effects are more than insignificant if in an ONCC or HNCC, or more than minor if in a NCC, there are no practicable alternative locations.
Policy 10.2.3.3	Only allow indigenous vegetation clearance, {NatEnv 958.106} tree-planting shelterbelts and small woodlots {RU cl.16} , new network utilities or additions to network utilities network utility structures – small scale, {NU 308.122} network utility structures – large scale (amateur radio configurations only), {NU cl.16} and earthworks - large scale, transportation activities, and public amenities {NatEnv 949.19} in the Outstanding Natural Coastal Character (ONCC) and High Natural Coastal Character (HNCC) overlay zones where any {NatEnv cl.16} adverse effects on the natural character values identified in Appendix A5 are insignificant.
Policy 10.2.3.X {NatEnv 908.17}	Only allow natural hazard mitigation activities 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: {NatEnv 908.17} a. insignificant, or {NatEnv 908.17} b. where there are no practicable alternative locations, adequately mitigated. {NatEnv 908.17}

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 their values, as identified in Appendix A5, are maintained preserved **{NatEnv 958.37}** or enhanced.

Policy 10.2.3.11 {NU 308.122 and 308.468}	~~Avoid wind generators – community scale, biomass generators – stand alone and regional scale energy generation in the Natural Coastal Character Overlay Zone (NCC) unless there are no material effects on the natural character values, as identified in Appendix A5. {NU 308.122 and 308.468}~~
Policy 10.2.3.4	Only allow mining, landfills, <u>crematoriums</u> , {NatEnv 447.77} large buildings and structures, forestry, earthworks - large scale and indigenous vegetation clearance - large scale {NatEnv cl.16} in the Natural Coastal Character Overlay Zone (NCC) where adverse effects on the natural character values identified in Appendix A5 can <u>will</u> {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3} , be {PO cl.16} no more than minor.
Policy 10.2.3.10 {NatEnv 576.62}	~~Only allow network utilities poles and masts-small scale, on-site energy generation devices, network utility structures – large scale, community scale solar panels and wind generators and energy resource investigation devices in the Natural Coastal Character Overlay Zone (NCC) where adverse effects on the natural character values identified in Appendix A5 can be avoided or, if avoidance is not possible, be no more than minor.~~
Policy 10.2.3.Y {NatEnv 908.17 and others}	<u>Only allow public amenities, {NatEnv 908.17} substations, {NU 915.17} network utility poles and masts – small scale, hydro generators – small scale, solar panels – small scale, wind generators – small scale, network utility structures – large scale, {NatEnv 576.62} natural hazard mitigation activities and transportation activities {NatEnv 908.17} 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: {NatEnv 908.17 and 576.62}</u> a. <u>no more than minor, or {NatEnv 908.17 and 576.62}</u> b. <u>where there are no practicable alternative locations, adequately mitigated. {NatEnv 908.17 and 576.62}</u>
Policy 10.2.3.7	Only allow subdivision activities in Outstanding Natural Coastal Character (ONCC), High Natural Coastal Character (HNCC) and Natural Coastal Character (NCC) overlay zones where the subdivision is designed to ensure that any future land use or development activities {NatEnv cl.16} will <u>maintain preserve</u> {NatEnv 958.43} or enhance, on an on-going basis, the natural character values identified in Appendix A5 and will be in accordance with policies ~~10.2.3.1-10.2.3.5~~ 10.2.3.W, 10.2.3.2, 10.2.3.3, 10.2.3.X, 10.2.3.4 and 10.2.3.Y {NatEnv 900.46 and others} .
Policy 10.2.3.U {NatEnv cl.16}	<u>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.</u>
Policy 10.2.3.6	~~Require buildings, structures, additions and alterations buildings and structures {NatEnv cl.16} , and wind generators – on-site energy generation {NU 743.17} in a Natural Coastal Character Overlay Zone (NCC) to have exterior colours and materials that avoid or, if avoidance is not possible, minimise, as far as practicable, {PO 906.34 and 308.497} adverse visual effects caused by reflectivity.~~

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 their values, as identified in Appendix A5, are maintained preserved **{NatEnv 958.37}** or enhanced.

Policy 10.2.3.8	Provide for small buildings (no larger than 60m ²) 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 possible <u>practicable</u> {PO 908.3} , ensures cumulative visual effects are no more than minor.
Policy 10.2.3.9	Require ancillary signs in ~~natural~~ {NatEnv cl.16} 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.
Policy 10.2.3.V {NatEnv 900.144}	<u>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.</u>
Policy 10.2.3.Z {NU 576.9}	<u>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:</u> a. <u>no more than minor; or</u> b. <u>where there are no practicable alternative locations, adequately mitigated.</u> {NU 576.9}

¹ **NatEnv cl.16:** This policy provides for the assessment of buildings and structures >60m² within landscape building platforms in NCCs, which are controlled activities. Under notified provisions, Policy 10.2.3.4 was referenced in assessment rules for these activities. However, the “only allow...” wording of this policy is inappropriate for controlled activities. The addition of this policy does not change the effect of provisions, because the effects test remains the same as in notified provisions.

Objective 10.2.4

Subdivision and development activities maintain and enhance access to coastlines, identified **{NatEnv 1088.41}** 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 <u>an</u> esplanade reserves or esplanade strips {NatEnv 360.148} 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 10.2.4.34 {HazMit cl.16}	Only allow <u>natural</u> hazard mitigation earthworks or <u>natural hazard mitigation</u> structures {HazMit cl.16} 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 {NatEnv 874.14, 908.17 and 908.3}	Limit rural and community activities in the Outstanding Natural Feature Overlay Zone (ONF) to those which do not require buildings or involve a change to the landform.
Policy 10.2.5.X {NatEnv 447.75 and 447.76}	Avoid landfills {NatEnv 447.75} and mining {NatEnv 447.76} in the Outstanding Natural Feature Overlay Zone (ONF). {NatEnv 447.75 and 447.76}
Policy 10.2.5.2 {NatEnv 874.14, 908.17 and 908.3}	Avoid residential, commercial, industrial and major facility activities in the Outstanding Natural Feature Overlay Zone (ONF).
Policy 10.2.5.4	Avoid buildings and structures, <u>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, {NatEnv 874.14, 908.17 and 908.3} substations, and {NU 915.17} network utilities utility structures {NU cl.16} - large scale (excluding amateur radio configurations) {NU cl.16}, on-site energy generation, {NU 308.122} biomass generators – stand-alone {NU 308.468}, energy resource investigation devices, {NU 308.122} and community and regional scale energy generation {NU 308.122} in the Outstanding Natural Feature Overlay Zone (ONF), unless there are no material <u>any adverse</u> effects on the landscape values of the ONF as identified in Appendix A3 <u>are insignificant</u> {NatEnv 908.17 and 908.3}.</u>
Policy 10.2.5.5 {NatEnv 908.17 and 908.3}	Only allow natural hazard mitigation activities, transportation activities, and public amenities in landscape overlay zones where any adverse effects on the landscape values identified in Appendix A3 are minimised as far as practicable; and if effects are more than insignificant if in an Outstanding Natural Landscape (ONL) or Outstanding Natural Feature (ONF) overlay zone, or more than minor if in a Significant Natural Landscape Overlay Zone (SNL), there are no practicable alternative locations.
Policy 10.2.5.3	Only allow tree planting <u>shelterbelts and small woodlots {RU cl.16} and earthworks - large scale, indigenous vegetation clearance - large scale {NatEnv 958.106}, network utility structures - small scale, network utility structures - large scale (amateur radio configurations only), {NatEnv cl.16}</u> in the Outstanding Natural Feature Overlay Zone (ONF) where the <u>any adverse</u> effects on the landscape values of the ONF, as identified in Appendix A3, <u>would be are</u> {NatEnv cl.16} insignificant.
Policy 10.2.5.Y {NatEnv 908.17 and 908.3}	Only allow crematoriums, <u>natural hazard mitigation activities, transportation activities 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:</u> a. <u>insignificant, or</u> b. <u>where there are no practicable alternative locations, adequately mitigated.</u>

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 10.2.5.16 {NatEnv cl.16}	~~Only allow amateur radio configurations, network utilities structures – small scale, network utilities poles and masts – small scale in an Outstanding Natural Feature Overlay Zone (ONF) where any adverse effects on the landscape values of the ONF, as identified in Appendix A3, would be insignificant.~~
Policy 10.2.5.14	~~Avoid <u>Require</u> network utility structures - small scale in an Outstanding Natural Feature Overlay Zone (ONF) unless they are co-located with an existing building or network utilities structure to be designed and located to ensure that any adverse effects on the landscape values identified in Appendix A3 are insignificant. {NU 576.9}~~
Policy 10.2.5.15	~~Avoid wind generators – community scale, {NU 308.122} biomass generators – stand-alone and {NU 308.468} regional-scale energy generation {NU 308.122} mining {NatEnv 447.76} and landfills {NatEnv 447.75} in Significant Natural Landscape (SNL) and {NU 308.122} the Outstanding Natural Landscape <u>Overlay Zone</u> (ONL) overlay-zones {NatEnv cl.16} unless there are no material any adverse {PO 908.17 and 908.3} effects on the landscape values of the ONL, {NatEnv cl.16} as identified in Appendix A3 are insignificant {PO 908.17 and 908.3}.~~
Policy 10.2.5.6	~~Only allow mining, {NatEnv 447.76} forestry, landfills, {NatEnv 447.75} large buildings and structures, earthworks – large scale, {NatEnv 464.10} network utilities poles and masts – small scale, network utilities structures – small scale, on-site energy generation devices, energy resource investigation devices, and community scale hydro generators and solar panels {NatEnv 576.62} in the Outstanding Natural Landscape Overlay Zone (ONL) where any adverse effects on the landscape values of the ONL, as identified in Appendix A3, would be are {NatEnv cl.16} insignificant.~~
Policy 10.2.5.Z {NatEnv 464.10 and others}	Only allow large buildings and structures, earthworks – large scale, {NatEnv 464.10} public amenities, {NatEnv 908.17 and 908.3} substations, {NU 915.17} network utility poles and masts – small scale, hydro generators – small scale, solar panels – small scale, wind generators – small scale, network utility structures – large scale, {NatEnv 576.62} transportation activities and natural hazard mitigation activities {NatEnv 908.17 and 908.3} 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: {NatEnv 464.10 and others} a. insignificant, or {NatEnv 464.10 and others} b. where there are no practicable alternative locations, adequately mitigated. {NatEnv 464.10 and others}

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 10.2.5.7	Only allow forestry, mining, landfills, ~~crematoriums~~ , {NatEnv 447.77} large buildings and structures, and {NatEnv cl.16} earthworks - large scale, ~~public amenities~~ , {NatEnv 908.17 and 908.3} ~~substations~~ , {NU915.17} network utilities ~~utility~~ {NU cl.16} poles and masts - small scale, ~~hydro generators – small scale~~ , ~~solar panels – small scale~~ , ~~wind generators – small scale~~ , {NU 308.122} network utilities ~~utility~~ {NU cl.16} structures - small ~~large~~ {NatEnv cl.16} scale, on-site energy-generation devices, energy resource investigation devices, and community scale hydro-generators and solar panels; {NU 308.122} , ~~natural hazard mitigation activities and transportation activities~~ {NatEnv 908.17 and 908.3} in the Significant Natural Landscape Overlay Zone (SNL) where any {NatEnv cl.16} adverse effects on the landscape values of the SNL, as identified in Appendix A3, will be ~~are~~ {NatEnv cl.16} avoided or, if avoidance is not possible ~~practicable~~ {PO 908.3} : a. ~~be~~ {NatEnv cl.16} no more than minor ~~or~~ ; b. ~~where there are no practicable alternative locations, adequately mitigated~~ . {NatEnv 458.12}
Policy 10.2.5.11	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~~ {NatEnv 908.17 and 908.3} the landscape values identified in Appendix A3 and will be in accordance with policies 10.2.5.1 – 10.2.5.9 ~~10.2.5.X, 10.2.5.4, 10.2.5.3, 10.2.5.Y, 10.2.5.15, 10.2.5.6, 10.2.5.Z and 10.2.5.7~~ {NatEnv 900.46 and others} .
Policy 10.2.5.V {NatEnv 464.10 and 458.12}	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 10.2.5.8	Require new {NatEnv 900.59} buildings and structures, additions and alterations, {NatEnv 900.59} and wind generators – on-site energy generation {NU 743.17} in Outstanding Natural Landscape (ONL) and Significant Natural Landscape (SNL) overlay zones to have exterior colours and materials that avoid or, ~~if avoidance is not possible~~ , minimise, as far as practicable, {PO 906.34 and 308.497} adverse visual effects caused by reflectivity.
Policy 10.2.5.10 {RU 874.41 and others}	~~Only allow mining where adverse effects on identified ridgelines can be avoided or, if avoidance is not possible, would be insignificant.~~ {RU 874.41 and others}
Policy 10.2.5.12	Provide for small buildings (no larger than 60m ²) 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 possible ~~practicable~~ {PO 908.3} , ensures cumulative visual effects are no more than minor.
Policy 10.2.5.13	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.

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.W {NatEnv 900.144}	<u>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.</u>

¹ **NU cl.16:** This amendment is required due to reformatting of provisions for amateur radio configurations, which does not change their effect. See discussion in Network Utilities Decision Report.

² **NatEnv cl.16:** The network utility activities managed in notified Policy 10.2.5.16 are now managed in Policy 10.2.5.3. This does not change the effect of provisions.

Rules

Rule 10.3 Performance Standards

10.3.1 Esplanade Reserves and Strips

1. Subdivision activities must provide an esplanade reserves **{NatEnv 360.149}** with a minimum width of 20m as follows:
 - a. along the mark of mean high water springs of the sea; and
 - b. along the bank ~~or the margin~~ **{NatEnv 900.6}** of the following rivers, creeks and lakes streams **{NatEnv cl.16}**:
 - i. Frasers Creek;
 - ii. Kaikorai Stream;
 - iii. Lindsays Creek;
 - iv. Orokonui Creek;
 - v. Owhiro Stream;
 - vi. Silverstream;
 - vii. Lower Taieri River, being the Taieri River downstream from the Outram bridge;
 - viii. Waikouaiti River downstream from the bridge on State Highway 1; and
 - ix. Water of Leith, except within the Stadium Zone where no esplanade reserve will be required.
2. Subdivision activities along the bank ~~or the margin~~ **{NatEnv 900.6}** of the following rivers, creeks and lakes streams **{NatEnv cl.16}** must provide an esplanade strips **{NatEnv 360.149}** with a minimum width of ~~5m~~ 20m **{NatEnv 908.12}**:
 - a. Abernathys Creek;
 - b. Battery Creek **{NatEnv 588.4}**
 - 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. Orbell's 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 {**NatEnv 588.4**}
 - 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 reserves and or esplanade strips {**NatEnv 360.149**} 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 {**NatEnv cl.16**} or river.
4. Activities that contravene this performance standard are restricted discretionary activities.{**PO cl.16**}

10.3.2 Vegetation Clearance

NatEnv cl.16: As a clause 16 amendment Section 10.3.2.1 has been moved further down this section to follow 10.3.2.4. It (and all references to it throughout the plan) will be renumbered accordingly.

10.3.2.2 Maximum area of indigenous vegetation clearance **{confirmed to be replaced by 10.3.2.A - NatEnv cl.16¹}**

- a. Indigenous vegetation clearance must not exceed the following maximum areas on any site over any three calendar year period, measured from stems at ground level: **{NatEnv cl.16}**

Zone {NatEnv cl.16}		Maximum area {NatEnv cl.16}
i. {NatEnv cl.16}	Coastal Rural Zone	500m ²
ii. {NatEnv cl.16}	High Country Rural Zone	500m ² non-tussock species 10,000m ² (1ha) tussock species
iii. {NatEnv cl.16}	Hill Country Rural Zone	500m ²
iv. {NatEnv cl.16}	Hill Slopes Rural Zone	500m ²
v. {NatEnv cl.16}	Middlemarch Basin Rural Zone	100m ²
vi. {NatEnv cl.16}	Peninsula Coast Rural Zone	250m ²
vii. {NatEnv cl.16}	Taieri Plains Rural Zone	100m ²
viii. {NatEnv cl.16}	Rural Residential 1 and Rural Residential 2 Zones	250m ²

- b. The following instances of indigenous vegetation clearance are exempt from this standard:
- vegetation clearance as part of existing forestry activity where the clearance involves an understorey of indigenous vegetation, or is for the maintenance of forestry access or firebreaks;
 - vegetation clearance of an area of Manuka that is adversely affected by Manuka Blight caused by *Eriococcus orariensis*; or
 - vegetation clearance 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.
- c. For the purposes of this standard, if an area of indigenous vegetation straddles two zones, the lesser

maximum area will apply: **{NatEnv cl.16}**

¹ **NatEnv cl.16:** The content of Rule 10.3.2.2 has been moved to Rule 10.3.2.A. This does not change the effect of provisions.

10.3.2.A Indigenous vegetation clearance – small scale thresholds {Confirmed to replace 10.3.2.2 and parts of the definition of indigenous vegetation clearance - Nat Env cl.16¹}

- 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: **{NatEnv 291.5}**
 - ii. clearance for the erection, maintenance or alteration of fences (including gates): **{NatEnv 291.5}**
 - iii. clearance for the maintenance (but not extension) of existing network utilities, irrigation infrastructure, tracks, drains, structures, roads or fire breaks: **{NatEnv 291.5}**
 - iv. clearance for the construction or maintenance **{NatEnv cl.16}** of tracks (associated with permitted land use or city-wide activities only) **{NatEnv 900.136 and 900.2}** up to:
 1. 2m in width in ASBVs, ONFs, **{NatEnv 958.106}** ONCCs, HNCCs and NCCs;
 2. 3m in width outside these areas **{NatEnv 291.5}**;
 - vi. clearance that is consistent with or **{NatEnv 949.15}** 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;
 - vii. 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: **{NatEnv 1090.27}**
 - viii. clearance of a pest plant listed in Appendix 10B: **{NatEnv 291.5}**
 - ix. vegetation clearance as part of incidental to **{NatEnv cl.16}** existing forestry activity where the clearance involves an understorey of indigenous vegetation, or is for the maintenance of forestry access or firebreaks;
 - x. clearance that is necessary to maintain the flow of water free from obstruction or for natural hazard mitigation activities: **{NatEnv 291.5}**
 - xi. 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: **{NatEnv 291.5}**
 - xii. vegetation clearance of an area of Manuka that is adversely affected by Manuka Blight caused by *Eriococcus orariensis* (outside ASBVs, ONFs, **{NatEnv 958.106}** ONCCs, HNCCs and NCCs only);
 - xiii. 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 **{NatEnv 138.1 and 291.5}**
 - xiv. clearance of indigenous vegetation from areas that, within the last 10 years, have been cultivated or clear of such vegetation (outside ASBVs, ONFs **{NatEnv 958.106}**, ONCCs, HNCCs and NCCs only), provided that the clearance is associated with a permitted land use or city-wide activity. **{NatEnv 361.7}**

- b. All indigenous vegetation clearance that occurs in an ASBV, ONF, **{NatEnv 958.106}** ONCC, HNCC, or NCC and is not included in Rule 10.3.2.A.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	500m ²	3 years
ii.	High Country Rural Zone <u>within the Taieri Ridge and Mare Burn mapped area {NatEnv 900.147}</u>	500m ² 1000m ² {NatEnv 860.5} non-tussock species 10000m ² (1ha) 1000m ² {NatEnv 900.147} tussock species	3 years
iii.	High Country Rural Zone <u>not within the Taieri Ridge and Mare Burn mapped area {NatEnv 900.147}</u>	1000m ² non-tussock species {NatEnv 860.5} 10000m ² (1ha) tussock species {NatEnv 900.147}	3 years
iv.	Hill Country Rural Zone	500m ² 1000m ² {NatEnv 1082.1}	3 years
v.	Hill Slopes Rural Zone	500m ² 1000m ² {NatEnv 355.11}	3 years
vi.	Middlemarch Basin Rural Zone	100m ²	3 5 years {NatEnv 900.147}
vii.	Peninsula Coast Rural Zone	250m ²	3 5 years {NatEnv 900.147}
viii.	Taieri Plain Rural Zone	100m ²	3 5 years {NatEnv 900.147}
ix.	Rural Residential 1 and Rural Residential 2 Zones	250m ²	3 years

- d. For the purposes of Rule 10.3.2.A.c:
- if the area of indigenous vegetation to be cleared straddles two zones, the lesser maximum area will apply;
 - the area to be cleared will be measured from stems at ground level; and
 - 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:
- a restricted discretionary non-complying **{NatEnv 949.13 and 958.106}** activity in ASBVs, ONCCs and HNCCs;
 - a restricted discretionary activity in NCCs, ONFs, rural zones and rural residential zones.

¹ **NatEnv cl.16:** The content of Rule 10.3.2.A was included in the notified definition of Indigenous Vegetation

Clearance, and the notified Maximum Area of Indigenous Vegetation Clearance performance standard (Rule 10.3.2.2). In new Rule 10.3.2.A, this content has been reformatted so that types of vegetation clearance that were permitted under the notified provisions are provided for as “Indigenous Vegetation Clearance – Small Scale”. Other changes to formatting and wording have also been made to clarify provisions. This does not change the effect of provisions. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references are provided.

² **NatEnv 291.5:** Under notified provisions, this exemption applied only within ASCVs, ONCCs, HNCCs and NCCs. Under Rule 10.3.2.A.a.i, and in response to submission OS291.5, this exemption has been extended so that it applies throughout the city.

³ **NatEnv 291.5:** Under notified provisions, this exemption applied only within ASCVs, ONCCs, HNCCs and NCCs. Under Rule 10.3.2.A.a.ii, and in response to submission OS291.5, this exemption has been extended so that it applies throughout the city.

⁴ **NatEnv 291.5:** Under notified provisions, this exemption applied only within ASCVs, ONCCs, HNCCs and NCCs. Under Rule 10.3.2.A.a.iii, and in response to submission OS291.5, this exemption has been extended so that it applies throughout the city.

10.3.2.3 Protected areas (vegetation clearance) **{NatEnv cl.16¹}**

a. Vegetation clearance must not occur within:

- i. 20m of any wetland identified in Appendix A1.2 as an Area of Significant Conservation Biodiversity **{NatEnv 958.60}** 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
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 10.3.2.3.a, setbacks will be measured from the ~~landward side~~ **{NatEnv cl.16}** bank ~~or margin~~ **{NatEnv 900.6}** of the water body at the point of its annual fullest flow or annual highest level without overtopping its bank ~~or margin~~ **{NatEnv 900.6}** (see Figure 10.3A and Figure 10.3B under Rule 10.3.3 Setback from Coast and Water Bodies).

d. Except that Rule 10.3.2.3.a and Rule 10.3.2.3.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 erection, maintenance or alteration of fences (including gates);
- iii. for the maintenance (but not extension) of existing network utilities, irrigation infrastructure, tracks, drains, structures, **{NatEnv 291.5}** roads, or fire breaks;
- iv. clearance for the construction ~~or maintenance~~ **{NatEnv cl.16}** of tracks up to 2m in width;
- v. consistent with or **{NatEnv 949.15}** 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. 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; {NatEnv 1090.27}
- 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 10.3.2.3.a, separated from mean high water springs or the water body by a formed legal road;
- x. ~~part of an existing forestry activity and involves or is~~ **{NatEnv cl.16}** incidental to the harvesting or maintenance of trees as part of forestry {NatEnv cl.16}, provided that all vegetation that is felled within ~~5m~~ **10m {NatEnv 908.30}** of a water body must be felled away from the water body, and that ~~all the forestry activity must be~~ **is {NatEnv cl.16}** conducted in accordance with recognised industry environmental codes of practice;
- 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.**{NatEnv 291.5}**

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

¹ **NatEnv cl.16:** Rule 10.3.2.3 has been reformatted and reworded for clarity. Note that Rule 10.3.2.3.c restates the method of measuring setbacks from water bodies, rather than referring Plan users to Rule 10.3.3.7 as the notified rule did. Also, in Rule 10.3.2.3d the exemptions have been reordered to match the order in Rule 10.3.2.A.a. This does not change the effect of provisions. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references are provided.

10.3.2.4 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 **{NatEnv 291.5}**:
 - i. ~~one or more~~ any of the threatened plant species listed in Appendix 10A.1 **{NatEnv cl.16}**; or
 - ii. ~~one or more~~ any mature examples (greater than 15 years old) of the important ~~native~~ indigenous tree species listed in Appendix 10A.3 **{NatEnv cl.16}**; or
 - iii. any threatened indigenous fauna species listed in Appendix 10A.2. **{NatEnv 900.155}**
- 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 **{NatEnv 958.72}**;
 - 2. the erection of new fences does not damage: **{NatEnv 958.72}**;
 - 1. specimens of threatened plant species listed in Appendix 10A.1; **{NatEnv 958.72}**;
 - 2. important breeding, refuge, feeding or resting sites for indigenous fauna listed in Appendix 10A.2; or **{NatEnv 958.72}**;
 - 3. mature indigenous trees listed in Appendix 10A.3 **{NatEnv 958.72}**;
 - ii. for the maintenance (but not extension) of existing network utility activities, ~~(including irrigation infrastructure),~~ **{NU cl.16}** tracks, drains, structures, **{NatEnv 291.5}** roads, or fire breaks;

- iii. for the construction or maintenance **{NatEnv cl.16}** of tracks up to 2m ~~3m~~ **{NatEnv 291.5}** in width, provided track construction does not damage: **{NatEnv 958.72}**
 - 1. specimens of threatened plant species listed in Appendix 10A.1; **{NatEnv 958.72}**
 - 2. important breeding, refuge, feeding or resting sites for indigenous fauna listed in Appendix 10A.2; or **{NatEnv 958.72}**
 - 3. mature indigenous trees listed in Appendix 10A.3; or **{NatEnv 958.72}**
 - iv. consistent with or **{NatEnv 949.15}** 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 **{NatEnv 1090.27}**
 - vi. for the clearance of a pest plant listed in Appendix 10B. **{NatEnv 291.5}**
 - c. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**
- 10.3.2.1 Maximum area of vegetation clearance (~~UCMA~~ **UBMA** **{NatEnv 958.60}**) **{NatEnv cl.16}**¹
- a. Vegetation clearance in an **urban conservation biodiversity** **{NatEnv 958.60}** mapped area (**UBMA**) **{NatEnv cl.16}** 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);
 - iii. for the maintenance (but not extension) of existing network utilities activities **{NatEnv cl.16}**, irrigation infrastructure, **{NatEnv 291.5}** tracks, drains, structures, **{NatEnv 291.5}** or roads or firebreaks **{NatEnv 291.5}**;
 - iv. for the construction or maintenance of tracks up to 2m in width;
 - v. consistent with or **{NatEnv 949.15}** 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; **{NatEnv 1090.27}**
 - 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 **{NatEnv 291.5}**
 - 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.**{PO cl.16}**

¹ **NatEnv cl.16:** Rule 10.3.2.1 has been reformatted and reworded for clarity and for consistency with the formatting of rules 10.3.2.A, 10.3.2.3 and 10.3.2.4. This does not change the effect of provisions. Where elements of the rule

have been amended in response to submissions, strikethrough and underlining is used and submitter references are provided. Note that the exemptions in Rule 10.3.2.1 have been reordered to match the order in Rule 10.3.2.A.

Note 10.3A – Other relevant District Plan provisions {NatEnv cl.16}

1. See the following rules for the activity status of indigenous vegetation clearance in natural coastal character overlay zones and ASCVs: {NatEnv cl.16}

Zone {NatEnv cl.16}	~~Outstanding Natural Coastal Character Overlay Zone (ONCC) + High Natural Coastal Character Overlay Zone (HNCC) {NatEnv cl.16}~~	~~Natural Coastal Character Overlay Zone (NCC) {NatEnv cl.16}~~	~~Scheduled Areas of Significant Conservation Value (Scheduled ASCV) {NatEnv cl.16}~~
Rural zones {NatEnv cl.16}	Rule 16.3.4.20.e {NatEnv cl.16}	Rule 16.3.4.20.b {NatEnv cl.16}	Rule 16.3.4.20.d {NatEnv cl.16}
Rural residential zones {NatEnv cl.16}	Rule 17.3.4.18.b {NatEnv cl.16}	Rule 17.3.4.18.e {NatEnv cl.16}	— {NatEnv cl.16}
Recreation Zone {NatEnv cl.16}	— {NatEnv cl.16}	Rule 20.3.4.19.b {NatEnv cl.16}	Rule 20.3.4.19.e {NatEnv cl.16}

10.3.3 Setback from Coast and Water Bodies

In all zones, other than the Harbourside Edge Zone, **{NatEnv 737.8}** St Clair Neighbourhood Destination Centre **{NatEnv 826.17}**, Dunedin Hospital Zone, Dunedin International Airport Zone, Mercy Hospital Zone, Moana Pool Zone, Otago Museum Zone, Port Zone and Wakari Hospital Zone, **{NatEnv cl.16}** 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 **{NatEnv cl.16}**:

1. 20m from mean high water springs (MHWS); and
2. 20m from any wetland identified in Schedule Appendix **{NatEnv cl.16}** A1.2, Scheduled of Areas of Significant Conservation Biodiversity Value (Scheduled ASGV ASBV) **{NatEnv 958.60}**; and
3. 20m from any water body with a clearly defined bed of at least 3m in width in the rural zones; and
4. 5m from any water body with a clearly defined bed less than 3m in width in the rural zones; and
5. 5m from any water body with a clearly defined bed **{NatEnv 360.218}** in all other zones;
6. Except, the following are exempt from this standard:
 - a. natural hazard mitigation activities;
 - b. hydro generators - on-site energy generation small scale **{NU 308.122}** in the rural and industrial zones;
 - c. hydro-generators - community-scale in the rural zones; **{NU 308.122}**
 - d. network ~~utilities~~ utility **{NU cl.16}** poles and masts for the purposes of supporting lines across a water body;
 - e. network utility structures - small scale in existing roads that comply with Rule 5.5.6; **{NU 576.64 and others}**
 - f. the operation, repair, minor upgrading and maintenance of existing network utilities; **{NU 457.21}**
 - g. river flow recording facilities;
 - h. navigational aids;
 - i. maimai and whitebait stands on the surface of water;
 - j. post and wire fences;
 - k. bridges, culverts and fords;
 - l. jetties, boat ramps, and wharves;
 - m. signs;
 - n. structures with a maximum footprint of 10m² associated with port activities in the Industrial Port Zone; **{NatEnv737.8}**
 - o. bird hides, viewing structures and viewing platforms with a maximum footprint of 10m² and maximum height of 2m, and boardwalks; **{NatEnv588.7}**
 - p. earthworks associated with the operation, repair and maintenance of the existing roading network; **{NatEnv 322.91}**
 - q. irrigation pipes of any size, and other irrigation or stock water structures such as intake structures with a maximum footprint of 2m²; **{NatEnv 735.3}**
 - r. earthworks required for any of the ~~structures~~ activities in (a) - (kq) **{NatEnv cl.16}** above; and
 - s. new buildings and structures, and additions and alterations, associated with the University of Otago Portobello Marine Laboratory and New Zealand Marine Studies Centre, when situated on the land

comprising Part section 23 (SO 7232), section 24 (SO 11431) and section 28 (SO 11431), Block VI Portobello Survey District and that Part of section 29 Block VI Survey District marked "A" on SO 22930 New Zealand Marine Studies Centre in the **Portobello Marine Science mapped area {MF 308.283}**

7. For the purposes of this standard, setbacks will be measured from the landward-side **{NatEnv cl.16}** bank or margin of the water body at the point of its annual fullest flow or annual highest level without overtopping its bank or margin **{NatEnv 900.6}** (see Figure 10.3A and Figure 10.3B).
8. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

¹ **NatEnv cl.16:** As a clause 16 amendment a number of major facility zones have been listed at the start of Rule 10.3.3 to clarify that activities in these zones are not subject to this rule.

Note 10.3B.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.

Note 10.3.3B - Other relevant District Plan provisions {NatEnv 737.8}

1. Activities within the Harbourside Edge Zone are subject to Rule 18.6.18.4, 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. **{NatEnv 737.8}**

Figure 10.3A Setback from a water body

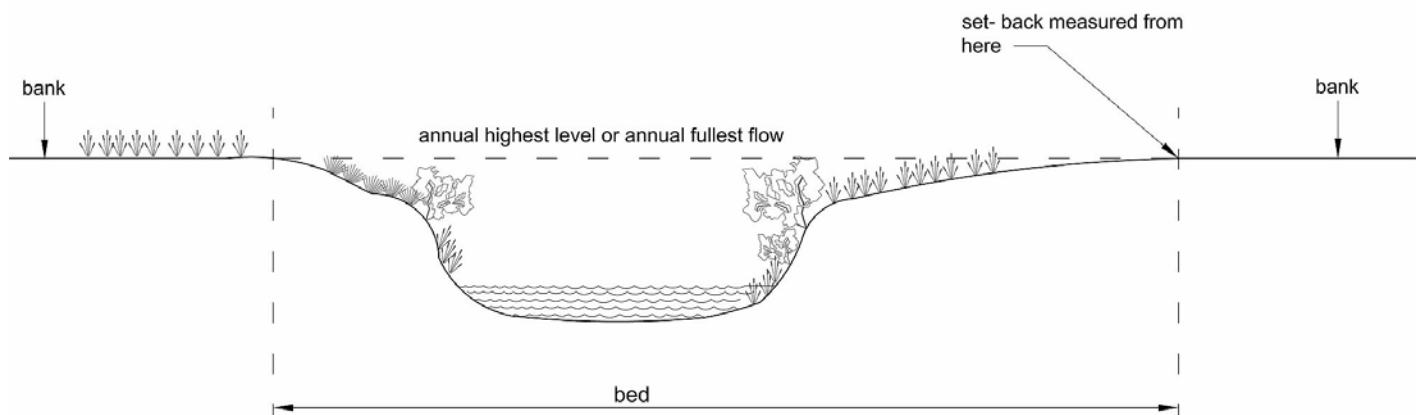
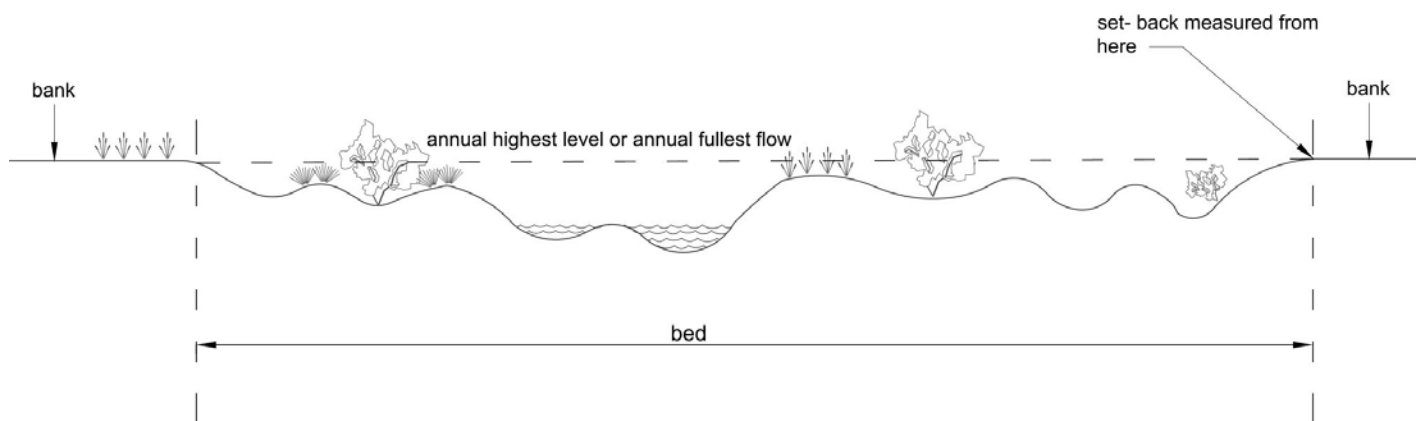


Figure 10.3B Setback from a water body



10.3.4 Tree Species

1. Forestry and tree planting shelterbelts and small woodlots **{RU cl.16}** must not include any of the following species:
 - a. Lodgepole/contorta pine (*Pinus contorta*) **{NatEnv 355.2}**
 - b. Scots pine (*Pinus sylvestris*)
 - c. Douglas fir (*Pseudotsuga menziesii*)
 - d. Corsican pine (*Pinus nigra*)
 - e. Mountain pine (*Pinus mugo*) **{NatEnv 355.2}**
 - f. Dwarf Mountain pine (*Pinus uncinata*); or **{NatEnv 355.2}**
 - g. Larch (*Larix decidua*)
 - h. Ponderosa pine (*Pinus ponderosa*) **{NatEnv 900.132}**
 - i. Maritime pine (*Pinus pinaster*) **{NatEnv 900.132}**
 - j. Sycamore (*Acer pseudoplatanus*) **{NatEnv 900.132}**
 - k. Hawthorn (*Crataegus mongyna*) **{NatEnv 900.132}**
 - l. Boxthorn (*Lycium ferocissimum*) **{NatEnv 900.132}**
 - m. Rowan (*Sorbus aucuparia*) **{NatEnv 900.132}**
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. **{NatEnv 900.77}**
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. **{NatEnv 900.77}**

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. **{NatEnv cl.16}**

10.3.5 Number and Location of Permitted Buildings {was "Minimum Building Separation" - NatEnv cl.16}

1. In any landscape overlay zone or in a Outstanding Natural Landscape (ONL), Significant Natural Landscape (SNL) and Natural Coastal Character Overlay Zone (NCC) overlay zones **{NatEnv cl.16}**, a maximum of two **{NatEnv 464.1}** permitted new **{NatEnv cl.16}** buildings (e.g. buildings **{NatEnv cl.16}** less than or equal to 60m² footprint **{PO cl.16'}**) **{NatEnv cl.16}** may be erected per site, provided that they are located within 30m of one or more any buildings **{NatEnv 951.63}** greater than 60m² footprint **{PO cl.16'}** on the same site over any five year period **{NatEnv 447.35}**;
2. all other permitted buildings must be Except that buildings less than or equal to 60m² footprint that are

{NatEnv cl.16} located at least 200m from any other buildings **{NatEnv cl.16}** on the same site are exempt from this rule. **{NatEnv cl.16}**

3. For the purposes of this rule:
 - a. distance will be measured as the distance between the closest walls points **{NatEnv 464.1}** of the two buildings; and
 - b. only buildings erected after 7 November 2018 are counted towards the maximum number of buildings. **{NatEnv 447.35}**
4. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

¹ **PO cl.16:** Footprint is included in the rule to improve plan clarity as a minor and inconsequential amendment.

Note 10.3.5A - General advice {NatEnv cl.16}

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. **{Nat Env cl.16}**

10.3.6 Reflectivity

In any landscape or natural coastal character overlay zone, new buildings and structures (except fences), additions and alterations, **{NatEnv 447.36}** and wind generators – on-site energy generation **{NU 743.17}** must use exterior paint or other surface finish with a light reflectance value of 30% or less. **{NatEnv 447.36}**

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 **{NatEnv447.36}**, except that this rule does not apply to: **{NatEnv 464.6}**
 - a. natural wood finishes; **{NatEnv 464.6}**
 - b. glass; **{NatEnv 464.6}**
 - c. clear plastic; **{NatEnv 464.6}**
 - d. soffits; or **{NatEnv 447.36}**
 - e. flues. **{NatEnv 464.6}**
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. **{NatEnv 951.64}**
3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Rule 10.3A Assessment of Controlled Activities

Rule 10.3A.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 10.3A.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.

10.3A.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 {PO cl.16'} on a landscape building platform	a. Size, design and appearance of buildings	<i>Relevant objectives and policies:</i> i. Objective 10.2.3 ii. ~~Adverse effects on the natural character values, as identified in Appendix A5, are avoided or, if avoidance is not possible, are no more than minor (Policy 10.2.3.4).~~ <u>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.U).</u> {NatEnv cl.16'} <u>General assessment guidance {NatEnv 191.1}</u> iii. <u>In assessing effects on natural character values, Council will consider the extent to which the development follows the design guidelines in Appendix A11.</u> {NatEnv 191.1} <i>Conditions that may be imposed include:</i> iv. Restrictions on the size and design of buildings, including height, floor area footprint, {PO cl.16'} colour and materials. v. Requirements for landscaping and other forms of screening of buildings.

10.3A.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 {PO cl.16¹} on a landscape building platform	a. Size, design and appearance of buildings	<i>Relevant objectives and policies:</i> - Objective 10.2.5 <u>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 {NatEnv cl.16²} adverse effects on the landscape values of the ONL or SNL, as identified in Appendix A3, are insignificant avoided or, if avoidance is not practicable, adequately mitigated (Policy 10.2.5.6 10.2.5.V). {NatEnv 464.10 and 458.12}</u> <u>Adverse effects on the landscape values of the SNL, as identified in Appendix A3, are avoided or, if avoidance is not possible, are no more than minor (Policy 10.2.5.7): {NatEnv 464.10 and 458.12}</u> <u>General assessment guidance {NatEnv 191.1}</u> <u>In assessing effects on landscape values, Council will consider the extent to which the development follows the design guidelines in Appendix A11. {NatEnv 191.1}</u> <i>Conditions that may be imposed include:</i> - Restrictions on the size and design of buildings, including height, floor area footprint, {PO cl.16¹} colour and materials. - Requirements for landscaping and other forms of screening of buildings.

¹ **PO cl.16**: Footprint is included in the rule to improve plan clarity as a minor and inconsequential amendment.

² **NatEnv cl.16**: Reworded to better summarise the relevant policy and match the Plan style guide. This does not change the effect of the provisions

Rule 10.4 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 10.4.1 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. Rules 10.4.2 - 10.4.34: **{NatEnv cl.16}**
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rule 10.4.2 applies to all performance standard contraventions. **{NatEnv cl.16}** Rule 10.4.3 applies to performance standards located in the natural environment section; Rule 10.4.4 applies to performance standards located in the management and major facility zones.

10.4.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<i>General assessment guidance:</i> a. Where more than one standard is contravened, the combined effects of the contraventions will be considered. <i>Potential circumstances or mitigation measures {NatEnv cl.16} that may support a consent application include:</i> b. The degree of non-compliance with the performance standard is minor. c. ~~The development incorporates conservation activity that will have significant positive effects on biodiversity or natural character values.~~ {NatEnv 690.10 and 690.12}

10.4.3 Assessment of contraventions of performance standards in the Natural Environment section {Was "Assessment of performance standard contraventions located in Natural Environment" - NatEnv cl.16}

Activity		Matters of discretion	Guidance on the assessment of resource consents
A.	All performance standard contraventions {NatEnv 690.10 and 690.12}	a. <u>Positive effects on biodiversity values or the natural character of the coast</u>	<u>Relevant objectives and policies:</u> i. <u>Objectives 10.2.1, 10.2.2, 10.2.3</u> ii. <u>Conservation activity is encouraged in all zones (Policy 10.2.1.1).</u> <u>Potential circumstances that may support a consent application include:</u> iii. <u>The development incorporates conservation activity that will have significant positive effects on biodiversity or natural character values.</u>
1.	Esplanade reserves and strips	a. Effects on biodiversity values {NatEnv 958.60} and natural character values of riparian margins and the coast	<u>Relevant objectives and policies:</u> i. 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 reserves or esplanade strips {NatEnv 360.147} 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 10.2.2.5). iii. <u>Adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided or, if avoidance is not practicable: {NatEnv 900.142 and 1088.15}</u> 1. <u>there is no net loss and preferably a net gain in the biodiversity values of the area, or {NatEnv 900.142}</u> 2. <u>where there are no practicable alternative locations, any proposal for a biodiversity offset is in accordance with Policy 2.2.3.5; or {NatEnv 949.29}</u> 3. <u>where a biodiversity offset is not practicable, environmental compensation is proposed in accordance with Policy 2.2.3.6 (Policy 10.2.1.X). {NatEnv 1088.15}</u> <u>General assessment guidance:</u> iv. In assessing a change or reduction to the required

10.4.3 Assessment of contraventions of performance standards in the Natural Environment section {Was "Assessment of performance standard contraventions located in Natural Environment" - NatEnv cl.16}

Activity		Matters of discretion	Guidance on the assessment of resource consents
			esplanade reserve or <u>esplanade strip</u> {NatEnv 360.152}, Council will consider: 1. the effects on the values of the water body as identified in Appendix 10C; 2. <u>the effects on the natural functioning of the water body</u>: {NatEnv 908.33} 3. <u>the effects on other biodiversity values and natural character values</u>; and {NatEnv 908.33} 4. any other measures proposed to enhance the biodiversity of the riparian or coastal margin and associated water body. v. <u>In assessing whether an activity meets Policy 10.2.1.X, Council will consider whether the area affected meets one or more of the criteria set out in Policy 2.2.3.1.</u> {NatEnv 900.9 and 958.8} <i>Conditions that may be imposed include:</i> vi. Where there is an esplanade reserve requirement, the {NatEnv cl.16} 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.

10.4.3 Assessment of contraventions of performance standards in the Natural Environment section {Was "Assessment of performance standard contraventions located in Natural Environment" - NatEnv cl.16}

Activity		Matters of discretion	Guidance on the assessment of resource consents
		b. Effects on public access	<i>Relevant objectives and policies:</i> i. Objective 10.2.4 ii. Public access to the natural environment is enhanced (Policy 10.2.4.3). <i>General assessment guidance:</i> iii. In assessing a change or reduction to the required esplanade reserve or <u>esplanade strip</u> {NatEnv 360.153}, Council will consider; 1. the effects on public recreation and access values as identified in Appendix 10C; 2. <u>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</u> {NatEnv 690.24} 3. <u>the potential effects of sea level rise on the future level of the mean high water springs, and thus the width of the reserve.</u> {NatEnv 900.67} <i>Potential circumstances that may support a consent application include:</i> 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.
2.	~~Vegetation clearance~~ (Maximum area of vegetation clearance) in a {NatEnv cl.16} UGMA (UBMA) {NatEnv 958.60}	a. Effects on biodiversity <u>values</u> {NatEnv 958.60}	<i>Relevant objectives and policies:</i> i. Objective 10.2.1. ii. Vegetation clearance maintains or enhances the <u>conservation biodiversity values of an UGMA the UBMA</u> {NatEnv 958.60} including, but not limited to, <u>those values listed in Appendix A10</u> {NatEnv 900.31} (Policy 10.2.1.5). iii. <u>Adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided or, if avoidance is not practicable:</u> {NatEnv 900.142 and 1088.15} 1. <u>there is no net loss and preferably a net gain in the biodiversity values of the area, or</u> {NatEnv 900.142}

10.4.3 Assessment of contraventions of performance standards in the Natural Environment section {Was "Assessment of performance standard contraventions located in Natural Environment" - NatEnv cl.16}

Activity		Matters of discretion	Guidance on the assessment of resource consents
			2. <u>where there are no practicable alternative locations, any proposal for a biodiversity offset is in accordance with Policy 2.2.3.5; or {NatEnv 949.29}</u> 3. <u>where a biodiversity offset is not practicable, environmental compensation is proposed in accordance with Policy 2.2.3.6 (Policy 10.2.1.X). {NatEnv 1088.15}</u> <i>Potential circumstances or mitigation measures {NatEnv cl.16} that may support a consent application include:</i> iv. <u>The clearance is of a non-local indigenous species that has extended beyond its range.</u> v. <u>For indigenous vegetation clearance, an ecological assessment supporting the clearance is supplied with the application (see Rule 10.8.2: Special Information Requirements). {NatEnv 958.95}</u> <i>General assessment guidance: {NatEnv 900.9 and others}</i> vi. <u>In assessing whether an activity meets Policy 10.2.1.X, Council will consider whether the area affected meets one or more of the criteria set out in Policy 2.2.3.1. {NatEnv 900.9 and 958.8}</u> vii. <u>Council will generally only consider activities to have no practicable alternative locations where an assessment that meets the requirements set out in Rule 10.8.4 demonstrates that the proposed site, including any proposed mitigation measures, is the option that has the least impact on biodiversity values, while meeting the operational needs of the activity. {NatEnv 900.142 and 1088.15}</u> viii. <u>In assessing the appropriateness of any proposed biodiversity offset or environmental compensation, in addition to Policy 2.2.3.5 or Policy 2.2.3.6, Council will consider the Guidance on Good Practice Biodiversity Offsetting in New Zealand (NZ Government, 2014) {NatEnv 949.29 and 1088.33}</u>

10.4.3 Assessment of contraventions of performance standards in the Natural Environment section {Was "Assessment of performance standard contraventions located in Natural Environment" - NatEnv cl.16}

Activity		Matters of discretion	Guidance on the assessment of resource consents
3. {NatEnv cl.16}	Vegetation clearance (Maximum area of indigenous vegetation clearance) {NatEnv cl.16}	a. Effects on biodiversity {NatEnv cl.16}	<i>Relevant objectives and policies: {NatEnv cl.16}</i> i. Objective 10.2.1. {NatEnv cl.16} ii. Indigenous vegetation clearance avoids adverse effects on the biodiversity values of areas of indigenous vegetation, or ensures adverse effects are no more than minor (Policy 10.2.1.3). {NatEnv cl.16} <i>Potential circumstances or mitigation measures that may support a consent application: {NatEnv cl.16}</i> iii. The clearance is of a non-local indigenous species that has extended beyond its range. {NatEnv cl.16} iv. The clearance is part of conservation activity involving the clearance of indigenous species and replacement by other indigenous species. {NatEnv cl.16} v. The clearance is of indigenous vegetation that is diseased and unlikely to regain health and viability. {NatEnv cl.16}
4.	Vegetation clearance (Protected areas (vegetation clearance) {NatEnv cl.16}	a. Effects on biodiversity <u>values</u> {NatEnv 958.60} and the natural character values of riparian margins and the coast	<i>Relevant objectives and policies:</i> i. Objective 10.2.1, Objective 10.2.2. ii. Indigenous vegetation clearance maintains or enhances the biodiversity values of the area of indigenous vegetation. <u>There is no net loss and preferably a net gain in biodiversity values</u> {NatEnv 1088.34} (Policy 10.2.1.4). iii. Vegetation clearance is set back an adequate distance from the coast and water bodies to minimise, <u>as far as practicable,</u> {PO 906.34 and 308.497} risk of erosion and protect, or enable the enhancement of, biodiversity and natural character values (Policy 10.2.2.3). iv. In any <u>the</u> {NatEnv cl.16} coastal environment mapped area, the assessment will consider the natural science values outlined in Appendix A3 <u>the natural character values and biodiversity values of the coast are maintained or enhanced</u> (Policy 10.2.2.X) {NatEnv cl.16}. v. <u>Adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided or, if avoidance is not</u>

10.4.3 Assessment of contraventions of performance standards in the Natural Environment section {Was "Assessment of performance standard contraventions located in Natural Environment" - NatEnv cl.16}

Activity		Matters of discretion	Guidance on the assessment of resource consents
			<u>practicable: {NatEnv 900.142 and 1088.15}</u> 1. <u>there is no net loss and preferably a net gain in the biodiversity values of the area, or {NatEnv 900.142}</u> 2. <u>where there are no practicable alternative locations, any proposal for a biodiversity offset is in accordance with Policy 2.2.3.5; or {NatEnv 949.29}</u> 3. <u>where a biodiversity offset is not practicable, environmental compensation is proposed in accordance with Policy 2.2.3.6 (Policy 10.2.1.X). {NatEnv 1088.15}</u> <u>Potential circumstances that may support a consent application include: {NatEnv 958.95}</u> vi. <u>For indigenous vegetation clearance, an ecological assessment supporting the clearance is supplied with the application (see Rule 10.8.2 Special Information Requirements). {NatEnv 958.95}</u> vii. <u>In assessing a contravention of the performance standards for vegetation clearance or indigenous vegetation clearance, Council will consider: {NatEnv 908.33}</u> 1. <u>the effects on the values of the water body and the natural functioning of the water body; and {NatEnv 908.33}</u> 2. <u>the effects on other biodiversity values and natural character values. {NatEnv 908.33}</u> viii. <u>In assessing whether an activity meets Policy 10.2.1.X, Council will consider whether the area affected meets one or more of the criteria set out in Policy 2.2.3.1. {NatEnv 900.9 and 958.8}</u> ix. <u>Council will generally only consider activities to have no practicable alternative locations where an assessment that meets the requirements set out in Rule 10.8.4 demonstrates that the proposed site, including any proposed mitigation measures, is the option that has the least impact on biodiversity values, while meeting the operational needs of the activity. {NatEnv 900.142 and 1088.15}</u> x. <u>In assessing the appropriateness of any proposed</u>

10.4.3 Assessment of contraventions of performance standards in the Natural Environment section {Was "Assessment of performance standard contraventions located in Natural Environment" - NatEnv cl.16}

Activity		Matters of discretion	Guidance on the assessment of resource consents
			<u>biodiversity offset or environmental compensation, in addition to Policy 2.2.3.5 or Policy 2.2.3.6. Council will consider the Guidance on Good Practice Biodiversity Offsetting in New Zealand (NZ Government, 2014) {NatEnv 949.29 and 1088.33}</u> xi. <u>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. {NatEnv cl.16}</u> xii. <u>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. {NatEnv 900.39}</u>
5.	Vegetation clearance (protected Protected species) {NatEnv cl.16} (indigenous vegetation clearance)	a. Effects on biodiversity values {NatEnv 958.60}	<i>Relevant objectives and policies:</i> i. Objective 10.2.1. ii. <u>Indigenous vegetation clearance maintains or enhances the biodiversity values of the area of indigenous vegetation. There is no net loss and preferably a net gain in biodiversity values {NatEnv 1088.34} (Policy 10.2.1.4).</u> iii. <u>Adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided or, if avoidance is not practicable: {NatEnv 900.142 and 1088.15}</u> <u>there is no net loss and preferably a net gain in the biodiversity values of the area, or {NatEnv 900.142 and 1088.15}</u> <u>where there are no practicable alternative locations, any proposal for a biodiversity offset is in accordance with Policy 2.2.3.5; or {NatEnv 900.142 and 1088.15}</u> <u>where a biodiversity offset is not practicable, environmental compensation is proposed in accordance with Policy 2.2.3.6 (Policy 10.2.1.X). {NatEnv 900.142 and 1088.15}</u> <i>Potential circumstances or mitigation measures {NatEnv cl.16} that may support a consent application include:</i> iv. The clearance is part of conservation activity and is being undertaken to enhance the health of the

10.4.3 Assessment of contraventions of performance standards in the Natural Environment section {Was "Assessment of performance standard contraventions located in Natural Environment" - NatEnv cl.16}

Activity		Matters of discretion	Guidance on the assessment of resource consents
			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. <u>For indigenous vegetation clearance, an ecological assessment supporting the clearance is supplied with the application (see Rule 10.8.2 Special Information Requirements). {NatEnv 958.95}</u> <u>General assessment guidance: {NatEnv 958.79}</u> vii. <u>In assessing whether an activity meets Policy 10.2.1.X, Council will consider whether the area affected meets one or more of the criteria set out in Policy 2.2.3.1. {NatEnv 900.9 and 958.8}</u> viii. <u>Council will generally only consider activities to have no practicable alternative locations where an assessment that meets the requirements set out in Rule 10.8.4 demonstrates that the proposed site, including any proposed mitigation measures, is the option that has the least impact on biodiversity values, while meeting the operational needs of the activity. {NatEnv 900.142 and 1088.15}</u> ix. <u>In assessing the appropriateness of any proposed biodiversity offset or environmental compensation, in addition to Policy 2.2.3.5 or Policy 2.2.3.6, Council will consider the Guidance on Good Practice Biodiversity Offsetting in New Zealand (NZ Government, 2014) {NatEnv 949.29 and 1088.33}</u>

10.4.3 Assessment of contraventions of performance standards in the Natural Environment section {Was "Assessment of performance standard contraventions located in Natural Environment" - NatEnv cl.16}

Activity		Matters of discretion	Guidance on the assessment of resource consents
6.	Minimum building separation <u>Number and location of permitted buildings</u> {NatEnv cl.16} in the NCC Overlay Zone	a. Effects on natural character of the coast	<i>Relevant objectives and policies:</i> 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 is {NatEnv cl.16} not possible practicable {PO 908.3}, ensures cumulative visual effects are no more than minor (Policy 10.2.3.8). <u>General assessment guidance: {NatEnv cl.16}</u> iii. <u>In assessing effects on natural character values, Council will consider the extent to which the development follows the design guidelines in Appendix A11. {NatEnv cl.16}</u>
7.	Minimum building separation <u>Number and location of permitted buildings</u> {NatEnv cl.16} in the ONL or SNL overlay zones	a. Effects on landscape values	<i>Relevant objectives and policies:</i> 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 is {NatEnv cl.16} not possible practicable {PO 908.3}, ensures cumulative visual effects are no more than minor (Policy 10.2.5.12). <u>General assessment guidance: {NatEnv cl.16}</u> iii. <u>In assessing effects on landscape values, Council will consider the extent to which the development follows the design guidelines in Appendix A11. {NatEnv cl.16}</u>

10.4.3 Assessment of contraventions of performance standards in the Natural Environment section {Was "Assessment of performance standard contraventions located in Natural Environment" - NatEnv cl.16}

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	<i>Relevant objectives and policies:</i> i. Objective 10.2.3 ii. Exterior colours and materials avoid or, if avoidance is not possible, minimise <u>as far as practicable</u> {PO 906.34 and 308.497} adverse visual effects caused by reflectivity (Policy 10.2.3.6). <i>General assessment guidance: {NatEnv 447.41 and others}</i> iii. <u>In assessing effects on natural character values, Council will consider: {NatEnv 447.41 and others}</u> 1. <u>the level of visibility of the building or structure from public places.</u> {NatEnv 447.41 and others} 2. <u>the extent to which the development follows the design guidelines in Appendix A11.</u> {NatEnv cl.16²} <i>Potential circumstances that may support a consent application include:</i> iv. The development incorporates key design elements as set out in Appendix A5.

10.4.3 Assessment of contraventions of performance standards in the Natural Environment section {Was "Assessment of performance standard contraventions located in Natural Environment" - NatEnv cl.16}

Activity		Matters of discretion	Guidance on the assessment of resource consents
9.	Reflectivity in the ONL or SNL overlay zones	a. Effects on landscape values	<i>Relevant objectives and policies:</i> i. Objective 10.2.5 ii. Exterior colours and materials avoid or, if avoidance is not possible, minimise <u>as far as practicable</u> {PO 906.34 and 308.497} adverse visual effects caused by reflectivity (Policy 10.2.5.8). <i>General assessment guidance: {NatEnv 447.41 and others}</i> iii. <u>In assessing effects on landscape values, Council will consider: {NatEnv 447.41 and others}</u> 1. <u>the level of visibility of the building or structure from public places.</u> {NatEnv 447.41 and others} 2. <u>the extent to which the development follows the design guidelines in Appendix A11.</u> {NatEnv cl.16²} <i>Potential circumstances that may support a consent application include:</i> iv. The development incorporates key design elements as set out in Appendix A3.
10.	Setback from coast and water bodies	a. Effects on biodiversity values {NatEnv 958.60} and natural character of riparian margins and the coast	<i>Relevant objectives and policies:</i> i. Objective 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 maintain or enhance biodiversity values and natural character values of coastal and riparian margins (Policy 10.2.2.2). iii. ~~Earthworks are set back an adequate distance, and use appropriate sediment control techniques, to minimise~~ <u>located and undertaken in a way that</u> {NatEnv 1088.40} <u>minimises, as far as practicable,</u> {PO 906.34 and 308.497} the risk of sediment entering the sea or water bodies (Policy 10.2.2.4). iv. <u>Adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided or, if avoidance is not practicable:</u> {NatEnv 900.142 and 1088.15} 1. <u>there is no net loss and preferably a net gain in the biodiversity values of the area, or</u> {NatEnv

10.4.3 Assessment of contraventions of performance standards in the Natural Environment section {Was "Assessment of performance standard contraventions located in Natural Environment" - NatEnv cl.16}

Activity		Matters of discretion	Guidance on the assessment of resource consents
			900.142} 2. <u>where there are no practicable alternative locations, any proposal for a biodiversity offset is in accordance with Policy 2.2.3.5; or {NatEnv 949.29}</u> 3. <u>where a biodiversity offset is not practicable, environmental compensation is proposed in accordance with Policy 2.2.3.6 (Policy 10.2.1.X). {NatEnv 1088.15}</u> <i>General assessment guidance: {NatEnv 908.33}</i> v. <u>In assessing a contravention of the setback from coast and water bodies performance standard, Council will consider: {NatEnv 908.33}</u> 1. <u>the effects on the values of the water body and the natural functioning of the water body; and {NatEnv 908.33}</u> 2. <u>the effects on other biodiversity values and natural character values; and {NatEnv 908.33}</u> 3. <u>the extent to which the development follows any relevant design guidelines in Appendix A11. {NatEnv cl.16}</u> vi. <u>In assessing whether an activity meets Policy 10.2.1.X, Council will consider whether the area affected meets one or more of the criteria set out in Policy 2.2.3.1. {NatEnv 900.9 and 958.8}</u> <i>Potential circumstances or mitigation measures {NatEnv cl.16} that may support a consent application include:</i> 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.

10.4.3 Assessment of contraventions of performance standards in the Natural Environment section {Was "Assessment of performance standard contraventions located in Natural Environment" - NatEnv cl.16}

Activity		Matters of discretion	Guidance on the assessment of resource consents
		b. Effects on public access	<i>Relevant objectives and policies:</i> 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). <u><i>General assessment guidance: {NatEnv 690.24}</i></u> iii. <u>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. {NatEnv 690.24}</u> <u><i>Potential circumstance that may support a consent application include: {NatEnv cl.16}</i></u> 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.
		<i>Note: Rule 11.4 discusses assessment of non-compliance with the setback from coast and water bodies performance standard in relation to risk from natural hazards {NatEnv cl.16}</i>	
		c. Risk from natural hazards {NatEnv cl.16}	See Rule 11.4 {NatEnv cl.16}
11.	Tree Species <u>outside ASBVs and outside the ONF, ONL, ONCC, HNCC and NCC overlay zones {NatEnv 900.77}</u>	a. Effects on biodiversity <u>values {NatEnv 958.60}</u>	<i>Relevant objectives and policies:</i> i. Objective 10.2.1 ii. The risk of wilding tree spread into <u>establishment in {NatEnv 919.25}</u> areas of indigenous vegetation is avoided or, if avoidance is not possible, is <u>{NatEnv 919.25}</u> insignificant (Policy 10.2.1.6). iii. <u>Adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided or, if avoidance is not practicable: {NatEnv 900.142 and 1088.15}</u> 1. <u>there is no net loss and preferably a net gain in the biodiversity values of the area, or {NatEnv 900.142}</u>

10.4.3 Assessment of contraventions of performance standards in the Natural Environment section {Was "Assessment of performance standard contraventions located in Natural Environment" - NatEnv cl.16}

Activity		Matters of discretion	Guidance on the assessment of resource consents
			2. <u>where there are no practicable alternative locations, any proposal for a biodiversity offset is in accordance with Policy 2.2.3.5; or {NatEnv 949.29}</u> 3. <u>where a biodiversity offset is not practicable, environmental compensation is proposed in accordance with Policy 2.2.3.6 (Policy 10.2.1.X). {NatEnv 1088.15}</u> <i>General assessment guidance:</i> iv. The {NatEnv cl.16} 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 ~~tree-planting shelterbelts and small woodlots~~ {RU cl.16} in relation to prevailing wind directions, slope, altitude and exposure; and/or 3. the use of a wilding management plan that will ensure wilding tree spread will be monitored and eradicated. <u>Potential circumstances that may support a consent application include: {NatEnv cl.16}</u> v. There are no ecologically sensitive or important areas downwind that could be vulnerable to wilding tree spread, including identified ~~Scheduled Areas of Significant Conservation~~ <u>Biodiversity Value (Scheduled ASCV ASBV)</u> {NatEnv 958.60}. vi. ~~There are no landscape or natural coastal character overlay zones downwind that could be vulnerable to wilding tree spread.~~ {NatEnv 900.144}

10.4.3 Assessment of contraventions of performance standards in the Natural Environment section {Was "Assessment of performance standard contraventions located in Natural Environment" - NatEnv cl.16}

Activity	Matters of discretion	Guidance on the assessment of resource consents
	<u>b. Effects on natural character of the coast</u> {NatEnv 900.144}	<u>Relevant objectives and policies:</u> i. <u>Objective 10.2.3</u> ii. <u>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.V).</u> <u>General assessment guidance:</u> iii. <u>See Rule 10.4.3.11.a.iii.</u> <u>Potential circumstances that may support a consent application include:</u> iv. <u>There are no coastal character overlay zones downwind that could be vulnerable to wilding tree spread. {NatEnv 900.144}</u>
	<u>c. Effects on landscape values</u> {NatEnv 900.144}	<u>Relevant objectives and policies:</u> i. <u>Objective 10.2.5</u> ii. <u>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.W).</u> <u>General assessment guidance:</u> iii. <u>See Rule 10.4.3.11.a.iii.</u> <u>Potential circumstances that may support a consent application include:</u> iv. <u>There are no landscape overlay zones downwind that could be vulnerable to wilding tree spread. {NatEnv 900.144}</u>

¹ **NatEnv cl.16:** Provisions for indigenous vegetation clearance provisions have been reformatted. The notified performance standard relating to the maximum area of indigenous vegetation clearance (Rule 10.3.2.2) has been incorporated into new Rule 10.3.2.A Indigenous vegetation clearance – small scale thresholds. This has resulted in consequential amendments to assessment rules, including the deletion of Rule 10.4.3.3 and the transfer of its contents to new Rule 10.5.2.C. This does not result in a substantive change provisions.

² **NatEnv cl.16:** This additional general assessment guidance clarifies that the Plan's design guidelines (notified as Appendix A3.4) are relevant to the assessment of effects on landscape values or on the natural character of the coast. This does not result in a substantive change to provisions.

10.4.4 Assessment of contraventions of performance standards in other sections {Was "Assessment of performance standard contraventions located in the management and major facility zones" - NatEnv cl.16}

Activity	Matters of discretion	Guidance on the assessment of resource consents
A. <u>All performance standard contraventions {NatEnv 690.10 and 690.12}</u>	a. <u>Positive effects on biodiversity values or the natural character of the coast</u>	<u>Relevant objectives and policies:</u> i. <u>Objective 10.2.1, 10.2.2, 10.2.3</u> ii. Conservation activity is encouraged in all zones (Policy 10.2.1.1). <u>Potential circumstances that may support a consent application include:</u> iii. <u>The development incorporates conservation activity that will have significant positive effects on biodiversity or natural character values.</u>
1. Maximum height in the NCC overlay zone	a. Effects on natural character of the coast	<u>Relevant objectives and policies:</u> i. Objective 10.2.3. ii. ~~Large buildings and large structures are only allowed where adverse~~ <u>Adverse {NatEnv cl.16}</u> effects on the natural character values identified in Appendix A5 are avoided or, if avoidance is not possible <u>practicable {PO 908.3}</u>, are no more than minor (Policy 10.2.3.4). <u>General assessment guidance: {NatEnv cl.16}</u> iii. <u>In assessing effects on natural character values, Council will consider the extent to which the development follows the relevant design guidelines in Appendix A11. {NatEnv cl.16}</u> <u>Potential circumstances that may support a consent application include:</u> iv. The development incorporates key design elements as set out in Appendix A5.

10.4.4 Assessment of contraventions of performance standards in other sections {Was "Assessment of performance standard contraventions located in the management and major facility zones" - NatEnv cl.16}

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. Maximum height in the ONL or SNL overlay zones	a. Effects on landscape values	<i>Relevant objectives and policies:</i> i. Objective 10.2.5 ii. Adverse effects on the landscape values of the ONL, as identified in Appendix A3, are: 1. insignificant; <u>or</u> 2. <u>where there are no practicable alternative locations, adequately mitigated {NatEnv 464.10}</u> (Policy 10.2.5.6 <u>10.2.5.7</u> {NatEnv 464.10}). iii. Adverse effects on the landscape values of the SNL as identified in Appendix A3 are avoided or, if avoidance is not possible <u>practicable {PO 908.3}</u>: 1. no more than minor; <u>or</u> 2. <u>where there are no practicable alternative locations, adequately mitigated {NatEnv 458.12}</u> (Policy 10.2.5.7). <i>General assessment guidance: {NatEnv 464.10 and others}</i> iv. <u>In assessing effects on landscape values, Council will consider the extent to which the development follows the design guidelines in Appendix A.11. {NatEnv cl.16}</u> v. <u>Council will generally only consider activities to have no practicable alternative locations where an assessment that meets the requirements set out in Rule 10.8.4 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. {NatEnv 464.10 and 458.12}</u> <i>Potential circumstances that may support a consent application include:</i> vi. The development incorporates key design elements as set out in Appendix A3.
3. Number, location and design of ancillary signs in the ONCC, HNCC or NCC overlay zones	a. Effects on natural character of the coast	<i>Relevant objectives and policies:</i> 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 10.2.3.9).
4. Number, location and design of ancillary signs in the ONL, SNL or ONF overlay zones	a. Effects on landscape values	<i>Relevant objectives and policies:</i> i. Objective 10.2.5 ii. Adverse effects on landscape values, as identified in Appendix A3, are insignificant. (Policy 10.2.5.13).

10.4.4 Assessment of contraventions of performance standards in other sections {Was "Assessment of performance standard contraventions located in the management and major facility zones" - NatEnv cl.16}

Activity	Matters of discretion	Guidance on the assessment of resource consents
5. Sediment control (Rule 8A.5.7) (Earthworks standards) {NatEnv cl.16}	a. Effects on biodiversity values {NatEnv 958.60} and natural character of riparian margins and the coast	<i>Relevant objectives and policies:</i> i. Objective 10.2.2 ii. Earthworks are located and undertaken in a way that {NatEnv 1088.40} minimises, as far as practicable, {PO 906.34 and 308.497} the risk of sediment entering the sea or water bodies by: {NatEnv 1088.40} 1. being set back an adequate distance from the coast and waterbodies; and {NatEnv 1088.40} 2. by using appropriate sediment control techniques to ensure sediment does not enter water bodies or the sea (Policy 10.2.2.4). {NatEnv 1088.40}
6. Site restoration	a. Effects on biodiversity values {NatEnv 958.60}	<i>Relevant objectives and policies:</i> i. Objective 10.2.1 ii. Mineral exploration and prospecting replant indigenous Indigenous vegetation and the habitats of indigenous fauna {NatEnv 900.143} are restored {NatEnv cl.16} where it existed prior to the activity commencing and {NatEnv 949.8 and 958.58} where it has been {NatEnv cl.16} cleared as part of the mineral {NatEnv cl.16} exploration or prospecting activity, or, where this is not practicable, biodiversity values are otherwise maintained or enhanced {NatEnv 949.8 and 958.58} (Policy 10.2.1.7). iii. Adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided or, if avoidance is not practicable: {NatEnv 900.142 and 1088.15} 1. there is no net loss and preferably a net gain in the biodiversity values of the area, or {NatEnv 900.142} 2. where there are no practicable alternative locations, any proposal for a biodiversity offset is in accordance with Policy 2.2.3.5; or {NatEnv 949.29} 3. where a biodiversity offset is not practicable, environmental compensation is proposed in accordance with Policy 2.2.3.6 (Policy 10.2.1.X). {NatEnv 1088.15}

10.4.4 Assessment of contraventions of performance standards in other sections {Was "Assessment of performance standard contraventions located in the management and major facility zones" - NatEnv cl.16}

Activity	Matters of discretion	Guidance on the assessment of resource consents
7. <u>Location (network utility structures - small scale) {NU 576.9}</u>	a. <u>Effects on natural character of the coast {NU 576.9}</u>	<i>Relevant objectives and policies: {NU 576.9}</i> i. <u>Objective 10.2.3 {NU 576.9}</u> ii. <u>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:</u> <u>no more than minor; or</u> <u>where there are no practicable alternative locations, adequately mitigated. (Policy 10.2.3.Z) {NU 576.9}</u> <i>General assessment guidance: {NU 576.9}</i> iii. <u>Council will generally only consider activities to have no practicable alternative locations where an assessment that meets the requirements set out in Rule 10.8.4 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. {{NU 576.9}}</u>

¹ **NatEnv cl.16:** This additional general assessment guidance clarifies that the Plan's design guidelines (notified as Appendix A3.4) are relevant to the assessment of effects on landscape values or on the natural character of the coast. This does not result in a substantive change to provisions.

Rule 10.5 Assessment of Restricted Discretionary Activities

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. Rule 10.5.A and {NatEnv 900.9 and others} Rule 10.5.2:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

10.5.A Assessment of all restricted discretionary activities {NatEnv 900.9 and others}

Activity {NatEnv 900.9 and others}	Guidance on the assessment of resource consents {NatEnv 900.9 and others}
1. All restricted discretionary activities that are linked to Section 10.5 {NatEnv 900.9 and others}	<u>General assessment guidance: {NatEnv 900.9 and others}</u> i. <u>For those activities that require assessment against Policy 10.2.1.X, 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 2.2.3.1. {NatEnv 900.9 and 958.8}</u> ii. <u>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. {NatEnv cl.16}</u> iii. <u>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, to determine the effects of activities on areas of significant indigenous vegetation and significant habitats of indigenous fauna. {NatEnv 900.142}</u> iv. <u>In assessing the appropriateness of any proposed biodiversity offset or environmental compensation, in addition to Policy 2.2.3.5 or Policy 2.2.3.6, Council will consider the Guidance on Good Practice Biodiversity Offsetting in New Zealand (NZ Government, 2014) {NatEnv 949.29 and 1088.33}</u> v. <u>With respect to Policy 10.2.1.X, Council will generally only consider activities to have no practicable alternative locations where an assessment that meets the requirements set out in Rule 10.8.4 demonstrates that the proposed site, including any proposed mitigation measures, is the option that has the least impact on biodiversity values, while meeting the operational needs of the activity. {NatEnv 900.142 and others}</u>

10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
A.	All restricted discretionary activities that are linked to Section 10.5 { <i>Nat Env 690.10 and 690.12</i> }	a. <u>Positive effects on biodiversity values or the natural character of the coast</u>	<i>Relevant objectives and policies:</i> i. <u>Objectives 10.2.1, 10.2.2, 10.2.3</u> ii. <u>Conservation activity is encouraged in all zones (Policy 10.2.1.1).</u> <i>Potential circumstances that may support a consent application include:</i> iii. <u>The development incorporates conservation activity that will have significant positive effects on biodiversity or natural character values.</u>

10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. - Earthworks - large scale that exceed scale thresholds within 20m of a water body or MHWS (rural zones and or {NatEnv cl.16} 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 <u>values</u> {NatEnv 958.60} and natural character of riparian margins and the coast	<i>Relevant objectives and policies:</i> - Objective 10.2.2 - Earthworks - large scale are set back an adequate distance from the coast and water bodies to ~~maintain or enhance~~ <u>enable</u> {NatEnv cl.16} the biodiversity and natural character values of riparian and coastal margins <u>to be maintained or enhanced</u> {NatEnv cl.16} (Policy 10.2.2.2). <u>Earthworks - large scale are located and undertaken in a way that minimises, as far as practicable, the risk of sediment entering the sea or water bodies</u> (Policy 10.2.2.4). {NatEnv 908.27} <u>Adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided or, if avoidance is not practicable:</u> {NatEnv 900.142 and 1088.15} <u>there is no net loss and preferably a net gain in the biodiversity values of the area, or</u> {NatEnv 900.142 and 1088.15} <u>where there are no practicable alternative locations, any proposal for a biodiversity offset is in accordance with Policy 2.2.3.5; or</u> {NatEnv 900.142 and 1088.15} <u>where a biodiversity offset is not practicable, environmental compensation is proposed in accordance with Policy 2.2.3.6 (Policy 10.2.1.X).</u> {NatEnv 900.142 and 1088.15} <i>Potential circumstances that may support a consent application:</i> - The earthworks are associated with conservation activity.

10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
		b. Effects on public access	<i>Relevant objectives and policies:</i> i. Objective 10.2.4 ii. Earthworks - large scale are set back an adequate distance from the coast and water bodies to maintain or enhance the biodiversity and natural character values of riparian and coastal margins <u>public access along riparian or coastal margins</u> {NatEnv cl.16} {NatEnv 1088.41} (Policy 10.2.4.1). <i>Potential circumstances that may support a consent application include:</i> iii. The earthworks are associated with conservation activity.
B.	<u>Earthworks – large scale in rural zones</u> {NatEnv 958.100}	a. Effects on biodiversity values {NatEnv 958.100}	<i>Relevant objectives and policies:</i> {NatEnv 958.100} i. <u>Objective 10.2.1.</u> {NatEnv 958.100} ii. <u>Biodiversity values are maintained or enhanced</u> (Policy 10.2.1.W). {NatEnv 958.100} iii. <u>Adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided or, if avoidance is not practicable:</u> {NatEnv 900.142 and 1088.15} 1. <u>there is no net loss and preferably a net gain in the biodiversity values of the area.</u> or {NatEnv 900.142} 2. <u>where there are no practicable alternative locations, any proposal for a biodiversity offset is in accordance with Policy 2.2.3.5:</u> or {NatEnv 949.29} 3. <u>where a biodiversity offset is not practicable, environmental compensation is proposed in accordance with Policy 2.2.3.6 (Policy 10.2.1.X).</u> {NatEnv 1088.15}

10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
C. {NatEnv cl.16}	Indigenous vegetation clearance – large scale in {NatEnv cl.16} (rural and rural residential zones)	a. Effects on biodiversity <u>values</u> {NatEnv 958.60}	<i>Relevant objectives and policies:</i> i. Objective 10.2.1. ii. ~~Indigenous vegetation clearance avoids adverse effects on the biodiversity values of areas of indigenous vegetation, or ensures adverse effects are~~ <u>Adverse effects on biodiversity values are avoided or, if avoidance is not practicable, {NatEnv 900.28} no more than minor (Policy 10.2.1.3).</u> iii. <u>Adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided or, if avoidance is not practicable: {NatEnv 900.142 and 1088.15}</u> 1. <u>there is no net loss and preferably a net gain in the biodiversity values of the area, or {NatEnv 900.142}</u> 2. <u>where there are no practicable alternative locations, any proposal for a biodiversity offset is in accordance with Policy 2.2.3.5: or {NatEnv 949.29}</u> 3. <u>where a biodiversity offset is not practicable, environmental compensation is proposed in accordance with Policy 2.2.3.6 (Policy 10.2.1.X). {NatEnv 1088.15}</u> <i>Potential circumstances that may support a consent application include:</i> 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. <u>An ecological assessment supporting the clearance is supplied with the application (see Rule 10.8.2 Special Information Requirements). {NatEnv 958.95}</u>
2.	All subdivision activities	a. Effects on areas of ~~indigenous vegetation~~	<i>Relevant objectives and policies:</i> i. Objectives 10.2.1, <u>10.2.2 {NatEnv cl.16}</u>

10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	<u>and the habitat of indigenous fauna biodiversity values {NatEnv 958.60} and the natural character of riparian margins and the coast {NatEnv cl.16}</u>	ii. The design of the subdivision and any future land use or development activities {NatEnv cl.16} will avoid or, if avoidance is not possible, adequately mitigate adverse effects on other important areas of indigenous vegetation or the habitat of indigenous fauna (Policy 10.2.1.9.b): {NatEnv 958.60} 1. <u>maintain or enhance, on an on-going basis, biodiversity values (Policy 10.2.1.9.a):</u> {NatEnv 958.60} 2. <u>protect areas of significant indigenous vegetation and the significant habitats of indigenous fauna (Policy 10.2.1.9.b)</u> {NatEnv 958.60} 3. <u>be in accordance with policies 10.2.1.X, 10.2.1.2, 10.2.1.Y and 10.2.1.5 (Policy 10.2.1.9.c).</u> {NatEnv 958.60} iii. <u>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:</u> {NatEnv cl.16} 1. <u>biodiversity values of riparian margins and the coast;</u> {NatEnv cl.16} 2. <u>the water quality and aquatic habitats of the water body or coast; and</u> {NatEnv cl.16} 3. <u>the natural functioning of the adjacent sea or water body (Policy 10.2.2.5).</u> {NatEnv cl.16} <i>Potential circumstances that may support a consent application include:</i> 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

10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
			vegetation. vi. <u>The subdivision is designed to minimise any adverse effects from drainage on water bodies, including by minimising impermeable surfaces near open water bodies. {NatEnv cl.16²}</u> vii. <u>In the rural zones, subdivisions are designed to maintain natural overland flow paths and natural hydrology. {NatEnv cl.16²}</u> <i>General assessment guidance:</i> viii. Threatened indigenous vegetation includes those species listed in Appendix 10A. <i>Conditions that may be imposed include:</i> ix. A building platform may be required to be registered against the title by way of consent notice.

10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	b. Effects on biodiversity and natural character of riparian margins and the coast {NatEnv cl.16²}	<i>Relevant objectives and policies: {NatEnv cl.16²}</i> i. Objective 10.2.2: {NatEnv cl.16²} ii. General subdivision adjacent to water bodies and the coast maintains or enhances the following conservation values, including through provision of esplanade reserves or esplanade strips in identified locations: {NatEnv cl.16²} 1. biodiversity values of riparian margins and the coast; {NatEnv cl.16²} 2. the water quality and aquatic habitats of the water body or coast; and {NatEnv cl.16²} 3. the natural functioning of the adjacent sea or water body (Policy 10.2.2.5): {NatEnv cl.16²} <i>Potential circumstance that may support a consent application include: {NatEnv cl.16²}</i> iii. The subdivision is designed to minimise any adverse effects from drainage on water bodies, including by minimising impermeable surfaces near open water bodies: {NatEnv cl.16²} iv. In the rural zones, subdivisions are designed to maintain natural overland flow paths and natural hydrology: {NatEnv cl.16²}

10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
		c. Effects on public access	<i>Relevant objectives and policies:</i> i. Objective 10.2.4. ii. <u>Subdivision of land enhances public access to the natural environment is enhanced through:</u> 1. <u>requiring an esplanade reserve or esplanade strip of an appropriate width and location adjacent to identified water bodies and the coast; and</u> 2. <u>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</u> (Policy 10.2.4.3). {NatEnv cl16⁶} <i>Potential circumstances or mitigation measures {NatEnv cl.16} that may support a consent application include:</i> 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. <i>General assessment guidance:</i> 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 {NatEnv 360.155} requirements that apply.
3.	In the ONCC or HNCC overlay zones: • ~~RD buildings and structures activities~~ {NatEnv 360.137} • <u>Tree planting Shelterbelts and small woodlots</u> {RU cl.16} • Earthworks - large scale (that exceed scale thresholds for an ONCC, HNCC)	a. Effects on natural character of the coast	<i>Relevant objectives and policies:</i> i. Objective 10.2.3 ii. Adverse effects on the natural character values identified in Appendix A5 are insignificant (Policy 10.2.3.3). iii. Subdivisions are designed to ensure any future land use or development activities {NatEnv cl.16} will <u>maintain preserve</u> {NatEnv 958.43} or enhance, on an on-going basis, the natural character values identified in Appendix A5 and will be in accordance with <u>policies 10.2.3.W, 10.2.3.2, 10.2.3.3 and</u>

10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
- Indigenous vegetation clearance {NatEnv 958.106} - Amateur radio configurations <u>Network utility structures – large scale (amateur radio configurations only)</u> {NU cl.16} - Network utilities utility {NU cl.16} structures - small scale - Network utilities poles and masts – small scale {NU cl.16} - Public artworks - large scale - General subdivision		<u>10.2.3.X {NatEnv 900.46 and others}</u> (Policy 10.2.3.7). iv. <u>Adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided or, if avoidance is not practicable: {NatEnv 900.142 and 1088.15}</u> 1. <u>there is no net loss and preferably a net gain in the biodiversity values of the area, or {NatEnv 900.142}</u> 2. <u>where there are no practicable alternative locations, any proposal for a biodiversity offset is in accordance with Policy 2.2.3.5: or {NatEnv 949.29}</u> 3. <u>where a biodiversity offset is not practicable, environmental compensation is proposed in accordance with Policy 2.2.3.6 (Policy 10.2.1.X). {NatEnv 1088.15}</u> <i>General assessment guidance:</i> v. The assessment will consider the natural character values outlined in Appendix A5. vi. All development in an ONCC or HNCC overlay zone will consider the effects on biodiversity. vii. The assessment of resource consent applications for subdivisions will consider any landscape assessment provided with the application (see Special Information Requirements - Rule 10.8.1). viii. <u>The assessment will consider the appropriateness of the building platforms identified, as required by Rule 10.8.1. {NatEnv 447.135}</u> <i>Potential circumstances that may support a consent application include:</i> ix. ~~Development activities are~~ <u>is {NU cl.16}</u> associated with conservation. x. 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

10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
			the feature to ensure the ongoing operation of a network utility service. 3. Landscaping or other forms of screening will be used to reduce the visibility of the network utility from surrounding properties and public viewpoints. 4. <u>Solar panels and other structures use a design and/or materials that minimise reflectivity and glare as far as practicable.</u> {NatEnv 447.49} <i>Conditions that may be imposed include:</i> xi. For earthworks - large scale, requirements for batter gradients to be re-vegetated or screened by vegetation if visible from a public place.
4.	In the NCC Overlay Zone: • <u>Crematoriums</u> {NatEnv 447.77} • Forestry • Indigenous vegetation clearance - <u>large scale</u> {NatEnv cl.16} • <u>New buildings or structures greater than 60m², or additions and alterations that result in a building or structure that is greater than 60m² GFA and/or has any wall longer than 20m All restricted discretionary buildings and structures activities that are linked to Section 10.5</u> {NatEnv 360.164} • <u>All other building and structures activities</u> {NatEnv 360.164} • Earthworks - large scale (that exceed the scale thresholds for an NCC) • <u>Public artworks – large scale</u> {NatEnv 908.17}	a. Effects on natural character of the coast	<i>Relevant objectives and policies:</i> i. Objective 10.2.3 ii. Adverse effects on the natural character values identified in Appendix A5 are avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3}, are no more than minor (Policy 10.2.3.4). iii. <u>Adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided or, if avoidance is not practicable:</u> {NatEnv 900.142 and 1088.15} 1. <u>there is no net loss and preferably a net gain in the biodiversity values of the area,</u> or {NatEnv 900.142} 2. <u>where there are no practicable alternative locations, any proposal for a biodiversity offset is in accordance with Policy 2.2.3.5:</u> or {NatEnv 949.29} 3. <u>where a biodiversity offset is not practicable, environmental compensation is proposed in accordance with Policy 2.2.3.6 (Policy 10.2.1.X).</u> {NatEnv 1088.15} <i>General assessment guidance:</i> iv. The assessment will consider the natural character values outlined in Appendix A5.

10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
			v. <u>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. {NatEnv 447.74}</u> <i>Potential circumstances that may support a consent application include:</i> vi. The activity incorporates key design elements as set out in Appendix A5. vii. Development activities are <u>is {NU cl.16}</u> associated with conservation. viii. <u>For indigenous vegetation clearance, an ecological assessment supporting the clearance is supplied with the application (see Rule 10.8.2 Special Information Requirements) {NatEnv 958.95}</u> ix. <u>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 16.3.4.4 (rural zones), Rule 17.3.4.4 (rural residential zones) or Rule 20.3.4.3 (recreation zone). {NatEnv 464.4}</u> <i>Conditions that may be imposed include:</i> x. For forestry, conditions on the siting, scale, species and/or layout of forestry blocks. xi. For earthworks - large scale, requirements for batter gradients to be re-vegetated or screened by vegetation if visible from a public place.
5.	In the NCC Overlay Zone: - Public Artworks - large scale {NatEnv 908.17} - Network utilities utility {NU cl.16} poles and masts - small scale - Wind generators –on-site energy generation small scale {NU 308.122}	a. Effects on natural character of the coast	<i>Relevant objectives and policies:</i> i. Objective 10.2.3 ii. Adverse effects on the natural character values identified in Appendix A5 <u>are avoided or, if avoidance is not practicable {NatEnv cl.16}:</u> 1. <u>are avoided or, if avoidance is not possible, are {NatEnv cl.16} no more than minor, or</u>

10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
• Hydro generators –on-site energy generation <u>small scale</u> {NU 308.122} • Solar panels –on-site energy generation <u>small scale</u> {NU 308.122} • Energy resource investigation devices {NU 308.122} • Biomass generators –on-site energy generation {NU 308.137}		2. <u>where there are no practicable alternative locations, adequately mitigated (Policy 10.2.3.Y) {NatEnv 908.17 and 576.62}</u> (Policy 10.2.3.10) iii. <u>Adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided or, if avoidance is not practicable: {NatEnv 900.142 and 1088.15}</u> 1. <u>there is no net loss and preferably a net gain in the biodiversity values of the area, or {NatEnv 900.142}</u> 2. <u>where there are no practicable alternative locations, any proposal for a biodiversity offset is in accordance with Policy 2.2.3.5: or {NatEnv 949.29}</u> 3. <u>where a biodiversity offset is not practicable, environmental compensation is proposed in accordance with Policy 2.2.3.6 (Policy 10.2.1.X). {NatEnv 1088.15}</u> <i>General assessment guidance:</i> iv. The assessment will consider the natural character values outlined in Appendix A5. v. <u>Council will generally only consider activities to have no practicable alternative locations where an assessment that meets the requirements set out in Rule 10.8.4 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. {NatEnv 908.17 and 576.62}</u> <i>Potential circumstances that may support a consent application include:</i> vi. 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.~~

10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
			{NatEnv 576.62} 3. Landscaping or other forms of screening will be used to reduce the visibility of the network utility from surrounding properties and public viewpoints. 4. <u>Solar panels and other structures use a design and/or materials that minimise reflectivity and glare as far as practicable.</u> {NatEnv 447.49}
6.	In the NCC Overlay Zone: General subdivision	a. Effects on natural character of the coast	<i>Relevant objectives and policies:</i> i. Objective 10.2.3 ii. Subdivisions are designed to ensure any future land use or development activities {NatEnv cl.16} will maintain preserve {NatEnv 958.43} or enhance, on an on-going basis, the natural character values identified in Appendix A5 and will be in accordance with policies 10.2.3.4 and 10.2.3.Y {NatEnv 900.46 and others} (Policy 10.2.3.7). <i>General assessment guidance:</i> iii. The assessment will consider the natural character values outlined in Appendix A5. iv. <u>The assessment will consider the appropriateness of the building platforms identified, as required by Rule 10.8.1.</u> {NatEnv 447.135} <i>Potential circumstances that may support a consent application include:</i> v. For subdivision activities, a landscape building platform or platforms are identified (see Rule 10.8.1 Special Information Requirements). vi. Development activities are <u>is</u> {NU cl.16} associated with conservation. vii. For utilities activities: {NatEnv cl.16} 1. The network utility is co-located with existing buildings or network utilities structures: {NatEnv cl.16} 2. It is essential for the activity to locate on the feature to ensure the ongoing operation of a network utility service: {NatEnv cl.16} 3. Landscaping or other forms of screening

10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
			will be used to reduce the visibility of the network utility from surrounding properties and public viewpoints. {NatEnv cl.16} <i>Conditions that may be imposed include:</i> viii. For forestry, conditions on the siting, scale, species and/or layout of forestry blocks. {NatEnv cl.16} ix. For subdivision activities, a landscape building platform may be required to be registered against the title by way of consent notice (see Rule 10.8.1 Special Information Requirements). x. For earthworks – large scale, requirements for batter gradients to be re-vegetated or screened by vegetation if visible from a public place. {NatEnv cl.16}
7.	In an ~~Scheduled ASCV~~ ASBV: {NatEnv 958.60} - Indigenous vegetation clearance {NatEnv 949.13} - New buildings or structures, or additions and alterations, that result in a building or structure that is greater than 60m² GFA and/or has any wall longer than 20m ~~All restricted discretionary buildings and structures activities that are linked to Section 10.5~~ {NatEnv 360.164} - All other structures {NatEnv 360.164} - Earthworks - large scale (that exceed the scale thresholds for a Scheduled ASCV ~~ASBV~~) {NatEnv 958.60} - Shelterbelts and small woodlots {NatEnv	a. Effects on biodiversity ~~values~~ {NatEnv 958.60}	<i>Relevant objectives and policies:</i> i. Objective 10.2.1 ii. ~~Land use and development activities have net positive effects on the protection and enhancement of~~ <u>There is no net loss and preferably a net gain in</u> {NatEnv 1088.32} the biodiversity values of the area of significant conservation value ~~ASBV~~ {NatEnv 958.60} including, but not limited to, those biodiversity values listed in Appendix A1.2 {NatEnv 690.8} (Policy 10.2.1.2). iii. ~~Indigenous vegetation clearance maintains or enhances the biodiversity values of areas of significant conservation value~~ (Policy 10.2.1.4). {NatEnv 949.5} <i>Potential circumstances that may support a consent application include:</i> iv. Development activities are ~~is~~ {NU cl.16} associated with conservation. v. Measures are proposed to protect or enhance the biodiversity values of the area of significant conservation ~~ASBV~~. {Nat Env 958.60}

10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
958.107} • <u>Site development activities (except for outdoor storage, parking, loading and access, vegetation clearance, storage and use of hazardous substances)</u> {NatEnv 958.107} • <u>Network utility poles and masts – small scale</u> {NatEnv 900.33} • <u>Wind generators – small scale</u> {NatEnv 900.33 and NU 308.122} • <u>Hydro generators – small scale</u> {NatEnv 900.33 and NU 308.122} • <u>Solar panels – small scale</u> {NatEnv 900.33 and NU 308.122} • <u>Network utility structures – large scale (amateur radio configurations only)</u> {NU cl.16}		

10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
8. {NatEnv 900.33}	In a ~~Scheduled ASCV:~~ {NatEnv 900.33} • Network utilities poles and masts – small scale • Wind generators – on-site energy generation • Hydro generators – on-site energy generation • Solar panels – on-site energy generation • Energy resource investigation devices {NatEnv 900.33} • Biomass generators – onsite energy generation {NU 308.137 and others}	a. Effects on biodiversity {NatEnv 900.33}	~~Relevant objectives and policies:~~ i. Objective 10.2.1 ii. Adverse effects on identified biodiversity values can be avoided or, where avoidance is not possible, would be insignificant (Policy 10.2.1.10). ~~Potential circumstances that may support a consent application include:~~ iii. Measures are proposed to protect or enhance the biodiversity values of the Area of Significant Conservation Value. {NatEnv 900.33}

10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
9.	In an ~~Scheduled ASCV~~ ASBV {NatEnv 958.60}: All subdivision activities	a. Effects on biodiversity <u>values</u> {NatEnv 958.60}	<i>Relevant objectives and policies:</i> - Objective 10.2.1 - The design of the subdivision and any future land use or development <u>activities</u> {NatEnv cl.16} will maintain or enhance the biodiversity and conservation values associated with the Area of Significant Conservation Value and urban Conservation mapped areas (Policy 10.2.1.9.a); {NatEnv 958.60} <u>maintain or enhance, on an on-going basis, biodiversity values</u> (Policy 10.2.1.9.a); {NatEnv 958.60} <u>protect areas of significant indigenous vegetation and the significant habitats of indigenous fauna</u> (Policy 10.2.1.9.b); and {NatEnv 958.60} <u>be in accordance with policies 10.2.1.X, 10.2.1.2 and 10.2.1.Y</u> (Policy 10.2.1.9.c). {NatEnv 958.60} <i>Potential circumstances that may support a consent application include:</i> - Development activities <u>are</u> {NU cl.16} associated with conservation. - Measures are proposed to protect or enhance the biodiversity values of the area of significant conservation ASBV {NatEnv 958.60}.
10.	In a ~~UCMA UBMA~~: {NatEnv 958.60} - Earthworks - large scale (that exceed scale thresholds for an UCMA UBMA) {NatEnv 958.60} - All subdivision activities	a. Effects on biodiversity <u>values</u> {NatEnv 958.60}	<i>Relevant objectives and policies:</i> - Objective 10.2.1 - Earthworks - large scale <u>and subdivision</u> {NatEnv cl.16} in an urban conservation mapped area (UCMA) {NatEnv cl.16} maintain or enhance the conservation biodiversity {NatEnv 958.60} values of the UCMA UBMA {NatEnv 958.60} including, but not limited to, those values listed in Appendix A10 {NatEnv 900.31} (Policy 10.2.1.5). <u>Adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided or, if avoidance is not practicable:</u> {NatEnv 900.142 and 1088.15}

10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
		1. <u>there is no net loss and preferably a net gain in the biodiversity values of the area, or {NatEnv 900.142}</u> 2. <u>where there are no practicable alternative locations, any proposal for a biodiversity offset is in accordance with Policy 2.2.3.5; or {NatEnv 949.29}</u> 3. <u>where a biodiversity offset is not practicable, environmental compensation is proposed in accordance with Policy 2.2.3.6 (Policy 10.2.1.X). {NatEnv 1088.15}</u> iv. The design of the subdivision and any future land use or development activities {NatEnv cl.16} will maintain or enhance the biodiversity and conservation values associated with areas of significant conservation value and urban conservation mapped areas (Policy 10.2.1.9.a); {NatEnv958.60} 1. <u>maintain or enhance, on an on-going basis, biodiversity values (Policy 10.2.1.9.a); {NatEnv958.60}</u> 2. <u>protect areas of significant indigenous vegetation and the significant habitats of indigenous fauna (Policy 10.2.1.9.b); and {NatEnv958.60}</u> 3. <u>be in accordance with policies 10.2.1.X and 10.2.1.5 (Policy 10.2.1.9.c). {NatEnv958.60}</u> <i>Potential circumstances that may support a consent application include:</i> v. The earthworks Earthworks {NatEnv cl.16} are associated with conservation.

10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
11. In the ONF Overlay Zone: • All RD buildings and structures activities {NatEnv 360.137} • Earthworks - large scale (that exceed scale thresholds for an ONF) • Tree planting Shelterbelts and small woodlots {RU cl.16} • Indigenous vegetation clearance – large scale {NatEnv 958.106} • Network utility structures - small scale {NatEnv cl.16} • Network utility structures – large scale (amateur radio configurations only) {NatEnv cl.16}	a. Effects on landscape values	<i>Relevant objectives and policies:</i> - Objective 10.2.5. - The effects on landscape values are insignificant (Policy 10.2.5.3). <i>General assessment guidance:</i> - The assessment will consider the landscape values outlined in Appendix A3. - The assessment of resource consent applications for subdivision activities will consider any landscape assessment provided with the application (see Special Information Requirements – Rule 16.13). {NatEnv cl.16} <i>Potential circumstances that may support a consent application include:</i> - For utilities activities: - The network utility is co-located with existing buildings or network utility structures. - It is essential for the activity to locate on the feature to ensure the on-going operation of a network utility service. - Landscaping or other forms of screening will be used to reduce the visibility of the network utility from surrounding properties and public viewpoints. <i>Conditions that may be imposed include:</i> - For earthworks - large scale, requirements for batter gradients to be re-vegetated or screened by vegetation if visible from a public place. <u>Solar panels and other structures use a design and/or materials that minimise reflectivity and glare as far as practicable.</u> {NatEnv 447.49}

10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
12- {NatEnv cl.16⁵}	In the ONF Overlay Zone: • Amateur radio configurations • Network utilities structures – small scale • Network utilities poles and masts – small scale	a. Effects on landscape values	<i>Relevant objectives and policies:</i> i. Objective 10.2.5. ii. Any adverse effects on the landscape values, as identified in Appendix A3, would be insignificant (Policy 10.2.5.16). <i>General assessment guidance:</i> iii. The assessment will consider the landscape values outlined in Appendix A3. <i>Potential circumstances that may support a consent application include:</i> iv. The network utility is co-located with existing buildings or network utilities structures. v. It is essential for the activity to locate on the feature to ensure the on-going operation of a network utility service. vi. Landscaping or other forms of screening will be used to reduce the visibility of the network utility from surrounding properties and public viewpoints.
D.	In the ONF overlay zone: {Nat Env 908.17 and 908.3} • <u>Public artworks - large scale</u>	a. Effects on landscape values	<i>Relevant objectives and policies:</i> i. <u>Objective 10.2.5.</u> ii. <u>Any adverse effects on landscape values are:</u> 1. <u>insignificant (Policy 10.2.5.Y.a); or</u> 2. <u>where there are no practicable alternative locations, adequately mitigated (Policy 10.2.5.Y.b).</u> <i>General assessment guidance:</i> iii. <u>The assessment will consider the landscape values outlined in Appendix A3.</u> iv. <u>Council will generally only consider activities to have no practicable alternative locations where an assessment that meets the requirements set out in Rule 10.8.4 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.</u>

10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
13.	In the ONF, ONL or SNL overlay zones: General subdivision	a. Effects on landscape values	<i>Relevant objectives and policies:</i> i. Objective 10.2.5. ii. Subdivision is designed to ensure that any future land use or development will maintain or enhance {NatEnv 908.17 and 908.3} the landscape values identified in Appendix A3 and will be in accordance with policies ~~10.2.5.1-10.2.5.9~~ <u>10.2.5.X, 10.2.5.4, 10.2.5.3, 10.2.5.Y, 10.2.5.15, 10.2.5.6, 10.2.5.Z and 10.2.5.7</u> {NatEnv 900.46 and others} (Policy 10.2.5.11). <i>General assessment guidance:</i> iii. The assessment of resource consent applications for subdivision activities will consider any landscape assessment provided with the application (see Rule 10.8.1 Special Information Requirements). iv. <u>The assessment will consider the appropriateness of the building platforms identified, as required by Rule 10.8.1.</u> {NatEnv 447.135} <i>Conditions that may be imposed include:</i> v. For subdivision activities, a landscape building platform may be required to be registered against the title by way of consent notice (see Rule 10.8.1 Special Information Requirements).
14.	In the ~~ONF, ONL or SNL overlay zones~~ {NatEnv 908.17 and 908.3} Public artworks – large scale	a. Effects on landscape values	<i>Relevant objectives and policies:</i> i. Objective 10.2.5. ii. ~~Adverse effects on the landscape values identified in Appendix A3 are minimised as far as practicable; and if effects are more than insignificant if in an ONL or ONF, or more than minor if in a SNL, there are no practicable alternative locations (Policy 10.2.5.5).~~ <i>General assessment guidance:</i> iii. ~~The assessment will consider the landscape values outlined in Appendix A3.~~

10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
15. In the ONL Overlay Zone: • Forestry • New building or structure greater than 60m² or, {NatEnv 464.10} • additions and alterations that result in a building or structure that is greater than 60m² {NatEnv 464.10} • All other buildings and structures activities {NatEnv 360.137} • Earthworks – large scale (that exceed the scale thresholds for an ONL) {NatEnv 464.10} • Network utilities poles and masts – small scale {NatEnv 576.62} • Wind generators – on-site energy generation {NatEnv 576.62} • Hydro generators – on-site energy generation {NatEnv 576.62} • Solar panels – on-site energy generation {NatEnv 576.62} • Energy resource investigation devices {NatEnv 576.62} • Biomass generators – on-site energy generation {NU 308.137}	a. Effects on landscape values	<i>Relevant objectives and policies:</i> - Objective 10.2.5. - Adverse <u>Any adverse</u> {NatEnv cl.16} effects on identified landscape values, as identified in Appendix A3, are insignificant (Policy 10.2.5.6). <i>General assessment guidance:</i> - The assessment will consider the landscape values outlined in Appendix A3. <u>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. {NatEnv 447.74}</u> <i>Potential circumstances that may support a consent application include:</i> - The activity incorporates key design elements as set out in Appendix A3. - Landscaping or other forms of screening will be used to reduce the visibility of development from surrounding properties and public viewpoints. {NatEnv 464.10} <i>For utilities activities: {NatEnv 576.62}</i> - It is essential for the activity to locate in the landscape overlay to ensure the effective functioning of a network utility. {NatEnv 576.62} - The network utility is co-located with existing buildings or network utilities structures. {NatEnv 576.62} - The activity is associated with the operation of the national {NatEnv 576.62} - Landscaping or other forms of screening will be used to reduce the visibility of the network utility from surrounding properties and public viewpoints. {NatEnv 576.62} <i>Conditions that may be imposed include, but are not limited to: {NatEnv 464.10}</i> - For earthworks – large scale, requirements for batter gradients to be re-vegetated or screened by vegetation if visible from a public

10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents place: {NatEnv 464.10}
E.	In the ONL Overlay Zone: {NatEnv 464.10 and others} • <u>Crematoriums {NatEnv 447.77}</u> • <u>New building or structure greater than 60m² footprint or, additions and alterations that result in a building or structure that is greater than 60m² footprint {NatEnv 464.10}</u> • <u>Earthworks - large scale (that exceed the scale thresholds for an ONL) {NatEnv 464.10}</u> • <u>Public artworks - large scale {NatEnv 907.17 and 908.3}</u> • <u>Network utility poles and masts – small scale {NatEnv 576.62}</u> • <u>Wind generators – small scale {NatEnv 576.62}</u> • <u>Hydro generators – small scale {NatEnv 576.62}</u> • <u>Solar panels – small scale {NatEnv 576.62}</u>	<u>a. Effects on landscape values {NatEnv 464.10 and others}</u>	<i>Relevant objectives and policies: {NatEnv 464.10 and others}</i> <u>Objective 10.2.5. {NatEnv 464.10 and others}</u> <u>Any adverse effects on landscape values are: {NatEnv 464.10}</u> <u>insignificant (Policy 10.2.5.Z.a); or {NatEnv 464.10 and others}</u> <u>where there are no practicable alternative locations, adequately mitigated (Policy 10.2.5.Z.b) {NatEnv 464.10 and others}</u> <i>General assessment guidance: {NatEnv 464.10 and others}</i> <u>The assessment will consider the landscape values outlined in Appendix A3. {NatEnv 464.10 and others}</u> <u>Council will generally only consider activities to have no practicable alternative locations where an assessment that meets the requirements set out in Rule 10.8.4 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. {NatEnv 464.10 and others}</u> <i>Potential circumstances that may support a consent application include: {NatEnv 464.4}</i> <u>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 16.3.4.4 (rural zones). {NatEnv 464.4}</u>
16.	In the SNL Overlay Zone: • <u>Crematoriums {NatEnv 447.77}</u> • <u>Forestry</u> • <u>New building or structure greater than 60m² footprint {PO cl.16} or,</u>	<u>a. Effects on landscape values</u>	<i>Relevant objectives and policies:</i> <u>Objective 10.2.5.</u> <u>Any adverse effects on the {NatEnv cl.16} landscape values, as identified in Appendix A3, are avoided or, if avoidance is not possible practicable {PO 908.3}, are</u> <u>no more than minor (Policy 10.2.5.7.a), or</u>

10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
additions and alterations that result in a building or structure that is greater than 60m² footprint {PO cl.16} • All other buildings and structures activities {NatEnv 360.137} • Earthworks - large scale (that exceed the scale thresholds for an SNL) • Public artworks - large scale {NatEnv 908.17 and 908.3} • Network utilities utility {NU cl.16} poles and masts - small scale • Wind generators - on-site energy-generation small scale {NU 308.122} • Hydro generators - on-site energy-generation small scale {NU 308.122} • Solar panels - on-site energy-generation small scale {NU 308.122} • Energy resource investigation devices {NU 308.122} • Biomass generators - on-site energy-generation {NU 308.137}		2. <u>where there are no practicable alternative locations, adequately mitigated (Policy 10.2.5.7.b).</u> {NatEnv 458.12} <i>General assessment guidance:</i> iii. The assessment will consider the landscape values outlined in Appendix A3. iv. <u>Council will generally only consider activities to have no practicable alternative locations where an assessment that meets the requirements set out in Rule 10.8.4 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.</u> {NatEnv 458.12} v. <u>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.</u> {NatEnv 447.74} <i>Potential circumstances that may support a consent application include:</i> 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. <u>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 16.3.4.4 (rural zones) or Rule 17.3.4.4 (rural residential zones).</u> {NatEnv 464.4} ix. For utilities activities: 1. <u>It is essential for the activity to locate in the landscape overlay to ensure the effective functioning of a network utility.</u> {NatEnv 458.12} 2. The network utility is co-located with existing buildings or network utility structures.

10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
			3. The activity is associated with the operation of the ~~national~~ <u>National Grid</u> {NatEnv cl.16} 4. Landscaping or other forms of screening will be used to reduce the visibility of the network utility from surrounding properties and public viewpoints. x. For earthworks - large scale, requirements for batter gradients to be re-vegetated or screened by vegetation if visible from a public place.

¹ **NatEnv cl.16:** Provisions for indigenous vegetation clearance have been reformatted. Rule 10.5.2.B was notified as Rule 10.4.3.3. This does not result in a substantive change to provisions.

² **NatEnv cl.16:** The content of Rule 10.5.2.2.b has been merged with Rule 10.5.2.2.a. This does not result in a substantive change to provisions.

³ **NatEnv cl.16:** Rules 10.5.2.6.a.vii, viii and x have been removed under Clause 16 as they are not relevant to subdivision activities.

⁴ **NatEnv cl.16:** Rule 10.5.2.11.a.iv has been removed under Clause 16 as subdivision activities are not subject to Rule 10.5.2.11.

⁵ **NatEnv cl.16:** The network utility activities managed in notified Policy 10.2.5.16 are now managed in Policy 10.2.5.3 and, therefore, are assessed under Rule 10.5.2.11. This does not change the effect of provisions.

⁶ **NatEnv cl.16:** Subdivision in UBMA's (notified as UCMA's) was provided for in notified Policy 10.2.1.9. It is now provided for in Policy 10.2.1.5. This does not change the effect of provisions.

⁶ **NatEnv cl.16:** Reworded to better summarise the relevant policy and match the Plan style guide. This does not change the effect of provisions

Rule 10.6 Assessment of Discretionary Activities

Rule 10.6.1 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 10.6.2 provides guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.

10.6.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities <u>that are linked to Section 10.6, including but not limited to the activities listed below {NatEnv 900.35 and 900.38}</u>	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 10.2.1 - 10.2.5 b. Objective 2.2.3 c. <u>Activities maintain or enhance biodiversity values (Policy 10.2.1.W). {NatEnv 900.35}</u> d. <u>Adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided or, if avoidance is not practicable: {NatEnv 900.142 and 1088.15}</u> i. <u>there is no net loss and preferably a net gain in the biodiversity values of the area, or {NatEnv 900.142}</u> ii. <u>where there are no practicable alternative locations, any proposal for a biodiversity offset is in accordance with Policy 2.2.3.5; or {NatEnv 949.29}</u> iii. <u>where a biodiversity offset is not practicable, environmental compensation is proposed in accordance with Policy 2.2.3.6 (Policy 10.2.1.X). {NatEnv 1088.15}</u> e. <u>Activities adjacent to water bodies and the coast maintain or enhance the biodiversity values and natural character of the coast and riparian margins (Policy 10.2.2.Y). {NatEnv 900.38}</u> <i>Potential circumstances that may support a consent application include:</i> 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 10.4 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.

10.6.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
	<i>General assessment guidance</i> i. <u>With respect to Policy 10.2.1.X, Council will generally only consider activities to have no practicable alternative locations where an assessment that meets the requirements set out in Rule 10.8.4 demonstrates that the proposed site, including any proposed mitigation measures, is the option that has the least impact on biodiversity values, while meeting the operational needs of the activity.</u> {NatEnv 900.142 and others} 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. <u>In assessing whether an activity meets Policy 10.2.1.X, Council will consider whether the area affected meets one or more of the criteria set out in Policy 2.2.3.1.</u> {NatEnv 900.9 and 958.8} l. <u>In assessing the appropriateness of any proposed biodiversity offset or environmental compensation, in addition to Policy 2.2.3.5 or Policy 2.2.3.6, Council will consider the Guidance on Good Practice Biodiversity Offsetting in New Zealand (NZ Government, 2014).</u> {NatEnv 949.29 and 1088.33} m. <u>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).</u> {NatEnv 900.35 and 908.38} n. <u>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.</u> {NatEnv cl.16}

10.6.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
2. • ~~Natural~~ Hazard mitigation earthworks {HazMit cl.16} • ~~Natural~~ Hazard mitigation structures {HazMit cl.16}	<i>Relevant objectives and policies (priority considerations):</i> - Objectives 10.2.2, 10.2.4 ~~Natural~~ Hazard mitigation earthworks or <u>natural hazard mitigation structures {HazMit cl.16}</u> maintain or enhance public access to the coast and riparian margins (Policy 10.2.4.34) {HazMit cl.16}. ~~Hazard mitigation earthworks and hazard mitigation structures do not have significant~~ <u>Significant {NatEnv 951.8}</u> adverse effects on the biodiversity and natural character values of coastal and riparian margins <u>are avoided or minimised as far as practicable {NatEnv 951.8}</u> (Policy 10.2.2.6). <i>General assessment guidance: {NatEnv 322.35}</i> <u>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. {NatEnv 322.35}</u>
3. • Mining {NatEnv 949.9} • Landfills {NatEnv 949.9}	<i>Relevant objectives and policies (priority considerations): {NatEnv 949.9}</i> - Objective 10.2.1 ~~There is certainty that indigenous vegetation will be restored on land where it existed before the mining or landfill activity commenced and was cleared as part of the activity (Policy 10.2.1.8).~~
A. In the ONF overlay zone: {NatEnv 908.17} • <u>Natural hazard mitigation activities</u> • <u>Transportation activities</u>	<i>Relevant objectives and policies (priority considerations):</i> - Objective 10.2.5 <u>Any adverse effects on the values identified in Appendix A3 are:</u> <u>insignificant, or</u> <u>where there are no practicable alternative locations, adequately mitigated (Policy 10.2.5.Y)</u> <i>General assessment guidance:</i> <u>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.</u> <u>Council will generally only consider other activities to have no practicable alternative locations where an assessment that meets the requirements set out in Rule 10.8.4 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.</u>

10.6.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
4. In the ONF, ONL, or SNL overlay zones: {NatEnv 908.17 and 908.3} • Hazard mitigation structures {NatEnv 908.17 and 908.3} • Hazard mitigation earthworks {NatEnv 908.17 and 908.3} • Discretionary transportation activities {NatEnv 908.17 and 908.3} • Discretionary public amenities {NatEnv cl.16}	<i>Relevant objectives and policies (priority considerations): {NatEnv 908.17 and 908.3}</i> a. Objective 10.2.5 b. Any adverse effects on the landscape values identified in Appendix A3 are minimised as far as practicable; and if effects are more than insignificant if in an ONL or ONF, or more than minor if in a SNL, there are no practicable alternative locations (Policy 10.2.5.5).
5. In the SNL or ONL overlay zones: • Network utilities <u>utility</u> {NU cl.16} structures - large scale • <u>Substations</u> {NU 915.17} • Solar panels – community scale {NU 308.122} • Hydro-generators – community scale {NU 308.122} • <u>Natural hazard mitigation activities</u> {NatEnv 908.17 and 908.3} • <u>Transportation activities</u> {NatEnv 908.17 and 908.3} • Mining (SNLs only) {NatEnv 447.76} • Landfills (SNLs only) {NatEnv 447.75}	<i>Relevant objectives and policies (priority considerations):</i> 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 possible <u>practicable</u> {PO 908.3}, are: - no more than minor, <u>or</u> <u>where there are no practicable alternative locations, adequately mitigated.</u> {NatEnv 458.12} (Policy 10.2.5.7). c. Adverse <u>Any adverse</u> {NatEnv cl.16} effects on the landscape values of the ONL, as identified in Appendix A3, are: - insignificant, <u>or</u> <u>where there are no practicable alternative locations, adequately mitigated</u> {NatEnv 464.10 and others} (Policy 10.2.5.6 <u>10.2.5.Z</u> {NatEnv 464.10 and others}). <i>General assessment guidance: {NatEnv 458.12, and others}</i> d. <u>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.</u> {NatEnv 458.12, and others} e. <u>Council will generally only consider other activities to have no practicable alternative locations where an assessment that meets the requirements set out in Rule 10.8.4 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.</u> {NatEnv 458.12, and others}

10.6.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
6. In a Scheduled ASCV: {NatEnv 900.33} • Network utilities structures – large scale • Solar panels – community scale • Hydro generators – community scale	<i>Relevant objectives and policies (priority considerations):</i> - Objective 10.2.1 - Any adverse effects on identified biodiversity values are avoided or, where avoidance is not possible, are insignificant (Policy 10.2.1.10).
7. In an Scheduled ASGV ASBV: {NatEnv 958.60} • 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) • <u>Network utility structures – large scale (excluding amateur radio configurations) {NU 308.122 and NatEnv 900.142}</u> • <u>Substations {NU 915.17}</u> • <u>Transportation activities {NatEnv 900.142}</u> • <u>Natural hazard mitigation activities {NatEnv 900.142}</u>	<i>Relevant objectives and policies (priority considerations):</i> - Objective 10.2.1 - The proposed activity will have net positive effects on the protection and enhancement of <u>There is no net loss and preferably a net gain in {NatEnv 1088.32} the biodiversity values of the ASGV ASBV {NatEnv 958.60} including, but not limited to, those biodiversity values listed in Appendix A1.2 {NatEnv 690.8} (Policy 10.2.1.2).</u> <i>Potential circumstances that may support a consent application include:</i> - Where in a ~~scheduled ASCV~~ the sport <u>Sport {NatEnv cl.16}</u> and recreation that involves motor vehicles takes place on existing formed roads.
B. In the ONCC and HNCC overlay zones: {NatEnv 949.19} • <u>Transportation activities</u>	<i>Relevant objectives and policies (priority considerations):</i> - Objective 10.2.3 <u>Any adverse effects on the values identified in Appendix A5 are insignificant (Policy 10.2.3.3).</u>

10.6.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
C. In the ONCC and HNCC overlay zones: {NatEnv 908.17} Natural hazard mitigation activities	<i>Relevant objectives and policies (priority considerations):</i> - Objective 10.2.3 b. Any adverse effects on the values identified in Appendix A5 are: - insignificant, or - where there are no practicable alternative locations, adequately mitigated (Policy 10.2.3.X) <i>General assessment guidance:</i> - 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.
8. In the NCC Overlay Zone: - Network utilities structures – large-scale {NatEnv 576.62} - Solar panels – community scale {NatEnv 576.62} - Hydro generators – community scale {NatEnv 576.62} - Mining - Landfills	<i>Relevant objectives and policies (priority considerations):</i> - Objective 10.2.3 - Any adverse effects on the natural character values, as identified in Appendix A5, are avoided or, where avoidance is not possible practicable {PO 908.3}, are {NatEnv cl.16} no more than minor (Policy 10.2.3.4).

10.6.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
D. In the NCC overlay zone: {NatEnv 908.17 and 576.62} • <u>Network utility structures – large scale</u> • <u>Substations</u> • <u>Natural hazard mitigation activities</u> • <u>Transportation activities</u>	<u>Relevant objectives and policies (priority considerations): {NatEnv 908.17 and 576.62}</u> a. <u>Objective 10.2.3</u> b. <u>Any adverse effects on the values identified in Appendix A5 are avoided or, if avoidance is not practicable:</u> <u>no more than minor, or</u> <u>where there are no practicable alternative locations, adequately mitigated (Policy 10.2.3.Y).</u> <u>General assessment guidance:</u> c. <u>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.</u> d. <u>Council will generally only consider other activities to have no practicable alternative locations where an assessment that meets the requirements set out in Rule 10.8.4 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.</u>
9. In the ONC, HNCC, NCC overlay zones: {NatEnv 908.17} • <u>hazard mitigation structures {NatEnv 908.17}</u> • <u>hazard mitigation earthworks {NatEnv 908.17}</u> • <u>Discretionary transportation activities {NatEnv 908.17}</u> • <u>Discretionary public amenities {NatEnv cl.16}</u>	<u>Relevant objectives and policies (priority considerations): {NatEnv 908.17}</u> a. <u>Objective 10.2.3</u> b. <u>Any adverse effects on the values identified in Appendix A5 are minimised as far as practicable; and if effects are more than insignificant if in an ONCC or HNCC, or more than minor if in a NCC, there are no practicable alternative locations (Policy 10.2.3.5).</u>

¹ **NatEnv cl.16:** New Rule 10.6.2.1.n clarifies that the Plan's design guidelines (notified as Appendix A3.4) are relevant to the assessment of effects on landscape values and on the natural character of the coast. This does not result in a substantive change to provisions.

Rule 10.7 Assessment of Non-complying Activities

Rule 10.7.1 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. Rule 10.7.2 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.

10.7.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities <u>that are linked to Section 10.7, including but not limited to the activities listed below</u> {NatEnv 900.35 and 900.38}	<i>Relevant objectives and policies (priority considerations):</i> a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to: i. Dunedin's <u>significant</u> {NatEnv 958.7} indigenous biodiversity is <u>retained, protected or</u> {NatEnv 958.7} enhanced, and restored; <u>and other indigenous biodiversity is maintained or enhanced, and restored;</u> {NatEnv 1088.13} with <u>all indigenous biodiversity having</u> {NatEnv cl.16} improved connections and <u>improved</u> {NatEnv cl.16} resilience (Objective 2.2.3); and ii. The natural character of the coastal environment is <u>maintained preserved</u> {NatEnv 900.21} 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. <u>Activities maintain or enhance biodiversity values (Policy 10.2.1.W).</u> {NatEnv 900.35} d. <u>Adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided or, if avoidance is not practicable:</u> {NatEnv 900.142 and 1088.15} i. <u>there is no net loss and preferably a net gain in the biodiversity values of the area, or</u> {NatEnv 900.142} ii. <u>where there are no practicable alternative locations, any proposal for a biodiversity offset is in accordance with Policy 2.2.3.5; or</u> {NatEnv 949.29} iii. <u>where a biodiversity offset is not practicable, environmental compensation is proposed in accordance</u>

10.7.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
	<u>with Policy 2.2.3.6 (Policy 10.2.1.X). {NatEnv 1088.15}</u> e. <u>Activities adjacent to water bodies and the coast maintain or enhance the biodiversity values and natural character of the coast and riparian margins (Policy 10.2.2.Y). {NatEnv 900.38}</u> <i>General assessment guidance:</i> 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. <u>In assessing whether an activity meets Policy 10.2.1.X, Council will consider whether the area affected meets one or more of the criteria set out in Policy 2.2.3.1. {NatEnv 900.9 and 958.8}</u> h. <u>In assessing the appropriateness of any proposed biodiversity offset or environmental compensation, in addition to Policy 2.2.3.5 or Policy 2.2.3.6, Council will consider the Guidance on Good Practice Biodiversity Offsetting in New Zealand (NZ Government, 2014). {NatEnv 949.29 and 1088.33}</u> i. <u>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. {NatEnv cl.16}</u> j. <u>With respect to Policy 10.2.1.X and Policy 10.2.1.Y, Council will generally only consider activities to have no practicable alternative locations where an assessment that meets the requirements set out in Rule 10.8.4 demonstrates that the proposed site, including any proposed mitigation measures, is the option that has the least impact on biodiversity values, while meeting the operational needs of the activity. {NatEnv 900.142 and others}</u>

10.7.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
2. In an Scheduled ASCV ASBV: {NatEnv 958.60} NC activities as indicated in the relevant management or major facility zone.	<i>Relevant objectives and policies (priority considerations):</i> - Objective 10.2.1 - The proposed activity will have net positive effects on the protection and enhancement of the biodiversity values of the Scheduled ASCV (Policy 10.2.1.2) {NatEnv 900.142 and others} There is no net loss and preferably a net gain {NatEnv 1088.32} in the biodiversity values of the ASBV including, but not limited to, those biodiversity values listed in Appendix A1.2: {NatEnv 690.8} or where there are no practicable alternative locations, any proposal for a biodiversity offset is in accordance with Policy 2.2.3.5 {NatEnv 949.29} ; or where a biodiversity offset is not practicable, environmental compensation is proposed in accordance with Policy 2.2.3.6 (Policy 10.2.1.Y). {NatEnv 1088.15}
3. In a Scheduled ASCV: {NU 308.468 and 308.122} - Regional scale – Wind generators, Hydro-generators, Solar panels {308.122} - Wind generators – community scale {308.122} - Biomass generators – stand-alone {308.468}	<i>Relevant objectives and policies (priority considerations):</i> {NU 308.468 and 308.122} - Objective 10.2.1 {NU 308.468 and 308.122} - In a Scheduled ASCV, there are not adverse effects on the identified biodiversity values of the Scheduled ASCV (Policy 10.2.1.11): {NU 308.468 and 308.122}
A. In an ASBV: {NatEnv 900.77} Contravention of tree species performance standard (Rule 10.3.4)	<i>Relevant objectives and policies (priority considerations):</i> - Objective 10.2.1 - The risk of wilding tree establishment in areas of indigenous vegetation is insignificant (Policy 10.2.1.6).
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	<i>Relevant objectives and policies (priority considerations):</i> - Objective 10.2.3 - There are no material Any adverse effects on the natural character values, as identified in Appendix A5, are insignificant {NatEnv 908.17} (Policy 10.2.3.2).
B. In the ONCC, HNCC or NCC overlay zones: {NatEnv 900.77} Contravention of tree species performance standard (Rule 10.3.4)	<i>Relevant objectives and policies (priority considerations):</i> - Objective 10.2.3 - 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.V). - The risk of wilding tree establishment in areas of indigenous vegetation is insignificant (Policy 10.2.1.6).

10.7.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
5. In the ONF, or ONL or SNL {NU 308.122} overlay zones: • NC activities as indicated in the relevant management or major facility zone or city-wide activities section • Performance standard contravention Rule 5.5.6.5 (co-location on an ONF) {NU 576.9}	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 10.2.5 b. ~~There are no material~~ Any adverse {NatEnv 908.17 and 908.3} effects on the landscape values of the ONF {NatEnv cl.16} as identified in Appendix A3, are insignificant {NatEnv 908.17 and 908.3} (Policy 10.2.5.4). c. Any adverse effects on the landscape values of the ONL, as identified in Appendix A3, are insignificant (Policy 10.2.5.15). {NatEnv 908.17 and 908.3}
C. In the ONF Overlay Zone: {NU 576.9} • Performance standard contravention Rule 5.5.6.5 (co-location on an ONF)	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 10.2.5 b. Any adverse effects on the landscape values identified in Appendix A3 are insignificant (Policy 10.2.5.14).
D. In the ONF and ONL overlay zones: {NatEnv 900.77} • Contravention of tree species performance standard (Rule 10.3.4)	<i>Relevant objectives and policies (priority considerations):</i> 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.W). c. The risk of wilding tree establishment in areas of indigenous vegetation is insignificant (Policy 10.2.1.6).

¹ **NatEnv cl.16:** New Rule 10.7.2.1.j clarifies that the Plan's design guidelines (notified as Appendix A3.4) are relevant to the assessment of effects on landscape values and on the natural character of the coast. This does not result in a substantive change to provisions.

Rule 10.8 Special Information Requirements

10.8.1 Landscape Building Platforms

1. ~~For subdivision activities within a landscape or natural coastal character overlay zone in the rural or rural residential zones, landscape building platforms may be identified~~ 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 10.2.5.11, as relevant. **{NatEnv 447.135}**
2. Landscape building platforms are to be registered against the certificate of title by way of consent notice.
3. The identification of landscape building platforms must be supported by a landscape assessment of the effects of development on the natural character values identified in Appendix A5 **{NatEnv 900.70}**
4. ~~The landscape assessment must be conducted by a landscape architect or similarly qualified person.~~ **{NatEnv 900.70}**
5. ~~The landscape assessment must consider, but not be limited to, the following factors~~ 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 **{NatEnv 900.70}**:
 - a. the extent to which the location of the building platforms follows relevant design guidelines in Appendix A11; **{NatEnv 900.70}**
 - b. the visual prominence of the location of the building platforms;
 - c. ~~the visual and amenity~~ **{NatEnv 900.70}** effects on landscape or natural character values **{NatEnv 900.70}** 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 **{NatEnv 900.70}** coastal setting;
 - e. the visual effects **{NatEnv 900.70}** of driveways or vehicle tracks that will be required to access the building platforms; and
 - f. whether the clustering of building platforms ~~will with~~ **{NatEnv cl.16}** other building platforms or existing buildings will minimise adverse effects on landscape or **{NatEnv 900.70}** natural character values.
6. ~~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).~~ **{NatEnv 900.70}**
7. If landscape building platforms are approved through the subdivision consent process, the construction of new buildings greater than 60m² footprint **{PO cl.16}**¹ within the landscape building platform will be subject to Rule 16.3.4.3.b (rural zones) or Rule ~~17.3.3.3.e~~ 17.3.4.3.c **{NatEnv cl.16}** (rural residential zones).

¹ **PO cl.16:** Footprint is included in the rule to improve plan clarity as a minor and inconsequential amendment.

10.8.2 Vegetation Clearance {NatEnv 958.95}

1. Council may request a report by an ecologist or similarly qualified person for applications where resource consent is required for vegetation clearance. 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 and known to use the site;
 - c. an ecological assessment of the site using the criteria in Policy 2.2.3.1;
 - 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 2.2.3.5 or Policy 2.2.3.6.

10.8.3 Biodiversity Offset {NatEnv 949.29}

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 2.2.3.5;
 - 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.

10.8.4 Assessment of alternative locations {NatEnv 900.142 and others}

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: {NatEnv 900.142 and others}
 - 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 {was "10A.1 Threatened plant species list" - NatEnv cl.16}

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

Species	Common name	Threat classification	Type of plant	Habitat
<i>Carex litorosa</i>		AR-D	Sedge	Saltmarsh
<i>Carmichaelia crassicaulis</i>	Coral broom	AR-D	Shrub	Tussock grassland
<i>Carmichaelia kirkii</i>	Climbing broom	T - NV	Climbing shrub	Shrubland
<i>Celmisia hookeri</i>		LU	Dicot herb	Upland rock outcrops
<i>Chaerophyllum</i>	<u>Chaerophyllum</u> "Minute flower" {NatEnv cl.16}	AR - N	Dicot herb	Coastal herbfield
<i>Chenopodium allanii</i>		AR - N	Dicot herb	Coastal cliff/dry shrubland
<i>Chionochloa rubra subsp. cuprea</i>	Copper tussock	LU	Grass	Poorly-drained grassland
<i>Coprosma acerosa</i>	Sand coprosma	AR-D	Shrub	Coastal dune
<i>Coprosma virescens</i>		LU	Shrub	Coastal/dry forest
<i>Crassula mataikona</i>		AR - N	Dicot herb	Coastal herbfield
<i>Crassula multicaulis</i>		T - NE	Dicot herb	Ephemeral wetland
<i>Crassula peduncularis</i>		T - NC	Dicot herb	Ephemeral wetland
<i>Crassula ruamahanga</i>		AR-D	Dicot herb	Ephemeral wetland
<i>Deschampsia cespitosa</i>	Tufted hair-grass	AR-D	Grass	Wetland
<i>Deyeuxia youngii</i>		AR - N {NatEnv cl.16}	Grass	Grassland
<i>Donatia novae-zelandiae</i>		LU	Dicot herb	Bog wetlands
<i>Dracophyllum uniflorum var. frondosum</i>		AR-N	Shrub	Tussock grassland
<i>Drymoanthus flavus</i>	Little spotted moa	AR-N	Orchid	Forest
<i>Epilobium chionanthum</i>		LU	Dicot herb	Lowland swamps
<i>Epilobium pubens</i>		LU	Dicot herb	Dry habitats
<i>Euchiton ensifer</i>	Creeping cud weed	T - NE	Dicot herb	Dune slack
<i>Ficinia spiralis</i>	Pikao	AR-D	Rush	Sand dunes
<i>Fuchsia perscandens</i>		LU	Shrub	Montane gullies
<i>Geranium sessiliflorum var. arenarium</i>	Short-flowered cranesbill	AR-D	Dicot herb	Coastal herbfield
<i>Geranium retrorsum</i>	Turnip-rooted geranium	T - NE	Dicot herb	Coastal herbfield

Species	Common name	Threat classification	Type of plant	Habitat
<i>Gingidia grisea</i>		AR-N	Dicot herb	Rock outcrops
<i>Helichrysum selago</i> var. <i>tumidum</i>		AR - NV { <i>NatEnv</i> cl.16}	Shrub	Coastal cliff
<i>Hymenochilus tristis</i>		AR-D	Orchid	Coastal grassland
<i>Ileostylis micranthus</i>		LU	Shrub	Coastal shrubland
<i>Isolepis basilaris</i>	Pygmy clubrush	T - NV	Sedge	Ephemeral wetland
<i>Korthalsella salicornioides</i>	Dwarf mistletoe	AR-N	Shrub	Shrubland/forest
<i>Lachnagrostis tenuis</i>	Wind grass	T - NV	Grass	Estuaries
<i>Lepidium crassum</i>	Thick-leaved scurvy grass	T - NE	Dicot herb	Coastal herbfield
<i>Lepidium juvencum</i>	Scurvy grass	T - NC	Dicot herb	Coastal herbfield
<i>Lepidium oleraceum</i>		T - NV	Dicot herb	Coastal ledges
<i>Lepidium tenuicaule</i>		AR-D	Dicot herb	Coastal herbfield
<i>Lepilaena bilocularis</i>		T - NV	Monocot herb	Brackish lake
<i>Melicytus flexuosus</i>		AR-D	Shrub	Upland shrubland
<i>Mimulus repens</i>		AR-N	Dicot herb	Saltmarsh
<i>Montia angustifolia</i>		AR-N	Dicot herb	Ephemeral wetland
<i>Myosotis pygmaea</i>		AR-D	Dicot herb	Coastal herbfield
<i>Myosotis rakiura</i>	Steward Island forget-me-not	AR-N	Dicot herb	Coastal cliff
<i>Myosotis tenericaulis</i>		AR-N	Dicot herb	Alpine wetland
<i>Myosurus minimus</i> subsp. <i>novae-zelandiae</i>	NZ mouse tail	T - NE	Dicot herb	Ephemeral wetlands
<i>Olearia bullata</i>		LU	Shrub	Montane gullies
<i>Olearia fimbriata</i>		T - NV	Tree	Shrubland
<i>Olearia fragrantissima</i>		AR-D	Tree	Coastal forest/shrubland
<i>Olearia hectorii</i>		T - NE	Tree	Coastal forest
<i>Olearia lineata</i>		AR-D	Tree	Lowland-montane gullies
<i>Ophioglossum coriaceum</i>		LU	Fern ally	Ephemeral wetlands
<i>Parahebe canescens</i>	Tarn speedwell	AR-D	Dicot herb	Ephemeral wetlands
<i>Peraxilla colensoi</i>	Red mistletoe	AR-D	Shrub	Silver beech forest

Species	Common name	Threat classification	Type of plant	Habitat
<i>Peraxilla tetrapetala</i>	Scarlet mistletoe	AR-D	Shrub	Silver beech forest
<i>Potentilla anserinoides</i>		LU	Dicot herb	Coastal herbfield
<i>Pseudopanax ferox</i>	Fierce lancewood	AR-D	Tree	Dry forest
<i>Puccinellia walkeri</i>	Walkers saltgrass	AR-N	Grass	Estuaries
<i>Raoulia hectorii</i> var. <i>mollis</i>		AR-N	Dicot herb	Alpine herbfield
<i>Ranunculus maculatus</i> <i>maculatus</i> { NatEnv cl.16 }		AR-N	Dicot herb	Alpine wetland
<i>Ranunculus recens</i> var. <i>recens</i>		T - NV	Dicot herb	Coastal herbfield
<i>Raoulia monroi</i>	Fan-leaved mat daisy	AR-N	Dicot herb	Alpine herbfield
<i>Raoulia parkii</i>		LU	Dicot herb	Alpine herbfield
<i>Ruppia megacarpa</i>	Horses mane weed	AR-D	Monocot herb	Saline lagoon
<i>Rytidosperma merum</i>	Slender bristle grass	T - NV	Grass	Short tussock grassland
<i>Scandia geniculata</i>		LU	Liane	Coastal forest/scrub
<i>Senecio carnosulus</i>		AR-N	Dicot herb	Coastal herbfield
<i>Senecio glaucophyllus</i> ssp. <i>basinudus</i>		AR-N	Dicot herb	Coastal herbfield
<i>Sonchus Kirkii</i> <i>kirkii</i> { NatEnv cl.16 }	Shore puha	AR-D	Dicot herb	Coastal herbfield
<i>Stenostachys laevis</i>	Grassland wheatgrass	AR-N	Grass	Coastal herbfield
<i>Tetrachondra hamiltonii</i>		Data Deficient	Dicot herb	Ephemeral wetlands
<i>Teuclidium parvifolium</i>		AR-D	Shrub	Riparian forest
<i>Tupeia antarctica</i>		AR-D	Shrub	Lowland forest
<i>Uncinia purpurata</i>		AR-N	Sedge	Forest and grassland
<i>Uncinia sinclairii</i>		Data Deficient	Sedge	Wetlands
<i>Uncinia strictissima</i>		T - NE	Sedge	Montane gullies
<i>Urtica ferox</i>	Tree nettle	LU	Shrub	Coastal forest
<i>Zannichellia palustris</i>	Horned pondweed	AR-N	Monocot herb	Coastal lake
<i>Zostera muelleri</i> subsp. <i>novazelandica</i>	Sea grass	AR-D	Monocot herb	Estuaries

Appendix 10A.2 Threatened fauna species list {NatEnv 900.155}

Note; entire table attributed to {NatEnv 900.155}

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



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

Appendix 10A.3 Important native tree list {was "10A.2 Important native tree list" - NatEnv 900.155}

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

Appendix 10B. Pest Plant Species

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

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

Species	Common name
<i>Crocasmia x crocosmiiflora</i>	Montbretia
<i>Cytisus scoparius</i>	Broom
<i>Dendrobenthamia capitata</i>	Strawberry dogwood
<i>Drosera capensis</i>	Cape sundew
<i>Dryopteris affinis</i>	Scaly male fern
<i>Dryopteris filix-mas</i>	Male fern
<i>Eccremocarpus scaber</i>	Chilean glory creeper
<i>Equisetum arvense</i>	Field horsetail
<i>Eragrostis Eragrostis {NatEnv cl.16} curvula</i>	African love grass
<i>Erigeron karvinskianus</i>	The Mexican daisy
<i>Escallonia rubra</i>	Red escallonia
<i>Eschscholzia californica</i>	Californian poppy
<i>Euonymus europaeus</i>	Spindle tree
<i>Euonymus japonicus</i>	Japanese spindleberry
<i>Fallopia japonica</i>	Japanese knotweed
<i>Fraxinus excelsior</i>	Ash
<i>Fuchsia boliviana</i>	Bolivian fuchsia
<i>Gunnera tinctoria</i>	Chilean rhubarb and Brazilian rhubarb
<i>Hedera helix</i>	Ivy
<i>Hedychium flavescens</i>	Yellow ginger
<i>Hedychium gardnerianum</i>	Kahili ginger
<i>Heracleum mantegazzianum</i>	Giant hogweed
<i>Hieracium species</i>	Hawkweed
<i>Houttuynia cordata</i>	Houttuynia, Chameleon plant
<i>Ilex aquifolium</i>	Holly
<i>Impatiens glandulifera</i>	Himalayan balsam
<i>Ipomoea indica</i>	Blue morning glory
<i>Jasminum polyanthum</i>	Jasmine
<i>Juncus gerardii</i>	Saltmarsh rush, blackgrass, black needle rush
<i>Lagarosiphon major</i>	African oxygen weed
<i>Lamium galeobdolon 'Variegatum': {NatEnv 588.5}</i> <i>Galeobdolon luteum</i>	Aluminium plant, {NatEnv 588.5} Artillery plant

Species	Common name
<i>Leycesteria Formosa formosa</i> {NatEnv cl.16}	Himalayan honeysuckle
<i>Ligustrum sinense</i>	Chinese privet
<i>Lonicera japonica</i>	Japanese honeysuckle
<i>Lupinus arboreus</i>	Tree lupin
<i>Lupinus polyphyllus</i>	Russell lupin
<i>Lycium ferocissimum</i>	Boxthorn
<i>Lythrum salicaria</i>	Purple loosestrife
<i>Macfadyena unguis-cati</i>	Cat's claw creeper
<i>Myricaria germanica</i>	False tamarisk
<i>Myriophyllum aquaticum</i>	Parrots feather
<i>Nassella tenuissima</i>	Finestem needlegrass
<i>Nassella trichotoma</i>	Nassella tussock
<i>Nephrolepis cordifolia</i>	Tuber ladder fern
<i>Osmunda regalis</i>	Royal fern
<i>Paraserianthes lophantha</i>	Brush wattle
<i>Passiflora caerulea</i>	Blue passion flower
<i>Passiflora mixta</i>	Banana passionfruit, northern banana passionfruit
<i>Passiflora mollissima</i>	Banana passionfruit
<i>Passiflora pinnatistipula</i>	Yellow passionfruit
<i>Passiflora tripartita</i>	Banana passionfruit, northern banana passionfruit
<i>Pennisetum clandestinum</i>	Kikuyu
<i>Pennisetum macrourum</i>	African feather grass
<i>Pennisetum setaceum</i>	Fountain grass
<i>Phytolacca octandra</i>	Inkweed
<i>Pinus contorta</i>	Contorta pine
<i>Plectranthus ciliatus</i>	Plectranthus
<i>Prunus laurocerasus</i>	Cherry laurel
<i>Pseudosasa japonica</i>	Arrow bamboo
<i>Pueraria montana subspecies lobata</i>	Kudzu vine
<i>Reynoutria japonica</i>	Asiatic knotweed
<i>Rosa rubiginosa</i>	Sweet briar
<i>Rubus fruticosus</i> agg.	Blackberry

Species	Common name
<i>Sagittaria montevidensis</i>	Arrowhead
<i>Sambucus nigra</i>	Elder, elderflower, elderberry
<i>Salix cinerea</i>	Grey willow
<i>Salix fragilis</i>	Crack willow
<i>Selaginella kraussiana</i>	African club moss
<i>Senecio angulatus</i>	Cape ivy
<i>Senecio jacobaea</i>	Ragwort
<i>Senecio mikanioides</i>	German ivy
<i>Solanum dulcamara</i>	Bittersweet
<i>Solanum marginatum</i>	White-edged nightshade
<i>Spartina spp.</i>	Cordgrass
<i>Teline monspessulana</i>	Montpellier broom
<i>Tradescantia fluminensis</i>	Wandering jew
<i>Tropaeolum majus</i>	Nasturtium
<i>Tussilago farfara</i>	Coltsfoot
<i>Ulex europaeus</i>	Gorse
<i>Urtica dioica</i>	Perennial Nettle
<i>Utricularia gibba</i>	Bladderwort
<i>Vinca major</i>	Periwinkle
<i>Watsonia bulbifera</i>	Watsonia
<i>Zantedeschia aethiopica</i>	Arum lily
<i>Zantedeschia aethiopica</i> 'green goddess'	Green goddess
<i>Zizania latifolia</i>	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 {NatEnv 588.4}	<u>Common and redfin bullies, inanga, banded kokopu, eels and koura. {NatEnv 588.4}</u>	
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, bullies, 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
<u>Stewarts Creek</u> { NatEnv 588.4 }	<u>Common and redfin bullies, inanga, banded kokopu, eels and koura.</u> { NatEnv 588.4 }	
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 Orbell's 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 Introduction¹

¹ **NH cl.16:** A number of clause 16 amendments have been made to the content of 11.1.1 and 11.1.2, as marked. These are intended to clarify drafting and better explain the natural hazards provisions. They do not change the effect of provisions.

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. {NH cl.16}

Communities in and around Dunedin are susceptible to a variety of natural hazards, including flooding from rivers alluvial fans, {NH 908.57} 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 {NH 908.57}. This issue is particularly acute on low-lying flood plains, where streams exit valleys (in the case of alluvial fans) {NH 908.57} 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 {NH cl.16} 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.

~~Under the Resource Management Act 1991, Council is responsible for managing land use and subdivision to avoid or mitigate the risks from natural hazards. Council is also required to keep records of natural hazards. {NH cl.16}~~

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. {NH cl.16}. 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. {NH 360.219}

Not all natural hazards defined in the RMA are identified or managed in this Plan. {NH 308.13} Other natural hazards Dunedin may be vulnerable to include snow, ice, drought, strong winds, and fire. These natural hazards are primarily {NH 945.27} 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 fire fighting purposes. These rules and their related objectives and policies sit within the Public Health and Safety section of the Plan. {NH 945.27}

~~The Second Generation Plan (2GP) identifies natural hazards through overlays and mapped areas, and aims to reduce the effects of natural hazards through rules according to the type of natural hazard, the risk it poses and the sensitivity of the activity proposed. {NH cl.16}~~

11.1.2 Guidance on risk

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

In response to the issues, the 2GP proposes to manage the risks from natural hazards based on considering the overall risk from the hazard in terms of both likelihood and consequence. This The approach used in this Plan {NH cl.16} aims to strike a balance between enabling people to utilise their property without putting them or their {NH cl.16} 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 {NH cl.16} 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, as set out in Table 11.1 below sets out how the combination of likelihood and consequence is combined to produce a risk assessment of low, moderate, or high {NH 360.219}. This approach is based on guidance provided by MfE the Ministry for the Environment {NH cl.16} (*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.

The likelihood of a natural hazard event occurring is placed in the context of the operational life of buildings, infrastructure and long-term land-use activities. {NH cl.16} For most natural hazard events, it is difficult to determine exact probabilities of occurrence, and likelihood estimates are indicatively applied, rather than based on any direct scientific basis specifically modelled {NH cl.16}. The consequences of a natural hazard event occurring is placed are considered {NH cl.16} 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 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. {NH cl.16}

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 {NH cl.16} land use. The land-use sensitivity This helps to inform manage {NH cl.16} 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 Amendment Regulations 2012 1992 (Schedule 1: The building code) {NH cl.16}.

Site specific investigation will identify local variation in the risk level specified in this Plan. {NH 360.219} Risk can also {NH 360.219} 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. {NH 360.219} While these measures should be taken into account when assessing risk, the effectiveness and appropriateness of these mitigation measures, including the residual risk in the event these mitigation measures fail, should also be considered. 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. {NH 360.219}

Table 11.1 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 {NH 308.231} Moderate risk	Moderate to {NH 308.231} 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 **{PO cl.16}** least sensitive activities as follows:

Table 11.2 Hazard sensitivity

Hazard provisions sensitivity classification	~~Land-use activities~~ <u>Activities</u> {NH cl.16}
<u>Natural hazards sensitive</u> Sensitive {PO cl.16} activities	• Cemeteries • Crematoriums • Registered health practitioners • Early childhood education • ~~Emergency services~~ {NH 945.5} • Hospital • Landfills • Marae-related activities • Prisons or detention centres {CP cl.16} • Residential activities (excluding working from home that do not involve additional people on-site) • Schools • ~~Service stations~~ {NH 634.3} • Visitor accommodation

Hazard provisions sensitivity classification	~~Land-use activities~~ Activities {NH cl.16}
<u>Natural hazards potentially sensitive</u> Potentially sensitive {PO cl.16} activities	• Airport • Campus • Community and leisure (excluding marae-related activities) • Commercial activities (excluding visitor accommodation, registered health practitioners, service stations, {NH 634.3} commercial advertising) • ~~Factory farming~~ <u>Intensive farming</u> {RU 1090.3} • Industrial activities • Invermay/Hercus • Major recreation facility • Mining • <u>NZ Marine Studies Centre</u> {MF 308.283} • Port • Rural tourism - large scale • Rural research - <u>large scale</u> which requires a building {NH cl.16} • <u>Scheduled mining activity</u> {CP 874.2 and others} • Sport and recreation • Taieri Aerodrome • ~~All other commercial, community, industrial and major facility activities~~ {NH cl.16}

Hazard provisions sensitivity classification	Land-use activities <u>Activities {NH cl.16}</u>
<u>Natural hazards least sensitive Least sensitive {PO cl.16} activities</u>	<u>All other activities not specifically listed above as natural hazards sensitive activities or natural hazards potentially sensitive activities.</u> • Commercial advertising • Conservation • Domestic animal boarding and breeding • Dunedin Botanic Garden • Farming • Forestry • Grazing • Mineral exploration • Mineral prospecting • Public amenities • Rural ancillary retail • Rural tourism – small scale • Temporary activities • Working from home • All other rural activities {NH 1088.51}

¹ **NH cl.16:** This amendment is required so that the table uses the correct name for this activity, as set out in activity status tables. This does not change the effect of provisions.

² **NH 634.3:** Service stations are now included as a commercial activity in the potentially sensitive category.

11.1.4 Hazard overlays

Dunedin's hazard prone areas are managed through six ~~eight~~ **{NH908.57 and NH 908.37}** 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 11.3 Potential Risk **{NH 788.1 and others} within hazard overlay zones**

Hazard overlay zones	Risk (in accordance with the guidance on defining risk in Table 11.1 above)
<u>Hazard 1A (flood) Overlay Zone {NH 908.37}</u>	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	
<u>Hazard 3 (alluvial fan) Overlay Zone {NH 908.57}</u>	

****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. **{NH 788.1 and others}*****

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), but however **{NH cl.16}** 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 through the ~~DCC Hazard Information Management System~~ from the DCC by a Land Information Memorandum or Hazard Information Report request **{NH cl.16}**, 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	
<u>Land use and development is located and designed in a way that ensures that {NH 908.3} the risk from natural hazards, including climate change, is minimised, is no more than low. {NH 908.3} in the short to long term.</u>	
Policy 11.2.1.1	In the hazard 1 overlay zones <u>Hazard 1 (flood) Overlay Zone, {NH 73.4}</u> avoid the establishment of <u>{NH 908.3} natural hazards sensitive activities and natural hazards potentially sensitive activities unless: {NH 908.37 and others}</u> a. <u>sensitive activities; and {NH 634.74}</u> b. <u>potentially sensitive activities that are not permitted in the underlying zone; {NH 634.74}</u> a. <u>unless the risk from natural hazards is avoided, or is no more than low; and {NH 634.74}</u> b. <u>the activity has a critical operational need to locate within the Hazard 1 (flood) Overlay Zone and locating outside it is not practicable. {NH 634.74}</u>
Policy 11.2.1.2 {NH 634.74}	In the hazard 1 overlay zones, only allow the establishment of potentially sensitive activities that are otherwise permitted in the underlying zone, where all of the following are met: a. <u>the activity has a critical operational need to locate within the hazard 1 overlay zones and locating outside the hazard 1 overlay zones is not practicable; and</u> b. <u>the scale, location and design of the activity or other factors means risk is avoided, or is no more than low. {NH 634.74}</u>
Policy 11.2.1.Y {NH 908.37 and others}	<u>In the Hazard 1A (flood) Overlay Zone, avoid natural hazards sensitive activities.</u>
Policy 11.2.1.Z {NH 908.37 and others}	<u>In the Hazard 1A (flood) Overlay Zone, avoid natural hazards potentially sensitive activities, unless:</u> a. <u>the risk from natural hazards is avoided, or is no more than low; and</u> b. <u>the activity has a critical operational need to locate within the Hazard 1A (flood) Overlay Zone and locating outside it is not practicable.</u>
Policy 11.2.1.3	In the hazard 1, hazard 1A {NH 908.37} and 2 (flood) {NH 73.4} 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 11.2.1.4	In the hazard 1 and hazard 1A (flood) Overlay Zones {NH 908.37} , require outdoor storage to be designed, managed, and located so that: a. <u>potentially dangerous materials will not be mobilised in a flood; and</u> b. <u>materials will not obstruct or impede flood water.</u>
Policy 11.2.1.5	In the hazard 2 overlay zones <u>Hazard 2 (flood) Overlay Zone {NH 73.4}</u> , only allow the establishment of <u>{NH 908.3} natural hazards {PO cl.16} sensitive activities and natural hazards potentially sensitive activities {NH 634.74}</u> where: a. <u>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 {NH 634.74}</u> b. <u>the scale, location and design of the activity or other factors means risk is avoided, or is no more than low.</u>

Objective 11.2.1

Land use and development is located and designed in a way that ensures that **{NH 908.3}** the risk from natural hazards, including climate change, is minimised, is no more than low. **{NH 908.3}** in the short to long term.

Policy 11.2.1.6 {NH 634.74}	In the hazard 2 overlay zones, only allow the establishment of potentially sensitive activities that are not otherwise permitted in the zone, where all of the following are met: a. the activity has a critical operational need to locate within the hazard 2 overlay zones and locating outside the hazard 2 overlay zones is not practicable; and b. the scale, location and design of the activity or other factors means risk is avoided, or is no more than low. {NH 634.74}
Policy 11.2.1.7	Only allow large quantities of hazardous substances in hazard 1, hazard 1A {NH 908.37} and 2 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 {NH 917.27 and others}	In the hazard 1 and 2 (flood) and hazard 3 (coastal or flood) overlay zones, require new buildings intended for sensitive activities to have a floor level that mitigates risk from flooding (including coastal flooding) and rising groundwater so that risk is no more than low.
Policy 11.2.1.9	In the hazard Hazard {NH cl.16} 3 (coastal) Overlay Zone, require new buildings to be used for sensitive activities containing residential activity on the ground floor {NH 737.9} to be relocatable so that as coastal hazards, including sea level rise, become more severe, these buildings can be relocated, unless site constraints mean this is not practicable. {NH 737.9 and others}
Policy 11.2.1.10	Avoid development activities, and public amenities and temporary activities {TA 583.9} in a swale mapped area unless they will not obstruct or impede water in a flood hazard event, and not, or {NH cl.16} cause water to be diverted out of a swale, during a flood hazard event {NH cl.16} .
Policy 11.2.1.11	Avoid buildings and structures (except for relocatable surf life saving clubs) {NH cl.16} within the dune system mapped area unless: a. they have an operational need to locate there; {NH 690.12} b. there is no risk that development will cause, exacerbate, or be at risk from coastal erosion; and {NH cl.16} c. the risk from natural hazards is no more than low {NH 908.3} .
Policy 11.2.1.12	In all hazard overlay zones, the swale mapped area , and the dune system mapped area or in any other area that the DCC has good cause to suspect may be at risk from a natural hazard {NH 634.69} (including but not limited to a geologically sensitive mapped area (GSA)) {NH cl.16} , only allow earthworks - large scale or subdivision activities {NH 634.69} where: a. the risk from natural hazards including on any future land use or development, {NH 634.69} 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; {NH cl. 16} c. they will not have adverse effects on the stability or buffering capacity of dune systems; and {NH cl. 16} d. they will not obstruct or impede flood water, unless part of approved natural hazard mitigation activities. {NH cl. 16}

Objective 11.2.1

Land use and development is located and designed in a way that ensures that **{NH 908.3}** ~~The risk from natural hazards, including climate change, is minimised, is no more than low.~~ **{NH 908.3}** in the short to long term.

Policy 11.2.1.13	~~In the hazard 3 (coastal) Overlay Zone, where hazards may worsen over time due to climate change, only allow subdivision activities that will only result in a minimal increase in development potential for sensitive activities or potentially sensitive activities.~~ <u>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 - 11.2.1.12. {NH 634.69 and 949.25}</u>
Policy 11.2.1.14 {NH cl.16}	~~Only allow earthworks in a dune system mapped area where they will not:~~ a. have adverse effects on the stability or buffering capacity of dune systems; and b. create, exacerbate, or transfer risk from natural hazards.
Policy 11.2.1.15 {NH cl.16}	~~Only allow earthworks in a swale mapped area and earthworks – large scale in hazard (flood) overlay zones, where they will not:~~ a. obstruct or impede flood water, unless part of an approved natural hazard mitigation activity; and b. create, exacerbate, or transfer risk from natural hazards.
Policy 11.2.1.16 {NH cl.16}	~~Only allow earthworks – large scale in a land instability overlay zone where they will not have adverse effects on land instability nor create, exacerbate, or transfer risk from natural hazards.~~
Policy 11.2.1.17	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 11.2.1.18 {NH 317.6}	~~In all hazard overlay zones, only allow new roads or additions or alterations to existing roads, where they are located and designed so that risk from natural hazards is avoided, or is no more than low.~~
Policy 11.2.1.19	~~Require buildings, and structures, storage and use of hazardous substances, network utility activities, and earthworks - large scale {NH cl.16} to be set back an adequate distance from water bodies an adequate distance to ensure that the risk from natural hazards {NH cl.16}, including from erosion and flooding, is avoided, or is no more than low.~~
Policy 11.2.1.20	Only allow natural hazard mitigation earthworks and natural hazard {HazMit cl.16} mitigation structures where: a. the option of doing nothing is not the best practicable option; and b. it will reduce risk overall and not transfer, exacerbate, or create a new risk somewhere else. {HazMit 308.167}

¹ **NH cl.16:** As a clause 16 amendment, this content has been moved from policies 11.2.1.14, 11.2.1.15 and 11.2.1.16. This does not result in a substantive change to the effect of provisions.

² **NH cl.16:** As a clause 16 amendment, this content is being moved to Policy 11.2.1.12. This does not result in a substantive change to the effect of provisions.

³ **NH cl.16:** As a clause 16 amendment, geologically sensitive areas are not part of this Plan, and are included in the data map for information purposes only. This does not result in a substantive change to the effect of provisions.

Rules

Rule 11.3 Natural Hazards Performance Standards {Was "Hazard Overlay Zones Development Standards" - NH cl.16}

11.3.1 Hazard Exclusion Areas

11.3.1.1 Swale mapped area

- a. New buildings and structures, additions and alterations, ~~and public amenities, and buildings and structures associated with temporary activities {TA 583.9}~~ must not be located inside the boundaries of a **swale mapped area**, except:
 - i. buildings or structures less than 36m² in a residential zone {NH cl.16} 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 {NH cl.16} or the Rural Centre Zone ~~or temporary activities {TA 583.9}~~, in which case they are restricted discretionary activities {NH cl.16}.

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 {NH cl.16}:
 - i. ~~relocatable buildings intended for~~ {NH 360.239 and 961.1} surf life saving; and
 - ii. ~~natural hazard mitigation activities;~~ {NH cl.16}
 - iii. conservation activity or public access that is provided for in a conservation management strategy, conservation management plan or reserve management plan; and {NH 588.21}
 - iv. wildlife conservation {NH 690.12}
- b. Activities that contravene this performance standard are a non-complying activities {NH cl.16}.

¹ **NH cl.16:** The exemption at Rule 11.3.1.2.a.ii has been deleted on the basis that it is superfluous; natural hazard mitigation activities are not subject to rules applying to "buildings and structures" or "additions and alterations". This does not change the effect of provisions.

11.3.2 Maximum Area of Vegetation Clearance in the Hazard Overlay Zones

¹ **NatEnv cl.16:** Rule 11.3.2 has been reformatted and reworded for clarity, and for consistency with the formatting of other vegetation clearance performance standards (rules 10.3.2.A, 10.3.2.3, 10.3.2.4 and 10.3.2.1). This does not result in a substantive change to the effect of provisions.

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. {NH 312.5}

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) **{NatEnv cl.16}**;
 - b. the maintenance (but not extension) of existing network utilities, irrigation infrastructure, tracks, drains, structures, fire breaks **{NH 355.10}** or roads;
 - c. the construction of tracks up to 2m in width;
 - d. clearance of areas that, within the last 10 years, have been cultivated or clear of vegetation; or **{NH 355.10}**
 - e. removal of pest plant species **{NH 951.60}** listed in Appendix 10B **{NH 908.3}**, or of grasses or plant species with a root depth of less than 30cm **{NH 312.9}**, provided that the area is replanted within 3 months. **{NH 951.60}**
3. For the purposes of this standard:
 - a. the area to be cleared will be measured from stems at ground level; **{NH 908.3}** 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 ~~that is as~~ **{NatEnv cl.16}** part of a conservation activity;
 - b. the maintenance or alteration of fences (including gates);
 - c. the maintenance (but not extension) of existing network **{NH 457.59}** utilities, irrigation infrastructure, **{NH 355.10}** tracks, drains, structures, fire breaks **{NH 355.10}** or roads;
 - d. vegetation clearance that is consistent with or **{NatEnv 949.15}** 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 **{NH 951.60}** listed in Appendix 10B **{NH 908.3}**, or of grasses or plant species with a root depth of less than 30cm **{NH 312.9}**, provided that the area is replanted within 3 months. **{NH 951.60}**
5. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

11.3.3 Minimum Floor Level {Confirmed for deletion - NH 917.27}

1. In the Hazard 3 (coastal) Overlay Zone, new buildings to be used for sensitive activities (including residential buildings) must have a floor level that is greater than the following: **{NH 917.27, 947.53 and others}**

Coastal Minimum Floor Level area {NH 917.27, 947.53 and others}		Levels in metres (in terms of the Otago Metric Datum (OMD), where current mean level of the sea is approximately 100.10 OMD) {NH 917.27, 947.53 and others}
a.	Karitane and Waikouaiti (Area A)	102.65m
b.	Warrington, Blueskin Bay, Pūrākaunui, Long Beach, Otago Harbour, South Dunedin (Area B)	102.60m
c.	Tomahawk, Brighton, South Coast, Papanui and Hoopers Inlets (Area C)	102.90m

2. In the Hazard 2 (flood) and Hazard 3 (flood) overlay zones, new buildings to be used for sensitive activities (including residential buildings) must have a floor level that is equal to or greater than the floor level shown on the **Flood Minimum Floor Level Map**, or if not shown on that map, at least 500mm above ground level.
3. Buildings that do not have people regularly present (for example, garages, carports, and sheds) are exempt from the performance standard for minimum floor levels in Rules 11.3.3.1 and 11.3.3.2.
4. In the Hazard 2 (flood) overlay zones, new buildings or additions and alterations to buildings must not include basements or floors that are below ground level. **{NH 917.27, 947.53 and others}**

Note 11.3A – General advice {NH 917.27, 947.53 and others}

1. Please note that minimum floor levels are based on a larger scale, often catchment wide, analysis of flood levels. They have been identified to reduce the risk from floodwaters, however a flood event may occur which could exceed the specified minimum floor level and which may result in damage. They do not avoid all risk to safety, particularly in relation to access or egress from a site; and they do not avoid all risk of damage to property.
2. All building and development are at the owner's risk own risk and the DCC does not accept any liability in regards to the specified minimum floor levels.
3. *Plan users are advised to read the report Dunedin City Council, Minimum Floor Levels for Flood Vulnerable Areas (GHD, March 2015) to understand the methodology, level of certainty and limitations associated with the specified minimum floor levels.*
4. *A site specific assessment of flood levels and their probabilities is advised before undertaking development.*

11.3.4 Relocatable Buildings

1. In the hazard 3 (coastal) overlay zone, new buildings to be used for sensitive activities (including residential buildings) containing residential activity on the ground floor **{NH 360.239 and NH 961.1}** must be relocatable.
2. Buildings that do not have people regularly present (for example, garages, carports, and sheds) are exempt from the performance standard for relocatable buildings. **{NH 360.239 and NH 961.1}**
3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Note 11.3B.4A - 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.

11.3.5 Outdoor Storage {Was "Outdoor Storage Standard" - NH cl.16}

1. In a Hazard 1 (flood) Overlay Zone the hazard 1 (flood) and hazard 1A (flood) overlay zones, {NH 908.37} 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.{PO cl.16}

Note 11.3.5A - Other requirements outside of the District Plan {NH 917.27, 947.53 and others}

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). {NH 917.27, 947.53 and others}

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

Rule 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; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

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	<i>Potential circumstances that may support a consent application include:</i> a. The risks from natural hazards will be no more than low when assessed against the guidance provided in Table 11.1, taking into account site or area specific factors, including the elevation of the site or the topography of the area. <i>General assessment guidance:</i> 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. <u>In assessing the risks from natural hazards, Council will consider:</u> i. <u>how the risk from natural hazards may worsen over time due to climate change {NH 908.62}; and</u> ii. <u>the policies of the New Zealand Coastal Policy Statement 2010 in terms of acceptable levels of risk. {NH 949.25 and NH 949.26}</u> e. In assessing the appropriateness of alternative mitigation measures: i. consideration will be given to its <u>their {NH cl.16}</u> 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 <u>values {NH cl.16}</u>, 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.

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 (<u>Rule 11.3.1.1</u>) swale mapped area (<u>residential zones and Rural Centre Zone only</u>) {NH cl.16}	a. Risk from natural hazards	<i>Relevant objectives and policies:</i> - Objective 11.2.1 - Development activities, <u>and</u> public amenities and temporary activities {TA 583.9} in a swale mapped area do not obstruct or impede water during a flood-hazard event, <u>and not</u> , <u>or</u> {NH cl.16} cause water to be diverted out of a swale, <u>during a flood hazard event</u> {NH cl.16}. (Policy 11.2.1.10). <i>Potential circumstances that may support a consent application include:</i> - 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.	In a hazard overlay zone : {NH cl.16} Hazardous substances quantity limits and storage requirements (Rule 9.3.4)	a. Risk from natural hazards	<i>Relevant objectives and policies:</i> - Objective 11.2.1 - Hazardous substances in hazard 1, <u>hazard 1A</u> {NH 908.37} and 2 <u>Overlay Zones</u> 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). <i>Potential circumstances that may support a consent application include:</i> - An assessment by a suitably qualified person has established an appropriate manner of storage.
4. {NH 917.27, NH 947.53 and others}	Minimum floor level	a. Risk from natural hazards	<i>Relevant objectives and policies:</i> - Objective 11.2.1 - New buildings intended for sensitive activities have a floor level that mitigates risk from flooding (including coastal flooding) and rising groundwater so that the risk is no more than low (Policy 11.2.1.8). <i>Potential circumstances that may support a consent application include:</i> - A site-specific assessment by a suitably qualified person has established an appropriate alternative minimum floor level. - The building is in the hazard 3 (coastal) Overlay Zone and has an appropriate alternative minimum floor level that will mitigate risks from flooding in the short term; and the building is easily relocatable, so that as coastal hazards, including sea level rise, become more severe, the building can be relocated.

11.4.2 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
5.	Maximum area of vegetation clearance <u>in the hazard overlay zones</u> {NatEnv cl.16}	a. Risk from natural hazards	<i>Relevant objectives and policies:</i> 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 11.2.1.17). <i>Potential circumstances that may support a consent application include:</i> 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 ~~in a~~ <u>with</u> {NH cl.16} species that will have equal or greater positive effects in terms of land stability and erosion control.
6.	Outdoor storage standard {NH cl.16}	a. Risk from natural hazards	<i>Relevant objectives and policies:</i> i. Objective 11.2.1 ii. In the hazard 1 <u>and 1A</u> (flood) ~~Overlay Zones~~, {NH 908.37} 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 11.2.1.4).
7.	Relocatable buildings	a. Risk from natural hazards	<i>Relevant objectives and policies:</i> i. Objective 11.2.1 ii. In the Hazard 3 (coastal) Overlay Zone, new buildings ~~to be used for sensitive activities are relocatable so that as coastal hazards, including sea level rise, become more severe, these buildings can be relocated~~ <u>containing residential activity on the ground floor are relocatable, unless site constraints mean this is not practicable</u> {NH 737.9 and others} (Policy 11.2.1.9).

11.4.2 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
8.	Setback from coast and water bodies (Rule 10.3.3)	a. Risk from natural hazards	<i>Relevant objectives and policies:</i> i. Objective 11.2.1 ii. <u>New buildings, and structures, storage and use of hazardous substances, network utility activities, and earthworks - large scale {NH cl.16}</u> are set back <u>an adequate distance</u> from water bodies <u>an adequate distance</u> so that the risk <u>from natural hazards {NH cl.16}</u>, including from erosion and flooding, is avoided, or is no more than low (Policy 11.2.1.19). <i>Potential circumstances that may support a consent application include:</i> 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; and
 - b. provides guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

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	<i>General assessment guidance:</i> i. In assessing the risks from natural hazards, Council will consider: - existing hazards assessment reports on the DCC's <u>hazard Hazard {NH cl.16}</u> Information Management System; - the Otago Regional Council's Otago Natural Hazards Database; - any new hazard assessment or engineers' reports provided as part of an application; and - site or area specific factors, including the elevation of the site or topography and geology of the area, including if it is in a geologically sensitive mapped area (GSA) {NH cl.16³}; - risk to activities proposed on a site, as well as risk that is created, transferred, or exacerbated on other sites; and <u>cumulative effects of natural hazards, including from multiple hazards with different risks; and {NH 908.59}</u> <u>how the risk from natural hazards may worsen over time due to climate change. {NH 908.62}</u> 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. <u>In assessing risk, Council will also consider the policies of the New Zealand Coastal Policy Statement 2010 in terms of acceptable levels of risk. {NH 949.25 and NH 949.26}</u> iv. In assessing the appropriateness of mitigation measures (other than those prescribed in performance standards): - consideration will be given to its potential effectiveness, in the short to long term; - preference will be given to non-structural solutions, over engineering or structural solutions, where practicable; - 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 - any mitigation measures that may result in more than negligible adverse effects on biodiversity <u>values {NH cl.16}</u>, more than minor effects on access to the coast,

11.5.2 Assessment of all restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
			or significant effects on amenity or natural coastal sedimentation processes, will generally not be seen as appropriate. <i>Potential circumstances that may support a consent application include:</i> v. The risk from natural hazards will be no more than low when assessed against the guidance provided in Table 11.1. vi. 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. vii. 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 <u>natural hazards</u> {PO cl.16} sensitive activities, or <u>natural hazards</u> {PO cl.16} potentially sensitive activities, undertaken in hazard overlay zones. viii. 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. <i>Conditions that may be imposed include:</i> ix. 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) {NH 908.37} or 2 (flood) overlay zone other than the Hazard 1 (land instability) Overlay Zone {NH 73.4 and others}: new buildings, and additions and alterations to buildings, which create more than 36m² of new ground floor area in a residential zone, or 60m² of new ground floor area in all other zones other than residential {NH cl.16}.	a. Risk from natural hazards	<i>Relevant objectives and policies:</i> - Objective 11.2.1 - The scale, location and design of the building or other factors mean risk is avoided, or is no more than low (Policy 11.2.1.3).
X. { NH 634.74 }	In the Hazard 2 (flood) Overlay Zone: - natural hazards sensitive activities - natural hazards potentially sensitive activities	a. Risk from natural hazards	<i>Relevant objectives and policies:</i> - Objective 11.2.1 - 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 11.2.1.5).

11.5.2 Assessment of all restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
3. { NH 73.4 and others }	In a Hazard 1 (land instability) Overlay Zone : new buildings, and additions and alterations to buildings which create more than 1m² of new ground floor area.	a. Risk from natural hazards	<i>Relevant objectives and policies:</i> - Objective 11.2.1 - The scale, location, and design of building or other factors mean risk is avoided, or is no more than low (Policy 11.2.1.3).
4. { NH cl.16' }	In a dune system mapped area and swale mapped area : Earthworks – large scale that exceed the scale thresholds	a. Risk from natural hazards	<i>Relevant objectives and policies:</i> - Objective 11.2.1 - Earthworks in a dune system mapped area will not have adverse effects on the stability or buffering capacity of dune systems; and will not create, exacerbate, or transfer risk from natural hazards (Policy 11.2.1.14). - Earthworks in a swale mapped area will not obstruct or impede flood water, unless part of an approved natural hazard mitigation activity; nor create, exacerbate, or transfer risk from natural hazards (Policy 11.2.1.15).
5. { NH cl.16' }	Earthworks – large scale that exceed underlying zone scale thresholds for a geologically sensitive mapped area { NH cl.16' }	a. Risk from natural hazards	<i>Relevant objectives and policies:</i> - Objective 11.2.1 - The risk from natural hazards is avoided, or no more than low (Policy 11.2.1.12).
6. { NH cl.16' }	Earthworks – large scale that exceed scale thresholds for hazard (flood) overlay zones	a. Risk from natural hazards	<i>Relevant objectives and policies:</i> - Objective 11.2.1 - Earthworks will not obstruct or impede flood water, unless associated with approved hazard protection structures; nor create, exacerbate, or transfer risk from natural hazards (Policy 11.2.1.15).

11.5.2 Assessment of all restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
7. ~~{NH cl.16}~~	Earthworks – large scale that exceed scale thresholds for hazard (land instability) overlay zones	a. Risk from natural hazards	<i>Relevant objectives and policies:</i> i. Objective 11.2.1 ii. Earthworks will not have adverse effects on land stability nor create, exacerbate, or transfer risk from natural hazards (Policy 11.2.1.16).
8. ~~{NH 949.25 and 634.69}~~	All subdivision activities in a Hazard 3 (coastal) Overlay Zone	a. Risk from natural hazard	<i>Relevant objectives and policies:</i> i. Objective 11.2.1 ii. In the hazard 3 (coastal) Overlay Zone, where hazards may worsen over time due to climate change, subdivision activities will only result in a minimal increase in development potential for sensitive activities or potentially sensitive activities; (Policy 11.2.1.13). <i>Additional conditions that may be imposed include:</i> iii. Restrictions and conditions, including by way of consent notice, restricting future subdivision activities.
Y. ~~{NH cl.16}~~	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	<i>Relevant objectives and policies:</i> i. <u>Objective 11.2.1</u> ii. <u>The risk from natural hazards, will be avoided, or no more than low (Policy 11.2.1.12).</u> <i>General assessment guidance:</i> In assessing changes in risk, Council will specifically consider: iii. <u>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;</u> iv. <u>In a flood or alluvial fan overlay zone or the swale mapped area, whether the earthworks will obstruct, impede, or redirect flood water; and</u> v. <u>In a land instability overlay zone, general effects on land instability.</u>
9.	All subdivision activities • <u>General subdivision</u> • <u>Cross lease, company lease and unit title subdivision</u> {NH cl.16}	a. Risk from natural hazards	<i>Relevant objectives and policies:</i> 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, or in any other area or areas that the DCC has good cause to suspect may be at risk from a natural hazard, all subdivisions are designed to ensure any future land use or development will occur in a way that ensures the risk from natural hazards is avoided, or is no more than

11.5.2 Assessment of all restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
		~~low there is a reasonable level of certainty that any future land use or development will meet policies 11.2.1.1 - 11.2.1.12~~ (Policy 11.2.1.42-13). {NH 949.25 and 634.69} <i>General assessment guidance:</i> 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 <u>activities</u> {NH cl.16} 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 ~~the risk to them from natural hazards and their potential to create, transfer, or exacerbate risks off site~~ {NH cl.16}; and 7. primary and ~~secondary or~~ {NH cl.16} ancillary land use activities, and their sensitivity. <i>Potential circumstances that may support a consent application include:</i> 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. v. That resultant sites provide building platforms that will allow buildings associated with <u>natural hazards</u> {PO cl.16} sensitive or <u>natural hazards</u> {PO cl.16} 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

11.5.2 Assessment of all restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
		flooding and sea level rise will be such that safe and effective on-site disposal is likely to be practicable in the long term. <i>Conditions that may be imposed include:</i> 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. ~~minimum floor levels for buildings~~; {NH 917.27, NH 947.53 and others} 2. stormwater management systems, for example, retention basins to regulate the rate and volume of surface runoff; 3. establishment, enhancement, or retention of vegetation; 4. conditions on the design of earthworks; 5. the type of water and waste services to be used; and 6. 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.

¹ **NH cl.16:** As a clause 16 amendment, this content is being moved to Rule 11.5.2.Y. This does not result in a substantive change to the effect of provisions.

² **NH cl.16:** As a clause 16 amendment, this content has been moved from rules 11.5.2.4, 11.5.2.5, 11.5.2.6 and 11.5.2.7. This does not result in a substantive change to the effect of provisions.

³ **NH cl.16:** Geologically sensitive areas are not part of the Plan, and are included in the data map for information purposes only. Reference to them in assessment rules is therefore incorrect and has been removed under cl.16. There is no substantive change to the provisions.

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, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.

11.6.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities <u>that are linked to section 11.6, including but not limited to the activities listed below {PO cl. 16}</u>	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.2.1 and Objective 11.2.1 <i>General assessment guidance:</i> 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; and ix. new or changes to land use <u>activities {NH cl.16}</u> 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. <u>cumulative effects of natural hazards, including from multiple hazards with different risks; and {NH 908.59}</u> xi. <u>how the risk from natural hazards may worsen over time due</u>

11.6.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
	<u>to climate change {NH 908.62}</u> 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. <u>In assessing risk, Council will also consider the policies of the New Zealand Coastal Policy Statement 2010 in terms of acceptable levels of risk. {NH 949.25 and NH 949.26}</u> e. In assessing the appropriateness of mitigation measures (other than those prescribed in performance standards): - consideration will be given to its potential effectiveness, in the short to longer term; - preference will be given to non-structural solutions, over engineering or structural solutions, where practicable; - 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 - any mitigation measures that may result in more than negligible adverse effects on biodiversity <u>values {NH cl.16}</u>, 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. ~~Mitigation measures relying on minimum floor levels are either:~~ ~~based on recommended minimum floor levels specified in recommended minimum floor level areas as shown in the flood minimum floor level mapped area; or~~ ~~are based on a site specific assessment by a suitably qualified hydrologist which establishes an appropriate alternative minimum floor level. {NH 917.27, NH 947.53 and others}~~ <i>Potential circumstances that may support a consent application include:</i> 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 the {NH cl.16} Council or the community from being subject to claims for compensation, reinstatement, or rectification of <u>natural hazards {PO cl.16}</u> sensitive activities, or <u>natural hazards {PO cl.16}</u> potentially sensitive activities, undertaken in hazard overlay zones.

11.6.2 Assessment of all discretionary activities

Activity		Guidance on the assessment of resource consents
		i. In the Hazard 2 (land instability) Overlay Zone, 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). <i>Conditions that may be imposed include:</i> k. Building platforms registered against the title by way of consent notice.
2.	• <u>Natural</u> hazard mitigation earthworks {HazMit cl.16} • <u>Natural</u> hazard mitigation structures {HazMit cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 11.2.1 b. The option of doing nothing is not the best practicable option and it will reduce risk overall and not transfer, exacerbate, or create a new risk somewhere else {HazMit 308.167} (Policy 11.2.1.20).
3. ~~{NH 634.74}~~	~~In the hazard 1 overlay zones:~~ • ~~potentially sensitive activities permitted in underlying zone~~	~~<i>Relevant objectives and policies (priority considerations):</i>~~ a. ~~Objective 11.2.1~~ b. ~~The activity has a critical operational need to locate within the hazard 1 overlay zones and locating outside the hazard 1 overlay zones is not practicable (Policy 11.2.1.2.a).~~ c. ~~The scale, location and design of the activity or other factors means risk is avoided, or is no more than low (Policy 11.2.1.2.b).~~
4. ~~{NH 634.74}~~	~~In the hazard 2 overlay zones:~~ • ~~potentially sensitive activities not permitted in underlying zone~~	~~<i>Relevant objectives and policies (priority considerations):</i>~~ a. ~~Objective 11.2.1~~ b. ~~The activity has a critical operational need to locate within the hazard 2 overlay zones and locating outside the hazard 2 overlay zones is not practicable (Policy 11.2.1.6.a).~~ c. ~~The scale, location and design of the activity or other factors means risk is avoided, or is no more than low (Policy 11.2.1.6.b).~~
5. ~~{NH 634.74}~~	~~In the hazard 2 overlay zones:~~ • ~~sensitive activities~~	~~<i>Relevant objectives and policies (priority considerations):</i>~~ a. ~~Objective 11.2.1~~ b. ~~The scale, location and design of the activity or other factors means risk is avoided, or is no more than low (Policy 11.2.1.5).~~

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 {NH 73.4 and others}: • New {NH 908.3} Natural hazards {PO cl.16} potentially sensitive activities not permitted in zone {NH 634.74} • New {NH 908.3} Natural hazards {PO cl.16} sensitive activities <u>In the Hazard 1A (flood) Overlay Zone:</u> • <u>Natural hazards potentially sensitive activities {NH908.37}</u>	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.2.1 b. Objective 11.2.1; Policy 11.2.1.1 c. <u>In the Hazard 1 (flood) Overlay Zone, natural hazards sensitive activities and natural hazards potentially sensitive activities are avoided unless:</u> i. <u>the risk from natural hazards is avoided, or is no more than low; and</u> ii. <u>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).</u> d. <u>In the Hazard 1A (flood) Overlay Zones, natural hazards potentially sensitive activities are avoided unless:</u> i. <u>the risk from natural hazards is avoided, or is no more than low; and</u> ii. <u>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.Z). {NH 908.37}</u> <i>General assessment guidance:</i> e. <u>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 to confirm that the risks to the development, or resulting from the development, will be no more than low. {NH cl.16}</u> f. 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;

11.7.2 Assessment of non-complying activities

Activity	Guidance on the assessment of resource consents
	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; and ix. evacuation routes, and/or alternate means of maintaining access during a natural hazard event; x. <u>cumulative effects of natural hazards, including from multiple hazards with different risks. {NH 908.59}</u> 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 {NH cl.16'} xii. <u>how the risk from natural hazards may worsen over time due to climate change. {NH 908.62}</u> g. <u>In assessing risk, Council will also consider the policies of the New Zealand Coastal Policy Statement 2010 in terms of acceptable levels of risk. {NH 949.25 and NH 949.26}</u> h. <u>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 whether a mechanism is proposed to protect the DCC or ORC from these claims. {NH cl.16}</u> 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 <u>values</u> {NH cl.16}, more than minor

11.7.2 Assessment of non-complying activities

Activity	Guidance on the assessment of resource consents
	effects on access to the coast, or significant effects on amenity or natural coastal sedimentation processes, will generally not be seen as appropriate. <i>Potential circumstances that may support a consent application include:</i> {NH cl.16} j. The risk from natural hazards, will be no more than low, when assessed against the guidance provided in Table 11.1. k. 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. l. 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 sensitive activities, or potentially sensitive activities, undertaken in hazard overlay zones.

¹ **NH cl.16:** This rule was notified as Rule 11.7.2.1.d, but has been relocated within Rule 11.7.2.1. This does not change the effect of the rule.

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	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.2.1 b. Objective 11.2.1, policies 11.2.1.10, 11.2.1.11 {NH cl.16} c. Development activities <u>and</u> public amenities <u>and</u> temporary activities {TA 583.9} in a swale mapped area do not obstruct or impede water during a flood hazard event, and not, <u>or</u> {NH cl.16} cause water to be diverted out of a swale, <u>during a flood hazard event</u> {NH cl.16}. (Policy 11.2.1.10).
2. • Hazard exclusion areas (Rule 11.3.1.2) - dune system mapped area	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.2.1 b. Avoid buildings and structures (except for relocatable surf life saving clubs) {NH 73.4 and others} within a dune system mapped area unless: i. <u>they have an operational need to locate there:</u> {NH 690.12} ii. <u>there is no risk that development will cause, exacerbate, or be at they will not increase the risk of from coastal erosion; and</u> {NH 908.3} iii. <u>the risk from natural hazards is no more than low.</u> {NH 908.3} (Policy 11.2.1.11)

Rule 11.8 Notification {Confirmed for deletion - NH cl.16¹}

¹ **NH cl.16:** Rule 11.8 has been removed because section does not have an activity status table. All activities that are managed in this section are subject to the notification rule associated with the activity status table in which they appear (i.e. in a management zone, major facility zone or city-wide activity section). Rule 11.8.3 has been transferred to the notification rule in all section that intersect with, and contain hazard provisions for, a Hazard 1 or 1A (flood) overlay zones, or the swale mapped area. The other elements of Rule 11.8 are already covered in the notification rules in other sections and are, therefore, superfluous.

1. ~~Applications for resource consent for the following activities will be publicly notified in accordance with section 95A(2) of the RMA, unless Council considers special circumstances exist in relation to the application:~~
 1. ~~non-complying activities.~~
2. ~~With respect to resource consent applications for the following activities, manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:~~
 1. ~~discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat to the **wāhi tūpuna mapped area** in Appendix A4.~~
3. ~~Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided with respect to applications for resource consent in the following locations:~~
 1. ~~Hazard 1 (flood) overlay zones; and~~
 2. ~~**swale mapped areas.**~~
4. ~~In accordance with section 95(B) of the RMA, where an application is not publicly notified, Council will give limited notification of an application to all affected persons.~~
5. ~~All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA. {NH cl.16}~~

Rule 11.9 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. a ~~minimum floor level~~; **{NH 917.27, NH 947.53 and others}**
 5. a ~~geologically sensitive mapped area~~; and **{NH cl.16}**
 6. land that Council has ~~good cause~~ information **{NH 634.69}** on indicating it may be to suspect is **{NH cl.16}** hazard prone.
2. For the purpose of natural hazard risk, a suitably qualified person includes:
 1. Hydrologists;
 2. Geotechnical engineers; and
 3. Geomorphological specialists **{NH cl.16}** (including coastal).

¹ **NH cl.16:** As a clause 16 amendment, geologically sensitive areas are not part of this Plan, and are included in the data map for information purposes only.

12. Urban Land Transition Provisions {Was "Transitional Provisions" - ULS cl.16}

12.1 Introduction

Future urban land may be required over the timeframe of the Second Generation Plan 2GP Plan **{PO cl.16}** in order to respond to population and business growth.

In response to this issue, the strategic directions chapter section **{PO cl.16}** of the 2GP Plan **{PO cl.16}** outlines the objectives and policies that guide when and where urban expansion should occur, including the criteria that were used to identify the transitional **{ULS cl.16}** areas. The strategic directions are based on the Dunedin Spatial Plan's goal of being a compact city with resilient townships, and the objectives and policies contained within.

A number of preferred areas for transition to, or between, urban uses are identified in the 2GP this Plan **{ULS cl.16}**, and rules included which provide for their transition/re-zoning to a different zoning **{ULS cl.16}** if and when they are required due to a shortage of land available in existing zoned areas. Such areas include:

1. areas for future General Residential 1 residential **{ULS cl.16}** zoning, which have been identified in a General Residential 1 Transition Residential Transition Overlay Zone (GR1TZ RTZ **{ULS cl.16}**);
2. areas for future industrial zoning, which have been identified in an Industrial Transition Overlay Zone (IndTZ); and
3. areas for future harbourside edge zoning, which have been identified in a Harbourside Edge Transition Overlay Zone (HETZ).

The transition of land is being **{ULS cl.16}** managed through a certification process, where land is released by the Chief Executive Officer or their delegate, once identified triggers are met, requiring a resolution of the Council (meaning the elected body) which **{ULS 350.6}**

The future zoning of each Residential Transition Overlay Zone is identified through the overlay name on the Planning Maps, for example: Residential Transition Overlay Zone (General Residential 1 Zone). **{ULS 350.6}**

1. for transition to residential zoning, considers: **{ULS 350.6}**
 1. the need for land (using a five year forward projection) based on current capacity information and other relevant evidence on changes in the land market; and
 2. the general housing market including trends in land values;
2. for all transitional zones, considers: **{ULS 350.6}**
 1. the availability of infrastructure; and
 2. the design and staging of the development.

12.2 Objectives and Policies

Objective 12.2.1	
Land within the General Residential 1 Residential Transition Overlay Zone (RTZ) {ULS cl.16} is able to be released and developed in a coordinated way as General Residential 1 residential zoned {ULS cl.16} land, in advance of the when there is a {ULS 394.18} need for additional residential land capacity {ULS 350.6} to accommodate growth.	
Policy 12.2.1.1	In the General Residential 1 Residential Transition Overlay Zone (GR1TZ RTZ) {ULS cl.16} provide for land to transition from rural or rural residential zoned land to General Residential 1 residential {ULS cl.16} zoned land through a resolution by the Council certification process by the Chief Executive Officer or their delegate {ULS 350.6} when all of the following are met: - the estimated total residential capacity is less than 120% of the projected total residential demand in the RTZ residential capacity assessment mapped area over the next five years; and {ULS 350.6} - water supply, wastewater and stormwater infrastructure capacity is sufficient to support the additional residential development; and {ULS 350.6} - an agreement between the DCC and the developer on the method, timing and funding of any necessary transportation infrastructure is in place. {ULS 350.6} - the Council is satisfied that the amount and location of land reflects both: {ULS 350.6} - an appropriate amount of land based on projected land needs in the catchment for a five year period; and - an appropriate location based on a logical staging of development from the point of infrastructure provision; and - the Council is satisfied that the design of the proposed development as outlined in a structure plan or other development plan, appropriate for the scale of development, will meet the relevant objectives and policies of this Plan; and {ULS 350.6} - the average market value of residential properties (as measured by Quotable Value) has not decreased in the residential catchment area in the last, not less than three-monthly, assessment cycle; and {ULS 350.6} - in the relevant residential catchment area either: {ULS 350.6} - the residential capacity falls below 50 sites (see Appendix 12A for catchment areas and Appendix 12B for methodology for calculating capacity); or - there is other evidence that there is significant land shortage in the residential catchment area; - for priority 2 GR1TZ land, a minimum of 70% in area of priority 1 General Residential 1 Overlay Zone (GR1TZ) land has been released, and adjoining priority 1 GR1TZ land has been subdivided into residential sized sites. {ULS 350.6}
Policy 12.2.1.2	Avoid landfills and mining activity or other activities land use activities that may otherwise inhibit future use of General Residential 1 Residential Transition Overlay Zone (GR1TZ RTZ) {ULS cl.16} land for residential activity, including mining and landfill activity, or other rural activities that might create 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 {ULS 796.22}.

Objective 12.2.1

Land within the General Residential 1 Residential Transition Overlay Zone (RTZ) **{ULS cl.16}** is able to be released and developed in a coordinated way as General Residential 1 residential zoned **{ULS cl.16}** land, in advance of the when there is a **{ULS 394.18}** need for additional residential land capacity **{ULS 350.6}** to accommodate growth.

Policy 12.2.1.3 Only allow forestry and ~~factory farming~~ intensive farming **{RU 1090.3}** in the General Residential 1 Residential Transition Overlay Zone (GR1TZ RTZ) **{ULS cl.16}** where these activities will not inhibit future use of the land for residential activity.

Policy 12.2.1.4 Only allow subdivision activities **{ULS cl.16}** where:

- after land has been released ~~by a resolution of Council~~ **{ULS 350.6}**, it is in accordance with the objectives and policies of the General Residential 1 Zone specified future residential zone **{ULS cl.16}**; or
- prior to land being released, the subdivision will not undermine or inhibit the future development of the area as residential land.

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 ~~resolution by the Council certification process by the Chief Executive Officer or their delegate when,~~ **{ULS350.6}** ~~when all of the following are met:~~

- ~~an agreement between the DCC and the developer on the method, timing, and funding of any necessary public infrastructure provision is in place; and~~ **{ULS 350.6}**
- ~~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.~~ **{ULS 350.6}**
- ~~the Council is satisfied that the amount and location of land reflects both:~~ **{ULS 350.6}**
 - ~~an appropriate amount of land based on projected land needs for a five year period; and~~
 - ~~an appropriate location based on a logical staging of development from the point of infrastructure provision; and~~
- ~~the Council is satisfied that the design of the proposed development as outlined in a development plan, appropriate for the scale of development, will meet the relevant objectives and policies of this Plan; and~~ **{ULS 350.6}**
- ~~either:~~ **{ULS 350.6}**
 - ~~at least 70% of the sites, including any proposed sites that are still in the process of subdivision, have been re-developed; or~~
 - ~~there is other compelling evidence that there is significant shortage of Harbourside Edge zoned land;~~

Policy 12.2.2.2 Only allow subdivision activities **{ULS cl.16}** where:

- after land has been released ~~by a resolution of Council~~ **{ULS 350.6}**, it is in accordance with the objectives and policies of the Harbourside Edge Zone; or
- 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 ~~resolution by the Council; certification process by the Chief Executive Officer or their delegate~~ {ULS 350.6} when ~~all of the following are met an agreement between the DCC and the developer on the method, timing, and funding of any necessary public infrastructure provision is in place.~~ {ULS 350.6} a. ~~the Council is satisfied that the amount and location of land reflects a logical staging of development from the point of infrastructure provision; and~~ {ULS 350.6} i. ~~there is sufficient existing or planned and approved transport, wastewater and stormwater infrastructure capacity to accommodate industrial development; and~~ b. ~~the Council is satisfied that the design of the proposed development, as outlined in a development plan appropriate for the scale of development, will meet the relevant objectives and policies of this Plan.~~ {ULS 350.6}
Policy 12.2.3.2	Only allow subdivision ~~activities~~ {ULS cl.16} where: a. ~~after land has been released by a resolution of Council~~ {ULS 350.6}, it is in accordance with the objectives and policies of the industrial zone ~~Industrial Zone~~ {ULS cl.16}; or b. prior to land being released, the subdivision will not undermine or inhibit the future development of the area as Industrial-zoned land.

12.3 Rules for Transition Overlay Zones {Was "Transitional" - ULS cl.16}

Rule 12.3.1 Release of land in the Residential Transition Overlay Zone (RTZ) {Was: Release of General Residential 1 Transition Overlay Zone land - ULS cl.16}

1. In a General Residential 1 Residential Transition Overlay Zone (GR1TZ RTZ) **{ULS cl.16}**, the provisions of the General Residential 1 Zone specified future residential zone **{ULS cl.16}** will apply to any part of that zone that is "released" through a resolution of the Council to that effect: by the Chief Executive Officer or their delegate certifying that the requirements in Rule 12.3.1.2 (a), (b) and (c) are met. **{ULS 350.6}**
2. The Council must only resolve to release land in a General Residential 1 Transition Overlay Zone (GR1TZ) once: 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: **{ULS 350.6}**
 - a. the estimated total residential capacity is less than 120% of the projected total residential demand in the RTZ residential capacity assessment mapped area over the next 5 years, as indicated by analysis undertaken by the DCC in accordance with the National Policy Statement for Urban Development Capacity and published on the DCC website; and **{ULS 350.6}**
 - b. the DCC has published a statement on its website that: **{ULS 350.6}**
 - i. further development within the Residential Transition Overlay Zone will meet the following criteria, demonstrated by modelling using accepted industry practice: **{ULS 350.6}**
 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); **{ULS 350.6}**
 2. water pressure within the piped treated water network servicing the Residential Transition Overlay Zone is maintained between 300-900 kPa; and **{ULS 350.6}**
 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 **{ULS 350.6}**
 - ii. a contract has been awarded that will ensure any necessary infrastructure upgrades required to meet the tests in Rule 12.3.1.b.i are completed within three years; and **{ULS 350.6}**
 - c. an agreement between the DCC and the developer on the method, timing and funding of any necessary transportation infrastructure is in place. **{ULS 350.6}**
- a. the Council is satisfied that the amount and location of land reflects both: **{ULS 350.6}**
 - i. an appropriate amount of land based on projected land needs in the catchment for a five year period; and **{ULS 350.6}**
 - ii. an appropriate location based on a logical staging of development from the point of infrastructure provision; and **{ULS 350.6}**
- b. the Council is satisfied that the design of the proposed development as outlined in a structure plan or other development plan, appropriate for the scale of development, will meet the relevant objectives and policies of this Plan; and **{ULS 350.6}**
- c. the average market value of residential properties (as measured by Quotable Value) has not decreased city wide or in the GR1TZ Overlay Catchment area in the last assessment cycle; and **{ULS 350.6}**

- d. in the relevant **GR1TZ Overlay Catchment** area, either: **{ULS 350.6}**
 - i. the residential capacity falls below 50 sites (see Appendix 12A for **GR1TZ Overlay Catchment** area and Appendix 12B for methodology for calculating capacity); or **{ULS 350.6}**
 - ii. there is other evidence that there is significant land shortage in the residential catchment area; and **{ULS 350.6}**
 - e. for priority 2 GR1TZ land, a minimum of 70% in area of priority 1 GR1TZ Overlay Zone (GR1TZ) land in the **GR1TZ Overlay Catchment** area has been released, and adjoining priority 1 GR1TZ land has been subdivided into residential-sized sites. **{ULS 490.17}**
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. **{ULS 350.6}**
 4. The analysis required by clause 2(a) above will be completed and published on the DCC website as follows: **{ULS 350.6}**
 - a. Residential capacity will be calculated at least annually **{ULS 350.6}**
 - b. Residential demand will be calculated at least every three years. **{ULS 350.6}**
 5. The statement on water supply and wastewater infrastructure capacity may specify the number of additional dwellings for which there is infrastructure capacity. **{ULS 350.6}**

Note 12.XX - General Advice

1. Stormwater management will be assessed at the time of building consent, subdivision consent or service connection application. **{ULS 350.6}**

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, through a resolution of the Council to that effect. **{ULS 350.6}**
2. The Chief Executive Officer or their delegate Council, must only resolve certify to release land in a Harbourside Edge Transition Overlay Zone following receipt of an application demonstrating that one: **{ULS 350.6}**
 - 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.
 - a. the Council is satisfied that the amount and location of land reflects both:
 - i. an appropriate amount of land based on projected land needs for a five year period; and
 - ii. an appropriate location based on a logical staging of development from the point of infrastructure provision; and
 - b. the Council is satisfied that the design of the proposed development as outlined in a development plan; appropriate for the scale of development, will meet the relevant objectives and policies of this Plan; and

- c. either:
- i. at least 70% of the sites, including any proposed sites that are still in the process of subdivision, have been re-developed; or
 - ii. there is other compelling evidence that there is significant shortage of Harbourside Edge zoned land. **{ULS 350.6}**

12.3.3 Release of Industrial Transition Overlay Zone land

1. In an **{ULS cl.16}** 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 through a resolution of the Council to that effect. **{ULS 350.6}**
2. The Chief Executive Officer or their delegate Council must certify only resolve to release land in an Industrial Transition Overlay Zone once 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: **{ULS 350.6}**
 - a. the Council is satisfied that the amount and location of land reflects both:
 - i. an appropriate location based on a logical staging of development from the point of infrastructure provision; and
 - ii. any necessary public infrastructure is available, including any necessary infrastructure upgrades are completed or a programme of upgrades is agreed between the Council and the developer; and
 - b. the Council is satisfied that the design of the proposed development as outlined in a development plan, appropriate for the scale of development, will meet the relevant objectives and policies of this Plan: **{ULS 350.6}**

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. **{ULS cl.16}**

Rule 12.3.4 Information requirements Transition Overlay Zones

Subdivision activities **{ULS cl.16}** in a Transition Overlay Zone must have a structure plan or other development plan that shows, as a minimum, the following:

1. allotments;
2. stages of development; and
3. roads; and **{PO cl.16}**
4. public infrastructure.

¹ **PO cl.16:** Roads are now included in the definition of public infrastructure.

Rule 12.3.5 Assessment of Discretionary Activities

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

12.3.5.3 Assessment of discretionary activities in a Transition Overlay Zone

Activity	Guidance on the assessment of resource consents
a. In a General Residential 1 Residential Transition Overlay Zone (GR1TZ RTZ) {ULS cl.16}: • ~~Factory farming~~ <u>Intensive farming</u> {RU 1090.3} • Forestry	<i>Relevant objectives and policies:</i> i. Objective 12.2.1 ii. ~~Forestry and factory farming are only allowed in the General Residential 1 Transition Overlay Zone (GR1TZ) where these~~ <u>The {ULS cl.16}</u> activities will not inhibit future use of the land for residential activity (Policy 12.2.1.3). <i>General assessment guidance:</i> 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 <u>GR1TZ RTZ land {ULS cl.16}</u>, unable to be developed as ~~General Residential 1 Zone~~ <u>residential zoned {ULS cl.16}</u> land when required.

Rule 12.3.6 Assessment of Non-complying Activities

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 12.3.6.3 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.

12.3.6.3 Assessment of discretionary non-complying {ULS cl.16} activities in a Transition Overlay Zone

Activity	Guidance on the assessment of resource consents
a. In a General Residential 1 Residential Transition Overlay Zone (RTZ) {ULS cl.16} : • Mining • Landfills	<i>Relevant objectives and policies (priority considerations):</i> i. Objective 12.2.1 ii. ~~Land use activities that may inhibit future use of General Residential 1 Transition Overlay Zone land for residential activity are avoided, including mining and landfill activity, or other rural activities that might create contaminated land~~ <u>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 {ULS 796.22}</u> (Policy 12.2.1.2). <i>General assessment guidance:</i> 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 GR1TZ RTZ land {ULS cl.16}, unable to be developed as General Residential 1 Zone <u>residential zoned {ULS cl.16}</u> land when required.

Appendices

Appendix 12A {Confirmed for deletion - ULS 394.22}

~~General Residential 1 Transition Overlay Zone Catchments {ULS 394.22}~~

Appendix 12B {Confirmed for deletion- ULS 350.6}

General Residential 1 Transition Overlay Capacity Methodology {Confirmed for deletion- ULS 350.6}

1. The methodology for determining the residential capacity of a General Residential 1 Transition Overlay Zone (GR1TZ) catchment is firstly to remove land in public ownership, and land with an area divided by perimeter ratio of less than 3, from the land to be considered. From the balance of the residential zoned land in the relevant General Residential 1 Transition Overlay Zone (GR1TZ) catchment, the residential capacity is the sum of the following:
 - a. The total number of vacant sites with an area between 100 and 1000m², and less than 10 years old; and
 - b. For vacant sites with an area between 100 and 1000m², and 10 years or older, 80% of the total number of sites; and
 - c. For vacant sites with an area of 1000m² or more, and 5 years or older, 10% of the number of potential sites (total land area divided by 700); and
 - d. For vacant sites with an area of 1000m² or more, and less than 5 years old, the total number of potential sites (total land area divided by 700); and
 - e. For occupied sites with an area of 1000m² or more, 2% of the total number of potential sites (total land area less any existing residential development, divided by 700).

13. Heritage

13.1 Introduction

The Resource Management Act 1991 **{PO cl.16}** (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 **{Her cl.16}** 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 Schedule Appendix A1.1 Schedule of Protected Heritage Items and Sites **{Her cl.16}**.

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 **{Her cl.16}**, or because it has become too costly to repair. In some cases, a lack of long-term maintenance has led 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. **{Her 547.71}** 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 2GP Plan **{PO cl.16}** proposes aims **{Her cl.16}** to both protect the heritage values and to also encourage and allow changes necessary to facilitate appropriate re-use. To achieve this, the 2GP Plan **{PO cl.16}** 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 **{Her cl.16}** 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 activities are activity is **{PO cl.16}** 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.

The Heritage Schedule identifies these sites within Heritage sites are listed in Appendix Schedule {Her cl.16} A1.1. The 2GP Plan {PO cl.16} 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 {Her cl.16}, 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 and mixed use {CMU cl.16} 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 operative Dunedin City District Plan (2006) {PO cl.16}.

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 Schedule Appendix {Her cl.16} A1.1. Rules differ between these types of building, recognising that changes to, or removal of, non-character buildings may have little negative effect on the heritage character of the area.

The focus in the precincts is on managing the collective {Her 547.71} historic streetscape character created by individually scheduled buildings and character-contributing buildings of that precinct, as assessed at the time of scheduling. For this reason, ~~the proposed {Her cl.16} rules, therefore, {Her 547.71}~~ 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 is are appropriately located. The rules around fences will ensure that heritage buildings and their curtilage remain visible from the street.

Within the commercial areas, 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 {Her cl.16} within the commercial heritage precincts. Policies Policy 13.2.3.6 {Her cl.16} 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. 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. 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.

The key issue with regard to archaeological sites is that most are not identified in the operative plan Dunedin City District Plan (2006) {PO cl.16}, and are therefore at risk of damage if landowners are unaware of them when undertaking activities on their land. In response to this issue, the 2GP this Plan proposes to {Her cl.16} 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 Schedule Appendix {Her cl.16} 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.

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 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. {Her 1071.47}

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, <u>as far as practicable</u> , {PO 906.34 and 308.497} 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 <u>where practicable</u> {Her 308.244}; c. minimising, <u>as far as practicable</u>, {PO 906.34 and 308.497} 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 structure, provided both of the following criteria are met: a. it is carried out in a manner that minimises, <u>as far as practicable</u>, {Her 308.245, PO 906.34 and 308.497} 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, <u>including earthquake strengthening</u>, {Her 308.245} 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 structure where: a. adverse effects on heritage values are avoided; ~~or if avoidance is not possible, are no more than minor~~ <u>minimised as far as practicable</u> {Her 308.246}; and b. the visual impact of additions on protected parts of the building, including building utilities, is minimised, <u>as far as practicable</u> {Her 308.246, PO 906.34 and 308.497}; and {Her 308.246} c. <u>the benefit in terms of long term protection and future use of the building outweighs any loss of heritage values</u>. {Her 308.246}

Objective 13.2.1

Scheduled heritage buildings and structures are protected.

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 is practicable.
Policy 13.2.1.7	Avoid the demolition of a protected part of a scheduled heritage building or structure unless ~~all of~~ {Her 308.248} the following criteria are met: a. i. the building or part of the building poses a significant risk to safety or property; ~~and~~ or {Her 308.248} 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~~ {Her 308.248} 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 can~~ will {PO cl.16} 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 structure where ~~all of~~ {Her 308.249} the following criteria are met: a. the removal is necessary to i. facilitate the ongoing use or protection of the building; {Her 308.249} or ii. ensure public safety; ~~or~~ {Her 308.249} 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;~~ {Her 308.249} b. measures are in place to minimise, ~~as far as practicable,~~ {Her 308.249, PO 906.34 and 308.497} 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 can~~ will {PO cl.16} 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 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.

Objective 13.2.2

The heritage values of scheduled heritage sites are protected.

Policy 13.2.2.1	Only allow new buildings and structures, additions and alterations, network ~~utilities~~ <u>utility</u> {NU cl.16} 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 ~~utilities~~ <u>utility</u> {NU cl.16} activities, natural hazard mitigation activities and building utilities are designed, located and/or screened to be as unobtrusive as <u>practicable</u> possible. {Her 576.33}
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 ~~for~~ <u>of</u> 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 located at the rear of buildings or where this is not feasible due to the location of the buildings, is set back from the street frontage <u>appropriately located or screened from view</u> {Her 317.15}; c. building heights, boundary setbacks and scale reflect heritage streetscape character; <u>and</u> {Her 457.38} d. ~~network utility structures~~ <u>building utilities</u> {Her cl.16} are appropriately located, <u>taking into consideration operational and technical requirements</u> {Her 457.38}; and e. fences do not screen buildings from view.
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; <u>and</u> c. vehicle crossings are kept to a minimum, including avoiding commercial drive-through facilities; <u>and</u> {Her 457.39} d. ~~network utility structures~~ <u>building utilities</u> {Her cl.16} are appropriately located, <u>taking into consideration operational and technical requirements</u> {Her 457.39}.
Policy 13.2.3.4	Require signs within commercial heritage precincts to be located and designed to avoid ~~or, and if avoidance is not possible~~ <u>minimise, as far as practicable</u> {PO 906.34 and 308.497} , adverse effects on heritage streetscape character.
Policy 13.2.3.5	Only allow ~~other~~ {Her cl.16} additions and alterations to character-contributing buildings <u>and larger additions to non-character-contributing buildings; {Her 308.358}</u> 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, <u>including earthquake strengthening</u>, {Her 308.253} outweighs any adverse effects on heritage streetscape {Her cl.16} character; and b. for all other additions and alterations, heritage streetscape character is maintained or enhanced.

Objective 13.2.3

The heritage streetscape character of heritage precincts 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 ~~can~~ <u>will</u> {PO cl.16} be imposed that ~~would~~ <u>will</u> {Her cl.16} 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 ~~possible~~ <u>practicable</u> {Her 576.74} 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 ~~possible~~ <u>practicable</u> {Her 576.74}.
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, <u>network utility connections</u> {Her 925.34 and others} 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.
Policy 13.2.3.10	Only allow public amenities, <u>natural hazard mitigation activities</u> {HazMit cl.16} ¹ and network ~~utilities~~ <u>utility</u> {NU cl.16} 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 {Her 308.358}	<u>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. {Her 308.358}</u>

¹ **HazMit cl.16:** Not a substantive change as Rule 8.5 as notified already directed the assessment of effects on heritage values if in a heritage precinct or heritage site (also reflected in Rule 13.7)

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.**{PO cl.16}**

13.3.2 Materials and Design

1. For repairs and maintenance and restoration of any part of a character-contributing building, any protected part of a scheduled heritage building or scheduled heritage structure, or any non-protected part of a scheduled heritage building within a heritage precinct, that are visible from an adjoining public place:
 - a. the materials used and the design of any replacement building components are the same or closely similar to those being repaired or replaced, or those that were in place originally. Except that:
 - i. concrete roofing tiles or metal and stone chip roofing tiles on character-contributing buildings **{Her 547.74}** may be replaced with any roofing material; and
 - ii. wooden windows (except stained glass and multi-light windows) **{Her 547.74}** may be retrofitted with double glazed units into the existing timber joinery.
 - b. Unpainted walls must not be painted, and un-rendered walls must not be rendered.
2. 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.
3. For earthquake strengthening of a protected part of a scheduled heritage building or scheduled heritage structure, shotcrete must not be applied to the exterior.
4. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

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. ~~The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. 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. {Her 547.80}~~ If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand before you begin {Her 547.80}. This is the case regardless of whether the land on which the {Her 547.80} site is located is {Her 547.80} designated, or the activity is permitted under the District Plan or Regional Plan or a resource or building consent has been granted.
2. The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol (Appendix A8) manages archaeological sites which that {Her cl.16} 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 maps. Archaeological sites may also be found outside these areas, but are more likely to be found within the archaeological alert layer. {Her 1071.47}
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. {Her 796.5}

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. Rules 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 {Her cl.16} on heritage values	<i>Relevant objectives and policies:</i> 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, <u>as far as practicable</u>, {PO 906.34 and 308.497} 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 <u>where practicable</u> {Her 308.244}; 3. minimising, <u>as far as practicable</u>, {PO 906.34 and 308.497} 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). <i>Conditions that may be imposed include:</i> iii. <u>Requirements around</u> {Her cl.16} the design and implementation of the works, including materials and methods used.

13.4.2 Assessment of controlled activities

Activity	Matters of control	Guidance on the assessment of resource consents
2. <u>Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) {Her 547.91}</u>	a. <u>Effects on heritage values</u>	<u>Relevant objectives and policies:</u> i. <u>Objective 13.2.1</u> ii. <u>Restoration preserves and protects the heritage values of the building or structure by using appropriate materials and design (Policy 13.2.1.2).</u> <u>Conditions that may be imposed include:</u> iii. <u>The design and implementation of the works, including materials and methods used.</u> <u>General assessment guidance:</u> iv. <u>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.</u>
3. <u>In a heritage precinct, additions and alterations to a non character-contributing building that involve: {Her 308.358}</u> • <u>an increase in the footprint of 10m²;</u> • <u>an increase in the height of the building by more than 2m; or</u> • <u>the replacement of a pitched roof with a mono plane roof (residential heritage precincts only).</u>	a. <u>Effect on heritage streetscape character</u>	<u>Relevant objectives and policies</u> i. <u>Objective 13.2.3</u> ii. <u>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).</u> <u>Conditions that may be imposed include:</u> iii. <u>The design of the works, including materials used.</u> <u>General assessment guidance:</u> iv. <u>Council will consider the extent to which:</u> 1. <u>the relevant preferred design features and characteristics and, where practicable and appropriate, the relevant suggested features and characteristics, listed in Appendix A2; are achieved in the design; and</u> 2. <u>the design of any additions and alterations that does not detract further from the heritage streetscape character of the precinct.</u>

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; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

13.5.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<i>Relevant objectives and policies:</i> a. Objectives 2.4.2, 2.4.3 b. Policies 32.4.2.1, 2.4.3.2 <i>Potential circumstances that may support a consent application include:</i> 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 <u>or</u> 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. <i>General assessment guidance:</i> g. For work affecting a scheduled heritage building or <u>scheduled heritage</u> {Her cl.16} 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 <u>scheduled heritage</u> {Her cl.16} 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, <u>Council will consider</u> {Her cl.16} the combined effects of the contraventions ~~should be considered~~ {Her cl.16}. 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, <u>Council greater weight</u> will usually be placed <u>greater weight</u> {Her cl.16} 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, <u>Council will give precedence to</u> {Her cl.16} protection of heritage values ~~should take precedence~~ {Her cl.16}.

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 <i>{Her cl.16}</i> on heritage values	<i>Relevant objectives and policies:</i> i. Objective 13.2.1 ii. Repairs and maintenance and restoration that affect a protected part of a scheduled heritage building or scheduled heritage structure preserve and protect the heritage values of the building or structure by using appropriate materials and design (Policy 13.2.1.2). iii. Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure uses appropriate materials and design to minimise, <u>as far as practicable</u>, <i>{PO 906.34 and 308.497}</i> 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 <u>where practicable</u> <i>{Her 308.244}</i>; and 3. minimising, <u>as far as practicable</u>, <i>{PO 906.34 and 308.497}</i> 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). <i>Potential circumstances that may support a consent application include:</i> iv. Alternative materials are used only 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; and 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. v. 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. vi. Rendering of unrendered surfaces is undertaken only where the surface has deteriorated and cannot feasibly be repaired. vii. Where unpainted surfaces are painted, either the unpainted surface is not a key architectural, <u>aesthetic or historic</u> <i>{Her 547.89}</i> feature of the building or structure, or the <u>aesthetic</u> <i>{Her 547.89}</i> quality of the unpainted surface is low

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
		and its appearance will be improved by painting, including through the installation of approved murals or street art, <u>and it is determined that painting will not prove damaging to the underlying fabric and threaten the overall condition of the building or structure.</u> {Her 547.89}
2. <u>Maximum volume in pedestrian street frontage mapped areas, heritage precincts and scheduled heritage sites (network utility activities)</u> {NU 457.20}	a. <u>Effects on heritage values</u>	<i>Relevant objectives and policies:</i> i. <u>Objective 13.2.2</u> ii. <u>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).</u>

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	<i>Relevant objectives and policies:</i> 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). <i>Potential circumstances that may support a consent application include:</i> 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	<i>Relevant objectives and policies:</i> 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	<i>Relevant objectives and policies:</i> 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). <i>Potential circumstances that may support a consent application include:</i> 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. <i>Conditions that may be imposed include:</i> 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	<i>Relevant objectives and policies:</i> 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). <i>Potential circumstances that may support a consent application include:</i> 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	<i>Relevant objectives and policies:</i> 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 <u>within or behind buildings at the rear of buildings, or where this is not feasible due to the location of the buildings, is set back from the street frontage</u> (Policy 13.2.3.32.ab {Her cl.16'}). iii. Development within residential heritage precincts maintains or enhances heritage streetscape character by ensuring: <u>off-street car parking is located within or behind buildings off-street car parking is appropriately located or screened from view</u> {Her 317.15} ;(Policy 13.2.3.3-a 13.2.3.2.b) {Her cl.16}

13.5.4 Assessment of performance standard contraventions in a Heritage Precinct

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
6. Materials and design	a. Effects on heritage streetscape character	<i>Relevant objectives and policies:</i> i. Objective 13.2.3 ii. Require that repairs and maintenance, restoration and earthquake strengthening of a character-contributing building, where the work is visible from an adjoining public place, are 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). <i>Potential circumstances that may support a consent application include:</i> iii. The development avoids, or where avoidance is not possible, minimises loss of fabric and features that contribute to the heritage streetscape character. iv. Where alternative materials are used, their effect on the heritage streetscape character is minor. This may include the use of muted colours. v. Where an alternative design is proposed, it is architecturally compatible with the design of the building. vi. Rendering of un-rendered surfaces is undertaken only where the surface has deteriorated and cannot feasibly be repaired. vii. Where unpainted surfaces are painted, either the 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.
7. Number, location and design of ancillary signs	a. Effects on heritage streetscape character	<i>Relevant objectives and policies:</i> i. Objective 13.2.3 ii. Signs within commercial heritage precincts are located and designed to avoid ~~or and if avoidance is not possible~~ minimise, <u>as far as practicable</u>, {PO 908.34 and 308.497} adverse effects on heritage streetscape character (Policy 13.2.3.4).

13.5.4 Assessment of performance standard contraventions in a Heritage Precinct

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
8. - Location (network utility activities) - Maximum volume in pedestrian street frontage mapped areas, heritage precincts and scheduled heritage sites (network utility activities) {NU 457.20}	a. Effects on heritage streetscape character	<i>Relevant objectives and policies:</i> - Objective 13.2.3 - Development within heritage precincts maintains or enhances heritage streetscape character by ensuring: Network utilities utility {NU cl.16} structures activities {NU cl.16} are located and designed to minimise, as far as practicable, any adverse effects on heritage streetscape character (Policy 13.2.3.10). appropriately located (Policy 13.2.3.2.d and 13.2.3.3.d). {Her cl.16}

¹ **Her cl.16:** Policy 13.2.3.2 does not apply to commercial heritage precincts and has been replaced with the correct policy (13.2.3.3).

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; and
 - b. provide guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

13.6.2 Assessment of all restricted discretionary activities

Activity	Guidance on the assessment of resource consents
1. All restricted discretionary activities	<i>Relevant objectives and policies:</i> 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 <i>General assessment guidance:</i> c. For work affecting a scheduled heritage building or 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; <u>and</u> ii. <u>the cumulative effects of the proposed work together with any previous changes on the heritage values of the property.</u> {Her 547.71} d. For work affecting a character-contributing building or 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; <u>and</u> ii. <u>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.</u> {Her 547.71} 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 development {Her cl.16} activities that affect a protected part of a scheduled heritage building or scheduled heritage structure, or a 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 ~~utilities~~ <u>utility</u> {NU cl.16} poles and masts - small scale • Wind generators - ~~on-site energy generation~~ <u>small scale</u> {NU 308.122} • Hydro generators - ~~on-site energy generation~~ <u>small scale</u> {NU 308.122} • Solar panels - ~~on-site energy generation~~ <u>small scale</u> {NU 308.122} • Energy resource ~~investigation devices~~ {NU 308.122} • All restricted discretionary public amenities activities	a. Effects {Her cl.16} on heritage values	<i>Relevant objectives and policies:</i> - Objective 13.2.2 - Activities on a scheduled heritage site protect the heritage values of the site, including by ensuring: - 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; - the location of the development is compatible with that of scheduled heritage buildings and scheduled heritage structures on the ~~scheduled heritage~~ {Her cl.16} site, and respects the relationship between scheduled heritage buildings, scheduled heritage structures and open space; - 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; - scheduled heritage sites that are primarily open space are protected from inappropriate development; and ~~network utilities utility activities~~ {NU cl.16}, ~~natural hazard mitigation activities~~ {HazMit cl.16} and building utilities are designed, located and/or screened to be as unobtrusive as possible <u>practicable</u> {Her 576.33} (Policy 13.2.2.1).

13.6.3 Assessment of restricted discretionary development {Her cl.16} activities that affect a protected part of a scheduled heritage building or scheduled heritage structure, or a 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	<i>Relevant objectives and policies:</i> 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 ~~for~~ <u>of</u> the site are maintained (Policy 13.2.2.2.c). <i>Potential circumstances that may support a consent application include:</i> v. The subdivision will result in better outcomes for heritage values than would otherwise exist. <i>Conditions that may be imposed include:</i> vi. A building platform registered against the Certificate of Title by way of consent notice.

13.6.3 Assessment of restricted discretionary development {Her cl.16} activities that affect a protected part of a scheduled heritage building or scheduled heritage structure, or a scheduled heritage site

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Additions and alterations (other than restoration or earthquake strengthening), where external features only are protected, that affect a protected part of a scheduled heritage building or scheduled heritage structure	a. Effects {Her cl.16} on heritage values	<i>Relevant objectives and policies:</i> i. Objective 13.2.1 ii. ~~Where {Her cl.16}~~ Work is required to comply with section 112 (Alterations) and section 115 (Change of Use) of the Building Act 2004: ~~Enable work provided meets {Her cl.16} both of the following criteria are met {Her cl.16}:~~ 1. it is carried out in a manner that minimises, <u>as far as practicable, {Her 308.245 and PO 906.34 and 308.497}</u> 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, <u>including earthquake strengthening, {Her 308.245}</u> 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 structure where: 1. adverse effects on heritage values are avoided, or if avoidance is not possible, are ~~no more than minor minimised as far as practicable {Her 308.246};~~ and 2. the visual effect of additions on protected parts of the building, including building utilities, is minimised <u>as far as practicable {Her 308.246, PO 906.34 and 308.497};</u> and 3. <u>the benefit in terms of long term protection and future use of the building outweighs any loss of heritage values {Her 308.246}</u> (Policy 13.2.1.5). <i>Potential circumstances that may support a consent application include:</i> 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.

13.6.3 Assessment of restricted discretionary development {Her cl.16} activities that affect a protected part of a scheduled heritage building or scheduled heritage structure, or a 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 {Her cl.16} on heritage values	<i>Relevant objectives and policies:</i> i. Objective 13.2.1 ii. Only allow removal where all of {Her 308.249} the following criteria are met: 1. the removal is necessary to 1. facilitate the ongoing use or protection of the building; {Her 308.249} or 2. ensure public safety; or {Her 308.249} 3. <u>allow for significant public benefit that could not otherwise be achieved, and the public benefit outweighs the adverse effects of removal of the building; {Her 308.249}</u> 2. measures are in place to minimise, as far as practicable, {Her 308.249, PO 906.34 and 308.497} 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 ~~can~~ <u>will</u> {PO cl.16} be imposed which would give reasonable certainty that within an acceptable timeframe (Policy 13.2.1.8).

13.6.3 Assessment of restricted discretionary development {Her cl.16} activities that affect a protected part of a scheduled heritage building or scheduled heritage structure, or a scheduled heritage site

Activity	Matters of discretion	Guidance on the assessment of resource consents
5. All subdivision activities on sites containing scheduled heritage buildings and scheduled heritage structures	a. Effects on heritage values	<i>Relevant objectives and policies:</i> 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 is practicable (Policy 13.2.1.6.b). <i>Potential circumstances that may support a consent application include:</i> iv. The subdivision will result in better outcomes for heritage values than would otherwise exist. <i>Conditions that may be imposed include:</i> v. A building platform registered against the Certificate of Title by way of consent notice.

¹ **HazMit cl.16:** The reference to natural hazard mitigation activities has been removed as natural hazard mitigation activities are a discretionary activity not a restricted discretionary activity.

13.6.4 Assessment of restricted discretionary development {Her cl.16} activities in heritage precinct

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. - New buildings - Structures greater than 2.5m high and 2m² footprint in a residential heritage precinct that are visible from an adjoining public place:	a. Effects on heritage streetscape character	<i>Relevant objectives and policies:</i> - Objective 13.2.3 - 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: - incorporating into the design the relevant preferred design features and characteristics listed in Appendix A2 and, where possible practicable {Her 576.74} and appropriate, the relevant suggested features and characteristics; - maintaining existing views of scheduled heritage buildings and character-contributing buildings from adjoining public places as far as practicable; and - ensuring structures whose design unavoidably conflicts with precinct characteristics are as unobtrusive as possible practicable {Her 576.74} (Policy 13.2.3.7). <i>General assessment guidance:</i> - Maintaining or enhancing the heritage streetscape character may be achieved by: - Including the relevant preferred design features and characteristics and, where possible and appropriate, the relevant suggested features and characteristics, listed in Appendix A2: {Her cl.16} <u>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. {CMU 252.19}</u> <i>Potential circumstances that may support a consent application include: {Her cl.16}</i> - Where the new building is located within an integrated group of character-contributing or scheduled heritage buildings, the design maintains the coherence of the group and the contribution it makes to the heritage streetscape character.

13.6.4 Assessment of restricted discretionary development {Her cl.16} activities in heritage precinct

Activity	Matters of discretion	Guidance on the assessment of resource consents
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) Additions and alterations to a non character-contributing building that involve: {Her 308.358} • an increase in the footprint of more than 40m²; or • an increase in the height of the building by more than 2m; or • the replacement of a pitched roof with a flat roof.	a. Effects on heritage streetscape character	<i>Relevant objectives and policies:</i> - Objective 13.2.3 <u>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) {Her 457.38 and 457.39}</u> - Only allow other {Her cl.16} additions and alterations to character-contributing buildings and larger additions to non-character-contributing buildings, {Her 308.358} where visible from a public place, where their design, materials and location achieve the following: - 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, <u>including earthquake strengthening, {Her 308.253}</u> outweigh any adverse effects on heritage streetscape {Her cl.16} character (Policy 13.2.3.5.a) {Her cl.16}; and - for all other additions and alterations, heritage streetscape character is maintained or enhanced (Policy 13.2.3.5.b). <u>Only allow buildings and structures where their design, materials and location ensure the heritage streetscape character is maintained or enhanced including by: {Her cl.16'}</u> - the design includes incorporating into the design {Her cl.16} the relevant preferred design features and characteristics and, where possible and appropriate, the suggested features and characteristics {Her 576.74} listed in Appendix A2 and, where practicable and appropriate, the relevant suggested features and characteristics {Her cl.16}. <u>maintaining {Her cl.16} existing views of any existing character-contributing building or scheduled heritage building are maintained {Her cl.16} as far as practicable.</u> <u>from adjoining public places, ensuring structures whose design unavoidably conflicts with precinct characteristics are as unobtrusive as practicable (Policy 13.2.3.7). {Her cl.16'}</u> <i>Potential circumstances that may support a consent application include: {Her cl.16}</i>

13.6.4 Assessment of restricted discretionary development {Her cl.16} activities in heritage precinct

Activity	Matters of discretion	Guidance on the assessment of resource consents
		Guidance on the assessment of resource consents v. Decorative architectural features and fabric on character-contributing buildings that contribute to the heritage streetscape character are protected as far as possible practicable {Her 576.74}. 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. <i>General assessment guidance: {CMU 252.19}</i> vii. <u>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.</u>
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	<i>Relevant objectives and policies:</i> 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 ~~can~~ <u>will</u> {PO cl.16} 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). <i>Potential circumstances that may support a consent application include:</i> 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 streetscape heritage <u>streetscape</u> {Her cl.16} 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. <i>Conditions that may be imposed include:</i> vii. Landscaping requirements to soften or screen open sites following demolition.

13.6.4 Assessment of restricted discretionary development *{Her cl.16}* activities in heritage precinct

Activity	Matters of discretion	Guidance on the assessment of resource consents
4. • All restricted discretionary public amenities activities • Network ~~utilities~~ <u>utility</u> {NU cl.16} poles and masts - small scale • Wind generators - on-site energy generation ~~small scale~~ {NU 308.122} • Hydro - generators - on-site energy generation ~~small scale~~ {NU 308.122} • Solar panels - on-site energy generation ~~small scale~~ {NU 308.122} • Energy resource investigation devices {NU 308.122}	a. Effects on heritage streetscape character	<i>Relevant objectives and policies:</i> i. Objective 13.2.3 ii. Public amenities and network ~~utilities~~ <u>utility</u> {NU cl.16} activities are located and designed to minimise, as far as practicable, any adverse effects on heritage streetscape character (Policy 13.2.3.10).

¹ **Her cl.16:** Policy 13.2.3.7 is relevant and was partially referenced. This minor change ensures the full policy is referenced.

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, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.

13.7.2 Assessment of discretionary activities	
Activity	Guidance on the assessment of resource consents
1. All discretionary activities <u>that are linked to section 13.7, including but not limited to the activities listed below</u> {PO cl. 16}	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.4.2, 2.4.3 b. Policies 2.4.2.2, 2.4.3.2 <i>General assessment guidance:</i> c. In assessing the effects on heritage streetscape character, Council will consider the heritage precinct values in Appendix A2: {Her cl.16}
2. On a scheduled heritage site: • Discretionary transportation activities • Discretionary public amenities • <u>Natural Hazard mitigation earthworks and structures</u> {HazMit cl.16} • <u>Natural hazard mitigation structures</u> {HazMit cl.16} • <u>Network utilities utility structures - large scale other than amateur radio configurations</u> {NU cl.16} • <u>Solar panels – community scale</u> {NU 308.122} • <u>Hydro generators – community scale</u> {NU 308.122} • <u>Substations</u> {NU 915.17}	<i>Relevant objectives and policies (priority considerations):</i> 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 utilities utility activities {NU cl.16} and hazard mitigation activities are designed, located and/or screened to be as unobtrusive as possible <u>practicable</u> {Her 576.33} (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: • <u>Natural hazard mitigation earthworks</u> {HazMit cl.16¹} • <u>Natural hazard mitigation structures</u> {HazMit cl.16¹} • <u>Network utilities utility</u> {NU cl.16} structures - large scale <u>other than amateur radio configurations</u> {NU cl.16} • <u>Solar panels</u> – community scale {NU 308.122} • <u>Hydro-generators</u> – community scale {NU 308.122} • <u>Substations</u> {NU 915.17}	<i>Relevant objectives and policies:</i> a. Objective 13.2.3 b. <u>Network utilities utility</u> {NU cl.16} activities <u>and natural hazard mitigation activities</u> {HazMit cl.16¹} are located and designed to minimise, as far as practicable, any adverse effects on heritage streetscape character (Policy 13.2.3.10). <i>General assessment guidance:</i> c. <u>In assessing the effects on heritage streetscape character, Council will consider the heritage precinct values in Appendix A2.</u> {Her cl.16}

¹ **HazMit cl.16:** Natural hazard mitigation activities have been added to this rule as these are a discretionary activity (previously erroneously listed in the restricted discretionary activity rule (13.6)).

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 <u>that are linked to section 13.8, including but not limited to the activities listed below {PO cl. 16}</u>	<i>Relevant objectives and policies (priority considerations):</i> a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to Objective 2.4.2 b. Policy 2.4.2.1. <i>General assessment guidance:</i> c. In assessing the significance of effects, consideration will be given to: i. both short and long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent.; d. In assessing the effects on heritage streetscape character, Council will consider the values in <u>Schedule Appendix A2</u>.

13.8.3 Assessment of non-complying activities

Activity	Guidance on the assessment of resource consents
1. Demolition of a protected part of a scheduled heritage building or scheduled heritage structure	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 13.2.1 b. Policy 13.2.1.7. <i>General assessment guidance:</i> 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)	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 13.2.4 b. Policy 13.2.4.1
2.	<u>Location and screening of car parking {CMU cl.16}</u>	<i>Relevant objectives and policies (priority considerations):</i> a. <u>Objective 13.2.3</u> b. <u>Policy 13.2.3.3.a</u>

¹ **CMU cl.16:** The assessment rule for non-compliance with the performance standard for location and screening of car parking within a commercial heritage precinct was missing from Rule 13.8. This has been added in as a minor and inconsequential change.

Rule 13.9 Special Information Requirements

13.9.1 Demolition of a scheduled heritage building requirements

1. For resource consent applications proposing demolition of a scheduled heritage building, the following is required:
 - a. 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 qualified engineer with demonstrated experience of assessment and seismic upgrade of buildings with the same or similar construction form and materials. The information should include the methods of strengthening considered.
 - c. Where partial demolition is proposed:
 - i. Evidence of the structural feasibility of retaining the part of the building proposed for retention.
 - ii. A Heritage Impact Assessment addressing the effect the partial demolition will have on the heritage values of the building.
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 Dunedin City **{Her cl.16}** Council prior to making a decision.

14. Manawhenua

14.1 Introduction

14.1.1 Kāi Tahu

The Kāi Tahu¹ 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 raketira Rakaihautu and his people made camp and ate a meal of karae (seabird). Successive waves of iwi followed, at a later time. **{MW cl.16}** 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 Boulton 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 14.1A: 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 14.1B: 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 resources **{PO cl.16}** 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 Resources **{PO cl.16}** 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 mātaimai, 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 use², 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 hikoī. 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 <u>original</u> {MW 248.10} 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 <u>practicable</u> possible {PO 908.3 and others} , 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 <u>practicable</u> possible {PO 908.3 and others} , 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 <u>practicable</u> possible {PO 908.3 and others} , are no more than minor.
Policy 14.2.1.6	Enable Manawhenua to live in <u>original</u> {MW 248.10} native reserve areas where any adverse effects ~~can~~ <u>will</u> {PO cl.16} 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; and
 - b. provides guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. ~~If a restricted discretionary activity also does not meet one or more relevant performance standards, discretion is expanded to include the areas of non-compliance and the assessment will include the matters outlined in Section 15.9. {MW cl.16'}~~
4. ~~For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects. {MW cl.16'}~~

¹ **MW cl.16:** As a clause 16 amendment, these rules have been removed as they are only relevant in sections with activity status tables.

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		<i>Potential circumstances that may support a consent application include:</i> 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. <i>General assessment guidance:</i> 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.
2. Density (papakāika - residential zones)	a. Effects on cultural values of Manawhenua	<i>Relevant objectives and policies:</i> i. Objective 14.2.1 ii. Manawhenua are able to live in <u>original</u> {MW 248.10} native reserve areas where any adverse effects can <u>will</u> {PO cl.16} be adequately managed in line with the <u>objectives and</u> {MW cl.16} 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).
3. Esplanade reserves and strips	a. Where in a wāhi tūpuna mapped area , effects on cultural values of Manawhenua	<i>Relevant objectives and policies:</i> 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).

14.3.2 Assessment of performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
4. Maximum height	a. In the Huriawa height restriction mapped area, effects on cultural values of Manawhenua b. In the Dunedin International Airport Zone, effects on cultural values of Manawhenua (in relation to Maukaatua wāhi tūpuna mapped area)	<i>Relevant objectives and policies:</i> - Objective 14.2.1 - Adverse effects on the relationship between Manawhenua and wāhi tūpuna are avoided, or if avoidance is not <u>practicable possible</u> {PO 908.3 and others}, are no more than minor (Policy 14.2.1.4).
5. <u>Vegetation clearance standards</u>: {NatEnv cl.16} - Maximum area of indigenous vegetation clearance (UBMA) {NatEnv cl.16} - Protected areas (vegetation clearance) - Protected species (indigenous vegetation clearance) {NatEnv cl.16}	a. Where in a wāhi tūpuna mapped area, effects on cultural values of Manawhenua	<i>Relevant objectives and policies:</i> - Objective 14.2.1 - In a wāhi tūpuna mapped area identified as having mahika kai values in Appendix A4, vegetation clearance ~~has no significant effects~~ <u>avoids adverse effects</u> on mahika kai, or if avoidance is not <u>practicable</u>, effects are no more than minor {PO 908.3 and others and MW cl.16} (Policy 14.2.1.1). - 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 <u>practicable possible</u> {PO 908.3 and others}, are no more than minor (Policy 14.2.1.4). <i>Potential circumstances or mitigation measures {MW cl.16} that may support a consent application include:</i> - Where the wāhi tūpuna mapped area has mahika kai values: - The area of vegetation to be cleared is not a source of mahika kai, nor will its removal affect adjoining areas of mahika kai. - Sufficient vegetation will remain to ensure mahika kai can continue to be gathered to the extent it is currently gathered.

14.3.2 Assessment of performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
6. Setback from coast and water bodies	a. Where in a wāhi tūpuna mapped area , effects on cultural values of Manawhenua	<i>Relevant objectives and policies:</i> 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 <u>practicable possible</u> {PO 908.3 and others}, 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. Setback from ridgeline <u>Maximum height (rural and rural residential zones)</u> {MW 874.41}	a. Where in a wāhi tūpuna mapped area , effects on cultural values of Manawhenua	<i>Relevant objectives and policies:</i> i. Objective 14.2.1 ii. In a wāhi tūpuna mapped area where buildings, structures and network utility structures <u>that affect the peaks, upper slopes or skyline</u> {MW 874.41} 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 <u>practicable possible</u> {PO 908.3 and others}, are no more than minor (Policy 14.2.1.4).
8. <u>Sediment control</u> {MW 1071.107}	a. Where in a wāhi tūpuna mapped area , effects on cultural values of Manawhenua {MW 1071.107}	<i>Relevant objectives and policies: {MW 1071.107}</i> i. <u>Objective 14.2.1</u> {MW 1071.107} 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 <u>avoidance is not practicable</u>, are no more than minor (Policy 14.2.1.4). {MW 1071.107}

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; and
 - b. provides guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to ~~minimize~~ minimise **{MW cl.16}** 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		<i>General assessment guidance:</i> a. ~~The development incorporates conservation activity that will have significant positive effects on biodiversity or natural character values.~~ {MW cl.16} 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). c. In assessing the effects on Manawhenua and their relationship with a wāhi tūpuna mapped area, Council will consider the values in Appendix A4. <i>Potential circumstances that may support a consent application:</i> d. ~~The development incorporates conservation activity that will have significant positive effects on biodiversity or natural character values.~~ {MW cl.16}
2. <u>Activities where effects on cultural values of Manawhenua is a matter of discretion, including but not limited to:</u> {MW cl.16}	a. Where in a wāhi tūpuna mapped area , effects on cultural values of Manawhenua	<i>Relevant objectives and policies:</i> 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~~ possible {PO 908.3 and others}, are no more than minor (Policy 14.2.1.4).

14.4.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
- Indigenous vegetation clearance – <u>large scale</u> {NatEnv cl.16} - Earthworks - large scale - New buildings or structures/ additions and alterations up to 60m² {MW cl.16} - Network utilities <u>utility</u> {NU cl.16} activities - All other structures {MW cl.16} - New buildings and additions and alterations 60m² and over {MW cl.16} - Forestry - Tree planting <u>Shelterbelts and small woodlots</u> {RU cl.16} - All other buildings and structures {MW cl.16} <u>Public amenities</u> {MW 1071.3} <u>New buildings, structures, and additions</u>		

14.4.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<u>and alterations</u> {MW cl.16}		
3. Crematoriums and Cemeteries	a. Effects on cultural values of Manawhenua	<i>Relevant objectives and policies:</i> i. Objective 14.2.1 ii. Adverse effects on cultural values, including the relationship between Manawhenua and sites of cultural importance to them, can be <u>are</u> {PO cl.16} avoided, or if avoidance is not <u>practicable possible</u> {PO 908.3 and others}, are no more than minor (Policy 14.2.1.5).
4. All subdivision activities	a. Where in a wāhi tūpuna mapped area, effects on cultural values of Manawhenua	<i>Relevant objectives and policies:</i> i. Objective 14.2.1 ii. In a wāhi tūpuna mapped area where a subdivision or buildings and structures are <u>is</u> {MW cl.16} identified as a threat in <u>Appendix A4</u> {MW cl.16}, the subdivision is designed to ensure any future land use or development will avoid or, if avoidance is not <u>practicable possible</u> {PO 908.3 and others}, 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). <i>Design considerations Potential circumstances {MW cl.16} that may support a consent application include:</i> 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. <i>Conditions that may be imposed include:</i> 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 14.5.4-2 - 14.5.4-3 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.

14.5.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities <u>that are linked to section 14.5, including but not limited to the activities listed below {PO cl. 16}</u>	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.5.1, 2.5.3, 2.5.4, 14.2.1 <i>General assessment guidance:</i> 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. <u>In assessing the significance of effects, Council will consider: {MW 1071.3}</u> i. <u>Maintaining the relationship between Manawhenua and the natural environment, including the cultural values and traditions associated with: {MW 1071.3}</u> 1. <u>wāhi tūpuna; and {MW 1071.3}</u> 2. <u>the customary use of mahika kai (Objective 14.2.1). {MW 1071.3}</u>
2. • Crematoriums • Cemeteries • Landfills	<i>Relevant objectives and policies (priority considerations):</i> 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 <u>practicable possible</u> {PO 908.3 and others}, are no more than minor (Policy 14.2.1.5).

14.5.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
3. • Mining • Discretionary Network utilities utility {NU cl.16} activities • New roads or additions or alterations to existing roads • Passenger transportation hubs • Heliports • ~~Natural~~ Hazard mitigation earthworks and structures {HazMit cl.16} • <u>Natural hazard mitigation structures</u> {HazMit cl.16}	<i>Relevant objectives and policies (priority considerations):</i> 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 possible {PO 908.3 and others}, are no more than minor (Policy 14.2.1.4). <i>General assessment guidance:</i> b. Council will consider whether the activity is identified as a threat in Appendix A4 in the wāhi tūpuna mapped area. {MW cl.16} c. 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)	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.5.2, 14.2.1 b. Manawhenua are able to live in original {MW 248.10} ~~Native~~ Reserve {MW cl.16} areas where any adverse effects can <u>will</u> {PO cl.16} 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 <u>that are linked to section 14.6, including but not limited to the activities listed below {PO cl. 16}</u>	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.5.1, 2.5.3, 2.5.4 <i>General assessment guidance:</i> 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. <u>In assessing the significance of effects, Council will consider: {MW 1071.3}</u> i. <u>Maintaining the relationship between Manawhenua and the natural environment, including the cultural values and traditions associated with: {MW 1071.3}</u> 1. <u>wāhi tūpuna; and {MW 1071.3}</u> 2. <u>the customary use of mahika kai (Objective 14.2.1). {MW 1071.3}</u>
2. • Cemeteries • Crematoriums • Landfills	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 14.2.1 b. Policy 14.2.1.5 <i>General assessment guidance:</i> 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)

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.

D. Management Zones

15. Residential Zones

15.1 Introduction

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

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

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

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

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

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

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

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

293.154}

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

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

15.1.1 Zone descriptions

15.1.1.1 General Residential 1

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

15.1.1.2 General Residential 2

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

15.1.1.3 Inner City Residential

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

15.1.1.4 Low Density Residential

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

15.1.1.5 Large Lot Residential 1

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

15.1.1.6 Large Lot Residential 2

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

15.1.1.7 Township and Settlement

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

15.2 Objectives and Policies

Objective 15.2.1	
Residential zones are primarily reserved for residential activities and only provide for a limited number of compatible activities, including: visitor accommodation, community activities, ~~major facilities~~ <u>major facility activities</u> {CP 945.29} , and commercial activities that support the day-to-day needs of residents.	
Policy 15.2.1.1	Provide for a range of residential and community activities, where the effects of these activities ~~can~~ <u>will</u> {PO cl.16} be managed in line with objectives 15.2.2, 15.2.3, ~~and~~ 15.2.4, ~~and~~ 15.2.5 and their policies. {Res cl.16}
Policy 15.2.1.2	Provide for a limited range of <u>major facility activities</u> and {CP 945.58} commercial activities, including dairies, registered health practitioners, training and education, and visitor accommodation, where the effects of these activities ~~can~~ <u>will</u> {PO cl.16} be managed in line with objectives 15.2.3 and 15.2.4, and their policies.
Policy 15.2.1.3	Limit the size of working from home and dairies in residential zones to a size that: a. is compatible with the character and amenity of the residential zone; and b. does not detract from the vibrancy and functioning of the centres hierarchy.
Policy 15.2.1.4	Require activities ancillary to visitor accommodation to be located and designed to cater to patrons of the primary activity rather than the general public.
Policy 15.2.1.5	Avoid commercial activities, other than those expressly provided for, from locating in residential zones, unless: a. the activity will not detract from the vibrancy and functioning of the ~~centre's~~ <u>centres</u> hierarchy {CMU cl.16}; and b. the site is adjacent to a centre and it provides a logical extension to a centre; and c. the centre is at, or very close to, capacity; and d. the ~~site development activities are~~ <u>is</u> {Res cl.16} done in accordance with the performance standards of the street typology (if relevant) of the adjacent centre zoned sites; and e. the development maximises opportunities for integration with the centre; or f. if the site is in the Township and Settlement Zone: i. the commercial activity would have significant positive effects in terms of supporting the needs of the community and visitors to the area; and ii. the activity is unable to be located in, or adjacent to, the nearest centre, or no centre exists within the relevant township or settlement; and iii. the location is appropriate for the proposed activity; and iv. any adverse effects from noise, vehicle movements, and on-street parking supply ~~can~~ <u>will</u> {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated.
Policy 15.2.1.6	Avoid industrial activities, rural activities, and ~~major facilities~~ <u>facility activities</u> {MF cl.16} other than those expressly provided for, sport and recreation that involves motor vehicles, and any other activities not compatible with the character and amenity of the residential zone.
Policy 15.2.1.7 {CP 634.39}	<u>Provide for service stations on a strategic road or arterial road, where it is not practicable, due to a lack of site availability and/or special locational requirements, to locate in the PPH, TR, CEC, industrial or centre zones. {CP 634.39}</u>

Objective 15.2.2

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

Policy 15.2.2.1	Require residential development to achieve a high quality of on-site amenity by: - providing functional, sunny, and accessible outdoor living spaces that allow enough space for on-site food production, leisure, <u>green space</u> {Res 417.10 and 843.3} and/or {Res 317.19} recreation; - having adequate separation distances between residential buildings; - retaining adequate open space uncluttered by buildings; and - having adequate space available for service areas.

Objective 15.2.3

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

Policy 15.2.3.1	Require buildings and structures to be of a height and setback from boundaries that ensures there are no more than minor effects on the sunlight access of current and future residential buildings and their outdoor living spaces.
Policy 15.2.3.2	Require working from home, dairies, training and education, and community and leisure - small scale to operate in a way (including hours of operation) that avoids or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigates, noise or other adverse effects on the amenity of surrounding residential properties.
Policy 15.2.3.3	Require buildings and structures in the Inner City Residential Zone to be of a height and setback from boundaries that: - enables a high quality, medium density form of development; ~~that is consistent with the existing streetscape character of the zone; and~~ {Res cl.16'} - is consistent with the existing streetscape character of the zone; and {Res cl.16'} <u>avoids or, if avoidance is not practicable, adequately mitigates, ensures a reasonable level of outdoor amenity by minimising</u> {PO 308.497} adverse effects on sunlight access on outdoor spaces at the rear of <u>adjacent</u> {Res cl.16} sites.
Policy 15.2.3.4	Only allow schools, <u>emergency services</u> , {CP 945.30} early childhood education, community and leisure - large scale, sport and recreation, registered health practitioners, training and education, visitor accommodation, supported living facilities, <u>service stations</u> {CP 634.39} and stand-alone car parking where they are designed and located to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigate, adverse effects on the amenity of surrounding residential properties.
Policy 15.2.3.5	Only allow cemeteries where they are designed and located: - to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate, adverse effects on the amenity of surrounding residential properties; and ~~to avoid reverse sensitivity from surrounding permitted activities to avoid, as far as practicable~~ {PO 308.497}, the potential for reverse sensitivity {PO 1046.5}.
Policy 15.2.3.6	Avoid sport and recreation that involves motor vehicles unless the adverse effects on the amenity of surrounding properties will be no more than minor.

¹ Res cl.16: Improves clarity.

Objective 15.2.4	
Subdivision aActivities and development {Res 908.3} maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood.	
Policy 15.2.4.1	Require development to maintain or enhance streetscape amenity by ensuring: a. garages, carports and car parking do not dominate the street; b. there are adequate <u>green space</u> {Res 417.10 and 843.3} areas free from buildings or hard surfacing; c. buildings' height, <u>and</u> boundary setbacks, and scale reflect the existing or intended future residential character; d. shared service areas are not visible from ground level from outside the site; and e. outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or create nuisance effects.
Policy 15.2.4.2	Require residential activity to be at a density that reflects the existing residential character or intended future character of the zone.
Policy 15.2.4.3	~~Limit the size of family flats to a size that:~~ <u>Restrict the tenancy and design of family flats to:</u> {PO 207.1 and 394.63} a. ~~reflects their purpose as providing a second residential unit for people related to residents of the main residential unit; and avoid, as far as practicable, the risk they will be used for a separate, non-ancillary, residential activity:~~ {PO 207.1 and 394.63} b. <u>avoid, as far as practicable, future pressure to subdivide off family flats; and</u> {PO 207.1 and 394.63} c. <u>minimise, as far as practicable,</u> {PO 906.34 and 308.497} any adverse effects on the amenity and character of the neighbourhood.
Policy 15.2.4.4	Require fences to be of a height and design that contributes positively to the streetscape amenity and character of the neighbourhood.
Policy 15.2.4.5	Require ancillary signs to be located and designed to maintain residential amenity including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles and not being oversized or too numerous for what is necessary for that purpose.
Policy 15.2.4.6	Only allow subdivision activities where the subdivision is designed to ensure any future land use and development will: a. maintain the amenity of the streetscape b. reflect the current or future intended character of the neighbourhood; c. provide for development to occur without unreasonable earthworks or engineering requirements; and d. provide for quality housing.

Objective 15.2.4

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

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

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

Rules

Rule 15.3 Activity Status

15.3.1 Rule location

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

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

15.3.2 Activity status introduction

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

Additional activity status rules in hazard overlay zones

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

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

Performance Standards

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

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

Legend

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

15.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Acoustic insulation (noise sensitive activities only) b. Electrical interference c. Light spill d. Noise e. Setback from nNational gGrid (National Grid sensitive activities only) {NH cl.16} f. Structure plan mapped area performance standards (where relevant) {ULS cl.16}
Residential activities		Activity status	Performance standards
2.	Supported living facilities	RD	a. Minimum car parking b. Outdoor living space c. Service areas
3.	Standard residential	P	a. Density b. Minimum car parking c. Outdoor living space d. Service areas e. <u>Family flats</u> {PO 876.1, 207.1 and others}
4.	Working from home	P	a. Hours of operation b. Maximum gross floor area c. Minimum car parking
Community activities		Activity status	Performance standards
5.	Community and leisure - small scale	P	a. Minimum car parking b. Hours of operation
6.	Community and leisure - large scale	RD	a. Minimum car parking b. Hours of operation
7.	Conservation	P	
8.	Early childhood education - small scale	RD	a. Minimum car parking
9.	Early childhood education - large scale	D	
10.	Sport and recreation that involves motor vehicles	NC	
11.	All other sport and recreation activities activity {PO cl.16}	D	
Commercial activities		Activity status	Performance standards

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

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

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

Note 15.3B.3A- General advice

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

15.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. <u>Natural Hazards Performance Standards</u> Hazard overlay zones development standards {NH cl.16} b. Maximum building site coverage and impermeable surfaces c. <u>Setback from coast and water bodies</u> {NatEnv cl.16} d. <u>Setback from national grid</u> {NU cl.16} e. Setback from scheduled tree f. Structure plans mapped area performance standards (where relevant) {ULS cl.16}
2.	Performance standards that apply to all buildings and structures activities		a. Boundary setbacks b. Building length c. Fire fighting d. Height in relation to boundary e. Maximum height f. Number, location and design of ancillary signs g. <u>Setback from coast and water bodies</u> {NatEnv cl.16} h. <u>Setback from National Grid</u> {NU cl.16}
~~Buildings and structures activities in all locations, including areas covered by rows 3 - 36 below~~ {Res cl.16}		Activity status	Performance standards
X.	<u>New buildings and additions and alterations that result in:</u> {Res 743.46} • <u>a building that is greater than 300m² footprint or</u> • <u>a multi-unit development in the ICR and GR2 zones</u> {Res 743.46}	RD	
Z.	<u>Fences</u> {Res cl.16}	P	a. <u>Fence height and design</u>
~~Buildings and structures activities not in a residential heritage precinct or in a residential heritage precinct but not visible from an adjoining public place (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure – See rows 19-24) In locations not covered by rows 7 - 36 below.~~ {Res cl.16}		Activity status	Performance standards

3.	New buildings, and additions and alterations to buildings, that result in a building that is less than or equal to 300m ²	P	
4.	~~New buildings, and additions and alterations that result in a building, that is greater than 300m² {Res cl.16}~~	RD	
5.	Fences {Res cl.16'}	P	a. Fence height and design
6.	All other <u>buildings and</u> {Res cl.16'} structures <u>activities</u> {Res cl.16'}	P	
Buildings and structures activities in a residential heritage precinct that are visible from an adjoining public place		Activity status	Performance standards
7.	New buildings	RD	
8.	Repair and maintenance of a non character-contributing building	P	
9.	Repair and maintenance of a character-contributing building or non-protected part of a scheduled heritage building	P	a. Materials and design
10.	Earthquake strengthening or restoration of a character-contributing building or non-protected parts of a scheduled heritage building	P	a. Materials and design
11.	Demolition or removal for relocation of a character-contributing building or non-protected part of a scheduled heritage building	RD	
AA.	<u>Signs attached to buildings or structures</u> {Her cl.16 ⁵ }	P	
12.	<u>All other</u> {Her cl.16} additions and alterations to a character-contributing building or non-protected part of a scheduled heritage building (other than earthquake strengthening or restoration)	RD	
13.	Additions and alterations to a non character-contributing building that involve: • an increase in the footprint of 10m² <u>or more</u> {Her cl.16³} • an increase in the height of the building by more than 2m; or • the replacement of a pitched roof with a <u>flat roof mono pitch roof</u> {Her cl.16}.	RD <u>C</u> {Her 308.358}	
14.	All other additions and alterations to non character-contributing buildings	P	
15.	Fences {Res cl.16'}	P	a. Fence height and design
16.	<u>New</u> {PO cl.16} retaining walls less than 1m high	P	

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

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

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

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

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

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

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

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

Note 15.36.4A- General advice

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

15.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status	Performance standards
1.	Cross lease, company lease and unit title subdivision	RD	a. Access b. Esplanade reserves and strips c. Fire fighting d. Service connections e. Shape
2- { ULS cl.16' }	Subdivision activities in structure plan areas { ULS cl.16' }	RD { ULS cl.16' }	a. Structure plans { ULS cl.16' }
3.	General subdivision	RD	a. Access b. Esplanade reserves and strips c. Fire fighting d. Minimum site size e. Service connections f. Shape g. Structure plan mapped area performance standards (where relevant) {ULS cl.16}

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

Note 15.3.5A - Other RMA considerations {PO 490.4}

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

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

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

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

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

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

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

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

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

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

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

Rule 15.4 Notification

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

RMA.

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

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

Rule 15.5 Land Use Performance Standards

15.5.1 Acoustic Insulation

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

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

15.5.2 Density

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

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

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

k. Except: {Res cl.16}

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

1. A single residential unit may be erected on an existing a site (created before 26 September 2015) {Res 368.1} of any size not in a **no DCC reticulated wastewater mapped area** {Res 542.2 and 542.3} provided all other performance standards are met.
2. one family flat is allowed per site in association with a standard residential activity provided the maximum development potential per site is not exceeded. {PO cl. 16⁵}

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

2. For the purposes of this standard:

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

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

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

5. Family flats:

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

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

- a. site coverage;
- b. height in relation to boundary;
- c. setbacks; and
- d. access.

7. ~~Residential Standard residential {Res cl.16⁹}~~ activity that contravenes the performance standard for density is a non-complying activity, except the following are restricted discretionary activities: {Res cl.16³}

- a. ~~papakāika that contravenes the performance standards for density is a restricted discretionary activity: {Res cl.16³};~~
- b. standard residential in the General Residential 2 Zone (**infrastructure constraint mapped area**) that

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

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

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

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

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

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

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

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

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

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

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

Note 15.5.2A - General advice

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

15.5.3 Electrical Interference

Land use activities must comply with Rule 9.3.2.

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

This page has no content {Res cl.16}

15.5.5 Hours of Operation

Activity	Hours of operation
1. Working from home (excluding homestay)	7.00am - 7.00pm
2. Dairies	6.00am - 10.00pm
3. ~~Sport and recreation, and {Res cl.16²}~~ Community and leisure	Sunday - Thursday: 6.00am - 10.30pm Friday - Saturday: 6.00am - 12.00am (midnight)
4. Training and education	8.00am - 8.00pm

- 5. Working from home hours of operation do not apply to activities that:
 - a. are located entirely within a building; and
 - b. do not involve machinery operation, visitors, customers, or deliveries.
- 6. ~~Flood lighting and sportsfield lighting on sites adjoining a residential zone must not operate from 10pm - 7am.~~ {Res cl.16²}

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

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

15.5.6 Light Spill

Land use activities must comply with Rule 9.3.5.

15.5.7 Location

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

15.5.8 Maximum Gross Floor Area

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

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

Note 15.5.8A - Other requirements outside of the District Plan

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

15.5.9 Minimum Car Parking

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

Activity	Minimum car parking rate
1. Standard residential in Inner City Residential Zone	a. 1 - 5 habitable rooms on a site: 1 parking space b. 6 - 8 habitable rooms on a site: 2 parking spaces c. Greater than 8 habitable rooms on a site: 2 parking spaces plus 1 space for every 4 habitable rooms (or part thereof) d. Except: i. where sites with less than 5 habitable rooms have no existing parking, no additional parking is required for additions that increase the number of habitable rooms to 5 (or fewer), provided no additional residential units are created; ii. where the provision of an on-site parking space for sites with 1-5 habitable rooms would result in the loss of an on-street parking space, no parking space is required. iii. <u>where a residential building that existed as at 26 September 2015 (date of notification of the Plan) is divided into more residential units, no additional parking is required provided that no additional habitable rooms are created.</u> {Trans 927.3}
2. Standard residential in all other residential zones	a. 1 - 4 habitable rooms: 1 parking space b. 5 or more habitable rooms: 2 parking spaces
3. Working from home	On-site car parking must be provided for all vehicles associated with the activity
4. Supported living facilities	a. Student hostels i. hostels with 1 - 10 residents: 1 parking space ii. hostels with 11 - 20 residents: 2 parking spaces iii. hostels with 21 - 30 residents: 3 parking spaces iv. hostels with greater than 30 residents: 3 parking spaces plus 1 additional space for every 10 additional residents (or part thereof) v. <u>Except student hostels in the Campus Zone or within 500m walking distance of the Campus Zone have no minimum car parking requirements.</u> {Trans 308.276} b. Rest homes i. 1 parking space for every 3 beds. c. Retirement villages i. 1 parking space for every residential unit, and 1 parking space for every 3 beds for any rest home type component of the retirement village.
5. Community and leisure	1 parking space for every 5 persons the facility can accommodate at any one time

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

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

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

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

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

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

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

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

15.5.10 Minimum Vehicle Loading

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

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

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

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

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

15.5.11 Noise

Land use activities must comply with Rule 9.3.6.

15.5.12 Outdoor Living Space

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

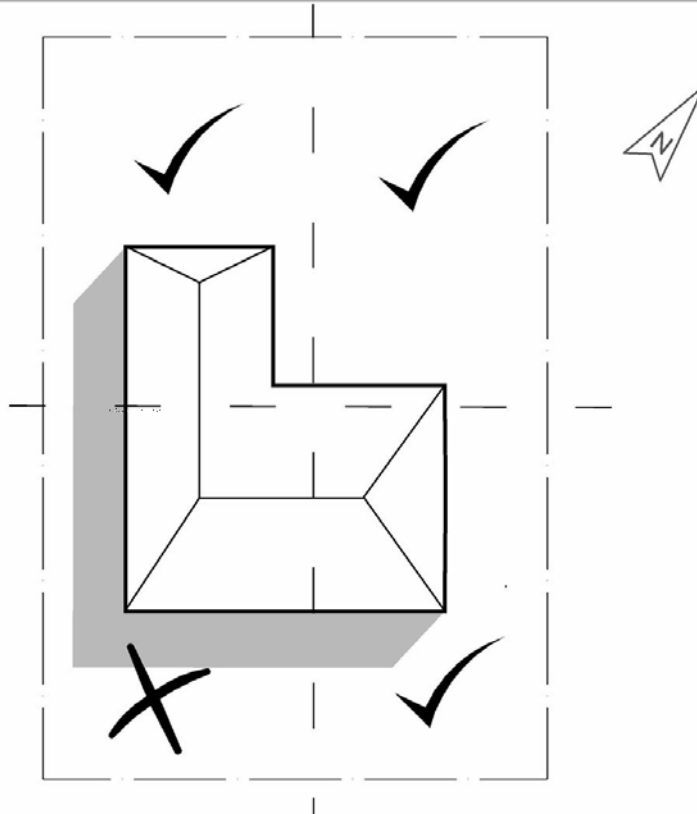
¹ **Res cl.16:** This is not new content but is a re-organisation of existing content (aside from changes marked as such above)

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

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

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

Figure 15.5A: Location of outdoor living space



15.5.13 Service Areas

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

15.5.14 Setback from National Grid

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

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

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

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

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

15.5.15.2 Family Flats - Design {PO 876.1 and others}

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

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

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

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

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

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

15.5.16.3 Maximum annual extraction {CP 874.2 and others}

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

15.5.16.4 Operating limits {CP 874.2 and others}

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

15.5.16.5 Noise {CP 874.2 and others}

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

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

15.5.16.6 Landscaping and Rehabilitation {CP 874.2 and others}

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

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

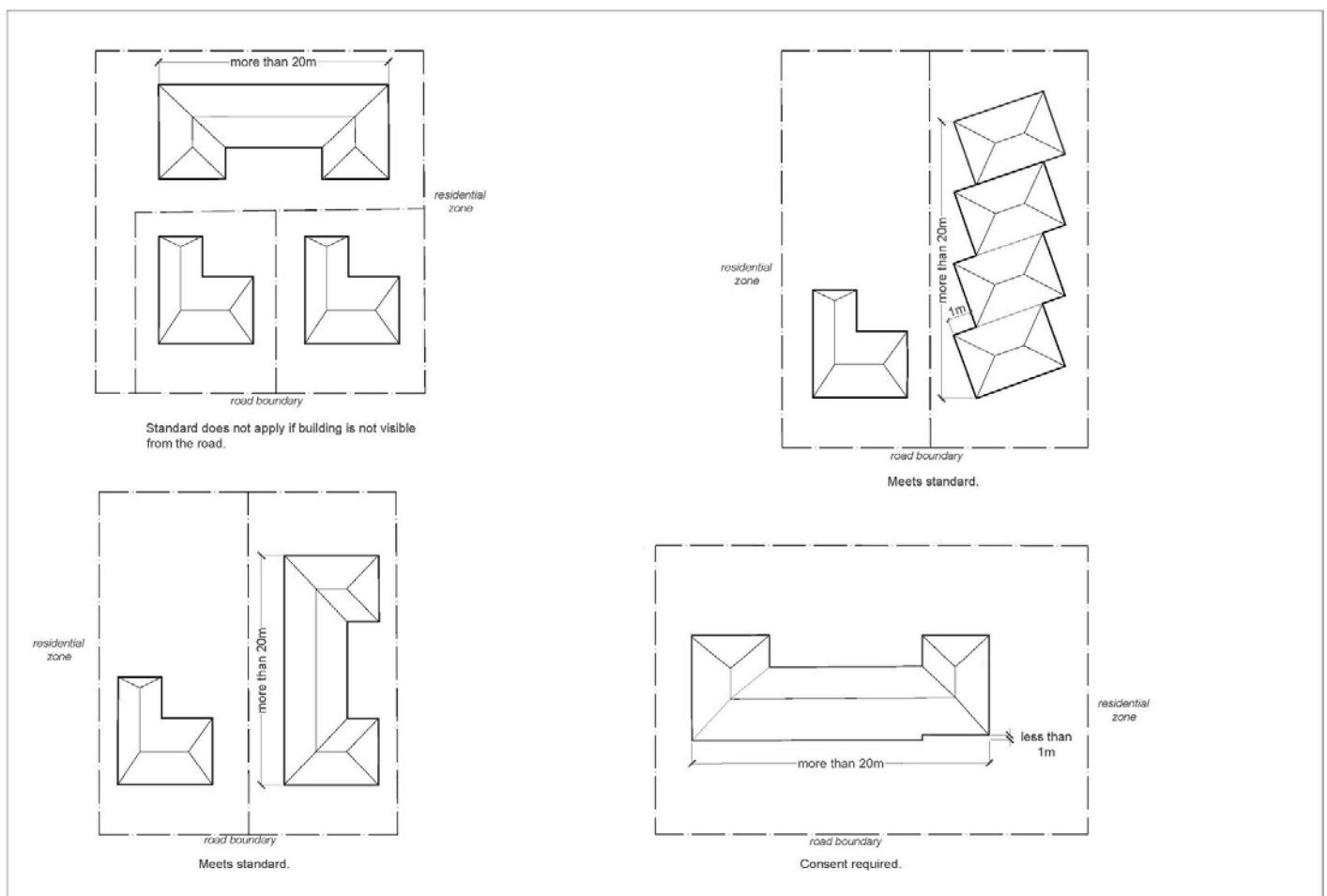
- i. all planting is in accordance with a landscape plan prepared by a qualified landscape architect; {CP 874.2 and others}
 - ii. all vegetation established as part of this programme is maintained in a healthy state at all times; {CP 874.2 and others}
 - iii. where practical, existing screening vegetation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

Rule 15.6 Development Performance Standards

15.6.1 Building Length

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

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



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

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

15.6.3 Fence Height and Design

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

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

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

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

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

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

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

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

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

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

Figure 15.6C: Side boundary fences in heritage precincts

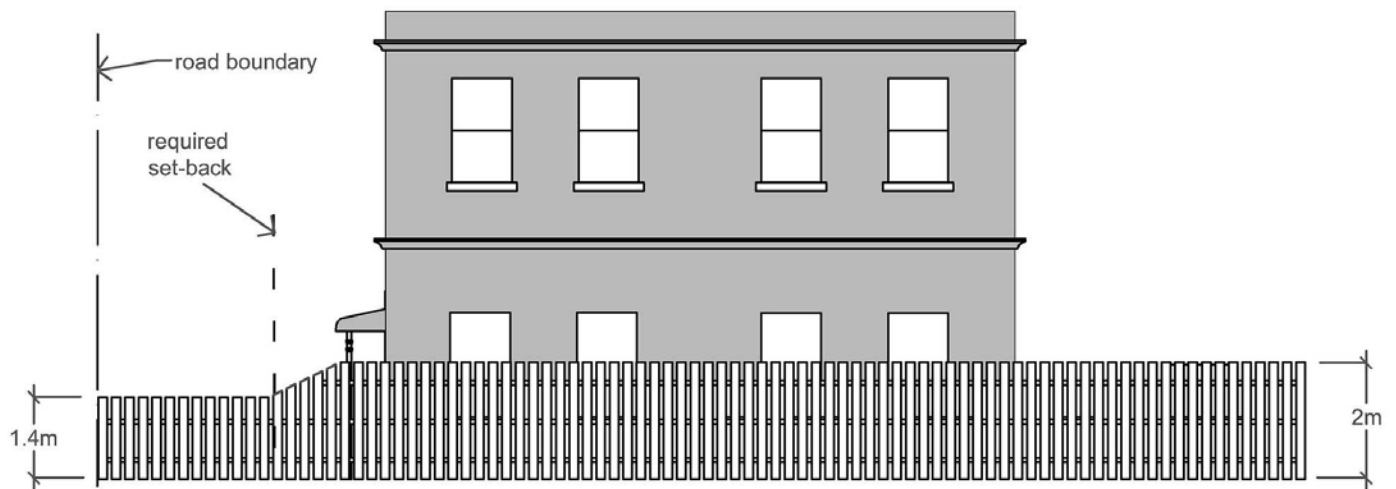


Figure 15.6D: ~~Example of visually permeable fencing~~ Examples of fencing that meet Rule 15.6.3.2 - Visual Permeability **{Res 190.1 and others}**

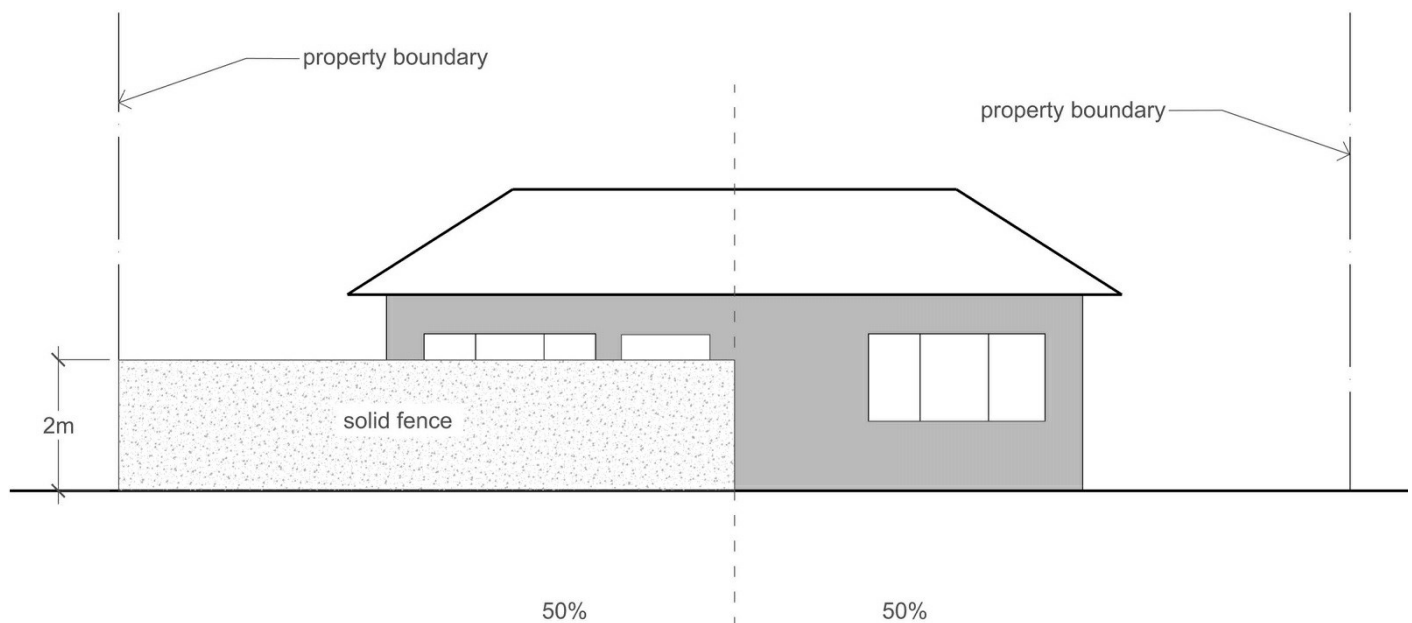
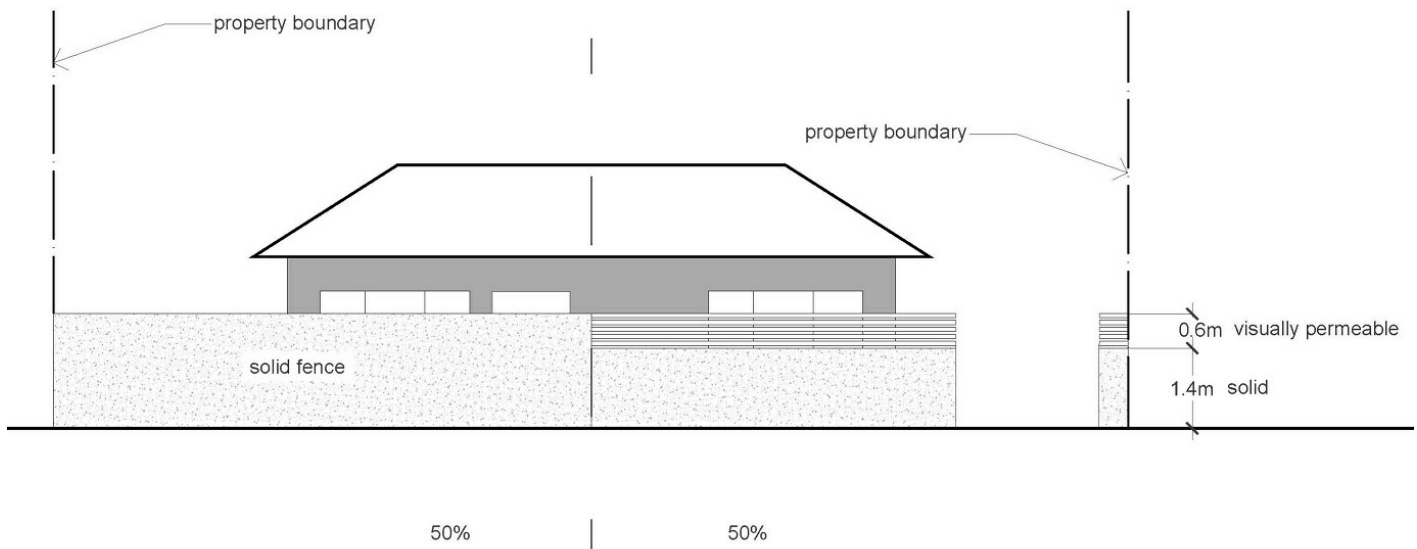


Figure 15.6E: Example of visually permeable fencing



15.6.4 Fire Fighting

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

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

15.6.5.1 Hazard exclusion areas (swale mapped area)

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

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

15.6.5.2 Maximum area of vegetation clearance in the hazard overlay zones

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

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

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

15.6.5.4 Relocatable buildings

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

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

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

15.6.6 Hazardous Substances Quantity Limits and Storage Requirements

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

15.6.7 Height

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

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

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

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

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

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

15.6.7.2 Maximum height

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

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

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

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

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

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

Standards.

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

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

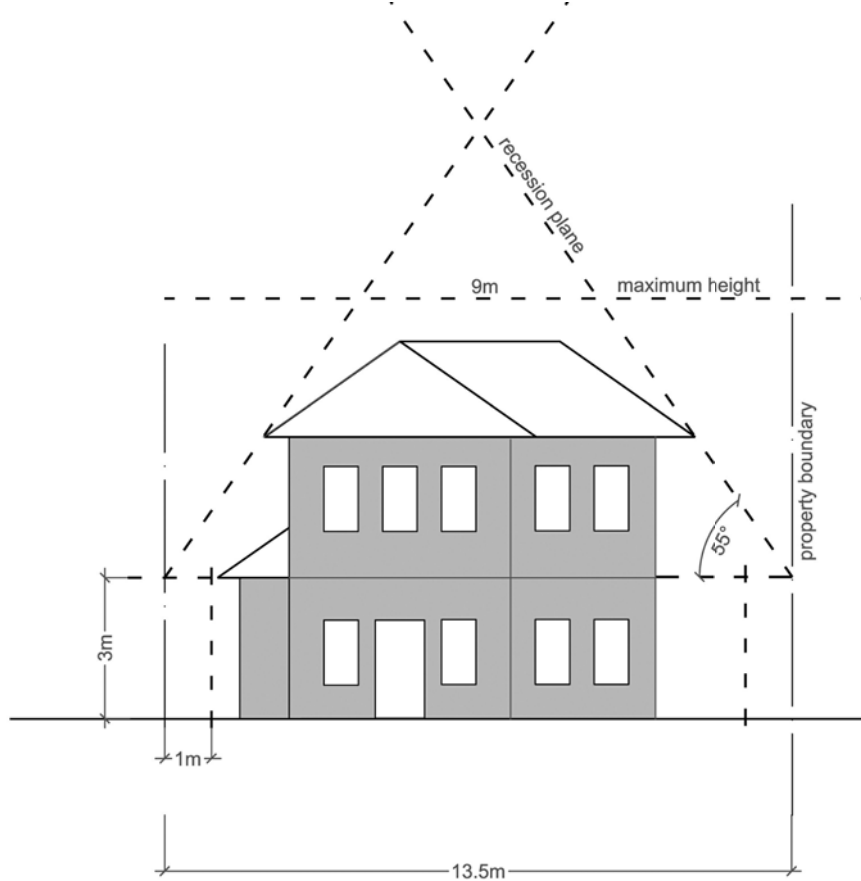


Figure 15.6F-2: Inner City Residential Zone **{Res 740.21 and others}**

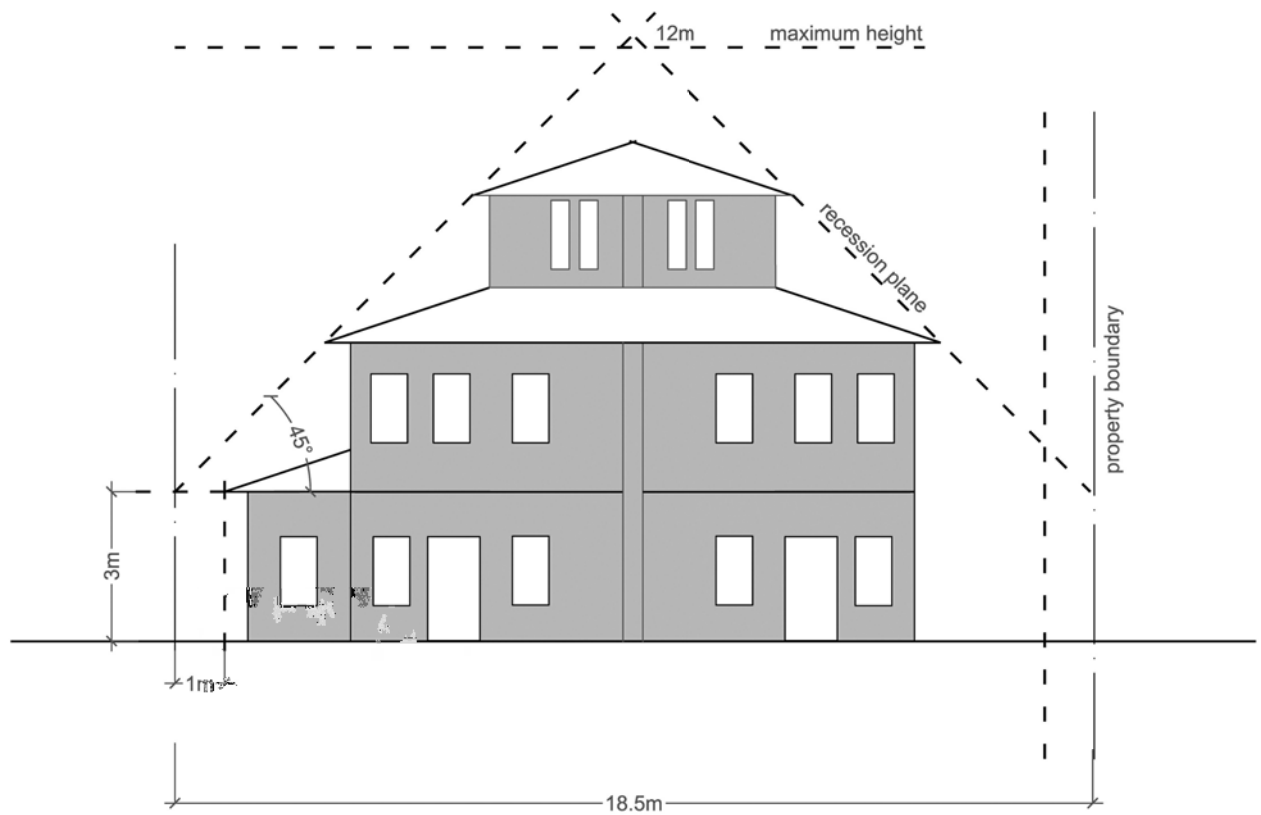


Figure 15.6F-3: All other residential zones **{Res 740.21 and others}**

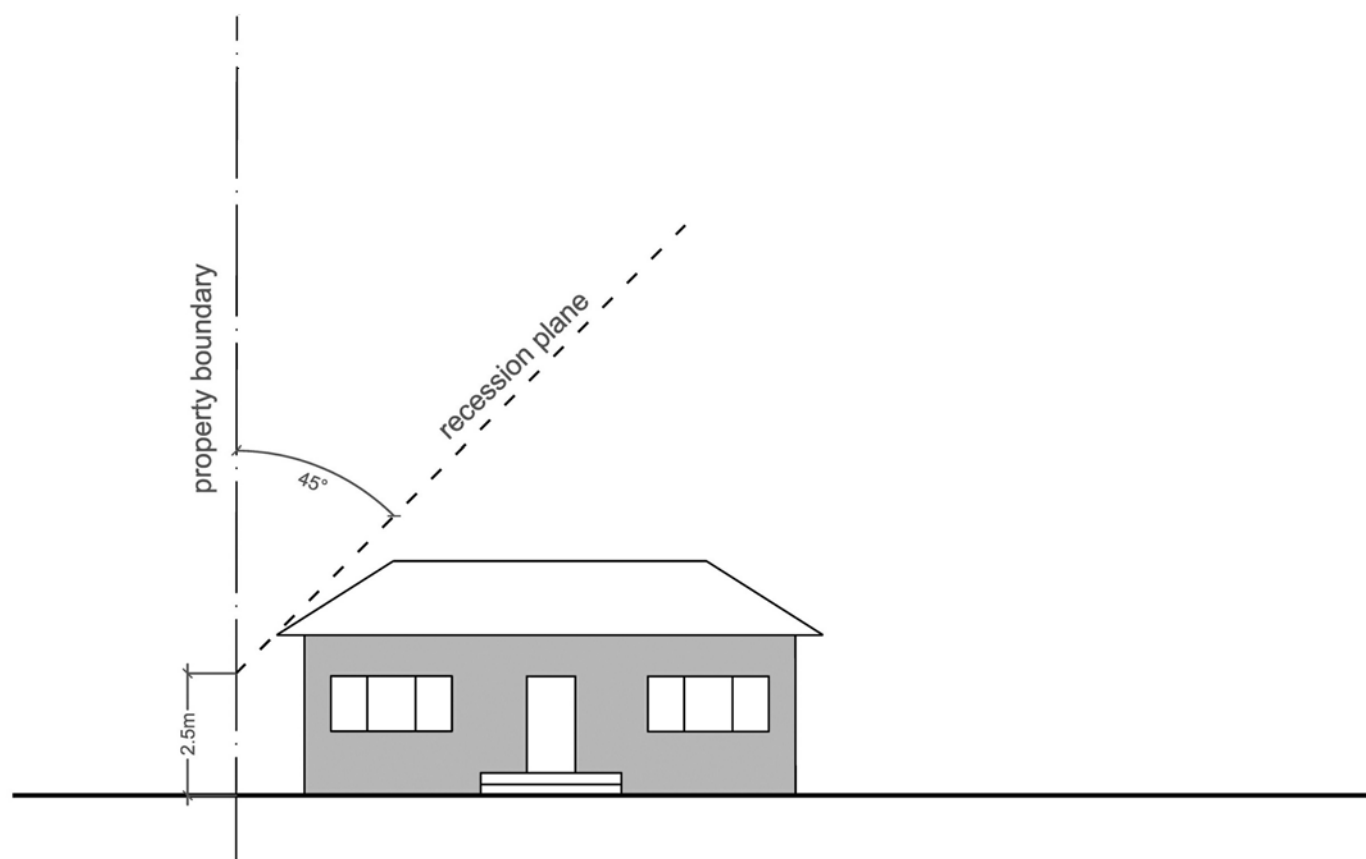


Figure 15.6G: Inner City Residential Zone height in relation to boundary special provision **{Res 740.21 and others¹}**

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

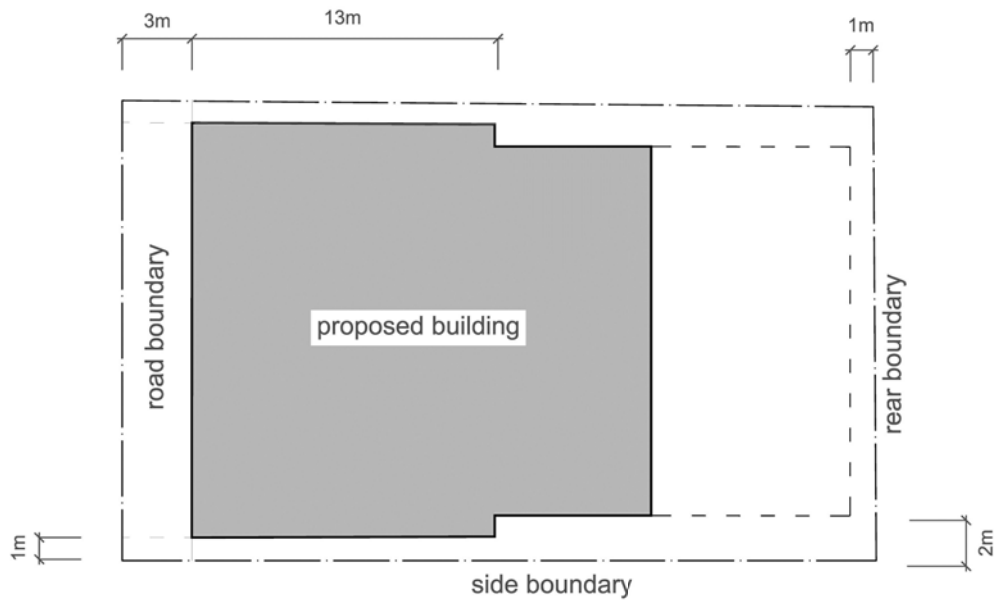


Figure 15.6H: Gable ends and dormers protruding through height plane {**Res 740.1**}

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

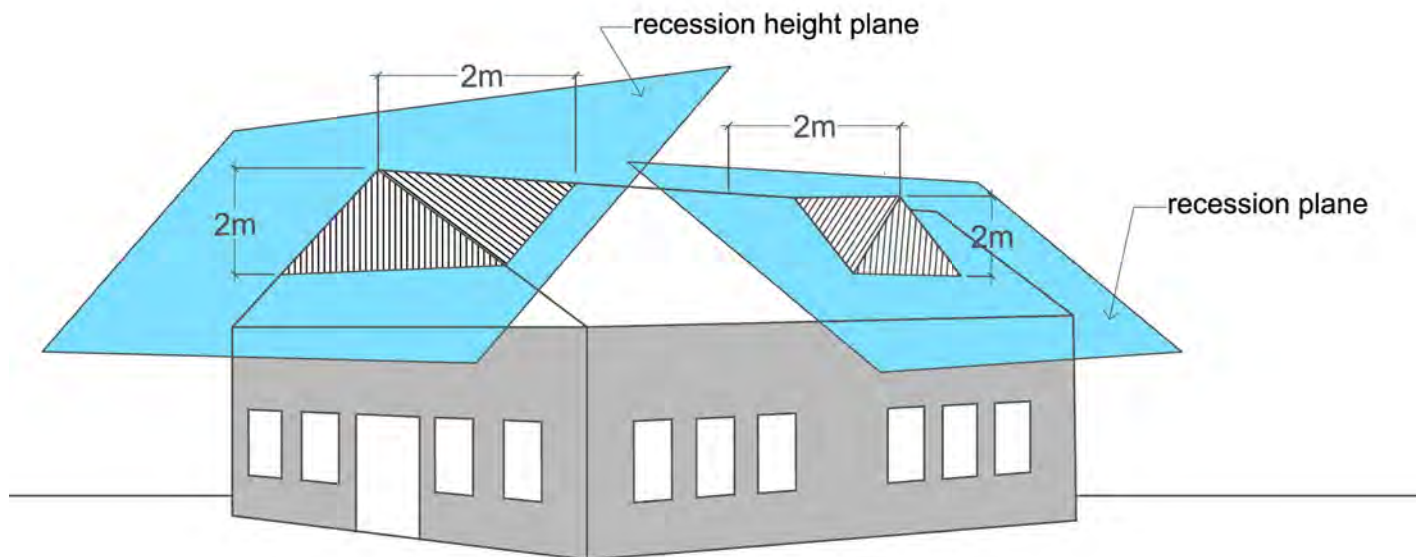


Figure 15.6I: Roof line mirror image where shared wall **{Res cl.16}**

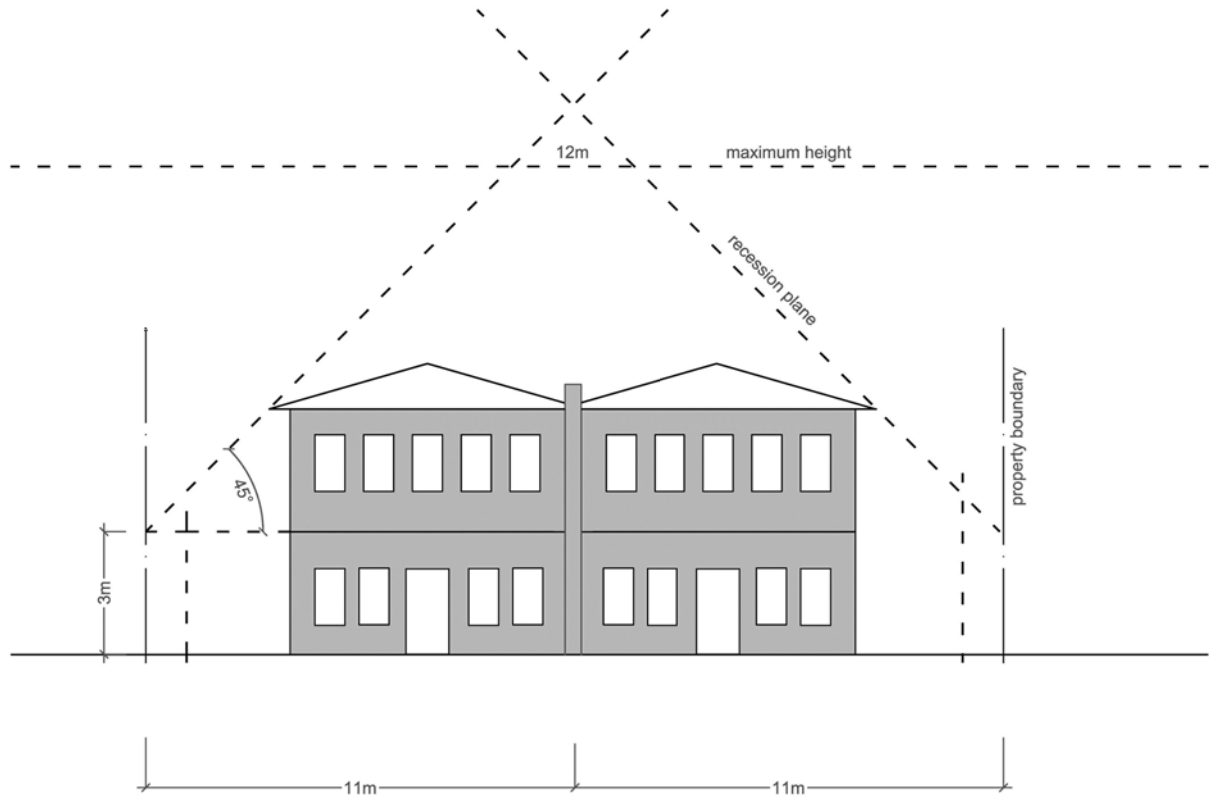


Figure 15.6J: Site width exception rule {Res 546.1}

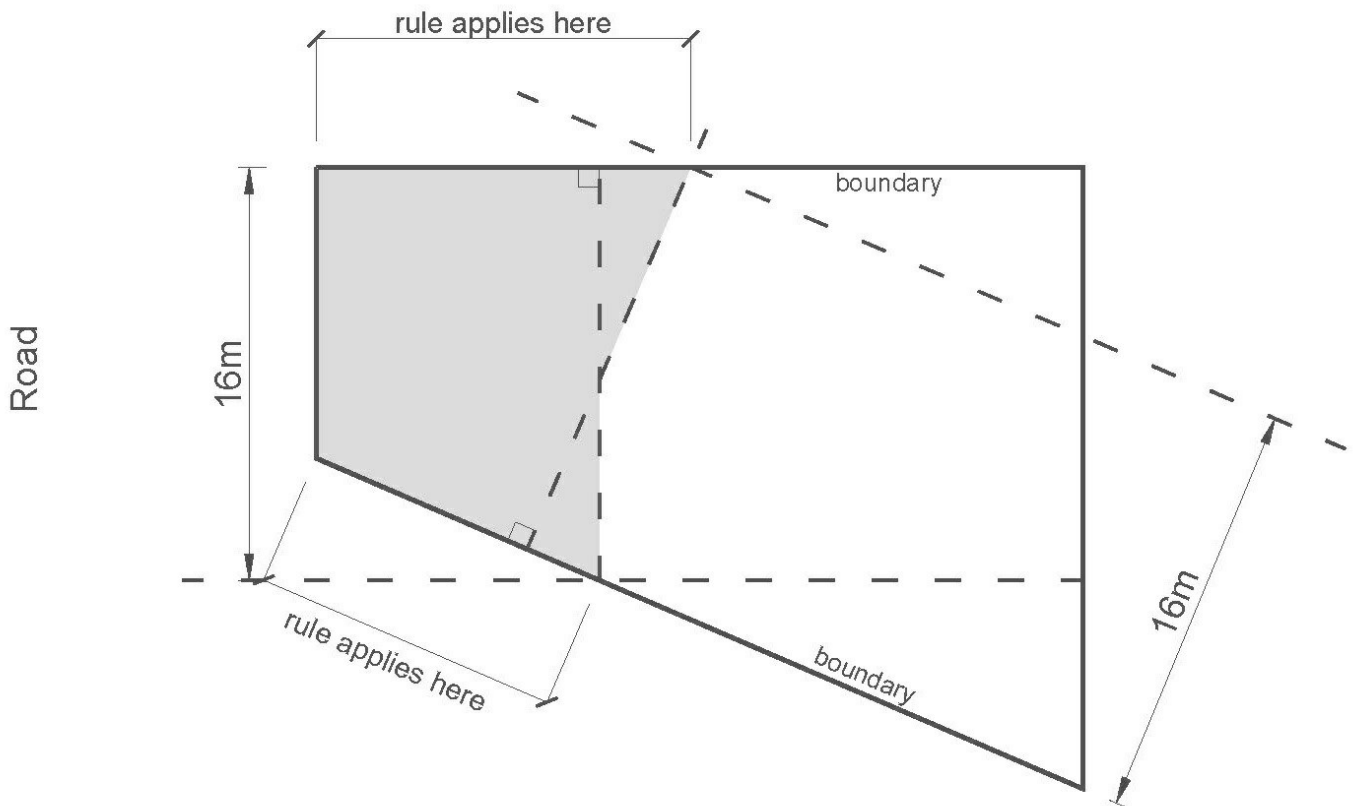


Figure 15.6K: Sloping Site exception rule {Res 546.1}

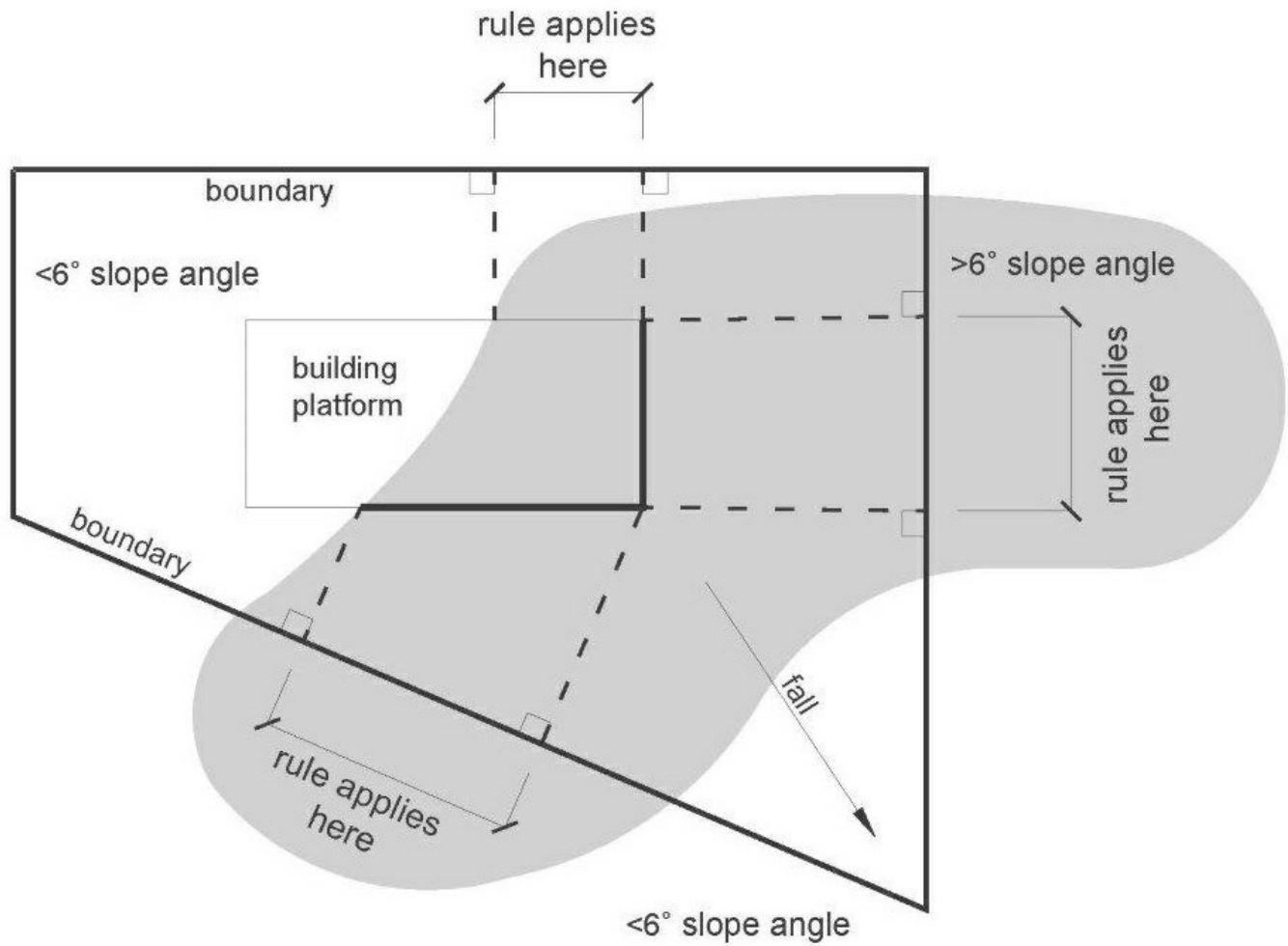
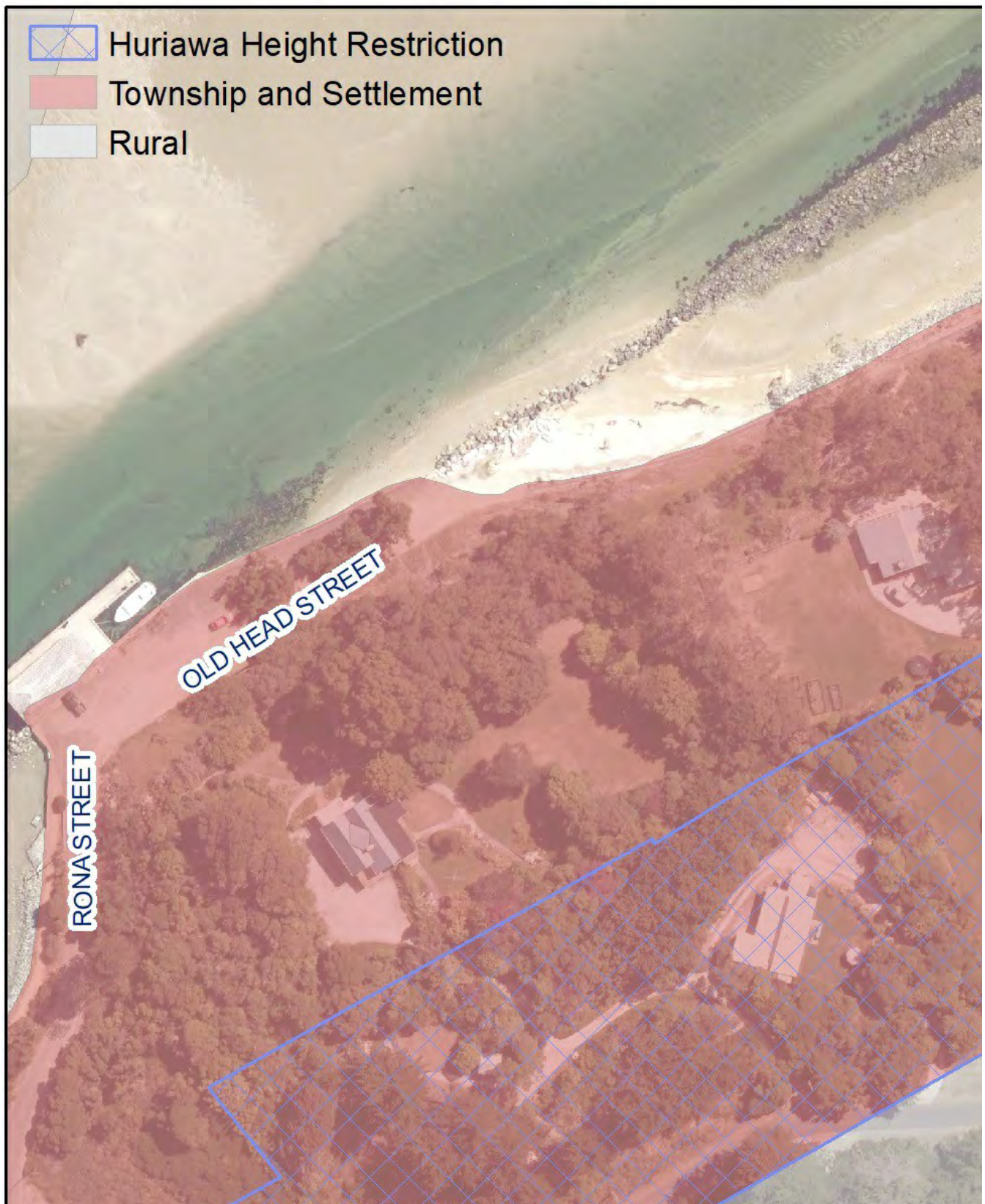
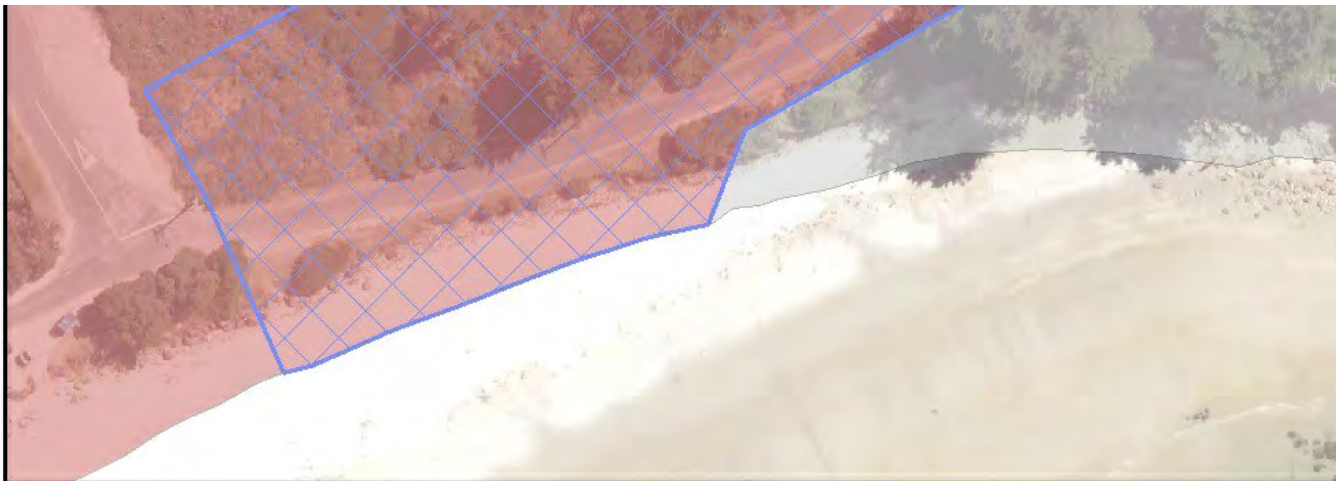


Figure 15.6.7.2A: Huriawa Height Restriction Mapped Area {Res 137.1 and 681.1}

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





15.6.8 Location and Screening of Car Parking

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

15.6.9 Location and Screening of Outdoor Storage

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

15.6.10 Materials and Design

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

15.6.11 Maximum Building Site Coverage and Impermeable Surfaces

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

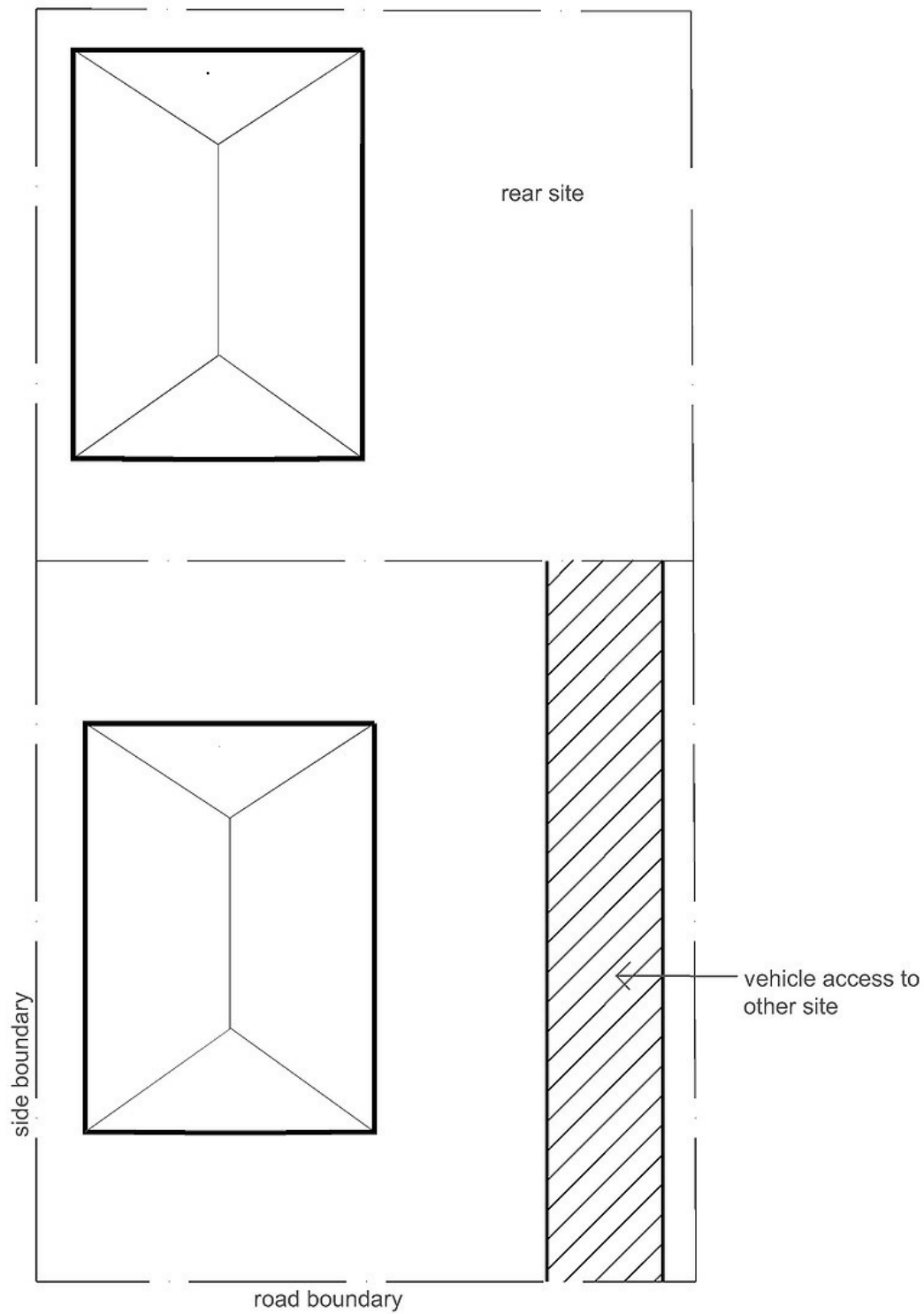
Zone		i. Maximum ~~building~~ {Res cl.16} site coverage: buildings and structures with a footprint greater than 10m ² (% of site)	ii. Maximum ~~building~~ {Res cl.16} site coverage: buildings and structures and any impermeable surfaces (% of site)
a.	General Residential 1 Zone	40%	70%
b.	General Residential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

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

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

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

Figure 15.6l: Site coverage calculation



15.6.12 Number, Location and Design of Ancillary Signs

15.6.12.1 General

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

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

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

15.6.12.2 All signs in residential zones

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

15.6.12.3 All signs (ancillary to residential activities)

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

15.6.12.4 All signs (ancillary to dairies)

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

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

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

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

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

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

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

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

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

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

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

15.6.13 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

15.6.14 Setbacks

15.6.14.1 Boundary setbacks

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

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

- ix. Except:

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

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

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

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

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

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

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

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

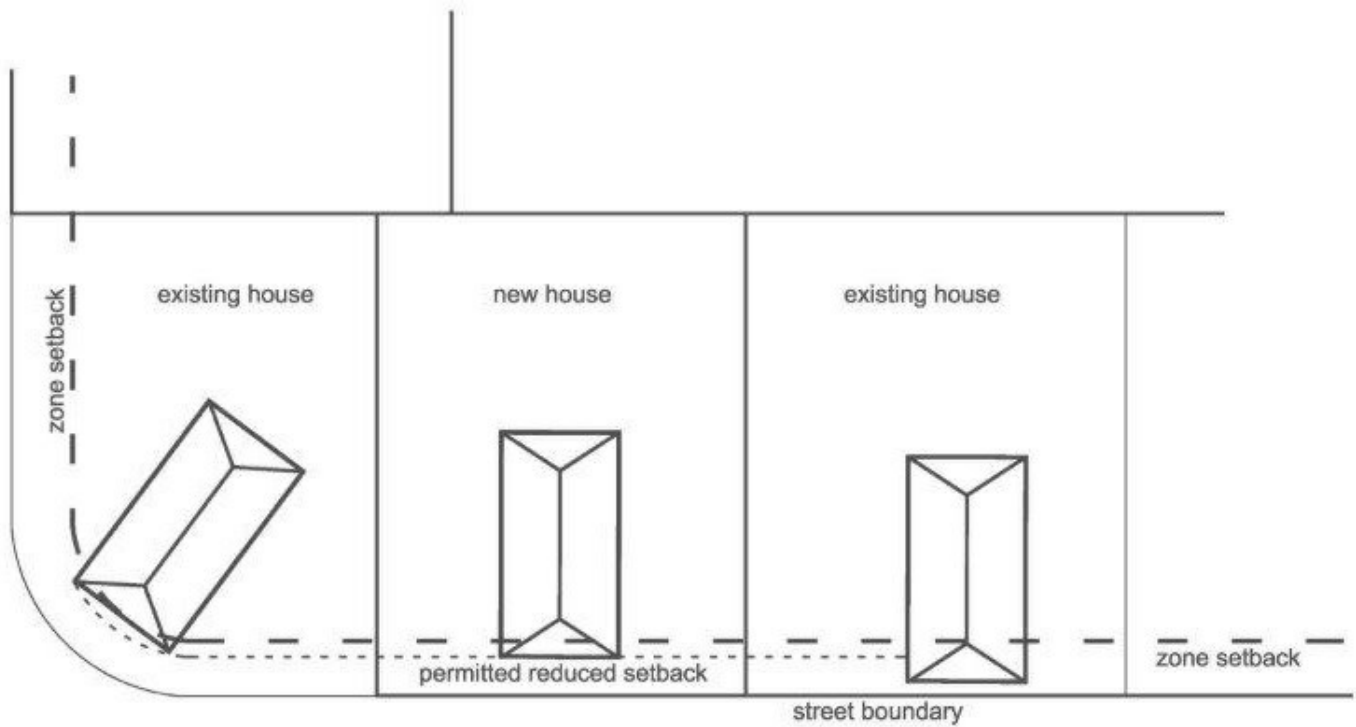


Figure 15.6J-2: Determining existing setbacks {Res 23.1}

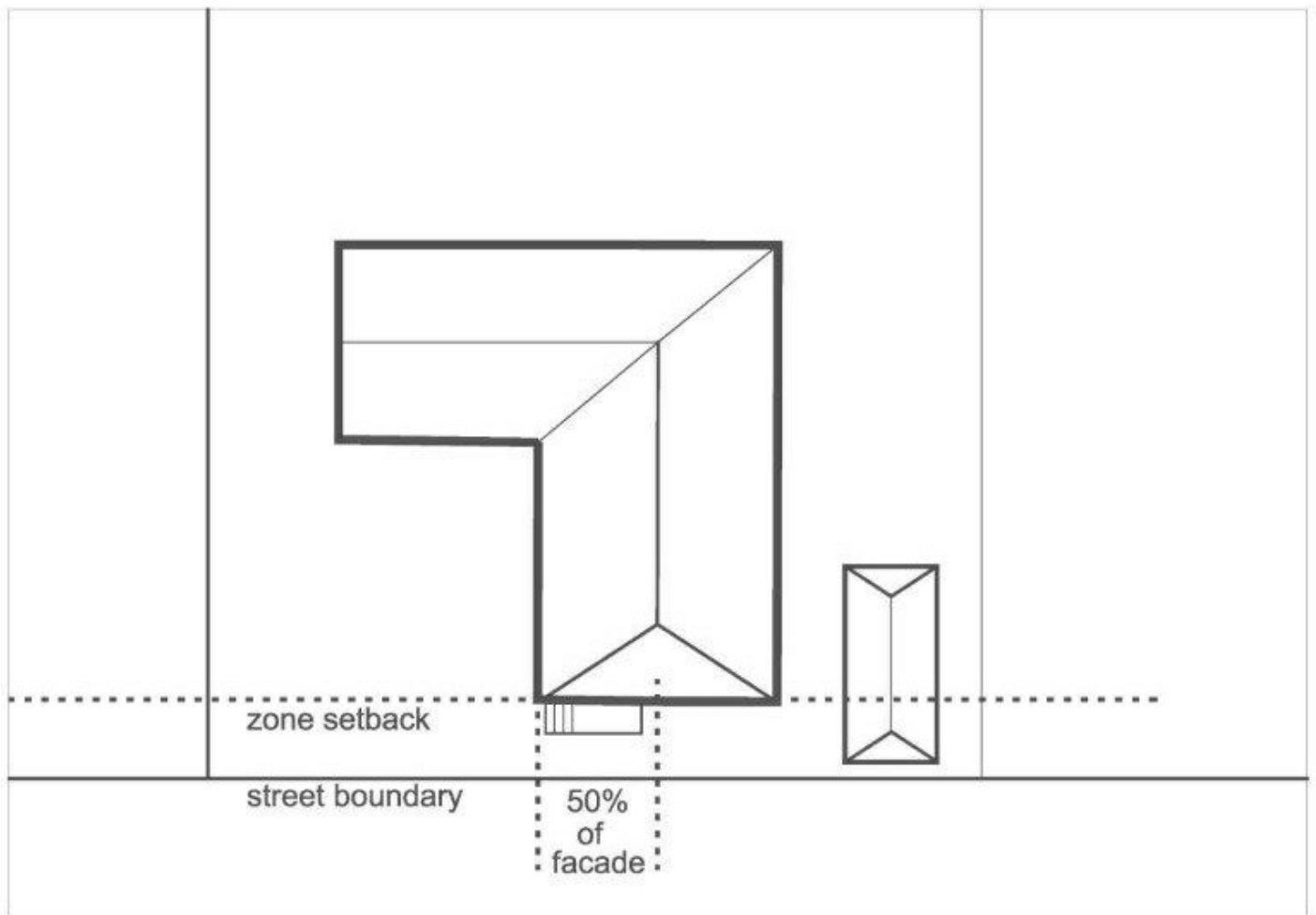
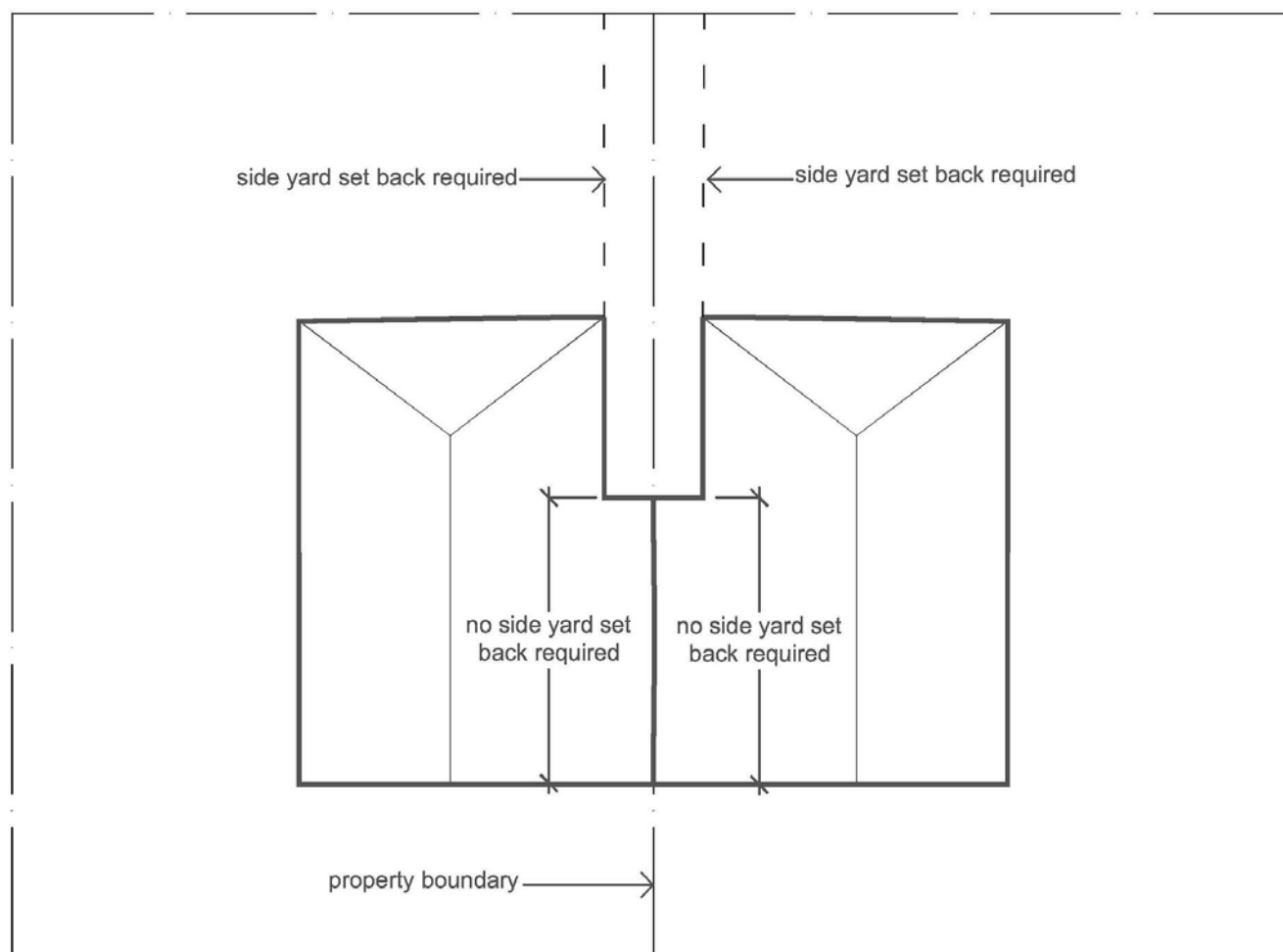


Figure 15.6K: Setbacks for buildings sharing common wall



15.6.14.2 Setback from scheduled tree

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

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

15.6.14.3 Setback from coast and water bodies

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

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

15.6.14.4 Setback from National Grid

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

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

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

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

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

East Taieri Structure Plan Mapped Area

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

Formby Street Structure Plan Mapped Area

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

Mosgiel East Structure Plan Mapped Area

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

Holyhead Street Structure Plan Mapped Area

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

15.6.16 Vegetation Clearance Standards

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

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

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

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

Rule 15.7 Subdivision Performance Standards

15.7.1 Access

Subdivision activities must comply with Rule 6.8.1.

15.7.2 Esplanade Reserves and Strips

Subdivision activities must comply with Rule 10.3.1.

15.7.3 Fire Fighting

Subdivision activities must comply with Rule 9.3.3.

15.7.4 Minimum Site Size

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

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

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

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

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

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

15.7.5 Service Connections

Subdivision activities must comply with Rule 9.3.7.

15.7.6 Shape

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

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

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

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

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

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

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

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

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

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

Additional performance standards {ULS cl.16¹}

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

15.7A.3.1 Subdivision {ULS cl.16¹}

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

15.7A.3.2 Density {ULS cl.16²}

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

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

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

a. Stormwater network

- i. On-site stormwater systems (retention/detention and secondary flowpaths, etc.) must be designed for 1 in 100 (1%) annual exceedance probability event. A stormwater retention/detention pond to service the **structure plan mapped {ULS cl.16} area** must be established in the general location of the area marked "detention area" on the structure plan and developed to the satisfaction of Council.
- ii. Local stormwater reticulation systems must be designed for a 1 in 10 (10%) annual exceedance probability event.
- iii. Development within the 'specified floor level' area shown on the structure plan is to be designed to adequately address potential flooding issues, with finished floor levels ~~equal to or greater than the floor level shown on the flood minimum floor level mapped area~~, or if not shown on that map, at least ~~500mm above ground level~~ for dwellings above the 1:50 year flood level in accordance with the NZ Building Code {Res cl.16¹}

b. Reserve

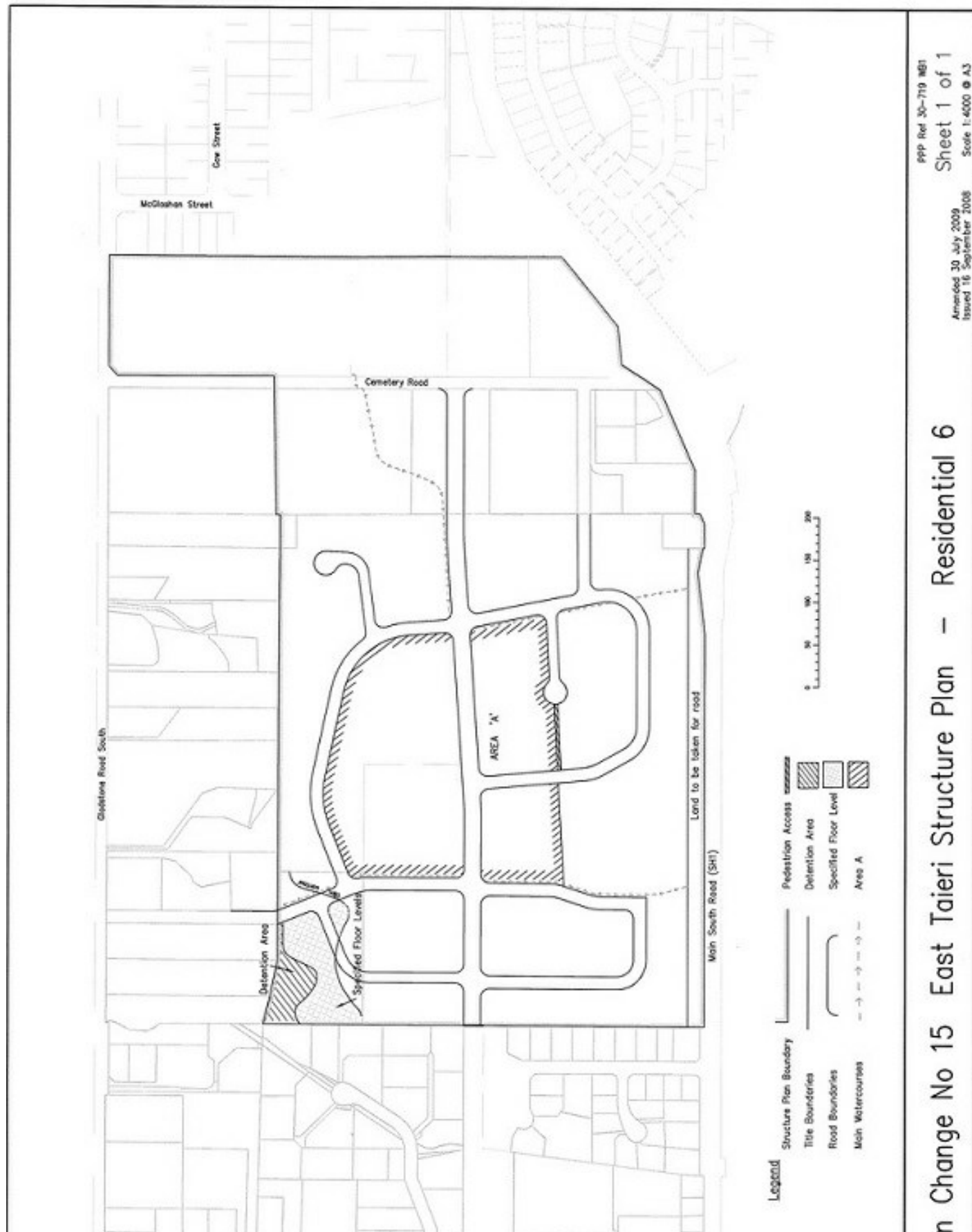
- i. The reserve must have a consistent boundary treatment where it adjoins residential properties, installed by the developer prior to vesting in Council. The reserve must be flattened and grassed to a standard that can be cut with a ride-on mower, and free of buildings, tree stumps, or other obstacles, prior to vesting in Council.

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

15.7A.3.4 Information requirements

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

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





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

Additional performance standards {ULS cl.16¹}

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

15.7A.4.1 Subdivision

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

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

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

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

Figure 15.7A.X: Formby Street Structure Plan



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

Additional performance standards {ULS cl.16¹}

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

15.7A.5.1 Subdivision

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

15.7A.5.2 Development requirement or condition of subdivision consent

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

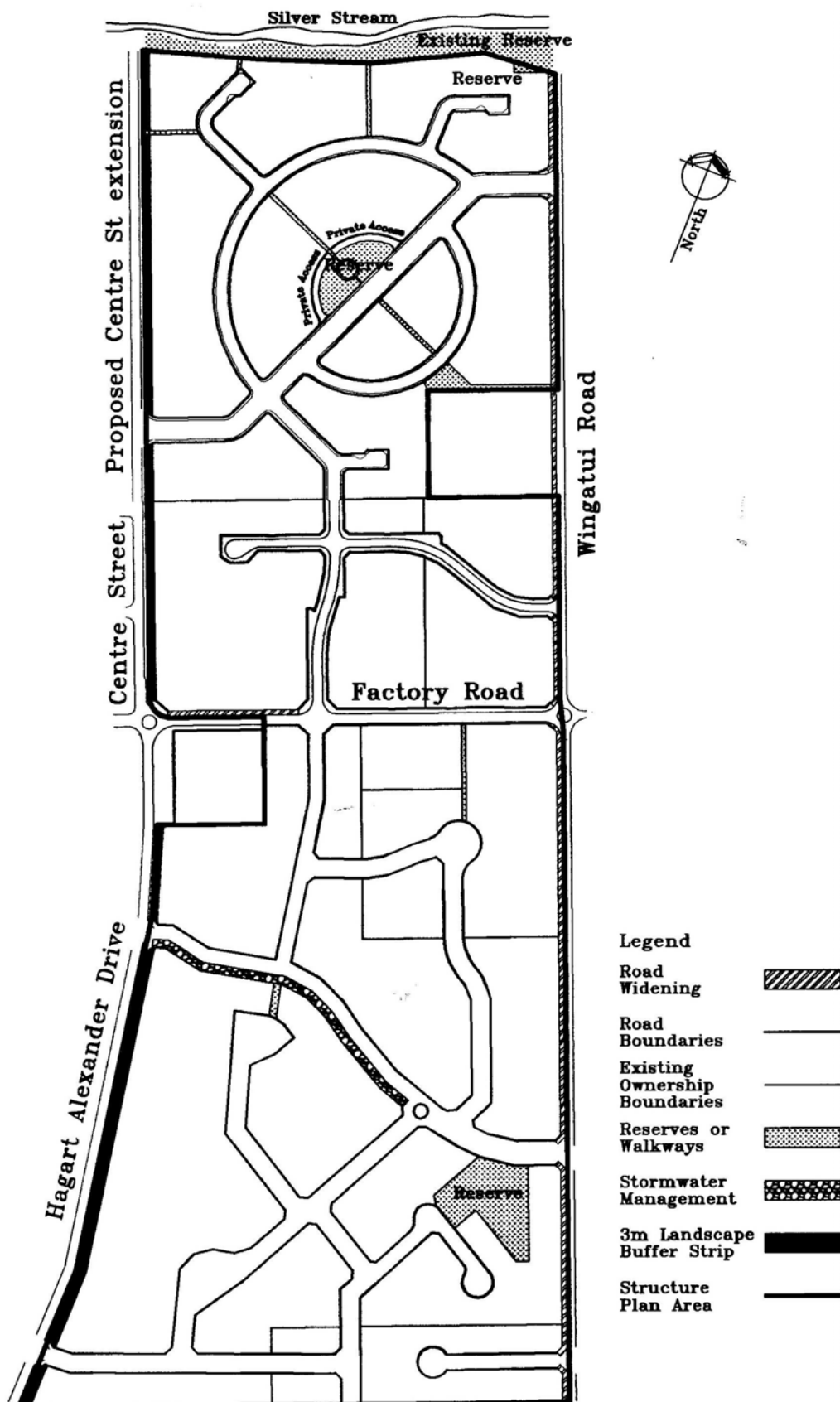
15.7A.5.3 Information requirements

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

Figure 15.7A.X: Mosgiel East Structure Plan



MOSGIEL EAST STRUCTURE PLAN



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

Additional performance standards {ULS cl.16}

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

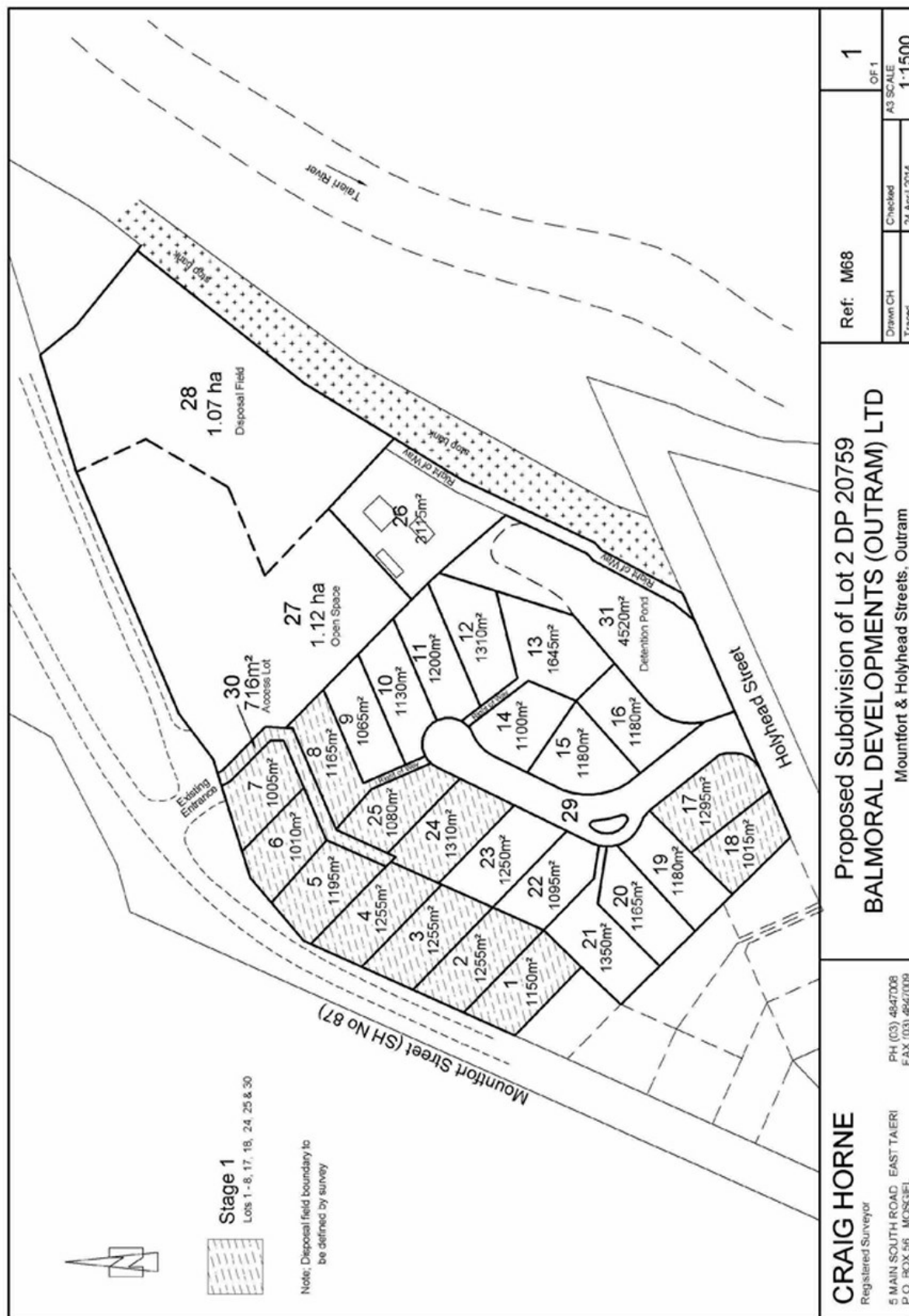
15.7A.6.1 Subdivision

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

15.7A.6.2 Development requirement or condition of subdivision consent

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

Figure 15.7A.X: Holyhead Street Structure Plan

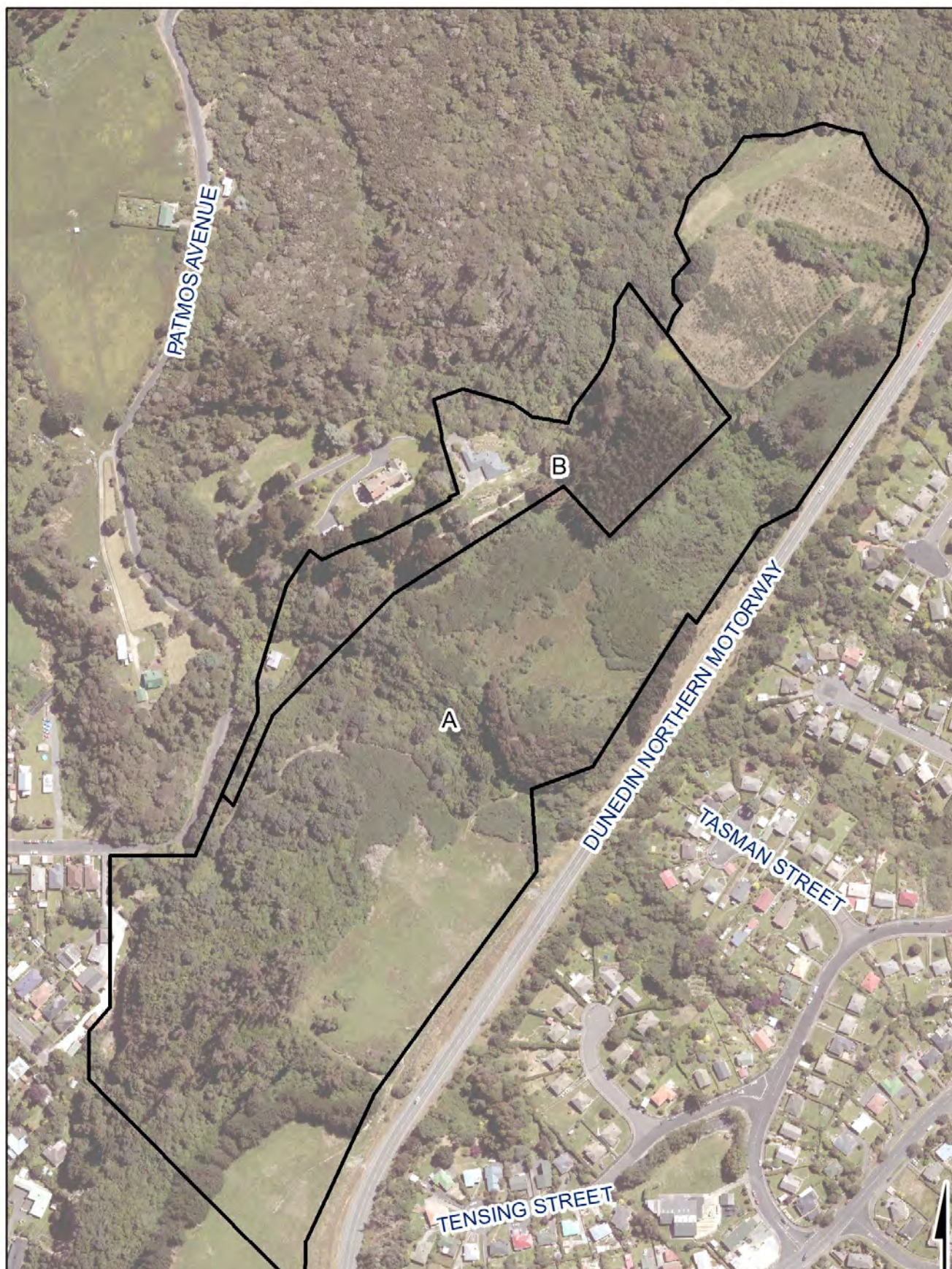


15.7A.7 – Patmos Avenue Structure Plan Mapped Area Performance Standards {Confirmed for addition - ULS 740.6 and others}

Additional performance standards

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

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





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

Additional performance standards

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

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



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

Additional performance standards

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

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

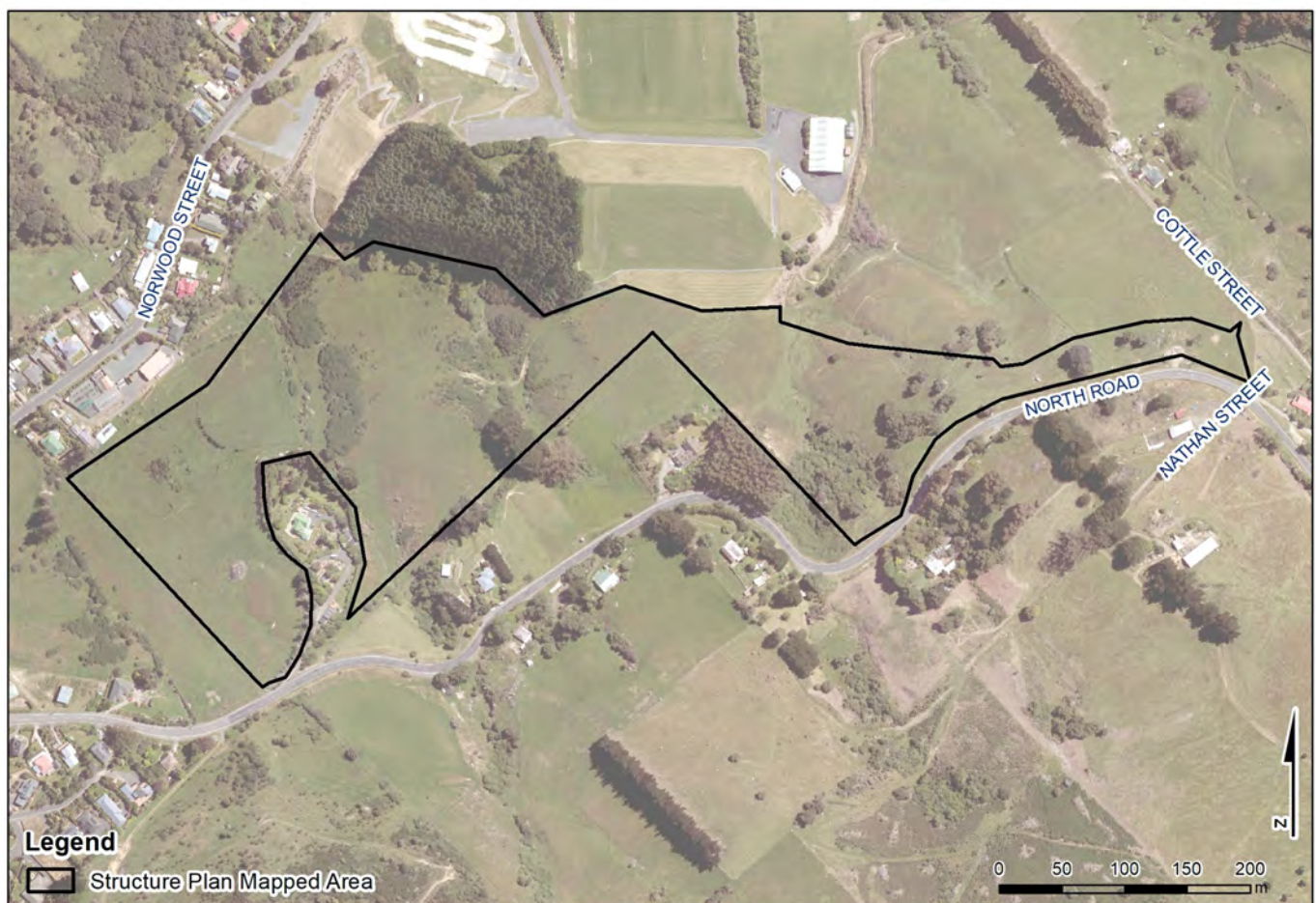


15.7A.10 - North Road Structure Plan Mapped Area Performance Standards {Confirmed for addition - ULS 350.6}

Additional performance standards

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

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



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

Additional performance standards

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

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



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

Additional performance standards

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

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



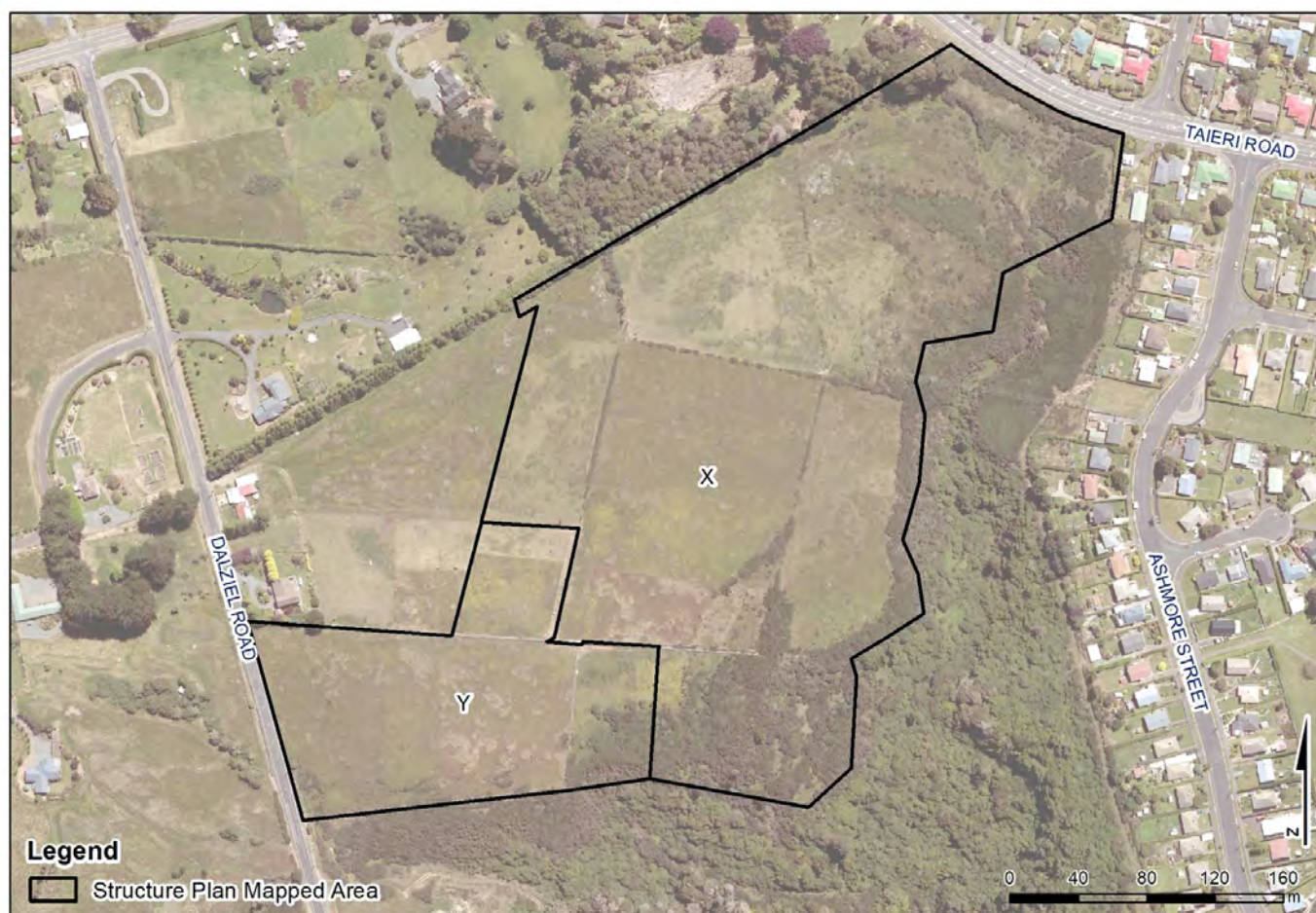


15.7A.13 - Dalziel Road Structure Plan Mapped Area Performance Standards {Confirmed for addition ULS 688.2 and 688.3}

Additional performance standards

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

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



Rule 15.8 Assessment of Controlled Activities

Rule 15.8.1 Introduction

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

15.8.2 Assessment of controlled activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. <u>Affecting a scheduled heritage building or a scheduled heritage structure: {Her cl.16}</u> • Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected. • Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1 {Her 547.91}	a. Effects on heritage values	See Rule 13.4
2. <u>In a heritage precinct, additions and alterations to a non character-contributing building that involve: {Her 308.358}</u> • <u>an increase in the footprint of 10m² or more {Her 308.358}</u> • <u>an increase in the height of the building by more than 2m; or {Her 308.358}</u> • <u>the replacement of a pitched roof with a mono pitch roof. {Her 308.358}</u>	a. Effect on heritage streetscape character {Her 308.358}	See Rule 13.4 {Her 308.358}

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

Rule 15.9.1 Introduction

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

15.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards or topography, or other site specific factors, make meeting the standard impracticable. c. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. <i>General assessment guidance:</i> d. Where more than one standard is contravened, the combined effects of the contraventions should be considered. e. In balancing consideration of the objectives and policies related to the maintenance of heritage values or heritage precinct streetscape character and those related to general amenity, greater weight will usually be placed on heritage policies.

15.9.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Density - (Rule 15.5.2.6) <u>all residential units are able to meet bulk and location performance standards</u> {Res cl.16}	a. Effects on on-site amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.2 ii. Residential development achieves high quality on-site amenity for residents (Policy 15.2.2.1). <i>General assessment guidance:</i> iii. Non-compliance with Rule 15.5.2.6 will be assessed based on which performance standard(s) the second residential building does not provide for compliance with, if subdivided in future. See assessment rules in relation to performance standard contraventions for: 1. site coverage; 2. height in relation to boundary; 3. setbacks; and 4. access.
2.	Density - (Rule 15.5.2.7.a) {Res cl.16} Papakāika	a. Effects on cultural values of Manawhenua	See Rule 14.3
		b. Effects on health and safety	See Rule 9.4
		c. Effects on the safety and efficiency of the transport network	See Rule 6.9
3.	Density - (Rule 15.5.2.7.b) {Res cl.16} standard residential in General Residential 2 Zone infrastructure constraint mapped area	a. Effects on efficiency and/or {Res cl.16} affordability of infrastructure	See Rule 9.4

15.9.3 Assessment of land use performance standard contraventions

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

15.9.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Hours of operation	a. Effects on surrounding sites' residential amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.3 ii. Working from home, dairies, training of education, and community and leisure operate in a way (including hours of operation), that avoids or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigates, effects on the amenity of surrounding properties (Policy 15.2.3.2). <i>Potential circumstances that may support a consent application include:</i> iii. The extension of hours will not result in unreasonable disturbance from vehicle headlights, deliveries/pick-ups, vehicle movements, or other noise.
7.	Location	a. Effects on the vibrancy and economic and social success of the CBD and centres.	<i>Relevant objectives and policies:</i> i. Objective 15.2.1 ii. Activities ancillary to visitor accommodation are located and designed to cater to patrons of the primary activity rather than the general public (Policy 15.2.1.4). <i>Potential circumstances that may support a consent application include:</i> iii. The ancillary activity is designed and managed so as to be unlikely to attract external customers. iv. There will be no external advertising on buildings facing the street, for the ancillary activity.
8.	Minimum car parking	a. Effects on accessibility b. Effects on the safety and efficiency of the transport network {Trans cl.16'}	See Rule 6.9
9.	Minimum vehicle loading	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

15.9.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
10.	Outdoor living space	a. Effects on on-site amenity for residents	<i>Relevant objectives and policies:</i> i. Objective 15.2.2 ii. Residential development achieves high quality on-site amenity by providing functional, sunny, and accessible outdoor living spaces that allow enough space for on-site food production, leisure, <u>green space</u> {Res 417.10 and 843.3} and/or {Res 317.19} recreation (Policy 15.2.2.1.a). <i>Potential circumstances that may support a consent application include:</i> iii. The property is within a short walking distance from public green space. iv. <u>Juliet balconies (balconies less than the width required by the rule, including zero depth) with glass doors that can be opened to create an opening greater than 1m wide and allow direct sunlight into the principal living area, may be acceptable if alternate shared outdoor living space is available and easily accessed and it is more compatible with the design of the dwelling than alternative balcony forms.</u> {Res 740.10}
11.	Service areas	a. Effects on on-site amenity for residents	<i>Relevant objectives and policies:</i> i. Objective 15.2.2 ii. Adequate space is available for service areas (Policy 15.2.2.1.d).

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

15.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Boundary setback	a. Effects on surrounding sites' residential amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.3 ii. Buildings and structures are of a height and setback from boundaries that ensures no more than minor effects on the sunlight access of current and future residential buildings and their outdoor amenity spaces (Policy 15.2.3.1). iii. <u>In the Inner City Residential Zone, buildings and structures are of a height and setback from boundaries that avoids or, if avoidance is not practicable, adequately mitigates adverse effects on sunlight access on outdoor space at the rear of adjacent sites (Policy 15.2.3.3.c). {Res cl.16²}</u> <u>Potential circumstances that may support a consent application include: {Res cl.16²}</u> iv. Residential buildings on neighbouring sites receive adequate natural light and privacy. v. <u>The reduced setback will mirror the setback of the adjacent residential building, both in minimum distance from the boundary, and the maximum extent to which the encroachment occurs along the boundary (including length and height). {Res 740.15}</u> vi. <u>There are no windows from living or sleeping areas proposed along the wall of the new building or existing along the wall of any adjacent parallel residential building. {Res 740.15}</u>

15.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
	b. Effects on neighbourhood residential character and amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.4 ii. Development maintains or enhances streetscape amenity by ensuring buildings' height, boundary setbacks, and scale reflect existing or intended future residential character (Policy 15.2.4.1.c). iii. <u>In the Inner City Residential Zone, buildings and structures are of a height and setback from boundaries that:</u> 1. <u>enables a high quality, medium density development (Policy 15.2.3.3.a); {Res cl.16}</u> 2. <u>is consistent with the existing streetscape character of the zone (Policy 15.2.3.3.b); {Res cl.16}</u> <i>Potential circumstances that may support a consent application include:</i> iv. The boundary setback is consistent with surrounding properties. v. Landscaping or fences screen or soften the visual effects of buildings. vi. The building is designed to integrate with residential buildings on the site and contribute to residential character and amenity e.g. similar materials to residential buildings, and roof pitch.
2. Boundary setback - (Rule 15.6.14.1.a.ix.3) <u>garages and carports setback from road boundary {Res cl.16}</u>	a. Effects on health and safety	See Rule 6.9

15.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	Building length	a. Effects on neighbourhood residential character and amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.4 ii. Development maintains or enhances streetscape amenity by ensuring buildings' scale reflect existing or intended future residential character (Policy 15.2.4.1.c). <i>Potential circumstances that may support a consent application include:</i> iii. The bulk of the building is broken up by: 1. varying building elevations; 2. setting parts of the building back; 3. using different textures; 4. architectural features; or 5. other forms of building modulation. iv. The visual impact of the building length is screened and softened by landscaping, fencing, or other screening, which provides an attractive interface for surrounding properties. v. The building is set back from boundaries an adequate distance to avoid shading or visual effects on adjacent residential properties or public places. vi. Topography of the site mitigates the effects of the building scale on adjacent residential properties or public places. vii. <u>In the case of buildings to be used for emergency services, there is a need for longer buildings to meet operational requirements. {Res 945.32}</u>
4.	Earthworks standards: • Batter gradient {EW cl 16'}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 15.2.5 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 15.2.5.1.b).
5.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs {EW cl 16'}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 15.2.5 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 15.2.5.1.a).

15.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Earthworks standards: - Setback from national grid {EW cl 16'} - Setback from network utilities {EW cl 16}'	a. Effects on efficient and effective operation of network utilities	See Rule 5.7
		b. Effects on health and safety	
7.	Earthworks standards: Sediment control {EW cl 16'}	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 15.2.5 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems <u>or the coastal marine area {EW 1071.106}</u> (Policy 15.2.5.2.b):
		b. Effects on biodiversity values and natural character of the riparian margins and the coast	See Rule 10.4
		c. Effects on efficiency and/or affordability of infrastructure	See Rule 9.4
8.	Fence height and design	a. Effects on health and safety	See Rule 9.4
		b. Effects on neighbourhood residential character and amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.4 ii. Fences are of a height and design that contributes positively to the streetscape amenity and character of the neighbourhood (Policy 15.2.4.4). <i>Potential circumstances that may support a consent application include:</i> iii. The increased height or reduced visual permeability is necessary to meet protection requirements, to provide security, minimise noise effects from a busy road or activity, or for public well-being. iv. An attractive interface with the street is achieved. v. The fence will be screened by landscaping.
9.	Fire fighting	a. Effects on health and safety	See Rule 9.4

15.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
10.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
11.	- Maximum height - Height in relation to boundary	a. Effects on surrounding sites' residential amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.3 ii. Buildings and structures are of a height and setback from boundaries that ensures no more than minor effects on the sunlight access of current and future residential buildings and their outdoor living spaces (Policy 15.2.3.1). iii. <u>In the Inner City Residential Zone, buildings and structures are of a height and setback from boundaries that avoids or, if avoidance is not practicable, adequately mitigates adverse effects on sunlight access on outdoor space at the rear of adjacent sites (Policy 15.2.3.3.c). {Res cl.16}</u>
		b. Effects on neighbourhood residential character and amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.4 ii. Development maintains or enhances streetscape amenity by ensuring buildings' height, boundary setbacks, and scale reflect existing or intended future residential character (Policy 15.2.4.1.c). iii. <u>In the Inner City Residential Zone, buildings and structures are of a height and setback from boundaries that:</u> 1. <u>enables a high quality, medium density development (Policy 15.2.3.3.a). {Res cl.16}</u> 2. <u>is consistent with the existing streetscape character of the zone (Policy 15.2.3.3.b). {Res cl.16}</u> <i>Potential circumstances that may support a consent application include:</i> iv. The height and/or height in relation to boundary is consistent with surrounding properties. v. Landscaping or fences screen or soften the visual effects of buildings. vi. Natural landforms or topography (e.g. cliffs, tall trees on adjacent reserves) provide a backdrop to the building.

15.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
12.	Location and screening of car parking	a. Effects on neighbourhood residential character and amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.4, 6.2.1 ii. Garages, carports, and car parking do not dominate the street (Policy 15.2.4.1a). <i>Potential circumstances that may support a consent application include: {Res cl.16}</i> iii. Landscaping or other features soften the impact of these activities. iv. <u>In order to meet Rule 6.6.1.2.a.i (requirement to not reverse onto a motorway, strategic road, arterial road, urban high density corridor, commercial centre street, or collector road), there are no reasonably practicable alternatives other than to contravene the standard.</u> {Res 403.3}
13.	Location and screening of outdoor storage	a. Effects on neighbourhood residential character and amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.4 ii. Development maintains or enhances streetscape amenity by ensuring shared service areas are not visible from ground level from outside the site (Policy 15.2.4.1.d). iii. Development maintains or enhances streetscape amenity by ensuring outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or create nuisance effects (Policy 15.2.4.1.e).
14.	Maximum building site coverage and impermeable surfaces	a. Effects on on-site amenity for residents	<i>Relevant objectives and policies:</i> i. Objective 15.2.2 ii. Residential development achieves high quality on-site amenity by retaining adequate open space uncluttered by buildings (Policy 15.2.2.1.c).
		b. Effects on neighbourhood residential character and amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.4 ii. Development maintains or enhances streetscape amenity and by ensuring there are adequate <u>green space</u> {Res 417.10 and 843.3} areas free from buildings or hard surfacing (Policy 15.2.4.1.b).
		c. Effects on efficiency and/or {Res cl.16} affordability of infrastructure	See Rule 9.4

15.9.4 Assessment of development performance standard contraventions

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

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

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

15.9.5 Assessment of subdivision performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Access	a. Effects on accessibility	See Rule 6.9
2.	Esplanade reserves and strips	a. Effects on biodiversity values and the natural character of riparian margins and the coast	See Rule 10.4
		b. Effects on public access	
3.	Fire fighting	a. Effects on health and safety	See Rule 9.4
4.	~~Minimum site size (three-site subdivision where one resultant site is below the {Res cl.16} Minimum site size - (Rule 15.7.4.2)~~	a. Effects on neighbourhood residential character and amenity	<i>Relevant objectives and policies:</i> i. Objective 2.4.1 ii. Resultant sites are of a size: 1. that provides for compliance of all relevant land use and development performance standards; and 2. where in a structure plan mapped {ULS cl.16} area, reflects the requirements of the structure plan mapped area performance standards structure plan {ULS cl.16} (Policy 2.4.1.8). <i>Potential circumstances that may support a consent application include:</i> iii. The adjustment of site boundaries is necessary to achieve: 1. a more balanced division of site sizes relative to an existing residential buildings size, location or access requirements; 2. better alignment with topographical or other site development constraints; or 3. the protection of heritage items, significant trees, indigenous vegetation, or waterways on a site.
5.	Service connections	a. Effects on efficiency and/or {Res cl.16} affordability of infrastructure	See Rule 9.4

15.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
6. Shape	<i>Relevant objectives and policies:</i> a. Objective 2.4.1 b. Subdivision is designed to ensure any future land use or development is able to meet the performance standards in the zone, or where in a structure plan mapped {ULS cl.16} area, reflects the requirements of the structure plan mapped area performance standards structure plan {ULS cl.16}, unless: i. a resource consent is approved for a development that does not meet the performance standard and the subdivision is intended for and capable of providing for that approved development; or ii. the resultant site is required for: 1. Scheduled ASCV ASBV {NatEnv 958.60}; QEII covenant; or 2. reserve; or 3. access; or 4. utility; or 5. road (Policy 2.4.1.8). <i>General assessment guidance:</i> c. Non-compliance with the performance standard for shape will be assessed based on which performance standard(s) the shape of the resultant site does not provide for compliance with. See matters of discretion and assessment rules in relation to performance standard contraventions for: i. outdoor living space; ii. minimum car parking; iii. boundary setbacks; iv. setbacks from water bodies; v. setback from scheduled tree; and vi. setback from National Grid. vii. earthworks standards (building platform slope). {Res cl.16} d. <u>For contravention of the building platform slope part of the shape performance standard (Rule 15.7.6.2), see the matters of discretion and assessment rules in relation to earthworks - large scale (Rule 8A.7.2.1). {Res cl.16}</u> <i>Conditions that may be imposed:</i> e. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site. f. A building platform may be required to be registered against the title by way of consent notice.	

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. In a hazard overlay zone or swale mapped area: • Hazard exclusion areas (Rule 11.3.1.1) – Swale mapped area • <u>Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) overlay zones) {NH cl.16}</u> • <u>Relocatable buildings (Hazard 3 (coastal) Overlay Zone) {NH cl.16}</u> • <u>Outdoor Storage (Hazard 1 (flood) Overlay Zone) {NH cl.16}</u> • Hazard overlay zones development standards {NH cl.16} • Hazardous substances quantity limits and storage requirements	a. Risk from natural hazards	See Rule 11.4
2. In an urban conservation biodiversity mapped area: {NatEnv 958.60} • Vegetation clearance standards: <u>Maximum area of vegetation clearance (UBMA) {NatEnv cl.16}</u>	a. Effects on biodiversity <u>values</u> {NatEnv 958.60}	See Rule 10.4
3. In a Huriawa height restriction mapped area: • Maximum height	a. Effects on cultural values of Manawhenua	See Rule 14.3
4. In a heritage precinct: • Fence height and design • Materials and design • Maximum height • Height in relation to boundary • <u>Location and screening of car parking {Res 360.109}</u> • <u>Number, location and design of ancillary signs (Rule 15.6.12.6.d) - Free standing signs ancillary to commercial and community activities in the George Street North Residential Heritage Precinct and North Ground Residential Heritage Precinct {Res cl.16}</u>	a. Effects on heritage streetscape character	See Rule 13.5

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
5. In a wāhi tūpuna mapped area : • Esplanade reserves and strips • Setback from coast and water bodies	a. Effects on cultural values of Manawhenua	See Rule 14.3
6. Affecting a scheduled heritage item building or scheduled heritage structure {Her cl.16} : • Materials and design	a. Effects on heritage values	See Rule 13.5
7. In the Taieri Aerodrome flight fan mapped area : • Maximum height (Rule 15.6.7.2.hb) {Res cl.16}	a. Effects on <u>health and safety</u> operation of Taieri Aerodrome {PHS cl.16}	See Rule 9.4

Rule 15.10 Assessment of Restricted Discretionary Activities

Rule 15.10.1 Introduction

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

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

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

15.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All RD land use activities, including: - early childhood education – small scale - visitor accommodation (including ancillary activities); - activities listed below <u>All restricted discretionary land use activities in the residential zones, including but not limited to the activities listed below {PO cl.16}</u>	a. Effects on accessibility	See Rule 6.10
	b. Effects on the safety and efficiency of the transport network	
	c. Effects on surrounding sites' residential amenity	<i>Relevant objectives and policies:</i> - Objective 15.2.3 - Activities are designed to avoid or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4). <i>General assessment guidance:</i> - In assessing the effects on amenity, Council will: - consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movements on the adjoining road, and the appropriateness of higher levels of vehicle movements based on the Road Classification Hierarchy in Appendix 6A; and - consider for visitor accommodation and supported living facilities whether communal outdoor gathering areas are located or screened to be minimise effects on adjacent residential properties; and {Res cl.16} - consider the relevant policies for development activities, including policies 15.2.3.1, 15.2.3.3, 15.2.4.1. <i>Potential circumstances that may support a consent application include:</i> - Performance standards for development activities are met. <i>Conditions that may be imposed include:</i> - Conditions on signage, lighting, hours of operation. - Delivery time restrictions. - Requirements for fencing or landscaping of car parking areas to minimise adverse visual and nuisance effects from lighting and/or vehicle headlights on surrounding properties. - For early childhood education centres: {Res cl.16} - acoustic insulation, acoustic fencing, low noise surfaces for play areas, or other such treatments; and {Res cl.16}

15.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
		2. use of a noise management plan: {Res cl.16'} ix. For campgrounds: {Res cl.16'} 1. Limits on the scale of the activity: {Res cl.16'} 2. Location of dump stations (for disposal of waste from motor homes) away from boundaries with residential properties: {Res cl.16'} 3. Restrictions on location and hours of operation of generators to minimise any effects from noise on neighbours: {Res cl.16'} 4. Road upgrades necessary to handle the amount and type of vehicles anticipated: {Res cl.16'} 5. Location, screening, or acoustic fencing of communal outdoor living/ gathering areas: {Res cl.16'}
	d. Effects on streetscape amenity and character	<i>Relevant objectives and policies (priority considerations):</i> i. Objective 15.2.4 ii. Activities are designed and located to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate, adverse effects on streetscape amenity (Policy 15.2.4.7). <i>General assessment guidance:</i> iii. In assessing the effects on amenity, Council will: 1. consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movements on the adjoining road, and the appropriateness of higher levels of vehicle movements based on the Road Classification Hierarchy in Appendix 6A; and 2. consider the relevant policies for development activities, including policies 15.2.3.1, 15.2.3.3, 15.2.4.1. <i>Potential circumstances that may support a consent application include:</i> iv. Performance standards for development activities are met.

15.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. Cemeteries	a. Effects on surrounding sites' residential amenity.	<i>Relevant objectives and policies:</i> i. Objective 15.2.3 ii. Cemeteries are designed and located to avoid or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigate, adverse effects on the amenity of surrounding sites residential properties {Res cl.16} and avoid reverse sensitivity from surrounding permitted, as far as practicable {PO 308.497}, the potential for reverse sensitivity {PO 1046.5} (Policy 15.2.3.5). <i>General assessment guidance/Conditions that may be imposed include:</i> iii. In assessing the effects on amenity, Council will consider the location of graves being a suitable distance away from boundaries and any screening or landscaping proposed. These aspects may be included as conditions of consent.
	b. Effects on cultural values of Manawhenua	See Rule 14.4
X. Emergency Services {CP 945.30}	a. Effects on the safety and efficiency of the transport network {CP 945.30}	See Rule 6.10 {CP 945.30}
	b. Effects on surrounding sites' residential amenity {CP 945.30}	<i>Relevant objectives and policies: {CP 945.30}</i> i. Objective 15.2.3 {CP 945.30} ii. Activities are designed to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4). {CP 945.30} <i>General assessment guidance {Res cl.16}</i> iii. In assessing the effects on amenity, Council will consider: {CP 945.30} 1. whether the facility has been designed to minimise effects on surrounding sites amenity. {CP 945.30} 2. the functional requirements and operational needs of the emergency service when considering the above matters. {CP 945.41}
	c. Positive effects for natural hazard resilience {NH 908.35}	<i>Relevant objectives and policies: {NH 908.35}</i> i. Policy 2.2.1.11 {NH 908.35}

15.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Restaurants, retail, or conference, meeting and function ancillary to visitor accommodation	a. Effects on the vibrancy and economic and social success of CBD and centres	<i>Relevant objectives and policies:</i> i. Objective 15.2.1 ii. Activities ancillary to visitor accommodation are located and designed to cater to patrons of the primary activity rather than the general public (Policy 15.2.1.4). <i>Potential circumstances that may support a consent application include:</i> iii. The ancillary activity is designed and managed so as to be unlikely to attract external customers. iv. There will be no external advertising on buildings facing the street, for the ancillary activity. v. Communal outdoor gathering areas are located or screened to minimise effects on adjacent residential properties. <i>Conditions that may be imposed include:</i> vi. Entrances to be located internally to the visitor accommodation. vii. No signs related to the ancillary activity to be visible from a public place.
4. Supported living facilities	a. Effects on efficiency and/or {Res cl.16} affordability of infrastructure	See Rule 9.5
	b. Effects on <u>surrounding sites'</u> <u>residential amenity</u> {Res cl.16}	<i>Relevant objectives and policies: {Res cl.16}</i> i. <u>Objective 15.2.3. {Res cl.16}</u> ii. <u>Supported living facilities are designed to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4).</u> {Res cl.16} <i>Potential circumstances that may support a consent application: {Res cl.16}</i> iii. <u>Communal outdoor gathering areas are located or screened to minimise effects on adjacent residential properties.</u> {Res cl.16}

15.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
5. <u>Early childhood education - small scale</u> {Res cl.16 ² }	a. Effects on surrounding sites' residential amenity {Res cl.16 ² }	<u>Relevant objectives and policies:</u> i. <u>Objective 15.2.3.</u> ii. <u>Early childhood education - small scale are designed to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4).</u> <u>Potential circumstances that may support a consent application include:</u> iii. <u>For early childhood education centres:</u> 1. <u>acoustic insulation, acoustic fencing, low noise surfaces for play areas, or other such treatments; and</u> 2. <u>use of a noise management plan.</u> {Res cl.16²}
6. <u>Visitor accommodation</u> {Res cl.16 ² }	a. Effects on surrounding sites' residential amenity {Res cl.16 ² }	<u>Relevant objectives and policies:</u> i. <u>Objective 15.2.3.</u> ii. <u>Visitor accommodation is designed to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4).</u> <u>Potential circumstances that may support a consent application include:</u> iii. <u>Communal outdoor gathering areas are located or screened to minimise effects on adjacent residential properties.</u> iv. <u>For campgrounds:</u> 1. <u>Limits on the scale of the activity.</u> 2. <u>Location of dump stations (for disposal of waste from motor homes) away from boundaries with residential properties.</u> 3. <u>Restrictions on location and hours of operation of generators to minimise any effects from noise on neighbours.</u> 4. <u>Road upgrades necessary to handle the amount and type of vehicles anticipated.</u> 5. <u>Location, screening, or acoustic fencing of communal outdoor living/ gathering areas.</u> {Res cl.16²}

¹ Res cl.16: Moved to new line.

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

15.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. New buildings or additions and alterations to buildings that result in: - a building that is greater than 300m² footprint or {Res cl. 16} - a multi-unit development in the ICR and GR2 zones {Res 743.46}	a. Effects on streetscape amenity and character	<i>Relevant objectives and policies:</i> - Objective 15.2.4 <u>Buildings over 300m² footprint and multi-unit developments are designed to maintain or enhance streetscape and neighbourhood amenity and character (Policy 15.2.4.8) {Res 491.2 and 743.30}</u> <u>Development maintains or enhances streetscape amenity by ensuring buildings' height, boundary setbacks, and scale reflect the existing or intended future residential character (Policy 15.2.4.1.e). {Res cl.16'}</u> <i>General assessment guidance:</i> - In assessing the effects on amenity Council will consider whether building design reflects, and is conducive with, the residential scale. The cumulative effect of buildings on the streetscape amenity will also be considered. <u>In assessing the effects on streetscape amenity and character, Council will consider: {Res 491.2 and 743.30}</u> <u>building design and placement in terms of appropriateness for the context of the site, including: considering the appropriateness of form (roof pitch, scale, massing, window placement, entrance detailing, and/or proportion) and materials {Res 491.2 and 743.30}</u> <u>any landscaping proposed and its effectiveness in enhancing amenity and/or mitigating adverse effects {Res 491.2 and 743.30}</u> <u>the level of visibility from the street {Res 491.2 and 743.30}</u> <u>the location of any car parking {Res 491.2 and 743.30}</u> <u>whether the development provides adequate green space and maintains an appropriate balance of green space vs built and hard features {Res 491.2 and 743.30}</u> <u>whether the development has the potential to adversely affect any heritage streetscape values in the immediate neighbourhood {Res 491.2 and 743.30}</u> <u>In general, where a new building is located within an integrated group of buildings that contribute strongly to the heritage streetscape character of the immediate neighbourhood, design maintains the coherence of the group and the contribution it makes to the overall character and amenity. {Res 491.2 and 743.30}</u> <i>Conditions that may be imposed include:</i> - Requirements for design features to break up the bulk of the building, for example by varying building elevations, by setting parts of the building back, use of different textures, by the use of

15.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
		architectural features, or modulation. viii. The visual effects of the building is screened and softened by landscaping, fencing, or other screening, which provides an attractive interface with the street. ix. The building is set back from boundaries adequate distance to avoid shading or visual effects on adjacent residential properties or public places. x. Topography of the site mitigates the effects of the building scale on adjacent residential properties or public places.
2. <u>High trip generators:</u> {Trans cl.16³} • New or additions to parking areas, or extensions to existing parking areas that result in the creation of 50 or more new parking spaces {Trans cl.16}	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility {Trans cl.16⁴}	See Rule 6.10

15.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Earthworks – large-scale (that exceed the scale thresholds for the residential zones) {EW cl.16}	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 15.2.5 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 15.2.5.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 15.2.5.3.b). <i>Potential circumstances that may support a consent application include:</i> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or effect existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to:</i> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished.

15.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 15.2.5 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 15.2.5.3.c). <i>Potential circumstances that may support a consent application include:</i> iii. A geotechnical report confirms the existing ground is suitably stable for the proposed works, and proposed works will not create instability risks for surrounding land, buildings, or structures (see Special Information Requirements - Rule 15.13.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards. <i>Conditions that may be imposed include, but are not limited to:</i> v. Maximum slopes of cut and fill batters. vi. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. vii. Temporary shoring requirements to maintain stability before a wall is constructed. viii. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
4. Earthworks – large scale (that exceed scale thresholds within 5m of a water body or MHWS) {EW cl.16 ² }	a. Effects on biodiversity and natural character of riparian margins and the coast b. Effects on public access	See Rule 10.5

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

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

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

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

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

Table 15.10.4 Assessment of restricted discretionary subdivision activities		
Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All subdivision activities	a. Effects on neighbourhood residential character and amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.4 ii. Subdivision is designed to ensure any future land use and development will: 1. maintain the amenity of the streetscape; 2. ~~maintain or compliment the~~ <u>reflect the current or future intended</u> {Res cl.16} character of the neighbourhood; 3. provide for development to occur without unreasonable earthworks or engineering requirements; and 4. provide for quality housing (Policy 15.2.4.6). <i>Design considerations that may support a consent application include:</i> iii. The layout of the subdivision takes into account solar orientation and is designed to ensure future development will facilitate a high level of passive solar gain. <i>Conditions that may be imposed include:</i> iv. Building platforms registered against the title by way of consent notice.
	b. Risk from natural hazards	See Rule 11.5
	c. Effects on efficiency and/or {Res cl.16} affordability of infrastructure	See Rule 9.5
	d. Effects on the safety and efficiency of the transport network	See Rule 6.10
2. All subdivision activities that involve a new road	a. Effects on the safety and efficiency of the transport network	

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. In a hazard overlay zone: • Earthworks – large scale (that exceed scale thresholds for a hazard (land instability) overlay zone) {EW cl.16’} • Earthworks – large scale (that exceed scale thresholds for a hazard (flood) overlay zone) {EW cl.16’} • Earthworks – large scale (that exceed scale thresholds for a swale mapped area) {EW cl.16’}	a. Risk from natural hazards	See Rule 11.5–
2 In a Hazard 1 (land instability) Overlay Zone (see Rule 15.3.6): • New buildings, and additions and alterations to buildings, which create more than 1m² of new ground floor area {NH 73.4 and others}	a. Risk from natural hazards– {NH 73.4 and others}	See Rule 11.5 {NH 73.4 and others}
3. In a hazard 1 or 2 (flood) {NH 73.4 and others} overlay zone other than the hazard 1 (land instability) Overlay Zone {NH 73.4 and others} (see Rule 15.3.6): • New buildings, and additions and alteration to buildings, which create more than 36m² of new ground floor area	a. Risk from natural hazards	See Rule 11.5
4. In the ~~Hazard 3 (coastal) Overlay Zone~~ all hazard overlay zones, swale mapped areas and dune system mapped areas: {NH 949.25, NH 634.69 and NH cl.16} • All subdivision activities	a. Risk from natural hazards {PHS cl.16}	See Rule 11.5
5. In a geologically sensitive mapped area (GSA): • Earthworks – large scale (that exceed underlying zone scale thresholds) {NH cl.16’}	a. Risk from natural hazards–	See Rule 11.5–

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
6. In a ~~UCMA~~ UBMA: {NatEnv 958.60} • Earthworks – large scale (that exceed the scale thresholds for a UCMA) {EW cl.16’} • All subdivision activities	a. Effects on biodiversity <u>values</u> {NatEnv 958.60}	See Rule 10.5
7. In a heritage precinct: • All RD activities due to being in a heritage precinct	a. Effects on heritage streetscape character	See Rule 13.6
8. On ~~Activities affecting~~ {Her cl.16} a scheduled heritage site: • Earthworks – large scale (that exceed the scale thresholds for a SHS) {EW cl.16’} • New buildings and all other structures on a scheduled heritage site, where visible from an adjoining public place or a public place within ~~the a-heritage~~ {Her cl.16} site • Parking, loading and access on a scheduled heritage site, where visible from an adjoining public place or a public place within ~~the a-heritage~~ {Her cl.16} site • All subdivision activities	a. Effects on heritage values	See Rule 13.6
9. ~~Activities~~ {Her cl.16} affecting a scheduled heritage building or a scheduled heritage structure: • ~~Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure~~ All other additions and alterations {Her cl.16} • Removal for relocation • All subdivision activities <u>on sites containing a scheduled heritage building or scheduled heritage structure</u> {Her cl.16}	a. Effects on heritage values	See Rule 13.6

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
10.	In a wāhi tūpuna mapped area : - All subdivision activities - Earthworks – large scale (that exceed the scale thresholds for the residential zones) {EW cl.16¹}	a. Effects on cultural values of Manawhenua	See Rule 14.4
11.	In the Hazard 2 (flood) Overlay Zone : {NH 634.74} - Natural hazards {NH cl.16} sensitive activities {NH 634.74} - Natural hazards {NH cl.16} potentially sensitive activities {NH 634.74}	a. Risk from natural hazards {NH 634.74}	See Rule 11.5 {NH 634.74}
12. {NU 806.11}	In the National Grid Corridor mapped area : {NU806.11} All subdivision activities {NU 806.11}	a. Effects on health and safety {NU806.11} b. Reverse sensitivity effects {NU806.11} c. Effects on efficient and effective operation of network utilities {NU806.11}	See Rule 5.8 {NU 806.11}

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

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

Rule 15.11 Assessment of Discretionary Activities

Rule 15.11.1 Introduction

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

15.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary <u>land use activities listed below</u> {PO cl.16}	~~<i>General assessment guidance</i>~~ ~~a. In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. {Res cl.16}~~ <i>Relevant guidance from other sections (priority considerations):</i> b. See Section 6.11 for guidance on the assessment of resource consents in relation to Objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network <u>and its affordability to the public</u> {Trans 881.63}. c. <u>See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety</u> {PHS cl.16} d. <u>See Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua</u> {MW 1071.3}

15.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
2.	Registered health practitioners <i>Relevant objectives and policies (priority considerations)</i> - Objective 15.2.3 - Registered health practitioners are designed <u>and located</u> {Res cl.16} to avoid, or if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4). <i>General assessment guidance:</i> - In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movement on the adjoining road, with consideration of the Road Hierarchy in Appendix 6A. <i>Potential circumstance that may support a consent application include</i> - The scale of the facilities is appropriate to the residential environment, providing for a small number of registered health practitioners, rather than a medical centre, which should be located in a centre. <i>Conditions that may be imposed include:</i> - Delivery/pick up time restrictions. - Landscaping to minimise amenity effects of lighting, vehicle headlights, or parking areas on surrounding properties. - Number of registered practitioners to be employed.
3.	• Early childhood education - large scale • Schools <i>Relevant objectives and policies (priority considerations)</i> - Objective 15.2.3 - Schools and early childhood education are designed and located to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4). <i>General assessment guidance:</i> - In assessing the effects on amenity Council will consider whether buildings and outdoor areas are designed and located to reduce noise emissions. <i>Conditions that may be imposed include:</i> - Delivery time restrictions - Landscaping to minimise amenity effects of lighting, vehicle headlights or parking areas on surrounding properties. - Mitigation measures to minimise noise such as insulation, acoustic fencing, low noise surfaces for play areas, or other such treatments. - A noise management plan may be required.

15.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
4. Sport and recreation (not involving the use of motor vehicles)	<i>Relevant objectives and policies (priority considerations)</i> a. Objective 15.2.3 b. Sport and recreation is designed and located to avoid or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigate, adverse effects on the amenity of surrounding residential properties(Policy 15.2.3.4). <i>General assessment guidance:</i> c. In assessing the effects on amenity Council will consider whether buildings and outdoor areas are designed and located to reduce noise emissions. d. Amount of parking proposed is appropriate for the activity and will not result in impacts or parking pressure on the surrounding residential environment. e. Hours of operation proposed are appropriate for the residential environment. f. The scale of the facilities is appropriate to the residential environment. <i>Conditions that may be imposed include:</i> g. Landscaping to minimise amenity effects of lighting, vehicle headlights or parking areas on surrounding properties. h. Hours of operation. i. Car parking requirements.
5. Stand-alone car parking	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 15.2.3 b. Stand-alone car parking is of a scale and is designed and located operated {Res cl.16} in a way that avoids, or if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigates, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4). <i>General assessment guidance:</i> c. In assessing the effects on the amenity of surrounding residential properties, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movement on the adjoining road, with consideration of the Road Hierarchy in Appendix 6A. <i>Conditions that may be imposed include:</i> d. Requirements for fencing or landscaping of car parking areas to minimise adverse visual or nuisance effects from lighting and/ or vehicle headlights on surrounding properties.

15.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
6. Restaurants or retail ancillary to sport and recreation	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 15.2.4 b. Sport and recreation facilities are designed and operated in a way that avoids, or if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigates, adverse effects on streetscape amenity(Policy 15.2.4.7). <i>General assessment guidance:</i> c. The ancillary activity is designed and managed so as to be unlikely to attract external customers. d. There will be no external advertising on buildings facing the street, for the ancillary activity.

15.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
7. {CP 634.39} <u>Service stations on a strategic road or arterial road {CP 634.39}</u>	<u>Relevant objectives and policies (priority considerations): {CP 634.39}</u> a. <u>Objectives 15.2.1, 15.2.3 and 15.2.4. {CP 634.39}</u> b. <u>Provide for service stations on a strategic road or arterial road only where it is not practicable, due to a lack of site availability and/or special locational requirements, to locate in the PPH, TR, CEC, industrial or centre zones (Policy 15.2.1.7). {CP 634.39}</u> c. <u>Service stations are designed and located to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4). {CP 634.39}</u> d. <u>Service stations are designed and located to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on streetscape amenity (Policy 15.2.4.7). {CP 634.39}</u> <u>General assessment guidance: {CP 634.39}</u> e. <u>In assessing the effects on the amenity of surrounding residential properties and the streetscape amenity, Council will consider the: {CP 634.39}</u> i. <u>design and location of buildings, forecourts/yards and signs: {CP 634.39}</u> ii. <u>location of access/egress points: {CP 634.39}</u> iii. <u>effects of vehicle movements on the site; and {CP 634.39}</u> iv. <u>the hours of operation, light spill, noise and location of service station development in relation to site boundaries. {CP 634.39}</u> f. <u>See Rule 6.11.2.2 for guidance on the assessment of the effects on the safety and efficiency of the transportation network, and other transportation effects. {CP 634.39}</u> <u>Conditions that may be imposed include: {CP 634.39}</u> g. <u>Requirements for fencing, landscaping and/or setbacks of buildings, forecourts/yards, signs and access/egress points to minimise adverse visual or nuisance effects from noise, lighting and/or vehicle headlights on surrounding properties. {CP 634.39}</u> h. <u>Restrictions on hours of operation. {CP 634.39}</u> i. <u>Restrictions on on-site lighting. {CP 634.39}</u> j. <u>Requirements for screening of storage areas. {CP 634.39}</u> k. <u>Requirement to control dust. {CP 634.39}</u> l. <u>Conditions related to building design, scale and bulk including roof lines, height, façade articulation, colour and materials to ensure compatibility with surrounding residential amenity. {CP 634.39}</u>

15.11.2 Assessment of discretionary activities

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

15.11.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. - Acoustic insulation - Noise - where the limit is exceeded by less than 5dB LAeq (15min) - Light spill - where the limit is exceeded by 25% or less	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
2. <u>Maximum gross floor area for working from home and dairies</u> {Res 997.3}	<i>Relevant objectives and policies (priority considerations) {Res 997.3}</i> a. <u>Objective 15.2.3</u> {Res 997.3} b. <u>Working from home and dairies operate in a way that avoids or, if avoidance is not practicable, adequately mitigates, noise or other adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.2).</u> {Res 997.3} c. <u>The size of working from home and dairies is compatible with the character and amenity of the residential zones (Policy 15.2.1.3.a).</u> {Res 997.3} d. <u>The size of working from home and dairies does not detract from the vibrancy and functioning of the centres hierarchy (Policy 15.2.1.3.b).</u> {Res 997.3} <i>Potential circumstances that may support a consent application include: {Res 997.3}</i> e. <u>The degree of non-compliance with the performance standard is minor.</u> {Res 997.3} <i>General assessment guidance: {Res 997.3}</i> f. <u>In assessing the effects on amenity, Council will consider if: {Res 997.3}</u> i. <u>the increased scale of the activity will result in increased vehicle movements or parking requirements, or the need for additional outdoor storage.</u> {Res 997.3} ii. <u>the scale of the activity is appropriate to the residential environment and is secondary to the residential activity.</u> {Res 997.3}

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

Activity {NH634.74}	Guidance on the assessment of resource consents {NH634.74}
1. In the hazard 1 overlay zones (see Rule 15.3.6): {NH634.74} Potentially sensitive activities permitted in residential zones {NH634.74}	See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH634.74}
2. In the hazard 2 overlay zones (see Rule 15.3.6): {NH634.74} - Potentially sensitive activities not permitted in residential zones {NH634.74} - Sensitive activities {NH634.74}	See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH634.74}

Rule 15.12 Assessment of Non-complying Activities

Rule 15.12.1 Introduction

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

15.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying <u>land use</u> activities <u>listed below</u> {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 15.2.1 <i>General assessment guidance:</i> b. In assessing the significance of effects, consideration will be given to: i. short to long term effects, including effects in combination with other activities ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the grant of resource consent. iii. any effects otherwise managed through performance standards and consistent with all relevant objectives and policies for the zone. iv. ~~Manawhenua values and the relationship between manawhenua and the natural environment is maintained, including the cultural values and traditions associated with:~~ {MW cl.16} 1. ~~wāhi tūpuna;~~ and {MW cl.16} 2. ~~the customary use of mahuik kai (Objective 14.2.1):~~ {MW cl.16} v. ~~If located outside a wāhi tūpuna mapped area, Kai Tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi tūpuna is located, or the linkages between wāhi tūpuna~~ {MW 1071.109} c. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. <i>Relevant guidance from other sections (priority considerations):</i> d. <u>See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public.</u> {Trans cl.16} e. <u>See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety</u> {PHS cl.16} f. <u>See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua</u> {MW cl.16}

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

15.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. Sport and recreation that involves motor vehicles	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 15.2.1, 2.2.6 b. Policies 15.2.1.6, 2.2.6.21.f {Res cl.16}
2. Commercial advertising	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c
3. All non-complying commercial activities	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 15.2.1 b. Strategic Directions - Objectives 2.4.3, 2.3.2 c. Commercial activities, other than those expressly provided for, are avoided from locating in residential zones, unless: i. the activity will not detract from the vibrancy and functioning of the centre's <u>centres</u> {CMU cl.16} hierarchy; and ii. the site is adjacent to a centre and it provides a logical extension to a centre; and iii. the centre is at, or very close to, capacity; and iv. the site development <u>activities are</u> {Res cl.16} done in accordance with the performance standards of the street typology (if relevant) of the adjacent centre zoned sites; and v. the development maximises opportunities for integration with the centre; or vi. if the site is in the Township and Settlement Zone: 1. the commercial activity would have significant positive effects in terms of supporting the needs of the community and visitors to the area; and 2. the activity is unable to be located in, or adjacent to, the nearest centre, or no centre exists within the relevant township or settlement; and 3. the location is appropriate for the proposed activity; and 4. any adverse effects from noise, vehicle movements, and on-street parking supply <u>can</u> will {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated (Policy 15.2.1.5). <u>General assessment guidance {CMU 877.2}</u> d. <u>In assessing the effects on the vibrancy and functioning of the centres hierarchy, Council will also consider effects on the economic feasibility of any redevelopment necessary to maintain the vibrancy and attractiveness of those centres. {CMU 877.2}</u>

15.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
4. - Crematoriums - Landfills {MW cl.16²}	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 15.2.1, Policy 15.2.1.6 <i>Relevant guidance from other sections (priority considerations):</i> b. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua {MW cl.16¹}
5. - All major facility activities (excluding crematoriums, {MW cl.16²} cemeteries, emergency services, {CP 945.30} and schools) - All rural activities (excluding grazing and scheduled mining activity {CP 874.2 and others} landfills {MW cl.16²}) - All industrial activities	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 15.2.1 b. Policy 15.2.1.6 c. Where in a wāhi tūpuna mapped area, see Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua {MW cl.16¹}
6. In the hazard 1 (flood) {NH 73.4 and others} overlay zones: (see Rule 15.3.6): {Res cl.16} - Natural hazards Ppotentially {NH cl.16} sensitive activities not permitted in residential zones: {NH 634.74} - Natural hazards Ssensitive {NH cl.16} activities	See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards.

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

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

15.12.4 Assessment of non-complying development activities

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

15.12.5 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Density	<i>Relevant objectives and policies (priority considerations):</i> a. Strategic Directions - Objectives 2.7.1 (policies 2.7.1.1, 2.7.1.3), 2.4.1 (Policy 2.4.1.5) b. Objective 15.2.4, Policy 15.2.4.2, Policy 15.2.4.3 c. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.
X. <u>Density - visitor accommodation</u> {Res cl.16}	<i>Relevant objectives and policies (priority considerations): {Res cl.16}</i> a. <u>Objective 15.2.3</u> {Res cl.16} b. <u>Policy 15.2.3.4</u> {Res cl.16}
2. • Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5dB LAeq (15 min) or more • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
3. Setback from National Grid	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.1 <u>5.22 {NU 918.29}</u> and effects related to the efficient and effective operation of network utilities, and public health and safety.
4. Maximum gross floor area for working from home and dairies {Res 997.3}	<i>Relevant objectives and policies (priority considerations): {Res 997.3}</i> a. Objectives 15.2.1, 2.4.3 {Res 997.3} b. The size of working from home and dairies is compatible with the character and amenity of the residential zones (Policy 15.2.1.3.a). {Res 997.3} c. The size of working from home and dairies does not detract from the vibrancy and functioning of the centres hierarchy (Policy 15.2.1.3.b). {Res 997.3} d. The degree of non-compliance with the performance standard is minor. {Res 997.3} e. Policy 2.4.3.4 {Res 997.3}

15.12.5 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
5. Minimum site size	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 15.2.4, 9.2.1 <i>Relevant guidance from other sections (priority considerations):</i> b. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.
6. Structure plans mapped area performance standards {ULS cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. Strategic Directions - Objective 2.4.1, Policy 2.4.1.8
7. Archaeological sites (earthworks) {EW cl.16}	See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.4 and effects related to the inappropriate development and use in Dunedin's archaeological sites.
8. <u>Family Flats - Tenancy {PO 207.1 and 394.63}</u>	<i>Relevant objectives and policies (priority considerations):</i> a. Strategic Directions - 2.4.1 (Policy 2.4.1.5) b. <u>Objective 15.2.4</u> c. <u>The tenancy of family flats avoids, as far as practicable, the risk they will be used for a separate, non-ancillary residential activity, or future pressure to subdivide off family flats, and minimises, as far as practicable, any adverse effects on the amenity and character of the neighbourhood (Policy 15.2.4.3). {PO 207.1 and 394.63}</u>
9. <u>Shape (Rule 15.7.6.2.c) - setback of building platforms from National Grid {NU 806.11}</u>	<i>Relevant guidance from other sections (priority considerations):</i> a. <u>See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.2 and effects related to the efficient and effective operation of network utilities, and reverse sensitivity. {NU 806.11}</u>

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

Rule 15.13 Special Information Requirements

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

15.13.2 Papakāika - ownership and occupation

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

Appendices {Confirmed for deletion - ULS cl.16}

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

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

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

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

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

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

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

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

16. Rural Zones

16.1 Introduction

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

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

The ~~principle principal~~ **{CP cl.16}** functions of the rural environment are firstly to provide for productive rural activities such as pastoral farming, livestock, horticulture, and forestry, ~~and mining~~ **{CP 458.59}** and associated resource-based activities; and secondly, the provision of ecosystem services - soil, water and air resources and the setting for the vast majority of the city's indigenous vegetation and habitat for indigenous species.

The rural environment contributes significantly to Dunedin's economy through rural primary production activities such as farming, ~~and forestry, and mining~~ **{CP 458.59}** and associated processing and service activities that rely on these. ~~Tourism is a key sector in the Dunedin economy.~~ **{RU cl.16}** The rural parts of Dunedin ~~also~~ play an important role in providing for tourism activities ~~(another key sector of the Dunedin economy)~~ **{RU cl.16}**, not least through eco-tourism ~~activities, which relies on maintaining the quality of the natural environment~~ **{RU cl.16}**. ~~The functions of the rural environment are interrelated, with much of Dunedin's rural economic activity reliant on maintaining the quality of the natural environment.~~ **{NatEnv 588.1}** ~~The provision of ecosystem services, and issues relating to the natural environment more generally, are addressed in the Natural Environment section (Section 10).~~ **{RU 958.96}**

The rural environment also contains a number of outstanding and significant natural landscapes and features, along with coastal areas with natural character values. Along with the biodiversity values referred to above, these elements of the rural environment make an important contribution to the social and cultural well-being of the residents of Dunedin, and to the quality of the city's natural environment. **{RU 900.102 and 447.70}**

The key issues facing the rural ~~zone~~ environment **{RU 360.143}** are:

- the fragmentation of rural landholdings from subdivision, which can lead to rural properties too small to be used for productive purposes. Dunedin already has a large number of small rural sites as a result of historic subdivision patterns ~~under earlier district plans and schemes.~~ and further pressure ~~Pressure~~ **{RU 490.25}** for rural residential ~~(lifestyle block) activities~~ subdivision **{RU 490.25}** in rural areas threatens to further fragment rural land; and
- non-productive land uses or those activities that would ordinarily be expected to locate in the urban parts of Dunedin seeking to locate in rural areas.

The following issues stem directly from these two key issues:

- the productive capacity of the rural environment can be diminished through the loss of rural land and soil resources, including the finite high class soils resource that needs to be retained for future generations;
- the spread of non-rural uses including rural residential activities into rural areas can have adverse effects on landscape values, rural character and amenity values; and natural environment functions and values ;
- potential conflicts between activities in the rural environment, which often arises from new activities in rural

areas complaining about established productive rural activities and is known as 'reverse sensitivity';

- demand for the inefficient provision of infrastructure and services, stemming from the fact that sometimes people living on small rural blocks in close proximity to urban areas demand urban public **{PO 881.167}** infrastructure and services, such as reticulated services or sealed roads.

In response to these issues, seven rural zones and their objectives, policies and rules manage Dunedin's rural environment in a manner that recognises its diversity. The District **{PO cl.16}** Plan emphasises the importance of providing for rural activities and for other activities which are reliant on or associated with the rural environment ~~{provided effects are managed}~~ **{RU 490.25}**, while acknowledging that residential uses are clearly secondary and subordinate to these activities. This approach seeks to achieve the strategic outcomes for the rural zones, while ensuring that environmental effects are managed at an acceptable level. **{RU 490.25}**

A limited degree of flexibility has been incorporated into the subdivision rules that apply in the rural zones, via provision for surplus dwelling subdivision. **{RU 807.26}**

The rural zones are supported by overlays relating to landscape, natural character of the coast, ~~and natural hazards;~~ **{RU cl.16}** and scheduled areas of significant indigenous vegetation and habitats of indigenous fauna. Provisions relating to these are located in the Natural Environment section, along with rules relating to other matters that apply more generally throughout the rural zones, such as rules on vegetation clearance and setback from coast and water bodies. **{RU 958.96}**

Appendix A7 provides descriptions and rural character values for each of the seven rural zones. The seven rural zones are: Coastal Rural Zone, High Country Rural Zone, Hill Country Rural Zone, Hill Slopes Rural Zone, Middelmarsh Basin Rural Zone, Peninsula Coast Rural Zone and Taieri Plain Rural Zone. **{RU 360.143}**

16.2 Objectives and Policies

Objective 16.2.1	
Rural zones are reserved for productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of rural {CP 1088.60 and others} communities where these activities are most appropriately located in a rural rather than an urban environment. Residential activity in rural zones is limited to that which directly supports farming or which is associated with papakāika.	
Policy 16.2.1.1	Enable farming, grazing and conservation activity {RU cl.16} in the rural zones.
Policy 16.2.1.2	Provide for other {RU cl.16} rural activities, veterinary services, rural industry, rural contractor and transport depots, {RU 911.5} community activities, emergency services, {CP 945.39} cemeteries and crematoriums in the rural zones where the effects can <u>will</u> {PO cl.16} be adequately managed in line with objectives 16.2.2 and 16.2.3, 16.2.4 and their policies, and the objectives and policies of any relevant overlay zones.
Policy 16.2.1.3	Require rural ancillary retail, rural tourism and working from home to be at a scale that: - is ancillary to and supportive of productive rural activities or conservation activity on the same property; and - supports objectives 2.3.2 and 2.4.3 and their policies.
Policy 16.2.1.4	Only allow visitor accommodation in the rural zones where it supports a {PO cl.16} productive rural activity activities {PO cl.16} or a significant conservation activity {RU 366.3} on the same property.
Policy 16.2.1.5	~~Limit~~ Require {RU 350.11 and others} residential activity, with the exception of papakāika, in the rural zones to be at {RU 350.11 and others} a level (density) that supports farming activity and achieves objectives 2.2.2, 2.3.1, 2.4.6, 16.2.2, 16.2.3 and 16.2.4 and their policies.
Policy 16.2.1.6	Require any family flat to be of a size and location in relation to the primary residential building (house) that: <u>Restrict the tenancy and design of family flats to:</u> {PO 207.1 and 394.63} - reflects its use for housing a person or persons related to, dependent on, or employed by the household that lives in the primary residential building on the same site; and {PO 207.1 and 394.63} - avoid, as far as practicable, the risk they will be used for a separate, non-ancillary, residential activity; and {PO 207.1 and 394.63} - adequately discourages avoid, as far as practicable, {PO cl.16} future pressure to subdivide the off {PO cl.16} family flats. {PO cl.16}
Policy 16.2.1.7	Avoid residential activity in the rural zones on a site that does not comply with the density standards for the zone, unless it is the result of a surplus dwelling subdivision.
Policy 16.2.1.8	Avoid supported living facilities, commercial activities, industrial activities, and major facilities facility activities {MF cl.16} , unless otherwise provided for, in the rural zones.
Policy 16.2.1.9	~~Avoid~~ Only allow {RU 490.29} cross lease, company lease and unit title subdivision in the rural zones unless where {RU 490.29} it does not result in an increase in residential {RU 490.29} development potential beyond that which might be achieved through a general subdivision. {RU 490.29}

Objective 16.2.1

Rural zones are reserved for productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of rural **{CP 1088.60 and others}** communities where these activities are most appropriately located in a rural rather than an urban environment. Residential activity in rural zones is limited to that which directly supports farming or which is associated with papakāika.

Policy 16.2.1.10	Only allow the subdivision of a surplus dwelling where: a. the subdivision meets policies 16.2.3.8 and 16.2.4.3.a, b and d; b. the dwelling is habitable and in good condition; and c. the subdivision will not result in any additional development potential for residential activity across resultant sites than would otherwise be provided for by the minimum site size standard.
Policy 16.2.1.11 {CP 634.40}	<u>Provide for service stations on a strategic road or arterial road, where it is not practicable, due to a lack of site availability and/or special locational requirements, to locate in the PPH, TR, CEC, industrial or centre zones. {CP 634.40}</u>
Policy 16.2.1.12 {MF 308.283}	<u>Enable the New Zealand Marine Studies Centre in the Portobello Marine Science mapped area {MF 308.283}</u>

Objective 16.2.2

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

- the potential for reverse sensitivity effects from more sensitive land uses (such as residential activities) on other permitted or lawfully established activities **{PO 1046.5}** in the rural zones is minimised;
- the residential character and amenity of adjoining residential zones is maintained; and
- a reasonable level of amenity for residential activities in the rural zones.

Policy 16.2.2.1	Require residential buildings <u>and cemeteries</u> {RU 702.4} to be set back an adequate distance from site boundaries {RU cl.16} to minimise, <u>as far as practicable</u>, {PO 906.34 and 308.497} the potential for reverse sensitivity <u>by being set back an adequate distance from effects from</u> {RU 1090.32 and PO 1046.5}: - rural activities such as farming (for example, effects from noise, dust or odour) <u>site boundaries</u> {RU 1090.32 and PO 1046.5}; and - existing {PO 1046.5} factory farming <u>intensive farming</u> {RU 1090.3}, domestic animal boarding and breeding (that includes <u>including</u> {RU cl.16} dogs), mining, landfills, wind generators – small scale and wind generators – regional scale <u>wind generators – large scale</u>, {NU 308.122} and the Waitati Rifle Range {RU 583.20}.
Policy 16.2.2.2	Require buildings that house animals to be set back from site boundaries an adequate distance to ensure that any adverse effects on sensitive activities on adjoining sites, such as residential activities, are avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, are no more than minor.
Policy 16.2.2.3	Require all new buildings to be located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites.
Policy 16.2.2.4	Require rural ancillary retail, rural tourism - <u>small scale</u>, {RU cl.16} working from home, mineral exploration, and mineral prospecting to operate in a way (including hours of operation <u>or, for mineral exploration, use of blasting</u> {CP 458.1 and others}) that avoids or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigates noise or adverse effects on the amenity of sensitive activities on surrounding properties.
Policy 16.2.2.5	Only allow rural tourism - large scale, rural research - large scale (<u>outside the Invermay Farm mapped area</u>) {RU 924.9}, rural contractor and transport depots - large scale, {RU 911.5} community and leisure - large scale, sport and recreation, veterinary services, visitor accommodation, cemeteries, crematoriums, <u>factory farming</u> <u>intensive farming</u> {RU 1090.3}, domestic animal boarding and breeding (including dogs), rural industry, mining, <u>service stations</u>, {CP 634.40} or landfills where adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated.
Policy 16.2.2.6 {CP 458.23 and others}	Only allow factory farming, domestic animal boarding and breeding (including dogs), rural industry, mining, landfills or non-rural activities, other than those that are permitted in the rural zones, where the potential for reverse sensitivity effects, that may affect the ability of permitted activities to operate, will be avoided or, if avoidance is not possible, will be no more than minor. {CP 458.23 and others}

Objective 16.2.2

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

- a. the potential for reverse sensitivity effects from more sensitive land uses (such as residential activities) on other permitted or lawfully established activities **{PO 1046.5}** in the rural zones is minimised;
- b. the residential character and amenity of adjoining residential zones is maintained; and
- c. a reasonable level of amenity for residential activities in the rural zones.

Policy 16.2.2.7	Require forestry and ~~tree planting~~ <u>shelterbelts and small woodlots</u> {RU cl.16} to be set back an adequate distance to avoid <u>or minimise, as far as practicable,</u> {PO 308.497} significant effects from shading on residential buildings on surrounding properties.

Policy 16.2.2.8	Only allow cemeteries where they are designed to avoid, as far as practicable, {PO 308.497} <u>the potential for</u> reverse sensitivity effects ~~on surrounding permitted or lawfully established activities~~ {PO 1046.5} by locating graves a suitable distance from site boundaries and providing adequate screening from surrounding activities.

Objective 16.2.3

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

- a. a predominance of natural features over human made features;
- b. a high ratio of open space, low levels of artificial light, and a low density of buildings and structures;
- c. buildings that are rural in nature, scale and design, such as barns and sheds;
- d. a low density of residential activity, which is associated with rural activities;
- e. a high proportion of land containing farmed animals, pasture, crops, and forestry;
- f. ~~significant~~ extensive **{RU 958.99}** areas of indigenous vegetation and habitats for indigenous fauna; and
- g. other elements as described in the character descriptions of each rural zone located in Appendix A7.

Policy 16.2.3.1	Require buildings, ~~and~~ structures and network utilities {RU 874.41 and others} to be set back from ~~site~~ {RU cl.16} boundaries and identified ridgelines, {RU 874.41 and others} and of a height that maintains the rural character values and visual amenity of the rural zones.
Policy 16.2.3.2	Require residential activity to be at a density that maintains the rural character values and visual amenity of the rural zones.
Policy 16.2.3.3	Require mineral exploration and mineral prospecting to restore land to at least the same standard as before the activity commenced with respect to landform and productive potential.
Policy 16.2.3.4	Only allow mining and landfills where there is reasonable certainty that land will be restored <u>or rehabilitated</u> {CP 458.24 and others} to an acceptable standard with respect to landform and <u>to enable a return to productive, recreational or conservation use as soon as possible.</u> ~~productive potential.~~ {RU 796.26}
Policy 16.2.3.5	Only allow ~~factory farming~~ <u>intensive farming</u> {RU 1090.3} , rural tourism - large scale, rural industry, rural research - large scale (<u>outside the Invermay Farm mapped area</u>) {RU 924.10} , <u>rural contractor and transport depots - large scale,</u> {RU 911.5} mining and landfills activities {RU cl.16} where there are no significant {CP 458.25 and others} adverse effects from large scale development on rural character and visual amenity <u>will be avoided or minimised as far as practicable</u> {RU 704.11 and others} .
Policy 16.2.3.6	Only allow community and leisure activities {RU cl.16} - large scale, sport and recreation, early childhood education, <u>service stations,</u> {CP 634.40} and visitor accommodation activities {RU cl.16} where the adverse effects of development on rural character and visual amenity are <u>insignificant avoided or, if avoidance is not practicable, no more than minor.</u> {RU 350.18 and others}
Policy 16.2.3.7	Require ancillary signs to be located and designed to maintain rural character and visual amenity, including by being of an appropriate size and number to convey information about the name, location, and nature of the activity on-site to passing pedestrians and vehicles and not being oversized or too numerous for that purpose.
Policy 16.2.3.8	Only allow subdivision activities where the subdivision is designed to ensure any associated future land use and development will maintain or enhance the rural character and visual amenity of the rural zones.
Policy 16.2.3.9	Require activities to be designed and operated to ensure that <u>any</u> {RU 919.55 and 1088.59} adverse effects from light spill on rural character and amenity, and the ability of people to view the night sky, ~~would be insignificant~~ <u>will be no more than minor.</u> {RU 919.55 and 1088.59}

Objective 16.2.3

Policy 16.2.3.10 {NatEnv 447.36}	Require large buildings and structures in the Hill Slopes Rural Zone to avoid adverse visual effects caused by reflectivity or, if avoidance is not practicable, ensure effects are no more than minor. {NatEnv 447.36}
Policy 16.2.3.X {MW 1071.52}	Require papakāika to maintain, as far as practicable, the rural character values and amenity of the rural zones in terms of the design, scale and location of the development. {MW 1071.52}

Objective 16.2.4

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

Policy 16.2.4.1	Require earthworks in a high class soils mapped area to retain soils on the site.
Policy 16.2.4.2	~~Avoid~~ Only allow {RU 796.27} activities other than farming in a ~~high class soils mapped area~~ unless on highly productive land where {RU 1090.13 and 1090.35} : a. the scale, size and nature of the activity ~~on the high class soils mapped area~~ means that any loss of current or potential future rural productivity would be insignificant; or i. ~~insignificant in any high class soils mapped area; and {RU 1090.13 and 1090.35}~~ ii. ~~no more than minor in other areas of highly productive land {RU 1090.13 and 1090.35}; unless {RU cl.16}~~ b. for mining, the activity must locate on the part of the site with high class soils highly productive land {RU 1090.13 and 1090.35} due to operational requirements and there are no practicable alternative locations.
Policy 16.2.4.3	Only allow subdivision activities {PO cl.16} where the subdivision is designed to ensure any future land use and development will: a. maintain or enhance the productivity of rural activities; b. maintain high class soils highly productive land {RU 1090.13 and 1090.35} for farming activity, or ensure the effects of any loss change in land use are: {RU 1090.35} is: no more than minor; i. ~~insignificant on any high class soils mapped area; and {RU 1090.13 and 1090.35}~~ ii. ~~no more than minor on other areas of highly productive land; {RU 1090.13 and 1090.35}~~ c. maintain land in a rural rather than rural residential land use; and d. not increase the potential for reverse sensitivity from residential activities in the rural zones {PO 1046.5} .
Policy 16.2.4.4	~~Avoid~~ Require residential activity in the rural zones to be at a density that may will not, over time and/or cumulatively, reduce rural productivity by displacing rural activities. {RU 592.14 and 717.16}

EW cl.16: As a clause 16 amendment, Objective 16.2.5 and its policies have been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

Rules

Rule 16.3 Activity Status

16.3.1 Rule location

The activity status tables in rules 16.3.3 to 16.3.6 specify the activity status of land use activities, development activities, and subdivision activities in the rural zones and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

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

16.3.2 Activity Status Introduction **{RR cl.16}**

1. The activity status tables in rules 16.3.3 - 16.3.5 show the activity status of activities in the rural zones and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

Additional activity status rules in hazard overlay zones

6. For the purpose of the hazards provisions, activities are categorised as natural hazards **{NH cl.16}** sensitive activities, natural hazards **{NH cl.16}** potentially sensitive activities or natural hazards **{NH cl.16}** least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
7. In the Hazard 1 (Flood) Overlay Zone or the Hazard 2 (Flood) Overlay Zone, the activity statuses rules **{RU cl.16}** in Rule 16.3.6 apply to the following activities:
 - a. new **{NH 908.3}** natural hazards **{NH cl.16}** sensitive activities
 - b. natural hazards **{NH cl.16}** potentially sensitive activities, and
 - c. some new buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area **{NH. cl.16}**

8. Where the activity status in Rule 16.3.6 differs from that in rules 16.3.3 - 16.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 16.3.6, performance standards for development activities within hazard overlay zones are included in Rule 16.3.4.
10. Activities in a hazard overlay zone must comply with all of the rules in 16.3.3 - 16.3.5.

Performance Standards

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

¹ **NH cl.16:** The content from Table 16.3.6 has been moved to Table 16.3.X, with the exception that column c has been removed, pursuant to clause 16. This was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are show in the new location.

Legend

Acronym	~~Activity status~~ Meaning {PO cl.16}
±	<u>Additional provisions apply (assessment criteria for activities in overlay need to be viewed) {PO 490.1 and others}</u>
N/A	~~No additional provisions apply or not relevant~~ <u>Not Applicable {PO 490.1 and others}</u>
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
Pr	Prohibited Activity
RU	Rural Zones
ONF	Outstanding Natural Feature Overlay Zone
ONL	Outstanding Natural Landscape Overlay Zone
SNL	Significant Natural Landscape Overlay Zone
ONCC	Outstanding Natural Coastal Character Overlay Zone
HNCC	High Natural Coastal Character Overlay Zone
NCC	Natural Coastal Character Overlay Zone
~~Scheduled ASCV ASBV~~ {NatEnv 958.60}	<u>Areas Scheduled area of Significant Conservation Biodiversity Value {NatEnv 958.60}</u>
<u>Haz1A {NH 908.37}</u>	<u>Hazard 1A (flood) Overlay Zone {NH 908.37}</u>
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones
~~GR1TZ RTZ~~ {ULS cl.16}	~~General Residential 1~~ <u>Residential</u> Transition Overlay Zone {ULS cl.16}

16.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities					a. Acoustic insulation (noise sensitive activities only) b. Electrical interference c. Light spill d. Noise e. Setback from ~~n~~ National ~~g~~ Grid (National Grid sensitive activities only) {NH cl.16}
Rural activities		Activity status ³				Performance standards
		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASGV/ ASBV {NatEnv 958.60}	
2.	Domestic animal boarding and breeding (not including dogs)	P	P	NC	NC	i. Location ii. Minimum car parking {RU cl.16}
3.	Domestic animal boarding and breeding (including dogs)	RD	RD	NC	NC	i. Location ii. Minimum car parking {RU cl.16}
4.	~~Factory farming~~ Intensive farming {RU 1090.3} not in a GR1TZ RTZ {ULS cl.16}	RD	RD	NC	NC	i. Minimum car parking
5.	~~Factory farming~~ Intensive farming {RU 1090.3} in a GR1TZ RTZ {ULS cl.16}	D	~~D~~ N/A {ULS 447.68 and 447.69}	N/A	N/A	
6.	Farming	P	P	P	NC	

7.	Forestry not in a GR1TZ RTZ {ULS cl.16}	P	RD	NC	NC	i. Forestry and tree planting shelterbelts and small woodlots {RU cl.16} setbacks ii. Tree species
8.	Forestry in a GR1TZ RTZ {ULS cl.16}	D	Ø N/A {ULS 447.68 and 447.69}	N/A	N/A	
9.	Grazing	P	P	P	NC	
10.	Landfills not in a GR1TZ RTZ {ULS cl.16}	D	D+ in SNL/NCC NC in ONL {NatEnv 447.75}	NC Pr {NatEnv 447.75}	NC	
11.	Landfills in a GR1TZ RTZ {ULS cl.16}	NC	NC N/A {ULS 447.68 and 447.69}	N/A	N/A	
X. {CP 458.1 and others'}	Mineral prospecting	P	P	NC	NC	i. Hours of operation ii. Site restoration
12. {CP 458.1 and others'}	Mineral exploration that does not involve blasting	P	P	NC	NC	i. Hours of operation ii. Site restoration
Y. {CP 458.1 and others'}	Mineral exploration that involves blasting and mineral prospecting {CP 458.1 and others}	Ø P {CP 458.1 and others}	D+ in SNL/NCC NC in ONL {NatEnv 447.76}	NC	NC	i. Hours of operation ii. Site restoration iii. Blasting {CP 458.1 and others}
13.	Mining not in a GR1TZ RTZ {ULS cl.16}	D	D+ in SNL/NCC NC in ONL {NatEnv 447.76}	NC Pr {NatEnv 447.76}	NC	

14.	Mining in a GR1TZ RTZ{ULS cl.16}	NC	NC N/A {ULS 447.68 and 447.69}	N/A	N/A	
AD.	Scheduled Mining Activity {CP 874.2 and others}	D P {CP874.2 and others}	D+ P {CP 874.2 and others}	NC P {CP 874.2 and others}	N/A	i. <u>Scheduled mining activity {CP 874.2 and others}</u>
15.	Rural ancillary retail	P	P	P	P	i. Hours of operation ii. Location iii. Maximum gross floor area iv. Minimum car parking
16.	Rural tourism - small scale	P	P	P	P	i. Hours of operation ii. Location iii. Minimum car parking
17.	Rural tourism - large scale	D	D	D	D+	
18.	Rural research - small scale	P	P	P	P	i. Minimum car parking
19.	Rural research - large scale outside the Invermay Farm mapped area	D	D	NC	D+	
20.	Rural research - large scale in the Invermay Farm mapped area	P	N/A	N/A	N/A	
Residential activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASGV/ ASBV {NatEnv 958.60}	Performance standards
21.	Papakāika ¹	C	C	NC	NC	i. Density ii. Separation distances
22.	Residential activities within the airport noise inner control mapped area	Pr	N/A	N/A	N/A	

23.	Standard residential	P	P	NC	NC	i. Density ii. Separation distances iii. <u>Family flats</u> {PO 876.1, 207.1 and others}
24.	Supported living facilities	NC	NC	NC+	NC+	
25.	Working from home	P	P	P	P	i. Hours of operation ii. Maximum gross floor area
Community activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASGV/ ASBV {NatEnv 958.60}	Performance standards
26.	Conservation	P	P	P	P	
27.	Community and leisure - small scale	P	P	P	P	i. Minimum car parking
28.	Community and leisure - large scale	D	D	D	D+	
29.	Early childhood education	D	D	D	NC	
30.	Sport and recreation	D	D	D	D+	
Commercial activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASGV/ ASBV {NatEnv 958.60}	Performance standards
31.	Ancillary licensed premises	Same status as underlying activity	Same status as underlying activity	Same status as underlying activity	Same status as underlying activity	
32.	Restaurants or retail activities ancillary to sport and recreation	D	D	D	D+	
33.	Stand-alone car parking	P	P	P	P	
34.	Veterinary services (large animal practice)	RD	RD	NC	NC	

35.	Visitor accommodation <u>outside the airport noise inner control mapped area</u> { RU cl.16 }	D	D	NC	NC	
36.	Visitor accommodation within the airport noise inner control mapped area	Pr	N/A	N/A	N/A	
AB. {CP 634.40}	<u>Service stations on a strategic road or arterial road</u> { CP 634.40 }	NC D {CP 634.40}	NC	NC	NC	
AF. {CP 634.40}	<u>Service stations other than on a strategic road or arterial road</u> { CP 634.40 }	NC	NC	NC	NC {CP 634.40}	
37.	All other activities in the commercial activities category	NC	NC	NC	NC+	
Industrial activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASGV/ ASBV { NatEnv 958.60 }	Performance standards
Z. {RU 911.5}	<u>Rural contractor and transport depots – small scale</u> { RU 911.5 }	D P {RU 911.5}	D P {RU 911.5}	NC	NC	
AA. {RU 911.5}	<u>Rural contractor and transport depots – large scale</u> { RU 911.5 }	D	D	NC	NC	
38.	Rural industry	D	D	NC	NC	
39.	All other activities in the industrial activities category	NC	NC	NC	NC+	
Major facility activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASGV/ ASBV { NatEnv 958.60 }	Performance standards
40.	Cemeteries	RD	RD	NC	NC	i. <u>Separation distances</u> { RU 702.4 }
41.	Crematoriums	RD	RD+ {NatEnv 447.77}	NC	NC	i. Minimum car parking
AC.	<u>Emergency services</u> { CP 945.39 }	NC P {CP 945.39}	NC	NC	NC	i. <u>Minimum car parking</u> { CP 945.39 }

AE. {MF 308.283}	<u>New Zealand Marine Studies Centre in the Portobello Marine Science mapped area {MF 308.283}</u>	P {MF 308.283}	P {MF 308.283}	N/A {MF 308.283}	N/A {MF 308.283}	
42.	All other activities in the major facility activities category	NC	NC+ {NatEnv 447.79}	NC+ {NatEnv 447.79}	NC+	

¹ **CP 458.1:** and others: was previously part of Mineral exploration and mineral prospecting.

² **CP 458.1:** and others: was previously part of Mining.

³ **PO 490.1:** Em-dashes are no longer used, and activity status is shown for all overlays (not just those that have additional provisions applying), except where two areas (zones, overlays, mapped areas etc.) do not intersect, in which case N/A is used. A plus symbol has been added to activity statuses that are the same as in the underlying zone but where additional assessment matters apply. See amended legend.

⁴ **RU cl.16:** Link to performance standard removed as performance standard does not apply to this activity.

Note 16.3B.3A - General advice

1. ¹ Papakāika activity is intended to allow descendants of the original native reserve grantees to live on this land. It is not intended to allow other residential use of rural land at a higher density than provided for in the rural zones. If papakāika is developed and is subsequently no longer required for the use of Manawhenua in accordance with the papakāika definition, resource consent will be required to allow its use as other residential development. In this situation, the provisions of the rural zones that govern residential activity, including density of residential development, will apply. It is strongly recommended that the use of relocatable buildings is considered for papakāika development in order to avoid potential future problems of being unable to obtain consent for ownership or occupation of dwellings by people other than descendants of the original grantees.
2. Where papakāika is on Māori Land, the provisions of the Te Ture Whenua Māori Act 1993 or subsequent legislation apply.
3. New marae can may **{PO cl.16}** only be established with the agreement of Manawhenua.

16.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities	a. <u>Natural Hazards Performance Standards</u> Hazard overlay zones development standards {NH cl.16} b. Setback from coast and water bodies {NatEnv cl.16} c. Setback from national grid {NU cl.16} d. Setback from scheduled tree

2.	Performance standards that apply to all buildings and structures activities					a. Boundary setbacks b. Fire fighting c. Maximum height d. Number, location and design of ancillary signs e. Reflectivity (landscape and natural {NatEnv cl.16} coastal character overlays) f. <u>Setback from coast and water bodies</u> {NatEnv cl.16} g. Setback from ridgeline (mapped area) {RU 874.41 and others} h. <u>Setback from National Grid</u> {NU cl.16}
Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure: see rows 8-12)		Activity status:				Performance standards
		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASGV/ ASBV {NatEnv 958.60}	
3.	New buildings greater than 60m ² <u>footprint</u> {PO cl.16} on a landscape building platform	P	C	NC	P RD {NatEnv 958.107}	

4.	New buildings or structures {NatEnv cl.16} less than or equal to 60m ² footprint {PO cl.16} or additions and alterations that result in a building or structure that is less than or equal to 60m ² footprint {PO cl.16}	P	P	NC	P	i. <u>Number and location of permitted buildings</u> Minimum building separation (landscape and natural coastal character overlays) {NatEnv cl.16}
5.	New buildings or structures {NatEnv cl.16} greater than 60m ² footprint {PO cl.16} or additions and alterations that result in a building or structure that is greater than 60m ² footprint {PO cl.16}	P	RD	NC	RD	
6.	Fences	P	P	P	P	
7.	All other buildings and structures activities	P	RD P {NatEnv 360.137}	RD P {NatEnv 360.137}	RD P {NatEnv 360.137}	
Buildings and structures activities that affect a protected part of a scheduled heritage building or a scheduled heritage structure		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASGV/ ASBV {NatEnv 958.60}	Performance standards
8.	Repairs and maintenance or restoration {Her 547.91}	P	P	P	P	i. Materials and design
X.	Restoration of a building or structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) {Her 547.91}	P C {Her 547.91}	P C {Her 547.91}	P C {Her 547.91}	P C {Her 547.91}	i. Materials and design
Y.	Restoration of all other scheduled heritage buildings and scheduled heritage structures {Her 547.91}	P	P	P	P	i. Materials and design
9.	Earthquake strengthening where external features only are protected	C	C	C	C	i. Materials and design

AA.	Signs attached to buildings or structures {Her cl.16⁷}	P	P	P	P	
10.	All other additions and alterations	RD	RD	RD	RD	
11.	Demolition	NC	NC	NC	NC	
12.	Removal for relocation	RD	RD	RD	RD	
Development activities on a scheduled heritage site, where visible from an adjoining public place or a publicly public {Her cl.16} place within the heritage site		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV/ ASBV {NatEnv 958.60}	Performance standards
13.	New {Her cl.16} structures no more than 2.5m high or 2m ² footprint	P	P	P	P	
Z.	All other new structures {Her cl.16}	RD	RD	RD	RD	
14.	New buildings, all other structures, parking, loading and access {Her cl.16}	RD	RD	RD	RD	
ZZ	Parking, loading and access {Her cl.16}	RD	RD	RD	RD	Parking, loading and access standards {Her cl.16⁶}
Site development activities in all areas (except as covered by rows 13-14 above)		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV/ ASBV {NatEnv 958.60}	Performance standards
15.	Earthworks – small-scale {EW cl.16²}	P	P	P	P	i. Earthworks standards
16.	Earthworks – large-scale {EW cl.16²}	RD	RD+	RD+	RD+	i. Earthworks standards
17.	Outdoor storage	P	P	P	P	
18.	New or additions to parking areas, or extensions to existing parking areas that result in the creation of {Trans cl.16} 50 or more new parking spaces.	RD	RD	RD	RD	i. Parking, loading and access standards
19.	Parking, loading and access	P	P	P	P	i. Parking, loading and access standards

20.	Indigenous vegetation clearance - small scale {NatEnv cl.16³}	P	P in ONL/SNL RD in NCC {NatEnv cl.16}	P in ONF RD in ONCC/HNCC {NatEnv cl.16}	RD P {NatEnv cl.16}	i. Vegetation clearance standards
20A.	Indigenous vegetation clearance - large scale {NatEnv cl.16³}	RD	RD in ONL/SNL RD+ in NCC	RD+ {NatEnv 958.106} in ONF RD NC {NatEnv 958.106} in ONCC/HNCC	RD NC {NatEnv 949.13}	i. Vegetation clearance standards
21.	All other vegetation clearance	P	P	P	P	i. Vegetation clearance standards
22.	Storage and use of hazardous substances	P	P	P	P	i. Hazardous substances quantity limits and storage requirements ii. <u>Setback from coast and water bodies</u> {NatEnv cl.16³}
23.	<u>Tree planting Shelterbelts and small woodlots</u> {RU cl.16}	P	P	RD	P RD {NatEnv 958.107}	i. Forestry and tree planting shelterbelts and small woodlots {RU cl.16} setbacks ii. Tree species
24.	All other site development activities	P	P	P	P RD {NatEnv 958.107}	

¹ **PO cl.16:** Footprint is included in the rule to improve plan clarity as a minor and inconsequential amendment.

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

³ **NatEnv cl.16:** Indigenous vegetation clearance rules have been reformatted. Indigenous vegetation clearance that was exempt from the notified definition of “indigenous vegetation clearance”, or that was permitted under notified Rule 10.3.2.2 Maximum area of indigenous vegetation clearance, is now provided for as Indigenous Vegetation Clearance – Small Scale. Other indigenous vegetation clearance is now provided for as Indigenous Vegetation Clearance – Large Scale. This does not change the effect of provisions.

⁵ **PO 490.1:** Em-dashes are no longer used, and activity status is shown for all overlays (not just those that have additional provisions applying), except where two areas (zones, overlays, mapped areas etc.) do not intersect, in which case N/A is used. A plus symbol has been added to activity statuses that are the same as in the underlying zone but where additional assessment matters apply. See amended legend.

⁶ **Her cl.16:** This performance standard applies to the activity. A link has been added to the activity status table as a cl.16 amendment to aid plan usability.

⁷ **Her cl.16:** Rule restructured as a result of change to definition of additions and alterations and new definition of signs attached to buildings and structures. No substantive change to provisions.

⁸ **NatEnv cl.16:** This performance standard applies to the activity. A link has been added to the activity status table as a cl.16 amendment to aid plan usability.

Note 16.3G.4A - General advice

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

16.3.5 Activity status table - subdivision activities

Subdivision Activities		Activity status ¹				Performance standards
		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASGV/ ASBV {NatEnv 958.60}	
1.	General subdivision	RD	RD+	RD+	RD+	i. Access ii. Esplanade reserves and strips iii. Fire fighting iv. Minimum site size v. Shape
2.	Cross lease, company lease and unit title subdivision	~~NG D~~ {RU 490.29}	~~NG D~~ {RU 490.29}	~~NG D~~ {RU 490.29}	~~NG D~~ {RU 490.29}	

¹ **PO 490.1:** Em-dashes are no longer used, and activity status is shown for all overlays (not just those that have additional provisions applying), except where two areas (zones, overlays, mapped areas etc.) do not intersect, in which case N/A is used. A plus symbol has been added to activity statuses that are the same as in the underlying

zone but where additional assessment matters apply. See amended legend.

Note 16.3.5A - Other RMA considerations {PO 490.4}

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

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

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

¹ **NH cl. 16:** The content from Table 16.3.6 has been moved to Table 16.3.X, with the exception that column c has been removed, pursuant to clause 16. This was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are show in the new location.

16.3.X Activity status in Hazard 1 (flood), Hazard 1A (flood) and Hazard 2 (flood) Overlay Zones {NH 637.74 and others}

		Activity status		
Activity		a. Haz1A (flood) {NH 908.37}	b. Haz1 (flood) {NH 73.4 and others}	c. Haz2 (flood) {NH 73.4 and others}
X.	Natural hazards sensitive activities {NH 634.74}	Pr {NH 908.37}	NC	⌀ RD {NH 634.74'}
Y.	Natural hazards potentially sensitive activities {NH 634.74}	NC {NH 908.37}	⌀ NC {NH 634.74 and 908.37'}	⌀ RD {NH 634.74'}

		Activity status		
Activity		a. Haz1A (flood) {NH 908.37}	b. Haz1 (flood) {NH 73.4 and others}	c. Haz2 (flood) {NH 73.4 and others}
4.	In a hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, which create more than 1m ² of new ground floor area {NH 73.4 and others}		RD {NH 73.4 and others}	— {NH 73.4 and others}
5.	In a hazard 1 or 2 overlay zone, other than the hazard 1 (land instability) Overlay Zone, {NH 73.4 and others} New buildings, and additions and alterations to buildings, which create more than 36m ² of new ground floor area	RD {NH 908.37}	RD	RD

¹ **NH 634.74:** Note that “potentially sensitive activities permitted in rural zone” had no additional rules (shown as an em-dash) under the notified Plan but the distinction between this activity and “potentially sensitive activities not permitted in rural zones” (which was notified as a discretionary activity) was removed and both activities were changed to restricted discretionary in response to this submission.

Note 16.3.6A - Guidance on existing use rights applying to land use activities in hazard overlay zones
Other RMA considerations {Ru cl.16}

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

Accordingly, these activities will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 16.3.6. {NH 634.81} However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of the land use activity.

Rule 16.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or 95B of the Act RMA, {RU cl.16} unless Council considers special circumstances exist in relation to the application that require public notification:
 1. papakāika (controlled activity) where the associated site development activities are permitted;
 2. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
 3. contravention of the materials and design {Her cl.16} performance standard (Rule 13.3.2) 'Materials and design' **{Her cl.16}** where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications for the following activities, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand;
 2. ~~activities that contravene~~ contravention of the materials and design {Her cl.16} performance standard (Rule 13.3.2) 'Materials and design' **{Her cl.16}** where the building or structure is listed by Heritage New Zealand; and
 3. ~~activities that contravene~~ contravention of the archaeological sites {Her cl.16} performance standard (Rule 13.3.3) 'Archaeological sites' **{Her cl.16}**.
3. ~~Applications for resource consent for the following activities will be publicly notified in accordance with section 95A(2) of the RMA: {NatEnv 592.32}~~
 1. ~~new residential activity on a site that contravenes the performance standard for density; {RU 592.20 and 717.19}~~
 2. ~~new residential building greater than 60m² in an Outstanding Natural Landscape (ONL); {NatEnv 592.32}~~
 3. ~~general subdivision that contravenes the performance standard for minimum site size; {RU 592.20 and 717.19}~~
 4. ~~demolition of a protected part of a scheduled heritage building or scheduled heritage structure; {Her 308.362}~~
4. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. cemeteries, crematoriums and landfills;
 2. all restricted discretionary activities that list 'effect on cultural values of Manawhenua as a matter for discretion; and
 3. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4.
5. With respect to resource consent applications for the following activities, the Department of Conservation will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided: {RU 958.109}
 1. indigenous vegetation clearance - large scale in a scheduled Area of Significant Biodiversity Value; or
 2. indigenous vegetation clearance - large scale or any discretionary or non-complying activity in a Natural

Coastal Character, High Natural Coastal Character or Outstanding Natural Coastal Character overlay zone. {RU 958.109}

6. With respect to resource consent applications for the following activities within the **radio transmitters mapped area**, Radio New Zealand Limited will be considered an affected person in accordance with section 95B of the RMA, unless their written approval is provided or discretion is restricted and excludes consideration of reverse sensitivity effects: {NU 918.25}
 1. any activities that may be sensitive to electromagnetic interference, noise or visual effects from Radio New Zealand's facilities at 740 Highcliff Road and 35 Karetai Road; and {NU 918.25}
 2. subdivision that could result in activities of this kind. {NU 918.25}
7. With respect to sections 95D(b) and 95E(2)(a) of the RMA, Council will not consider papakāika or family flats as part of the permitted baseline in considering residential density effects in the rural zones.
8. ~~In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons: {PO cl.16}~~
9. With respect to resource consent applications for the following activities, the Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. activities in the hazard 1 or hazard 1A {NH 908.37} (flood) overlay zones; and
 2. activities in **swale mapped areas. {NH cl.16²}**
10. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

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

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

Rule 16.5 Land Use Performance Standards

16.5.1 Acoustic Insulation

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

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

16.5.2 Density

1. The maximum density of standard residential activities activity **{PO cl.16}** is as follows:

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

- h. Except,
 - i. papakāika may be developed at a density of 6 residential units, or 15 habitable rooms per site, whichever is the lesser. {RU cl.16}:-
 1. ~~6 residential units, or {RU cl.16}~~
 2. ~~15 habitable rooms per site, whichever is the lesser. {RU cl.16}~~
 - ii. in the Middlemarch Basin, Hill Country and High Country rural zones, a single residential activity is permitted on any site that existed before 26 September 2015, and that is 15ha or larger, provided the residential activity is established prior to 7 November 2023. {RU 1018.2}
- i. Multiple standard residential activities (additional primary residential buildings (houses)) are only allowed on a single site where they are located no closer than 80m from other residential buildings on the same site (family flats or sleepouts are considered part of the same residential activity), except:
 - i. multiple residential units developed as part of papakāika may be located closer than 80m to each other.
- j. if a site is crossed by a boundary between two or more rural zones, the maximum density of the

standard residential activity must meet the density required for the rural zone in which the residential activity is to be established; and {RU 908.1}

- i. the total site size must meet the minimum site size for the zone in which the residential activity is to be established; and {RU 908.1}
- ii. for each new residential activity per site, a minimum of 2ha of the site per residential activity must be located within the rural zone in which the residential activity is to be established. {RU 908.1}

2. One family flat is allowed per site in association with a standard residential activity that meets this performance standard for density provided **{PO 447.89}**.
 - a. ~~the family flat is either attached to or located in the same residential building as the primary residential unit, or is located within 30m of the primary residential building, as measured as the closest distance between any wall of the primary residential building and any wall of the family flat; and {PO cl.16}~~
 - b. ~~the family flat has a maximum gross floor area of 60m². {PO cl.16}~~
3. Standard residential activity that contravenes the performance standard for density is a non-complying activity, except:
 - a. ~~papakāika that contravenes the performance standard for density is a discretionary activity. ; and {PO cl.16}~~
 - b. ~~family flats that exceed the distance from the primary residential building (Rule 16.5.2.2.a) or maximum gross floor area (Rule 16.5.2.2.b) are a restricted discretionary activity. {PO cl.16}~~

¹ **PO cl.16:** As a clause 16 amendment this has been moved to family flats performance standards.

16.5.3 Electrical Interference

Land use activities must comply with Rule 9.3.2.

16.5.3 Hours of Operation

Activity		Hours of operation
1.	Mineral exploration and mineral prospecting	7:00am – 10:00pm
2.	Rural ancillary retail	Customers must not arrive before 7:00am or depart after 7:00pm
3.	Rural tourism - <u>small scale</u> {RU cl.16}	Visitors must not arrive before 7:00am or depart after 7:00pm
4.	Working from home (excluding homestay)	Customers and deliveries must not arrive before 7:00am or depart after 7:00pm

5. Wildlife and night sky viewing activities are exempt from this standard. {RU 690.20}
6. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

16.5.4 Light Spill

1. Light spill measured 1.5m above ground level at the boundary of a site must not exceed 1 Lux between 10:00pm and 7:00am.
2. Lights must be:
 - a. cut-off or fully shielded;
 - b. and directed away from roads and any adjacent property
3. Light spill measured at the boundary of the residential zone or any site used for residential purposes between 7:00am and 10:00pm must not exceed 3 Lux.
 - a. Except this standard does not apply to light spill from the headlights of motor vehicles.
4. Activities that contravene rules 16.5.4.1 and 16.5.4.2 are discretionary activities.
5. Activities that contravene any light spill limit in Rule 16.5.4.3 by 25% or less are discretionary activities.
6. Activities that contravene any light spill limit in Rule 16.5.4.3 by greater than 25% are non-complying activities.

16.5.5 Location

1. Domestic animal boarding and breeding, rural ancillary retail and rural tourism -small scale {RU cl.16} must not be accessed directly from a state highway with a speed limit of 80kmh or over.
2. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

16.5.6 Maximum Gross Floor Area

Activity	Maximum gross floor area
1. Rural ancillary retail	60m ²
2. Working from home	100m ² ~~(applies only to area used within buildings)~~ {PO cl.16}

3. Except the retailing of plants grown on the site is exempt from the performance standard for maximum gross floor area.
4. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

¹ **PO cl.16:** Qualifier deleted as this is included in the new definition of gross floor area.

Note 16.5.7A - Other requirements outside of the District Plan

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

16.5.7 Minimum Car Parking

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

Activity	Minimum car parking
1. Rural ancillary retail	1 parking space for customers of any roadside produce stall
2. Rural tourism - small scale	1 parking space for every 5 persons the facility can accommodate at any one time
3. Rural research -small scale {RU cl.16}	1 parking space is required for each full time equivalent member of staff, when over five staff members are employed on-site.
4. Factory farming Intensive farming {RU 1090.3}	1 parking space per full time equivalent member of staff employed on-site
5. Community and leisure - small scale	1 parking space for every 5 persons the facility can accommodate at any one time
6. Crematoriums	1 parking space per 75m ² of gross floor area.
7. Emergency services {CP 945.39}	a. For fire stations: 5 parking spaces per fire engine bay. {CP 945.39} b. For all other activities: 1 parking space per 100m ² gross floor area. {CP 945.39}

8. Activities other than standard residential **{RU cl.16}** must provide mobility parking spaces as follows:

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

9. Where the minimum parking performance standard results in the requirement for a fractional space, any fraction under one half will be disregarded and any fraction of one half or greater will be counted as one space
10. Parking spaces may be shared between land use activities (i.e. the same parking spaces may be used to fulfil the minimum car parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap
11. For activities where the minimum car parking performance standard is based on the gross floor area, the following areas will be excluded from the assessment of gross floor area:
- any parking area and associated manoeuvring space, including aisle; and
 - any loading area and associated manoeuvring space. **{RU cl.16}**
12. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

¹ **RU cl.16:** Rule 16.5.7.10 has been added to clarify how 'gross floor area' is to be interpreted, for the purposes of the minimum car parking performance standard in this zone. This does not change the effect of provisions.

Note 16.5B.8A - Other relevant District Plan provisions

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

16.5.8 Noise

Land use activities must comply with Rule 9.3.6.

16.5.9 Separation Distances {RU cl.16¹}

¹ **RU cl.16:** This rule has been reformatted to reduce repetition and to re-order the list of existing activities according to the length of the separation distance (except that the two mining-related separation distances are listed consecutively). This does not change the effect of the rule.

1. ~~New residential buildings must be located at least 100m from:~~
 - a. ~~existing, lawfully established factory farming on a separate site;~~
 - b. ~~existing, lawfully established domestic animal boarding and breeding including dogs on a separate site;~~
 - c. ~~existing, lawfully established mining on a separate site;~~
 - d. ~~existing, lawfully established landfill activity on a separate site; and~~
 - e. ~~existing, lawfully established wind generators – community scale and wind generators – regional scale on a separate site.~~
1. New residential buildings and cemeteries **{RU 702.4}** must be located at least:
 - a. 100m from:
 - i. an existing, lawfully established ~~factory farming~~ intensive farming activity **{RU 1090.3}** on a separate site;
 - ii. an existing, lawfully established domestic animal boarding and breeding (including dogs) activity **{RU cl.16}** on a separate site; and
 - iii. the Waitati Rifle Range at 108 Miller Road, Waitati (Minister of Defence designation D158); **{RU 583.21}**
 - b. ~~400m~~ 150m **{RU 796.8}** from existing, lawfully established landfills ~~activity~~ **{PO cl.16}** on a separate site;
 - c. ~~400m~~ 250m **{RU 702.4}** from existing, lawfully established ~~wind generators – community scale and wind generators – regional scale~~ wind generators – large scale **{NU 308.122}** on a separate site;
 - d. 200m from an existing, lawfully established mining activity, that does not involve blasting, on a separate site; and **{CP 458.43 and others}**
 - e. ~~400m~~ 500m **{CP 458.43 and others}** from an existing, lawfully established mining activity, that involves blasting, **{CP 458.43 and others}** on a separate site.
2. For the purposes of this standard, separation distance is measured from either **{RU 702.4}** the closest wall of the new residential building or the closest edge of the cemetery, as relevant, **{RU 702.4}** to the closest edge of any active **{CP 458.43 and others}** operational area or other part of the site being used as part of the activities listed.
3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

16.5.10 Setback from National Grid

National Grid sensitive **{NH cl.16}** activities must comply with Rule 5.6.1.

16.5.11 Site Restoration

1. Areas disturbed by mineral prospecting and mineral exploration must restore any areas disturbed to a standard not less than that existing prior to the activity commencing **{NatEnv cl.16}** with respect to landform, biodiversity values **{NatEnv 900.143 and others}** and productive potential. Restoration must be completed prior to the end of the lease, licence, or consent, whichever is earliest. Where indigenous vegetation clearance has been conducted as part of the activity, replanting of indigenous vegetation must be conducted on at least the same parts of the site as where indigenous vegetation existed prior to the activity commencing. **{NatEnv 900.143 and others}**
2. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

¹ **NatEnv cl.16:** This wording has been deleted because it is not necessary; it is implied by the term 'restore'.

16.5.12 Tree Species

Forestry and tree planting shelterbelts and small woodlots **{RU cl.16}** must comply with Rule 10.3.4.

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

16.5.13.1 Family Flats - Tenancy {PO 207.1, 394.63 and others}

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

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

16.5.13.2 Family Flats - Design {PO 876.1 and others}

- a. Family flats must:
 - i. not exceed a maximum gross floor area of 60m²; **{PO cl.16}**
 - ii. be on the same available water and wastewater infrastructure connection, or the same non-reticulated wastewater disposal system as the primary residential unit; **{PO cl.16}**
 - iii. be on the same household electricity account; **{PO 876.1}**
 - iv. share the same vehicle access as the primary residential unit; and **{PO 876.1}**
 - v. be attached to or located in the same residential building as the primary residential unit, or located within 30m of the primary residential building (house), as measured as the closest distance between any wall of the primary residential building and any wall of the family flat. **{PO cl.16}**

- b. Standard residential activity that contravenes this performance standard is a restricted discretionary activity.
{PO 876.1, 372.1 and 207.2}

¹ **PO cl.16:** As a cl. 16 amendment this has been moved from the density performance standard

² **PO cl.16:** As a clause 16 amendment this has moved here from the definition of family flats.

16.5.14 Blasting {Confirmed for addition - CP 458.1 and others}

1. Mineral exploration that involves blasting must comply with the following: {CP 458.1 and others}
 - a. There are no more than 3 blast events per site per day, and no more than 21 blast events in a calendar year. {CP 458.1 and others}
 - b. Blast events may only occur between 8.00am and 6.00pm Monday to Saturday (excluding public holidays): {CP 458.1 and others}
 - c. The peak amplitude (Vmax) must not exceed 5 mm/second, measured on any foundation or suitable adjacent location of an adjoining residential property; Overpressure (Pmax) must not exceed 120 dBL, measured at the boundary of the receiving property, or the notional boundary of noise sensitive activities in a rural, rural residential or Ashburn Clinic Zone. {CP 458.1 and others}
 - d. Quantum of earth moved must not exceed the earthworks – small scale standards. {CP 458.1 and others}
2. Mineral exploration that contravenes the performance standard for blasting is a discretionary activity {CP 458.1 and others}

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

1. Scheduled mining activity must meet the performance standards listed below. {CP 874.2 and others}
2. Scheduled mining activity that contravenes any of these standards will be considered a new mining activity and will be subject to the rules that apply to mining in Rule 16.3. {CP 874.2 and others}

16.5.15.3 Maximum Annual Extraction {CP 874.2 and others}

- a. Aramoana Quarry must not exceed a maximum annual extraction limit of 50,000m³. {CP 874.2 and others}
- b. Fairfield Sand Pit No. 3 must not exceed a maximum annual extraction limit of 10,000 tonnes. {CP 874.2 and others}

16.5.15.4 Operating Limits {CP 874.2 and others}

- a. Blackhead Quarry: {CP 874.2 and others}
 - i. may only operate: Monday to Saturday 6.00am to 10.00pm; {CP 874.2 and others}
 - ii. must not extract material on Sec 153 Green Island Bush SD or within 100m of Blackhead Road on Secs 154 and 155 Green Island Bush SD. However, these areas may be used for quarry activities not involving extraction such as stock piling overburden; and {CP 874.2 and others}
 - iii. must not undertake mining in the area defined by Conservation Covenant 779741/2. {CP 874.2 and others}
- b. Fairfield Sand Pit No. 3: {CP 874.2 and others}
 - i. may only operate: Monday to Friday 6.00am to 8.00pm and Saturday 7.00am to 5.00pm; {CP 874.2 and others}
 - ii. must not use blasting; and {CP 874.2 and others}
 - iii. must not extract material on Pt Sec 11 -13 Green Island West SD. However, these areas may be used

for quarry activities not involving extraction, such as stockpiling overburden. {CP 874.2 and others}

c. Aramoana Quarry: {CP 874.2 and others}

- i. may only operate: Monday to Saturday 7.00am to 7.00pm: {CP 874.2 and others}
- ii. may only operate for the purpose of maintaining and repairing of the Aramoana Mole and the Long Mac Groyne; and {CP 874.2 and others}
- iii. may only transport rock on the Aramoana Road/Moana Street route, between the hours of 7.00am to 7.00pm Monday to Saturday. {CP 874.2 and others}

d. Mt Kettle Quarry: {CP 874.2 and others}

- i. may only operate: Monday to Saturday 6.00am to 10.00pm: {CP 874.2 and others}
- ii. must not undertake mining on more than 40 days each calendar year: {CP 874.2 and others}
- iii. must ensure quarrying does not alter the skyline as viewed from Portobello Road or from State Highway No 1; {CP 874.2 and others}
- iv. must not quarry closer than 50m to adjoining properties; and {CP 874.2 and others}
- v. must retain existing native vegetation on areas not quarried. {CP 874.2 and others}

16.5.15.5 Noise {CP 874.2 and others}

Aramoana Quarry, Blackhead Quarry, Mt Kettle Quarry and Fairfield Sand Pit No. 3 must comply with Rule 9.3.6, subject to the following: {CP 874.2 and others}

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

16.5.15.6 Blasting {CP 874.2 and others}

- a. Aramoana Quarry, Blackhead Quarry and Mt Kettle Quarry must ensure that airblast over-pressure from a blasting event on the site, when assessed at any point within the notional boundary of any residence, does not exceed a peak non-frequency-weighted (linear or flat) level of 115 dB (Peak) at any time. {CP 874.2 and others}

16.5.15.7 Landscaping and Rehabilitation {CP 874.2 and others}

- a. Aramoana Quarry, Blackhead Quarry, Mt Kettle Quarry and Fairfield Sand Pit No. 3 must carry out a programme of landscaping to encourage the revegetation of areas that are no longer being mined. The landscaping programme must ensure that: {CP 874.2 and others}
 - i. all planting is in accordance with a landscape plan prepared by a qualified landscape architect; and {CP 874.2 and others}
 - ii. all vegetation established as part of this programme is maintained in a healthy state at all times. {CP 874.2 and others}
- b. For Aramoana Quarry, Blackhead Quarry and Mt Kettle Quarry, the landscaping must include creating areas of loose scree on any benching for the colonisation of rock plants. {CP 874.2 and others}
- c. For Fairfield Sand Pit No. 3, the site must be rehabilitated to an appearance and character similar to that of

the surrounding environment. {CP 874.2 and others}

- d. Aramoana Quarry must use the overburden and the stockpiling of fines that are retained on the site to recontour the area adjacent to Aramoana Road on sections 46 and 47 Blk V, North Harbour and Blueskin Survey District and must be progressively regrassed. {CP 874.2 and others}
- e. Fairfield Sand Pit No. 3 must undertake a programme of screen planting designed to mitigate adverse visual effects as viewed from the adjacent residential areas, road and other viewing areas. The programme must ensure that: {CP 874.2 and others}
 - i. all planting is in accordance with a landscape plan prepared by a qualified landscape architect; and {CP 874.2 and others}
 - ii. all vegetation established as part of this programme is maintained in a healthy state at all times. {CP 874.2 and others}
- f. Fairfield Sand Pit No. 3 must ensure the edge of the quarried area is designed and certified by a suitably qualified geotechnical engineer to ensure that the edge is stable and will not adversely affect any adjoining property boundary. {CP 874.2 and others}

Rule 16.6 Development Performance Standards

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

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

16.6.2 Fire Fighting

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

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

16.6.3.1 Hazard exclusion areas

- a. ~~Development activities~~ New buildings and structures and additions and alterations **{NH cl.16¹}** located in a **swale mapped area** must comply with Rule 11.3.1.1.
- b. ~~Development activities~~ New buildings and structures and additions and alterations **{NH cl.16¹}** located in a **dune system mapped area** must comply with Rule 11.3.1.2.

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

16.6.3.2 Maximum area of vegetation clearance in the hazard overlay zones

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

16.6.3.3 Minimum floor level {NH 917.27, NH 947.53 and others}

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

16.6.3.4 Relocatable buildings

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

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

Outdoor storage in the Hazard 1 and 1A (flood) Overlay Zones must comply with Rule 11.3.5. **{NH 908.37}**

16.6.4 Hazardous Substances Quantity Limits and Storage Requirements

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

16.6.5 Materials and Design

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

16.6.6 Maximum Height

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

Activity		i Rural zones	ii Landscape and Natural {NatEnv cl.16} coastal character overlay zones
a.	Roadside produce stall	3.5m	3.5m
b.	<u>Buildings associated with the New Zealand Marine Studies Centre in the Portobello Marine Science mapped area {MF 308.283}</u>	10m {MF 308.283}	10m {MF 308.283}
2- c.	All other buildings and structures	10m	5m

2. Rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more than one third of that limit.
3. Buildings or structures must not protrude through the height restriction for the Taieri Aerodrome approach and take-off fans shown on the **Taieri Aerodrome flight fan mapped area**.
4. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

16.6.7 Number and Location of Permitted Buildings {Was "Minimum Building Separation" - NatEnv cl.16}

1. In ~~any landscape overlay zone or in a~~ Outstanding Natural Landscape (ONL), Significant Natural Landscape (SNL) and Natural Coastal Character Overlay Zone (NCC), overlay zones {NatEnv cl.16} all new buildings (less than or equal to 60m² footprint {PO cl.16}) must comply with Rule 10.3.5.

¹ **PO cl.16:** Footprint is included in the rule to improve plan clarity as a minor and inconsequential amendment.

16.6.8 Number, Location and Design of Ancillary Signs

16.6.8.1 General

- a. A maximum of one sign attached to a building and one freestanding sign is allowed per site, except:
 - i. only one sign may be located in any part of a site in an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone.
- b. Signs visible from a public place must meet all of the following performance standards, except that regulatory signs, directional signs and warning signs that do not exceed 0.25m² are exempt from these standards. {CMU 271.18}
- c. Signs that only give address, occupant or place name information (not including any commercial business names) do not count toward maximum sign numbers.
- d. ~~Signs must be ancillary signs.~~ {PO cl.16}
- e. Signs must comply with Rule 6.7.3 where visible from a road.
- f. Signs must not be illuminated or digital.
- g. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.{PO cl.16}

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

16.6.8.2 Signs attached to buildings

- a. The maximum height above ground level, at the highest point of any sign, attached to a building is 4m, except:
 - i. the maximum height is 2m in an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted flat against a parapet or gable end.
- d. The maximum area of signs, per display face, is 2m², except:
 - i. the maximum area of signs, per display face, is 0.6m² in an ONF, ONCC or HNCC overlay zone; and
 - ii. the maximum area of signs, per display face, is 1m² in an ONL, SNL or NCC overlay zone.
- e. In an ONF, ONCC or HNCC overlay zone the sign must only provide information about the values of the overlay zone (refer Appendices A3 and A5).

16.6.8.3 Freestanding signs

- a. Maximum dimensions of freestanding signs are:
 - i. maximum height of 4m, except:
 1. 2m in an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone;
 - ii. maximum area of 2m² per display face, except:
 1. 0.6m² per display face in an ONF, ONCC or HNCC overlay zone; and
 2. 1m² per display face in an ONL, SNL or NCC overlay zone;
 - iii. maximum of 2 display faces per sign;
 - iv. maximum width of 2m, except:
 1. 1m in an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone; and
 - v. maximum depth of 400mm.
- b. Freestanding signs must:
 - i. not obstruct parking, loading and access areas; and
 - ii. be positioned entirely within site boundaries.
- c. In an ONF, ONCC or HNCC overlay zone the sign must only provide information about the values of the overlay zone (refer Appendices A3 and A5).

Note 16.6A – Other relevant District Plan provisions {PO cl.16¹}

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

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

Note 16.6B.8A - Other requirements outside of the District Plan

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

16.6.9 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

16.6.10 Reflectivity

1. New buildings and structures (except fences), and additions and alterations, in any landscape or natural coastal **{NatEnv cl.16}** character overlay zone must comply with Rule 10.3.6.
2. In the Hill Slopes Rural Zone, new buildings and structures that exceed 300m² must have exterior surfaces that have a light reflectance value (LRV) of 30% or less, except that this rule does not apply to the following exterior surfaces: **{NatEnv 447.36}**
 - a. natural wood finishes: **{NatEnv 447.36}**
 - b. glass: **{NatEnv 447.36}**
 - c. clear plastic: **{NatEnv 447.36}**
 - d. soffits; or **{NatEnv 447.36}**
 - e. flues: **{NatEnv 447.36}**
3. For the purposes of Rule 16.6.10.2, the LRV of exterior surface materials whose reflectivity changes due to weathering (e.g. stone) will be measured based on an 'as weathered' condition. **{NatEnv 447.36}**
4. For the sake of clarity, Rule 16.6.10.2 applies to roofs and does not apply to fences. **{NatEnv 447.36}**
5. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

16.6.11 Setbacks

16.6.11.1 Boundary setbacks

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

Activity		1. Minimum setback from road boundary	2. Minimum setback from side and rear boundaries with sites held in separate ownership
i.	Residential buildings (see Figure 16.6A) {RU cl.16}	20m	40m The greater of either: {RU 464.8} i. 20m; or {RU 464.8} ii. a setback that provides a 40m separation from any residential building on any adjoining site {RU 464.8}
ii.	Non-residential buildings {RR cl.16} housing animals (see Figure 16.6B) {RU cl.16}	20m	i. Buildings with a maximum height of up to 7m above ground level: {RU 312.17} 12m ii. Buildings with a maximum height that is over 7m above ground level: Twice the maximum height of the building {RU 312.17}
iii.	Non-residential buildings not housing animals (see Figure 16.6C) {RU cl.16}	20m	i. Buildings with a maximum height of up to 7m above ground level: {RU 312.17} 6m ii. Buildings with a maximum height that is over 7m above ground level: Twice the maximum height of the building {RU 312.17}
iv.	Roadside produce stall	No requirement	6m
v.	All other structures	No requirement	No requirement.

- vi. Except:

- additions and alterations to an existing building located within the minimum setback from road boundary, provided the addition and alteration does not further increase the contravention of the setback and does not increase the height of the building;
- additions and alterations to an existing building used for residential activity located within the minimum setback from side and/or rear boundary, provided the addition and alteration does not further increase the contravention of the setback and does not increase the height of the residential building; and
- buildings associated with the University of Otago Portobello Marine Laboratory and New Zealand Marine Studies Centre, when situated on the land comprising Part section 23 (SO 7232), section 24 (SO 11431) and section 28 (SO 11431), Block VI Portobello Survey District and that Part of section 29 Block VI Survey District marked "A" on SO 22930: New Zealand Marine Studies Centre in the Portobello Marine Science mapped area. **{MF 308.283}**

- vii. Rooftop structures are exempt from any calculation of maximum height in this performance standard. **{RU 312.17}**
- viii. For the purposes of this standard, the separation between residential buildings is measured from the closest wall of each residential building. **{RU 464.8}**

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

Figure 16.6A Setbacks for new residential buildings {RU cl.16}

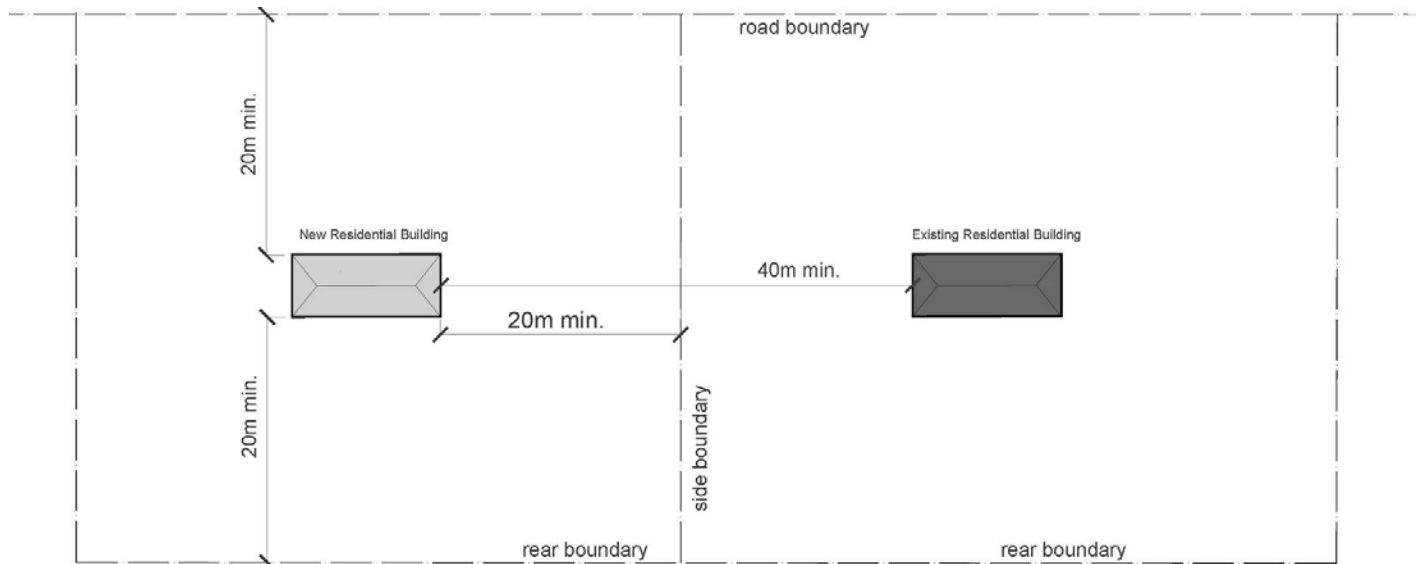


Figure 16.6B Setbacks for non-residential buildings housing animals {RU cl.16}

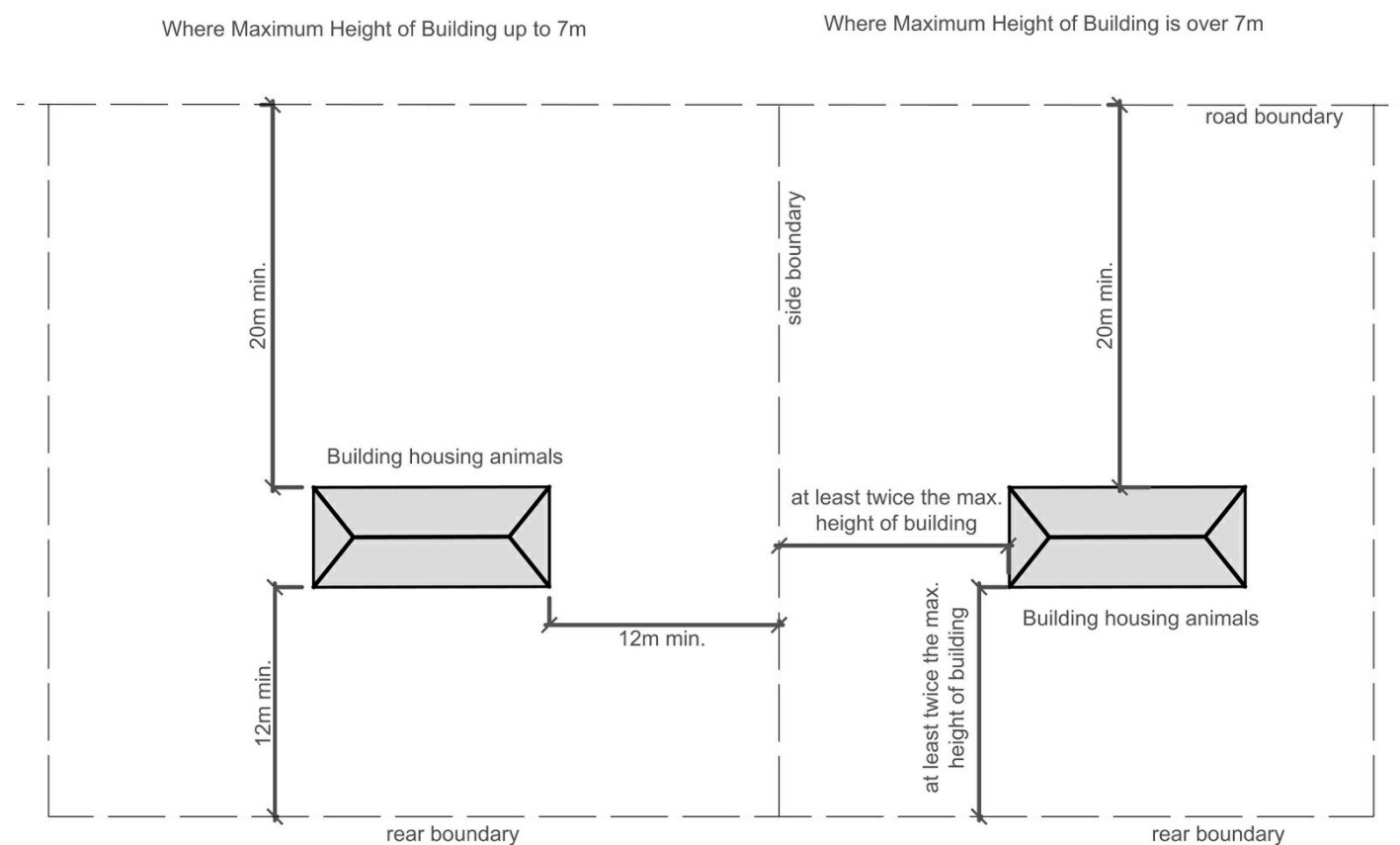
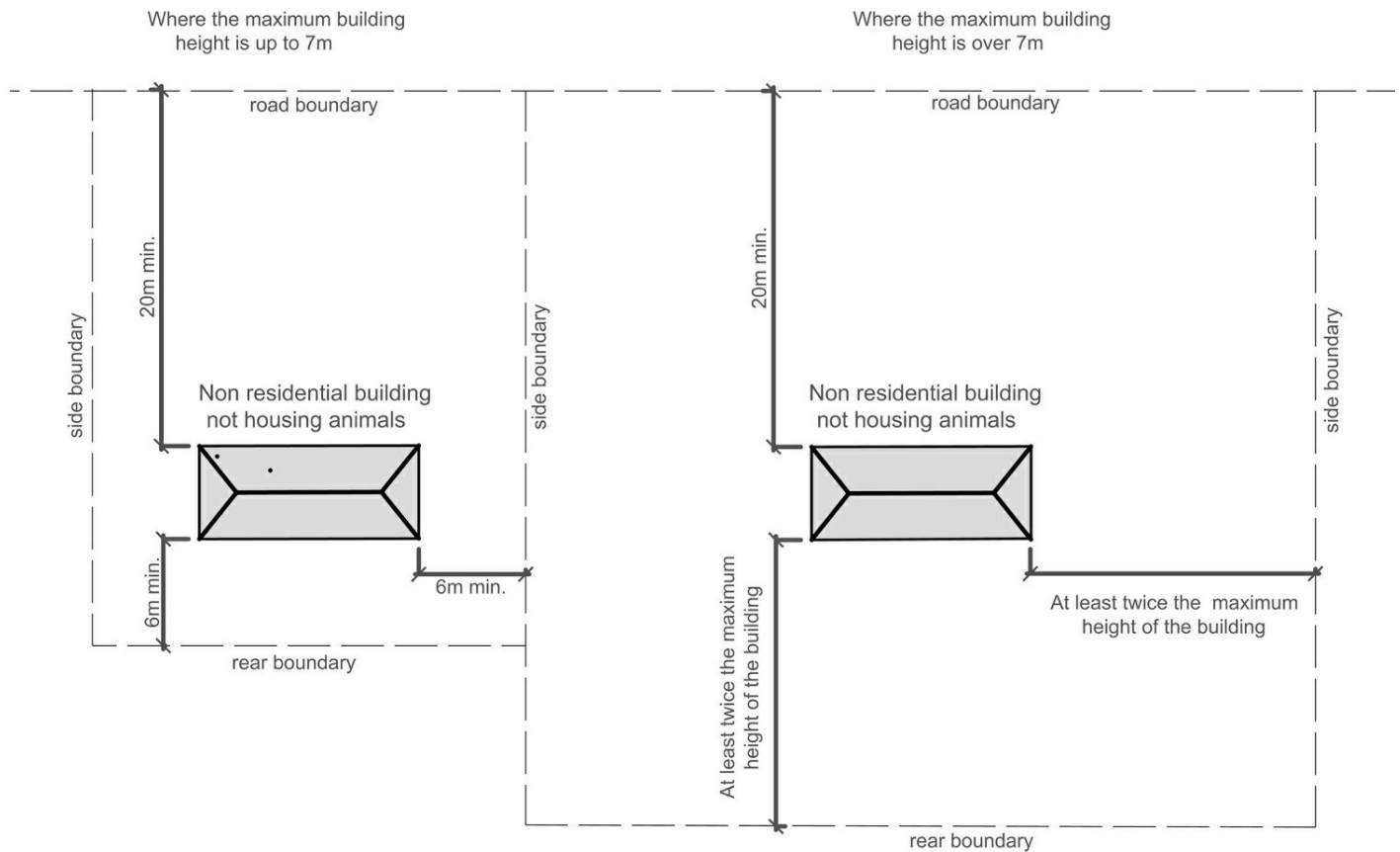


Figure 16.6C Setbacks for non-residential buildings not housing animals {RU cl.16}



16.6.11.2 Forestry and ~~tree planting shelterbelts and small woodlots~~ {RU cl.16} setbacks

- a. Trees associated with forestry activity {RU cl.16}:
 - i. must not be planted within 30m of the boundary of any residential zone or rural residential zone;
 - ii. must not be planted within 40m of a residential building where the building exists at the time of planting;
 - iii. must not shade a motorway or a strategic, arterial or collector road between 10am and 2pm on the shortest day of the year; and
 - iv. must not be planted within 10m of the boundary of the designated rail corridor. {Trans 322.106}
- b. Trees associated with ~~tree planting shelterbelts and small woodlots~~ {RU cl.16}:
 - i. must be set back, or managed, so that they maintain a minimum distance of their own height from any residential building on an adjoining site, where the building exists at the time of planting;
 - ii. must not shade a motorway or a strategic, arterial or collector road between 10am and 2pm on the shortest day of the year; and
 - iii. must not be planted within 10m of the boundary of the designated rail corridor. {Trans 322.106}
- c. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

16.6.11.3 Setback from National Grid

New buildings and structures, and additions and alterations, ~~and earthworks~~ **{EW cl.16¹}** must comply with Rules 5.6.1 and 5.6.1.2. **{EW cl.16¹}**

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

~~16.6.11.4: Setback from ridgeline~~ **{RU 874.41 and others}**

- a. ~~New buildings and structures (except fences), additions and alterations, and network utilities structures (all scales) and network utilities poles and masts – small scale must be at least 20m vertically below any ridgeline mapped area.~~ **{RU 874.41 and others}**
- b. ~~For the purposes of this standard, the vertical distance will be measured from the highest part of the building or structure.~~ **{RU 874.41 and others}**

16.6.11.5 Setback from scheduled tree

New buildings and structures, additions and alterations, ~~earthworks,~~ **{EW cl.16¹}** and any site development activities that involve the installation of impermeable surfacing must comply with Rule 7.5.2.

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

16.6.11.6 Setback from coast and water bodies

New buildings and structures, additions and alterations, ~~earthworks – large scale,~~ **{EW cl.16¹}** and storage and use of hazardous substances must comply with Rule 10.3.3.

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

16.6.12 Vegetation Clearance Standards

16.6.12.1 Maximum area of vegetation clearance (~~UCMA UBMA~~ **{NatEnv 958.60}**)

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

~~16.6.12.2 Maximum area of indigenous vegetation clearance~~ **{NatEnv cl.16¹}**

~~Indigenous vegetation clearance must comply with Rule 10.3.2.2.~~ **{NatEnv cl.16}**

16.6.12.2 Indigenous vegetation clearance – small scale thresholds **{NatEnv cl.16}**

Indigenous vegetation clearance – small scale must comply with Rule 10.3.2.A. **{NatEnv cl.16}**

¹ **NatEnv cl.16:** Indigenous vegetation clearance rules have been reformatted. As a result, notified Rule 10.3.2.2 has been replaced by new Rule 10.3.2.A. Therefore, a consequential amendment is needed here to delete the existing Rule 16.6.12.2 and reformat it into new Rule 16.6.12.2, in order to link to the reformatted provisions. This does not change the effect of provisions.

16.6.12.3 Protected areas (vegetation clearance) *{NatEnv cl.16}*

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

16.6.12.4 Protected species (indigenous vegetation clearance)

Indigenous vegetation clearance must comply with Rule 10.3.2.4.

16.6.12.5 Maximum area of vegetation clearance in a hazard overlay zone

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

Rule 16.7 Subdivision Performance Standards

16.7.1 Access

General subdivision must comply with Rule 6.8.1.

16.7.2 Esplanade Reserves and Strips

General subdivision must comply with Rule 10.3.1.

16.7.3 Fire Fighting

General subdivision must comply with Rule 9.3.3.

16.7.4 Minimum Site Size

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

Rural Zone		Minimum site size
a.	Coastal	40ha
b.	High Country	100ha
c.	Hill Country	100ha
d.	Hill Slopes	25ha
e.	Middlemarch Basin	80ha
f.	Peninsula Coast	40ha
g.	Taieri Plain	40ha
h.	<u>For the purposes of this standard, if a site is crossed by a boundary between two or more rural zones, then new resultant sites must comply with the minimum site size required for new resultant sites in each relevant rural zone. {RU 908.1}</u>	

2. Resultant sites created and used solely for the following purposes are exempt from the minimum site size standard:
 - a. Scheduled ASCV ASBV {NatEnv 958.60} or QEII covenant;
 - b. conservation covenant with the Department of Conservation or a local government agency: {RU 366.2}
 - c. protected private land agreement under the Reserves Act 1977: {RU 366.2}
 - d. a heritage covenant with Heritage New Zealand Pouhere Taonga: {RU 735.5}
 - e. protection of a scheduled heritage site, building or structure listed in Appendix A1.1 - Schedule of Protected Heritage Items and Sites: {RU 735.5}
 - f. reserve;
 - g. access;
 - h. network utilities; or
 - i. road.
3. General subdivision that contravenes ~~does not comply with~~ {Trans cl.16} the standard for minimum site size is non-complying, except for surplus dwelling subdivision which is restricted discretionary {RU cl.16} in either of {RU 704.21} the following sets of {RU 704.21} circumstances where the subdivision is restricted discretionary {RU cl.16}:

- a. The first set of circumstances is as follows: {RU 704.21}
 - i. the subdivision involves **{RU cl.16}** the subdivision of one site into two sites, where one resultant site is below the minimum site size and contains an existing residential building greater than 100m² gross floor area **{PO cl.16}**¹ that was built before 26 September 2015; and
 - ii. the second resultant site is:
 1. at least the minimum site size; and
 2. is less than twice the minimum site size, ~~or {RU cl.16 and 807.26}~~ will include a covenant registered against the title, a condition is offered (to be secured by consent notice) ~~to that~~ restricts **{RU 592.26 and 717.25}** further subdivision in terms of the total number of sites that can be used for residential activity, and further residential activity on the second resultant site, {RU cl.16 and 807.26} to a level that is no greater than would have otherwise been allowed had the minimum site size standard been met for both sites.
- b. The second set of circumstances is as follows: {RU 704.21}
 - i. every new site that will be created by the subdivision contains an existing residential building greater than 100m² **{RU 704.21}** gross floor area **{PO cl.16}**¹ that was built before 26 September 2015; and **{RU 704.21}**
 - ii. if any of these new sites is equal to, or greater than, twice the minimum site size, a condition is offered (to be secured by consent notice), if necessary, to restrict: **{RU 704.21}**
 1. further subdivision of that site, in terms of the total number of sites that can be used for residential activity; and **{RU 704.21}**
 2. further residential activity on that site. **{RU 704.21}**

to a level that is no greater than would have otherwise been allowed had the minimum site size standard been met for all sites. {RU 704.21}

¹ **PO cl.16:** Gross floor area is included in the rule to improve plan clarity as a minor and inconsequential amendment.

16.7.5 Shape

1. Each resultant site that is intended to be developed must be of a size and shape that is large enough to contain a building platform of at least 8m by 15m that meets the performance standards of this Plan including, but not limited to:
 - a. all setbacks from boundaries, water bodies, scheduled trees and national grid **{NU 806.11}**.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must not contain **{NU 806.11}**:
 - a. not contain {NU 806.11} esplanade reserves or strips;
 - b. not contain {NU 806.11} scheduled heritage buildings or structures;
 - c. not contain {NU 806.11} right-of-way easements; and
 - d. be located at least 12m from the outer edge of a National Grid support structure or centreline of an overhead National Grid transmission line. {NU806.11}
3. For unreticulated areas, resultant sites must provide for a waste disposal area to be located at least 50m from any water body and Mean High Water Springs **{PHS 1071.56}**
4. Sites created and used solely for the following purposes are exempt from the shape standard:
 - a. Scheduled ASGV ASBV {NatEnv 958.60} or QEII covenant;

- b. conservation covenant with the Department of Conservation or a local government agency: {RU 366.2}
 - c. protected private land agreement under the Reserves Act 1977: {RU 366.2}
 - d. a heritage covenant with Heritage New Zealand Pouhere Taonga: {RU 735.5}
 - e. protection of a scheduled heritage site, scheduled heritage building or scheduled heritage structure in Appendix A1.1: {RU 735.5}
 - f. reserve;
 - g. access;
 - h. network utility; or
 - i. road.
5. Subdivision activities that do not meet this standard are restricted discretionary activities, except that subdivision activities that do not meet Rule 16.7.5.2.d are non-complying activities. {PO cl.16}

Rule 16.8 Assessment of Controlled Activities

Rule 16.8.1 Introduction

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rules 16.8.2 and 16.8.3:
 - a. list the matters over which Council has reserved its control; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
 - ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 16.9; and
 - iv. the matters of control become matters of discretion and will be assessed as indicated in this section.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 16.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 16.12; and
 - iii. the assessment guidance in this section will also be considered.
4. Rules 16.8.2 and 16.8.3 apply as follows:
 - a. Rule 16.8.2 applies to controlled land use activities; and
 - b. Rule 16.8.3 applies to controlled development activities. **{RU cl.16}**

16.8.2 Assessment of controlled land use activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. Papakāika	~~a. Site development, including: {RU cl.16}~~ • Design, scale, location and number of dwellings • Design, scale and location of other buildings, structures and site development activities • Disposal of stormwater and wastewater • Vehicle access and parking	<i>Relevant objectives and policies:</i> - Objectives 16.2.3, 14.2.1, 9.2.2, 6.2.3. - Manawhenua are able to live in <u>original</u> {MW 248.10} native reserve areas where any adverse effects <u>can will</u> {PO cl.16} be adequately managed in line with the <u>objectives and</u> {MW cl.16} policies of the rural zones (Policy 14.2.1.6). ~~Papakāika is at a density such that {RU cl.16}~~ Wastewater and stormwater can be disposed of in such a way that adverse effects on the health of people on the site or on surrounding sites <u>can will</u> {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u>{PHS 308.477}, <u>would will</u> {PO cl.16} be insignificant (Policy 9.2.2.7). ~~There are no significant effects on the safety and efficiency of the transport network~~ <u>Adverse effects on the safety and efficiency of the transport network are avoided or, if avoidance is not practicable, adequately mitigated (6.2.3.9.a).</u> {Trans 881.72 and 1088.24} <u>Any associated changes to the transportation network will be affordable to the public in the long term.</u> {Trans 881.63} (Policy 6.2.3.14 6.2.3.9.b {Trans cl.16}). ~~Rural character and visual amenity of the rural zones are maintained (Policy 16.2.3.2).~~ {MW 1071.52} <u>Papakāika maintains, as far as practicable, the rural character values and amenity of the rural zones in terms of the design, scale and location of the development (Policy 16.2.3.X).</u> {MW 1071.52} ~~Conditions that may be imposed to ensure these outcomes include, but are not limited to: {RR cl.16}~~ - requirements for wastewater disposal systems and wastewater disposal areas; - requirements for stormwater disposal; - water supply; - driveways and vehicle tracks; and - number, design and location of residential units. <i>General assessment guidance:</i> - Council will consider the information required by Rule 16.13.1 provided with any resource consent application (see Special Information Requirements - Rule 16.13.1).

16.8.3 Assessment of controlled development activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. <u>Affecting a scheduled heritage building or a scheduled heritage structure: {Her cl.16}</u> • Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected. • Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) {Her 547.91}	a. Effects on heritage values	See Rule 13.4
2. In the NCC Overlay Zone : • New buildings greater than 60m² footprint {PO cl.16¹} on a landscape building platform	a. Size, design and appearance of buildings	See Rule 10.3A
3. In the ONL or SNL overlay zones : • New buildings greater than 60m² footprint {PO cl.16¹} on a landscape building platform	a. Size, design and appearance of buildings	See Rule 10.3A

¹ **PO cl.16:** Footprint is included in the rule to improve plan clarity as a minor and inconsequential amendment.

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

Rule 16.9.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 16.9.2 - 16.9.6:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rules 16.9.2 - 16.9.5 16.9.6 apply as follows: to performance standards in the rural zones; Rule 16.9.6 contains additional provisions that apply to performance standards in overlay zones, mapped areas, and on scheduled items. {RU cl.16}
 - a. Rule 16.9.2 applies to all performance standard contraventions;
 - b. Rule 16.9.3 applies to land use performance standard contraventions;
 - c. Rule 16.9.4 applies to development performance standard contraventions;
 - d. Rule 16.9.5 applies to subdivision performance standard contraventions; and
 - e. Rule 16.9.6 applies to performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item. {RU cl.16}

16.9.2 Assessment of all performance standard contraventions

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

16.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Density (family Family flats - design) { PO 876.1 and others }	a. <u>Effects on long term maintenance of rural {RU cl.16} land for productive rural activities</u> b. <u>Effects on rural character and visual amenity {PO 397.47 and 491.3}</u>	<i>Relevant objectives and policies:</i> - Objective 16.2.1, <u>16.2.3 {PO 876.1 and others}</u> - The design of family flats avoids, as far as practicable, the risk they will be used for a separate, non-ancillary residential activity and future pressure to subdivide off family flats (Policy 16.2.1.6). The family flat is of a size and location in relation to the primary residential building that: {PO 207.1 and 394.63} - reflects its use for housing a person or persons related to, dependent on, or employed by the household that lives in the primary residential building on the same site; and {PO 207.1 and 394.63} - adequately discourages future pressure for subdivision of the family flat (Policy 16.2.1.6). {PO 207.1 and 394.63} <i>Potential circumstances that may support a consent application include:</i> - For contravention of maximum gross floor area, the extra area is required due to occupant needs. - For contravention of maximum separation distance, other mechanisms such as covenants are proposed to avoid pressure for subdivision of the family flat. - The size of the residential unit will not create future pressure or expectation for it to be subdivided or be consented to operate as a second residential activity on site. - For contravention of maximum gross floor area, the family flat is in the same residential building as the primary residential unit. {PO 394.47 and 491.3} - For family flats in separate buildings to the primary dwelling the design of the family flat matches the design of the primary residential building. {PO 491.3} - For family flats in separate buildings to the primary dwelling, landscaping or other forms of screening will be used to reduce the visibility of the family flat. {PO 394.47 and 491.3} - For family flats in separate buildings to the primary dwelling, the family flat will not be easily viewed from outside the site. {PO 394.47 and 491.3} <i>General assessment guidance: {RU 360.127}</i> - As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. {RU 360.127}

16.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
	b. Effects on rural character and visual amenity {PO cl.16}	<i>Relevant objectives and policies: {PO cl.16}</i> i. Objective 16.2.3 {PO cl.16} ii. Residential activity is at a density that maintains the rural character values and visual amenity of the rural zones (Policy 16.2.3.2). {PO cl.16} <i>Potential circumstances that may support a consent application include: {PO cl.16}</i> iii. For contravention of maximum gross floor area, the family flat is in the same residential building as the primary residential unit. {PO cl.16} iv. The design of the family flat matches the design of the primary residential building. {PO cl.16} v. Landscaping or other forms of screening will be used to reduce the visibility of the family flat. {PO cl.16} vi. The family flat will not be easily viewed from outside the site. {PO cl.16}
2. Electrical interference	a. Effects on health and safety	See Rule 9.4
3. Hours of operation	a. Effects on amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 16.2.2 ii. Rural ancillary retail, rural tourism - <u>small scale</u> {RU cl.16}, working from home, mineral exploration, and mineral prospecting operate in a way (including hours of operations) {RU cl.16} that avoids or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigates noise or adverse effects on the amenity of sensitive activities on surrounding properties (Policy 16.2.2.4).
4. Location	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
5. Maximum gross floor area	a. Effects on <u>the vibrancy and economic and social success of the CBD and centres/retail distribution</u> {RU cl.16}	<i>Relevant objectives and policies:</i> i. Objectives 2.3.2, 2.4.3, 16.2.1.3 ii. Policies 2.3.2.2 and 2.4.3.4 iii. Rural ancillary retail, rural tourism {RU cl.16} and working from home are at a scale that is ancillary to and supportive of productive rural activities or conservation on the same property (Policy 16.2.1.3.a).

16.9.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Minimum car parking	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
		b. Effects on accessibility {Trans cl.16}	
7.	Separation distances	a. Reverse sensitivity effects	<i>Relevant objectives and policies:</i> i. Objective 16.2.2 ii. Residential buildings and cemeteries {RU 702.4} are set back an adequate distance from {RU cl.16} existing {PO 1046.5} minimise, as far as practicable, {PO 906.34 and 308.497} the potential for reverse sensitivity {PO 1046.5} by being set back an adequate distance from {RU cl.16} factory farming intensive farming {RU 1090.3}, domestic animal boarding and breeding (including dogs), mining, landfills, wind generators - large scale wind generators - small scale and wind generators - regional scale {NU 308.122} and the Waitati Rifle Range {RU 583.20} to minimise the potential for reverse sensitivity effects {PO 1046.5} (Policy 16.2.2.1.b).
8.	Site restoration	a. Effects on biodiversity values {NatEnv 958.60}	See Rule 10.4
		b. Effects on rural character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 16.2.3 ii. Land will be restored to at least the same standard as before the mineral exploration or mineral prospecting activity commenced with respect to landform and productive potential (Policy 16.2.3.3). <i>General assessment guidance: {RU 360.128}</i> iii. As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. {RU 360.128}

16.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
9. Tree species	a. Effects on biodiversity <u>values</u> {NatEnv 958.60}	See Rule 10.4
	b. <u>Effects on natural character of the coast</u> {NatEnv 900.144}	
	c. <u>Effects on landscape values</u> {NatEnv 900.144}	

¹ **Trans cl.16:** Under Transportation section assessment rules (Rule 6.9.3.6.a), 'effects on accessibility' is a matter of discretion for contraventions of minimum car parking performance standards. However, this matter of discretion was inadvertently omitted from notified Section 16 assessment rules. The correction of this error, via the addition of Rule 16.9.3.6.b, does not result in a substantive change to the effect of provisions.

16.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
X. {NatEnv 951.18}	All development performance standard contraventions listed below {NatEnv 951.18}	a. Positive effects in terms of supporting farming or conservation activity {NatEnv 951.18}	<i>Relevant objectives and policies: {NatEnv 951.18}</i> i. <u>Objective 16.2.1 {NatEnv 951.18}</u>
1.	Boundary setbacks	a. Effects on amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 16.2.2 ii. Buildings that house animals are set back from site boundaries an adequate distance to ensure adverse effects on sensitive activities, such as residential activities, on adjoining sites are avoided or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, are no more than minor (Policy 16.2.2.2). iii. New buildings are located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites (Policy 16.2.2.3). <i>Potential circumstances that may support a consent application include:</i> iv. Screening or landscaping will be used in the development to ensure a good level of amenity for residential activities on adjoining sites. v. Where a building used to house animals contravenes the boundary setback standard, the type and/or number of animals or the frequency of housing them mean that the potential for adverse effects from noise, odour or dust on sensitive activities on adjoining sites will be avoided or will be no more than minor.
		b. Reverse sensitivity effects	<i>Relevant objectives and policies:</i> i. Objective 16.2.2 ii. Residential buildings are set back an adequate distance from site boundaries to {RU cl.16} minimise as far as <u>practicable {PO 906.34 and 308.497}</u> the potential for reverse sensitivity effects from rural activities {RU 1090.32 and PO 1046.5} by being set back an adequate distance from site boundaries {RU cl.16} (Policy 16.2.2.1.a). <i>Potential circumstances that may support a consent application include:</i> iii. Screening or landscaping will ensure potential for reverse sensitivity effects {PO 1046.5} is minimised as far as <u>practicable {PO 906.34 and 308.497}</u>.

16.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on rural character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 16.2.3 ii. Buildings and structures are set back from site boundaries ~~an adequate distance~~ {RU cl.16} to maintain the rural character values and visual amenity of the rural zones (Policy 16.2.3.1). <i>Potential circumstances that may support a consent application include:</i> iii. Landscaping or other forms of screening will be used to reduce the visibility of buildings or structures. iv. Colours and materials used in the development will blend in with the character of the surrounding rural environment, with natural finishes and low levels of reflectivity. v. The proposed building or structure will not obstruct any important views from public viewpoints, or cause significant obstruction of views from dwellings on surrounding sites. vi. The proposed building platform is low lying in relation to surrounding sites and roads and the proposed building will not be easily viewed from outside the site. vii. There are already existing buildings on the site in breach of the same setback. viii. There would be positive effects from maintaining open space through the clustering of buildings on the site. <u><i>General assessment guidance: {RU 360.129}</i></u> ix. <u>As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. {RU 360.129}</u>
2.	Earthworks standards: • Batter gradient {EW cl.16²}	<i>Relevant objectives and policies:</i> i. Objective 16.2.5 ii. ~~Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 16.2.5.1.b).~~

16.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	Earthworks standards: Setback from property boundary, buildings, structures and cliffs {EW cl.16²}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 16.2.5 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 16.2.5.1.a).
4.	Earthworks standards: - Setback from national grid {EW cl.16²} - Setback from network utilities {EW cl.16²}	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7
5.	Earthworks standards: Sediment control {EW cl.16²}	a. Effects on surrounding sites b. Effects on biodiversity and natural character values of riparian margins and coast c. Effects on the efficiency and/or affordability of infrastructure	<i>Relevant objectives and policies:</i> i. Objective 16.2.5 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems <u>or the coastal marine area</u> {EW 1071.106} (Policy 16.2.5.2.b). See Rule 10.4 See Rule 9.4

16.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Earthworks standards: • NZ Environmental Code of Practice for Plantation Forestry {EW cl.16}	a. Degree of compliance with New Zealand Code of Practice for Plantation Forestry	<i>Relevant objectives and policies:</i> i. Objective 16.2.5 ii. Earthworks ancillary to forestry are carried out in accordance with industry best practice guidelines (Policy 16.2.5.4).
7.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards {PO cl.16}	See Rule 11.4 {PO cl.16}
8.	Fire fighting	a. Effects on health and safety	See Rule 9.4
9.	Forestry and tree planting shelterbelts and small woodlots {RU cl.16} setbacks	a. Effects on amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 16.2.2 ii. Forestry and tree planting shelterbelts and small woodlots {RU cl.16} are set back an adequate distance from residential buildings on adjacent surrounding {RU cl.16} properties to avoid or minimise, as far as practicable, {PO 308.497} significant effects from shading (Policy 16.2.2.7). <i>Potential circumstances or mitigation measures {RU cl.16} that may support a consent application include:</i> iii. The area to be planted is to the south of any adjoining residential zone iv. Slope or orientation or other topographical aspects of the sites involved mean that there will be no shading of residential buildings on an adjoining site.
		b. Effects on health and safety	See Rule 9.4
		c. Effects on the safety and efficiency of the transport network	See Rule 6.9

16.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
10.	Maximum height	a. Effects on rural character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 16.2.3 ii. Buildings <u>and structures</u> are of {RU cl.16} a height that maintains the rural character values and visual amenity of the rural zones (Policy 16.2.3.1). <i>Potential circumstances that may support a consent application include:</i> iii. As for Rule 16.9.4.1.c.iii-vi iv. The terrain provides an adequate backdrop to the proposed building or structure and mitigates any adverse visual effects from the building or structure. <i>General assessment guidance: {RU 360.130}</i> v. <u>As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. {RU 360.130}</u>
11.	Number, location and design of ancillary signs	a. Effects on rural character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 16.2.3 ii. Ancillary signs are located and designed to maintain rural character and visual amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles and not being oversized or too numerous for that purpose (Policy 16.2.3.7). <i>General assessment guidance: {RU 360.131}</i> iii. <u>As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. {RU 360.131}</u>
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
12.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

16.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
Y.	Reflectivity (Hill Slopes Rural Zone) {NatEnv 447.36}	a. Effects on rural character and visual amenity {NatEnv 447.36}	<u>Relevant objectives and policies: {NatEnv 447.36}</u> i. <u>Objective 16.2.3 {NatEnv 447.36}</u> ii. <u>Adverse visual effects caused by reflectivity are avoided or, if avoidance is not practicable, no more than minor (Policy 16.2.3.10) {NatEnv 447.36}</u> <u>General assessment guidance {NatEnv 447.36}</u> iii. <u>In assessing adverse visual effects, Council will consider the level of visibility of the building or structure from public places. {NatEnv 447.36}</u>
13.	Setback from coast and water bodies	a. Effects on biodiversity values {NatEnv 958.60} and natural character values of riparian margins and the coast	See Rule 10.4
		b. Effects on public access	
		c. Risk from natural hazards	See Rule 11.4
14. {RU 874.41 and others}	Setback from ridgelines {RU 874.41 and others}	a. Effects on rural character and visual amenity {RU 874.41 and others}	<u>Relevant objectives and policies: {RU 874.41 and others}</u> i. <u>Objective 16.2.3 {RU 874.41 and others}</u> ii. <u>Buildings, structures and network utilities are set back from ridgelines an adequate distance to maintain the rural character values and visual amenity of the rural zones (Policy 16.2.3.1). {RU 874.41 and others}</u>
15.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
16.	Tree species {NatEnv cl.16}	a. Effects on biodiversity	See Rule 10.4

16.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
17.	Vegetation clearance standards: - Maximum area of indigenous vegetation clearance {NatEnv cl.16³} - Protected species (<u>indigenous vegetation clearance</u>) {NatEnv cl.16}	a. Effects on biodiversity <u>values</u> {NatEnv 958.60}	See Rule 10.4
18.	Vegetation clearance standards: Protected areas (<u>vegetation clearance</u>) {NatEnv cl.16}	a. Effects on biodiversity <u>values</u> {NatEnv 958.60} and natural character values of riparian margins and the coast	See Rule 10.4

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

³ **NatEnv cl.16:** Indigenous vegetation clearance rules have been reformatted. Indigenous vegetation clearance that would contravene notified Rule 10.3.2.2 Maximum area of indigenous vegetation clearance is now provided for as Indigenous Vegetation Clearance – Large Scale. This does not change the effect of provisions.

⁴ **NatEnv cl.16:** Contravention of the tree species performance standard outside an ASBV or overlay zone is assessed under Rule 16.9.3.9. This rule is a duplicate and is being removed as an amendment under Clause 16 of the RMA.

16.9.5 Assessment of subdivision performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Access	a. Effects on accessibility {RU cl.16}	See Rule 6.9
2.	Esplanade reserves and strips	a. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		b. Effects on public access	
3.	Fire fighting	a. Effects on health and safety	See Rule 9.4

16.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
4. Shape	<i>Relevant objectives and policies:</i> a. Objective 2.4.1 b. Subdivisions are designed to ensure future land use or development is able to meet the performance standards in the zone, or where in a structure plan mapped {ULS cl.16} area, the subdivision reflects the requirements of the structure plan mapped area performance standards {ULS cl.16}, unless: i. a resource consent is approved for a development that does not meet the performance standard and the subdivision is intended for and capable of providing for that approved development; or ii. the resultant site is required for: 1. Scheduled ASGV; ASBV or {NatEnv 958.60} QEII covenant; or 2. reserve; or 3. access; or 4. network utility; or 5. road (Policy 2.4.1.8). <i>General assessment guidance:</i> c. Non-compliance with the performance standard for shape will be assessed based on which performance standard(s) the shape of the resultant site does not provide for compliance with. See matters of discretion and assessment rules in relation to performance standard contraventions for: i. boundary setbacks; ii. setbacks from water bodies; iii. ~~earthworks standards (building platform slope).~~ {RU cl.16} iv. setback from scheduled tree; and v. setback from ~~n~~National gGrid. d. <u>For contravention of the building platform slope part of the shape performance standard (Rule 16.7.5.2), see the matters of discretion and assessment rules in relation to earthworks - large scale (Rule 8A.7.2.1).</u> {RU cl.16} <i>Conditions that may be imposed include:</i> e. The requirements for a consent notice to be registered against the title that restricts development on the site. f. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site. g. A building platform may be required to be registered against the title by way of consent notice.	

16.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
5. Minimum site size (surplus dwelling subdivision Rule 16.7.4.3)	a. Effects on long term maintenance of rural land for productive rural activities	<i>Relevant objectives and policies:</i> i. Objectives 16.2.1, 16.2.3, 16.2.4 ii. The subdivision of a surplus dwelling does not result in any additional development potential for residential activity (Policy 16.2.1.10.c). iii. The subdivision is designed to ensure any associated future land use and development maintains or enhances the rural character and visual amenity of the rural zones (16.2.3.8). iv. The subdivision is designed to ensure any future land use and development maintains or enhances the productivity of rural activities, maintains <u>high class soils highly productive land {RU 1090.13}</u> for farming activity, <u>or ensures the effects of any change in land use are insignificant on any high class soil mapped area and no more than minor on other areas of highly productive land {RU 1090.13 and 1090.35}</u>, and does not increase the potential for reverse sensitivity from residential activities <u>{PO 1046.5}</u> (Policy 16.2.4.3.a, b and d). <i>Potential circumstances that may support a consent application include:</i> v. A legal mechanism such as a covenant <u>consent notice {RU 592.26 and 717.25}</u> on the title of the parent property <u>second resultant site {RU cl.16}</u> will ensure that there will be no increase in the potential for residential activity as a result of the subdivision. vi. The dwelling can be shown to be in a suitable condition for occupation, with recent history of use for residential activity. vii. The resultant site on which the surplus dwelling will be located is large enough to support on-site disposal of effluent. viii. <u>The dwelling is surplus to the requirements of the property. {RU 807.26}</u> <i>General assessment guidance: {RU 1090.13}</i> ix. <u>In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification (https://soils.landcareresearch.co.nz/soil-data/nzlri-soils/), the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/) {RU 1090.13}</u>

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	In a Scheduled ASCV : Tree species (Tree planting) {NatEnv 900.144}	a. Effects on biodiversity	See Rule 10.4
3.	In the ONL, SNL or ONF overlay zones : Number, location and design of ancillary signs	a. Effects on landscape values	See Rule 10.4
4.	In the ONL or SNL overlay zones : - Maximum height - Reflectivity - Number and location of permitted buildings - Minimum building separation {NatEnv cl.16}	a. Effects on landscape values	See Rule 10.4
5.	In the HNCC, ONCC or NCC overlay zones : Number, location and design of ancillary signs	a. Effects on natural character of the coast	See Rule 10.4
6.	In the NCC overlay zone : - Reflectivity - Maximum height - Number and location of permitted buildings - Minimum building separation {NatEnv cl.16}	a. Effects on natural character of the coast	See Rule 10.4

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
7. In a wāhi tūpuna mapped area: • Setback from ridgelines {MW 874.41} <u>Maximum height {MW 874.41}</u> • Setback from coast and water bodies • Vegetation clearance standards: Maximum area of vegetation clearance (<u>UBMA</u>), Maximum area of indigenous vegetation clearance; Protected areas (<u>vegetation clearance</u>), Protected species (<u>indigenous vegetation clearance</u>) {NatEnv cl.16} • Esplanade reserves and strips	a. Effects on cultural values of Manawhenua	See Rule 14.3

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
8. In a hazard overlay zone; swale mapped area {NH cl.16} or dune system mapped area: • Hazard overlay zones development standards • <u>Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) overlay zones and dune system mapped area)</u> • <u>Relocatable buildings (Hazard 3 (coastal) Overlay Zone)</u> • <u>Outdoor Storage (Hazard 1 (flood) Overlay Zone) {NH cl.16}</u> • <u>Hazardous substances quantity limits and storage requirements {PO cl.16}</u>	a. Risk from natural hazards	See Rule 11.4

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
9.	In an urban conservation biodiversity mapped area : {NatEnv 958.60} Vegetation clearance standards: Maximum area of vegetation clearance (UBMA) {NatEnv cl.16}	a. Effects on biodiversity values {NatEnv 958.60}	See Rule 10.4
10.	In the Taieri Aerodrome flight fan mapped area : Maximum height (Rule 16.6.6.3)	a. Effects on <u>health and safety</u> operation of Taieri Aerodrome {PHS cl.16}	See Rule 9.4
11.	In a high class soils mapped area : Earthworks standards (removal of high class soils) {EW cl.16}	a. Maintenance of high class soils resource	<i>Relevant objectives and policies:</i> i. Objective 16.2.4 ii. Earthworks in a high class soils mapped area retain soils on the site (Policy 16.2.4.1). <i>Potential circumstances that may support a consent application include:</i> iii. The development will involve a productive rural activity. iv. The site design will minimise the effect of the activity on the high class soils contained on the site. v. The soils are being removed to enhance the productivity of another site.
12.	Affecting a scheduled heritage item building or scheduled heritage structure {Her cl.16} : Materials and design	a. Effects on heritage values (work on scheduled heritage buildings/structures) {Ru cl.16}	See Rule 13.5

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

² **NH cl.16:** The standards do not include provisions which apply in a **swale mapped area**.

Rule 16.10 Assessment of Restricted Discretionary Activities

Rule 16.10.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 16.10.2 - 16.10.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rules 16.10.2 -16.10.4 16.10.5 apply as follows: ~~to activities in the rural zones; Rule 16.10.5 contains additional provisions that apply to activities in overlay zones, mapped areas, and on scheduled items.~~ **{RU cl.16}**
 - a. Rule 16.10.2 applies to restricted discretionary land use activities;
 - b. Rule 16.10.3 applies to restricted discretionary development activities;
 - c. Rule 16.10.4 applies to restricted discretionary subdivision activities;and
 - d. Rule 16.10.5 applies to restricted discretionary activities in an overlay zone, mapped area or affecting a scheduled item. **{RU cl.16}**
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
5. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 16.9; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 16.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 16.12; and
 - iii. the assessment guidance in this section will also be considered.

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

16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
5. Development associated with restricted discretionary land use activities <u>All restricted discretionary land use activities in the rural zones that also involve development activities {RU cl. 16}</u>	a. Effects on rural character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 16.2.3 ii. ~~There are no significant adverse~~ <u>Adverse {CP 458.25 and others}</u> effects from <u>large scale {PO cl.16}</u> development on rural character and visual amenity <u>will be avoided or minimised as far as practicable {RU 704.11 and others}</u> (Policy 16.2.3.5). iii. Adverse effects of development on rural character and amenity are <u>insignificant avoided or, if avoidance is not practicable, no more than minor {RU 350.18 and others}</u> (Policy 16.2.3.6). <u>Potential circumstances that may support a consent application include: {RU cl.16}</u> iv. Landscaping or other forms of screening will be used to reduce the visibility of development from surrounding properties and public viewpoints. v. The development is not situated on visually prominent land. vi. The form, scale and materials used in buildings and structures are compatible with the character values of the rural zones as listed in Appendix A7. vii. Building colours and materials are chosen to blend in with the rural setting and minimise reflectivity. viii. Signage and entranceways are in character with the surrounding environment. <u>General assessment guidance: {RU 360.133}</u> ix. <u>As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. {RU 360.133}</u>
A. All high trip generators, which include: <u>{Trans cl.16}</u> • <u>any activities that generate 250 or more vehicle movements a day {Trans cl.16}</u>	a. Effects on <u>accessibility {Trans cl.16}</u> b. Effects on the <u>safety and efficiency of the transport network {Trans cl.16}</u>	See Rule 6.10 <u>{Trans cl.16}</u>

16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. - Cemeteries - Crematoriums	a. Effects on amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 16.2.2 ii. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated (Policy 16.2.2.5). <i>Potential circumstances that may support a consent application include:</i> iii. The activity will be set back a sufficient distance from its own property boundaries to avoid, or adequately mitigate, any adverse effects from noise, odour or visual impact on surrounding properties. <i>General assessment guidance:</i> iv. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movements on the adjoining road.
	b. Reverse sensitivity effects	<i>Relevant objectives and policies:</i> i. Objective 16.2.2 ii. Cemeteries are designed to avoid, as far as practicable {PO 308.497}, ~~the potential for reverse sensitivity effects on surrounding permitted or lawfully established activities~~ {PO 1046.5} by locating graves a suitable distance from site boundaries and providing adequate screening (Policy 16.2.2.8).

16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Maintenance of high-class soils resource highly productive land {RU 1090.13}	<i>Relevant objectives and policies:</i> i. Objective 16.2.4 ii. Activities other than farming are avoided in a high-class soils mapped area unless only allowed on highly productive land where {RU 796.27, 1090.13 and 1090.35} the scale, size and nature of the activity means {RU cl.16} the loss of current or potential future rural productivity would be insignificant in any high class soils mapped area and no more than minor in other areas of highly productive land {RU 1090.13 and 1090.35} (Policy 16.2.4.2.a). <i>Potential circumstances that may support a consent application include:</i> iii. The site design will ensure the effect of the activity on the any {RU 1090.13 and 1090.35} high class soils contained on the site, and any impact on the potential for future use of the high class soils, is insignificant. <i>General assessment guidance: {RU 1090.13}</i> iv. In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification (https://soils.landcareresearch.co.nz/soil-data/nzlri-soils/), the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/) {RU 1090.13}
	d. Effects on cultural values of Manawhenua	See Rule 14.4
	e. Effects on the safety and efficiency of the transport network	See Rule 6.10

16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. Domestic animal boarding and breeding (including dogs)	a. Effects on amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 16.2.2 ii. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated (Policy 16.2.2.5). <i>Potential circumstances that may support a consent application include:</i> iii. The activity will be set back a sufficient distance from its own property boundaries to avoid, or adequately mitigate, any adverse effects from noise on surrounding properties. iv. The design and acoustic insulation of kennel buildings, dog runs and fencing will mitigate adverse effects from noise on surrounding properties. v. Areas used for parking, drop-off and collection of dogs are separated from kennel buildings and dog runs an adequate distance to avoid or minimise barking triggered by the arrival or departure of customers. <i>General assessment guidance:</i> vi. In assessing effects on the amenity of residential activities on surrounding properties, Council will consider effects from noise, traffic, odour, <u>and</u> dust contaminants. ~~and effects:~~ {RU cl.16} vii. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movements on the adjoining road. <i>Conditions that may be imposed include:</i> viii. Restrictions on the hours of operation in terms of the arrival and departure times of customers.
	b. Effects on ability of productive rural activities to operate (reverse sensitivity) {CP 458.23 and others}	<i>Relevant objectives and policies: {CP 458.23 and others}</i> i. Objective 16.2.2 {CP 458.23 and others} ii. The potential for reverse sensitivity that may affect the ability of productive rural activities to operate is avoided or, if avoidance is not possible, is no more than minor (Policy 16.2.2.6). {CP 458.23 and others}
	c. Effects on the safety and efficiency of the transport network	See Rule 6.10

16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. <u>Factory farming</u> <u>Intensive</u> <u>farming</u> {RU 1090.3}	a. Effects on amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 16.2.2 ii. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated (Policy 16.2.2.5). <i>Potential circumstances that may support a consent application include:</i> iii. The activity will be set back a sufficient distance from its own property boundaries to avoid or adequately mitigate any adverse effects on surrounding properties. iv. Management plans or other mitigation measures will be employed to avoid or mitigate the effects of odour, dust, vehicle movements and operating noise on surrounding properties. <i>General assessment guidance:</i> v. In assessing effects on the amenity of residential activities on surrounding properties, Council will consider effects from noise, traffic, odour, <u>and</u> dust contaminants. ~~and effects:~~ {RU cl.16} vi. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road. <i>Conditions that may be imposed include:</i> vii. Restrictions on the hours of operation.
	b. Effects on ability of productive rural activities to operate (reverse sensitivity) {CP 458.23 and others}	<i>Relevant objectives and policies: {CP 458.23 and others}</i> i. Objective 16.2.2 {CP 458.23 and others} ii. The potential for reverse sensitivity that may affect the ability of productive rural activities to operate is avoided or, if avoidance is not possible, is no more than minor (Policy 16.2.2.6): {CP 458.23 and others}
	c. Effects on the safety and efficiency of the transport network	See Rule 6.10
	d. Effects on health and safety	See Rule 9.5

16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
4. Veterinary services (large animal practice)	a. Effects on amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 16.2.2 ii. Any adverse effects on the amenity of <u>residential activities on {RU cl.16}</u> surrounding properties will be avoided or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, adequately mitigated (Policy 16.2.2.5). <i>General assessment guidance: {RU cl.16}</i> iii. In assessing effects on the amenity of residential activities on surrounding properties, Council will consider effects from noise, traffic, odour <u>and</u> dust contaminants. ~~and effects {RU cl.16}~~ iv. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movements on the adjoining road. <i>Conditions that may be imposed include: {RU cl.16}</i> v. Restrictions on the hours of operation in terms of the arrival and departure times of customers.
	b. Effects on the safety and efficiency of the transport network	See Rule 6.10

¹ **Trans cl.16:** Under Transportation section assessment rules (Rule 6.10.2.7a&b), 'effects on accessibility' and 'effects on safety and efficiency of the transport network' are matters of discretion for high trip generators, which include land use activities that generate 250 or more vehicle movements a day. However, the rule necessary to link to Rule 6.10.2.7 was inadvertently omitted from notified Section 16 assessment rules. The correction of this error, via the addition of Rule 16.10.2.A, does not result in a substantive change to the effect of provisions.

16.10.3 Assessment of restricted discretionary development activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
A. {NatEnv 951.19}	All restricted discretionary activities listed below {NatEnv 951.19}	a. Positive effects in terms of supporting farming or conservation activity {NatEnv 951.19}	<u><i>Relevant objectives and policies:</i></u> i. <u>Objective 16.2.1 {NatEnv 951.19}</u>
4.	Earthworks – large scale (that exceed the scale thresholds for the rural zones) {EW cl.16'}	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<u><i>Relevant objectives and policies:</i></u> i. Objective 16.2.5 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.5.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.5.3.b). <u><i>Potential circumstances that may support a consent application include:</i></u> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or effect existing vegetation or landscaping. <u><i>Conditions that may be imposed include, but are not limited to:</i></u> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished.

16.10.3 Assessment of restricted discretionary development activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
		e. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 16.2.5 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.5.3.c). <i>Potential circumstances that may support a consent application:</i> iii. A geotechnical report confirms the existing ground is suitably stable for the proposed works, and proposed works will not create instability risks for surrounding land, buildings, or structures (see Special Information Requirements – Rule 16.13.2). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards. <i>Conditions that may be imposed include, but are not limited to:</i> v. Maximum slopes of cut and fill batters. vi. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. vii. Temporary shoring requirements to maintain stability before a wall is constructed. viii. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
2.	Earthworks – large scale (that exceed scale thresholds within 20m of a water body or MHWS) {EW cl.16’}	a. Effects on biodiversity and natural character of riparian margins and the coast b. Effects on public access	See Rule 10.5

16.10.3 Assessment of restricted discretionary development activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
3.	<u>High trip generators:</u> {Trans cl.16³} New or additions to parking areas, or extensions to existing parking areas that result in the creation of 50 or more new parking spaces {Trans cl.16}	a. Effects on the safety and efficiency of the transport network	See Rule 6.10
		b. Effects on accessibility	
4.	<u>Indigenous vegetation clearance – large scale</u> {NatEnv cl.16²}	<u>a. Effects on biodiversity values</u> {NatEnv cl.16}	See Rule 10.5 {NatEnv cl.16}

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

² **NatEnv cl.16:** Indigenous vegetation clearance rules have been reformatted. Indigenous vegetation clearance that would contravene notified Rule 10.3.2.2 Maximum area of indigenous vegetation clearance is now provided for as Indigenous Vegetation Clearance – Large Scale. This does not change the effect of provisions.

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

16.10.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. General subdivision	a. Effects on long term maintenance of rural land for productive rural activities	<i>Relevant objectives and policies:</i> i. Objective 16.2.4. ii. The design of a subdivision ensures any future land use and development will: 1. maintain or enhance the productivity of rural activities; 2. maintain ~~high class soils~~ <u>highly productive land {RU 1090.13 and 1090.35}</u> for farming activity, or ensure any loss is <u>insignificant on any high class soils mapped area and {RU 1090.13 and 1090.35}</u> no more than minor <u>on other areas of highly productive land {RU 1090.13 and 1090.35}</u>; 3. maintain land in a rural rather than rural residential land use; and 4. not increase the potential for reverse sensitivity ~~from residential activities in the rural zones {PO 1046.5}~~ (Policy 16.2.4.3). <i>General assessment guidance: {RU 1090.13}</i> iii. <u>In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/) {RU 1090.13}</u>

16.10.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	b. Effects on rural character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 16.2.3. ii. The subdivision is designed to ensure any associated future land use and development will maintain or enhance the rural character and visual amenity of the rural zones (Policy 16.2.3.8). <i>Potential circumstances that may support a consent application include:</i> iii. Sites are designed to respond to the topography and characteristics of the land and surrounding environment. iv. Building platforms are located to respond to landform and avoid significant visual effects. v. Driveways, vehicle tracks, utilities and services are designed and located to minimise the need for significant earthworks. <u><i>General assessment guidance: {RU 360.135}</i></u> vi. <u>As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. {RU 360.135}</u>
	c. Effects on biodiversity <u>values</u> {NatEnv 958.60} and natural character values of riparian margins and coast	See Rule 10.5
	d. Effects on areas of indigenous vegetation and the habitat of indigenous fauna {NatEnv 958.60}	
	e. Effects on public access	
	f. Risk from natural hazards	See Rule 11.5
	g. Effects on the safety and efficiency of the transport network	See Rule 6.10
	h. Effects on health and safety	See Rule 9.5

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
A. {NatEnv 951.19}	All restricted discretionary activities listed below {NatEnv 951.19}	a. Positive effects in terms of supporting farming or conservation activity {NatEnv 951.19}	<i>Relevant objectives and policies:</i> i. Objective 16.2.1 {NatEnv 951.19}
1.	In the ONF overlay zone: - All other buildings and structures activities {NatEnv 360.137} - Indigenous vegetation clearance - large scale {NatEnv 958.106} - Tree planting Shelterbelts and small woodlots {RU cl.16} - Earthworks – large scale (that exceed scale thresholds for an ONF {EW cl.16}) - General subdivision	a. Effects on landscape values	See Rule 10.5
2.	In the ONL or SNL overlay zones: - Crematoriums {NatEnv 447.77} - Forestry - New buildings or {RU cl.16} structures greater than 60m² footprint, {PO cl.16} or additions and alterations that result in a building or structure that is greater than 60m² footprint {PO cl.16} - All other buildings and structures activities {NatEnv 360.137} - Earthworks – large scale (that exceed the scale thresholds for an ONL) {EW cl.16} - General subdivision	a. Effects on landscape values	See Rule 10.5

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. In the ONCC or HNCC overlay zones: • ~~All other buildings and structures activities~~ {NatEnv 360.137} • Tree planting <u>Shelterbelts and small woodlots</u> {RU cl.16} • Earthworks – large scale (that exceed scale thresholds for an ONCC or HNCC) {EW cl.16'} • ~~Indigenous vegetation clearance~~ {NatEnv 958.106} • General subdivision	a. Effects on natural character of the coast	See Rule 10.5
4. In the NCC overlay zone: • <u>Crematoriums</u> {NatEnv 447.77} • Forestry • New buildings or structures {RU cl.16} greater than 60m² <u>footprint</u>, {PO cl.16'} or additions and alterations that result in a building or structure that is greater than 60m² <u>footprint</u> {PO cl.16'} • ~~All other buildings and structures activities~~ {NatEnv 360.137} • Earthworks – large scale (that exceed scale thresholds for an NCC) {EW cl.16'} • Indigenous vegetation clearance - <u>large scale</u> {NatEnv cl.16} • General subdivision	a. Effects on natural character of the coast	See Rule 10.5

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
5. In an ~~scheduled ASCV~~ ASBV: {NatEnv 958.60} • New buildings or {RU cl.16} structures <u>greater than 60m² footprint, {RU cl.16}</u> or additions and alterations that result in a building or structure that is greater than {RU cl.16} 60m² footprint {PO cl.16} and over {RU cl.16} • All other buildings and structures activities {NatEnv 360.137} • Earthworks – large scale (that exceed scale thresholds for a Scheduled ASCV) {EW cl.16} • Indigenous vegetation clearance {NatEnv 949.13} • General subdivision • <u>Shelterbelts and small woodlots</u> {NatEnv 958.107} • <u>Site development activities (except for outdoor storage, parking, loading and access, vegetation clearance, storage and use of hazardous substances)</u> {NatEnv 958.107}	a. Effects on biodiversity <u>values</u> {NatEnv 958.60}	See Rule 10.5
6. In a wāhi tūpuna mapped area where activity is identified as a threat: • All RD Forestry • All RD buildings and structures • Earthworks – large scale that exceed any threshold {EW cl.16} • All RD {NatEnv cl.16} Indigenous vegetation clearance - large scale {NatEnv cl.16} • Tree planting <u>Shelterbelts and small woodlots</u> {RU cl.16} • General subdivision	a. Effects on cultural values of Manawhenua	See Rule 14.4

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
7. Activities affecting a scheduled heritage building or scheduled heritage structure: • Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure • Removal for relocation • ~~General~~ <u>All subdivision activities on sites containing a scheduled heritage building or scheduled heritage structure</u> {Her cl.16}	a. Effects on heritage values	See Rule 13.6
8. ~~In~~ <u>Activities affecting</u> {Her cl.16} a scheduled heritage site: • ~~General~~ <u>All subdivision activities</u> {Her cl.16} • New buildings, and all other structures, parking, loading and access, where visible from an adjoining public place or a publicly accessible place within the heritage site {Her cl.16} • <u>Parking, loading and access on a scheduled heritage site, where visible from an adjoining public place or a public place within the site</u> {Her cl.16}	a. Effects on heritage values	See Rule 13.6
9. ~~In a hazard overlay zone~~ <u>all hazard overlay zones, swale mapped areas and dune system mapped areas</u> {NH949.25, NH634.69 and NH cl.16}: • General subdivision in a hazard 3 (coastal) Overlay Zone {NH949.25, NH634.69 and NH cl.16} • Earthworks – large scale (that exceed the scale threshold for a hazard overlay zone or ~~swale or dune system mapped area~~) {EW cl.16}	a. Risk from natural hazards	See Rule 11.5
~~10. In a Hazard 1 (land instability) Overlay Zone (see Rule 16.3.6):~~ • ~~New buildings, and additions and alterations to buildings, which create more than 1m² of new ground floor area~~ {NH 73.4 and others}	a. Risk from natural hazards {NH 73.4 and others}	See Rule 11.5 {NH 73.4 and others}

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
10.	In the Hazard 2 (flood) Overlay Zone: {NH 634.74} - Natural hazards {NH cl.16} sensitive activities {NH 634.74} - Natural hazards {NH cl.16} potentially sensitive activities {NH 634.74}	a. Risk from natural hazards {NH 634.74}	See Rule 11.5 {NH 634.74}
11.	In a hazard 1, 1A {NH 908.37} or 2 (flood) {NH 73.4 and others} overlay zone other than the hazard 1 (land instability) Overlay Zone {NH 73.4 and others} (see Rule 16.3.6): New buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area	a. Risk from natural hazards	See Rule 11.5
12.	In a ~~ground water protection mapped area (GPA):~~ ~~Earthworks – large scale (that exceed scale thresholds for a GPA) {EW cl.16¹}~~	a. ~~Effects on health and safety~~	See Rule 9.5
13.	In a ~~geologically sensitive mapped area (GSA):~~ ~~Earthworks – large scale (that exceed underlying zone scale thresholds) {NH cl.16³}~~	a. ~~Risk from natural hazards~~	See Rule 11.5
14. {NU 806.11}	In the National Grid Corridor mapped area: {NU806.11} All subdivision activities {NU 806.11}	a. Effects on health and safety {NU806.11} b. Reverse sensitivity effects {NU806.11} c. Effects on efficient and effective operation of network utilities {NU806.11}	See Rule 5.8 {NU 806.11}
15.	In the radio transmitters mapped area: {NU 918.25} General subdivision {NU 918.25}	a. Reverse sensitivity effects {NU 918.25}	See Rule 5.8 {NU 918.25}

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

² **PO cl.16:** Footprint is included in the rule to improve plan clarity as a minor and inconsequential amendment.

³ **NH cl.16:** As a clause 16 amendment, geologically sensitive areas are not part of this Plan, and are included in the data map for information purposes only.

Rule 16.11 Assessment of Discretionary Activities

Rule 16.11.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 16.11.2 and ~~16.11.3~~ - 16.11.4 **{RU cl.16}** provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. Rules 16.11.2 - 16.11.4 apply as follows:
 - a. Rule 16.11.2 applies to discretionary land use activities;
 - b. Rule 16.11.3 applies to discretionary performance standard contraventions; and
 - c. Rule 16.11.4 applies to discretionary subdivision activities. **{RU cl.16}**
4. With respect to section 104(2), Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural zones.
5. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
1. All discretionary <u>land use</u> activities listed below {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 16.2.1, {NatEnv 951.20} 16.2.2, 16.2.3, 16.2.4. b. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects. {RU cl.16} <i>Potential circumstances that may support a consent application include:</i> c. For discretionary land use activities, whether any associated development activities meet relevant performance standards, or are otherwise consistent with relevant objectives and policies for development (see Rules 20.9 Rule 16.9 {RU cl.16} for performance standard contraventions). d. Development is not situated on visually prominent land. e. The form, scale and materials used in buildings and structures are compatible with the character values of the rural zones as listed in Appendix A7. f. Colours and materials used in development are chosen to blend in with the rural setting and minimise reflectivity. g. Landscaping or other forms of screening are used to reduce the visibility of development from surrounding properties and public viewpoints. <i>General assessment guidance:</i> h. In assessing the significance of effects, consideration is given to: {MW cl.16} i. The relationship between manawhenua and the natural environment is maintained, including the cultural values and traditions associated with: {MW cl.16} 1. wāhi-tūpuna; and {MW cl.16} 2. the customary use of mahika kai (Objective 14.2.1): {MW cl.16} ii. If located outside a wāhi-tūpuna mapped area, Kai Tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi-tūpuna is located, or the linkages between wāhi-tūpuna: {MW 1071.109} i. In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. {RU cl.16}

16.11.2 Assessment of discretionary land use activities

Activity		Priority considerations
		j. <u>As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. {RU 360.136}</u> <i>Relevant guidance from other sections (priority considerations):</i> k. <u>For activities taking place within the radio transmitters mapped area, see Section 5.9 for guidance on the assessment of resource consents in relation to management of reverse sensitivity effects on Radio New Zealand's facilities at 740 Highcliff Road and 35 Karetai Road. {NU 918.25}</u> l. <u>See Section 6.11 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public {Trans 881.63}.</u> m. <u>For activities that may have effects on biodiversity values, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1. {NatEnv 900.35}</u> n. <u>For activities adjacent to water bodies and the coast, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.2. {NatEnv 900.38}</u> o. <u>See Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua {MW cl.16}</u>
2.	- Rural tourism - large scale - Rural research - large scale (<u>outside the Invermay Farm mapped area</u>) {RU 924.9}	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.3.1, 16.2.2, 16.2.3, 16.2.4. b. Commercial activities in the rural zones are restricted to those that need a rural location and <u>or {RU 366.3} support rural activity activities {PO cl.16} (Policy 2.3.1.2.gh). {RU cl.16}</u> c. Adverse effects on the amenity of <u>residential activities on {RU cl.16}</u> surrounding properties is avoided or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, adequately mitigated (Policy 16.2.2.5). d. ~~There are no significant adverse~~ <u>Adverse {CP 458.25 and others}</u> effects on rural character and visual amenity from large scale development <u>will be avoided or minimised as far as practicable {RU 704.11 and others}</u> (Policy 16.2.3.5). e. Activities other than farming are avoided in a <u>high class soils mapped area unless only allowed on highly productive land where {RU 796.27 and 1090.13} the scale, size and nature of the activity means {RU cl. 16} the loss of current or potential future rural productivity would be insignificant in any high class soils mapped area and no more than minor in other areas of highly productive land {RU 796.27 and 1090.13} (Policy 16.2.4.2.a).</u>

16.11.2 Assessment of discretionary land use activities

Activity		Priority considerations
		<i>Potential circumstances that may support a consent application include:</i> f. The activity is set back a sufficient distance from its own boundaries and existing sensitive activities on surrounding sites to avoid or adequately mitigate effects. <i>Conditions that may be imposed include:</i> g. Restriction on hours of operation. h. Restriction on maximum number of guests (rural tourism). i. Controls on lighting. j. Parking requirements. <i>General assessment guidance:</i> k. In assessing effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road. l. <u>In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/)</u> {RU 1090.13} <i>Relevant guidance from other sections (priority considerations):</i> m. In an Scheduled ASGV ASBV, {NatEnv 958.60} see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity <u>values</u>. {Nat Env 958.60}
3.	• Rural industry • <u>Rural contractor and transport depots – large scale</u> {RU 911.5}	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives <u>2.2.2</u> {NU 308.468} 16.2.2, 16.2.3, 16.2.4, <u>5.2.1</u> {NU 308.468} b. ~~There are no significant adverse~~ <u>Adverse</u> {CP 458.25 and others} effects on rural character and visual amenity from large scale development <u>will be avoided or minimised as far as practicable</u> {RU 704.11 and others} (Policy 16.2.3.5). c. Adverse effects on the amenity of residential activities on surrounding properties, are avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated (Policy 16.2.2.5). d. ~~The potential for reverse sensitivity that may affect the ability of productive rural activities to operate will be avoided or, if avoidance is not possible, will be no more than minor~~ (Policy 16.2.2.6). {CP 458.23 and others}

16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
	e. Activities other than farming are avoided in a high class soils mapped area unless only allowed on highly productive land where <u>{RU 796.27 and 1090.13}</u> the scale, size and nature of the activity means <u>{RU cl. 16}</u> the loss of current or potential future rural productivity would be insignificant in any high class soils mapped area and no more than minor in other areas of highly productive land <u>{RU 1090.13 and 1090.35}</u> (Policy 16.2.4.2.a). f. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. g. <u>For rural industry, the use and development of renewable energy generation is encouraged (Policy 5.2.1.1). {NU 308.468}</u> <i>Potential circumstances that may support a consent application include:</i> h. The activity will be set back a sufficient distance from its own property boundaries to avoid or adequately mitigate any adverse effects from noise, odour, dust, contaminants or visual effects on surrounding properties. i. High noise generating equipment is located within acoustically insulated buildings or fitted with noise reduction devices to ensure noise emissions are maintained at a reasonable level. j. If noise is not able to be adequately controlled at its source, noise reduction is achieved through noise barriers or bunds to ensure noise emissions are maintained at a reasonable level. k. Management plans or other mitigation measures will be employed to limit the effects of dust, vehicle movements and operating noise on surrounding properties. <i>Conditions that may be imposed include:</i> l. Restriction on hours of operation. m. Controls on on-site lighting. n. A requirement for screening of storage areas. o. A requirement to control dust. p. Provision of car parking areas. <i>General assessment guidance:</i> q. In assessing effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road. r. <u>In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about LUC classification is provided on the</u>

16.11.2 Assessment of discretionary land use activities

Activity		Priority considerations
		<u>Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/) {RU 1090.13}</u>
4.	• Mining • Landfills	<i>Relevant objectives and policies (priority considerations):</i> - Objectives <u>2.2.2 {NU 308.468}</u>, 16.2.2, 16.2.3, 16.2.4, <u>5.2.1 {NU 308.468}</u>. - Policies <u>2.3.1.8.b {CP 1088.17 and others}</u>, <u>2.3.1.Y {RU 796.3}</u> - Adverse effects on the amenity of residential activities on surrounding properties are avoided or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, adequately mitigated (Policy 16.2.2.5). - The potential for reverse sensitivity that may affect the ability of productive rural activities to operate will be avoided or, if avoidance is not possible, will be no more than minor (Policy 16.2.2.6). {CP 458.23 and others} - There are no significant adverse {CP 458.25 and others} effects on rural character and visual amenity from large scale development <u>are avoided, or minimised as far as practicable. {RU 704.11 and others}</u> (Policy 16.2.3.5). - Land will be restored or rehabilitated {CP 458.24 and others} to an acceptable standard with respect to landform and <u>to enable a return to productive, recreational or conservation use as soon as possible productive potential {RU 796.26}</u> (Policy 16.2.3.4). - The mining activity is located on the part of the site with high class soils for <u>highly productive land due to {RU 1090.13 and 1090.35}</u> operational requirements and there are no practicable alternative locations (Policy 16.2.4.2.b) - See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. <i>Potential circumstances that may support a consent application include:</i> - The activity will be set back a sufficient distance from its own property boundaries to avoid or adequately mitigate any adverse effects from noise, odour, dust, contaminants or visual effects on surrounding properties. - For mining sand from dunes or beaches, there will be no significant impact on the look of the area. - Management plans or other mitigation measures will be used to adequately manage any adverse effects from dust, vehicle movements and operating noise on surrounding properties. - There will be no adverse effects in terms of land instability. <i>General assessment guidance:</i>

16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
	m. In assessing effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road. n. <u>In assessing an application for mining, Council will consider the constraints imposed by the location of the mineral resource and any logistical or technical requirements to access the resource.</u> {CP 901.24 and others} o. <u>In assessing effects on rural character values and amenity, Council will consider whether any proposed restoration or rehabilitation measures will ensure that final landforms:</u> {CP 1088.57} i. <u>screen or enhance the view of excavated faces from surrounding public and residential viewpoints through appropriate landscaping, plantings or siting of public amenities; and/or</u> {CP 1088.57} ii. <u>minimise evidence of landfills or mining activity by blending final contours with surrounding landforms to achieve as natural appearance as possible, and by providing for the establishment of vegetation cover appropriate to the local character.</u> {CP 1088.57} p. <u>In determining whether land is 'highly productive land', Council will consider its LUC classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/)</u> {RU 1090.13} <i>Conditions that may be imposed include:</i> q. Controls on overall waste volumes for landfills. r. Restrictions on aggregate processing activity for mining. s. A requirement for buffer areas and bunds. t. For quarries, a quarry management plan addressing noise, dust and other amenity effects. u. A site restoration or rehabilitation {CP 458.24 and others} plan and/or {RU cl.16} bond to provide for site restoration {RU 796.9} or rehabilitation {CP 458.24 and others}. <i>Relevant guidance from other sections (priority considerations):</i> v. See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity values. {Nat Env 958.60} w. Where in the ~~ONL~~, {NatEnv 447.75 and 447.76} SNL or NCC overlay zones, see Section 10.6 for guidance on the assessment of

16.11.2 Assessment of discretionary land use activities

Activity		Priority considerations
		resource consents in relation to Objective 10.2.3 and effects related to the natural character of the coast, and Objective 10.2.5 and effects related to landscape. x. <u>Where For mining {MW 1071.3} in a wāhi tūpuna mapped area, and landfills in any location, {MW 1071.3} see Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.</u> y. <u>For landfills, the use and development of renewable energy generation is encouraged (Policy 5.2.1.1). {NU 308.468}</u>
5.	• Community and leisure - large scale • Early childhood education • Restaurants or retail activities ancillary to sport and recreation • Sport and recreation • Visitor accommodation	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.3.1, 16.2.1, 16.2.2, 16.2.3, 16.2.4. b. Commercial and community activities in the rural zones are restricted to those which require a rural location and/or {RU 366.3} support rural activity activities {PO cl.16} (Policy 2.3.1.2.h). c. Adverse effects of development on rural character and visual amenity are insignificant avoided or, if avoidance is not practicable, no more than minor {RU 350.18 and others} (Policy 16.2.3.6). d. Visitor accommodation supports productive rural activity activities {PO cl.16} or a significant conservation activity {RU 366.3} on the same property (Policy 16.2.1.4). e. Adverse effects on the amenity of residential activities on {RU cl.16} surrounding properties is avoided or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigated (Policy 16.2.2.5). f. Activities other than farming are avoided in a high class soils mapped area unless only allowed on highly productive land where {RU 796.27 and 1090.13} the scale, size and nature of the activity means {RU cl. 16} the loss of current or potential future rural productivity would be insignificant in any high class soils mapped area and no more than minor in other areas of highly productive land {RU 1090.13 and 1090.35} (Policy 16.2.4.2.a). <i>Potential circumstances that may support a consent application include:</i> g. The activity is set back a sufficient distance from its own boundaries and existing sensitive activities. h. <u>The activity supports a conservation activity that is associated with an ASBV, QEII covenant, conservation covenant with the Department of Conservation or a local government agency, or a protected private land agreement under the Reserves Act 1977. {RU366.3}</u> <i>General assessment guidance:</i> i. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road.

16.11.2 Assessment of discretionary land use activities

Activity		Priority considerations
		j. In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/) {RU 1090.13} <i>Relevant guidance from other sections (priority considerations):</i> k. In an ~~Scheduled ASCV~~ ASBV {NatEnv 958.60}, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity <u>values</u>. {Nat Env 958.60}
6. {NH634.74}	In the hazard 1 overlay zones (see Rule 16.3.6): Potentially sensitive activities permitted in rural zones {NH634.74}	See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. {NH634.74}
7. {NH634.74}	In the hazard 2 overlay zones (see Rule 16.3.6): - Potentially sensitive activities not permitted in rural zones - Sensitive activities {NH634.74}	See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. {NH634.74}
8.	In a General Residential 1 Residential Transition Overlay Zone (RTZ) {ULS cl.16}: - Factory Farming <u>Intensive farming</u> {RU 1090.3} - Forestry	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 12.3 for guidance on the assessment of resource consents in relation to Objective 12.2.1 and effects related to future use of land for residential activity.

16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
9. {CP 634.40} <u>Service stations on a strategic road or arterial road {CP 634.40}</u>	<u>Relevant objectives and policies (priority considerations): {CP 634.40}</u> a. <u>Objectives 16.2.1, 16.2.2, 16.2.3 {CP 634.40}</u> b. <u>Provide for service stations on a strategic road or arterial road only where it is not practicable, due to a lack of site availability and/or special locational requirements, to locate in the PPH, TR, CEC, industrial or centres zones (Policy 16.2.1.11) {CP 634.40}</u> c. <u>Service stations are designed and located to avoid, or, if avoidance is not practicable, adequately mitigate adverse effects on the amenity of residential activities on surrounding properties (Policy 16.2.2.5) {CP 634.40}</u> d. <u>Service stations are designed and located to avoid, or, if avoidance is not practicable, ensure adverse effects of development on rural character and visual amenity are no more than minor (Policy 16.2.3.6). {CP 634.40}</u> <u>General assessment guidance: {CP 634.40}</u> e. <u>In assessing the effects on the amenity of surrounding residential properties and the streetscape amenity, Council will consider the: {CP 634.40}</u> i. <u>design and location of buildings, forecourts/yards and signs: {CP 634.40}</u> ii. <u>location of access/egress points: {CP 634.40}</u> iii. <u>effects of vehicle movements on the site; and {CP 634.40}</u> iv. <u>the hours of operation, light spill, noise and location or service station development in relation to site boundaries. {CP 634.40}</u> <u>Conditions that may be imposed include: {CP 634.40}</u> f. <u>Requirements for fencing, landscaping and/or setbacks of buildings, forecourts/yards, signs and access/egress points to minimise adverse visual or nuisance effects from noise, lighting and/or vehicle headlights on surrounding properties. {CP 634.40}</u> g. <u>Restrictions on hours of operation {CP 634.40}</u> h. <u>Restrictions on on-site lighting {CP 634.40}</u> i. <u>Requirements for screening of storage areas {CP 634.40}</u> j. <u>Requirement to control dust {CP 634.40}</u> k. <u>Conditions related to building design, scale and bulk including roof lines, height, façade articulation, colour and materials to ensure compatibility with surrounding rural amenity. {CP 634.40}</u> l. <u>Restrictions on signage {CP 634.40}</u> <u>Relevant guidance from other sections (priority considerations): {CP 634.40}</u>

16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
	m. <u>See Rule 6.11.2.2 for guidance on the assessment of the effects on the safety and efficiency of the transportation network, and other transportation effects. {CP 634.40}</u>

¹ **RU cl.16:** Rule 16.11.2.1.b has been removed as a clause 16 amendment because it is a duplication of Rule 16.11.1.5.

² **RU cl.16:** Rule 16.11.2.1.i is unnecessary because there are no activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent.

16.11.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. - Acoustic insulation - Noise - where the limit is exceeded by up to <u>less than</u> {PHS cl.16} 5dB LAeq (15min)	<i>Relevant guidance from other sections (priority considerations):</i> a. See Rule 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety
2. Density (Papakāika)	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 16.2.3 b. Any buildings and structures maintain the rural character values and visual amenity of the rural zones (Policy 16.2.3.1). <i>Relevant guidance from other sections (priority considerations):</i> c. See Section 9.6 for guidance on the assessment of resource consents in relation to objectives 9.2.1 and 9.2.2 and effects related to efficiency and affordability of infrastructure and public health and safety. d. See Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.

16.11.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
3. Light spill - where rules 16.5.4.1 or 16.5.4.2 are contravened, or where the light spill limit in Rule 16.5.4.3 is exceeded by 25% or less	<i>Relevant objectives and policies:</i> a. Objective 16.2.3. b. Activities are designed and operated to ensure that <u>any {RU 919.55 and 1088.59}</u> adverse effects from light spill on rural character and amenity, and the ability of people to view the night sky, are insignificant <u>no more than minor {RU 919.55 and 1088.59}</u> (Policy 16.2.3.9). <i>Potential circumstances that may support a consent application include:</i> c. It is proposed to use filtering to prevent blue or ultraviolet light <i>General assessment guidance:</i> d. Duration, time and frequency of the proposed illumination <i>Relevant guidance from other sections (priority considerations):</i> e. See Rule 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
4. <u>Blasting (mineral exploration) {CP 458.1 and others}</u>	<i>Relevant objectives and policies (priority considerations): {CP 458.1 and others}</i> a. <u>Objective 16.2.2 {CP 458.1 and others}</u> b. <u>Mineral exploration operates in a way that avoids or, if avoidance is not practicable, adequately mitigates noise or other adverse effects on the amenity of sensitive activities on surrounding properties</u> (Policy 16.2.2.4). {CP 458.1 and others} <i>Relevant guidance from other sections (priority considerations): {CP 458.1 and others}</i> c. <u>See Rule 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.</u> {CP 458.1 and others}

16.11.4 Assessment of discretionary subdivision activities {RU 490.29}

Activity {RU 490.29}	Guidance on the assessment of resource consents {RU 490.29}
1. {RU 490.29} <u>Cross lease, company lease and unit title subdivision {RU 490.29}</u>	<i>Relevant objectives and policies (priority considerations): {RU 490.29}</i> a. <u>Objective 16.2.1 {RU 490.29}</u> b. <u>Cross lease, company lease and unit title subdivision do not result in an increase in residential development potential beyond that which might be achieved through a general subdivision</u> (Policy 16.2.1.9). {RU 490.29}

Rule 16.12 Assessment of Non-complying Activities

Rule 16.12.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 16.12.2 - 16.12.6 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. Rules 16.12.2 – 16.12.6 apply as follows:
 - a. Rule 16.12.2 applies to all non-complying activities;
 - b. Rule 16.12.3 applies to non-complying land use activities;
 - c. Rule 16.12.4 applies to non-complying development activities; and
 - d. Rule 16.12.6 applies to non-complying performance standard contraventions. {RU cl.16}
4. With respect to section 104(2) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural zones.
5. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

16.12.2 Assessment of all non-complying activities

Activities	Guidance on the assessment of resource consents
1. All non-complying <u>land use</u> activities <u>listed below</u> {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 16.2.1, 16.2.2, 16.2.3, 16.2.4 b. The activity does not detract from, or preferably contributes to, the strategic direction objectives, including, but not limited to, those related to: i. Objectives 2.2.2, 2.2.3, 2.2.4, and 2.3.1 <i>General assessment guidance:</i> c. In assessing the significance of effects, consideration will be given to: i. short to long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent; and iii. ~~Manawhenua values and the relationship between manawhenua and the natural environment is maintained, including cultural values and traditions associated with:~~ {MW cl.16} 1. wāhi-tūpuna; and {MW cl.16} 2. the customary use of mahika kai (Objective 14.2.1). {MW cl.16} iv. If located outside a wāhi-tūpuna mapped area, Kai Tahu may

16.12.2 Assessment of all non-complying activities

Activities	Guidance on the assessment of resource consents
	advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi tūpuna is located, or the linkages between wāhi tūpuna: {MW 1071.109} d. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. <i>Relevant guidance from other sections (priority considerations):</i> e. <u>For activities taking place within the radio transmitters mapped area, see Section 5.10 for guidance on the assessment of resource consents in relation to management of reverse sensitivity effects on Radio New Zealand's facilities at 740 Highcliff Road and 35 Karetai Road. {NU 918.25}</u> f. <u>See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public. {Trans cl.16}</u> g. <u>See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety {PHS cl.16}</u> h. <u>For activities that may have effects on biodiversity values, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1. {NatEnv 900.35}</u> i. <u>For activities adjacent to water bodies and the coast, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.2. {NatEnv 900.38}</u> j. <u>See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua {MW cl.16}</u>

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

16.12.3 Assessment of non-complying land use activities

Activity		Guidance on the assessment of resource consents
1.	Commercial advertising	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c. c. Where in a Scheduled ASCV – see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity. {RU cl.16}
2.	• <u>Supported living facilities</u> {RU cl.16³} • Commercial activities (other than those provided for) • Industrial activities (other than rural industry and rural contractor and transport depots {RU 911.5}) • Major facilities <u>facility</u> {MF cl.16} activities (other than cemeteries, and crematoriums. {RU cl.16} emergency services {CP 945.39} and the New Zealand Marine Studies Centre in the <u>Portobello Marine Science mapped area</u>) {MF 308.283}	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.2 b. Objective 16.2.1 c. <u>Supported living facilities</u>. ~~Commercial~~ {RU cl.16³} activities, industrial activities and major facilities <u>facility activities</u> {MF cl.16} are avoided, unless otherwise provided for, in the rural zones (Policy 16.2.1.8). d. Where in a Scheduled ASCV – see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity {RU cl.16}
3.	• Landfills • Cemeteries • Crematoriums	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and the effects related to ~~on~~ cultural values of Manawhenua. {RU cl.16}
X. {NH 908.37}	In the hazard 1A (flood) overlay zone: • <u>Natural hazards</u> {NH cl.16} potentially sensitive activities {NH 908.37}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. {NH 908.37}
4.	In the hazard 1 (flood) {NH 73.4 and others} overlay zones (see Rule 16.3.6): • <u>Natural hazards</u> ~~P~~potentially {NH cl.16} sensitive activities ~~not~~ permitted in rural zones. {NH 634.74} • <u>Natural hazards</u> ~~S~~sensitive {NH cl.16} activities	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards.

16.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
5. In a General Residential 4 {ULS cl.16} Transition overlay zone: • Mining • Landfills	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 12.3 for guidance on the assessment of resource consents in relation to Objective 12.2.1 and effects related to future use of land for residential activity.
6. In an ~~an~~ scheduled ASCV ASBV {NatEnv 958.60}: • Cemeteries {RU cl.16'} • <u>Commercial activities (except for restaurants or retail activities ancillary to sport and recreation and stand-alone car parking)</u> {RU cl.16'} • Crematorium {RU cl.16'} • Domestic animal boarding and breeding {RU cl.16'} • Early childhood education • Factory farming {RU cl.16} • Farming {RU cl.16'} • Forestry {RU cl.16'} • Grazing {RU cl.16'} • <u>Industrial activities</u> {RU cl.16'} • Landfills {RU cl.16'} • <u>Major facility activities</u> {RU cl.16'} • Mineral exploration and mineral prospecting {RU cl.16'} • Mining {RU cl.16'} • Residential activities (<u>except for working from home</u>) {RU cl.16'} • <u>Rural activities (except for rural ancillary retail, rural tourism and rural research)</u> {RU cl.16} • Rural industry {RU cl.16'} • Veterinary services – large animal practice {RU cl.16'} • Visitor accommodation {RU cl.16'}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity <u>values</u>. {Nat Env 958.60}

16.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
7. In the ONF, ONCC, or HNCC overlay zones: • Cemeteries {NatEnv 447.77} • Crematorium {NatEnv 447.77} • <u>Commercial activities (except for restaurants or retail activities ancillary to sport and recreation and stand-alone car parking)</u> {RU cl.16²} • <u>Major facility activities</u> {NatEnv 447.77} • Domestic animal boarding and breeding {RU cl.16²} • Factory farming {RU cl.16} • Forestry {RU cl.16²} • Landfills {NatEnv 447.75} • <u>Industrial activities</u> {RU cl.16²} • Mineral exploration and mineral prospecting {RU cl.16²} • Mining not in a GR1TZ {NatEnv 447.76} • Residential activities (<u>except working from home</u>) {RU cl.16²} • Rural industry {RU cl.16²} • <u>Rural activities (except for farming, grazing, landfills, mining, scheduled mining activity, rural ancillary retail, rural tourism and rural research - small scale)</u> {RU cl.16²} • Rural research – large scale outside the Invermay Farm mapped area {RU cl.16} • Veterinary services – large animal practice {RU cl.16²} • <u>Visitor accommodation</u> {RU cl.16²}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to objectives 10.2.3 and 10.2.5 and the effects related to natural character of the coast and landscape values.

16.12.3 Assessment of non-complying land use activities

Activity		Guidance on the assessment of resource consents
Y.	In the ONL Overlay Zone: {NatEnv 447.75 and others} • <u>Landfills</u> {NatEnv 447.75} • <u>Mineral exploration that involves blasting</u> {NatEnv 447.76} • <u>Mining</u> {NatEnv 447.76} • <u>Major facility activities (other than cemeteries, crematoriums and the New Zealand Marine Studies Centre in the Portobello Marine Science mapped area)</u> {NatEnv 447.79}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and effects related to <u>landscape values</u>. {NatEnv 447.75 and others}
Z.	In the NCC and SNL overlay zones: {NatEnv 447.79} • <u>Major facility activities (other than cemeteries, crematoriums and the New Zealand Marine Studies Centre in the Portobello Marine Science mapped area)</u> {NatEnv 447.79}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to objectives 10.2.3 and 10.2.5 and the effects related to <u>natural character of the coast and landscape values</u>. {NatEnv 447.79}.
8.	In a wāhi tūpuna mapped area: • Forestry • Mining	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and the effects related to <u>on</u> cultural values of Manawhenua.

¹ **RU cl.16:** These clause 16 amendments have been made to group activities in their activity categories to align with the listing of activities in Policy 10.2.1.Y.

² **RU cl.16:** These clause 16 amendments have been made to group activities in their activity categories to align with the listing of activities in Policy 10.2.3.2 and Policy 10.2.5.4.

³ **RU cl.16:** As a clause 16 amendment this activity has been added because it was not separately listed in the notified plan.

⁴ **RU cl.16:** As a clause 16 amendment this rule has been deleted as these activities are not non-complying except in overlays. For landfills, see guidance on the assessment of resource consents for landfills in a Residential Transition overlay zone and the ONL overlay zone, and for rural activities in an ASBV; for cemeteries and crematoriums, see guidance on the assessment of resource consents for major facility activities in an ASBV and in the ONF, ONCC, or HNCC overlay zones. Also note that as a clause 16 amendment, reference to the guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua has been added to 16.12.2.1 (assessment of all non-complying activities).

16.12.4 Assessment of non-complying development activities

Activity	Guidance on the assessment of resource consents
1. Demolition of a protected part of a scheduled heritage building or scheduled heritage structure.	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects on heritage values
2. In the ONF, ONCC, HNCC overlay zones: • New building or structure • Additions and alterations • <u>Indigenous vegetation clearance – large scale (ONCC, HNCC overlay zones)</u> {NatEnv 958.106}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to objectives 10.2.3 and 10.2.5 and the effects related to natural character of the coast and landscape values.
3. In a wāhi tūpuna mapped area: • New buildings and structures • ~~Earthworks ancillary to forestry~~ {EW cl.16}¹	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua
4. In an ASBV: • <u>Indigenous vegetation clearance – large scale</u> {NatEnv 949.13}	<i>Relevant guidance from other sections (priority considerations):</i> a. <u>See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values.</u> {NatEnv 949.13}

¹ **EW cl.16:** As a clause 16 amendment, all earthworks provisions in management and major facility zones have been moved to new city-wide section (Section 8A). The guidance on earthworks ancillary to forestry (Rule 16.12.4.3 second bullet point) was included here in error, and therefore has not been consolidated into the Earthworks Section (Section 8A). Any other amendments to provisions as a result of submissions are shown there.

16.12.5 Assessment of non-complying subdivision activities {RU 490.29}

Activity {RU 490.29}		Guidance on the assessment of resource consents {RU 490.29}
1. {RU 490.29}	Cross lease, company lease and unit title subdivision {RU 490.29}	<i>Relevant objectives and policies (priority considerations):</i> {RU 490.29} a. Objective 16.2.1 {RU 490.29} b. The rural zones are protected from cross lease, company lease and unit title subdivision unless it does not result in an increase in development potential than would be provided for through a general subdivision (Policy 16.2.1.9). {RU 490.29}

16.12.6 Assessment of non-complying performance standard contravention

Performance standard		Guidance on the assessment of resource consents
1.	Density	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 16.2.1, 16.2.3, 16.2.4. b. Policies 16.2.1.7, 16.2.3.2, 16.2.4.4 c. Strategic Directions: objectives 2.2.2, 2.3.1, policies 2.2.2.1, 2.3.1.2, 2.4.6.2 <i>Relevant guidance from other sections (priority considerations):</i> d. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.
2.	In a dune system mapped area or swale mapped area : Hazard overlay zones development standards {NH cl.16} Hazard exclusion areas	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards
3.	Light spill - where the limit is exceeded by greater than 25%	<i>Relevant objectives and policies:</i> a. Objective 16.2.3 b. Activities are designed and operated to ensure that <u>any</u> {RU 919.55 and 1088.59} adverse effects from light spill on rural character and amenity, and the ability of people to view the night sky, are insignificant <u>no more than minor</u> {RU 919.55 and 1088.59} (Policy 16.2.3.9). <i>Potential circumstances that may support a consent application include:</i> c. It is proposed to use filtering to prevent blue or ultraviolet light <i>General assessment guidance:</i> d. Duration, time and frequency of the proposed illumination <i>Relevant guidance from other sections (priority considerations):</i> e. See Rule 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

16.12.6 Assessment of non-complying performance standard contravention

Performance standard		Guidance on the assessment of resource consents
4.	- Noise - where the limit is exceeded by 5bD LAeq (15 min) or more - Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety
5.	Setback from National Grid	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5-2-1 5.2.2 {NU 918.29} and effects related to the efficient and effective operation of network utilities and public health and safety.
6.	Minimum site size	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.2.2, 2.2.4, 2.3.1, 2.4.6 b. Objectives 16.2.3, 16.2.4 c. Areas important for food production are protected from subdivision activities that may diminish food production capacity (Policy 2.2.2.1). d. Subdivision activities that provide for residential activity at a rural residential or ~~suburban~~ <u>urban</u> {RU cl.16} scale are avoided (Policy 2.2.4.4). e. The productivity of farming and other activities that support the rural economy is maintained or enhanced through restricting subdivision activities that may lead to land fragmentation and create pressure for residential-oriented development (Policy 2.3.1.2). f. The identified character values of the rural zones are maintained (Policy 2.4.6.2). g. Subdivisions are designed to ensure any associated future land use and development maintain or enhance the rural character and visual amenity of the rural zones (Policy 16.2.3.8). h. Subdivisions are designed to ensure any future land use and development will: - maintain or enhance the productivity of rural activities; - maintain ~~high class soils~~ <u>highly productive land</u> {RU 1090.13} for farming activity, or ensure any loss is <u>insignificant on any high class soils mapped area and</u> {RU 1090.13} no more than minor <u>on other areas of highly productive land</u> {RU 1090.13}; - maintain land in a rural rather than rural residential use; and - not increase the potential for reverse sensitivity ~~from residential activities in the rural zones~~ {PO 1046.5} (Policy 16.2.4.3). <i>Potential circumstances that may support a consent application include:</i>

16.12.6 Assessment of non-complying performance standard contravention

Performance standard		Guidance on the assessment of resource consents
		i. A legal mechanism is proposed that will ensure that any proposed undersized allotment can not be used for a residential activity, and overall there is no net increase in residential development potential. <u>General assessment guidance: {RU 1090.13}</u> j. In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/) {RU 1090.13} <u>Relevant guidance from other sections (priority considerations):</u> k. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.
7.	Archaeological sites (earthworks) {EW cl.16}	See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.4 and effects related to the inappropriate development and use in Dunedin's archaeological sites.
8.	Family Flats - Tenancy {PO 207.1 and 394.63}	<u>Relevant objectives and policies (priority considerations): {PO 207.1 and 394.63}</u> a. Strategic Directions: objectives 2.3.1, 2.4.6, 2.6.1, policies 2.3.1.2, 2.4.6.2, 2.6.1.2 {PO 207.1 and 394.63} b. Objective 16.2.1 {PO 207.1 and 394.63} c. The tenancy of family flats avoids, as far as practicable, the risk they will be used for a separate, non-ancillary residential activity and future pressure to subdivide off family flats (Policy 16.2.1.6) {PO 207.1 and 394.63}.
9. {NU 806.11}	Shape (Rule 16.7.5.2.d) - setback of building platforms from National Grid {NU 806.11}	<u>Relevant guidance from other sections (priority considerations):</u> a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.2 and effects related to the efficient and effective operation of network utilities, and reverse sensitivity. {NU 806.11}
10. {NatEnv 900.77}	In an ASBV: • Tree species {NatEnv 900.77}	<u>Relevant guidance from other sections (priority considerations):</u> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values. {NatEnv 900.77}

16.12.6 Assessment of non-complying performance standard contravention

Performance standard		Guidance on the assessment of resource consents
11. {NatEnv 900.77}	In the ONF and ONL overlay zones: Tree species {NatEnv 900.77}	<u>Relevant guidance from other sections (priority considerations):</u> See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and the effects related to landscape values. {NatEnv 900.77}
12. {NatEnv 900.77}	In the ONCC, HNCC and NCC overlay zones: Tree species {NatEnv 900.77}	<u>Relevant guidance from other sections (priority considerations):</u> See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and the effects related to natural character of the coast. {NatEnv 900.77}

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

Rule 16.13 Special Information Requirements

16.13.1 Papakāika - ownership and occupation

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

EW cl.16: As a clause 16 amendment, Rule 16.13.2 Geotechnical investigation report has been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

17. Rural Residential Zones

17.1 Introduction

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

Lifestyle blocks can have an adverse effect on sustainable management by removing rural land from productive use; by inflating rural land values to the detriment of more productive rural activities; or by generating reverse sensitivity effects in the rural environment resulting from people living on smaller blocks of land in proximity to productive rural activities such as farming or forestry; and by resulting in pressure to extend urban public {PO 881.167} infrastructure and services into rural areas. A further issue is that there are a large number of small sites across Dunedin's rural environment which can sometimes be difficult to manage and use.

The rural residential zones have been established in response to these issues, to provide specifically for lifestyle or hobby farming activities **{PO cl.16}** in appropriately located parts of Dunedin's wider rural environment.

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

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

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

Even where not located in landscape or coastal overlays, rural residential zones have their own level of rural or semi-rural character and amenity. Land use activities and development that detract from this character and amenity should be avoided. Rural residential zones can also contain areas of indigenous vegetation and habitat for indigenous species, and are subject to rules managing the clearance of indigenous vegetation. {RR 588.16}

17.1.1 Zone Descriptions

17.1.1.1 Rural Residential 1 Zone

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

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

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

17.1.1.2 Rural Residential 2 Zone

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

17.2 Objectives and Policies

Objective 17.2.1	
The rural residential zones enable lifestyle blocks, hobby farms and associated residential activities as the appropriate place in the rural environment for these to occur, and provide for a limited range of other compatible activities.	
Policy 17.2.1.1 {RR cl.16¹}	Require residential activity in the rural residential zones to be at a density enables lifestyle and hobby farms. <u>Enable farming, grazing and conservation in the rural residential zones.</u> {RR cl.16}
Policy 17.2.1.2 {RR cl.16¹}	Enable farming, grazing and conservation in the rural residential zones. <u>Require residential activity in the rural residential zones to be at a density that enables lifestyle blocks and hobby farms.</u> {RR cl.16}
Policy 17.2.1.3	Require rural ancillary retail and working from home to be at a scale that: - is ancillary to, and supportive of, productive rural activities or conservation activity on the same property, and - supports objectives 2.3.2 and 2.4.3 and their policies.
Policy 17.2.1.4	Provide for forestry, domestic animal boarding and breeding (not including dogs), community and leisure - small scale, <u>emergency services.</u> {CP 945.40} and veterinary services (<u>large animal practice</u>) {RR cl.16} where the effects can <u>will</u> {PO cl.16} be adequately mitigated in line with objectives 17.2.2, 17.2.3 and 17.2.4 and their policies, and the objectives and policies of any relevant overlay zones.
Policy 17.2.1.5	Only allow rural tourism, rural research, community and leisure - large scale, early childhood education, sport and recreation, and visitor accommodation where the effects can <u>will</u> {PO cl.16} be adequately managed in line with objectives 17.2.2, 17.2.3 and 17.2.4 and their policies, and the objectives and policies of any relevant overlay zones.
Policy 17.2.1.6	Avoid cross lease, company lease and unit title subdivision in the rural residential zones unless it does not result in an increase in development potential beyond that which might be achieved through a general subdivision.
Policy 17.2.1.7 {PO 207.1 and 394.63}	<u>Restrict the tenancy and design of family flats to:</u> {PO 207.1 and 394.63} <u>avoid, as far as practicable, the risk they will be used for a separate, non-ancillary, residential activity; and</u> {PO 207.1 and 394.63} <u>avoid, as far as practicable, future pressure to subdivide off family flats.</u> {PO 207.1 and 394.63}

¹ **RR cl.16:** Policy order switched for consistency, to better reflect the 2GP policy hierarchy. The word “blocks” added to Policy 17.2.1.2 to improve clarity and consistency with Objective 17.2.1. These amendments do not change the effect of provisions.

Objective 17.2.2

The potential for conflict between activities within the rural residential zones, and between activities within the rural residential zones and adjoining residential zones, is minimised through measures that ensure: Activities in rural residential zones maintain **{RR 908.3 and 807.35}**

- a. the potential for reverse sensitivity is minimised; and {RR 908.3 and 807.35}
- b. a good level of amenity on surrounding rural residential properties, residential zoned properties and public spaces.

Policy 17.2.2.1	Require residential buildings to be set back an adequate distance from site boundaries to {RR cl.16} minimise, as far as practicable, {PO 906.34 and 308.497} the potential for reverse sensitivity by being set back an adequate distance from effects from {RU 1090.32 and PO 1046.5} : a. rural activities such as farming (for example, from noise, dust or odour) site boundaries; {RU 1090.32 and PO 1046.5} and b. existing {PO 1046.5} forestry, factory farming intensive farming {RU 1090.3}, domestic animal boarding and breeding (that includes including {RR cl.16} dogs), mining, and landfills and wind generators – large scale {RR cl.16}¹.
Policy 17.2.2.2	Require buildings that house animals to be set back from site boundaries an adequate distance so that any adverse effects on adjoining residential activities are avoided or, if avoidance is not possible practicable {PO 908.3 and others} , are no more than minor.
Policy 17.2.2.3	Require all new buildings to be located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites.
Policy 17.2.2.4	Require rural ancillary retail and working from home to operate in a way (including hours of operations) that avoids or, if avoidance is not possible practicable {PO 908.3 and others} , adequately mitigates noise or adverse effects on the amenity of surrounding properties.
Policy 17.2.2.5	Only allow rural tourism, rural research, community and leisure - large scale, early childhood education, sport and recreation, veterinary services and visitor accommodation where any adverse effects on the amenity of surrounding rural residential properties are avoided or, if avoidance is not possible practicable {PO 908.3 and others} , adequately mitigated.
Policy 17.2.2.6	Require forestry and tree planting shelterbelts and small woodlots {RU cl.16} to be set back an adequate distance to avoid or minimise, as far as practicable, {PO 308.497} significant effects from shading on residential buildings on surrounding properties.
Policy 17.2.2.7	Only allow forestry where it can will {PO cl. 16} be located and designed to avoid or, if avoidance is not possible practicable {PO 908.3 and others} , adequately mitigate shading, noise, traffic, and other nuisance effects on sensitive activities on surrounding properties.
Policy 17.2.2.8	Require subdivisions to deliver resultant sites that can will {PO cl. 16} achieve a high quality of on-site amenity through being large enough and of a shape that is capable of supporting rural residential development.

¹ **RR cl.16:** As a clause 16 amendment, 'wind generators – large scale' has been added because the activity was omitted in error from the notified policy.

Objective 17.2.3

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

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

Policy 17.2.3.1	Require buildings and structures to be set back from boundaries and of a height that maintains the character and visual amenity of the rural residential zones.
Policy 17.2.3.2	Only allow forestry where it will be located, designed, and managed to avoid or, if avoidance is not possible practicable {PO 908.3 and others} , adequately mitigate adverse effects on the character and visual amenity of the rural residential zones.
Policy 17.2.3.3	Only allow rural tourism, rural research –large scale {RR cl.16} , community and leisure - large scale, early childhood education, sport and recreation, veterinary services and visitor accommodation activities where any adverse effects from development on rural residential character and visual amenity will be avoided or, if avoidance is not possible practicable {PO 908.3 and others} , adequately mitigated.
Policy 17.2.3.4	Require ancillary signs to be located and designed to maintain the character of the rural residential zones, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on site to passing pedestrians and vehicles and not being oversized or too numerous for that purpose.
Policy 17.2.3.5	Only allow general subdivision where the subdivision is designed to ensure any associated future land use and development will maintain or enhance the character and amenity of the rural residential zones.

Objective 17.2.4

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

Policy 17.2.4.1	Require earthworks in a high class soils mapped area to retain soils on the site.
Policy 17.2.4.2	Only allow land use, development, or subdivision activities that may lead to land use and development in a high class soils mapped area where any adverse effects on high class soils are avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , are no more than minor.
Policy 17.2.4.3	Only allow general subdivision where resultant sites are of a shape and size that will enable lifestyle blocks or hobby farms, including the keeping of livestock, and avoid use purely as large lot residential living.
Policy 17.2.4.4	Avoid ~~further general subdivision of sites~~ in the Rural Residential 2 Zone ~~to maintain these sites for larger lifestyle blocks or hobby farms (small holdings)~~ <u>unless it does not result in an increase in residential development potential</u> {RR 307.1 and PO 919.1} .

EW cl.16: As a clause 16 amendment, Objective 17.2.5 and its policies have been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

Rules

Rule 17.3 Activity Status

17.3.1 Rule location

The activity status tables in rules 17.3.3 to 17.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the rural residential zones and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

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

17.3.2 Activity status introduction

1. The activity status tables in rules 17.3.3 - 17.3.5 show the activity status of activities in the rural residential zones and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.6 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested tables in Section 1.6 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

Additional activity status rules in hazard overlay zones

6. For the purpose of the hazards provisions, activities are categorised as natural hazards **{NH cl.16}** sensitive activities, natural hazards **{NH cl.16}** potentially sensitive activities or natural hazards **{NH cl.16}** least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
7. In the Hazard 1 (flood) Overlay Zone or the Hazard 2 (flood) Overlay Zone, the activity statuses in Rule 17.3.6 apply for the following activities:
 - a. new **{NH 908.3}** natural hazards **{NH cl.16}** sensitive activities;
 - b. natural hazards **{NH cl.16}** potentially sensitive activities, and
 - c. some new buildings, and additions and alterations to buildings, which create more than 60m² of new

ground floor area {NH. cl.16}

8. Where the activity status in Rule 17.3.6 differs from that in rules 17.3.3 - 17.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 17.3.6, performance standards for development activities within hazard overlay zones are included in rules 17.3.3 - 17.3.5.
10. Activities in a hazard overlay zone must comply with all of the rules in 17.3.3 - 17.3.6.

Performance Standards

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

¹ **NH cl.16:** The content from Table 17.3.6 has been moved to Table 17.3.X, with the exception that column c has been removed, pursuant to clause 16. This was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are show in the new location.

Legend

Acronym	Activity-status Meaning {PO cl.16}
±	<u>Additional provisions apply (assessment criteria for activities in the overlay need to be viewed) {PO 490.1 and others}</u>
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
RR	Rural Residential Zones
ONF	Outstanding Natural Feature Overlay Zone
SNL	Significant Natural Landscape Overlay Zone
HNCC	High Natural Coastal Character Overlay Zone
NCC	Natural Coastal Character Overlay Zone
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones
<u>ASBV {NatEnv cl.16}</u>	<u>Areas of Significant Biodiversity Value {Nat Env cl.16}</u>

17.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities					a. Acoustic insulation b. Electrical interference c. Light spill d. Noise e. Setback from ~~n~~ National gGrid (<u>National Grid</u> sensitive activities only) {NH cl.16}
Rural activities		Activity status ¹				Performance standards
		a. RR	b. ONF/ HNCC	c. SNL/ NCC	d. ASBV {NatEnv cl.16}	
2.	Domestic animal boarding and breeding (not including dogs)	P	NC	P	<u>NC</u> {NatEnv cl.16}	i. Location ii. ~~Minimum car parking~~ {RR cl.16}
3.	Farming	P	P	P	<u>NC</u> {NatEnv cl.16}	
4.	Forestry	RD	NC	RD+	<u>NC</u> {NatEnv cl.16}	i. Forestry and tree planting <u>shelterbelts and small woodlots</u> {RU cl.16} setbacks ii. Tree species
5.	Grazing	P	P	P	<u>NC</u> {NatEnv cl.16}	
6.	Rural ancillary retail	P	P	P	<u>P</u> {NatEnv cl.16}	i. Hours of operation ii. Location iii. Maximum gross floor area iv. Minimum car parking
7.	Rural tourism	D	D	D	<u>D+</u> {NatEnv cl.16}	
8.	Rural research	D	D	D	<u>D+</u> {NatEnv cl.16}	
A.	<u>Landfills</u> {NatEnv 900.109}	NC	<u>NC</u> Pr {NatEnv 900.109}	NC	<u>NC+</u> {NatEnv cl.16}	

B.	Mining { <i>NatEnv</i> 900.109}	NC	NC Pr { <i>NatEnv</i> 900.109}	NC	NC+ { <i>NatEnv</i> cl.16}	
9.	All other activities in the rural activities category	NC	NC	NC	NC+ { <i>NatEnv</i> cl.16}	
Residential activities		a. RR	b. ONF/ HNCC	c. SNL/ NCC	d. ASBV { <i>NatEnv</i> cl.16 ² }	Performance standards
10.	Standard residential	P	NC	P	NC { <i>NatEnv</i> cl.16}	i. Density ii. Minimum car parking { <i>RR</i> cl.16} iii. Separation distances iv. Family flats { <i>PO</i> 876.1, 207.1 and others}
11.	Working from home	P	P	P	P { <i>NatEnv</i> cl.16}	i. Hours of operation ii. Maximum gross floor area
12.	All other activities in the residential activities category	NC	NC	NC	NC+ { <i>NatEnv</i> cl.16}	
Community activities		a. RR	b. ONF/ HNCC	c. SNL/ NCC	d. ASBV { <i>NatEnv</i> cl.16 ² }	Performance standards
13.	Community and leisure - small scale	P	P	P	P { <i>NatEnv</i> cl.16}	i. Minimum car parking
14.	Community and leisure - large scale	D	D	D	D+ { <i>NatEnv</i> cl.16}	
15.	Conservation	P	P	P	P { <i>NatEnv</i> cl.16}	
16.	Early childhood education	D	D	D	NC { <i>NatEnv</i> cl.16}	
17.	Sport and recreation	D	D	D	D+ { <i>NatEnv</i> cl.16}	
Commercial activities		a. RR	b. ONF/ HNCC	c. SNL/ NCC	d. ASBV { <i>NatEnv</i> cl.16 ² }	Performance standards
18.	Ancillary licensed premises	Same status as underlying activity	Same status as underlying activity	Same status as underlying activity	Same status as underlying activity { <i>NatEnv</i> cl.16}	

19.	Stand-alone car parking	P	P	P	<u>P</u> {NatEnv cl.16}	
20.	Veterinary services (large animal practice)	RD	NC	RD	<u>NC</u> {NatEnv cl.16}	
21.	Visitor accommodation	D	NC	D	<u>NC</u> {NatEnv cl.16}	
22.	All other activities in the commercial activities category	NC	NC	NC	<u>NC+</u> {NatEnv cl.16}	
Industrial activities		a. RR	b. ONF/ HNCC	c. SNL/ NCC	<u>d. ASBV</u> {NatEnv cl.16 ² }	Performance standards
23.	All activities in the industrial activities category	NC	NC	NC	<u>NC+</u> {NatEnv cl.16}	
Major facility activities		a. RR	b. ONF/ HNCC	c. SNL/ NCC	<u>d. ASBV</u> {NatEnv cl.16 ² }	Performance standards
X.	<u>Emergency services</u> {CP 945.40}	<u>NC</u> <u>P</u> {CP 945.40}	NC	NC	<u>NC</u> {NatEnv cl.16}	i. <u>Minimum car parking</u> {CP 945.40}
24.	All other activities in the major facility activities category	NC	NC	NC	<u>NC+</u> {NatEnv cl.16}	

¹ **PO 490.1:** Em-dashes are no longer used, and activity status is shown for all overlays (not just those that have additional provisions applying), except where two areas (zones, overlays, mapped areas etc.) do not intersect, in which case N/A is used. A plus symbol has been added to activity statuses that are the same as in the underlying zone but where additional assessment matters apply. See amended legend.

² **NatEnv cl.16:** Areas of Significant Biodiversity Value (ASBVs) intersect with the rural residential zones, but the notified Plan omitted providing a link to the relevant rules for ASBVs. They were included correctly in the rural zones for reference. These rules have been added to clarify the rules that apply in ASBVs where these intersect with rural residential zones. This amendment is considered of minor consequence and made under Clause 16 of the RMA.

17.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities	a. <u>Natural Hazards Performance Standards</u> Hazard overlay zones development standards {NH cl.16} b. Setback from coast and water bodies {NatEnv cl.16} c. Setback from national grid {NU cl.16} d. Setback from scheduled tree

2.	Performance standards that apply to all buildings and structures activities					a. Boundary setbacks b. Maximum height c. Number, location and design of ancillary signs d. Reflectivity (landscape and natural {NatEnv cl.16} coastal character overlays) e. <u>Setback from coast and water bodies</u> {NatEnv cl.16} f. <u>Setback from National Grid</u> {NU cl.16}
Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 8-12)		Activity status ^s				Performance standards
		a. RR	b. ONF/ HNCC	c. SNL/ NCC	d. ASBV {NatEnv cl.16⁶}	
3.	New buildings greater than 60m ² <u>footprint</u> {PO cl.16'} on a landscape building platform	P	NC	C	<u>RD</u> {NatEnv cl.16}	i. Fire fighting
4.	New buildings or structures less than or equal to 60m ² <u>footprint</u> {PO cl.16'} or additions and alterations that result in a building or structure that is less than or equal to 60m ² <u>footprint</u> {PO cl.16'}	P	NC	P	<u>P</u> {NatEnv cl.16}	i. Fire fighting

5.	New buildings or structures greater than 60m ² footprint {PO cl.16} or additions and alterations that result in a building or structure that is greater than 60m ² footprint {PO cl.16}	P	NC	RD	RD {NatEnv cl.16}	i. Fire fighting
6.	Fences	P	P	P	P {NatEnv cl.16}	
7.	All other buildings and structures activities	P	RD P {NatEnv 360.138}	RD P {NatEnv 360.138}	P {NatEnv cl.16}	
Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		a. RR	b. ONF/ HNCC	c. SNL/ NCC	d. ASBV {NatEnv cl.16}	Performance standards
8.	Repairs and maintenance or restoration {Her 547.91}	P	P	P	P {NatEnv cl.16}	i. Materials and design
X.	Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1 {Her 547.91}	P C {Her 547.91}	P C {Her 547.91}	P C {Her 547.91}	C {NatEnv cl.16}	i. Materials and design
Y.	Restoration of all other scheduled heritage buildings and structures {Her 547.91}	P	P	P	P {NatEnv cl.16}	i. Materials and design
9.	Earthquake strengthening where external features only are protected	C	C	C	C {NatEnv cl.16}	i. Materials and design
Z.	Signs attached to buildings or structures {Her cl.16}	P	P	P	P {NatEnv cl.16}	
10.	All other additions and alterations	RD	RD	RD	RD {NatEnv cl.16}	
11.	Demolition	NC	NC	NC	NC {NatEnv cl.16}	
12.	Removal for relocation	RD	RD	RD	RD {NatEnv cl.16}	
Site development activities		a. RR	b. ONF/ HNCC	c. SNL / NCC	d. ASBV {NatEnv cl.16}	Performance standards
13.	Earthworks – small scale {EW cl.16}	P	P	P		i. Earthworks standards

14.	Earthworks – <i>large scale {EW cl.16³}</i>	RD	RD+	RD+		i. Earthworks standards
15.	Outdoor storage	P	P	P	<u>P</u> { <i>NatEnv cl.16</i> }	
16.	Parking, loading and access	P	P	P	<u>P</u> { <i>NatEnv cl.16</i> }	i. Parking, loading and access standards
17.	New ~~or additions to~~ parking areas, ~~or extensions to existing parking areas~~ that result in the creation of <i>{Trans cl.16}</i> 50 or more new parking spaces.	RD	RD	RD	<u>RD</u> { <i>NatEnv cl.16</i> }	i. Parking, loading and access standards
18.	Indigenous vegetation clearance - <i>small scale {NatEnv cl.16³}</i>	P	P in ONF RD in HNCC <i>{NatEnv cl.16}</i>	P in SNL RD in NCC <i>{NatEnv cl.16}</i>	<u>P</u> { <i>NatEnv cl.16</i> }	i. Vegetation clearance standards
<u>18A.</u>	Indigenous vegetation clearance - <i>large scale {NatEnv cl.16³}</i>	RD	RD+ <i>{NatEnv 958.106}</i> in ONF RD <u>NC</u> <i>{NatEnv 958.106}</i> in HNCC	RD in SNL RD+ in NCC	<u>NC</u> { <i>NatEnv cl.16</i> }	i. Vegetation clearance standards
19.	All other vegetation clearance	P	P	P	<u>P</u> { <i>NatEnv cl.16</i> }	i. Vegetation clearance standards
20.	Storage and use of hazardous substances	P	P	P	<u>P</u> { <i>NatEnv cl.16</i> }	i. Hazardous substances quantity limits and storage requirements ii. <u>Setback from coast and water bodies</u> <i>{NatEnv cl.16}</i>

21.	Free-planting <u>Shelterbelts and small woodlots</u> {RU cl.16}	P	RD	P	RD {NatEnv cl.16}	i. Forestry and tree-planting <u>shelterbelts and small woodlots</u> {RU cl.16} setbacks ii. Tree species
22.	All other site development activities	P	P	P	RD {NatEnv cl.16}	

¹ **PO cl.16:** Footprint is included in the rule to improve plan clarity as a minor and inconsequential amendment.

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

³ **NatEnv cl.16:** Indigenous vegetation clearance rules have been reformatted. Indigenous vegetation clearance that was exempt from the notified definition of “indigenous vegetation clearance”, or that was permitted under notified Rule 10.3.2.2 Maximum area of indigenous vegetation clearance, is now provided for as Indigenous Vegetation Clearance – Small Scale. Other indigenous vegetation clearance is now provided for as Indigenous Vegetation Clearance – Large Scale. This does not change the effect of provisions.

⁴ **PO 490.1:** Em-dashes are no longer used, and activity status is shown for all overlays (not just those that have additional provisions applying), except where two areas (zones, overlays, mapped areas etc.) do not intersect, in which case N/A is used. A plus symbol has been added to activity statuses that are the same as in the underlying zone but where additional assessment matters apply. See amended legend.

⁵ **NatEnv cl.16:** Areas of Significant Biodiversity Value (ASBVs) intersect with the rural residential zones, but the notified Plan omitted providing a link to the relevant rules for ASBVs. They were included correctly in the rural zones for reference. These rules have been added to clarify the rules that apply in ASBVs where these intersect with rural residential zones. This amendment is considered of minor consequence and made under Clause 16 of the RMA.

⁷ **Her cl.16:** Rule restructured as a result of change to definition of additions and alterations and new definition of signs attached to buildings and structures. No substantive change to provisions.

Note 17.3B.4A - General advice

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

17.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status ¹				Performance standards
		a. RR	b. ONF/HNCC	c. SNL/NCC	d. ASBV {NatEnv cl.16 ² }	
1.	General subdivision creating resultant sites used solely for the purposes of a Scheduled ASGV- <u>ASBV {NatEnv 958.60}</u> or QEII covenant; or reserve; or access; or network utilities; or road.	RD	RD	RD	RD+ {NatEnv cl.16}	i. Access ii. Esplanade reserves and strips
2.	All other general subdivision in the Rural Residential 1 Zone	RD	RD+	RD+	RD+ {NatEnv cl.16}	i. Access ii. Esplanade reserves and strips iii. Fire fighting iv. Minimum site size v. Service connections vi. Shape
3.	All other general subdivision in the Rural Residential 2 Zone	NC	NC	NC	NC+ {NatEnv cl.16}	
4.	Cross lease, company lease and unit title subdivision	NC	NC	NC	NC+ {NatEnv cl.16}	

¹ **PO 490.1:** Em-dashes are no longer used, and activity status is shown for all overlays (not just those that have additional provisions applying), except where two areas (zones, overlays, mapped areas etc.) do not intersect, in which case N/A is used. A plus symbol has been added to activity statuses that are the same as in the underlying zone but where additional assessment matters apply. See amended legend.

² **NatEnv cl.16:** Areas of Significant Biodiversity Value (ASBVs) intersect with the rural residential zones, but the notified Plan omitted providing a link to the relevant rules for ASBVs. They were included correctly in the rural zones for reference. These rules have been added to clarify the rules that apply in ASBVs where these intersect with rural residential zones. This amendment is considered of minor consequence and made under Clause 16 of the RMA.

Note 17.3.5A - Other RMA considerations {PO 490.4}

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

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

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

¹ **NH cl.16:** The content from Table 17.3.6 has been moved to Table 17.3.X, with the exception that column c has been removed, pursuant to clause 16. This was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are shown in the new location.

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

		Activity status	
Activity		a. Haz1 (flood) {NH 73.4 and others}	b. Haz2 (flood) {NH 73.4 and others}
X.	Natural hazards sensitive activities {NH 634.74}	NC	⌀ RD {NH 634.74 ¹ }
Y.	Natural hazards potentially sensitive activities {NH 634.74}	⌀ NC {NH 634.74 ¹ }	⌀ RD {NH 634.74 ¹ }
4.	In a hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, which create more than 1m ² of new ground floor area {NH 73.4 and others}	RD {NH 73.4 and others}	— {NH 73.4 and others}
5.	In a hazard 1 or 2 overlay zone, other than the hazard 1 (land instability) Overlay Zone, {NH 73.4 and others} New buildings, and additions and alterations to buildings, which create more than 60m ² of new ground floor area	RD	RD

¹ **NH 634.74:** Note that "potentially sensitive activities permitted in rural residential zones" had no additional rules

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

Note 17.3.6A - Guidance on existing use rights applying to land use activities in hazard overlay zones
Other RMA considerations {RR cl.16}

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

Accordingly, these activities will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 17.3.6. {NH 634.81} However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of the land use activity.

Rule 17.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with sections 95A or 95B of the RMA, unless Council considers special circumstances exist in relation to the application that require public notification:
 1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
 2. contravention of the materials and design **{Her cl.16}** performance standard (Rule 13.3.2) 'Materials and design' **{Her cl.16}** where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications for the following activities, **{RR cl.16}** Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided with respect to applications for resource consent for the following:
 1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand;
 2. contraventions of the materials and design **{Her cl.16}** performance standard (Rule 13.3.2) 'Materials and design' **{Her cl.16}** where the building or structure is listed by Heritage New Zealand; and
 3. contraventions of the archaeological sites **{Her cl.16}** performance standard (Rule 13.3.3) 'Archaeological sites' **{Her cl.16}**.
3. ~~Applications for resource consent for the following activities will be publicly notified in accordance with section 95A(2) of the RMA: **{Her 308.362}**~~
 1. ~~demolition of a protected part of a scheduled heritage building or scheduled heritage structure: **{Her 308.362}**~~
4. With respect to resource consent applications for the following activities, **{RR cl.16}** Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided with respect to resource consents applications for the following:
 1. all restricted discretionary activities that list 'effect on cultural values of Manawhenua as a matter for discretion; and
 2. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4.
5. With respect to resource consent applications for the following activities, the Department of Conservation will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided: **{RU 958.109}**
 1. indigenous vegetation clearance - large scale in a scheduled Area of Significant Biodiversity Value; or **{Nat Env cl.16}**
 2. indigenous vegetation clearance - large scale or any discretionary or non-complying activity in a Natural Coastal Character or High Natural Coastal Character overlay zone. **{RU 958.109}**
6. With respect to resource consent applications for the following activities within the **radio transmitters mapped area**, Radio New Zealand Limited will be considered an affected person in accordance with section 95B of the RMA, unless their written approval is provided or discretion is restricted and excludes consideration of reverse sensitivity effects: **{NU 918.25}**
 1. any activities that may be sensitive to electromagnetic interference, noise or visual effects from Radio New Zealand's facilities at 740 Highcliff Road and 35 Karetai Road; and **{NU 918.25}**

2. subdivision that could result in activities of this kind. **{NU 918.25}**
7. With respect to sections 95D(b) and 95E(2)(a) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural residential zones.
8. ~~In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons.~~ **{PO cl.16¹}**
9. With respect to resource consent applications for the following activities, the Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. activities in the Hazard 1 or 1A **{NH 908.37}** (flood) overlay zones; and
 2. activities in **swale mapped areas.** **{NH cl.16³}**
10. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

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

² **NatEnv cl.16:** Areas of Significant Biodiversity Value (ASBVs) intersect with the rural residential zones, but the notified Plan omitted providing a link to the relevant rules for ASBVs. They were included correctly in the rural zones for reference. These rules have been added to clarify the rules that apply in ASBVs where these intersect with rural residential zones. This amendment is considered of minor consequence and made under Clause 16 of the RMA.

³ **NH cl.16:** This rule was notified as Rule 11.8.3 in the Natural Hazards Section but has been transferred to this section for clarify. This does not result in a substantive change to the effect of provisions.

Rule 17.5 Land Use Performance Standards

17.5.1 Acoustic Insulation

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

- a. **port noise controlled {PO cl.16} mapped area;**
- b. within 40m of the Taieri Aerodrome Zone;
- c. within 40m of a state highway;
- d. within 20m of an industrial zone; and
- e. within 70m of a railway line.

17.5.2 Density

1. The maximum density of standard residential activities ~~activity~~ **{PO cl.16}** is as follows:
 - a. In the Rural Residential 1 Zone, the minimum site size per residential activity is 2ha, except:
 - i. ~~a single residential activity is permitted unit may be erected~~ **{RR cl.16}** on an existing site between 1ha and 2ha created before 26 September 2015 as long as all other performance standards can be met; and
 - ii. ~~a single residential activity is permitted unit may be erected~~ **{RR cl.16}** on a site created by Rule 17.7.5.2 as long as all other performance standards can be met.
 - b. In the Rural Residential 1 Zone, multiple standard residential activities are only allowed on a single site where all primary residential buildings (houses) are able to meet all the relevant performance standards if they were ever subdivided into separate sites.
 - c. In the Rural Residential 2 Zone, a maximum of one residential activity per site ~~over of at least~~ 1ha. **{RR 997.35}**
 - d. In all rural residential zones, one family flat is allowed per site in association with a standard residential activity that meets this performance standard for density, ~~provided:~~ **{PO 447.113}**
 - i. ~~the family flat is either attached to or located in the same residential building as the primary residential unit, or is located within 30m of the primary residential building (house), as measured as the closest distance between any wall of the primary residential building and any wall of the family flat; and~~ **{PO cl.16}**
 - ii. ~~the family flat has a maximum gross floor area of 60m².~~ **{PO cl.16}**
2. Standard residential activity that contravenes this performance standard is a non-complying activity, ~~except:~~
~~standard residential activity (family flat) that contravenes Rule 17.5.2.1.d.i or is a restricted discretionary activity.~~ **{PO cl.16}**

¹ **PO cl.16:** As a clause 16 amendment this has been moved to the family flats performance standard

17.5.3 Electrical Interference

Land use activities must comply with Rule 9.3.2.

17.5.4 Hours of Operation

1. For rural ancillary retail, customers must not arrive before 7am or depart after 7pm.
2. For working from home, customers and deliveries must not arrive before 7am or depart after 7pm. This standard does not apply to homestays.
3. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

17.5.5 Light Spill

Land use activities must comply with Rule 9.3.5.

17.5.6 Location

1. Domestic animal boarding and breeding (not including dogs) and rural ancillary retail must not be accessed directly from a state highway with a speed limit of 80kmh or over.
2. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

17.5.7 Maximum Gross Floor Area

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

3. The retailing of plants grown on a site is exempt from the performance standard for maximum gross floor area.
4. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Note 17.5.7A - Other requirements outside of the District Plan

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

17.5.8 Minimum Car Parking

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

Activity		Minimum number of on-site parking spaces
a.	Community and leisure – small scale	1 parking space for every 5 persons the facility can accommodate at any one time
b.	Rural ancillary retail	1 on-site parking space per roadside produce stall
c.	Emergency services {CP 945.40}	i. <u>For fire stations: 5 parking spaces per fire engine bay. {CP 945.40}</u> ii. <u>For all other activities: 1 parking space per 100m² gross floor area. {CP 945.40}</u>

2. Activities other than standard residential **{RR cl.16}** must provide mobility parking spaces as follows:

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

3. For the purpose of calculating minimum car parking:

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

4. For activities where the minimum car parking performance standard is based on the gross floor area, the following areas will be excluded from the assessment of gross floor area:

- any parking area and associated manoeuvring space, including aisle; and
- any loading area and associated manoeuvring space. **{RR cl.16}**

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

¹ **RR cl.16:** Rule 17.5.8.4 has been added to clarify how 'gross floor area' is to be interpreted, for the purposes of the minimum car parking performance standard in this zone. This does not change the effect of provisions.

Note 17.5B.8A - Other relevant District Plan provisions

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

17.5.9 Noise

Land use activities must comply with Rule 9.3.6.

17.5.10 Separation Distances **{RU cl.16¹}**

1. New residential buildings must be located at least:
 - a. ~~30m from an existing, lawfully established forestry activity on a separate site;~~
 - b. ~~100m from an existing, lawfully established factory farming activity on a separate site;~~
 - c. ~~100m from an existing, lawfully established domestic animal boarding and breeding activity that includes dogs on a separate site;~~
 - d. ~~100m from an existing, lawfully established mining activity on a separate site;~~
 - e. ~~100m from an existing, lawfully established landfill activity on a separate site; and~~
 - f. ~~100m from existing, lawfully established wind generators – community scale and wind generators – regional scale on a separate site. **{RR cl.16’}**~~
 - a. 30m from an existing, lawfully established forestry activity on a separate site;
 - b. 100m from:
 - i. an existing, lawfully established ~~factory farming~~ intensive farming activity **{RU 1090.3}** on a separate site; and
 - ii. an existing, lawfully established domestic animal boarding and breeding including dogs activity **{RR cl.16}** on a separate site;
 - c. ~~100m~~ 150m **{RU 796.8}** from existing, lawfully established landfills ~~activity **{PO cl.16}**~~ on a separate site;
 - d. ~~100m~~ 250m **{RU 702.4}** from existing, lawfully established ~~wind generators – community scale and wind generators – regional scale~~ wind generators - large scale **{NU 308.122}** on a separate site;
 - e. ~~100m~~ 200m **{CP 458.43 and others}** from an existing, lawfully established mining activity, that does not involve blasting. **{CP458.43 and others}** on a separate site; and
 - f. 500m from an existing, lawfully established mining activity, that involves blasting, on a separate site. **{CP 458.43 and others}**
2. For the purpose of this standard, separation distance is measured from the closest wall of the new residential building to the closest edge of any active **{CP 458.43 and others}** operational area or part of the site being used for one of the activities listed.
3. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

¹ **RR cl.16:** This rule has been reformatted to reduce repetition and to re-order the list of existing activities according to the length of the separation distance (except that the two mining-related separation distances are listed consecutively) . This does not change the effect of the rule.

17.5.11 Setback from National Grid

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

17.5.12 Tree Species

Forestry and tree-planting shelterbelts and small woodlots {RU cl.16} must comply with Rule 10.3.4.

17.5.13 Family Flats {confirmed for addition - 207.1, 876.1 and others}

Rule 17.5.13.1 Family Flats - Tenancy {PO 207.1, 394.63 and others}

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

Rule 17.5.13.2 Family Flat - Design {PO 876.1 and others}

- a. Family flats must:
 - i. not exceed a maximum gross floor area of 60m²; {PO 372.1 and 207.2};
 - ii. be on the same available water and waste infrastructure connection, or the same non-reticulated wastewater disposal system as the primary residential unit; {PO 876.1}
 - iii. be on the same household electricity account; {PO 876.1}
 - iv. share the same vehicle access as the primary residential unit; and {PO cl.16}
 - v. be attached to or located in the same residential building as the primary residential unit, or located within 30m of the primary residential building (house), as measured as the closest distance between any wall of the primary residential building and any wall of the family flat. {PO cl.16}
- b. Standard Residential activity that contravenes this performance standard is a restricted discretionary activity. {PO 876.1}

¹ **PO cl.16:** As a clause 16 amendment this has been moved from the density performance standard

² **PO cl.16:** As a clause 16 amendment this has been moved here from the definition of family flats

Rule 17.6 Development Performance Standards

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

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

17.6.2 Fire Fighting

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

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

17.6.3.1 Hazard exclusion areas

~~Development activities~~ New buildings and structures and additions and alterations **{NH cl.16¹}** located in a **swale mapped area** must comply with Rule 11.3.1.1.

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

17.6.3.2 Maximum area of vegetation clearance in the hazard overlay zones

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

~~17.6.3.3 Minimum floor level {NH 917.27, NH 947.53 and others}~~

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

17.6.3.4 Relocatable buildings

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

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

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

17.6.4 Hazardous Substances Quantity Limits and Storage Requirements

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

17.6.5 Materials and Design

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

17.6.6 Maximum Height

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

Activity		i. Rural residential zone	ii. Landscape and natural <i>{NatEnv cl.16}</i> coastal character overlay zones
a.	Roadside produce stall	3.5m	3.5m
b.	All other buildings and structures	10m	5m

- c. Rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more than one third of that limit.
 - d. Buildings or structures must not protrude through the height restriction for the Taieri Aerodrome approach and take-off fans shown on the **Taieri Aerodrome flight fan mapped area**.
2. Activities that contravene this performance standard are restricted discretionary activities.*{PO cl.16}*

17.6.7 Number, Location and Design of Ancillary Signs

17.6.7.1 General

- a. A maximum of one sign attached to a building and one freestanding sign is allowed per site, except:
 - i. only one sign may be located in any part of a site in an ONF, SNL, HNCC or NCC overlay zone.
- b. Signs visible from a public place must meet all of the following performance standards, except that regulatory signs, directional signs and warning signs that do not exceed 0.25m² are exempt from these standards. *{CMU 271.18}*.
- c. ~~Signs must be ancillary signs.~~ *{PO cl.16}*
- d. Signs must comply with Rule 6.7.3 where visible from a road.
- e. Signs must not be illuminated or digital.
- f. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.*{PO cl.16}*

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

17.6.7.2 Signs attached to buildings

- a. The maximum height above ground level, at the highest point of any sign, is 4m, except:
 - i. the maximum height is 2m in an ONF, SNL, HNCC or NCC overlay zone.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except as mounted flat against a parapet or gable end.
- d. The maximum area of signs, per display face, is 1m², except:
 - i. the maximum area of signs, per display face, is 0.6m² in an ONF or HNCC overlay zone.
- e. In an ONF or HNCC overlay zone the sign must only provide information about the values of the overlay zone (refer Appendices A3 and A5).

17.6.7.3 Freestanding signs

- a. The maximum dimensions of freestanding signs are:
 - i. maximum height of 4m, except:
 1. 2m in an ONF, SNL, HNCC or NCC overlay zone;
 - ii. maximum area of 2m² per display face, except:
 1. 0.6m² per display face in an ONF or HNCC overlay zone; and
 2. 1m² per display face in an SNL or NCC overlay zone;
 - iii. maximum of 2 display faces per sign;
 - iv. maximum width of 2m, except:
 1. 1m in an ONF, SNL, HNCC or NCC overlay zone; and
 - v. maximum depth of 400mm.
- b. Freestanding signs must:
 - i. not obstruct parking, loading or access areas; and
 - ii. be positioned entirely within site boundaries.
- c. In an ONF or HNCC overlay zone the sign must only provide information about the values of the overlay zone (refer Appendices A3 and A5).

Note 17.6A - Other relevant District Plan provisions {PO cl.16¹}

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

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

Note 17.6B.7A - Other requirements outside of the District Plan

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

17.6.8 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

17.6.9 Reflectivity

New buildings and structures (except fences), and additions and alterations, in any landscape or ~~natural coastal~~ **{NatEnv cl.16}** character overlay zone must comply with Rule 10.3.6.

17.6.10 Setbacks

17.6.10.1 Boundary setbacks

- a. Buildings New buildings **{RR cl.16}** and structures, and additions and alterations, must be set back from boundaries as follows:

Activity		1. Minimum setback from road boundary	2. Minimum setback from side and rear boundaries with sites held in separate ownership
i.	<u>Residential buildings</u> <u>Building used for residential activity</u> {RR cl.16} (See Figure 17.6A) {RR cl.16}	12m	10m
ii.	<u>Non-residential buildings</u> <u>Other building</u> {RR cl.16} housing animals (See Figure 17.6B) {RR cl.16}	12m	1. <u>Buildings with a maximum height of up to 7m above ground level:</u> {RR 312.10} 15m 2. <u>Buildings with a maximum height that is over 7m above ground level:</u> The greater of either 15m or twice the maximum height of the building {RR 312.10}
iii.	<u>Non-residential buildings</u> <u>Other building</u> {RR cl.16} not housing animals (See Figure 17.6C) {RR cl.16}	12m	1. <u>Buildings with a maximum height of up to 7m above ground level:</u> {RR 312.10} 6m 2. <u>Buildings with a maximum height that is over 7m above ground level:</u> Twice the maximum height of the building {RR 312.10}
iv.	Roadside produce stall	No requirement	6m
v.	All other structures	No requirement	No requirement

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

Figure 17.6A Setbacks for residential buildings {RU cl.16}

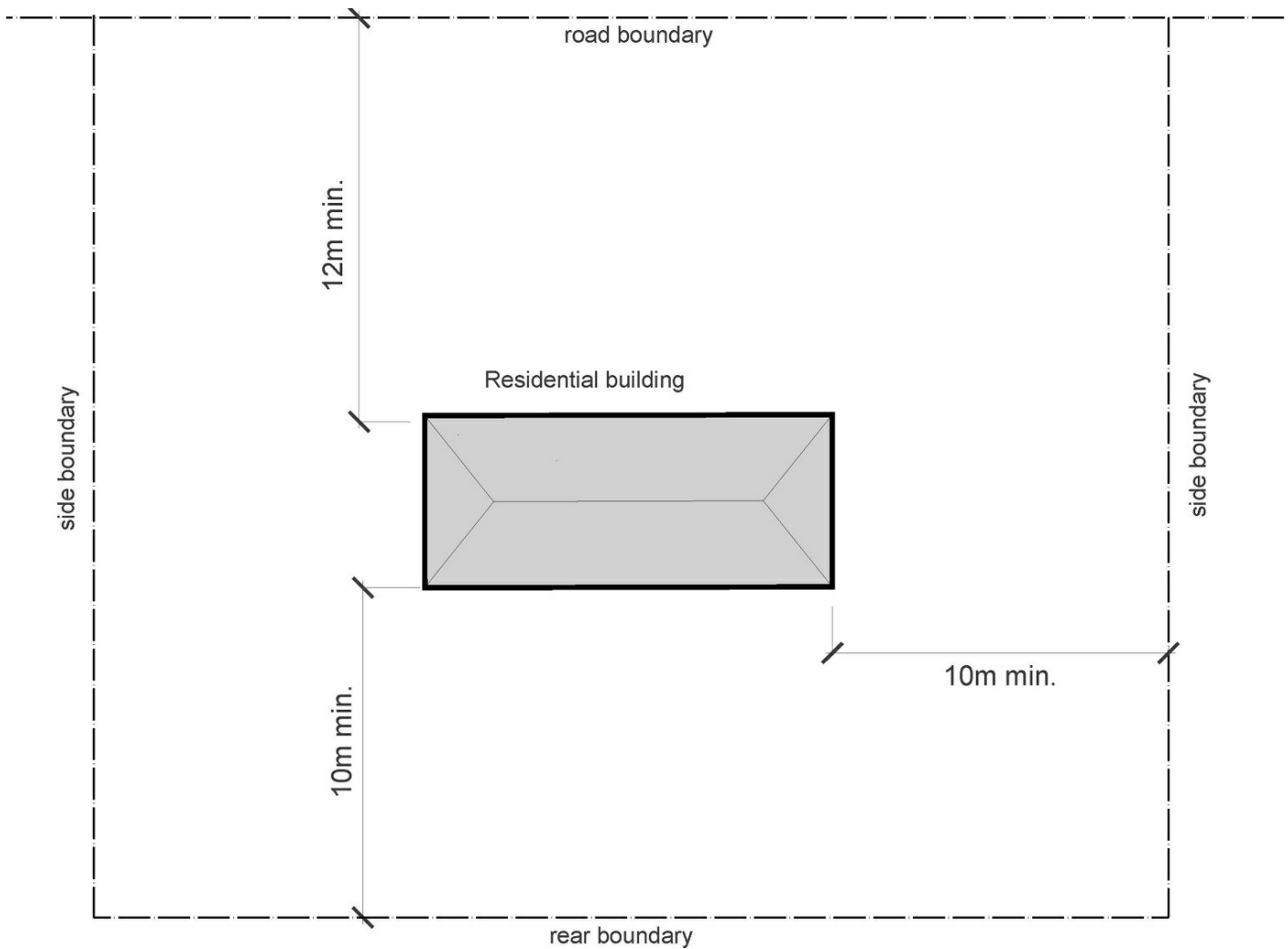


Figure 17.6B Setbacks for non-residential buildings housing animals {RU cl.16}

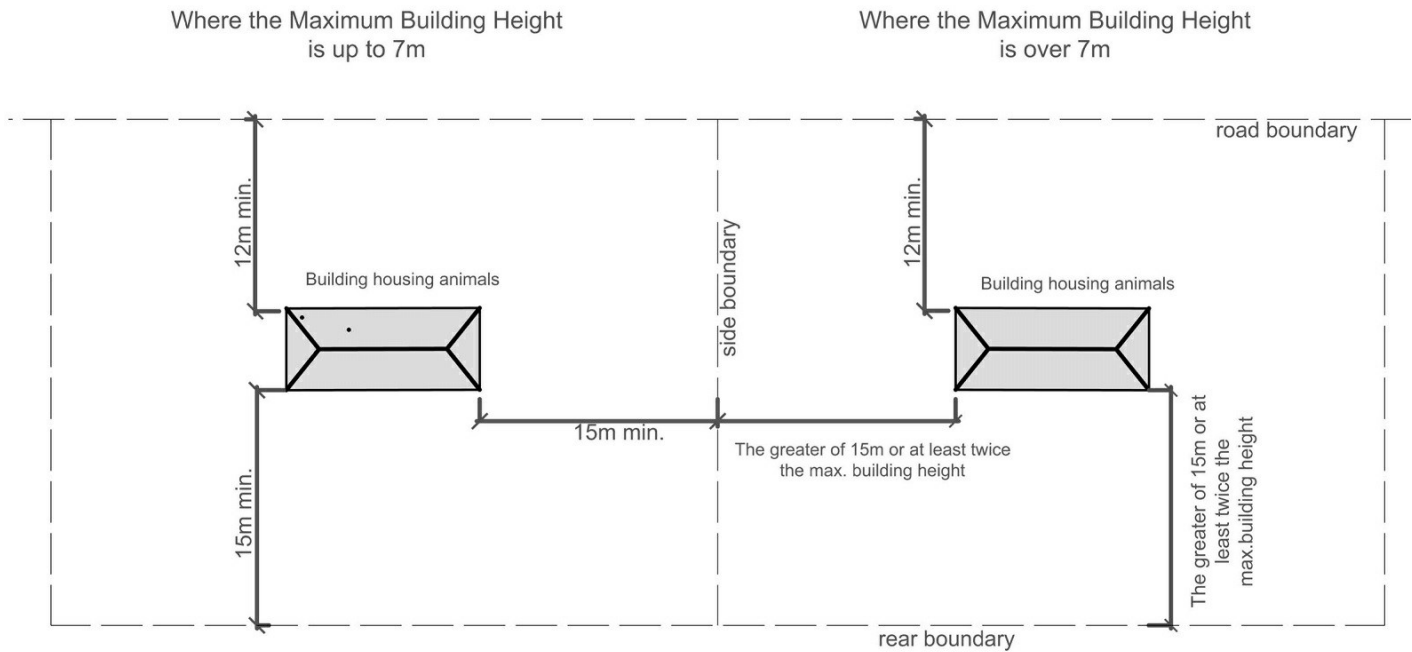
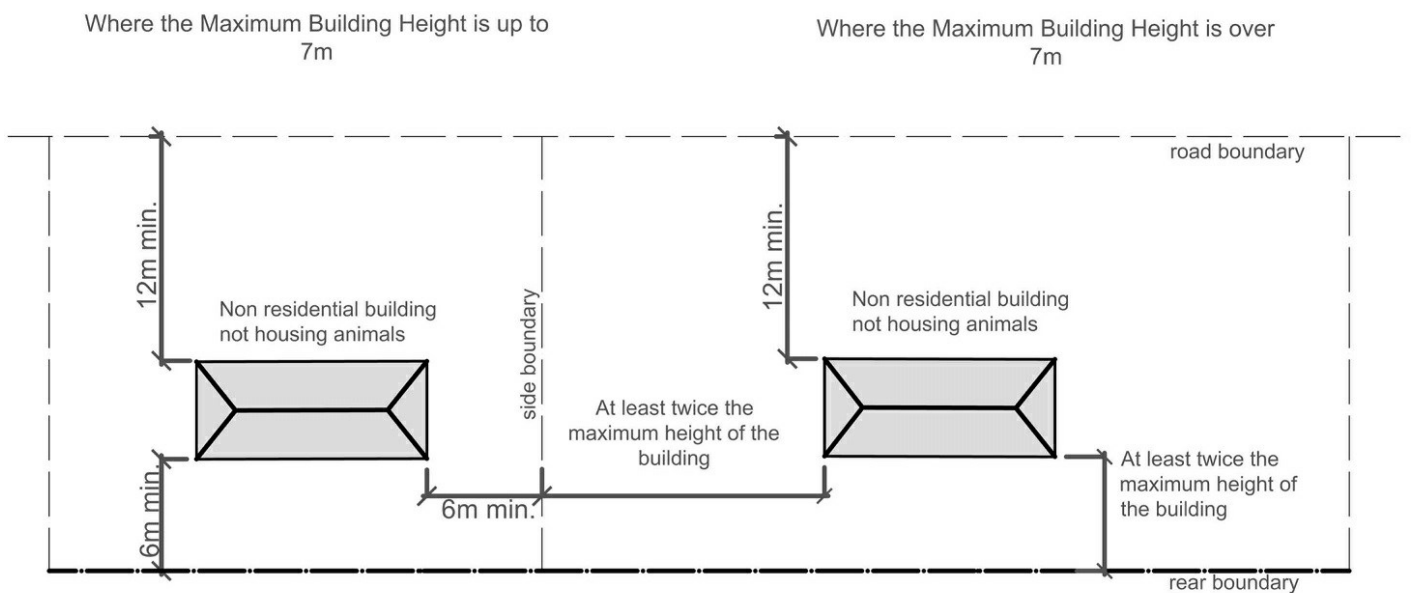


Figure 17.6C Setbacks for non-residential buildings not housing animals {RU cl.16}



17.6.10.2 Forestry and ~~tree-planting shelterbelts and small woodlots~~ **{RU cl.16}** setbacks

- a. Trees associated with forestry activity:
 - i. must not be planted within 30m of the boundary of any residential zone;
 - ii. must not be planted within 40m of a residential building where the building exists at the time of planting;
 - iii. must not shade a motorway or a strategic, arterial or collector road between 10am and 2pm on the shortest day of the year; and
 - iv. must not be planted within 10m of the boundary of the designated rail corridor. **{Trans 322.42}**
- b. Trees associated with ~~tree-planting shelterbelts and small woodlots~~ **{RU cl.16}**:
 - i. must be set back, or managed so that they maintain, a minimum distance of their own height from any residential building on an adjoining site, where the building exists at the time of planting;
 - ii. must not shade a motorway or a strategic, arterial or collector road between 10am and 2pm on the shortest day of the year; and
 - iii. must not be planted within 10m of the boundary of the designated rail corridor. **{Trans 322.42}**
- c. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

17.6.10.4 Setback from scheduled tree

New buildings and structures, additions and alterations, ~~earthworks,~~ **{EW cl.16}**¹ and any site development activities that involve the installation of impermeable surfacing must comply with Rule 7.5.2

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

17.6.10.5 Setback from ~~n~~National ~~g~~Grid

New buildings and structures, and additions and alterations, ~~and earthworks~~ **{EW cl.16}**¹ must comply with Rules 5.6.1.1. ~~and 5.6.1.2~~ **{EW cl.16}**¹

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

17.6.10.6 Setback from coast and water bodies

New buildings and structures, additions and alterations, ~~earthworks—large scale,~~ **{EW cl.16}**¹ and storage and use of hazardous substances must comply with Rule 10.3.3.

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

17.6.11 Vegetation Clearance Standards

17.6.11.1 Maximum area of vegetation clearance (~~UCMA UBMA~~ **{NatEnv 958.60}**)

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

~~17.6.11.2 Maximum area of indigenous vegetation clearance~~ **{NatEnv cl.16¹}**

~~Indigenous vegetation clearance must comply with Rule 10.3.2.2:~~ **{NatEnv cl.16}**¹

17.6.11.2 Indigenous vegetation clearance – small scale thresholds {*NatEnv cl.16*}

Indigenous vegetation clearance – small scale must comply with Rule 10.3.2.A. {*NatEnv cl.16*}

¹ **NatEnv cl.16:** Indigenous vegetation clearance rules have been reformatted. As a result, notified Rule 10.3.2.2 has been replaced by new Rule 10.3.2.A. Therefore, a consequential amendment is needed here to delete Rule 17.6.11.2 and add new Rule 17.6.11.2, in order to link to the reformatted provisions. This does not change the effect of provisions.

17.6.11.3 Protected areas (vegetation clearance) {*NatEnv cl.16*}

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

17.6.11.4 Protected species (indigenous vegetation clearance)

Indigenous vegetation clearance must comply with Rule 10.3.2.4.

17.6.11.5 Maximum area of vegetation clearance in the hazard overlay zones

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

Rule 17.7 Subdivision Performance Standards

17.7.1 Access

General subdivision must comply with Rule 6.8.1.

17.7.2 Esplanade Reserves and Strips

General subdivision must comply with Rule 10.3.1.

17.7.3 Fire Fighting

General subdivision must comply with Rule 9.3.3.

17.7.4 Service Connections

General subdivision must comply with Rule 9.3.7.

17.7.5 Minimum Site Size

1. The minimum site size for new resultant sites in the Rural Residential 1 Zone is 2ha.
2. Subdivisions activities **{PO cl.16}** that contravene ~~do not comply with~~ **{Trans cl.16}** this standard are non-complying, except in the following circumstances where the subdivision is discretionary:
 - a. all resultant sites are at least 75% of the minimum site size; and
 - b. a minimum of 50% of the resultant sites are not less than the minimum site size; and
 - c. the average area of the resultant sites is not less than the minimum site size.

17.7.6 Shape

1. Each resultant site that is intended to be developed must be of a size and shape that is large enough to contain a building platform of at least 8m by 15m that meets the performance standards of this Plan including but not limited to:
 - a. minimum car parking;
 - b. all setbacks from boundaries, water bodies, and **{NU 806.11}** scheduled trees, ~~and national grid~~ **{NU 806.11}**.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must ~~not contain~~ **{NU 806.11}**:
 - a. not contain **{NU 806.11}** esplanade reserves or strips;
 - b. not contain **{NU 806.11}** scheduled heritage buildings or structures; or
 - c. not contain **{NU 806.11}** right-of-way easements.
 - d. be located at least 12m from the outer edge of a National Grid support structure or centreline of an overhead National Grid transmission line. **{NU806.11}**
3. For unreticulated areas, resultant sites must provide for a waste disposal area to be located at least 50m from any water body and Mean High Water Springs. **{PHS 1071.56}**
4. Sites created and used solely for the following purposes are exempt from the shape standard:
 - a. Scheduled ASCV ASBV **{NatEnv 958.60}** or QEII covenant;
 - b. reserve;
 - c. access;
 - d. network utility; or
 - e. road.

5. Subdivision activities that do not meet this standard are restricted discretionary activities, except that subdivision activities that do not meet Rule 17.7.6.2.d are non-complying activities. {NU806.11}

Rule 17.8 Assessment of Controlled Activities

Rule 17.8.1 Introduction

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rule 17.8.2:
 - a. lists the matters over which Council has reserved its control; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
 - ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 17.9; and
 - iv. the matters of control become matters of discretion and will be assessed as indicated in this section.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 17.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 17.12; and
 - iii. the assessment guidance in this section will also be considered.

17.8.2 Assessment of controlled activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. <u>Affecting a scheduled heritage building or a scheduled heritage structure: {Her cl.16}</u> • Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected. • <u>Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) {Her 547.91}</u>	a. Effects on heritage values	See Rule 13.4
2. In the NCC Overlay Zone: • New buildings greater than 60m² footprint {PO cl.16¹} on a landscape building platform	a. Size, design and appearance of buildings	See Rule 10.3A
3. In the SNL Overlay Zone: • New buildings greater than 60m² footprint {PO cl.16¹} on a landscape building platform	a. Size, design and appearance of buildings	See Rule 10.3A

¹ **PO cl.16:** Footprint is included in the rule to improve plan clarity as a minor and inconsequential amendment.

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

Rule 17.9.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 17.9.2 - 17.9.6:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rules 17.9.2 - 17.9.5 17.9.6 apply as follows: to performance standards in the Rural Residential Zones; Rule 17.9.6 contains additional provisions that apply to performance standards in overlay zones and mapped areas.
{RR cl.16}
 - a. Rule 17.9.2 applies to all performance standard contraventions;
 - b. Rule 17.9.3 applies to land use performance standard contraventions;
 - c. Rule 17.9.4 applies to development performance standard contraventions;
 - d. Rule 17.9.5 applies to subdivision performance standard contraventions; and
 - e. Rule 17.9.6 applies to performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item. {RR cl.16}

17.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Performance standard contraventions	<i>Potential circumstances ~~or mitigation measures~~ {RR cl.16} that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards, or site specific factors including topography, make meeting the standard impracticable. c. The nature of activities on surrounding sites, topography of the site and/or surrounding sites, or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. d. In any landscape overlay zone, the development incorporates key design elements as set out in Appendix A3. e. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. <i>General assessment guidance:</i> f. Where more than one standard is contravened, the combined effects of the contraventions should be considered g. In any landscape overlay zone, the assessment will consider the landscape values outlined in Appendix A3. h. In any natural {NatEnv cl.16} coastal character overlay zone, the assessment will consider the natural character values outlined in Appendix A5.

17.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Density (family flats - design) {PO 207.1 and 394.63}	a. Effects on rural residential character and visual amenity	<i>Relevant objectives and policies:</i> i. Objectives 17.2.1, and {PO 207.1 and others} 17.2.3 ii. The character and visual amenity of the rural residential zones is maintained (Policy 17.2.3.1). iii. <u>The design of family flats avoids, as far as practicable, the risk they will be used for a separate, non-ancillary, residential activity and future pressure to subdivide off family flats.</u> (Policy 17.2.1.7) {PO 207.1 and 394.63} <i>Potential circumstances or mitigation measures {RR cl.16} that may support a consent application include:</i> iv. For contravention of maximum gross floor area, the family flat shares the same residential building as the primary residential unit. v. <u>The For family flats in separate buildings to the primary dwelling, the {PO cl.16} design of the family flat matches the design of the primary residential unit.</u> vi. <u>Landscaping For family flats in separate buildings to the primary dwelling, landscaping {PO cl.16} or other forms of screening will be used to reduce the visibility of the family flat.</u> vii. <u>The For family flats in separate buildings to the primary dwelling, the {PO cl.16} family flat will not be easily viewed from outside the site.</u> viii. The size of the residential unit will not create future pressure or expectation for it to be subdivided or be consented to operate as a second residential activity on site
2. Electrical interference	a. Effects on health and safety	See Rule 9.4
3. Hours of operation	a. Effects on amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 17.2.2 ii. Rural ancillary retail and working from home operate in a way (including hours of operations) that avoids or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigates noise or adverse effects on the amenity of surrounding properties (Policy 17.2.2.4).
4. Location	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

17.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
5. Maximum gross floor area	a. Effects on <u>the vibrancy and economic and social success of the CBD and centres/retail distribution</u> {RR cl.16}	<i>Relevant objectives and policies:</i> i. Objectives 2.3.2, 2.4.3, policies 2.3.2.2 and 2.4.3.4 ii. Objective 17.2.1 iii. Rural ancillary retail and working from home are at a scale that is ancillary to and supportive of productive rural activities or conservation on the same property (Policy 17.2.1.3.a).
6. Minimum car parking	a. Effects on the safety and efficiency of the transport network b. Effects on <u>accessibility</u> {Trans cl.16¹}	See Rule 6.9
7. Separation distances	a. Reverse sensitivity effects	<i>Relevant objectives and policies:</i> i. Objective 17.2.2 ii. Residential buildings are set back an adequate distance from {RR cl.16} existing {PO 1046.5} minimise, as far as practicable, {PO 906.34 and 308.497} the potential for reverse sensitivity {PO 1046.5} by being set back an adequate distance from {RR cl.16} forestry, factory farming intensive farming {RU 1090.3} , domestic animal boarding and breeding (including dogs), mining, and landfills and wind generators - large scale {RR cl.16} to minimise the potential for reverse sensitivity effects {PO 1046.5} (Policy 17.2.2.1.b). <i>Potential circumstances or mitigation measures {RR cl.16} that may support a consent application include:</i> iii. For non-compliance with separation distance from forestry, the new residential activity is located to the north of the forestry activity.
8. Tree species	a. Effects on biodiversity values {NatEnv 958.60} b. Effects on natural character of the coast {NatEnv 900.144} c. Effects on landscape values {NatEnv 900.144}	See Rule 10.4

¹ **Trans cl.16:** Under Transportation section assessment rules (Rule 6.9.3.6.a), 'effects on accessibility' is a matter of discretion for contraventions of minimum car parking performance standards. However, this matter of discretion was inadvertently omitted from notified Section 17 assessment rules. The correction of this error, via the addition of

Rule 17.9.3.6.b, does not result in a substantive change to the effect of provisions.

17.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Boundary setbacks	a. Effects on on-site amenity, effects ~~{RR cl.16}~~ on amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 17.2.2 ii. Buildings that house animals are set back from site boundaries an adequate distance to ensure adverse effects on adjoining residential activities are avoided or, if avoidance is not possible practicable {PO 908.3 and others}, are no more than minor (Policy 17.2.2.2). iii. New buildings are located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites (Policy 17.2.2.3). <i>Potential circumstances or mitigation measures {RR cl.16} that may support a consent application include:</i> iv. Screening or landscaping will be used in the development to ensure a good level of amenity for residential activities on adjoining sites. v. Where a building used to house animals contravenes the boundary setback standard, the type and/or number of animals or the frequency of housing them mean that the potential for adverse effects from noise, odour or dust on sensitive activities on adjoining sites will be avoided or minimised.
		b. Reverse sensitivity effects	<i>Relevant objectives and policies:</i> i. Objective 17.2.2 ii. Residential buildings are set back an adequate distance from site boundaries to {RR cl.16} minimise, as far as practicable, {PO 906.34 and 308.497} the potential for reverse sensitivity effects from rural activities {RU 1090.32 and PO 1046.5} by being set back an adequate distance from site boundaries {RR cl.16} (Policy 17.2.2.1.a). <i>Potential circumstances that may support a consent application include:</i> iii. Screening or landscaping will ensure potential for reverse sensitivity effects {PO 1046.5} is minimised as far as practicable {PO 906.34 and 308.497}.

17.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on rural residential character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 17.2.3 ii. Buildings and structures are set back from site boundaries to maintain the character and visual amenity of the rural residential zones (Policy 17.2.3.1). <i>Potential circumstances or mitigation measures {RR cl.16} that may support a consent application include:</i> iii. Landscaping or other forms of screening will be used to reduce the visibility of buildings or structures. iv. Colours and materials used in the development will blend in with the character of the surrounding rural residential environment, with natural finishes and low levels of reflectivity. v. The proposed building or structure will not obstruct any important views from public viewpoints, or cause significant obstruction of views from dwellings on surrounding sites. vi. The proposed building platform is low lying in relation to surrounding sites and roads and the proposed building will not be easily viewed from outside the site. vii. There are already existing buildings on the site in breach of the same setback. viii. There would be positive effects from maintaining open space through the clustering of buildings on the site.
2. Earthworks standards: • Batter gradient {EW cl.16 ² }	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 17.2.6 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 17.2.6.1.b).
3. Earthworks standards: • Setback from property boundary, buildings, structures and cliffs {EW cl.16 ² }	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 17.2.6 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 17.2.6.1.a).

17.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
4.	Earthworks standards: • Setback from national grid • Setback from network utilities {EW cl.16}	a. Effects on efficient and effective operation of network utilities	See Rule 5.7
		b. Effects on health and safety	
5.	Earthworks standards: • Sediment control {EW cl.16}	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 17.2.6 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by avoiding sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems, or the coastal marine area {EW 1071.106} (Policy 17.2.6.2.b).
		b. Effects on biodiversity values and natural character of riparian margins and the coast	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
6.	Earthworks standards: • NZ Environmental Code of Practice for Plantation Forestry {EW cl.16}	a. Degree of compliance with New Zealand Code of Practice for Plantation Forestry	<i>Relevant objectives and policies:</i> i. Objective 17.2.6 ii. Earthworks ancillary to forestry are carried out in accordance with industry best practice guidelines (Policy 17.2.6.4).
7.	Fire fighting	a. Effects on health and safety	See Rule 9.4
8.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards: {PO cl.16}	See Rule 11.4 {PO cl.16}

17.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
9.	Forestry and tree planting shelterbelts and small woodlots {RU cl.16} setbacks	a. Effects on amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 17.2.2 ii. Forestry and ~~tree planting shelterbelts and small woodlots~~ {RU cl.16} are set back an adequate distance to avoid or minimise, as far as practicable, {PO 308.497} significant effects from shading on residential buildings on surrounding properties (Policy 17.2.2.6). iii. Forestry is located and designed to avoid or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigate shading, noise, traffic and other nuisance effects on surrounding properties (Policy 17.2.2.7). <i>Potential circumstances or mitigation measures {RR cl.16} that may support a consent application include:</i> iv. The area to be planted is to the south of any adjoining residential zone or residential buildings on an adjoining site. v. Slope or orientation or other topographical aspects of the sites involved mean that there will be no shading of residential buildings on an adjoining site.
		b. Effects on health and safety	See Rule 9.4
		c. Effects on the safety and efficiency of the transport network	See Rule 6.9
10.	Maximum height	a. Effects on rural residential character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 17.2.3 ii. Buildings and structures are of a height that maintains the character and visual amenity of the rural residential zones (Policy 17.2.3.1). <i>Potential circumstances or mitigation measures {RU cl.16} that may support a consent application include:</i> iii. As for Rule 17.9.4.1.c.iii-vi iv. The terrain provides an adequate backdrop to the proposed building or structure and mitigates any adverse visual effects from the building or structure.

17.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
11.	Number, location and design of ancillary signs	a. Effects on rural residential character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 17.2.3 ii. Ancillary signs are located and designed to maintain the character of the rural residential zones, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on site to passing pedestrians and vehicles and not being oversized or too numerous for that purpose (Pol 17.2.3.4).
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
12.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
13.	Setback from coast and water bodies	a. Effects on biodiversity values and natural character of riparian margins and the coast	See Rule 10.4
		b. Effects on public access	
		c. Risk from natural hazards	See Rule 11.4
14.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
15.	Vegetation clearance standards: - Maximum area of indigenous vegetation clearance {<i>NatEnv cl.16</i>³} - Protected species (<u>indigenous vegetation clearance</u>) {<i>NatEnv cl.16</i>}	a. Effects on biodiversity <u>values</u> { <i>NatEnv 958.60</i> }	See Rule 10.4

17.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
16. Vegetation clearance standards: Protected areas (<u>vegetation clearance</u>) {NatEnv cl.16}	a. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4

¹ **RR cl.16:** Matter of discretion removed as not relevant to assessment of this performance standard.

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

³ **NatEnv cl.16:** Indigenous vegetation clearance rules have been reformatted. Indigenous vegetation clearance that would contravene notified Rule 10.3.2.2 Maximum area of indigenous vegetation clearance is now provided for as Indigenous Vegetation Clearance – Large Scale. This does not change the effect of provisions.

17.9.5 Assessment of subdivision performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Access	a. Effects on accessibility	See Rule 6.9
2.	Esplanade reserves and strips	a. Effects on biodiversity values and the natural character of the coast and riparian margins	See Rule 10.4
		b. Effects on public access	
3.	Fire fighting	a. Effects on health and safety	See Rule 9.4
4.	Service connections	a. Effects on efficiency and affordability of infrastructure	See Rule 9.4

17.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
5. Shape	<i>Relevant objectives and policies:</i> a. Objective 2.4.1 b. Subdivision is designed to ensure any future land use or development is able to meet the performance standards in the zone, <u>or where in a structure plan mapped area, reflects the requirements of the structure plan mapped area performance standards {ULS cl.16}</u>, unless: i. a resource consent is approved for a development that does not meet the performance standard and the subdivision is intended for and capable of providing for that approved development; or ii. the resultant site is required for: 1. Scheduled ASCV ASBV or {NatEnv 958.60} QEII covenant; or 2. reserve; or 3. access; or 4. utility; or 5. road (Policy 2.4.1.8). <i>General assessment guidance:</i> c. Non-compliance with the performance standard for shape will be assessed based on which performance standard(s) the shape of the resultant site does not provide for compliance with. See matters of discretion and assessment rules in relation to performance standard contraventions for: i. minimum car parking; ii. boundary setbacks; iii. setbacks from water bodies; iv. setback from scheduled tree; and v. setback from nNational gGrid. vi. ~~earthworks standards (building platform slope).~~ {RR cl.16} d. <u>For contravention of the building platform slope part of the shape performance standard (Rule 17.7.6.2), see the matters of discretion and assessment rules in relation to earthworks - large scale (Rule 8A.7.2.1). {RR cl.16}</u> <i>Conditions that may be imposed include:</i> e. A building platform registered against the certificate of title by way of a consent notice. f. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site. g. A building platform may be required to be registered against the title by way of consent notice.	

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	In a hazard overlay zone or swale mapped area {NH cl.16}: • Hazard overlay zones development standards • <u>Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) overlay zones)</u> • <u>Relocatable buildings (Hazard 3 (coastal) Overlay Zone)</u> • <u>Outdoor Storage (Hazard 1 (flood) Overlay Zone) {NH cl.16}</u> • <u>Hazardous substances quantity limits and storage requirements {PO cl.16}</u>	a. Risk from natural hazards	See Rule 11.4
2.	In the SNL Overlay Zone: • Maximum height • Reflectivity	a. Effects on landscape values	See Rule 10.4
3.	In the SNL or ONF overlay zones: • Number, location and design of ancillary signs	a. Effects on landscape values	See Rule 10.4
4.	In the NCC or HNCC overlay zones: • Number, location and design of ancillary signs	a. Effects on natural character of the coast	See Rule 10.4
5.	In the NCC Overlay Zone: • Maximum height • Reflectivity	a. Effects on natural character of the coast	See Rule 10.4
6.	In an urban conservation biodiversity mapped area: {NatEnv 958.60} • Vegetation clearance standards: Maximum area of vegetation clearance (<u>UBMA</u>) {NatEnv cl.16}	a. Effects on biodiversity <u>values</u> {NatEnv 958.60}	See Rule 10.4

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
7.	In the Taieri Aerodrome flight fan mapped area : Maximum height (Rule 17.6.6.4 17.6.5.1.d {RR cl.16})	a. Effects on <u>health and safety</u> operation of Taieri Aerodrome {PHS cl.16}	See Rule 9.4
8.	In a high class soils mapped area : Earthworks standards (removal of high class soils) {EW cl.16}	a. Maintenance of high class soils resource	<i>Relevant objectives and policies:</i> i. Objective 17.2.4 ii. Earthworks in a high class soils mapped area retain soils on the site (Policy 17.2.4.1): <i>Potential circumstances that may support a consent application include:</i> iii. The development will involve a productive rural activity. iv. The site design will minimise the effect of the activity on the high class soils contained on the site. v. The soils are being removed to enhance the productivity of another site.
9.	Affecting a scheduled heritage item building or scheduled heritage structure {Her cl.16}: Materials and design	a. Effects on heritage values (work on scheduled heritage buildings/structures){RR cl.16}	See Rule 13.5
10. {MW 1071.16}	In a wāhi tūpuna mapped area : {MW 1071.16} - Maximum height {MW 1071.3} - Setback from coast and water bodies {MW 1071.16} - Esplanade reserves and strips {MW 1071.16} - Vegetation clearance standards: Protected areas (vegetation clearance), Protected species (indigenous vegetation clearance) {MW 1071.3}	a. Effects on cultural values of Manawhenua {MW 1071.16}	See Rule 14.3 {MW 1071.16}

¹ **NH cl. 16:** The standards do not include provisions which apply in a **swale mapped area**.

² **EW cl.16:** As a clause 16 amendment, all earthworks provisions in management and major facility zones have been

moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

Rule 17.10 Assessment of Restricted Discretionary Activities

Rule 17.10.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 17.10.2 - 17.10.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. ~~Rules 17.10.2 - 17.10.5 apply as follows: 17.10.4 apply to activities in the Rural Residential Zones; Rule 17.10.5 contains additional provisions that apply to activities in overlay zones, mapped areas, and on scheduled items. {RR cl.16}~~
 - a. Rule 17.10.2 applies to restricted discretionary land use activities;
 - b. Rule 17.10.3 applies to restricted discretionary development activities;
 - c. Rule 17.10.4 applies to restricted discretionary subdivision activities; and
 - d. Rule 17.10.5 applies to restricted discretionary activities in an overlay zone, mapped area or affecting a scheduled item. {RR cl.16}
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
5. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard) {PO cl.16}~~ then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 17.9; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 17.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 17.12; and
 - iii. the assessment guidance in this section will also be considered.

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

17.10.2 Assessment of restricted discretionary land use activities

Land use activities	Matters of discretion	Guidance on the assessment of resource consents
3. Development associated with restricted discretionary land use activities <u>All restricted discretionary land use activities in the rural residential zones that also involve development activities {RR cl.16}</u>	a. Effects on rural residential character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 17.2.3 ii. Any adverse effects from development on rural residential character and visual amenity will be avoided or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, adequately mitigated (Policy 17.2.3.3). <i>Potential circumstances that may support a consent application include:</i> iii. Landscaping or other forms of screening will be used to reduce the visibility of development from surrounding properties and public viewpoints. iv. Signage and entranceways are in character with the surrounding environment.
A. <u>All high trip generators, which include: {Trans cl.16}</u>	a. Effects on accessibility {Trans cl.16}	See Rule 6.10 {Trans cl.16}
• <u>any activities that generate 250 or more vehicle movements a day {Trans cl.16}</u>	b. Effects on the safety and efficiency of the transport network {Trans cl.16}	

17.10.2 Assessment of restricted discretionary land use activities

Land use activities		Matters of discretion	Guidance on the assessment of resource consents
1.	Forestry	a. Effects on amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 17.2.2 ii. Forestry is located and designed to avoid or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigate shading, noise, traffic and other nuisance effects on surrounding properties (Policy 17.2.2.7).
		b. Effects on rural residential character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 17.2.3 ii. Forestry is located, designed and managed to avoid or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigate adverse effects on the character and visual amenity of the rural residential zones (Policy 17.2.3.2). <i>Potential circumstances that may support a consent application include:</i> iii. The forestry is located on land that is not visually prominent. iv. The forestry is of a size and on-site location that will lessen visual effects. v. Screen planting with other species will be used to reduce visual effects.
		c. Effects on the safety and efficiency of the transport network	See Rule 6.10
2.	Veterinary services (large animal practice)	a. Effects on amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 17.2.2 ii. Any adverse effects on the amenity of surrounding rural residential properties are avoided or, if avoidance is not possible practicable {PO 908.3 and others}, are adequately mitigated (Policy 17.2.2.5). <i>Potential circumstances that may support a consent application include:</i> iii. The activity is set back a sufficient distance from its own boundaries to mitigate adverse effects on surrounding residential activities.
		b. Effects on the safety and efficiency of the transport network	See Rule 6.10

¹ **Trans cl.16:** Under Transportation section assessment rules (Rule 6.10.2.7a&b), 'effects on accessibility' and 'effects on safety and efficiency of the transport network' are matters of discretion for high trip generators, which include land use activities that generate 250 or more vehicle movements a day. However, the rule necessary to link to Rule 6.10.2.7 was inadvertently omitted from notified Section 17 assessment rules. The correction of this error,

via the addition of Rule 17.10.2.A, does not result in a substantive change to the effect of provisions.

17.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
4. Earthworks – large-scale (that exceed the scale thresholds for the rural residential zones) {EW cl.16} ¹	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 17.2.5 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 17.2.5.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 17.2.5.3.b). <i>Potential circumstances that may support a consent application include:</i> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or effect existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to include:</i> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished.

17.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 17.2.5 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 17.2.6.5.c). <i>Potential circumstances that may support a consent application include:</i> iii. A geotechnical report confirms the existing ground is suitably stable for the proposed works, and proposed works will not create instability risks for surrounding land, buildings, or structures (see Special Information Requirements – Rule 17.13.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards. <i>Conditions that may be imposed include, but are not limited to:</i> v. Maximum slopes of cut and fill batters. vi. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. vii. Temporary shoring requirements to maintain stability before a wall is constructed. viii. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
2. Earthworks – large scale (that exceed scale thresholds within 5m of a water body or MHWS) {EW cl.16} ¹	a. Effects on biodiversity and natural character of riparian margins and the coast b. Effects on public access	See Rule 10.5

17.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. <u>High trip generators:</u> {Trans cl.16³} New or additions to parking areas, or extensions to existing parking areas that result in the creation of 50 or more new parking spaces {Trans cl.16}	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility	See Rule 6.10
4. <u>Indigenous vegetation clearance – large scale</u> {NatEnv cl.16²}	a. Effects on biodiversity values {NatEnv cl.16}	See Rule 10.5 {NatEnv cl.16}

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

² **NatEnv cl.16:** Indigenous vegetation clearance rules have been reformatted. Indigenous vegetation clearance that would contravene notified Rule 10.3.2.2 Maximum area of indigenous vegetation clearance is now provided for as Indigenous Vegetation Clearance – Large Scale. This does not change the effect of provisions.

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

17.10.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. General subdivision	a. Effects on on-site amenity	<i>Relevant objectives and policies:</i> i. Objective 17.2.2 ii. Subdivisions deliver sites that achieve a high quality of on-site amenity through being large enough and of a shape that is capable of supporting rural residential development (Policy 17.2.2.8).
	b. Effects on rural residential character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 17.2.3 ii. Subdivisions are designed to ensure any associated future land use and development will maintain or enhance the character and visual amenity of the rural residential zones (Policy 17.2.3.5). <i>Potential circumstances that may support a consent application include:</i> iii. Sites are designed to respond to the topography and characteristics of the land and surrounding environment; iv. Building platforms are located to respond to land form and avoid significant visual effects; v. Driveways, network utilities and services are designed and located to minimise the need for significant earthworks.
	c. Effects on long term maintenance of rural land for productive rural activities	<i>Relevant objectives and policies:</i> i. Objective 17.2.4 ii. Subdivisions are designed to ensure sites are of shape and size that enable lifestyle blocks or hobby farms, including the keeping of livestock, and avoid sites that will be used <u>purely</u> {RR cl.16} as large lot residential living (Policy 17.2.4.3).
	d. Effects on biodiversity values and natural character of riparian margins and the coast	See Rule 10.5
	e. Effects on areas of indigenous vegetation and the habitats of indigenous fauna {NatEnv 958.60}	
	f. Effects on public access	

17.10.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	g. Effects on health and safety	See Rule 9.5
	h. Effects on affordability/ <u>and</u> {RR cl.16} efficiency of infrastructure	
	i. Effects on the safety and efficiency of the transport network	See Rule 6.10
	j. Risk from natural hazards	See Rule 11.5

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. In the ONF Overlay Zone : • ~~All other buildings and structures activities~~ {NatEnv 360.138} • <u>Indigenous vegetation clearance - large scale</u> {NatEnv 958.106} • ~~Tree planting Shelterbelts and small woodlots~~ {RU cl.16} • ~~Earthworks – large scale (that exceed scale thresholds for an ONF)~~ {EW cl.16'} • General subdivision	a. Effects on landscape values	See Rule 10.5
2. In the SNL Overlay Zone : • Forestry • New buildings or structures greater than 60m² footprint, or additions and alterations that result in a building or structure that is greater than 60m² <u>footprint</u> {PO cl.16'} • ~~All other buildings and structures activities~~ {NatEnv 360.138} • ~~Earthworks – large scale (that exceed the scale thresholds for an SNL)~~ {EW cl.16'} • General subdivision	a. Effects on landscape values	See Rule 10.5

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. In the HNCC Overlay Zone: • All other buildings and structures activities {NatEnv 360.138} • Indigenous vegetation clearance {NatEnv 958.106} • Tree planting Shelterbelts and small woodlots {RU cl.16} • Earthworks – large scale (that exceed scale thresholds for an HNCC) {EW cl.16'} • General subdivision	a. Effects on natural character of the coast	See Rule 10.5
4. In the NCC Overlay Zone: • Forestry • New buildings or {RR cl.16} structures greater than 60m² footprint, {RR cl.16} or additions and alterations that result in a building or structure that is greater than {RR cl.16} 60m² footprint {PO cl.16'} and over {RR cl.16} • All other buildings and structures activities {NatEnv 360.138} • Indigenous vegetation clearance - large scale {NatEnv cl.16} • Earthworks – large scale (that exceed scale thresholds for an NCC) {EW cl.16'} • General subdivision	a. Effects on natural character of the coast	See Rule 10.5
5. In a wāhi tūpuna mapped area where activity is identified as a threat: • New buildings and structures • Earthworks – large scale {EW cl.16'} • General subdivision • Forestry • Indigenous vegetation clearance - large scale {NatEnv cl.16} • Tree planting Shelterbelts and small woodlots {RU cl.16}	a. Effects on cultural values of Manawhenua	See Rule 14.4

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
6.	Activities that affect affecting a scheduled heritage building, or scheduled heritage structure or scheduled heritage site {Her cl.16}: • All other {Her cl.16} Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure • Removal for relocation • General <u>All subdivision activities on sites containing a scheduled heritage building or scheduled heritage structure</u> {Her cl.16}	a. Effects {PHS cl.16} on heritage values	See Rule 13.6
7.	In a hazard overlay zone all hazard overlay zones, swale mapped areas and dune system mapped areas {NH949.25, NH634.69 and NH cl.16}: • General subdivision in a hazard 3 (coastal) overlay zone {NH949.25, NH634.69 and NH cl.16} • Earthworks – large scale (that exceed the scale threshold for a hazard overlay zone or swale mapped area) {EW cl.16}	a. Risk from natural hazards	See Rule 11.5
10.	In a Hazard 1 (land instability) Overlay Zone (see Rule 17.3.6): • New buildings, and additions and alterations to buildings, which create more than 1m² of new ground floor area {NH 73.4 and others}	a. Risk from natural hazards {NH 73.4 and others}	See Rule 11.5 {NH 73.4 and others}
9.	In a hazard 1 or 2 (flood) {NH 73.4 and others} overlay zone other than the hazard 1 (land instability) Overlay Zone {NH 73.4 and others} (see Rule 17.3.6): • New buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area	a. Risk from natural hazards	See Rule 11.5
8. {NH cl.16}	In a geologically sensitive mapped area (GSA): {NH cl.16} • Earthworks – large scale (that exceed underlying zone scale thresholds) {NH cl.16}	a. Risk from natural hazards {NH cl.16}	See Rule 11.5 {NH cl.16}

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
11.	In a GPA : Earthworks – large scale (that exceed scale thresholds for a GPA) {EW cl.16'}	a. Effects on health and safety	See Rule 9.5
12.	In an UCMA : Earthworks – large scale (that exceed scale thresholds for a UCMA) {EW cl.16'}	a. Effects on biodiversity	See Rule 10.5
13.	In the Hazard 2 (flood) Overlay Zone : {NH 634.74} - Natural hazards {NH cl.16} sensitive activities {NH 634.74} - Natural hazards {NH cl.16} potentially sensitive activities {NH 634.74}	a. Risk from natural hazards {NH 634.74}	See Rule 11.5 {NH 634.74}
14. {NU 806.11}	In the National Grid Corridor mapped area : {NU806.11} All subdivision activities {NU 806.11}	a. Effects on health and safety {NU806.11} b. Reverse sensitivity effects {NU806.11} c. Effects on efficient and effective operation of network utilities {NU806.11}	See Rule 5.8 {NU 806.11}
15.	In an ASBV : {NatEnv cl.16³} - New buildings or structures greater than 60m² footprint, or additions and alterations that result in a building or structure that is greater than 60m² footprint {NatEnv cl.16} - General subdivision {NatEnv cl.16} - Shelterbelts and small woodlots {NatEnv cl.16} - Site development activities (except for outdoor storage, parking, loading and access, vegetation clearance, storage and use of hazardous substances) {NatEnv cl.16}	a. Effects on biodiversity values {NatEnv cl.16}	See Rule 10.5 {NatEnv cl.16}

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
16.	<u>In the radio transmitters mapped area:</u> {NU 918.25} • <u>General subdivision</u> {NU 918.25}	<u>a. Reverse sensitivity effects</u> {NU 918.25}	<u>See Rule 5.8</u> {NU 918.25}

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

² **PO cl.16:** Footprint is included in the rule to improve plan clarity as a minor and inconsequential amendment.

³ **NatEnv cl.16:** Areas of Significant Biodiversity Value (ASBVs) intersect with the rural residential zones, but the notified Plan omitted providing a link to the relevant rules for ASBVs. They were included correctly in the rural zones for reference. These rules have been added to clarify the rules that apply in ASBVs where these intersect with rural residential zones. This amendment is considered of minor consequence and made under Clause 16 of the RMA.

⁴ **NH cl.16:** As a clause 16 amendment, geologically sensitive areas are not part of this Plan, and are included in the data map for information purposes only.

Rule 17.11 Assessment of Discretionary Activities

Rule 17.11.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 17.11.2 - 17.11.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. Rules 17.11.2 - 17.11.3 apply as follows: {RR cl.16}
 - a. Rule 17.11.2 applies to discretionary land use activities; and {RR cl.16}
 - b. Rule 17.11.3 applies to discretionary performance standard contraventions. {RR cl.16}
4. With respect to section 104(2) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural residential zones.
5. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

17.11.2 Assessment of discretionary land use activities {was 'Assessment of discretionary activities' - RR cl.16}

Activity	Guidance on the assessment of resource consents
1. ~~All discretionary activities {RR cl.16}~~	~~a. In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. {RR cl.16}~~
2. • Rural tourism • Rural research • Community and leisure - large scale • Early childhood education • Sport and recreation • Visitor accommodation	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 17.2.2, 17.2.3, 17.2.4 b. Any adverse effects on the amenity of surrounding rural residential properties are avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, are adequately mitigated (Policy 17.2.2.5). c. Any adverse effects on rural residential character and visual amenity are avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, are adequately mitigated (Policy 17.2.3.3). d. Where in a high class soils mapped area, adverse effects on high class soils are avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adverse effects are no more than minor (Policy 17.2.4.2). <i>General assessment guidance:</i> e. In assessing effects on amenity, Council will consider the effects of

17.11.2 Assessment of discretionary land use activities {was 'Assessment of discretionary activities' - RR cl.16}

Activity	Guidance on the assessment of resource consents
	vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road. f. 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. {RR cl.16³} <i>Potential circumstances or mitigation measures {RR cl.16} that may support a consent application include:</i> g. The activity is set back a sufficient distance from its own boundaries and existing sensitive activities on surrounding sites. h. Development activities meet relevant performance standards. i. Development is not situated on visually prominent land. j. The form, scale and materials used in buildings and structures are compatible with the character and visual amenity of the rural residential zones. k. Colours and materials used in development are chosen to blend in with the rural residential setting and minimise reflectivity. l. Landscaping or other forms of screening are used to reduce the visibility of development from surrounding properties and public viewpoints. <i>Conditions that may be imposed include:</i> m. Restriction on hours of operation n. Controls on on-site lighting o. A requirement for screening of storage areas p. A requirement to control dust q. Provision of car parking areas <i>Relevant guidance from other sections (priority considerations):</i> r. See Section 6.11 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transportation network <u>and its affordability to the public</u> {Trans 881.63}. s. <u>In an ASBV, see section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity values.</u> {Nat Env cl.16³} t. <u>See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety</u> {PHS cl.16} u. <u>For activities that may have effects on biodiversity values, see Section</u>

17.11.2 Assessment of discretionary land use activities {was 'Assessment of discretionary activities' - RR cl.16}

Activity	Guidance on the assessment of resource consents
	<u>10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1. {NatEnv 900.35}</u> v. <u>For activities adjacent to water bodies and the coast, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.2. {NatEnv 900.38}</u> w. <u>For activities taking place within the radio transmitters mapped area, see Section 5.9 for guidance on the assessment of resource consents in relation to management of reverse sensitivity effects on Radio New Zealand's facilities at 740 Highcliff Road and 35 Karetai Road. {NU 918.25}</u> x. <u>See Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua {MW 1071.3}</u>
3- In the hazard 1 overlay zones (see Rule 17.3.6): {NH634.74} Potentially sensitive activities permitted in rural residential zones {NH634.74}	See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH634.74}
4- In the hazard 2 overlay zones (see Rule 17.3.6): {NH634.74} - Potentially sensitive activities not permitted in rural residential zones {NH634.74} - Sensitive activities {NH634.74}	See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH634.74}

¹ **NatEnv cl.16:** Areas of Significant Biodiversity Value (ASBVs) intersect with the rural residential zones, but the notified Plan omitted providing a link to the relevant rules for ASBVs. They were included correctly in the rural zones for reference. These rules have been added to clarify the rules that apply in ASBVs where these intersect with rural residential zones. This amendment is considered of minor consequence and made under Clause 16 of the RMA.

² **RR cl.16:** Rule 17.11.2.1 removed as unnecessary because there are no activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item.

³ **RR cl.16:** Rule 17.11.2.2.f duplicates Rule 17.11.1.5 and therefore is unnecessary.

17.11.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • Acoustic insulation • Noise - where the limit is exceeded by ~~up to~~ less than {PHS cl.16} 5dB LAeq (15min) • Light spill - where the limit is exceeded by 25% or less	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
2. Minimum site size (Rule 17.7.5.2)	<i>Potential circumstances ~~or mitigation measures~~ {RR cl.16} that may support a consent application:</i> a. The parent site contains significant topographical features such as water bodies or human-made features such as roads or rail corridors which make meeting the minimum site size impractical. <i>Relevant guidance from other sections (priority considerations):</i> b. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.

Rule 17.12 Assessment of Non-complying Activities

Rule 17.12.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 17.12.2 - 17.12.6 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. Rules 17.12.2 - 17.12.6 apply as follows: {RR cl.16}
 - a. Rule 17.12.2 applies to all non-complying activities;
 - b. Rule 17.12.3 applies to non-complying land use activities;
 - c. Rule 17.12.4 applies to non-complying development activities;
 - d. Rule 17.12.5 applies to non-complying subdivision activities; and
 - e. Rule 17.12.6 applies to non-complying performance standard contraventions. {RR cl.16}
4. With respect to section 104(2) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural residential zones.
5. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

17.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities, including but not limited to the activities listed below {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 17.2.1, 17.2.2, 17.2.3, 17.2.4 b. The activity is consistent with the strategic directions. including but not limited to: i. Objective 2.2.4 ii. Objective 2.7.1 <i>General assessment guidance:</i> c. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. <i>Relevant guidance from other sections (priority considerations):</i> d. <u>For activities taking place within the radio transmitters mapped area, see Section 5.10 for guidance on the assessment of resource consents in relation to management of reverse sensitivity effects on Radio New Zealand's facilities at 740 Highcliff Road and 35 Karetai Road. {NU 918.25}</u> e. <u>See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public. {Trans cl.16'}</u> f. <u>See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety {PHS cl.16}</u> g. <u>For activities that may have effects on biodiversity values, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1. {NatEnv 900.35}</u> h. <u>For activities adjacent to water bodies and the coast, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.2. {NatEnv 900.38}</u>

17.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. Commercial advertising	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c
2. • Cemeteries • Crematoriums • Landfills	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.
3. In the ONF or HNCC overlay zones : • Domestic animal boarding and breeding (not including dogs) • Forestry • Standard residential • Veterinary services - large animal practice • Visitor accommodation • <u>Emergency services</u> {CP 945.40}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to objectives 10.2.3 and 10.2.5 and effects related to natural character of the coast and landscape values.
4. In the hazard 1 (flood) {NH 73.4 and others} overlay zones (see Rule 17.3.6): • <u>Natural hazards</u> Potentially {NH cl.16} sensitive activities not permitted in rural residential zones. {NH 634.74} • <u>Natural hazards</u> Sensitive {NH cl.16} activities	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards.
5. In a wāhi tūpuna mapped area : • Forestry • Mining	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.

17.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
6. In an ASBV: <i>{NatEnv cl.16}</i>¹ • <u>Rural activities (except for rural ancillary retail, rural tourism and rural research)</u> <i>{NatEnv cl.16}</i> • <u>Residential activities (except for working from home)</u> <i>{NatEnv cl.16}</i> • <u>Early childhood education</u> <i>{NatEnv cl.16}</i> • <u>Commercial activities (except for stand-alone car parking)</u> <i>{NatEnv cl.16}</i> • <u>Industrial activities</u> <i>{NatEnv cl.16}</i> • <u>Major facility activities</u> <i>{NatEnv cl.16}</i>	<i>Relevant guidance from other sections (priority considerations):</i> a. <u>See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values.</u> <i>{NatEnv cl.16}</i>
7. In the SNL or NCC overlay zones: • <u>Emergency services</u> <i>{RR cl.16}</i>	<i>Relevant guidance from other sections (priority considerations):</i> a. <u>See Section 10.7 for guidance on the assessment of resource consents in relation to Objectives 10.2.3 and 10.2.5 and effects related to natural character of the coast and landscape values.</u> <i>{RR cl.16}</i>

¹ **NatEnv cl.16:** Areas of Significant Biodiversity Value (ASBVs) intersect with the rural residential zones, but the notified Plan omitted providing a link to the relevant rules for ASBVs. They were included correctly in the rural zones for reference. These rules have been added to clarify the rules that apply in ASBVs where these intersect with rural residential zones. This amendment is considered of minor consequence and made under Clause 16 of the RMA.

17.12.4 Assessment of non-complying development activities

Activity	Guidance on the assessment of resource consents
1. Demolition of a protected part of a scheduled heritage building or scheduled heritage structure	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects on heritage values.
2. In the ONF or HNCC overlay zones: • New buildings or structures • Additions and alterations • <u>Indigenous vegetation clearance – large scale (HNCC overlay zone)</u> {NatEnv 958.106}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objectives 10.2.3 and 10.2.5 and effects related to natural character of the coast and landscape values.
3. In a wāhi tūpuna mapped area: • New buildings or structures • ~~Earthworks ancillary to forestry~~ {EW cl.16¹} • <u>Additions and alterations</u> {MW 1071.3}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua.
4. In an ASBV: {NatEnv cl.16²} • <u>Indigenous vegetation clearance – large scale</u> {NatEnv cl.16}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values. {NatEnv cl.16}
5. In a dune system mapped area: • <u>Hazard exclusion areas</u> {NH cl.16}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. {NH cl.16}

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

² **NatEnv cl.16:** Areas of Significant Biodiversity Value (ASBVs) intersect with the rural residential zones, but the notified Plan omitted providing a link to the relevant rules for ASBVs. They were included correctly in the rural zones for reference. These rules have been added to clarify the rules that apply in ASBVs where these intersect with rural residential zones. This amendment is considered of minor consequence and made under Clause 16 of the RMA.

17.12.5 Assessment of non-complying subdivision activities

Activity	Guidance on the assessment of resource consents
1. All other general subdivision in the Rural Residential 2 Zone	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 17.2.2 17.2.4 {RR cl.16} b. Further {RR cl.16} General subdivision of sites in the Rural Residential 2 Zone is avoided to maintain these sites for larger lifestyle blocks or hobby farms (small holdings) unless it does not result in an increase in residential development potential (Policy 17.2.4.4). {RR 301.1 and PO 919.1}
2. Cross lease, company lease and unit title subdivision	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 17.2.1 b. Cross lease, company lease and unit title subdivision is avoided in the rural residential zones unless it does not result in an increase in development potential beyond that which might be achieved through a general subdivision (Policy 17.2.1.6).
3. In an ASBV: {NatEnv cl.16} • <u>All other general subdivision in the Rural Residential 2 Zone {NatEnv cl.16}</u> • <u>Cross lease, company lease and unit title subdivision {NatEnv cl.16}</u>	<i>Relevant guidance from other sections (priority considerations):</i> a. <u>See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values. {NatEnv cl.16}</u>

¹ **NatEnv cl.16:** Areas of Significant Biodiversity Value (ASBVs) intersect with the rural residential zones, but the notified Plan omitted providing a link to the relevant rules for ASBVs. They were included correctly in the rural zones for reference. These rules have been added to clarify the rules that apply in ASBVs where these intersect with rural residential zones. This amendment is considered of minor consequence and made under Clause 16 of the RMA.

17.12.6 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Density	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.6.1, Policy 2.6.1.4 b. Objective 17.2.1 c. Residential activity in the rural residential zone is at a density that enables lifestyle blocks {RR cl.16} and hobby farms (Policy 17.2.1.1 Policy 17.2.1.2 {RR cl.16}). <i>Relevant guidance from other sections (priority considerations):</i> d. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.

17.12.6 Assessment of non-complying performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
2.	Setback from National Grid	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.4 <u>5.2.2 {NU 918.29}</u> and effects related to the efficient and effective operation of network utilities, and public health and safety
3.	• Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5bD LAeq (15 min) or more • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
4.	Hazard exclusion areas (hazard overlays)	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards.
5.	Minimum site size	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.2.4 and 2.6.1 b. Policies 2.2.4.4 and 2.6.1.4 c. Objectives 17.2.2, 17.2.3, 17.2.4 d. Policies 17.2.2.8, 17.2.3.5, 17.2.4.2, 17.2.4.3 <i>Relevant guidance from other sections (priority considerations):</i> e. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.
6.	Archaeological sites (earthworks) {EW cl.16} ¹	See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.4 and effects related to the inappropriate development and use in Dunedin's archaeological sites.
7. {PO 447.113 and others}	<u>Family flats - Tenancy {PO 207.1 and 394.63}</u>	<i>Relevant objectives and policies (priority considerations): {PO 207.1 and 394.63}</i> a. <u>Strategic Directions: Objective 2.6.1, Policy 2.6.1.2 {PO207.1 and 394.63}</u> b. <u>Objective 17.2.1 {PO 207.1 and 394.63}</u> c. <u>The tenancy of family flats avoids, as far as practicable, the risk they will be used for a separate, non-ancillary residential activity and future pressure to subdivide off family flats (Policy 17.2.1.7) {PO 207.1 and 394.63}</u>

17.12.6 Assessment of non-complying performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
8. {NU 806.11}	<u>Shape (Rule 17.7.6.2.d) - setback of building platforms from National Grid {NU 806.11}</u>	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.2 and effects related to the <u>efficient and effective operation of network utilities, and reverse sensitivity.</u> {NU 806.11}
9. {NatEnv 900.77}	<u>In an ASBV:</u> • <u>Tree species {NatEnv 900.77}</u>	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values. {NatEnv 900.77}
10. {NatEnv 900.77}	<u>In the ONF Zone:</u> • <u>Tree species {NatEnv 900.77}</u>	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and the effects related to landscape values. {NatEnv 900.77}
11. {NatEnv 900.77}	<u>In the HNCC and NCC overlay zones:</u> • <u>Tree species {NatEnv 900.77}</u>	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and the effects related to natural character of the coast. {NatEnv 900.77}

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

Rule 17.13 Special Information Requirements

EW cl.16: As a clause 16 amendment, Rule 17.13.1 Geotechnical investigation report has been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

18. Commercial and Mixed Use Zones

18.1 Introduction

It is important for the economic and social success of Dunedin that it is a vibrant and exciting city. A vibrant city is lively and full of activity, due to a high level of pedestrian activity in the central city and centres and a wide range of activities occurring in these places. Key qualities that contribute to the success of the central city and centres are that there are attractions to encourage people to go there, that they are accessible (easy to get to and around) and that they are safe and enjoyable places to be.

To achieve a vibrant city it is important that Dunedin has an urban form that is accessible, clusters activities into walkable centres and a built form which supports pedestrian activity.

The key resource management issues that are being experienced or are anticipated in the commercial and mixed use zoned areas of Dunedin are:

- The retention and enhancement of the vitality and viability of the Central Business District and Centres is a key resource management issue for Dunedin City. There is a need to provide for a wide range of commercial, community, industrial and residential activities, at high densities in the CBD and centres in order to realise the social and economic agglomeration benefits that derive from the co-location of different activities.
- A need to provide a sufficient supply for the projected demand for retail and office space while avoiding an oversupply and decentralisation of activities, which could have adverse effects on the economic viability and vitality of the CBD.
- Different types of retail activity have different effects on the economic viability and vitality of the CBD and centres. For instance, having trade related and yard based retail in different parts of the city (including some areas currently zoned as Industrial) does not affect the vibrancy of centres in the same manner as general retail does. As such, a highly specific zoning response is necessary.
- While streetscape amenity values vary within the commercial and mixed use zones, land uses and development can have adverse effects on streetscape amenity values and it is important to maintain and enhance the existing amenity of all commercial areas, albeit to different levels.

There is the potential for conflicts to arise between different activities provided for within the commercial and mixed use zones as well as at the edges of the commercial and mixed use **{CMU cl.16}** zones (for instance between residential and noisier activities) and these need to be well managed.

In response to the issues, the ~~Second Generation Plan (2GP) Plan~~ **{PO cl.16}** ~~proposes to establish~~es a group of commercial and mixed use zone, which is the umbrella term used to refer to all **{CMU cl.16}** thirteen commercial and mixed use zones in the city. These zones provide for a hierarchy of centres, anchored around one Central Business District (CBD), which provides a focus for economic and employment growth, driven by:

- attraction of businesses to these areas based on density of activity in the area and higher visitation;
- opportunities for social interaction, exchange of ideas and business cooperation;
- public investment in public amenities and other infrastructure in the CBD; and
- opportunities for agglomeration benefits from the co-location of activities.

The CBD Zone is supported by six different types of commercial centres within the suburban and rural parts of the city. These zones are collectively known as the Central Business District and centres zones. In order to make sure these areas are attractive places to visit, a wide range of commercial, community and residential activities are provided for in the CBD and centres, with design controls on buildings and structures to ensure a safe and good quality streetscape environment, for people to spend time in, which has a high level of pedestrian amenity.

The centres hierarchy is supported by a group of other commercial and mixed use **{CMU cl.16}** zones which either surround the Central Business District or are more separated from the CBD. There are four zones within the CBD edge mixed use zone group, which are the Warehouse Precinct Zone (WP), Princes, Parry and Harrow Street **{CMU cl.16}** Zone (PPH), Smith Street and York Place Zone (SSYP) and Harbourside Edge Zone (HE). There are also two zones within the other commercial group of zones, which are the Trade Related Zone (TR) and CBD Edge Commercial zones (CEC).

These zones have characteristics (including built form, site size, land use activities and location) which make them distinct from each other and from the CBD and centres. A tailored range of land use activities and performance standards are applied to each zone. As such, the range of activities, the types of controls that are applied to development activities (including new buildings and site development activities) **{CMU cl.16}** and the expected level of amenity vary between the zones.

Where any of the commercial and mixed use zones adjoin residential or recreation zoned areas, performance standards are applied to these commercial zones to ensure the character and amenity of these more sensitive adjoining environments will be protected.

18.1.1 Zone descriptions

18.1.1.1 Central Business District (CBD) Zone

The Central Business District (CBD) Zone encompasses the central part of the city and extends northwards along George Street to Albany Street. It includes the Octagon and Moray Place, extends south along upper Princes Street to Hope Street, east to include the Dunedin Railway Station and Toitū Otago Settlers Museum and west to the Smith Street and York Place (SSYP) Zone. The CBD is the focus for employment, retail, entertainment, leisure, visitor accommodation and art and culture activities.

Most of the CBD also has a **primary pedestrian street frontage mapped area** or **secondary pedestrian street frontage mapped area** overlay **{CMU cl.16}** applied to it, to ensure the best possible streetscape environment for users, and is covered by a heritage precinct overlay to protect the distinctive character of the area. Performance standards are applied to protect the heritage **{CMU cl.16}** streetscape amenity character **{CMU cl.16}** and heritage **{CMU cl.16}** streetscape character, respectively, of these areas.

18.1.1.2 Centres Zones **{CMU cl.16}**

A range of different sized commercial centres are spread throughout the urban area of Dunedin and within outlying towns of the wider district. Principal, suburban and rural centre zones **{CMU cl.16}** provide hubs for social and economic activity for suburban and rural communities. The Principal Centre Zone includes are often **{CMU cl.16}** former pre-amalgamation town centres and is located at Green Island, Mosgiel, Port Chalmers and South Dunedin. The Suburban Centre Zone includes are located at **{CMU cl.16}** Caversham, Gardens, Mornington and Roslyn, and the Rural Centre Zone includes are located at **{CMU cl.16}** Outram, Middlemarch, Waikouaiti and Waitati.

There are also Neighbourhood Centre zones **{CMU cl.16}**, which provide for the day to day needs of individual neighbourhoods, with the Neighbourhood Destination Centre Zone **{CMU cl.16}** also servicing visitor needs, and the Neighbourhood Convenience Centre Zone **{CMU cl.16}** also servicing the needs of passing motorists. The Neighbourhood Centre Zone includes are located at **{CMU cl.16}** Andersons Bay Terminus, Brighton, Brockville, Corstorphine, Forbury, Helensburgh, Hillside, Larnach, Macandrew Bay, Maori Hill, Musselburgh, the southern part of Andersons Bay Road, the area adjoining the University and Wakari. The Neighbourhood Convenience Centre Zone includes are located at **{CMU cl.16}** Kaikorai North, Kaikorai South, North Dunedin and South Mosgiel; and the Neighbourhood Destination Centre Zone includes are located at **{CMU cl.16}** St Clair and Portobello.

Primary pedestrian street frontage mapped area and **secondary pedestrian street frontage mapped area** overlays **{CMU cl.16}** are applied within these centres and the Port Chalmers Chalmers Principal **{CMU cl.16}**

Centre Zone **{CMU cl.16}** also contains a heritage precinct protecting part of the centre.

18.1.1.3 Warehouse Precinct Zone (WP)

The Warehouse Precinct Zone adjoins the southern part of the CBD Zone and is bounded by Queens Gardens, Bond Street, Police Street and Cumberland Street. The zone provides for a mix of inner city living, visitor accommodation, conference, meeting and function, entertainment and exhibition, light industrial, restaurant and bulky goods and trade related and yard-based **{CMU cl.16}** retail activity. General retail and office activity is also provided for, if it occurs in scheduled heritage buildings, in order to encourage their restoration.

The entire zone is within a heritage precinct and has a **secondary pedestrian street frontage mapped area** applied to it.

18.1.1.4 Princes, Parry and Harrow Street Zone (PPH)

The Princes, Parry and Harrow Street Zone encompasses the lower southern **{CMU cl.16}** part of Princes Street and an area around Parry and Harrow Streets. The PPH Zone provides for a mix of inner-city residential living, training and education, visitor accommodation, industrial, trade and yard based retail activities.

Performance standards applied to this zone reflect the lower expectations for pedestrian amenity.

18.1.1.5 Smith Street and York Place Zone (SSYP)

The Smith Street and York Place Zone is a small zone adjoining the CBD. The SSYP Zone provides for visitor accommodation, training and education and residential activity in keeping with its existing character. Offices are also provided for where undertaken within scheduled buildings, to encourage their restoration.

Performance standards applied to this zone reflect the residential and commercial character of this zone.

18.1.1.6 Harbourside Edge Zone (HE)

The Harbourside Edge Zone encompasses an area adjoining Birch Street and Kitchener Street and extends to the waterfront. The zone provides for the continuation of the existing ~~industrial activity~~ industry **{Ind cl.16}**, while allowing for a transition toward a more mixed use environment by also providing for conference, meeting and function, entertainment and exhibition, restaurant, training and education, visitor accommodation, and residential activities and a limited amount of office activity. **{CMU 908.102}** In order to ensure an attractive place to live, work, and visit, new buildings within the HE Zone will be required, through a restricted discretionary resource consent process, to be designed and located to provide a high level of amenity. In addition, a performance standard requires the provision of public pedestrian access to and along the coast.

18.1.1.7 Trade Related Zone (TR)

The Trade Related Zone is an area around Andersons Bay Road which provides for large format food and beverage retail, trade related, and yard based retail as well as other specific categories of activities which generate high traffic volumes and require larger sites than are available within the CBD and centres. These characteristics mean that such retail types are likely to be incompatible with the amenity expectations of the CBD and centres. Performance standards applied to this zone reflect the more car-focused characteristics and the lower expectations for pedestrian amenity of this environment.

18.1.1.8 CBD Edge Commercial Zones **{CMU 551.13} (CEC)**

~~The There are two CBD Edge Commercial Zones: **{CMU 652.8 and 551.13}** Maclaggan, is an area around Cumberland and Crawford Streets which provides for specific categories of high traffic generating activities, large format general and food and beverage retail, bulky goods, trade related and yard based retail and visitor accommodation activities which are likely to be incompatible with the pedestrian amenity expectations of the CBD and may require larger sites than those available in the CBD. **{CMU 652.8 and 551.13}**~~

- an area south of the CBD (CEC – South Zone) around Cumberland Street that provides for large format food and beverage, bulky goods, trade related and yard based retail, as well as industry; and {CMU 652.8 and 551.13}
- an area to the north-east of the CBD (CEC – North Zone) between Hanover Street and Stuart Street. This area provides for all the activities in the CEC - South Zone, as well as additional activities, including hospital and office activity. The additional activities are provided due to its closer proximity to the main retail area and Dunedin Hospital. {CMU 652.8 and 551.13}

18.2 Objectives and Policies

Objective 18.2.1

Dunedin has a well-structured and economically and socially successful range of commercial and mixed use environments based on:

- a. the CBD, which is the focus for employment, retail, entertainment, leisure, visitor accommodation, and arts and culture activities;
- b. vibrant and viable principal centre **{CMU cl.16}**, suburban and rural centre zones **{CMU cl.16}**, which provide hubs for social and economic activity for rural, suburban and principal communities;
- c. Neighbourhood Centre Zone **{CMU cl.16}**, which provides for the day to day needs of local areas, with the Neighbourhood **{CMU cl.16}** Destination Centre Zone **{CMU cl.16}** also servicing visitor needs, and the Neighbourhood **{CMU cl.16}** Convenience Centre Zone **{CMU cl.16}** also servicing the needs of passing motorists;
- d. a range of mixed use zones (WP, PPH, SSYP and HE zones) around the edge of the CBD, which provide for a compatible mix of inner-city living, commercial, and light industrial activities;
- e. an area south of the CBD (CEC – South Zone), which provides for high trip generators, large format general retail and bulky goods retail which are likely to be incompatible with the amenity expectations of the CBD and which may require larger sites than available in the CBD; {CMU 551.13 and 652.8}
- f. an area to the north-east of the CBD (CEC – North Zone), similar to the CEC - South but also containing a mix of activities which support the adjoining CBD and Hospital zones; {CMU 551.13 and 652.8}
- g. an area around Andersons Bay Road (TR Zone), which provides for trade related retail and specific categories of high traffic trip **{CMU cl.16}** generators, which are likely to be incompatible with the amenity expectations of the CBD; and
- h. ~~an area around Maclaggan, Cumberland and Crawford Streets (CEC Zone), which provides for specific categories of high traffic generators, large format general retail and bulky goods retail which are likely to be incompatible with the amenity expectations of the CBD and may require larger sites than available in the CBD; and {CMU 551.13}~~
- i. an area around Birch and Kitchener Streets and the coast (HE Zone) which provides for the continuation of the existing environment characterised by industrial activity, while allowing for a transition toward a vibrant and attractive place to live, work and visit by also providing for conference, meeting and function, entertainment and exhibition, restaurant, visitor accommodation, training and education {CMU 308.292} and residential activities.

Policy 18.2.1.1	Provide for a wide range of commercial, residential and community activities in the CBD and all centres {CMU cl.16} zones in order to encourage economically and socially {CMU 317.25} vibrant and viable centres.

Policy 18.2.1.2	~~Enable Limit general retail and office activities in to the CBD and centres zones Zone and principal, suburban, neighbourhood and rural centres and restrict their establishment in other commercial and mixed use zones {CMU 908.102}~~ in order to maintain the vibrancy of existing centres, unless as provided for by Policy 18.2.1.3 or Policy 13.2.1.9. {CMU 908.102}

Objective 18.2.1

Policy 18.2.1.3	Avoid retail and office activities <u>in areas outside of the commercial areas</u> where they are <u>not</u> provided for unless: {CMU 308.294} a. it is an ancillary and secondary component of a retail or office activity that is undertaken in a scheduled heritage building as provided for by Policy 13.2.1.9 on the same or adjacent site; or b. there is a significant and sustained increase in the amount of retail activity across the city and it <u>can be has been</u> {PO cl.16} demonstrated that as a result there is a medium to longer term under-supply of retail land across all the areas where general retail is provided for; or c. in the HE Zone, it is associated with port, industrial or marine related activities operating in the area; or d. in the PPH Zone it is associated with campus ~~activities~~ <u>activity</u> {PO cl.16}; ~~or~~ e. ~~e. in the CEC Zone it is associated with campus or hospital activities.~~ {CMU 652.8}
Policy 18.2.1.4	Provide for food and beverage retail: a. in the CBD and centres; and b. where 1500m² or more in gross floor area, in the CEC and TR zones.
Policy 18.2.1.5	Provide for bulky goods <u>retail</u> {CMU cl.16} and large format retail in the CEC and WP zones in recognition that often these activities require larger sites than are available in the CBD and centres.
Policy 18.2.1.6	Provide for trade related <u>retail</u> {CMU cl.16} and yard based retail to locate in the TR, PPH and CEC zones in recognition that often these activities require a built form that cannot meet the requirements within the CBD and centres, and their location in these areas is unlikely to detract from the vibrancy and vitality of the CBD and centres.
Policy 18.2.1.7	Limit the scale of retail ancillary to industry to a size that: a. is clearly subordinate to and part of the operation of the primary industrial <u>industry</u> {Ind cl.16} activity; b. does not conflict with objectives 2.3.2 and 2.4.3; and c. does not create adverse effects on other industrial <u>industry</u> {Ind cl.16} activities, for example from traffic, parking, or reverse sensitivity effects {PO 1046.5}.
Policy 18.2.1.8	Limit the scale of activities in neighbourhood and rural centres to ensure activities: a. are not a destination retail activity designed to attract customers from across suburbs, which are more appropriately located in the CBD or other central city commercial <u>and mixed use</u> {CMU cl.16} zones; and b. do not dominate the centre and reduce the diversity of different activities that are able to establish there.
Policy 18.2.1.9	Provide for licensed premises where these are ancillary to activities that are provided for in the zone, including: a. bottle shops where food and beverage retail or dairies are provided for; and b. taverns and bars where restaurants are provided for; except in neighbourhood centres (see Policy ~~18.2.1.10~~ <u>18.2.2.9</u> {CMU cl.16}).
Policy ~~18.2.1.10~~ {CMU cl.16}	~~Only allow ancillary licensed premises in neighborhood centres, where adverse effects on the character and amenity of adjacent residential activities and the surrounding neighbourhood, can be avoided or, if avoidance is not possible, adequately mitigated.~~ {CMU cl.16}

Objective 18.2.1

Policy 18.2.1.11	Provide for hospital activity in the ~~Cumberland Street part of the CEC - North Zone~~ , to allow for the extension <u>relocation</u> of Dunedin Hospital into this zone. {CMU 551.13 and others}
Policy 18.2.1.12	Limit the gross floor area of dairies in the ~~WP, SSYP, HE, and PPH zones~~ {CMU cl.16} to a size that reflects these activities operating as a local convenience store rather than a destination supermarket.
Policy 18.2.1.13	Only allow food and beverage retail in the WP and PPH zones where the activity is of a size, and designed in a manner, to service the local area and not operate as a destination retailer for other parts of the city.
Policy 18.2.1.14	Avoid industrial activities in the SSYP Zone due to its residential character.
Policy 18.2.1.15	Avoid service stations, restaurant - drive through and yard based retail in the CBD, SSYP, HE and WP zones unless: a. they are designed and located to meet the built form expectations of the zone, as set out in the development activities performance standards; b. any drive-through components will not be accessed or visible from the primary pedestrian street frontage mapped area (see Policy 18.2.3.11) {CMU 634.35}; and c. there are no, or only insignificant, adverse effects on streetscape and pedestrian amenity from vehicle movements.
Policy 18.2.1.16	~~Provide for Enable~~ training and education in the CBD, all centres, <u>CEC North Zone</u> , {CMU 652.8} and WP, PPH, SSYP and HE zones to enable tertiary (including ~~campus institutions~~ <u>the University of Otago and Otago Polytechnic</u>) {Trans cl.16} and specialist education providers.
Policy 18.2.1.17	Avoid conference, meeting and function or entertainment and exhibition ~~outside the CBD, WP, HE and main centres (principal, suburban or rural centre)~~ <u>in the NEC, NECC, SSYP, PPH and CEC zones</u> {CMU cl.16} unless: a. it is ancillary to visitor accommodation; or b. it has specific operational requirements that require it to locate ~~outside the CBD, WP, HE or a main centre~~ <u>in these zones</u> {CMU cl.16}.
Policy 18.2.1.18	Only allow restaurants outside the CBD, WP, HE and centres where the activity is not of a scale or nature that is more appropriate to locate in the CBD, centres, WP or HE because: a. it is unlikely to contribute to the vibrancy and vitality of those zones; and b. it has specific operational requirements that do not fit with those locations.
Policy 18.2.1.19 {CMU 713.6}	~~Provide for restaurants ancillary to trade related retail or food and beverage retail where they are designed to only service people engaged in the primary activity and are unlikely to attract significant patronage outside this purpose.~~ {CMU 713.6}

¹ **CMU cl.16:** Removed as it duplicates Policy 18.2.2.9

Objective 18.2.2

The potential for conflict between activities within the commercial and mixed use zones and in adjoining zones, ~~including between residential activity and noisier activities, and between activities within the commercial and mixed use zones and sensitive land uses in adjoining residential and recreation zones~~ **{CMU 1024.4}** is minimised, as far as practicable, **{PO 906.34 and 308.497}** through adequate separation distances and other mitigation measures which ensure:

- a. the amenity of adjoining residential and recreation zoned sites is maintained; and
- b. the potential for reverse sensitivity effects ~~from more sensitive land uses (for example residential activities) on other permitted activities in the commercial and mixed use zones~~ **{PO 1046.5}** is minimised as far as practicable **{PO 906.34 and 308.497}**.

Policy 18.2.2.1 Require fencing along property boundaries that adjoin residential or school zoned sites ~~properties~~ **{CMU cl.16}** to be of an adequate height and design to provide screening for the purposes of privacy and security.

Policy 18.2.2.2 Only allow restaurants, and **{CMU cl.16}** conference, meeting and function, ~~restaurants~~ **{CMU cl.16}** and entertainment and exhibition ancillary to visitor accommodation in the PPH and SSYP zones where:

- a. the activities are secondary to the visitor accommodation activity; and
- b. any adverse effects on the amenity of surrounding residential activities, from noise, anti-social behaviour, or other effects can will **{PO cl.16}** be avoided or, if avoidance is not possible practicable **{PO 908.3 and others}**, adequately mitigated; and
- c. the potential for reverse sensitivity ~~on any activities that are provided for, such as industrial activities,~~ **{PO 1046.5}** can will **{PO cl.16}** be avoided or, if avoidance is not possible practicable **{PO 908.3 and others}**, adequately mitigated.

Policy 18.2.2.3 Require ~~development to maintain the amenity of adjoining residential, school and recreation zoned sites by:~~ buildings to be of a height in relation to boundary, and setback from side and rear boundaries, that maintains a reasonable level of sunlight access for: **{CMU cl.16}**

- a. ~~requiring buildings to be of a height in relation to boundaries and set back from side boundaries that maintains a reasonable level of sunlight access to current and future residential buildings and their outdoor living spaces in~~ **{CMU cl.16}** adjoining residential and recreation zoned sites zones; **{CMU cl.16}** and
- b. ~~require fencing along property boundaries which adjoin residential or school zoned properties to provide screening for the purposes of privacy and security:~~ sites in the recreation and school zones **{CMU cl.16}**

Policy 18.2.2.4 Only allow restaurants - drive through and service stations in commercial and mixed use **{CMU 634.36}** zones that provide for residential activity or on sites adjoining a residential zone, **{CMU 634.36}** where any significant **{CMU 634.36}** adverse effects on the amenity of existing **{CMU 634.36}** residential activities can be are avoided or, if avoidance is not possible, adequately mitigated mitigated as far as practicable. **{CMU 634.36}**

Policy 18.2.2.5 Avoid crematoriums in all commercial and mixed use zones that provide for residential activity, because of the potential adverse social and cultural effects on activities that are provided for in these zones.

Objective 18.2.2

Policy 18.2.2.6	Avoid early childhood education and residential <u>activities</u> in the CEC <u>South Zone</u> {CMU 997.68 and 997.69} and TR zones, and visitor accommodation in the TR Zone; <u>unless the because of the overall low amenity of these zones and the potential for</u> {CMU 997.68 and 997.69} reverse sensitivity effects on the operation of activities that are provided for in these zones <u>is insignificant</u> {CMU 997.68 and 997.69} .
Policy 18.2.2.7	Only allow community and leisure - large scale and visitor accommodation in neighbourhood centre <u>zones</u> {CMU cl.16} (other than the Neighbourhood Destination Centre <u>Zone</u> {CMU cl.16}) where the adverse effects on the amenity of surrounding residential activities <u>can will</u> {PO cl.16} be avoided or, if avoidance is not <u>possible practicable</u> {PO 908.3 and others} , adequately mitigated.
Policy 18.2.2.8	Only allow early childhood education <u>and residential activity</u> in the CBD, centres, CEC - North <u>and CBD edge mixed use zones</u> {CMU 997.69} in locations where their establishment will not constrain (have reverse sensitivity effects on) activities that are provided for in the commercial and mixed use zone
Policy 18.2.2.9	Only allow ancillary licensed premises in the NECC and NEC <u>zones</u> {CMU cl.16} where the adverse effects on the amenity of adjacent residential activities and the surrounding neighbourhood <u>can will</u> {PO cl.16} be avoided or, if avoidance is not <u>possible practicable</u> {PO 908.3 and others} , adequately mitigated.
Policy 18.2.2.10 {CMU 899.10}	<u>Only allow visitor accommodation in the CEC - South Zone where the potential for reverse sensitivity will be avoided or, if avoidance is not practicable, adequately mitigated.</u> {CMU 899.10}
Policy 18.2.2.11 {CMU 1024.4}	<u>Only allow residential activity in the Speights buffer mapped area where the potential for reverse sensitivity will be avoided or, if avoidance is not practicable, adequately mitigated.</u> {CMU 1024.4}

¹ **CMU cl.16:** Aspects of this policy that relate to fencing are deleted as they duplicate 18.2.2.1

Objective 18.2.3

Land use and development maintains or enhances the amenity of the streetscape, including the visual and environmental amenity for pedestrians along identified **pedestrian street frontage mapped areas**.

Policy 18.2.3.1	Require development to maintain or enhance streetscape amenity in all commercial and mixed use zones, by ensuring: a. an attractive street interface is maintained through landscaping where buildings are not built to the street frontage; b. large parking areas which are visible from the street are visually broken up with internal landscaping, which also provides for rainwater absorption; c. service areas and outdoor storage areas associated with industrial or other activities are not visible from ground level of a public place; and d. ~~building height reflects the general heights of the block;~~ and {CMU 417.10} e. an architecturally interesting façade through building modulation and use of glazing.

Objective 18.2.3

Land use and development maintains or enhances the amenity of the streetscape, including the visual and environmental amenity for pedestrians along identified **pedestrian street frontage mapped areas**.

Policy 18.2.3.2	Require buildings along a primary pedestrian street frontage mapped area to be located, designed and operated to provide a high level of pedestrian amenity by: a. providing a continual frontage of buildings along the street, apart from pedestrian alleyways; b. providing a clear and direct visual connection between the street and the building interior; c. providing a direct physical connection to the building interior through clearly identified pedestrian entrances on the highest order pedestrian street frontage mapped area; d. providing shelter for pedestrians on footpaths, in the form of a verandah; e. being of a height that maintains existing sunlight access to footpaths and public open spaces; f. providing an architecturally interesting façade and human scale design, through building modulation and consistent alignment of windows; g. being designed to have commercial activities at the ground floor, with an adequate ground floor to ceiling height to accommodate these activities; and h. providing customer-facing activities on the ground floor.
Policy 18.2.3.3	Require buildings in a secondary pedestrian street frontage mapped area to provide a good level of pedestrian amenity by: a. providing a regular frontage of buildings along the street, with limited interruptions for vehicle accesses; b. providing a clear and direct visual connection between the street and the building interior; c. providing an architecturally interesting façade and human scale design, through building modulation and consistent alignment of windows; and d. providing shelter for pedestrians at pedestrian entrances.
Policy 18.2.3.4	Require new buildings and additions and alterations to buildings in the Harbourside Edge Zone to be designed and located to provide a high level of amenity by: a. being built to the street frontage along the entire length of Birch Street, and for no less than 60% of the street frontage on Kitchener Street, <u>except for:</u> {CMU 908.101} i. <u>any setbacks required to allow pedestrian entrances; and</u> {CMU 908.101} ii. <u>the provision of amenity space for customers or residents at the front of buildings:</u> {CMU 908.101} b. including appropriate building modulation, window alignment, use of glazing, floor height, colour, architectural detail to provide visual interest and a human-scale design; c. being of a design that is coherent, appropriate to the setting and history of the area, and providing a positive relationship to both the street and the harbour; and d. having active edges with strong visual and physical connections from the street to the inside of buildings.

Objective 18.2.3

Land use and development maintains or enhances the amenity of the streetscape, including the visual and environmental amenity for pedestrians along identified **pedestrian street frontage mapped areas**.

Policy 18.2.3.5	Require development in the Harbourside Edge Zone to be designed and located to provide a high level of amenity by: a. requiring public pedestrian access to and along the coast that is attractive, safe, durable, and readily accessible to the public; b. ensuring the design and location of on-site car parking does not compromise streetscape or harbour amenity; and {CMU 908.101} c. ensuring building and site development activities {CMU cl.16} incorporate the principles of CPTED; and {CMU 908.101} d. <u>maintaining viewshafts from Roberts Street and Kitchener Street to and across the Steamer Basin.</u> {CMU 908.101}
Policy 18.2.3.6	Require fences visible from public places to be designed to maintain or enhance streetscape amenity.
Policy 18.2.3.7	Limit the size and number of ancillary signs to ensure they are able to convey information about the name, location and nature of the business to passing pedestrians and vehicles while not being oversized or too numerous for that purpose.
Policy 18.2.3.8	Require car parking (including stand-alone car parking) in a primary pedestrian street frontage mapped area to be located behind or within buildings with a customer-facing function (for example retail) adjoining the street.
Policy 18.2.3.9	Avoid land use activities (including stand-alone car parking) that require buildings or site design that is incompatible with: a. the high level of pedestrian streetscape amenity expected for the location in a primary pedestrian street frontage and secondary pedestrian street frontage; and b. the higher level of urban neighbourhood amenity anticipated in the HE, SSYP and WP zones.
Policy 18.2.3.10	Require industrial activities to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigate any adverse effects on streetscape amenity, by locating any part of the industrial operation that involves machinery or metal work within a part of a building that does not include any doors or windows that open to a primary pedestrian street frontage mapped area or secondary pedestrian street frontage mapped area .
Policy 18.2.3.11 {CMU 634.35}	Only allow restaurant – drive through and service stations alongside a primary pedestrian street frontage or secondary pedestrian street frontage, where the drive-through component will not be visible or accessed from these pedestrian street frontages: {CMU 634.35}
Policy 18.2.3.12 {CMU 417.10}	Require buildings and structures to be of a height that: {CMU 417.10} a. <u>reflects the general heights of the block;</u> and CMU 417.10} b. <u>minimises as far as practicable adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula, including through the use of quality and contextually appropriate architectural design.</u> {CMU 417.10}

Objective 18.2.3

Land use and development maintains or enhances the amenity of the streetscape, including the visual and environmental amenity for pedestrians along identified **pedestrian street frontage mapped areas**.

Policy 18.2.3.13 { NU cl.16 }	Require network utility structures – small scale to be of a design, location and scale that maintains a high level of pedestrian amenity in pedestrian street frontage mapped areas . { NU cl.16 }
Policy 18.2.3.X { CMU 551.13 }	Require buildings and additions and alterations, as part of the Dunedin Hospital redevelopment to maintain or enhance streetscape amenity by ensuring: { CMU 551.13 } a. the use of verandahs where appropriate; and CMU 551.13 b. buildings and structures above 20m minimise as far as practicable adverse effects of shading and wind on pedestrian amenity. { CMU 551.13 }

¹ **NU cl.16:** As a clause 16 amendment, the maximum volume of network utility structures - small scale in **pedestrian street frontage mapped areas** is now managed via a new Policy 18.2.3.13. In the notified provisions, this was managed via Policy 5.2.1.5. This does not result in a substantive change to provisions.

EW cl.16: As a clause 16 amendment, Objective 18.2.4 and its policies have been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

Rules

18.3 Activity Status

18.3.1: Rule location

The activity status tables in rules **{CMU cl.16}** 18.3.3 to 18.3.7 specify the activity status of land use activities, development activities, and subdivision activities in the commercial and mixed use zones and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

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

18.3.2 Activity status introduction

1. The activity status tables in rules 18.3.3 to 18.3.7 show the activity status of activities in the commercial and mixed use zones and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

Additional activity status rules in hazard overlay zones

6. For the purpose of the hazards provisions, activities are categorised as natural hazards **{NH cl.16}** sensitive activities, natural hazards **{NH cl.16}** potentially sensitive activities or natural hazards **{NH cl.16}** least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
7. In ~~hazard 1 or the Hazard 2 (flood)~~ **{NH cl.16}** Overlay Zones, the activity statuses in Rule 18.3.8 apply to the following activities:
 - a. ~~new~~ **{NH 908.3}** natural hazards **{NH cl.16}** sensitive activities;
 - b. natural hazards potentially sensitive activities; and **{NH cl.16}**
 - c. some new buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area. **{NH. cl.16}**

8. Where the activity status in Rule 18.3.8 differs from that in rules 18.3.3 - 18.3.7, the most restrictive activity status always applies.
9. In addition to the rules in Rule 18.3.8, performance standards for development activities within hazard overlay zones are included in rules 18.3.3 - 18.3.7.
10. Activities in a hazard overlay zone must comply with all of the rules in 18.3.3 - 18.3.7.

Performance Standards

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

¹ **NH cl.16::** The content from Table 18.3.6 has been moved to Table 18.3.X, with the exception that columns a and c have been removed, pursuant to clause 16. Column a was removed as there is no intersect between the Hazard 1 (flood) Overlay Zone and the commercial and mixed use zones. Column c was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are show in the new location.

Legend

Acronym	Activity-status Meaning {PO cl.16}
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
Central Business District and Centres Zones (Centres Hierarchy)	
CBD	Central Business District Zone
PC	Principal Centre Zone
SC	Suburban Centre Zone
RC	Rural Centre Zone
NEC	Neighbourhood Centre Zone
NECC	Neighbourhood Convenience Centre Zone
NEDC	Neighbourhood Destination Centre Zone
CBD Edge Mixed Use Zones	
WP	Warehouse Precinct Zone
PPH	Princes, Parry and Harrow Street Zone
SSYP	Smith Street and York Place Zone
HE	Harbourside Edge Zone
Other Commercial Zones	
TR	Trade Related Zone
~~CEC~~ {CMU cl.16}	~~CBD Edge Commercial zones~~ {CMU cl.16}
~~CEC-N~~ {CMU cl.16}	~~CBD Edge Commercial North Zone~~ {CMU cl.16}
~~CEC-S~~ {CMU cl.16}	~~CBD Edge Commercial South Zone~~ {CMU cl.16}
Pedestrian Street Frontage Mapped Areas	
PPF	Primary Pedestrian Street Frontage Mapped Area
SPF	Secondary Pedestrian Street Frontage Mapped Area
Hazard Overlay Zones	
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones

18.3.3 Activity status table - land use activities (Central Business District and Centres)

1.	Performance standards that apply to all land use activities	a. Acoustic insulation (noise sensitive activities) b. Electrical interference c. Light spill d. Location e. Noise f. Maximum gross area floor of centre {CMU cl.16} (NEC, NECC, NEDC and RC only) g. Setback from National Grid (<u>National Grid</u> sensitive activities only) {NH cl.16}			
Commercial activities		Activity status			Performance standards
		a. CBD	b. PC/SC/RC/NEDC	c. NECC/NEC	
2.	Ancillary licensed premises	Same activity status as underlying activity		D	
3.	Conference, meeting and function	P	P	NC	i. Minimum car parking
4.	Commercial advertising	NC	NC	NC	
5.	Entertainment and exhibition	P	P	NC	i. Minimum car parking
6.	Office	P	P	P	i. Minimum car parking (registered health practitioners)
7.	Retail (except yard based retail)	P	P	P	i. Minimum car parking ii. Minimum vehicle loading
X.	<u>Retail ancillary to industry {CMU cl.16²}</u>	P	P	P	i. <u>Maximum gross floor area of retail ancillary to industry {CMU cl.16}</u>
8.	Yard based retail	NC	P	P	i. Minimum car parking ii. Minimum vehicle loading (centres)
9.	Restaurants	P	P	P	
10.	Restaurant - drive through	NC	D	D	
11.	Service stations	NC	Ø <u>RD {CP 634.109}</u>	Ø <u>RD {CP 634.109}</u>	i. Service station standards ii. <u>Minimum car parking {Trans 634.107}</u>
12.	Stand-alone car parking	P	P	P	
13.	Visitor accommodation	P	P	RD	i. Minimum car parking ii. Minimum vehicle loading
Community activities		a. CBD	b. PC/SC/RC/NEDC	c. NECC/NEC	Performance standards

14.	Community and leisure - small scale	P	P	P	i. Minimum car parking
15.	Community and leisure - large scale	P	P	RD	i. Minimum car parking
16.	Conservation	P	P	P	
17.	Early childhood education	RD	RD	RD	i. Minimum car parking
18.	Sport and Recreation	P	P	P	i. Minimum car parking
Residential activities		a. CBD	b. PC/SC/ RC/NEDC	c. NECC/ NEC	Performance standards
19.	All activities in the residential activities category	P	P	P	i. Minimum car parking ii. Location
Industrial activities		a. CBD	b. PC/SC/ RC/NEDC	c. NECC/ NEC	Performance standards
20.	All activities in the industrial activities category	P	P	P	i. Location of industrial activities
Major facility activities		a. CBD	b. PC/SC/ RC/NEDC	c. NECC/ NEC	Performance standards
21.	Emergency services	~~RD~~ <u>P</u> {CP 945.49}	~~RD~~ <u>P</u> {CP 945.49}	~~RD~~ <u>P</u> {CP 945.49}	i. <u>Minimum car parking</u> {CP 945.49}
22.	All other activities in the major facility activities category	NC	NC	NC	
Rural activities		a. CBD	b. PC/SC/ RC/NEDC	c. NECC/ NEC	Performance standards
23.	All activities in the rural activities category	NC	NC	NC	

¹ **CMU cl.16:** This performance standard applies to the activity. A link has been added to the activity status table as a cl.16 amendment.

² **CMU cl.16:** This activity has been separated from 'Retail' for plan clarity. No substantive change.

18.3.4 Activity status table - land use activities (CBD edge mixed use zones)

1.	Performance standards that apply to all land use activities					a. Acoustic insulation (noise sensitive activities) b. Electrical interference c. Light spill d. Location e. Noise f. Setback from nNational gGrid (National Grid sensitive activities only) {NH cl.16}
Commercial activities		Activity status				Performance standards
		a. WP	b. PPH	c. SSYP	d. HE	
2.	Ancillary licensed premises	Same activity status as underlying activity				
3.	Bulky goods retail	P	NC	NC	NC	i. <u>Minimum car parking</u> {CMU cl.16} ii. Minimum vehicle loading (WP) {CMU cl.16}
4.	Conference, meeting and function	P	NC	NC	P	i. Minimum car parking (HE) {CMU cl.16}
5.	Commercial advertising	NC	NC	NC	NC	
6.	Dairies	P	P	P	P	i. Maximum gross floor area of dairies {CMU cl.16}
7.	Entertainment and exhibition	P	NC	NC	P	i. Minimum car parking (HE) {CMU cl.16}
8.	Food and beverage retail	D	D	NC	NC	
9.	General retail in a scheduled heritage building	P	NC	NC	NC	i. Minimum car parking (WP) {CMU cl.16} ii. Minimum vehicle loading (WP) {CMU cl.16}
10.	General retail not in a scheduled building and less than 1500m² in gross floor area	NC	NC	NC	NC	
11.	General retail not in a scheduled building and 1500m² or more in gross floor area	P	NC	NC	NC	i. Minimum car parking ii. Minimum vehicle loading (WP-only) {CMU cl.16}
12.	Training and education	P	P	P	P	

13.	Office in a scheduled heritage building	P	NC	P	NC P { CMU 908.102 }	i. <u>Maximum gross floor area of office activity in HE Zone {CMU 908.102}</u>	
14.	Office not in a scheduled heritage building	NC	NC	NC	NC P { CMU 908.102 }	i. <u>Maximum gross floor area of office activity in HE Zone {CMU 908.102}</u>	
15.	Restaurants	P	D	D	P	i. Minimum car parking (HE) { CMU cl.16 }	
16.	Restaurant - drive through	NC	D	NC	NC		
17.	Retail ancillary to industry	P	P	NC	P	i. <u>Maximum gross floor area of retail ancillary to industry {CMU cl.16}</u>	
18.	Service stations	NC	Ø RD { CP 634.38 }	NC	NC	i. Service station standards ii. <u>Minimum car parking {Trans 634.107}</u>	
19.	Stand-alone car parking	P	P	P	P		
20.	Trade related retail	P	P	NC	NC	i. Minimum car parking (PPH) { CMU cl.16 }	ii. Minimum vehicle loading (WP & PPH) { CMU cl.16 }
21.	Visitor accommodation	P	P	P	P	i. Minimum car parking ii. ~~Acoustic insulation (new visitor accommodation activities in the WP and PPH zones only)~~ { CMU cl.16 }	iii. ~~Minimum vehicle loading (WP & HE)~~ { CMU cl.16 }
22.	Conference, meeting and function and entertainment and exhibition ancillary to visitor accommodation	P	RD	RD	P	i. Minimum car parking	
23.	Yard based retail	NC	P	NC	NC	i. Minimum car parking (PPH) { CMU cl.16 }	ii. Minimum vehicle loading (PPH) { CMU cl.16 }
Community activities		a. WP	b. PPH	c. SSYP	d. HE	Performance standards	
24.	Community and leisure - small scale	P	P	P	P	i. Minimum car parking	

25.	Community and leisure - large scale	P	P	P	P	i. Minimum car parking
26.	Conservation	P	P	P	P	
27	Early childhood education	RD	RD	RD	RD	i. Minimum car parking (SSYP) {CMU cl.16}
28	Sport and recreation	P	P	P	P	i. Minimum car parking
Residential activities		a. WP	b. PPH	c. SSYP	d. HE	Performance standards
29	All activities in the residential activities category	P	P	P	P	i. Minimum car parking ii. Location {CMU cl.16} ¹
Industrial activities		a. WP	b. PPH	c. SSYP	d. HE	Performance standards
30	All activities in the industrial activities category	P	P	NC	P	i. Minimum car parking (PPH & HE) {CMU cl.16} ii. Minimum vehicle loading (PPH & HE) {CMU cl.16}
Major facility activities		a. WP	b. PPH	c. SSYP	d. HE	Performance standards
31	Emergency services	~~RD P~~ {CP 945.49}	~~RD P~~ {CP 945.49}	~~RD P~~ {CP 945.49}	~~RD P~~ {CP 945.49}	i. <u>Minimum car parking</u> {CP 945.49}
32	All other activities in the major facility activities category	NC	NC	NC	NC	
Rural activities		a. WP	b. PPH	c. SSYP	d. HE	Performance standards
33	All activities in the rural activities category	NC	NC	NC	NC	

¹ **CMU cl 16:** Link to performance standard not necessary

² **CMU cl 16:** This performance standard applies to the activity. A link has been added to the activity status table as a cl.16 amendment.

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

1.	Performance standards that apply to all land use activities				a. Acoustic insulation (noise sensitive activities) b. Electrical interference c. Light spill d. Noise e. Setback from a National Grid (National Grid sensitive activities only) {NH cl.16}
Commercial activities		Activity status			Performance standards
		a. CEC - North {CMU 551.13 and 652.8}	X. CEC - South {CMU 551.13 and 652.8}	b. TR	
2.	Ancillary licensed premises	Same activity status as underlying activity			
3.	Bulky goods retail	P	P	NC	i. Minimum car parking (CEC) {CMU cl.16} ii. Minimum vehicle loading (CEC) {CMU cl.16}
4.	Conference, meeting and function	NC	NC	NC	
5.	Commercial advertising	NC	NC	NC	
6.	Dairies	P	P	P	i. <u>Maximum gross floor area of dairies</u> {CMU cl.16}
7.	Entertainment and exhibition	NC	NC	NC	
8.	Food and beverage retail less than 1500m ² in gross floor area	NC	NC	NC	
9.	Food and beverage retail 1500m ² or more in gross floor area	P	P	P	i. Minimum car parking ii. Minimum vehicle loading
10.	Office	NC P {CMU 652.8}	NC	NC	
11.	General retail less than 1500m ² 750m ² {CMU 211.6} in gross floor area	NC	NC	NC	

12.	General retail 1500m ² <u>750m² {CMU 211.6}</u> or more in gross floor area	P	P	NC	i. Minimum car parking (CEG) {CMU cl.16} ii. Minimum vehicle loading (CEG) {CMU cl.16}
13.	Restaurants ancillary to trade <u>related retail {CMU 713.6}</u>	D	D	Ø P {CMU 713.6}	i. <u>Maximum gross floor area</u> <u>of restaurants in the Trade</u> <u>Related Zone {CMU 713.6}</u> ii. <u>Location of ancillary</u> <u>restaurants in the Trade</u> <u>Related Zone {CMU 713.6}</u>
Z.	Restaurants ancillary to food and beverage retail 1,500m ² or more in <u>gross floor area {CMU 713.6}</u>	D	D	Ø P {CMU 713.6}	i. <u>Maximum gross floor area</u> <u>of restaurants in the Trade</u> <u>Related Zone {CMU 713.6}</u> ii. <u>Location of ancillary</u> <u>restaurants in the Trade</u> <u>Related Zone {CMU 713.6}</u>
X.	<u>All other restaurants {CMU 713.6}</u>	D	D	D	
14.	Restaurant - drive through	RD	RD	RD	
15.	Retail ancillary to industry	P	P	P	i. <u>Maximum gross floor area</u> <u>of retail ancillary to industry</u> {CMU cl.16}
16.	Service stations	RD	RD	RD	i. Service station standards ii. <u>Minimum car parking</u> {Trans 634.107}
17.	Stand-alone car parking	P	P	P	
18.	Trade related retail	P	P	P	i. Minimum car parking (TR) {CMU cl.16} ii. Minimum vehicle loading
19.	Visitor accommodation	P	P D {CMU 899.10}	NC	i. Minimum car parking (CEG) {CMU cl.16} ii. Minimum vehicle loading (CEG) {CMU cl.16}
20.	Yard based retail	P	P	P	i. Minimum car parking
Community activities		a. CEC - <u>North {CMU 551.13 and 652.8}</u>	X. CEC - <u>South {CMU 551.13 and 652.8}</u>	b. TR	Performance standards
21.	Early childhood education	NC D {CMU 997.68}	NC	NC	

22.	Community and leisure - small scale	P	P	P	i. Minimum car parking
23.	Community and leisure - large scale	P	P	P	i. Minimum car parking
24.	Conservation	P	P	P	
25.	Sport and recreation	P	P	P	i. Minimum car parking
Residential activities		a. CEC - <u>North {CMU 551.13 and 652.8}</u>	b. CEC - <u>South {CMU 551.13 and 652.8}</u>	b. TR	Performance standards
26.	All activities in the residential activities category	~~NC~~ <u>D {CMU 997.69}</u>	NC	NC	
Industrial activities		a. CEC - <u>North {CMU 551.13 and 652.8}</u>	b. CEC - <u>South {CMU 551.13 and 652.8}</u>	~~b. c.~~ TR	Performance standards
27.	All activities in the industrial activities category	P	<u>P</u>	P	i. Minimum car parking ii. Minimum vehicle loading
Major facility activities		a. CEC - <u>North {CMU 551.13 and 652.8}</u>	b. CEC - <u>South {CMU 551.13 and 652.8}</u>	~~b. c.~~ TR	Performance standards
28.	Emergency services	~~RD~~ <u>P {CP 945.49}</u>	~~RD~~ <u>P {CP 945.49}</u>	~~RD~~ <u>P {CP 945.49}</u>	i. <u>Minimum car parking {CP 945.49}</u>
<u>Y.</u>	<u>Hospital {CMU 551.13}</u>	~~NC~~ <u>RD {CMU 551.13}</u>	NC	NC	
29.	All other activities in the major facility activities category	NC	NC	NC	
Rural activities		a. CEC - <u>North {CMU 551.13 and 652.8}</u>	b. CEC - <u>South {CMU 551.13 and 652.8}</u>	~~b. c.~~ TR	Performance standards
30.	All activities in the rural activities category	NC	<u>NC</u>	NC	

¹ **CMU 551.13:** Was part of 'all other activities in the major facilities category' in notified plan

² **CMU cl.16:** This performance standard applies to the activity. A link has been added to the activity status table as a cl.16 amendment.

18.3.6 Activity status table - development activities

1.	Performance standards that apply to all development activities	a. Boundary treatments and other landscaping b. <u>Natural Hazards Performance Standards Hazard overlay zones development standards</u> {NH cl.16} c. <u>Setback from coast and water bodies</u> {NatEnv cl.16} d. <u>Setback from national grid</u> {NU cl.16} e. Setback from scheduled tree f. <u>Standards Harbourside Edge Zone Standards</u> (HE Zone only) {CMU cl.16}	
2.	Performance standards that apply to all buildings and structures activities	a. Fire fighting b. Height in relation to boundary c. <u>Maximum</u> {CMU cl.16} Height d. Number, location and design of ancillary signs e. <u>Setback from coast and water bodies</u> {NatEnv cl.16} f. <u>Setback from National Grid</u> {NU cl.16}	
3.	Performance standards that apply to all new buildings and additions and alterations to buildings	a. Minimum glazing and building modulation b. Minimum ground floor to ceiling height c. Pedestrian entrances d. Verandahs e. <u>Setback from road boundaries</u> {CMU cl.16'} f. <u>Setback from boundaries of residential or recreation zoned sites</u> {CMU cl.16'} g. <u>Parking, loading and access standards</u> (buildings that contain car parks only) {CMU cl.16'}	
New buildings and additions and alterations to buildings within the Harbourside Edge Zone		Activity status	Performance standards
4.	New buildings and additions and alternations to buildings not visible from an adjoining public place or the harbour	P	
5.	New buildings and additions and alterations to buildings that are visible from an adjoining public place, or the harbour	RD	

Buildings and structures activities not in a heritage precinct, or in a heritage precinct but not visible from an adjoining public place excluding activities affecting a protected part of a scheduled heritage building or a scheduled heritage structure - see rows 20-25		Activity status	Performance standards
X.	<u>New buildings and additions and alterations to buildings as part of the Dunedin Hospital redevelopment {CMU 551.13}</u>	P RD { CMU 551.13 }	
6.	New <u>All other new</u> { CMU 551.13 } buildings and additions and alterations to buildings	P	a. ~~Parking, loading and access standards (buildings that contain car parks only)~~ { CMU cl.16 }
7.	Fences	P	a. Fence height and design
8.	All other <u>new</u> { PO cl.16 } structures	P	
Buildings and structures activities in a heritage precinct that are visible from an adjoining public place		Activity status	Performance standards
9.	New buildings	RD	a. Parking, loading and access standards (buildings that contain car parks only) b. Building colour
10.	Repair and maintenance of a non character-contributing building	P	
11.	Repair and maintenance of a character-contributing building or non-protected part of a scheduled heritage building	P	a. Materials and design b. Building colour
12.	Earthquake strengthening or restoration of a character-contributing building or non-protected parts of a scheduled heritage building	P	a. Materials and design b. Building colour
13.	Demolition or removal for relocation of: a. a character-contributing building b. a non-protected part of a scheduled heritage building; or c. a non character-contributing building that adjoins the road frontage.	RD	
14.	Additions and alterations to a character-contributing building or non-protected part of a scheduled heritage building other than earthquake strengthening or restoration	RD	a. Building colour
AA.	<u>Signs attached to buildings or structures</u> { Her cl. 16 ⁷ }	P	

15.	All other {Her cl.16} additions and alterations to a non character-contributing building that involve: • an increase in the footprint of 10m² or <u>more {Her cl.16}</u>; or • an increase in the height of the building by more than 2m.	RD C {Her 308.358}	a. <u>Building colour {CMU cl.16}</u>
16.	All other additions and alterations to non character-contributing buildings	P	a. Building colour
17.	Fences	P	a. Fence height and design
18.	All other <u>new {PO cl.16}</u> structures up to 2.5m tall and 2m ² <u>floor-area footprint {PO cl.16}</u>	P	
19.	<u>New {PO cl.16}</u> structures greater than 2.5m tall and 2m ² <u>floor-area footprint {PO cl.16}</u>	RD	
Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		Activity status	Performance standards
20.	Repairs and maintenance	P	a. Materials and design
21.	Restoration <u>of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1 {Her 547.91}</u>	P C {Her 547.91}	a. Materials and design
<u>Y.</u>	<u>Restoration of all other scheduled heritage buildings and structures {Her 547.91}</u>	P	a. Materials and design
22.	Earthquake strengthening where external features only are protected	C	a. Materials and design
<u>Z.</u>	<u>Signs attached to buildings or structures {Her cl. 16}</u>	P	
23.	All other additions and alterations	RD	
24.	Demolition	NC	
25.	Removal for relocation	RD	
Development activities on a scheduled heritage site, where visible from an adjoining public place or a public place within the heritage site		Activity status	Performance standards
26.	<u>New {Her cl.16}</u> structures no more than 2.5m high or 2m ² footprint	P	
27.	All other <u>new {PO cl.16}</u> structures	RD	
28.	New buildings	RD	

29.	Parking, loading and access	RD	a. Parking, loading and access standards
Site development activities in all areas (except as covered by rows 26-29 above)		Activity status	Performance standards
30.	Earthworks – <i>small-scale {EW cl.16³}</i>	P	a. Earthworks standards
31.	Earthworks – <i>large-scale {EW cl.16³}</i>	RD	a. Earthworks standards
32.	Parking, loading and access	P	a. Parking, loading and access standards b. <u>Location and screening of car parking {CMU cl 16¹}</u>
33.	New <u>or additions to parking areas</u> , or extensions to existing parking areas that result in the creation of {Trans cl.16} 50 or more new parking spaces.	RD	a. Location and screening of <u>car {CMU cl.16}</u> parking b. Parking, loading and access standards
34.	Outdoor storage	P	a. Location and screening of outdoor storage
35.	Vegetation clearance	P	
36.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements b. <u>Setback from coast and water bodies {NatEnv cl.16}</u>
37.	All other site development activities	P	a. <u>Location and screening of car parking {CMU cl 16¹}</u>

¹ **CMU cl.16:** This performance standard applies to the activity. A link has been added to the activity status table as a cl. 16 amendment.

² **CMU cl.16:** This performance standard cross-reference has been moved to apply to all new buildings and additions and alterations to buildings as the performance standard also applies to car parking within buildings

³ **EW cl.16:** As a clause 16 amendment, all earthworks provisions in management and major facility zones have been moved to a new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

⁴ **CMU cl.16:** The link to the performance standard has been moved to Rule 18.3.6.32

⁵ **PO cl.16:** Floor area is replaced by footprint (which is now defined) to improve plan clarity as a minor and inconsequential amendment.

⁶ **Her cl.16:** Added for plan clarity.

⁷ **Her cl.16:** Rule restructured as a result of change to definition of additions and alterations and new definition of signs attached to buildings and structures. No substantive change to provisions.

Note 18.3B.6A - General advice

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

18.3.7 Activity status table - subdivision activities

Subdivision activities		Activity status (all CMU zones)	Performance standards
1.	Subdivision activities	RD	a. Access b. Esplanade reserves and strips c. Fire fighting d. Service connections e. Shape

Note 18.3.7A - Other RMA considerations **{PO 490.4}**

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

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

Activity {NH cl.16}		a. Haz1 {NH cl.16}	b. Haz2 {NH cl.16}	c. Haz3 {NH cl.16}
1- {NH cl.16}	Potentially sensitive activities permitted in commercial and mixed-use zones {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}	— {NH cl.16}
2- {NH cl.16}	Potentially sensitive activities not permitted in commercial and mixed-use zones {NH cl.16}	NG {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}
3- {NH cl.16}	Sensitive activities {NH cl.16}	NG {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}
4- {NH cl.16}	In a hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, <i>which create more than 1m² of new ground floor area</i> {NH cl.16}	RD {NH cl.16}	— {NH cl.16}	— {NH cl.16}
5- {NH cl.16}	In a hazard 1 or 2 overlay zone, other than the hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, <i>which create more than 60m² of new ground floor area</i> {NH cl.16}	— {NH cl.16}	RD {NH cl.16}	— {NH cl.16}

¹ **NH cl. 16:** The content from Table 18.3.8 has been moved to Table 18.3.X, with the exception that column c has been removed, pursuant to clause 16. This was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are shown in the new location.

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

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

Note 18.3.8A - ~~Guidance on existing use rights applying to land use activities in hazard overlay zones~~
Other RMA considerations {CMU cl.16}

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

Accordingly, these activities will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 18.3.X. **{NH 634.81}** However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of the land use activity.

18.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or section 95B of the Act RMA, **{CMU cl.16}** unless Council considers special circumstances exist in relation to the application that require public notification:
 1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
 2. contravention of the materials and design **{Her cl.16}** performance standard (Rule 13.3.2) 'Materials and design' **{Her cl.16}** where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided for the following:
 1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand; and
 2. contraventions of the materials and design **{Her cl.16}** performance standard (Rule 13.3.2) 'Materials and design' **{Her cl.16}** where the building or structure is listed by Heritage New Zealand.
3. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A(2) **{PO cl.16}** of the RMA:
 1. ~~demolition of a protected part of a scheduled heritage building or scheduled heritage structure; {Her 308.362}~~
 2. ~~new driveways from vehicle accesses onto a road with {CMU cl.16} a primary pedestrian street frontage mapped area (PPF);~~
 3. ~~contraventions of the Harbourside Edge Zone Standards {CMU cl.16} performance standard '(Rule 18.6.18.3) to 18.6.18.6 'Standards Harbourside Edge' {CMU 908.101}; and~~
 4. It is likely that applications for the following performance standard contraventions will be publicly notified:
 1. acoustic insulation;
 2. light spill;
 3. noise; and
 4. setback from National Grid.
4. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. all restricted discretionary activities that list 'effect on cultural values of Manawhenua as a matter for discretion; and
 2. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4.
5. With respect to sections 95D(b) and 95E(2)(a) of the RMA, Council will not consider retail as a permitted activity in scheduled heritage buildings as part of the permitted baseline in considering the effects of discretionary or non-complying activities in the Warehouse Precinct Zone.
6. ~~In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons: {PO cl.16}~~
7. With respect to resource consent applications for the following activities, the Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where their written approval is not

provided:

1. activities in the Hazard 1 or 1A **{NH 908.37}** (flood) overlay zones; and
 2. activities in **swale mapped areas. {NH cl.16³}**
8. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

¹ **PO cl.16:** Resource Legislation Amendment Act 2017.

² **PO cl.16:** Clause removed as superfluous.

³ **NH cl.16:** This rule was notified as Rule 11.8.3 in the Natural Hazards Section but has been transferred to this section for clarity. This does not result in a substantive change to the effect of provisions.

18.5 Land Use Performance Standards

18.5.1 Acoustic Insulation

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

1. within 20m of an industrial zone;
2. within 70m of a railway line;
3. within 40m of a state highway;
4. Central Business District (CBD) Zone;
5. Warehouse Precinct (WP) Zone;
6. Harbourside Edge (HE) Zone; and
7. Princes, Parry and Harrow Street (PPH) Zone; and
8. CEC – North Zone. {CMU 551.13}

18.5.2 Electrical Interference

Land use activities must comply with Rule 9.3.2.

18.5.3 Light Spill

Land use activities must comply with Rule 9.3.5.

18.5.4 Location

18.5.4.1 Location of activities within pedestrian street frontage mapped areas

- a. In a **primary pedestrian street frontage mapped area**, activities on the ground floor facing the street frontage, must be retail, restaurants, or entertainment and exhibition, except for entrances, lobbies and accessways that service activities on upper floors.
- b. In a **secondary pedestrian street frontage mapped area**, residential activities must not occupy the ground floor of buildings facing the street frontage.
- c. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

18.5.4.2 Location of industrial activities

- a. Within all commercial and mixed use zones, except trade related and CBD edge commercial zones, any part of an industrial industry {Ind cl.16} activity that involves machinery or metal work must be located within a part of a building that does not include any doors or windows that open to a **primary pedestrian street frontage mapped area** or **secondary pedestrian street frontage mapped area**.
- b. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

18.5.4.3 Location of restaurant drive-through and service stations

- a. Restaurant - drive through and service stations must not have vehicle access from a **primary pedestrian street frontage mapped area**.
- b. Activities that contravene this performance standard are a non-complying activity.

18.5.4.4 Location of ancillary restaurants in the Trade Related Zone {CMU 713.6}

- a. For restaurants ancillary to food and beverage retail 1,500m² or more in gross floor area, or to trade related retail, all customer access must be internal to a building, except for emergency-only access/egress. {CMU 713.6}

- b. Activities that contravene this performance standard are discretionary activities. {CMU 713.6}

18.5.4.5 Location of residential activities {CMU 1024.4}

- a. New residential activities or residential buildings must not be located within the **Speights buffer mapped area.** {CMU 1024.4}
- b. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

18.5.4.6 Location (hazard facility mapped area) {PHS 906.1}

Activities must comply with Rule 9.3.8. {PHS 906.1}

18.5.5 Maximum Gross Floor Area

18.5.5.1 Maximum gross area of centre {CMU cl.16}

- a. An individual land use activity must not occupy more than 50% of the gross area of a neighbourhood or rural centre.
- b. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

18.5.5.2 Maximum gross floor area of dairies

- a. The maximum gross floor area for dairies is 200m² (includes any area occupied for storage) {PO cl.16¹}.
- b. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

¹ **PO cl.16:** Qualifier deleted as this is included in the new definition of gross floor area.

18.5.5.3 Maximum gross floor area of retail ancillary to industry

- a. Retail ancillary to industry must not occupy more than 10% of the gross floor area of the industrial industry {Ind cl.16} activity.
- b. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

18.5.5.4 Maximum gross floor area of office activity in the Harbourside Edge Zone {CMU 908.102}

- a. The cumulative gross floor area of office activity in the Harbourside Edge Zone must not exceed 6,000m². {CMU 908.102}
- b. No more than 3,000m² of gross floor area of office activity may be located outside the area covered by designation D214, unless the Otago Regional Council designation allowing office activity on this site is uplifted. {CMU 908.102}
- c. Office activity that is ancillary to port, industry or marine-related activity is exempt from this standard. {CMU 908.102}
- d. Office activity that contravenes this performance standard is a non-complying activity. {CMU 908.102}

18.5.5.5 Maximum gross floor area of restaurants in the Trade Related Zone {CMU 713.6}

- a. The maximum gross floor area of restaurants ancillary to food and beverage retail 1,500m² or more in gross floor area, or to trade related retail, in the Trade Related Zone is 100m² {CMU 713.6}
- b. Activities that contravene this performance standard are discretionary activities. {CMU 713.6}

18.5.6 Minimum Car Parking

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

Activity {Trans cl.16}		Minimum parking rate {Trans cl.16}
Commercial activities {Trans cl.16}		
1-	All Retail (1500m ² or more in gross public floor area) {Trans cl.16}	In CBD and CEC zones: 1 parking space per 25m ² of gross public floor area {Trans cl.16}
2- {Trans cl.16}	All Retail (500m ² or more in gross public floor area) {Trans cl.16}	In centres and WP zones: 1 parking space per 25m ² of gross public floor area {Trans cl.16}
3- {Trans cl.16}	Bulky goods retail {Trans cl.16}	In CEC: 1 parking space per 50m ² gross public floor area {Trans cl.16}
4- {Trans cl.16}	Conference, meeting and function {Trans cl.16}	In centres zones and HE zone: 1 parking space for every 5 persons the facility can accommodate at any one time {Trans cl.16}
5- {Trans cl.16}	Entertainment and exhibition (capacity for greater than 20 persons at any one time) {Trans cl.16}	In centres zones and HE zone: 1 parking space for every 5 persons the facility can accommodate at any one time {Trans cl.16}
6- {Trans cl.16}	Food and beverage retail (1500m ² or more in gross public floor area) {Trans cl.16}	In TR zone: 1 parking space per 20m ² gross public floor area {Trans cl.16}
7- {Trans cl.16}	Registered health practitioners {Trans cl.16}	In centres zones: 2 parking spaces for every registered health practitioner {Trans cl.16}
8- {Trans cl.16}	Restaurants {Trans cl.16}	In HE zone: 1 parking space per 30m ² of gross public floor area {Trans cl.16}
9- {Trans cl.16}	Trade related retail {Trans cl.16}	In PPH and TR zones: 1 parking space per 75m ² of gross floor area {Trans cl.16}
10- {Trans cl.16}	Yard based retail {Trans cl.16}	In PPH and TR zones: {Trans cl.16} a. 1 parking space per 100m ² gross public floor area (inside buildings) {Trans cl.16} b. 1 parking space per 400m ² of outdoor display area {Trans cl.16}

Activity {Trans cl.16'}		Minimum parking rate {Trans cl.16}
11. {Trans cl.16}	Visitor accommodation {Trans cl.16}	a. In CBD, centres, WP, PPH, SSYP, CEC and HE zones: 1 parking space per 6 visitor accommodation units, where the activity is based on guest rooms (e.g. hotels) {Trans cl.16} b. In CBD, centres, WP, PPH, SSYP, CEC and HE zones: 1 parking space per 3 visitor accommodation units, where the activity is based upon units (e.g. motels) {Trans cl.16}
Community activities {Trans cl.16}		
12. {Trans cl.16}	Community and leisure {Trans cl.16}	In centres, PPH, SSYP, CEC, TRZ and HE zones: 1 parking space for every 5 persons the facility can accommodate at any one time {Trans cl.16}
13. {Trans cl.16}	Early childhood education – small scale {Trans cl.16}	In CBD, centres and SSYP zones: {Trans cl.16} a. 1 parking space per 5 full time equivalent staff members, and; {Trans cl.16} b. 1 parking space for parent/guardian use per 6 children the activity is licensed for {Trans cl.16}
14. {Trans cl.16}	Sport and recreation (with capacity for greater than 20 persons at any one time) {Trans cl.16}	In centres, PPH, SSYP, CEC, TRZ and HE zones: 1 parking space for every 5 persons the facility can accommodate at one time {Trans cl.16}
Residential activities {Trans cl.16}		
15. {Trans cl.16}	Rest homes {Trans cl.16}	In centres, SSYP, PPH and HE zones: 1 parking space for every 3 beds {Trans cl.16}
16. {Trans cl.16}	Retirement villages {Trans cl.16}	In centres, SSYP, PPH and HE zones: 1 parking space for every residential unit {Trans cl.16}

Activity {Trans cl.16¹}		Minimum parking rate {Trans cl.16}
17- {Trans cl.16}	Standard residential {Trans cl.16}	In centres, HE, PPH and SSYP zones: {Trans cl.16} a. 1–5 habitable rooms on a site: 1 parking space {Trans cl.16} b. 6–8 habitable rooms on a site: 1 ~~2~~ {Trans 360.2} parking space {Trans cl.16} c. Greater than 8 habitable rooms on a site: 2 parking spaces plus 1 space for every 4 habitable rooms (or part thereof) {Trans cl.16} d. Except: {Trans cl.16} i. where sites with less than 5 habitable rooms have no existing parking, no additional parking is required for additions that increase the number of habitable rooms to 5 (or fewer), provided no additional residential units are created; and {Trans cl.16} ii. where the provision of an on-site parking space for sites with 1-5 habitable rooms would result in the loss of an on-street parking space, no parking space is required: {Trans cl.16}
18- {Trans cl.16}	Student hostels {Trans cl.16}	In centres, HE, PPH and SSYP zones: {Trans cl.16} a. hostels with 1 – 10 residents: 1 parking space {Trans cl.16} b. hostels with 11 – 20 residents: 2 parking spaces {Trans cl.16} c. hostels with 21 – 30 residents: 3 parking spaces {Trans cl.16} d. hostels with greater than 30 residents: 3 parking spaces plus 1 additional space for every 10 additional residents (or part thereof) {Trans cl.16}
Industrial activities {Trans cl.16}		
19- {Trans cl.16}	Industry {Trans cl.16}	a. In HE, CEC and PPH zones: 1 parking space per 100m² gross floor area for activities {Trans cl.16} b. In TR zone: 1 parking space per 75m² gross floor area {Trans cl.16}

¹ **Trans cl 16:** Rule reformatted into a new table.

Activity	Zone	Minimum parking rate
Commercial activities		

Activity		Zone	Minimum parking rate
a.	Conference, meeting and function	i. PC/SC/RC/NEDC/HE	1 parking space for every 5 persons the facility can accommodate at any one time
b.	Entertainment and exhibition (capacity for greater than 20 persons at any one time)	i. PC/SC/RC/NEDC/HE	1 parking space for every 5 persons the facility can accommodate at any one time
c.	Registered health practitioners	i. PC/SC/RC/NEDC/NECC/NEC	2 parking spaces for every registered health practitioner
d.	Restaurants	i. HE	1 parking space per 30m ² of gross public floor area
e.	Bulky goods retail	i. <u>CBD/ {Trans 211.3}</u> CEC – North/CEC - South	1 parking space per 50m ² of gross public floor area
		ii. Centres/WP (500m ² or more in gross public floor area)	1 parking space per 25m ² of gross public floor area
f.	Food and beverage retail	i. CBD/ CEC – North/ CEC – South (1500m ² or more in gross public floor area)	1 parking space per 25m ² of gross public floor area
		ii. Centres (500m ² or more in gross public floor area)	
		iii. TR (1500m ² or more in gross public floor area)	1 parking space per 20m ² of gross public floor area
g.	<u>Service Stations {Trans 634.107}</u>	i. Centres/PPH/TR/CEC – North/CEC - South {Trans 634.107}	<u>1 parking space per 40m² of gross public floor area {Trans 634.107}</u>
h.	Trade related retail	i. CBD (1500m ² or more in gross public floor area)	1 parking space per 25m ² of gross public floor area
		ii. Centres (500m ² or more in gross public floor area)	
		iii. <u>WP/CEC – North/ CEC – South {Trans 489.8}</u> /PPH/TR	1 parking space per 75m ² of gross public floor area

Activity		Zone	Minimum parking rate
i.	Yard based retail	i. Centres (500m ² or more in gross public floor area) ii. CEC – North/ CEC - South (1500m ² or more in gross public floor area) iii. PPH/TR	1 parking space per 25m ² of gross public floor area 1. 1 parking space per 100m ² gross public floor area (inside buildings) 2. 1 parking space per 400m ² of outdoor display area
j.	General Retail	i. CBD (1500m ² or more in gross public floor area) ii. WP/Centres (500m ² or more in gross public floor area) iii. CEC – North/ CEC- South (~~1500m²~~ <u>750m²</u> {CMU 211.6} or more in gross public floor area)	1 parking space per 25m ² of gross public floor area
m.	Visitor accommodation	i. CBD/Centres/WP/PPH/SSYP and HE zones ii. ~~CEC – South~~ <u>CEC – North</u> {CMU 899.10} (1500m ² or more in gross public floor area)	1. 1 parking space per 6 visitor accommodation units, where the activity is based on guest rooms (e.g. hotels) 2. 1 parking space per 3 visitor accommodation units, where the activity is based upon units (e.g. motels)
Community Activities			
n.	Community and leisure	i. Centres/PPH/SSYP/CEC/TR and HE	1 parking space for every 5 persons the facility can accommodate at any one time
o.	Early childhood education - small scale	i. CBD/Centres and SSYP	1. 1 parking space per 5 full time equivalent staff members, and 2. 1 parking space for parent/guardian use per 6 children the activity is licensed for
p.	Sport and recreation (with capacity for greater than 20 persons at any one time)	i. Centres/PPH/SSYP/CEC/TR and HE	1 parking space for every 5 persons the facility can accommodate at one time
Residential activities			
q.	Rest homes	i. Centres/SSYP/PPH and HE	1 parking space for every 3 beds
r.	Retirement villages	i. Centres/SSYP/PPH and HE	1 parking space for every residential unit

Activity		Zone	Minimum parking rate
s.	Student hostels	i. Centres/HE/PPH and SSYP	1. hostels with 1 – 10 residents: 1 parking space {Trans cl.16} 2. hostels with 11 – 20 residents: 2 parking spaces {Trans cl.16} 3. hostels with 21 – 30 residents: 3 parking spaces {Trans cl.16} 4. hostels with greater than 30 residents: 3 parking spaces plus 1 additional space for every 10 additional residents (or part thereof) {Trans cl.16} <u>1 parking space for every 10 residents (or part thereof) {Trans cl.16}</u> <u>except student hostels within 500m of the Campus Zone which are managed as part of the overall campus parking requirements. {Trans 308.296}</u>
t.	Standard residential	i. Centres/HE/PPH and SSYP	1. 1 - 5 habitable rooms on a site: 1 parking space 2. 6 - 8 habitable rooms on a site: 4 parking spaces {Trans 360.2} 3. Greater than 8 habitable rooms on a site: 2 parking spaces plus 1 space for every 4 habitable rooms (or part thereof) 4. Except: 1. where sites with less than 5 habitable rooms have no existing parking, no additional parking is required for additions that increase the number of habitable rooms to 5 (or fewer), provided no additional residential units are created; and {Trans 927.6} 2. where the provision of an on-site parking space for sites with 1-5 habitable rooms would result in the loss of an on-street parking space, no parking space is required; and 3. <u>in centres, no parking space is required where an existing building is converted to residential activity with fewer than five habitable rooms. {Trans 927.6}</u>
Industrial Activities			

Activity		Zone	Minimum parking rate
u.	Industry	i. HE/CEC/PPH	1 parking space per 100m ² gross floor area
		ii. TR	1 parking space per 75m ² gross floor area
Major Facility Activities {CP 945.49}			
v.	Emergency Services {CP 945.49}	i. All zones {CP 945.49}	1. For fire stations: 5 parking spaces per fire engine bay. {CP 945.49} 2. For all other activities: 1 parking space per 100m ² gross floor area. {CP 945.49}

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

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

3. Car parking must be provided on the same property as the activity except in the Harbourside Edge Zone where parking spaces must be provided within 200m walking distance of the activity, with all parking not on the same property as the activity provided as dedicated off-street parking for the activity through a lease agreement. {Trans 737.20}
4. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces.
5. Residential and office activities (excluding registered health practitioners) undertaken entirely within a scheduled heritage building do not need to provide any additional car parking other than what is already on site and may remove any car parking that does not meet the performance standard for location of car parking.
6. Parking spaces may be shared between land use activities (i.e. the same parking spaces may be used to fulfil the minimum parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap.
7. Where the minimum car parking performance standard results in the requirement for a fractional space, any fraction under one half will be disregarded and any fraction of one half or greater will be counted as one space.
8. For activities where the minimum car parking performance standard is based on the gross floor area of a building {CMU cl.16}, the following areas within the building {CMU cl.16} will be excluded from the assessment of gross floor area. , for the purpose of calculating the minimum car parking requirement {CMU cl.16}:
- any parking area and associated manoeuvring space, including parking {CMU cl.16} aisle; and
 - any loading area and associated manoeuvring space {CMU cl.16}.
9. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

Note 18.5.6A - Other relevant District Plan provisions

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

18.5.7 Minimum Vehicle Loading

1. Land use activities must provide the **{Trans cl.16}** on-site vehicle loading and manoeuvring as follows:

Zone		Activities	Minimum vehicle loading rate {Trans cl.16}
a.	CBD and centres zones	i. Retail activity (except yard based retail)	1. On sites which gain direct vehicular access to a {Trans cl.16} strategic road, arterial road and or {Trans cl.16} urban high density corridor or have a gross floor area of 500m ² or more: 1 loading space; {Trans cl.16} to accommodate an 8m rigid truck (See Rule 6.14 Appendix 6B {Trans cl.16} , Figure 6.14J 6B.10 {Trans cl.16})
		ii. Visitor accommodation	1. Visitor accommodation based on guest rooms (eg hotels) for 50 or more guest rooms: 1 loading space; {Trans cl.16} to accommodate the turning circle of {Trans cl.16} a coach (See Rule 6.14 Appendix 6B {Trans cl.16} , Figure 6.14J 6B.12 {Trans cl.16})
b.	Centres zones	i. Yard based retail	1. On sites which gain direct vehicular access to a {Trans cl.16} strategic road, arterial road and or {Trans cl.16} urban high density corridor, or have a gross floor area of 500m ² or more: 1 loading space; {Trans cl.16} to accommodate an 8m rigid truck (See Rule 6.14 Appendix 6B {Trans cl.16} , Figure 6.14J 6B.10 {Trans cl.16}).

Zone		Activities	Minimum vehicle loading rate <i>{Trans cl.16}</i>
c.	Warehouse Precinct <i>Zone {CMU cl.16}</i>	i. General retail (in a scheduled heritage building)	1. On sites which gain direct vehicular access to a <i>{Trans cl.16}</i> strategic road, arterial road and or <i>{Trans cl.16}</i> urban high density corridor or have a gross floor area of 500m ² or more: 1 loading space; <i>{Trans cl.16}</i> to accommodate an 8m rigid truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.10 <i>{Trans cl.16}</i>)
		ii. General retail (not in a scheduled heritage building and 1500m ² or more in gross floor area)	
		iii. Trade related retail	
		iv. Food and beverage retail <i>{CMU cl.16}</i>	
		v. Visitor accommodation	1. Visitor accommodation based on guest rooms (e.g. hotels) for 50 or more guest rooms: 1 loading space; <i>{Trans cl.16}</i> to accommodate the turning circle of <i>{Trans cl.16}</i> a coach (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.12 <i>{Trans cl.16}</i>)
		vi. Bulky goods retail	1. Activities with a gross floor area of less than 1000m ² : 1 loading space; <i>{Trans cl.16}</i> to accommodate an 8m rigid truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.10 <i>{Trans cl.16}</i>); 2. Activities with a gross floor area of 1000m ² or more: 1 loading space; <i>{Trans cl.16}</i> to accommodate a B Train Truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.11 <i>{Trans cl.16}</i>).

Zone		Activities	Minimum vehicle loading rate <i>{Trans cl.16}</i>
d.	CBD edge commercial zones <i>{CMU cl.16}</i>	i. General retail (1500m ² 750m ² <i>{CMU 211.6}</i> or more in gross floor area)	1. On sites which gain direct vehicular access to a <i>{Trans cl.16}</i> strategic road, arterial road and or <i>{Trans cl.16}</i> urban high density corridor: 1 loading space; <i>{Trans cl.16}</i> to accommodate an 8m rigid truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.10 <i>{Trans cl.16}</i>)
		ii. Trade related retail	
		iii. Industry	
		iv. Food and beverage retail (1500m ² or more in gross floor area).	
		v. Visitor accommodation (CEC - North) <i>{CMU cl.16}</i>	1. Visitor accommodation based on guest rooms (e.g. hotels) for 50 or more guest rooms: 1 loading space; <i>{Trans cl.16}</i> to accommodate the turning circle of <i>{Trans cl.16}</i> a coach (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.12 <i>{Trans cl.16}</i>)
		vi. Bulky goods retail	1. Activities with a gross floor area of less than 1000m ² : 1 loading space; <i>{Trans cl.16}</i> to accommodate an 8m rigid truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.10 <i>{Trans cl.16}</i>); 2. Activities with a gross floor area of 1000m ² or more: 1 loading space; <i>{Trans cl.16}</i> to accommodate a B Train Truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.11 <i>{Trans cl.16}</i>).
e.	Princes, Parry and Harrow Street Zone	i. Trade related retail	1. On sites which gain direct vehicular access to a <i>{Trans cl.16}</i> strategic road, arterial road and or <i>{Trans cl.16}</i> urban high density corridor, or have a gross floor area of 500m ² or more: 1 loading space; <i>{Trans cl.16}</i> to accommodate an 8m rigid truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.10 <i>{Trans cl.16}</i>).
		ii. Yard based retail	
		iii. Industry	
f.	Harbourside Edge Zone	i. Industry	1. 1 loading space; <i>{Trans cl.16}</i> to accommodate an 8m rigid truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.10 <i>{Trans cl.16}</i>).
		ii. Visitor accommodation	1. Visitor accommodation based on guest rooms (e.g. hotels) for 50 or more guest rooms: 1 loading space; <i>{Trans cl.16}</i> to accommodate the turning circle of <i>{Trans cl.16}</i> a coach (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.12 <i>{Trans cl.16}</i>)

Zone		Activities	Minimum vehicle loading rate <i>{Trans cl.16}</i>
g.	Trade Related Zone	i. Trade related retail	- On sites which gain direct vehicular access to a <i>{Trans cl.16}</i> strategic road, arterial road and or <i>{Trans cl.16}</i> urban high density corridor, with a gross floor area of 500m² or more: 1 loading space; <i>{Trans cl.16}</i> to accommodate an 8m rigid truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i>, Figure 6.14J 6B.10 <i>{Trans cl.16}</i>) - Activities with a gross floor area of less than 1000m²: 1 loading space; <i>{Trans cl.16}</i> to accommodate an 8m rigid truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i>, Figure 6.14J 6B.10 <i>{Trans cl.16}</i>) - Activities with a gross floor area of 1000m² or more: 1 loading space; <i>{Trans cl.16}</i> to accommodate an B Train Truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i>, Figure 6.14J 6B.11 <i>{Trans cl.16}</i>)
		ii. Food and beverage retail (1500m ² or more in gross floor area)	
		iii. Industry	

- Required vehicle loading must be designed and constructed to comply with Rule 6.6.2.
- Activities that contravene this performance standard are restricted discretionary activities. *{PO cl.16}*

18.5.8 Noise

Land use activities must comply with Rule 9.3.6.

18.5.9 Service Station Standards

Service stations must comply with Rule 6.7.1.

18.5.10 Setback from National Grid

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

18.6 Development Performance Standards

18.6.1 Boundary Treatments and Other Landscaping

1. A landscaping area with a minimum width of 1.5m must be provided along the full length of any street frontage road **{CMU cl.16}** boundary that does not have a building within 1.5m of that boundary (except for where vehicle access is provided).
2. Landscaping areas must:
 - a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
 - b. have an average of one tree for every 5m of frontage;
 - c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - d. be designed to allow surface water run-off from surrounding areas to enter;
 - e. be protected by a physical barrier that prevents cars from accidentally driving into or **{PO 360.213}** damaging plants;
 - f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a minimum **{PO 360.213}** height of 5m within 10 years of planting;
 - g. be planted prior to occupation ~~or completion~~ of any relevant building(s) or upon completion of site development activities **{CMU cl.16}**; and
 - h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any required road frontage landscaping required by this rule **{PO 360.213}**.
4. Within any parking areas greater than 200m² (excluding loading areas), a minimum of 1m² of additional landscaped area must be provided for every parking space, with an average of one tree per 10m² of landscaping. This standard does not apply to sites used for yard based retail or sites with a street frontage of 12m or less.
5. Fencing must be provided along any boundaries which adjoin a residential or school zoned property (excluding roads). Fencing must:
 - a. be constructed from solid timber paling; and
 - b. have vertical palings which are butted together; and
 - c. only have palings visible from the residential zone; and
 - d. be a minimum of 1.8m high.
6. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

Note 18.6.1A - Other requirements outside of the District Plan

1. The Dunedin City Council Commercial Use of Footpaths Policy applies to all objects placed on the footpath or suspended over it up to a height of 2.6m. Contact customer services on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.

18.6.2 Building Colour

New buildings, additions and ~~or~~ alterations to buildings, repairs and maintenance and earthquake strengthening in a commercial heritage precinct **{CMU cl.16}** must comply with Rule 13.3.1.

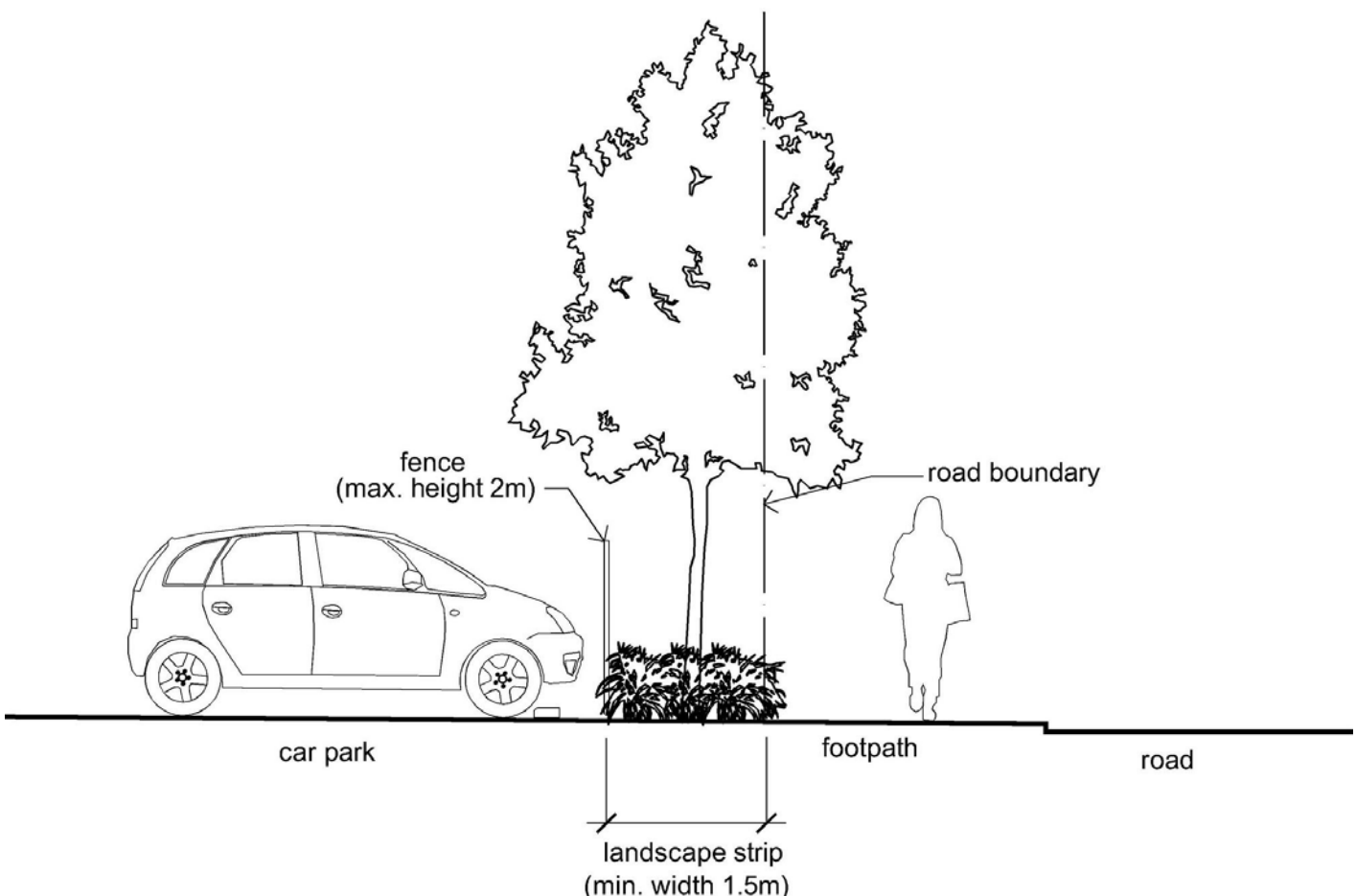
18.6.3 Earthworks Standards {Confirmed to be replaced by 8A.5 - EW cl.16¹}

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

18.6.4 Fence Height and Design

1. The maximum height of a fence, free-standing wall, or gate is 2m along any side boundary or within 10m of the front boundary, unless completely screened from public view by buildings or established landscaping. For the purposes of calculating maximum height, where a fence or wall is erected atop a retaining wall, the height will be calculated as the combined height measured from ground level to the top of the fence, from the external side of the boundary.
2. Where landscaping is required by Rule 18.6.1, fences must be set back from the road an adequate distance to allow the landscaping to be located between the fence and the road (see Figure 18.6GA {**CMU cl.16**}).
3. Activities that contravene this performance standard are restricted discretionary activities.{**PO cl.16**}

Figure 18.6GA {**CMU cl.16**} Street frontage landscaping and fencing



18.6.5 Fire Fighting

New residential buildings and subdivision activities **{CMU cl.16}** must comply with Rule 9.3.3.

18.6.6 Height

18.6.6.1 Height in relation to boundary

- a. New buildings and additions and alterations to buildings on sites which adjoin a residential zone along their side or rear boundary must comply with the height in relation to boundary performance standard of that residential zone, along the adjoining boundary (see Rule 15.6.7.1); must not protrude through a plane (see Figure 18.6D) raising at an angle of 45 degrees measured from a point: **{CMU cl.16}**¹
 - i. 3m above ground level at the side or rear boundary with a Inner City Residential or General Residential 2-zone;**{CMU cl. 16}**
 - ii. 2.5m above ground level at the side or rear boundary with all other residential zones or the Recreation Zone;**{CMU cl. 16}**
 - iii. except:**{CMU cl. 16}**
 1. where new buildings or additions and alterations are built to a common wall, any part of a building where the height and angle of the roofline are the same as the adjoining building, may protrude through the height in relation to boundary plane.**{CMU cl.16}**
 2. gable ends and dormers may protrude through the height in relation to boundary plane by a maximum of 1m (see Figure 18.6E).**{CMU cl.16}**
 - iv. Rooftop structures are exempt from the performance standard for height in relation to boundary.**{CMU cl.16}**
- b. New buildings and additions and alterations to buildings on sites which adjoin the Recreation Zone along their side or rear boundary must comply with the height in relation to boundary performance standard of the Recreation Zone, along the adjoining boundary (see Rule 20.6.4.1); **{CMU cl.16}**¹
- c. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

¹ **CMU cl.16:** There is no substantive change to Rule 18.6.6.1. The changes refer the user to the same rules in the Residential and Recreation sections.

Figure 18.6D: Height in relation to boundary {Figure has been deleted - CMU cl.16}

¹ **CMU cl.16:** There is no substantive change to Rule 18.6.6.1. The changes refer the user to the same rules in the Residential and Recreation sections.

Figure 18.6E: Height in relation to boundary **{Figure has been deleted - CMU cl.16}**

¹ **CMU cl.16:** There is no substantive change to Rule 18.6.6.1. The changes refer the user to the same rules in the Residential and Recreation sections.

18.6.6.2 Maximum and minimum {CMU cl.16} height

- a. New buildings and structures, and additions and alterations must comply with the following:

Zone/Centre		1. Minimum height of buildings (above ground level)	2. Minimum number of storeys for buildings (above ground level)	3. Maximum height of buildings and structures (above ground level)	4. Maximum number of storeys for buildings (above ground)
i.	Central Business District Zone (CBD)				
	1. On sites which adjoin George Street	8m	2 storeys	12m	3 storeys
	2. On sites which do not adjoin George Street	8m	2 storeys	16m	4 storeys
ii.	Warehouse Precinct Zone	8m	2 storeys	16m	4 storeys
iii.	Princes, Parry and Harrow Street Zone				
	1. On sites located in the PPH Zone height mapped area (see Figure XX) {CMU cl.16}	6m	1 storey	20m	—
	2. On sites located outside the PPH Zone height mapped area	6m	1 storey	12m	—
X.	<u>CBD Edge Commercial North Zone</u> {CMU 551.15}	6m	1 storey	~~16m~~ 20m {CMU 551.15}	—
iv.	CBD Edge Commercial <u>South</u> {CMU 551.15} Zone	6m	1 storey	16m	—
v.	Smith Street and York Place Zone	8m	2 storeys	12m	3 storeys
vi.	Trade Related Zone	—	—	16m	—
vii.	Centres	6m	1 storey	12m	3 storeys

- viii. Except:

1. Additions to scheduled heritage buildings and character-contributing buildings may exceed the maximum height limit within the Central Business District and centres zones **{CMU cl.16}** and CBD Edge Mixed Use zones, as long as that addition is:
 1. set back a minimum of 6m from the street frontage façade of the building;
 2. set back a minimum of 6m from the façade of the building which adjoins a residential or recreation zoned site; and
 3. a maximum height of 4m above the maximum height of an existing building.

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

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

Figure X: {CMU cl.16} PPH Zone Height Mapped Area



Note 18.6.6.2A - Other relevant District Plan provisions {CMU 308.297}

1. The performance standard for Height for the Harbourside Edge Zone is included in Rule 18.6.18.1. **{CMU 308.297}**

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

18.6.7.1 Hazard exclusion areas (swale mapped area)

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

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

18.6.7.2 Maximum area of vegetation clearance in the hazard overlay zones

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

18.6.7.3 Minimum floor level {NH 917.27, NH 947.53 and others}

New buildings (including residential buildings) to be used for sensitive activities in the Hazard 2 (flood), Hazard 3

(flood) or Hazard 3 (coastal) Overlay Zones must comply with Rule 11.3.3: **{NH 917.27, NH 947.53 and others}**

18.6.7.4 Relocatable buildings

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

18.6.8 Hazardous Substances Quantity Limits and Storage Requirements

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

18.6.9 Location and Screening of Car Parking

1. Any parking areas (including stand-alone car parking) on a site **{CMU cl.16}** Within a heritage precinct (except View Street Heritage Precinct) or on sites that contains adjoin **{CMU cl.16}** a **primary pedestrian street frontage mapped area**, new extensions to parking areas **{CMU cl.16}** must be located **{CMU cl.16}** behind or within a building. that meets Rule 18.5.4.1: **{CMU cl.16}**
2. In all other locations, any parking areas (including stand-alone car parking) **{CMU cl.16}** on a site must be either located behind or within a building, or separated from the street frontage by a minimum 1.5m wide landscaping strip that meets Rule 18.6.1. (Boundary treatments and other landscaping) **{CMU cl.16}**
3. Parking areas that contravene this performance standard are a non-complying activity.

Note 18.6.9A Other relevant District Plan provisions {CMU cl.16}

Car parking that is provided within a building is subject to the performance standards for new buildings. Within a primary pedestrian street frontage there are also restrictions on the activities that can occupy the ground floor facing the primary pedestrian street frontage (Rule 18.5.4.1) {CMU cl.16}

18.6.10 Location and Screening of Outdoor Storage

1. Outdoor storage of raw materials associated with industrial activities must be located or screened so it is not visible from ground level of a public place or a residential or recreation zoned property.
2. Service areas must be located or screened so that they are not visible at ground level from adjacent: residential activities, residential zoned properties, or public places.
3. Outdoor storage, including service areas, must not encroach into required parking, loading or landscaping areas.
4. Materials stored outside must be stored in a way that prevents them contaminating any off-site area.
5. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

18.6.11 Materials and Design

Repairs and maintenance, restoration, and earthquake strengthening that affect the protected part of a scheduled heritage building or structure, or if in a heritage precinct that are visible from an adjoining public place, **{CMU cl.16}** must comply with Rule 13.3.2.

18.6.12 Minimum Glazing and Building Modulation

Buildings which face street frontage **{CMU cl.16}**

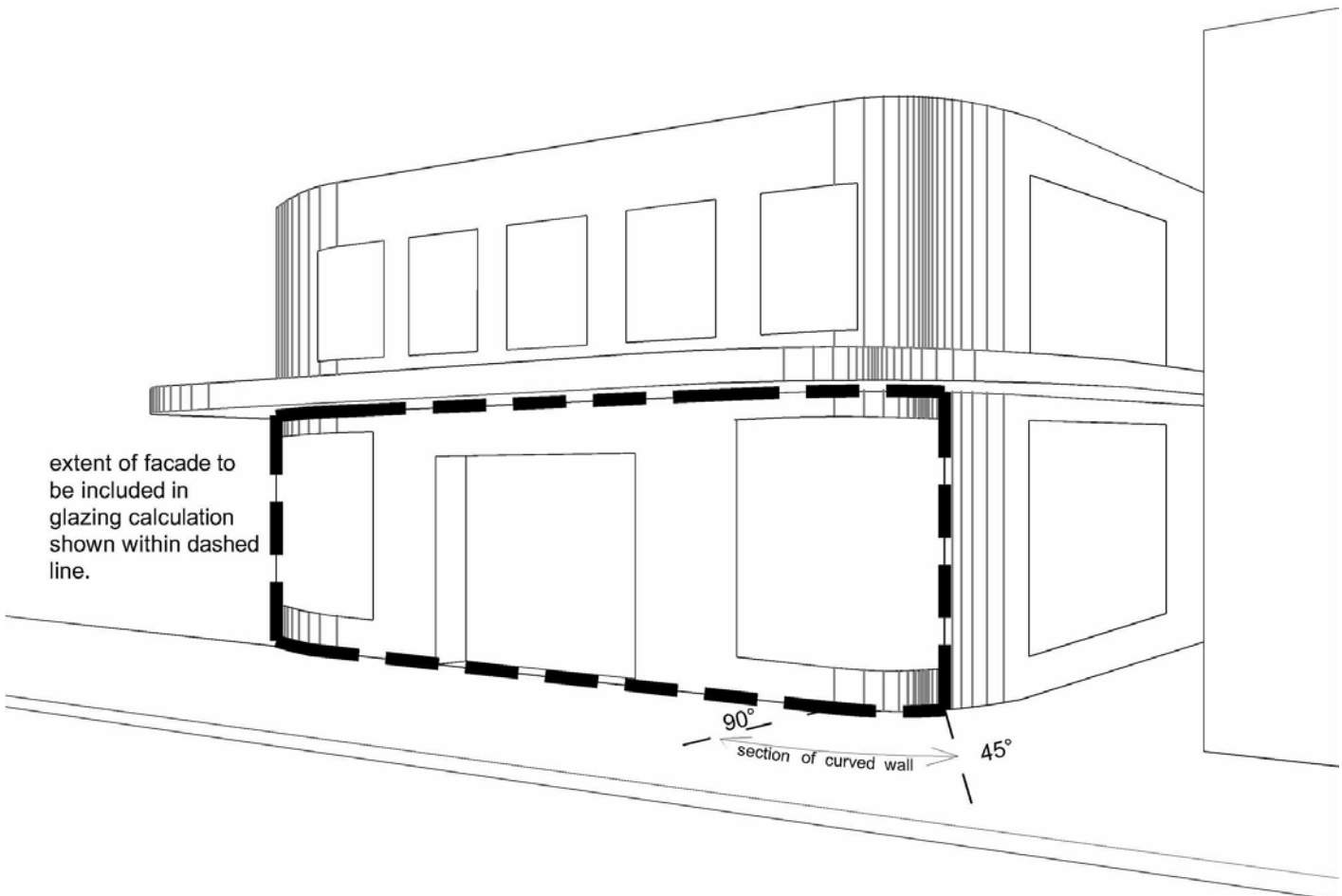
1. The minimum building modulation and minimum glazing requirements for any parts of a new building or additions and alterations to a building which face, and are visible from, the following street frontages, is as follows:

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

2. Buildings must meet both the building modulation and minimum glazing standards in **pedestrian street frontage mapped areas**; in all other street frontages, they must only meet one of the standards. **{CMU cl.16¹}**
3. The required glazing will be calculated as a percentage of the total wall area (from floor to ceiling) that faces the street frontage and that includes clear glass. In the case of curved walls, the wall area will be calculated as the part of the wall which is 45° either side of a point directly facing (parallel to) the street frontage (see Figure 18.6F).
4. Ground floor glazing within the **primary pedestrian street frontage mapped area** must be clear (unobstructed from signage, glass frosting or other materials attached to the glazing that prevents glazing being visually permeable) for a minimum of 50% of the glazed area.
5. This standard does not apply to scheduled heritage buildings or within the Trade Related Zone.
6. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

¹ **CMU cl.16:** Clause added to assist in interpreting the rule.

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



18.6.13 Minimum Ground Floor to Ceiling Height

1. New buildings, and additions and alterations adjacent to a **primary pedestrian street frontage mapped area** must have a minimum ground floor to ceiling height of 4m for a minimum depth of 6m from the front of the building along the **primary pedestrian street frontage mapped area**.
2. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

18.6.14 Number, Location and Design of Ancillary Signs

18.6.14.1 General

- a. Signs visible from a public place must meet all of the following performance standards, except that regulatory signs, directional signs and warning signs that do not exceed 0.25m² are exempt from these standards. **{CMU 271.18}**
- b. Signs located on or above the footpath **{CMU cl.16}** must also **{PO cl.16}** comply with:
 - i. Rule 6.7.2 where located on or above the footpath; and
 - ii. Rule 6.7.3 where visible from a road.
- c. ~~Signs must be ancillary signs.~~ **{PO cl.16}**
- d. Signs must not be flashing within pedestrian street frontage mapped areas, heritage precincts and the Harbourside Edge Zone and must not be illuminated or digital within pedestrian street frontages, heritage precincts and the Harbourside Edge Zone. **{CMU 271.16}**

- e. Signs higher than 4m above ground level must only display the business name.
- f. Signs related to restaurants ancillary to food and beverage retail 1,500m² or more in gross floor area, or trade related retail, in the Trade Related Zone must not be externally facing (i.e. must not be visible from a public place). **{CMU 713.6}**
- g. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities. **{PO cl.16}**

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

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

18.6.14.2 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign, attached to a building is:
 - i. 4m within **pedestrian street frontage mapped areas**, heritage precincts and the Harbourside Edge Zone; and
 - ii. 8m in all other locations.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs must be made of a solid material and may not be in the form of a flag, banner or other type of fabric sign in the **pedestrian street frontage mapped areas**, heritage precincts and the Harbourside Edge Zone.

18.6.14.3 Signs attached flat against buildings (including verandah fascia)

- a. The maximum area of walls facing the street that signs may occupy (excluding signs in windows) is:
 - i. 50% of the area up to 4m or the bottom of a verandah, whichever is the lesser, in **pedestrian street frontage mapped areas**, heritage precincts and the Harbourside Edge Zone (see Figure 18.6G) **{CMU cl.16}**; and
 - ii. 15% or 8m², whichever is the lesser, in all other locations.
- b. Signs attached to a verandah fascia must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

18.6.14.4 Signs attached at a right angle to the façade of a building (including attached to the underside of a verandah)

- a. Signs must not exceed:
 - i. a maximum of 1 per 5m of street frontage, in **pedestrian street frontage mapped areas**, heritage precinct or in the Harbourside Edge Zone (see Figure 18.6G) **{CMU cl.16}**;
 - ii. a maximum of 1 per 15m of street frontage, for a site with a single premise, or 1 per 7.5m, for a site with multiple premises; and
 - iii. in all locations, a total of 3 signs per building.
- b. Signs must have a maximum of 2 display faces.
- c. Signs must have a maximum area per display face of:
 - i. 1.5m² in **pedestrian street frontage mapped areas**, heritage precinct or in the Harbourside Edge Zone; and
 - ii. 2m² in all other locations.
- d. Signs must not protrude from a façade more than:

- i. 1m in **pedestrian street frontage mapped areas**, heritage precinct or in the Harbourside Edge Zone; and
- ii. 1.5m in all other locations.

18.6.14.5 Portable freestanding signs on footpaths

- a. Portable freestanding signs on footpaths are only allowed for premises that have no ground floor street frontage (other than entranceways) in:
 - i. **pedestrian street frontage mapped areas**, heritage precinct or in the Harbourside Edge Zone; and
 - ii. CBD and centres zones **{CMU cl.16}** (outside **pedestrian street frontage mapped areas** and heritage precincts) and the PPH and CEC zones.
- b. Portable freestanding signs on footpaths must not exceed:
 - i. a maximum height of 900mm above ground level; and
 - ii. a maximum width of 600mm.
- c. Portable freestanding signs on footpaths must be spaced at least 5m from any other portable sign.
- d. Portable freestanding signs on footpaths must not exceed 1 sign per site, except where a site has a street frontage of 30m or more, then a maximum of 1 sign per 15m of street frontage is allowed **{CMU cl.16}**.
- e. In the Trade Related Zone, portable signs on footpaths are not allowed.

18.6.14.6 Freestanding signs

- a. The maximum number of freestanding signs is:
 - i. 1 per site in **pedestrian street frontage mapped areas**, heritage precincts or the Harbourside Edge Zone; and
 - ii. 2 per site or 1 per 50m of street frontage, whichever is the lesser, for permanently fixed freestanding signs, ~~and 1 per 15m of street frontage for portable freestanding signs~~ **{CMU cl.16}** in all other locations.
- b. The maximum dimensions of freestanding signs are:
 - i. In **pedestrian street frontage mapped areas**, heritage precincts or the Harbourside Edge Zone **{CMU cl.16}**:
 - 1. maximum height of 4m;
 - 2. maximum area of 3m² per display face;
 - 3. maximum width of 2m; and
 - 4. maximum depth of 400mm **{PO cl.16}**.
 - ii. In Trade Related Zone (see Figure 18.6.I) **{CMU cl.16}**:
 - 1. maximum height of 8m for permanently fixed freestanding signs;
 - 2. maximum height of 4m for portable freestanding signs;
 - 3. maximum area of 16m² per display face for permanently fixed freestanding signs;
 - 4. maximum area of 8m² per display face for portable freestanding signs;
 - 5. maximum width of 2m; and
 - 6. maximum depth of 400mm.
 - iii. In all other locations (see Figure 18.6.H) **{CMU cl.16}**:
 - 1. maximum height of 6m for permanently fixed freestanding signs;



2. maximum height of 4m for portable freestanding signs;
3. maximum area of 12m² per display face for permanently fixed freestanding signs;
4. maximum area of 8m² per display face for portable freestanding signs;
5. maximum width of 2m; and
6. maximum depth of 400mm.

c. Freestanding signs must:

- i. ~~not obstruct parking or manoeuvring areas; and not obstruct parking, loading and access areas; and~~
{PO cl.16}
- ii. be positioned entirely within site boundaries, except:
 1. flag signs within the CBD and centres zones (outside **pedestrian street frontage mapped areas** and heritage precincts) and within PPH, CEC and TR zones may project a maximum of 1.5m over a footpath if the flag sign is located at least 2.5m, at its lowest point, above the footpath; and
 2. portable freestanding signs on footpaths provided for in Rule 18.6.14.5 {CMU cl.16}

Figure 18.6G: Signs in **pedestrian street frontage mapped areas**, heritage precincts and Harbourside Edge Zone

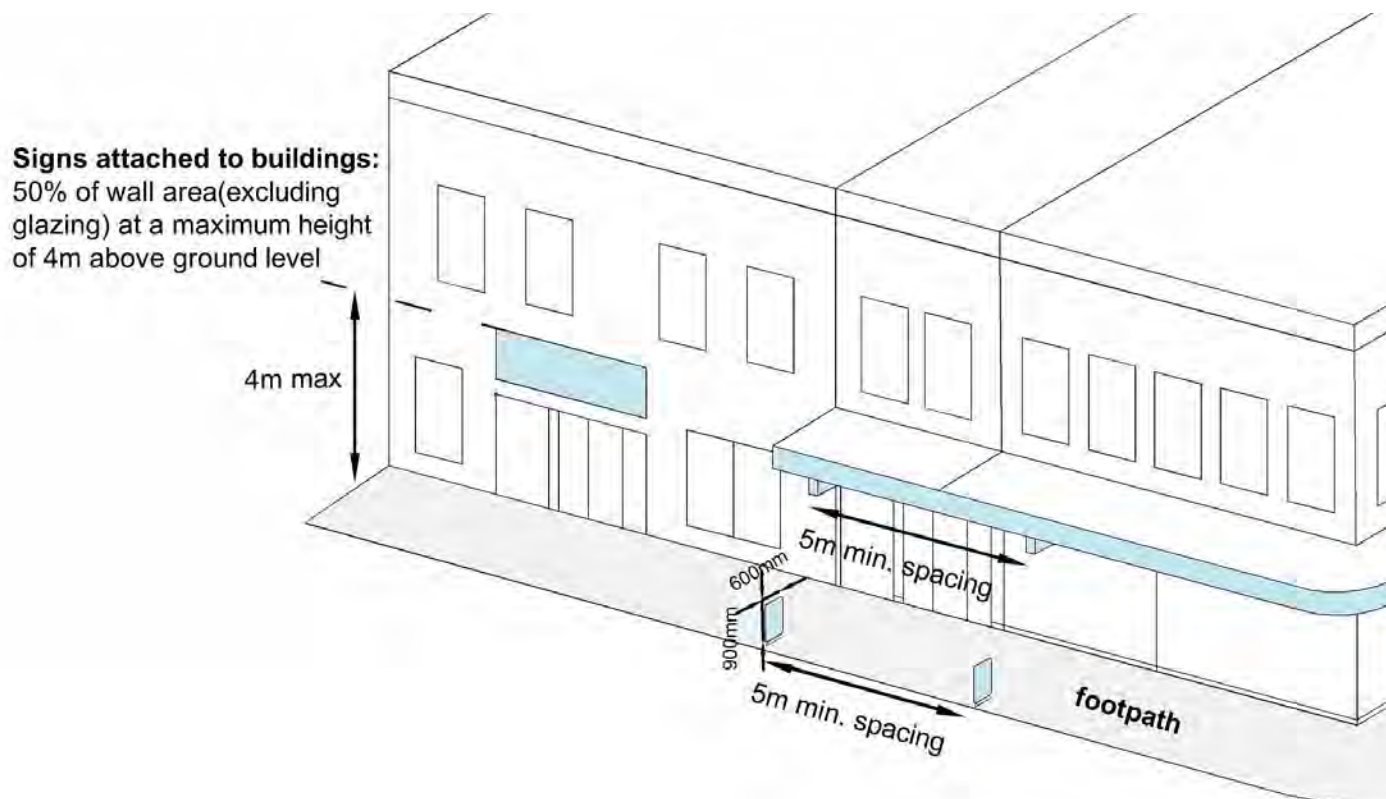


Figure 18.6I: Signs in the Trade Related Zone

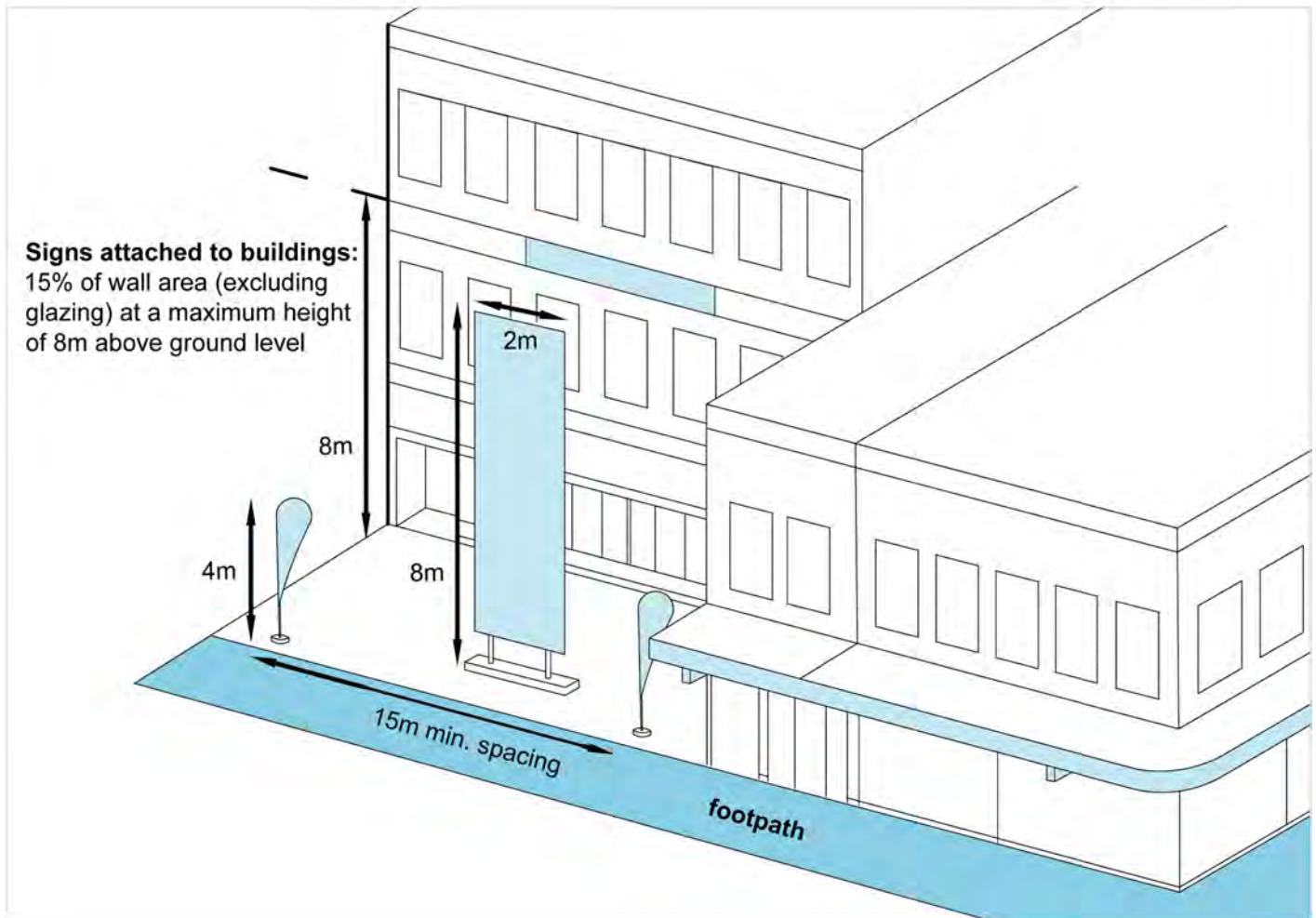
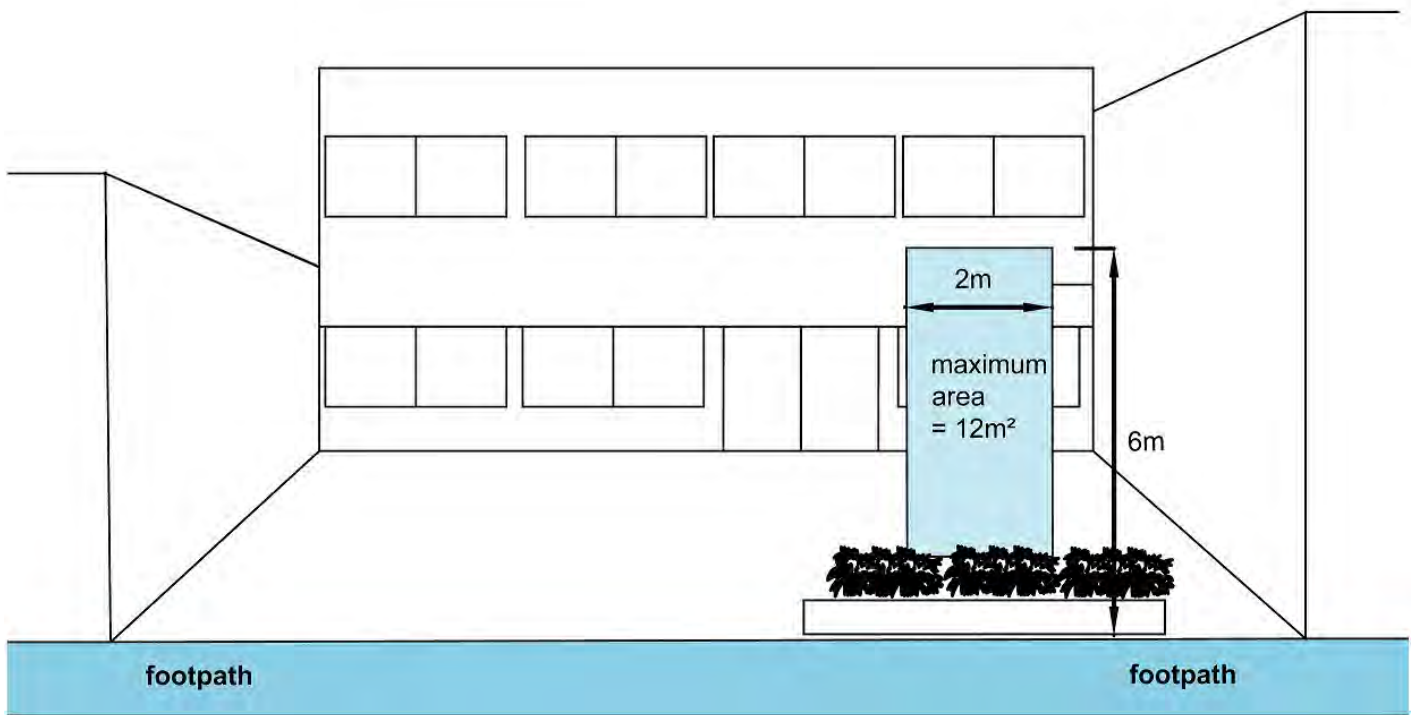


Figure 18.6H: Signs in ~~pedestrian-street frontage mapped areas~~, heritage precincts and Harbourside Edge Zone
all other locations **{CMU cl.16}**



Note 18.6B.14A - Other relevant District Plan provisions

1. Commercial advertising is a non-complying land use activity in all zones, except for the Airport Zone.
2. See Section 3 Public Amenities for the rules related to public noticeboards.
3. See Section 4 Temporary Activities for the rules related to temporary signs.
4. Illuminated signs must comply with the standards in Rule 6.7.3. **{CMU 271.16}**

Note 18.6G.14B - Other requirements outside of the District Plan

1. For additional restrictions that may apply to signs, see also:
 - a. New Zealand **NZ {Trans 881.17}** Transport Agency *Traffic Control Devices Manual, Part 3, Advertising Signs and Signs on State Highways Bylaw {Trans 881.137}*.
 - b. Dunedin City Council Commercial Use of Footpaths Policy
 - c. Dunedin City Council Roadway Bylaw
 - d. Dunedin City Council Traffic and Parking Bylaw
2. ~~Contact customer services on 477 4000 or go to www.dunedin.govt.nz for further information.~~ **{PO cl.16}**

18.6.15 Parking, Loading and Access Standards

1. Parking, loading and access must comply with Rule 6.6.
2. New vehicle accesses are not allowed on any **primary pedestrian street frontage mapped area**.
3. Contravention of Vehicle accesses that contravene the {CMU cl.16} performance standard in Rule {CMU cl.16} 18.6.15.2 are a non-complying activity.

18.6.16 Pedestrian Entrances

1. For new buildings and additions and alterations to buildings built adjacent to a **primary pedestrian street frontage mapped area** or **secondary pedestrian street frontage mapped area**:
 - a. the principal pedestrian entrance must be located on the **pedestrian street frontage mapped area**; and
 - b. if a building is adjacent to both a **primary pedestrian street frontage mapped area** and a **secondary pedestrian street frontage mapped area**, the principal pedestrian entrance must be located on the primary pedestrian street frontage.
 - c. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

18.6.17 Setbacks

18.6.17.1 Setback from road boundaries

- a. New buildings and additions and alterations to buildings must be built within 400mm of any road boundary that is a **primary pedestrian street frontage mapped area** (i.e. they must occupy the full width of the site, parallel to the road boundary) **{CMU cl.16}**, for the entire length of the **primary pedestrian street frontage mapped area**, except:
 - i. a setback of up to 1.5m for a maximum width of 3m may be provided to allow for a recessed pedestrian entrance; and **{CMU cl.16}**
 - ii. a gap adjacent to the side boundary of up to 3m may be provided to allow for a publicly-accessible pedestrian connection from the street, to an existing or proposed public walkway, road, reserve or other public place (see Figure 18.6J); and **{CMU 740.7}**
 - iii. on any part of a site that adjoins a residential or recreation zone and where Rule 18.6.17.2 (setback from boundaries of residential or recreation zone) applies. {CMU 740.7}
- b. New buildings or additions and alterations to buildings must be built within 400mm of any road boundary that is a **secondary pedestrian street frontage mapped area** for 60% of the length of the **secondary pedestrian street frontage mapped area**, except a setback of up to 1.5m for a maximum width of 3m may be provided to allow for a recessed pedestrian entrance.
- c. On a **secondary pedestrian street frontage mapped area**, any part of a building that is not built within 400mm of the street frontage, must be set back a minimum of 1.5m from the street frontage in order to meet Rule 18.6.1.
- d. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

18.6.17.2: Setback from boundaries of residential or recreation zoned sites

- a. Along any boundaries that adjoin a residential or recreation zone, all new buildings or additions and alterations to buildings must have a minimum boundary setback of 3m.
- b. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

18.6.17.3: Setback from scheduled tree

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

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

18.6.17.4: Setback from coast and water bodies

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

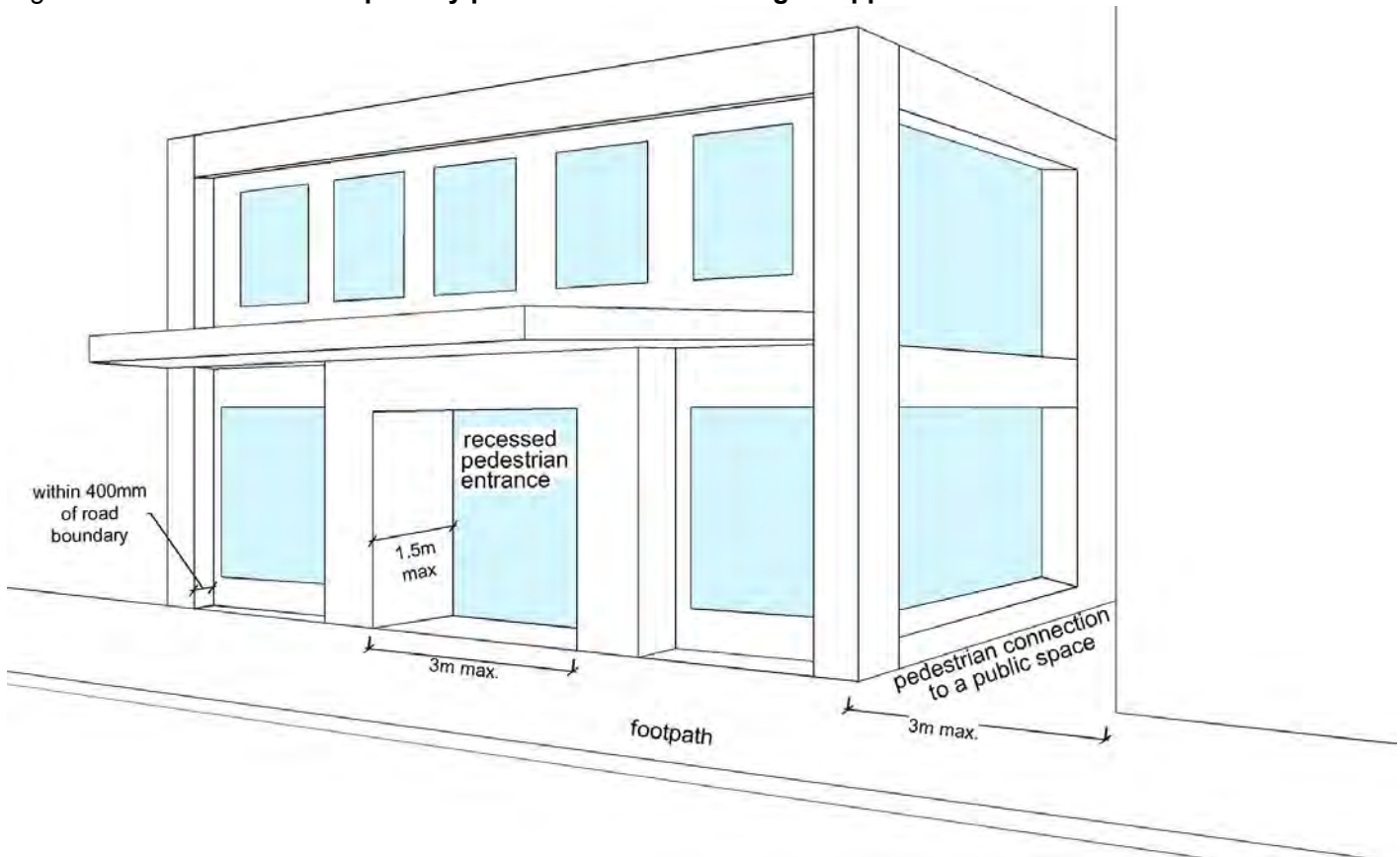
¹ **EW cl.16:** As a clause 16 amendment, reference to earthworks in the setback from coast and water bodies standards in all management and major facility zones have been moved to setback standards in the new city-wide section (Rule 8A.5.10). Any amendments to provisions as a result of submissions are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

18.6.17.5 Setback from National Grid

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

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

Figure 18.6J: Setback from a **primary pedestrian street frontage mapped area**



18.6.18 Harbourside Edge Zone Standards {Was "Standards Harbourside Edge" - CMU cl.16}

The following standards apply only within the Harbourside Edge Zone. {CMU cl.16}

1. Buildings must be built to within 400mm of the road boundary along Birch and Kitchener streets, except for any setbacks required to allow pedestrian entrances. {CMU 908.101}
2. Buildings must: {CMU cl.16}
 - a. along Birch Street, have a minimum height of 6m and maximum height of 20m {CMU cl.16}
 - b. along Kitchener Street have a minimum height of 6m and a maximum height of 16m {CMU cl.16}

1. New buildings must comply with the following: {CMU cl.16}

Area {CMU cl.16}	Minimum Height {CMU cl.16}	Maximum Height {CMU cl.16}
Harbourside edge height mapped area {CMU cl.16}	6m {CMU cl.16}	20m {CMU cl.16}
Harbourside Edge Zone outside the harbourside edge height mapped area {CMU cl.16}	6m {CMU cl.16}	16m {CMU cl.16}
Harbourside Edge Transition Overlay Zone (when it is released) {CMU cl.16}	6m {CMU cl.16}	16m {CMU cl.16}

2. New Buildings and structures and additions and alterations {CMU 908.100} must be designed to provide free and unfettered public enable public pedestrian {CMU 908.100} access (via pedestrian accessways) through

sites **{CMU 908.100}** from Birch and Kitchener streets to the public walkway required in Rule 18.6.18.35, **{CMU 908.100}** at a minimum of three locations, as follows:– The public accessways: **{CMU 908.100}**

- a. one accessway must be located within 5m of the 'Roberts Street public accessway' locations shown on Figure 18.6.18.B; and green in the harbourside edge public walkway and access mapped area: {CMU 908.100}
 - b. two further accessways must be located in the general area of the 'other public accessways' shown on Figure 18.6.18.B; and {CMU 908.100}
 - c. the accessways {CMU 908.100} must be available; {CMU cl.16} for public use at a minimum; {CMU cl.16} between the hours of 8am and 10pm; and
 - d. the accessways {CMU 908.100} may be either {CMU cl.16} external to or internal to (through) buildings. {CMU 908.100}
3. ~~Buildings must be setback from the harbour edge an adequate distance to provide for the public walkway required by Rule 18.6.18.5: {CMU 908.101}~~
4. ~~Before~~ Prior to the occupation of **{CMU cl.16}** any new building on a site is occupied, **{CMU cl.16}** a public walkway of a minimum width of 5m must be constructed either must be provided along the full length of the seaward side of the site in the general location of the harbourside edge public walkway mapped area (see also Figure 18.6.18.B). The public walkway must be either: {CMU cl.16}
- a. along the wharf, if it is upgraded to a safe standard; or
 - b. along the land between the external seaward wall of the building and mean high water springs immediately adjacent to the harbour; or {CMU cl.16}
 - c. partly along the wharf and partly on the land between the external seaward wall of the building and mean high water springs. {CMU cl.16}
5. The public walkway required by Rule 18.6.18.35 **{CMU cl.16}** must:
- a. have a minimum width of 5m; {CMU cl.16}
 - b. be designed and located to enable the continuation of the walkway into any adjacent site where it is required by this plan; {CMU 908.101}
 - c. be for the length shown red in the harbourside edge public walkway and access mapped area; {CMU 908.101}
 - d. be free of all obstructions to pedestrian movement buildings or structures; {CMU 908.101}
 - e. not be used by vehicles, except for using or accessing the slipway, or vehicles being used for maintenance of the wharf, the walkway or any adjacent structure or building; {CMU 908.101}
 - f. be constructed with an asphalt a non-slip finish or of the same materials as with materials complementary in colour to the materials used for {CMU 908.101} the adjoining sections of walkway, if already constructed; and
 - g. be lit to the Lighting Lighting {CMU cl.16} for roads and public spaces Roads and Public Spaces {CMU cl.16} AS/NZS 1158.3.1:2005, P4 Standard.
6. Activities that contravene rules 18.6.18.1, and 18.6.18.2, or 18.6.18.5 are a restricted **{CMU 908.101}** discretionary activity.
7. Activities that contravene Rule 18.6.18.34 to 18.6.18.6 **{CMU 908.101}** are a non-complying activity.

¹ **CMU cl. 16:** As a minor amendment under cl. 16 this rule has been re-ordered and minor wording changes made for clarification purposes

Figure 18.6.18.A Harbourside Edge Height Mapped Area {CMU cl.16¹}



¹ **CMU cl16:** This figure is added under cl.16 to assist in interpreting Rule 18.6.18.1

Figure 18.6.18.B Harbourside edge public walkway and Access mapped area and location of accessways {CMU 908.100¹}





¹ **CMU cl 16:** Minor amendments have been made to this figure to reflect changes to Rule 18.6.18

18.6.19 Verandahs

1. Buildings along a **primary pedestrian street frontage mapped area**, except within the St Clair Neighbourhood Destination Centre, {CMU 826.16} must have a verandah that:
 - a. extends the full length of building frontage along the **primary pedestrian street frontage mapped area {CMU cl.16}** and adjoins its neighbours (except across any existing vehicle access) to provide continuous pedestrian cover of the footpath;
 - b. has a maximum depth of 3m or is no closer than 500mm from the adjacent kerb (whichever is the lesser);
 - c. the bottom of which is between 3m and 4m above the footpath;
 - d. has a fascia that is no higher than 500mm;
 - e. provides under lighting unless the building provides lighting of the footpath under the verandah; and
 - f. on corner sites, continues around the corner for the full length of the **primary pedestrian street frontage mapped area**.
2. Along a **secondary pedestrian street frontage mapped area**, except within the Warehouse Industrial Commercial Heritage Precinct, buildings must have a verandah that covers the full width of the main pedestrian entrance.
3. Scheduled heritage buildings that do not have an existing verandah are exempt from this standard.
4. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

18.7 Subdivision Performance Standards

18.7.1 Access

Subdivision activities must comply with Rule 6.8.1.

18.7.2 Esplanade Reserves and Strips

Subdivision activities must comply with Rule 10.3.1.

18.7.3 Fire Fighting

Subdivision activities must comply with Rule 9.3.3.

18.7.4 Service Connections

Subdivision activities must comply with Rule 9.3.7.

18.7.5 Shape

1. Each resultant site that is intended to be developed must be of a size and shape that is large enough to contain a building platform of at least 100m² that meets the performance standards of this Plan including, but not limited to:
 - a. minimum car parking;
 - b. setbacks from boundaries, water bodies, scheduled trees, ~~national grid~~ **{NU 806.11}**; and
 - c. esplanade reserves or strips.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must ~~not contain~~ **{NU 806.11}**:
 - a. ~~not contain~~ **{NU 806.11}** scheduled heritage buildings or structures; or
 - b. ~~not contain~~ **{NU 806.11}** right-of-way easements.
 - c. be located at least 12m from the outer edge of a National Grid support structure or centreline of an overhead National Grid transmission line. **{NU806.11}**
3. For unreticulated areas, resultant sites must provide for a waste disposal area to be located at least 50m from any water body and Mean High Water Springs. **{PHS 1071.56}**
4. Sites created and used solely for the following purposes are exempt from the shape standard:
 - a. Scheduled ASGV ASBV **{NatEnv 958.60}** or QEII covenant;
 - b. reserve;
 - c. access;
 - d. network utility; or
 - e. road.
5. Subdivision activities that do not meet this standard are restricted discretionary activities, except that subdivision activities that do not meet Rule 18.7.5.2.c are non-complying activities. **{NU806.11}**

Rule 18.8 Assessment of Controlled Activities

Rule 18.8.1 Introduction

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rule 18.8.2:
 - a. lists the matters over which Council has reserved its control; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
 - ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 18.9; and
 - iv. the matters of control become matters of discretion and will be assessed as indicated in this section.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 18.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 18.12; and
 - iii. the assessment guidance in this section will also be considered.

18.8.2 Assessment of controlled development activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. <u>Affecting a scheduled heritage building or a scheduled heritage structure: {Her cl.16}</u> • Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected; or • Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1). {Her 547.91}	a. Effects on heritage values	See Rule 13.4
2. <u>In a heritage precinct, additions and alterations to a non character-contributing building that involve: {Her 308.358}</u> • <u>an increase in the footprint of 10m² or more; or {Her 308.358}</u> • <u>an increase in the height of the building by more than 2m. {Her 308.358}</u>	a. Effect on heritage streetscape character {Her 308.358}	See Rule 13.4 {Her 308.358}

Rule 18.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 18.9.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 18.9.2 - 18.9.6:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rules 18.9.2 - ~~18.9.6~~ apply as follows: ~~18.9.5~~ apply to performance standards in the commercial and mixed use zones; ~~Rule 18.9.6~~ contains additional provisions that apply to performance standards in **pedestrian street frontage mapped areas**, overlay zones, heritage precincts, and affecting a scheduled item. **{CMU cl.16}**
 - a. Rule 18.9.2 applies to all performance standard contraventions;
 - b. Rule 18.9.3 applies to land use performance standard contraventions;
 - c. Rule 18.9.4 applies to development performance standard contraventions;
 - d. Rule 18.9.5 applies to subdivision performance standard contraventions; and
 - e. Rule 18.9.6 applies to restricted discretionary performance standard contraventions in a pedestrian street frontage, overlay zone, mapped area, heritage precinct, or affecting a scheduled item. **{CMU cl.16}**

18.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor. b. 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. d. There are positive effects on heritage values related to better site design outcomes achieved through not meeting the performance standards. <i>General assessment criteria:</i> e. Where more than one standard is contravened, the combined effects of the contraventions should be considered. f. In balancing consideration of the objectives and policies related to the maintenance of heritage values or heritage precinct streetscape character and those related to general amenity, greater weight will usually be placed on heritage policies.

18.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Electrical Interference	a. Effects on health and safety	See Rule 9.4
2. Maximum gross floor area of centre {CMU cl.16} (Rule 18.5.5.1)	a. Effects on the vibrancy, and economic and social success of CBD and centres	<i>Relevant objectives and policies:</i> i. Objective 18.2.1 ii. Activities in neighbourhood and rural centres: 1. are not a destination retail activities activity {PO cl.16} designed to attract customers from across suburbs, which are more appropriately located in the CBD or other central city commercial and mixed use {CMU cl.16} zones; and 2. do not dominate the centre and reduce the diversity of different activities that are able to establish within the centre (Policy 18.2.1.8).

18.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
3. Maximum gross floor area of dairies	a. Effects on the vibrancy, and economic and social success of CBD and centres	<i>Relevant objectives and policies:</i> i. Objective 18.2.1 ii. Dairies in the WP, SSYP, HE, and PPH zones {CMU cl.16} are of a size that ensures they operate as a convenience store rather than a destination supermarket (Policy 18.2.1.12). <i>Potential circumstances that may support a consent application include:</i> iii. The dairy serves the local neighbourhood and primarily sells day-to-day convenience food, beverage and house consumables, for example milk and bread.
4. Maximum gross floor area of retail ancillary to industry	a. Effects on the vibrancy, and economic and social success of CBD and centres b. Effects on ability of other commercial and industrial activities to operate	<i>Relevant objectives and policies:</i> i. Objective 18.2.1 ii. The <u>scale size</u> {CMU cl.16} of retail ancillary to industry: 1. is clearly subordinate to and part of the operation of the primary <u>industrial industry</u> {Ind cl.16} activity; 2. does not conflict with objectives 2.3.2 and 2.4.3; and 3. does not create adverse effects on other industrial activities, for example from traffic, parking, or reverse sensitivity effects {PO 1046.5} (Policy 18.2.1.7).
5. Minimum car parking	a. Effects on accessibility b. Effects on the safety and efficiency of the transport network	See Rule 6.9
6. • Minimum vehicle loading • Service station standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
7. <u>Location of residential activities</u> {CMU 1024.4}	a. <u>Reverse sensitivity effects</u> {CMU 1024.4}	<i>Relevant objectives and policies: {CMU 1024.4}</i> i. <u>Objective 18.2.2</u> {CMU 1024.4} ii. <u>The potential for reverse sensitivity is avoided or, if avoidance is not practicable, adequately mitigated</u> (Policy 18.2.2.11). {CMU 1024.4}

18.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Boundary treatments and other landscaping	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> - Objective 18.2.3 - Development maintains or enhances streetscape amenity by ensuring: - an attractive street interface is maintained through landscaping where buildings are not built to the street frontage (Policy 18.2.3.1.a); and - large parking areas which are visible from the street are visually broken up with internal landscaping, which also provides for rainwater absorption (Policy 18.2.3.1.b).
2.	- Boundary treatments and other landscaping - Height in relation to boundary - Setback from boundaries of {CMU cl.16} residential and recreation zoned sites	a. Effects on amenity of sites in adjoining residential or recreation zones	<i>Relevant objectives and policies:</i> - Objective 18.2.2 ~~Development maintains the amenity of adjoining residential, schools and recreation zoned sites by having: Buildings are of a height in relation to boundary and setback from side and rear boundaries that maintains a reasonable level of sunlight access for: {CMU cl.16}~~ ~~buildings of a height in relation to boundaries and setback from side boundaries that maintains to maintain a reasonable level of sunlight access to adjoining residential and recreation zoned sites current and future residential buildings and their outdoor living spaces in adjoining residential zones {CMU cl.16} ; and~~ ~~fencing along property boundaries which adjoin residential or school zoned properties to provide screening for the purposes of privacy and security sites in the Recreation and School zones {CMU cl.16} (Policy 18.2.2.3).~~ ~~Fencing along property boundaries which adjoin residential or school zoned sites are of an adequate height and design to provide screening for the purposes of privacy and security (Policy 18.2.2.1). {CMU cl.16}~~ <i>Potential circumstances that may support a consent application include:</i> - Access to sunlight to the outdoor living space(s) and windows of bedrooms and living areas of nearby residential buildings is maintained or any reduction is minor. - Access to sunlight on surrounding recreation areas is maintained or any reduction is minor. - A reasonable level of privacy is maintained for the windows, doors, and decks of any residential and visitor accommodation on surrounding residential zoned sites.

18.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	Earthworks standards: • Batter gradient {EW cl.16} ¹	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 18.2.4 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 18.2.4.1.b).
4.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs {EW cl.16} ¹	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 18.2.4 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings, structures and cliffs (Policy 18.2.4.1.a).
5.	Earthworks standards: • Setback from national grid • Setback from network utilities {EW cl.16} ¹	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7
6.	Earthworks standards: • Sediment control {EW cl.16} ¹	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 18.2.4 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems, or the coastal marine area {EW 1071.106} (Policy 18.2.4.2.b).
		b. Effects on biodiversity values and natural character of riparian margins and the coast	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4

18.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
7.	Fence height and design	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 18.2.3 ii. Fences visible from public places are designed to maintain or enhance streetscape amenity (Policy 18.2.3.6).
8.	Fire fighting	a. Effects on health and safety	See Rule 9.4
9.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards {PO cl.16}	See Rule 11.4 {PO cl.16}
10.	<u>Height (Rule 18.6.6.2) - maximum and minimum {CMU cl.16}</u> height	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 2.4.3 ii. Objective 18.2.3 iii. <u>Development Buildings and structures maintains or enhances streetscape amenity by ensuring building height reflects the general heights of the block (Policy 18.2.3.12.da).</u> {CMU 417.10} iv. <u>Buildings and additions and alterations as part of the Dunedin Hospital redevelopment maintain or enhance streetscape amenity by ensuring buildings and structures above 20m minimise as far as practicable adverse effects of shading and wind on pedestrian amenity (Policy 18.2.3.X.b)</u> {CMU 551.13}
		<u>b. Effects on views across Otago harbour {CMU 417.10}</u>	<i>Relevant objectives and policies: {CMU 417.10}</i> i. <u>Objective 2.4.3 {CMU 417.10}</u> ii. <u>Objective 18.2.3 {CMU 417.10}</u> iii. <u>Buildings and structures minimise as far as practicable adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the harbour towards the Otago Peninsula, including through the use of quality and contextually appropriate architectural design (Policy 18.2.3.12.b).</u> {CMU 417.10}
11.	Location and screening of outdoor storage	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 18.2.3 ii. Development maintains or enhances streetscape amenity by ensuring service areas and outdoor storage areas associated with industrial or other activities are not visible from ground level of a public place (Policy 18.2.3.1.c).

18.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
12.	Minimum glazing and building modulation	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 18.2.3 ii. Development maintains or enhances streetscape amenity by ensuring an architecturally interesting façade through building modulation and use of glazing (Policy 18.2.3.1.e).
13.	Number, location and design of ancillary signs	a. Effects on streetscape amenity b. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 18.2.3 ii. Ancillary signs convey information about the name, location and nature of the business to passing pedestrians and vehicles while not being oversized or too numerous for that purpose (Policy 18.2.3.7). <i>Potential circumstances that may support a consent application include:</i> iii. An attractive streetscape is maintained. iv. The visual cohesion of the street is not reduced by the increase in size or number of signs. <i>General assessment guidance: {CMU 713.6}</i> v. <u>For signs that do not comply with Rule 18.6.14.1.f (the restriction on signs for restaurants ancillary to trade related retail or food and beverage retail), Council will also consider the effects in terms of Policy 18.2.1.18 and Policy 18.2.1.19. {CMU 713.6}</u>
14.	Parking, loading and access standards	a. Effects on accessibility {Trans cl.16³} b. Effects on the safety and efficiency of the transport network c. <u>Effects on the safety of parking and loading areas {CMU cl.16⁴}</u>	See Rule 6.9

18.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
15.	Setback from coast and water bodies	a. Effects on biodiversity values and natural character of riparian margins and the coast	See Rule 10.4
		b. Effects on public access	
		c. Risk from natural hazards	See Rule 11.4
16.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
17.	Harbourside Edge Zone Standards (18.6.18.1) - height { CMU 908.101 }	a. Effects on views across Otago Harbour {CMU 908.101} b. Effects on amenity and character of zone {CMU 908.101}	<i>Relevant objectives and policies: {CMU 908.101}</i> i. Objectives 2.4.1, 18.2.3, Policy 2.4.1.4. {CMU 908.101} ii. Buildings and structures: {CMU cl.16} - reflects the general heights of the block; and {CMU cl.16} - minimises, as far as practicable, adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the upper harbour toward Otago Peninsula, including through the use of quality and contextually appropriate design (Policy 18.2.3.12). {CMU cl.16} iii. Buildings and additions and alterations to buildings provide a high level of amenity by being of a design that is coherent, appropriate to the setting and history of the area, and providing a positive relationship to both the street and the harbour (Policy 18.2.3.4.c). {CMU 908.101}
18.	Harbourside Edge Zone Standards (18.6.18.2) - access { CMU 908.101 }	a. Effects on amenity and character of zone { CMU 908.101 }	<i>Relevant objectives and policies: {CMU 908.101}</i> i. Objectives 2.4.1, 18.2.3 {CMU 908.101} ii. Development in the Harbourside Edge Zone is designed and located to provide a high level of amenity by: {CMU 908.101} - requiring public pedestrian access to and along the coast that is attractive, safe, durable, and readily accessible to the public (Policy 18.2.3.5.a); and {CMU 908.101} - maintaining viewshafts from Roberts Street and Kitchener Street to and across the Steamer Basin (Policy 18.2.3.5.d). {CMU 908.101}

18.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
19. Harbourside Edge Zone Standards (18.6.18.5) - walkway design { CMU 908.101 }	a. Effects on amenity and character of zone { CMU 908.101 }	Relevant objectives and policies: {CMU 908.101} i. Objectives 2.4.1, 18.2.3 {CMU 908.101} ii. Development in the Harbourside Edge Zone is designed and located to provide a high level of amenity by requiring public pedestrian access to and along the coast that is attractive, safe, durable, and readily accessible to the public (Policy 18.2.3.5.a). {CMU 908.101}

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

² **CMU cl.16:** Policy 18.2.3.12 is added as a cl. 16 change as it is a relevant consideration for this activity.

³ **Trans cl.16:** Under Transportation section assessment rules (Rule 6.9.5.1), 'effects on accessibility' is not a matter of discretion for contraventions of contraventions of parking, loading and access standards. However, this matter of discretion was inadvertently included in notified Section 18 assessment rules. The correction of this error, via the deletion of Rule 18.9.4.14.a, does not result in a substantive change to the effect of provisions.

⁴ **CMU cl.16:** Matters of discretion corrected to reflect those in Rule 6.9.

18.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Access	a. Effects on accessibility	See Rule 6.9
2. Esplanade reserves and strips	a. Effects on biodiversity values and natural character of riparian margins and the coast	See Rule 10.4
	b. Effects on public access	
3. Fire fighting	a. Effects on health and safety	See Rule 9.4
4. Service connections	a. Effects on efficiency and affordability of infrastructure	See Rule 9.4

18.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
5. Shape	<i>Relevant objectives and policies:</i> a. Objective 2.4.1 b. Subdivisions are designed to ensure any future land use or development of the resultant site is able to meet the performance standards in the zone, or where in a structure plan mapped {ULS cl.16} area, reflects the requirements of the structure plan mapped area performance standards {ULS cl.16}, unless: i. a resource consent is approved for a development that does not meet the performance standard and the subdivision is intended for and capable of providing for that approved development; or ii. the resultant site is required for: 1. <u>a</u> Scheduled ASGV ASBV {NatEnv 958.60}; or 2. <u>a</u> QEII covenant; or 3. <u>a</u> reserve; or 4. <u>an</u> access; or 5. <u>a</u> utility; or 6. <u>a</u> road (Policy 2.4.1.8). <i>General assessment guidance:</i> c. Non-compliance with the performance standard for shape will be assessed based on which performance standard(s) the shape of the resultant site does not provide for compliance with. See matters of discretion and assessment rules in relation to performance standard contraventions for: i. minimum car parking; ii. boundary setbacks; iii. setback from scheduled tree; iv. ~~earthworks standards (building platform slope);~~ {CMU cl.16} v. setbacks from water bodies; and vi. setback from National Grid. d. <u>For contravention of the building platform slope part of the shape performance standard (Rule 18.7.5.2), see the matters of discretion and assessment rules in relation to earthworks - large scale (Rule 8A.7.2.1).</u> {CMU cl.16} <i>Conditions that may be imposed:</i> e. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site. f. A building platform may be required to be registered against the title by way of consent notice.	

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

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Affecting a scheduled heritage item building or scheduled heritage structure {Her cl.16} : Materials and design	a. Effects on heritage values	See Rule 13.5
2. In a hazard overlay zone or swale mapped area : - Hazard overlay zones development standards {NH cl.16} - Hazard exclusion areas (Rule 11.3.1.1) – Swale mapped area (Rural Centre Zone only) - Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) overlay zones) - Relocatable buildings (Hazard 3 (coastal) Overlay Zone) {NH cl.16} - Hazardous substances quantity limits and storage requirements {PO cl.16}	a. Risk from natural hazards	See Rule 11.4
3. In a heritage precinct : - Boundary setbacks - Building colour - Fence height and design - Materials and design - Height - Location and screening of car parking {CMU cl.16} - Number, location and design of ancillary signs	a. Effects on heritage streetscape character	See Rule 13.5

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

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
4. ~~In~~ <u>Along or adjacent to</u> {CMU cl.16} a pedestrian street frontage mapped area: • Location of industrial activities	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> - Objective 18.2.3 - Industrial activities avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate any adverse effects on streetscape amenity by locating any part of the industrial operation that involves machinery or metal work within a part of a building that does not include any doors or windows that open to a primary pedestrian street frontage mapped area or secondary pedestrian street frontage mapped area (Policy 18.2.3.10).

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

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
5. ~~In~~ <u>Along or adjacent to {CMU cl.16}</u> a primary pedestrian street frontage mapped area: • Location of activities within pedestrian street frontage mapped areas • Height • Minimum glazing and building modulation • Minimum ground floor to ceiling height • Pedestrian entrances • Setback from road boundaries • Verandahs	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> - Objective 18.2.3 - Buildings along a primary pedestrian street frontage mapped area are located, designed and operated to provide a high level of pedestrian amenity by: - providing a continual frontage of buildings along the street, apart from pedestrian alleyways; - providing a clear and direct visual connection between the street and the building interior; - providing a direct physical connection to the building interior through clearly identified pedestrian entrances on the highest order pedestrian street frontage; - providing shelter for pedestrians on footpaths, in the form of a verandah; - being of a height that maintains existing sunlight access to footpaths and public open spaces; - providing an architecturally interesting façade and human scale design, through building modulation and consistent alignment of windows; - being designed to have commercial activities at the ground floor, with an adequate ground floor to ceiling height to accommodate these activities; and - providing customer-facing activities on the ground floor (Policy 18.2.3.2). <i>Potential circumstances that may support a consent application include:</i> - The length of the total building frontage that will not meet this standard is short and the context of the building means any effects on streetscape amenity will be no more than minor. - It is proposed to only lease the space for a limited period of time, and the consent will be time-limited. <u>In neighbourhood centres the setback area between the road boundary and the building is used for outdoor seating for a restaurant. {CMU 826.7}</u> <i>Conditions that may be imposed include:</i> - Time limit on consent. <u>A condition that prevents the setback area from being used for carparking or outdoor storage. {CMU 826.7}</u>

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

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
6. ~~In~~ Along or adjacent to {CMU cl.16} a secondary pedestrian street frontage mapped area: • Location of activities within pedestrian street frontage mapped areas • Pedestrian entrances • Minimum glazing and building modulation • Setback from road boundaries • Verandahs	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> - Objective 18.2.3 - Buildings provide a good level of pedestrian amenity by: - providing a regular frontage of buildings along the street, with limited interruptions for vehicle accesses; - providing a clear and direct visual connection between the street and the building interior; - providing an architecturally interesting façade and human scale design, through building modulation and consistent alignment of windows; and - providing shelter for pedestrians at pedestrian entrances (Policy 18.2.3.3). <i>Potential circumstances that may support a consent application include:</i> - The design and size of the verandah still allows for the shelter of pedestrians from the weather. - The activities proposed at ground floor have a customer-facing function. - The length of the total building frontage that will not meet this standard is short and the context of the building means any effects on streetscape amenity will be no more than minor. - It is proposed to only lease the space for a limited period of time, and the consent will be time-limited. <i>Conditions that may be imposed include:</i> - Time limit on consent.

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

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
7. <u>On a primary or secondary pedestrian street frontage mapped area: {NU 457.20}</u> • <u>Location (network utility activities) (Rule 5.5.6.1) {NU 457.20}</u> • <u>Maximum volume in pedestrian street frontage mapped areas, heritage precincts and scheduled heritage sites (network utility activities) (Rule 5.5.B) {NU 457.20}</u>	a. <u>Effects on pedestrian amenity {NU 457.20}</u>	<u>Relevant objectives and policies: {NU 457.20}</u> i. <u>Objectives 18.2.3 and 5.2.1 {NU 457.20}</u> ii. <u>Network utility structures – small scale are of a design, location and scale that maintains a high level of pedestrian amenity in pedestrian street frontage mapped areas (Policy 18.2.3.13). {NU 457.20}</u>
8. <u>In a wāhi tūpuna mapped area: {MW 1071.16}</u> • <u>Setback from coast and water bodies {MW 1071.16}</u> • <u>Esplanade reserves and strips {MW 1071.16}</u>	a. <u>Effects on cultural values of Manawhenua {MW 1071.16}</u>	<u>See Rule 14.3 {MW 1071.16}</u>

¹ NH cl.16: Name of individual standards that apply used for clarity, instead of the collective name for Natural Hazards performance standards.

² **CMU cl.16**: Location and screening of car parking removed as contravention of this rule is a non-complying activity (Rule 18.12.5.3)

Rule 18.10 Assessment of Restricted Discretionary Activities

Rule 18.10.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 18.10.2 - 18.10.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. ~~Rules 18.10.2 - 18.10.5 apply as follows: 18.10.4 apply to activities in the commercial and mixed use zones; Rule 18.10.5 contains additional provisions that apply to activities in an overlay zone, mapped area, heritage precinct, and affecting a scheduled item. {CMU cl.16}~~
 - a. Rule 18.10.2 applies to restricted discretionary land use activities;
 - b. Rule 18.10.3 applies to assessment of restricted discretionary development activities;
 - c. Rule 18.10.4 applies to restricted discretionary subdivision activities; and
 - d. Rule 18.10.5 applies to restricted discretionary activities in an overlay zone, mapped area, heritage precinct or affecting a scheduled item. {CMU cl.16}
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
5. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard) {PO cl.16}~~ then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 18.9; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 18.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 18.12; and
 - iii. the assessment guidance in this section will also be considered.

18.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All high trip generating activities, including: <u>All high trip generators, which include:</u> {Trans cl.16} - any activities that generate 250 or more vehicle movements a day {Trans 458.4 and others} - Restaurants drive-through (CEC, TR) {Trans cl.16} - Service stations (CEC, TR) {Trans cl.16} - Emergency services (CEC, TR, CBD, centres, WP, PPH, SSYP, HE) {CP 945.49} - Early childhood education – large scale (CBD, centres, WP, PPH, SSYP, HE) {Trans cl.16}	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility	See Rule 6.10

18.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
X. • <u>Restaurants drive-through (CEC - North, CEC - South, TR) {CMU 634.36}</u> • <u>Service stations (CEC - North, CEC - South, TR, Centres, PPH) {CP 634.109 and CP 634.38}</u>	a. <u>Effects on residential amenity {CMU 634.36}</u>	<u>Relevant objectives and policies: {CMU 634.36}</u> i. <u>Objective 18.2.2 {CMU 634.36}</u> ii. <u>Significant adverse effects on the amenity of existing residential activities are avoided or mitigated as far as practicable (Policy 18.2.2.4). {CMU 634.36}</u>
	b. <u>Effects on the safety and efficiency of the transport network {Trans 458.4 and others}</u>	<u>See Rule 6.10 {Trans 458.4 and others}</u>
2. • <u>Early childhood education (CBD, centres, WP, PPH, SSYP, HE)</u>	a. <u>Effects on ability of commercial activities to operate Reverse sensitivity effects {PO cl.16}</u>	<u>Relevant objectives and policies:</u> i. <u>Objective 18.2.2</u> ii. <u>Early childhood education and residential activities in the CBD, centres and CBD edge mixed use zones {CMU 997.69} are located where they will not constrain (have reverse sensitivity effects on) activities which are provided for in the commercial and mixed use zone (Policy 18.2.2.8).</u> <u>Potential circumstances that may support a consent application include:</u> iii. <u>Performance standards for development activities are met.</u> iv. <u>Outdoor play areas of early childhood centres are protected from external noise through acoustic fencing or other building design measures that reduce the noise received in play areas.</u>
	b. <u>Effects on the safety and efficiency of the transport network {Trans 458.4 and others}</u>	<u>See Rule 6.10 {Trans 458.4 and others}</u>

18.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. - Conference, meeting and function ancillary to visitor accommodation {CMU cl.16} (PPH, SSYP) - Entertainment and exhibition ancillary to visitor accommodation (PPH, SSYP)	a. Effects on the vibrancy and economic and social success of the CBD and centres.	<i>Relevant objectives and policies (priority considerations) {CMU cl.16}:</i> - Objective 18.2.2 - The activities are secondary to the visitor accommodation activity (Policy 18.2.2.2.a).
	b. Effects on residential amenity	<i>Relevant objectives and policies (priority considerations) {CMU cl.16}:</i> - Objective 18.2.2 - Any adverse effects on the amenity of surrounding residential activities, from noise, anti-social behaviour, or other effects can <u>will</u> {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated (Policy 18.2.2.2.b). <i>Potential circumstances that may support a consent application</i> - Performance standards for development activities are met. - The scale and nature of the activity including the number of people involved in the activity, hours of operation means that effects can <u>will</u> {CMU cl.16} be avoided, or if avoidance is not possible, adequately mitigated.
	c. Potential for Reverse sensitivity effects {PO 1046.5}	<i>Relevant objectives and policies (priority considerations) {CMU cl.16}:</i> - Objective 18.2.2 - The potential for reverse sensitivity on any activities that are provided for, such as industrial activities, {PO 1046.5} can <u>will</u> {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated (Policy 18.2.2.2.c).
	d. Effects on the safety and efficiency of the transport network	See Rule 6.10

18.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
4. • Visitor accommodation (NEC and NECC) • Community and leisure - large scale (NEC and NECC)	a. Effects on residential amenity	<i>Relevant objectives and policies:</i> i. Objective 18.2.2 ii. Any adverse activities effects {CMU cl.16} on the amenity of surrounding residential activities are avoided or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigated (Policy 18.2.2.7). <i>Potential circumstances that may support a consent application include:</i> iii. Communal outdoor living / gathering areas are located or screened from surrounding properties. iv. Performance standards for development activities are met.
5. Hospital (CEC - North) {CMU 551.13}	a. Effects on accessibility {CMU 551.13} b. Effects on the safety and efficiency of the transport network {CMU 551.13}	See Rule 6.10 {CMU 551.13}

¹ **PO cl.16:** Wording of matter of discretion changed to standard phrasing.

18.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. New buildings and additions and alterations to buildings in the Harbourside Edge Zone, <u>that are visible from an adjoining public place or the harbour</u> {CMU cl.16}	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 18.2.3 ii. New buildings and additions and alterations to buildings in the Harbourside Edge Zone are designed and located to provide a high level of amenity by: 1. being built to the street frontage along the entire length of Birch Street, and for no less than 60% of the street frontage on Kitchener Street, <u>except for: {CMU 908.101}</u> 1. <u>any setbacks required to allow pedestrian entrances; and {CMU 908.101}</u> 2. <u>the provision of amenity space for customers or residents at the front of buildings. {CMU 908.101}</u> 2. including appropriate building modulation, window alignment, use of glazing, floor height, colour, architectural detail to provide visual interest and a human-scale design; 3. being of a design that is coherent, appropriate to the setting and history of the area, and provides a positive relationship to both the street and the harbour; ~~and~~ 4. having active edges with strong visual and physical connections from the street to the inside of buildings (Policy 18.2.3.4). iii. <u>Development is designed and located to provide a high level of amenity by: {CMU 908.101}</u> 1. <u>ensuring the design and location of on-site car parking does not compromise streetscape or harbour amenity (Policy 18.2.3.5.b); and {CMU cl.16}</u> 2. <u>ensuring development activities incorporate the principles of CPTED (Policy 18.2.3.5.c) {CMU cl.16}</u> <i>Conditions that may be imposed include:</i> iv. Council may place condition on aspects of building design including: 1. entry and exit points for pedestrians; 2. building materials; 3. architectural detail; 4. building modulation; 5. colour; and 6. window type and placement.

18.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
X. <u>New buildings and structures, and additions and alterations as part of the Dunedin Hospital redevelopment</u> {CMU 551.13}	a. <u>Effects on streetscape and pedestrian amenity</u> {CMU 551.13}	<i><u>Relevant objectives and policies:</u> {CMU 551.13}</i> i. <u>Objective 18.2.3</u> {CMU 551.13} ii. <u>Development maintains or enhances streetscape amenity by ensuring:</u> {CMU 551.13} <u>an attractive street interface is maintained through landscaping where buildings are not built to the street frontage:</u> {CMU 551.13} <u>large parking areas which are visible from the street are visually broken up with internal landscaping, which also provides for rainwater absorption:</u> {CMU 551.13} <u>service areas and outdoor storage areas associated with industrial or other activities are not visible from ground level of a public place; and</u> {CMU 551.13} <u>an architecturally interesting façade through building modulation and use of glazing (Policy 18.2.3.1)</u> {CMU 551.13} iii. <u>Buildings and additions and alterations maintain or enhance streetscape amenity by ensuring the use of verandahs where appropriate (Policy 18.2.3.X.a)</u> {CMU 551.13}
2. <u>High trip generators:</u> {Trans cl.16³} <u>New or additions to parking areas, or extensions to existing parking areas that result in the creation of 50 or more new parking spaces</u> {Trans cl.16}	a. <u>Effects on the safety and efficiency of the transport network</u> b. <u>Effects on accessibility</u> {Trans cl.16⁴}	See Rule 6.10

18.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Earthworks – large-scale (that exceed the scale thresholds for the commercial and mixed use {CMU cl.16} zones) {EW cl.16} ²	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 18.2.4 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 18.2.4.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 18.2.4.3.b). <i>Potential circumstances that may support a consent application include:</i> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or impact upon existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to:</i> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished.

18.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	e. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 18.2.4 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 18.2.4.3.c). <i>Potential circumstances that may support a consent application include:</i> iii. A geotechnical report confirms the existing ground is suitably stable for the proposed works, and proposed works will not create instability risks for surrounding land, buildings, or structures (see Special Information Requirements – Rule 18.13.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards. <i>Conditions that may be imposed include, but are not limited to:</i> v. Maximum slopes of cut and fill batters. vi. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. vii. Temporary shoring requirements to maintain stability before a wall is constructed. viii. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
4. Earthworks – large scale (that exceed scale thresholds within 5m of a water body or MHWS) {EW cl.16} ²	a. Effects on biodiversity and natural character of riparian margins and the coast b. Effects on public access	See Rule 10.5

¹ **CMU cl. 16:** Policy 18.2.3.5 is added as a cl.16 change as it is a relevant consideration for this activity.

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

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

⁴ **Trans cl.16:** Under Transportation section rules, 'effects on accessibility' as well as 'effects on safety and efficiency of the transport network' are matters of discretion for high trip generators. However, 'effects on accessibility' was inadvertently omitted from notified Section 18 assessment rules. The correction of this error does not result in a substantive change to the effect of provisions.

18.10.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Subdivision activities	a. Effects on the safety and efficiency of the transport network	See Rule 6.10
	b. Risk from natural hazards	See Rule 11.5

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. In a heritage precinct : All RD activities due to being in a heritage precinct	a. Effects on heritage streetscape character	See Rule 13.6
2. Activities affecting a scheduled heritage item building or scheduled heritage structure {Her cl.16} : - All RD activities due to affecting a scheduled heritage building, scheduled heritage structure, or scheduled heritage site {Her cl.16} <u>Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure {Her cl.16}</u> <u>Removal for relocation {Her cl.16}</u> - Earthworks – large scale (that exceed scale thresholds for a SHS) {EW cl.16²} - All subdivision activities <u>on sites containing a scheduled heritage building or scheduled heritage structure {Her cl.16}</u>	a. Effects on heritage values	See Rule 13.6

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. In a ~~hazard overlay zone~~ all hazard overlay zones, swale mapped areas and dune system mapped areas {NH949.25, NH634.69 and NH cl.16}: • Earthworks – large scale (that exceed scale thresholds for a hazard (land instability) overlay zone) {EW cl.16²} • Earthworks – large scale (that exceed scale thresholds for a hazard (flood) overlay zone) {EW cl.16³} • Earthworks – large scale (that exceed scale thresholds for a swale mapped area) {EW cl.16³} • Subdivision activities in a hazard 3 (Coastal) Overlay Zone {NH949.25, NH634.69 and NH cl.16}	a. Risk from natural hazards	See Rule 11.5
4. In a Hazard 1 (land instability) Overlay Zone (see Rule 18.3.8): • New buildings, and additions and alterations to buildings, which create more than 1m² of new ground floor area {NH 73.4 and others}	a. Risk from natural hazards {NH 73.4 and others}	See Rule 11.5 {NH 73.4 and others}
5. In the Hazard 1 or {NH cl.16³} 2 (flood) {NH 73.4 and others} Overlay Zone other than the hazard 1 (land instability) Overlay Zone {NH 73.4 and others} (see Rule 18.3.8): • New buildings, and additions and alteration to buildings, which create more than 60m² of new ground floor area	a. Risk from natural hazards	See Rule 11.5
6. {NH cl.16¹} In a geologically sensitive mapped area (GSA) {NH cl.16} • Earthworks – large scale (that exceed underlying zone scale thresholds) {NH cl.16}	a. Risk from natural hazards {NH cl.16}	See Rule 11.5 {NH cl.16}

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
7.	In a wāhi tūpuna mapped area: Earthworks – large scale (that exceed the scale thresholds for the commercial and mixed use zones) {EW cl.16²}	a. Effects on cultural values of manawhenua	See Rule 14.4
8.	In the Hazard 2 (flood) Overlay Zone: {NH 634.74} - Natural hazards {NH cl.16} sensitive activities {NH 634.74} - Natural hazards {NH cl.16} potentially sensitive activities {NH 634.74}	a. Risk from natural hazards {NH 634.74}	See Rule 11.5 {NH 634.74}
9. {NU 806.11}	In the National Grid Corridor mapped area: {NU806.11} All subdivision activities {NU 806.11}	a. Effects on health and safety {NU806.11}	See Rule 5.8 {NU 806.11}
		b. Reverse sensitivity effects {NU806.11}	
		c. Effects on efficient and effective operation of network utilities {NU806.11}	
X.	Activities affecting a scheduled heritage site: {Her cl.16⁴} - New buildings and structures on a scheduled heritage site, where visible from an adjoining public place or a publicly accessible place within the site {Her cl.16} - Parking, loading and access on a scheduled heritage site, where visible from an adjoining public place or a public place within the site {Her cl.16} - All subdivision activities {Her cl.16}	a. Effects on heritage values {Her cl.16}	See Rule 13.6 {Her cl.16}

¹ **NH cl.16:** As a clause 16 amendment, geologically sensitive areas are not part of this Plan, and are included in the data map for information purposes only.

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

³ **NH cl.16:** Removed as a clause 16 amendment, as there is no intersect between the Commercial and Mixed Use Zones and the Hazard 1 (flood) Overlay Zone.

⁴ **Her cl.16:** Assessment rule separated out from rule 18.10.5.2 for clarity. There is no substantive change to the

provisions.

Rule 18.11 Assessment of Discretionary Activities

Rule 18.11.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. With respect to section 104(2) of the RMA, Council will not consider retail as a permitted activity in scheduled heritage buildings as part of the permitted baseline in considering the effects of discretionary activities in the Warehouse Precinct Zone.
3. Rules 18.11.2 - 18.11.5 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
4. Rules 18.11.2 - 18.11.4 apply as follows: to activities in the commercial and mixed use zones; Rule 18.11.5 contains additional provisions that apply to activities in an overlay zone. {CMU cl.16}
 - a. Rule 18.11.2 applies to all discretionary land use activities;
 - b. Rule 18.11.3 applies to discretionary land use activities; and
 - c. Rule 18.11.4 applies to discretionary performance standard contraventions. {CMU cl.16}
5. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

18.11.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary <u>land use</u> activities <u>listed below</u> {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to, those related to: i. Objective 2.3.2, policies 2.3.2.1 - 2.3.2.4 ii. Objective 2.4.3, policies 2.4.3.1 - 2.4.3.4 b. Objective 14.2.1 {CMU cl.16} c. Objective 18.2.3 d. Avoid land use activities (including stand-alone car parking) that require buildings or site design that is incompatible with: i. the <u>high</u> {CMU cl.16} level of pedestrian streetscape amenity expected for the location in a primary pedestrian street frontage mapped area and secondary pedestrian street frontage mapped area; and ii. the higher level of urban neighbourhood amenity anticipated in the HE, SSYP and WP zones (18.2.3.9). <i>Potential circumstances that may support a consent application:</i> e. For discretionary land use activities, whether any associated buildings or structures meet relevant development performance standards, or otherwise achieve the relevant policies for development (see rules ~~18.8~~ 18.9 and 18.12.5 {CMU cl.16} for performance standard contraventions). f. All relevant land use performance standards are met, including noise and light spill standards. <i>General assessment guidance:</i> g. In assessing the significance of effects, consideration will be given to: i. 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. h. ~~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.~~ {CMU cl.16} i. ~~In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying~~

18.11.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
	activity status will also be considered. {CMU cl.16²} <i>Relevant guidance from other sections (priority considerations):</i> j. <u>See Section 6.11 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network {CMU 899.10} and its affordability to the public. {Trans 881.63}</u> k. <u>See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety {PHS cl.16}</u>

¹ **CMU cl.16:** CMU Deleted as replicates Rule 18.11.1.5.

² **CMU cl.16:** Deleted as not relevant.

18.11.3 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
1. Ancillary licensed premises (NEC/NECC)	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.1 b. Adverse effects on the character and amenity of adjacent residential activities and the surrounding neighbourhood are will be {PO cl.16} avoided or, if avoidance is not possible practicable, {PO 908.3 and others} adequately mitigated (Policy 18.2.1.10 <u>18.2.2.9</u>). {CMU cl.16¹} <i>Potential circumstances that may support a consent application:</i> c. The scale and nature of the activity, including hours of operation, and whether the activity has an on and/or off license, is appropriate for a neighbourhood centre and will reduce the potential for any adverse effects.
2. Restaurants (PPH, SSYP, CEC, TR)	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.1 b. The activity is not of a scale or nature that is more appropriate to locate in the CBD, centres, WP or HE because: - it is unlikely to contribute to the vibrancy and vitality of those zones; and - it has specific operational requirements that do not fit with those locations (Policy 18.2.1.18). <i>Potential circumstances that may support a consent application include:</i> c. The restaurant is a take-away only restaurant that requires easily accessible short term parking.

18.11.3 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
3. Food and beverage retail (WP and PPH)	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.1 b. Food and beverage retail in the WP and PPH zones is of a size, and designed in a manner, to serve the local area and not operate as a destination retailer for other parts of the city (Policy 18.2.1.13).
4. Restaurant - drive through and service stations {CP 634.38 and 634.109} (PPH and Centres)	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.2 b. Objective 18.2.3 c. <u>Adverse Significant adverse effects on the amenity of existing residential activities are will be avoided or, if avoidance is not possible, adequately mitigated as far as practicable {CMU 634.36}</u> (Policy 18.2.2.4). d. The drive-through component of restaurant - drive through and service stations {CP 634.38} will not be visible or accessed from a <u>primary {CMU 634.35} pedestrian street frontage mapped area</u> (Policy ~~18.2.3.14~~ <u>18.2.1.15.b {CMU 634.35}</u>).
5. Development associated with discretionary land use activities	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.3 b. Policies 18.2.3.1 - 18.2.3.7
6. <u>Visitor accommodation (CEC-South) {CMU 899.10}</u>	<i>Relevant objectives and policies (priority considerations): {CMU 899.10}</i> a. <u>Objective 18.2.2 {CMU 899.10}</u> b. <u>The potential for reverse sensitivity will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 18.2.2.10) {CMU 899.10}</u>
7. • <u>Early childhood education (CEC-North) {CMU 997.68}</u> • <u>Residential activities (CEC - North) {CMU 997.69}</u>	<i>Relevant objectives and policies:</i> a. <u>Objective 18.2.2</u> b. <u>Early childhood education and residential activities are located where their establishment will not constrain (have reverse sensitivity effects on) activities that are provided for in the commercial and mixed use zone (Policy 18.2.2.8). {CMU 977.69}</u> <i>Potential circumstances that may support a consent application include:</i> c. <u>Outdoor play areas of early childhood centres are protected from external noise through acoustic fencing or other building design measures that reduce the noise received in play areas. {CMU 977.68 and 977.69}</u>

¹ **CMU cl.16:** Policy reference amended as a result of deletion of Policy 18.2.1.10.

18.11.4 Assessment of discretionary performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Acoustic insulation	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
2.	- Noise - where the limit is exceeded by less than 5dB LAeq (15min) - Light spill - where the limit is exceeded by 25% or less	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
3. {CMU 908.101}	~~Standards Harbourside Edge {CMU 908.101}~~ ~~Rule 18.6.18.1 {CMU 908.101}~~ ~~Rule 18.6.18.2 {CMU 908.101}~~	<i>Relevant objectives and policies (priority considerations):</i> {CMU 908.101} a. Objective 18.2.3 {CMU 908.101} b. New buildings and additions and alterations to buildings in the Harbourside Edge Zone are designed and located to provide a high level of amenity by: {CMU 908.101} i. being built to the street frontage along the entire length of Birch Street, and for no less than 60% of the street frontage on Kitchener Street {CMU 908.101} ii. including appropriate building modulation, window alignment, use of glazing, floor height, colour, architectural detail to provide visual interest and a human-scale design; {CMU 908.101} iii. being of a design that is coherent, appropriate to the setting and history of the area, and provides a positive relationship to both the street and the harbour; and {CMU 908.101} iv. having active edges with strong visual and physical connections from the street to the inside of buildings (Policy 18.2.3.4). {CMU 908.101}
4.	<u>Location (hazard facility mapped area)</u> {PHS 906.1}	See Rule 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to <u>people's health and safety</u>. {PHS 906.1}

18.11.4 Assessment of discretionary performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
5.	<u>Restaurants ancillary to trade related retail or food and beverage retail activity 1,500m² or more in gross floor area</u> • <u>Location of ancillary restaurants</u> • <u>Maximum gross floor area of restaurants {CMU 713.6}</u>	<u>Relevant objectives and policies:</u> <u>Objective 18.2.1</u> <u>Restaurants service people engaged in the primary activity and are unlikely to attract significant patronage outside this purpose (Policy 18.2.1.19).</u> <u>The activity is not of a scale or nature that is more appropriate to locate in the CBD, centres, WP or HE because:</u> <u>it is unlikely to contribute to the vibrancy and vitality of those zones; and</u> <u>it has specific operational requirements that do not fit with those locations (Policy 18.2.1.18). {CMU 713.6}</u>

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

Activity {NH634.74}		Guidance on the assessment of resource consents {NH634.74}
1.	In the hazard 1 overlay zones (see Rule 18.3.8): {NH cl.16} • Potentially sensitive activities permitted in commercial and mixed use zones {NH cl.16}	See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH cl.16}
2.	In the hazard 2 overlay zones (see Rule 18.3.8): {NH634.74} • Potentially sensitive activities not permitted in commercial and mixed use zones {NH634.74} • Sensitive activities {NH634.74}	See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH634.74}

¹ **NH cl.16:** This content has been deleted because it was included in error.

Rule 18.12 Assessment of Non-complying Activities

Rule 18.12.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. With respect to section 104(2), Council will not consider retail as a permitted activity in scheduled heritage buildings as part of the permitted baseline in considering the effects of non-complying activities in the Warehouse Precinct Zone.
3. Rules 18.12.2 - 18.12.5 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
4. Rules 18.12.2 - 18.12.5 apply as follows: {CMU cl.16}
 - a. Rule 18.12.2 applies to all non-complying activities;
 - b. Rule 18.12.3 applies to non-complying land use activities;
 - c. Rule 18.12.4 applies to non-complying development activities; and
 - d. Rule 18.12.5 applies to non-complying performance standard contraventions. {CMU cl.16}
5. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

18.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities, <u>including but not limited to the activities listed below</u> {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to, those related to: i. Objective 2.3.2, policies 2.3.2.1 - 2.3.2.4 ii. Objective 2.4.3, policies 2.4.3.1 - 2.4.3.4 b. ~~The relationship between manawhenua and the natural environment is maintained, including the cultural values and traditions associated with:~~ {MW cl.16} i. ~~wāhi-tūpuna;~~ and {MW cl.16} ii. ~~the customary use of mahika kai (Objective 14.2.1)~~ {MW cl.16} c. The activity supports the purpose of the zone as outlined in Objective 2.3.2 and Objective 18.2.1. d. The proposed activities will achieve objectives 18.2.1, 18.2.2. and 18.2.3 & ~~18.2.4~~ {EW cl.16}. <i>General assessment guidance:</i> e. In assessing the significance of effects, consideration will be given to: i. both short and long term effects, including effects in combination with other activities. ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. f. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. <i>Relevant guidance from other sections (priority considerations):</i> g. <u>See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public.</u> {Trans cl.16} h. <u>See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety</u> {PHS cl.16} i. <u>See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua</u> {MW cl.16}

¹ **MW cl.16:** For consistency, assessment Rule 18.12.2.1.b has been replaced with 18.12.2.1.i, which uses standard wording used elsewhere in the plan

² **Trans cl.16:** This amendment adds a cross-reference to relevant assessment rules in the transportation section, for all non-complying activities. This does not change the effect of provisions.

18.12.3 Assessment of non-complying land use activities		
Activity		Guidance on the assessment of resource consents
1.	Commercial advertising	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c
2.	Crematoriums	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.2, Policy 18.2.2.5 <i>Relevant guidance from other sections (priority considerations):</i> b. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.
3.	Office and retail outside of CBD and centres, where non-complying	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.2 b. Objective 18.2.1, Policy 18.2.1.3
4.	Industry in SSYP	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.1, Policy 18.2.1.14
5.	Service stations, restaurant drive-through, yard-based retail in CBD, WP, SSYP and HE zones.	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.1, Policy 18.2.1.15 b. <u>Objective 18.2.2, Policy 18.2.2.4 {CMU 634.35}</u> c. Objective 18.2.3, Policy 18.2.3.11 <u>9 (along pedestrian frontages) {CMU 634.35}</u>
6.	Conference, meeting and function, entertainment and exhibition ~~outside of CBD and centres~~ (PPH, SSYP, CEC, TR) {CMU cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.1, Policy 18.2.1.17
7.	- Early childhood education and residential activities (CEC - ~~South~~ and TR) {CMU 977.68 and 977.69} - Visitor accommodation (TR)	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.2, Policy 18.2.2.6
8.	- Cemeteries - Landfills	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.
9.	Yard-based retail (CBD, SSYP, HE, <u>WP</u> {CMU cl.16})	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.1, Policy 18.2.1.3

18.12.3 Assessment of non-complying land use activities

Activity		Guidance on the assessment of resource consents
10.	In a hazard facility mapped area: - Major facility activities (except emergency services) - Entertainment and exhibition - Registered health practitioners {PHS 906.1}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and Policy 9.2.2.15 and the risks to people from an emergency event occurring at a hazard facility. {PHS 906.1}

18.12.4 Assessment of non-complying development activities

Activity		Guidance on the assessment of resource consents
1.	Demolition of a protected part of a scheduled heritage building or scheduled heritage structure.	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects on heritage values.
2. ~~{CMU cl.16}~~ ¹	New driveways from a primary pedestrian street frontage (PPF). See Rule 18.6.15.	~~<i>Relevant objectives and policies (priority considerations):</i>~~ a. Objective 18.2.3 b. Policy 18.2.3.2 and 18.2.3.9
3.	In the hazard 1 overlay zones (see Rule 18.3.8): - Potentially sensitive activities not permitted in commercial and mixed use zones - Sensitive activities {CMU cl.16}	~~<i>Relevant guidance from other sections (priority considerations):</i>~~ a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. {CMU cl.16}

¹ **CMU cl.16:** Rule 18.12.4.2 moved to Rule 18.12.5.10.

² **CMU cl.16:** Rule not relevant as no hazard 1 (flood) overlay zones in CMU zones.

18.12.5 Assessment of non-complying performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	• Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5bD LAeq (15 min) or more • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2, and effects related to public health and safety.
2.	Setback from National Grid	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.1 5.2.2 {NU 918.29} and effects related to the efficient and effective operation of network utilities and public health and safety.
3.	Location and screening of car parking	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.3 b. Policies 18.2.3.8 and 18.2.3.9 <i>Relevant guidance from other sections (priority considerations):</i> c. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.3 and effects on heritage streetscape character {CMU cl.16}
4.	Standards {CMU cl.16} Harbourside Edge Zone Standards {CMU cl.16} (Rule 18.6.18.34 to Rule 18.6.18.6) - <u>walkway location</u> {CMU 908.101}	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.3 b. Policy 18.2.3.5.a {CMU cl.16}
5.	Archaeological sites (earthworks) {EW cl.16} ³	See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.4 and effects related to the inappropriate development and use in Dunedin's archaeological sites.
6.	Location of restaurant drive-through and service stations (Rule 18.5.4.3)	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.1 b. Policy 18.2.1.15
7.	In <u>Along</u> {CMU cl.16} a primary pedestrian street frontage mapped area: • Access to loading areas (Rule 6.6.2.5.b)	<i>Relevant guidance from other sections (priority considerations):</i> a. See Rule 6.12 for guidance on the assessment of resource consents in relation to Objective 6.2.4 and effects on the safety and efficient operation of the transport network. {CMU cl.16}

18.12.5 Assessment of non-complying performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
8.	<u>Maximum gross floor area of office activity in the Harbourside Edge Zone {CMU 908.102}</u>	<u>Relevant objectives and policies (priority considerations): {CMU 908.102}</u> a. <u>Objective 2.3.2 {CMU 908.102}</u> b. <u>Objective 18.2.1, policies 18.2.1.2, 18.2.1.3 {CMU 908.102}</u>
9. {NU 806.11}	<u>Shape (Rule 18.7.5.2.c) - setback of building platforms from National Grid {NU 806.11}</u>	<u>Relevant guidance from other sections (priority considerations):</u> a. <u>See Section 5.10 for guidance on the assessment of resource consents in relation to {NU 806.11} Objective 5.2.2 {NU 918.29} and effects related to the efficient and effective operation of network utilities, and reverse sensitivity. {NU 806.11}</u>
10. {CMU cl.16} ⁴	<u>Parking, loading and access standards (Rule 18.6.15.2) - new vehicle accesses on a primary pedestrian street frontage mapped area</u>	<u>Relevant objectives and policies (priority considerations):</u> a. <u>Objective 18.2.3</u> b. <u>Policies 18.2.3.2</u>
11.	<u>In a dune system mapped area or swale mapped area: {NH cl.16}</u> • <u>Hazard exclusion areas (except Rural Centre Zone in a swale mapped area) {NH cl.16}</u>	<u>Relevant guidance from other sections (priority considerations): {NH cl.16}</u> a. <u>See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. {NH cl.16}</u>

² **CMU cl.16:** Reference to Section 13 added as a minor amendment to assist plan usability.

³ **EW cl.16:** As a clause 16 amendment, all earthworks provisions in management and major facility zones have been moved to a new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

⁴ **CMU cl.16:** Rule 18.12.5.10 moved from Rule 18.12.4.2.

Rule 18.13 Special Information Requirements

EW cl.16: As a clause 16 amendment, Rule 18.13.1 Geotechnical investigation report has been moved to a new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

19. Industrial Zones

19.1 Introduction

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

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

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

The inner city Port area, like Port Chalmers, is recognised as an important city gateway. As a key transportation route, the inner city Port is important for both economic and social prosperity. The inner city Port area {Ind 634.92} has been included as an industrial zone in the Industrial Port Zone. This reflects the decision to zone the Port at Port Chalmers as a Major Facility, and the mix of industrial and port activities in the inner city Port area. The intent of the Industrial Port Zone is to specifically recognise and provide for the needs of the inner city Port and its associated activities. {Ind 634.92}

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

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

In response to these issues, the ~~Second Generation Plan (2GP) Plan~~ **{PO cl.16}** provisions propose to protect the existing clusters of industrial zoning, including areas near the centre city in order to take advantage of economies of scale and connectivity, while identifying new industrial land in strategic locations.

The ~~2GP Plan~~ **{PO cl.16}** provides for all industrial activities to occur in the Industrial Zone and Industrial Port Zone

{PO cl.16}, including industry, industrial ancillary tourism, rural contractor and transport depots **{RU 911.5}** and rural industry. A range of activities that are unlikely to create reverse sensitivity issues or compete with industrial activities for land are also provided for in the Industrial Zone. These activities include port, yard based retail, retail ancillary to industry (with maximum gross floor area requirement), and stand-alone car **{Ind cl.16}** parking activities. Industry is also broadly defined and includes service activity (repairs and maintenance), transport depots, and laboratories.

Lastly, land that is currently zoned rural but is suitable for future industrial development has been identified ~~in the 2GP~~ ~~and the inclusion of a rule~~ and a rule included **{Ind cl.16}** that will trigger a change from rural to industrial applied to this land.

19.2 Objectives and Policies

Objective 19.2.1	
The industrial zones enable and protect the ability of {Ind 893.26} industrial and port activities to establish and operate {Ind 893.26} by: - only providing for a very limited range of specified non-industrial or non-port activities; <u>and to establish and operate {Ind 893.26}</u> - ensuring the potential for reverse sensitivity effects on industrial and port activities, from activities that are provided for within the industrial zones, is minimised {PO 1046.5} is insignificant {Ind 906.34}'.	
Policy 19.2.1.1	Provide for the establishment and operation of {Ind 893.27} industrial and port <u>activities</u> , activity, industrial ancillary tourism activity {Ind cl.16} and <u>retail industrial ancillary to retail industry activity {Ind cl.16}</u> in the industrial zones.
Policy 19.2.1.2	Enable farming and grazing in the Dukes Road North mapped area industrial area {Ind cl.16} .
Policy 19.2.1.3	Avoid the establishment of non-industrial or non-port activities, other than those expressly provided for in the industrial zones, unless they would have significant positive effects on the successful operation of surrounding industrial or port activities.
Policy 19.2.1.4	Provide for yard based retail activity {Ind cl.16}, service stations and emergency services to locate in the industrial zones in recognition that: - these activities often require a built form that cannot meet the requirements within the CBD and centres; and - they are unlikely to be incompatible with industrial or port activities due to reverse sensitivity; and - they are unlikely to be significant competing uses of land in an Industrial and <u>Industrial {Ind cl.16}</u> Port zoned area.
Policy 19.2.1.5	Only allow retail ancillary to industry where it is of a size that: - is clearly subordinate to and part of the operation of the primary industrial <u>industry {Ind cl.16}</u> activity; and - does not conflict with objectives 2.3.1, 2.3.2 and 2.4.3; and - does not create adverse effects on other industrial activities, for example from traffic, parking or reverse sensitivity effects {PO 1046.5}.
Policy 19.2.1.6	Only allow restaurants and ancillary licensed premises which are designed and operated to service the workers engaged in or associated with industrial or port activities in the area, and are unlikely to attract significant patronage outside of this purpose.
Policy 19.2.1.7	Only allow community and leisure, and sport and recreation, to locate in the industrial zones where these activities have specific operational requirements that mean it is not practical to locate in a recreation, residential or commercial <u>and mixed use {Ind cl.16}</u> zone.
Policy 19.2.1.8	Provide for crematoriums to locate in the industrial zones due to the high degree of cultural and social sensitivity to their operation, and the lack of residential activity in <u>this these zones</u> .
Policy 19.2.1.9 {Ind cl.16}	Avoid residential activity due to its high potential for reverse sensitivity to industrial or port activities, <u>unless it would have significant positive effects on the successful operation of surrounding industrial or port activities. {Ind cl.16}</u>

Objective 19.2.1

The industrial zones enable and protect the ability of ~~{Ind 893.26}~~ industrial and port activities to establish and operate ~~{Ind 893.26}~~ by:

- only providing for a very limited range of specified non-industrial or non-port activities; ~~and to establish and operate {Ind 893.26}~~
- ensuring the potential for reverse sensitivity effects on industrial and port activities, from activities that are provided for within the industrial zones, is minimised ~~{PO 1046.5} is insignificant {Ind 906.34}~~.

Policy 19.2.1.10	Avoid retail activity (excluding retail ancillary to industrial activities ~~industry {Ind cl.16}~~ and yard based retail activities) due to its high potential to be a significant competing use of land primarily zoned for industrial or port uses, unless it would have significant positive effects on the successful operation of surrounding industrial or port activities.

Policy 19.2.1.X ~~{Ind cl.16}~~	Only allow industrial ancillary tourism and activities other than industrial activities in the industrial zones where:— ~~a. the potential for reverse sensitivity is insignificant, that may affect the ability of industrial activities to operate, will be avoided or, if avoidance is not possible, will be no more than minor. {Ind 906.38 and others}~~

¹ **Ind 906.34:** Part b of Objective 19.2.1 has been moved from Objective 19.2.2.

² **Ind cl.16:** This Policy has moved from Objective 19.2.2 where it was originally numbered 19.2.2.8.

³ **Ind cl.16:** Policy 19.2.1.9 is not referenced in assessment rules and duplicates Policy 19.2.1.3 and therefore is unnecessary.

Objective 19.2.2

~~Development and activities~~ Activities ~~{PO cl.16}~~ are designed and operated so that:

- a reasonable level of amenity is maintained within the industrial zones;
- ~~any {PO cl.16}~~ adverse effects on the amenity of adjoining residential, school or recreation zones are minimised as far as practicable; ~~{Ind 906.34}~~
- a high standard of amenity along identified an ~~{Ind cl.16}~~ **amenity route mapped areas** ~~{Ind cl.16}~~ is maintained; ~~and~~
- ~~the potential for reverse sensitivity effects on industrial and port activities, from activities that are provided for within the industrial zones, is minimised {Ind 906.34}~~

Policy 19.2.2.1	Require buildings to be set back an adequate distance from boundaries which adjoin residential, ~~school {Ind cl.16}~~ or recreation zoned sites to maintain adequate sunlight access to these sites.

Policy 19.2.2.2	Require development along an amenity route mapped area to provide a high level of streetscape amenity by: - providing landscaping of a height and density adequate to maintain or enhance the amenity of the route and to ~~screen~~ <u>mitigate the visual impact of</u> ~~{Ind 895.5}~~ industrial activities and development; and - setting back buildings an adequate distance to allow this landscaping.

Policy 19.2.2.3	Require fencing along boundaries that adjoin residential or school zoned sites to be of an adequate height and design to provide screening and security.

Policy 19.2.2.4	Require materials stored outside, including those which may become airborne due to wind, to be stored in a way that prevents materials escaping and contaminating any off-site area.

Objective 19.2.2

Policy 19.2.2.5	Require buildings and structures to be of a height that: a. is similar to the existing height of buildings of the industrial and industrial port zones; {Ind 906.36} b. ~~a. avoids significant~~ avoids or minimises, as far as practicable, significant {Ind 906.36 and PO 908.3 and 308.497} adverse effects on views from the central city and Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula; and c. ~~b. minimises;~~ avoids or, if avoidance is not practicable, ensures adverse effects from as far as practicable, {Ind 906.36} shading and wind tunnelling effects on school, residential, and recreation zoned sites <u>are no more than minor.</u> {Ind 906.36 and PO 908.3}
Policy 19.2.2.6	Only allow buildings and structures to exceed the maximum height limit where: a. the height is essential to the operation of an industrial ~~the industry~~ {Ind cl.16} activity; and b. ~~all practicable measures have been taken to avoid or minimise~~ {Ind 906.37} the visual effects of the height limit exceedance <u>have been minimised as far as practicable.</u> {Ind 906.37}
Policy 19.2.2.7	Require ancillary signs to be of an appropriate size and number to convey information about the name, location and nature of the business to passing vehicles or pedestrians, and not oversized or too numerous for that purpose.
Policy 19.2.2.8 {Ind cl.16²}	Only allow activities other than industrial activities in the industrial zones where: {Ind cl.16³} a. ~~the potential for reverse sensitivity, that may affect the ability of industrial activities to operate,~~ will be avoided or, if avoidance is not possible, will be no more than minor. {Ind cl.16³}
Policy 19.2.2.9	Only allow crematoriums where they are located to avoid <u>or minimise, as far as practicable,</u> {PO 308.497} significant adverse effects on the amenity of surrounding residential, school and recreation zoned sites.

¹ **Ind 906.34:** Part d of Objective 19.2.2 has been moved to Objective 19.2.1.

² **Ind cl.16:** This Policy has moved to be under Objective 19.2.1.

³ **Ind cl.16:** To align with the boundary setbacks rule.

EW cl.16: As a clause 16 amendment, Objective 19.2.3 and its policies have been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

Rules

Rule 19.3 Activity Status

19.3.1 Rule location

The activity status tables in rules 19.3.3 to 19.3.6 specify the activity status of land use activities, development activities, and subdivision activities in the industrial zones and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

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

19.3.2 Activity status introduction

1. The tables in rules 19.3.3 to 19.3.5 show the activity status of activities in the industrial zones and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 4-6 1.3 **{Ind cl.16}** outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested tables in Section 4-6 1.3 **{Ind cl.16}** are intended to be a complete list of activities and categories of activities. For any activity that is not covered by any of the defined activities in the nested tables, the activity status will be non-complying if the activity status of "all" or "all other" activities in the most closely related category is non-complying, otherwise it will be discretionary.

Additional activity status rules in hazard overlay zones

6. For the purpose of the hazards provisions, activities are categorised as natural hazards **{NH cl.16}** sensitive activities, natural hazards **{NH cl.16}** potentially sensitive activities or natural hazards **{NH cl.16}** least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
7. In the ~~hazard 1~~ or Hazard 2 (flood) Overlay Zone **{NH cl.16}**, the activity statuses in Rule 19.3.6 apply to the following activities:
 - a. new **{NH 908.3}** natural hazards **{NH cl.16}** sensitive activities;
 - b. natural hazards **{NH cl.16}** potentially sensitive activities, and
 - c. some new buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area **{NH. cl.16}**

8. Where the activity status in Rule 19.3.6 differs from that in rules 19.3.3 - 19.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 19.3.6, performance standards for development activities within hazard overlay zones are included in rules 19.3.3 - 19.3.5.
10. Activities in a hazard overlay zone must comply with all of the rules in 19.3.3 - 19.3.6.

Performance Standards

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

¹ **NH cl.16:** The content from Table 19.3.6 has been moved to Table 19.3.X, with the exception that columns a and c have been removed, pursuant to clause 16. Column a was removed as there is no intersect between the Hazard 1 (flood) Overlay Zone and the Industrial Zones. Column c was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are show in the new location.

Legend

Acronym	Activity-status Meaning {PO cl.16}
N/A	~~No additional provisions apply or not relevant~~ <u>Not Applicable {PO 490.1 and others}</u>
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
Ind	Industrial Zone
IP <u>IndPort {Ind cl.16}</u>	Industrial Port Zone
Acronym {Ind cl.16}	Hazard overlay zones names {Ind cl.16}
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones

19.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities			a. Acoustic insulation b. Electrical interference c. Light spill d. Noise e. Setback from a National Grid (National Grid sensitive activities only) {NH cl.16}
Industrial activities		Activity status ²		Performance standards
		a. Ind	b. IP IndPort {Ind cl.16}	
3.	Industrial ancillary tourism	P RD {Ind 634.33}	P RD {Ind 634.33}	i. Minimum car parking ii. Minimum vehicle loading
2.	All other activities in the Industrial activities category {Ind cl.16³}	P	P	i. Minimum car parking ii. Minimum vehicle loading
4.	Rural industry {Ind cl.16⁴}	P {Ind cl.16}	P {Ind cl.16}	i. Minimum car parking {Ind cl.16}
Major facility activities		a. Ind	b. IP IndPort {Ind cl.16}	Performance standards
5.	Crematoriums	RD	RD	i. Minimum car parking
6.	Emergency services	RD P {CP 945.36}	RD P {CP 945.36}	i. Minimum car parking {CP 945.36}
7.	Port	P	P	
8.	All other activities in the major facility activities category	NC	NC	
Commercial activities		a. Ind	b. IP IndPort {Ind cl.16}	Performance standards
9.	Ancillary licensed premises	RD	RD	i. Minimum car parking {Ind cl.16⁵}
10.	Yard based retail	P	P	i. Minimum car parking
11.	Retail ancillary to industry	P	P	i. Maximum gross floor area ii. Minimum car parking
12.	Service stations other than self-service fuel stations {CP 634.32}	RD	RD	i. Service station design standards {Ind cl.16} ii. Minimum car parking {Trans 634.107}

13.	<u>Self-service fuel stations</u> { CP 634.32 }	RD P { CP 634.32 }	RD P { CP 634.32 }	i. Service station standards ii. <u>Minimum car parking</u> { Trans 634.107 }
13.	Restaurants	P	P	i. Hours of operation ii. Maximum gross floor area iii. Minimum car parking
14.	Stand-alone car parking	P	P	
15.	Commercial advertising	NC	NC	
16.	All other activities in the commercial activities category	NC	NC	
Community activities		a. Ind	b. ~~IP~~ IndPort { Ind cl.16 }	Performance standards
17.	Community and leisure – small-scale { Ind 634.34 }	RD NC { Ind 634.34 }	RD NC { Ind 634.34 }	
18.	Community and leisure – large-scale { Ind 634.34 }	RD	RD	
19.	Sport and recreation	RD	RD	
20.	Conservation	P	P	
21.	Early childhood education	NC	NC	
Rural activities		a. Ind	b. ~~IP~~ IndPort { Ind cl.16 }	Performance standards
22.	Farming in Dukes Road North mapped area { PO cl.16 }	P	N/A	
23.	Farming in all other areas	NC	NC	
24.	Grazing in Dukes Road North mapped area { PO cl.16 }	P	N/A	
25.	All other activities in the rural activities category	NC	NC	
Residential activities		a. Ind	b. ~~IP~~ IndPort { Ind cl.16 }	Performance standards
26.	All other activities in the residential activities category	NC	NC	

¹ **Ind cl.16:** As per Rule 19.5.6 this standard does not apply to this activity

² **PO 490.1:** Em-dashes are no longer used, and activity status is shown for all overlays (not just those that have additional provisions applying), except where two areas (zones, overlays, mapped areas etc.) do not intersect, in which case N/A is used. A plus symbol has been added to activity statuses that are the same as in the underlying zone but where additional assessment matters apply. See amended legend.

³ **Ind cl.16:** Amended as Industrial ancillary tourism is a sub-activity of Industry, no substantive change to rules.

⁴ **Ind cl.16:** Removed as already covered under definition of Industry (Rural Industry is a sub-activity of Industry)

19.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities	a. Boundary treatments b. <u>Setback from coast and water bodies</u> {NatEnv cl.16} c. <u>Setback from national grid</u> {NU cl.16} d. Setback from scheduled tree e. <u>Natural Hazards Performance Standards</u> <u>Hazard overlay zones development standards</u> {NH cl.16}	
2.	Performance standards that apply to all new {Ind cl.16} buildings and structures activities	a. Boundary setbacks b. Fire fighting {Ind cl.16} c. Maximum height d. <u>Height in relation to boundary</u> {Ind cl.16} e. Number, location and design of ancillary signs f. <u>Setback from coast and water bodies</u> {NatEnv cl.16} g. <u>Setback from National Grid</u> {NU cl.16}	
Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure - See rows 4 - 8)		Activity status a. Ind b. ~~IP~~ <u>IndPort</u> {Ind cl.16}	
3.	Buildings and structures activities	P	P
Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		a. Ind	b. ~~IP~~ <u>IndPort</u> {Ind cl.16}
4.	Repairs and maintenance ~~or restoration~~ {Her 547.91}	P	P
X.	<u>Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1</u> {Her 547.91}	P C {Her 547.91}	P C {Her 547.91}
Y.	<u>Restoration of all other scheduled heritage buildings and structures</u> {Her 547.91}	P	P
5.	Earthquake strengthening where external features only are protected	C	C

Z.	<u>Signs attached to buildings or structures</u> {Her cl.16²}	P	P	
6.	All other additions and alterations	RD	RD	
7.	Demolition	NC	NC	
8.	Removal for relocation	RD	RD	
Development activities on a scheduled heritage site, where visible from an adjoining public place or a public place within the heritage site		a. Ind	b. ~~IP~~ <u>IndPort</u> {Ind cl.16}	Performance standards {Ind cl.16}
9.	New {Her cl.16} structures no more than 2.5m high or 2m ² footprint	P	P	
10.	All other <u>new</u> {PO cl.16} structures	RD	RD	
11.	New buildings	RD	RD	
12.	Parking, loading and access	RD	RD	i. Parking, loading and access standards
Site development activities in all areas (except as covered by rows 9 - 12 above)		a. Ind	b. ~~IP~~ <u>IndPort</u> {Ind cl.16}	Performance standards
13.	Parking, loading and access	P	P	i. Parking, loading and access standards ii. Boundary treatments
14.	New or additions to parking areas, or extensions to existing parking areas that result in the creation of {Trans cl.16} 50 or more new parking spaces.	RD	RD	i. Parking, loading and access standards ii. Boundary treatments
15.	Outdoor storage	P	P	i. Maximum height ii. Securing of outdoor storage
16.	Storage and use of hazardous substances	P	P	i. Hazardous substances quantity limits and storage requirements ii. <u>Setback from coast and water bodies</u> {NatEnv cl.16¹}
17.	Vegetation clearance	P	P	i. Vegetation clearance standards
~~18.~~	~~Earthworks – small-scale {EW cl.16¹}~~	~~P~~	~~P~~	~~i. Earthworks standards~~
~~19.~~	~~Earthworks – large-scale {EW cl.16¹}~~	~~RD~~	~~RD~~	~~i. Earthworks standards~~
20.	All other site development activities	P	P	

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

² **Her cl.16:** Rule restructured as a result of change to definition of additions and alterations and new definition of

signs attached to buildings and structures. No substantive change to provisions.

³ **Ind cl.16:** The firefighting performance standard applies to residential activities. Residential activity is non-complying in this zone and so the performance standard is not relevant and has been removed under cl.16.

⁴ **NatEnv cl.16:** This performance standard applies to the activity. A link has been added to the activity status table as a cl. 16 amendment to aid plan usability.

Note 19.3B.4A - General advice

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

19.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status		Performance standards
		a. Ind	b. ~~IP~~ <u>IndPort</u> ~~{Ind~~ cl.16}	
1.	Subdivision activities	RD	RD	i. Access ii. Esplanade reserves and strips iii. Fire fighting iv. Service connections v. Shape

Note 19.3.5A - Other RMA considerations {PO 490.4}

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

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

Activity {NH cl.16}		a. Haz1 {NH cl.16}	b. Haz2 {NH cl.16}	c. Haz3 {NH cl.16}
1. {NH cl.16}	Potentially sensitive activities permitted in the industrial zones {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}	— {NH cl.16}
2. {NH cl.16}	Potentially sensitive activities not permitted in the industrial zones {NH cl.16}	NC {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}
3. {NH cl.16}	Sensitive activities {NH cl.16}	NC {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}
4. {NH cl.16}	In a hazard 1 or 2 overlay zone, other than the hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, <i>which create more than 60m² of new ground floor area</i> {NH cl.16}	RD {NH cl.16}	RD {NH cl.16}	— {NH cl.16}

¹ **NH cl. 16:** The content from Table 19.3.6 has been moved to Table 19.3.X, with the exception that column c has been removed, pursuant to clause 16. This was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are shown in the new location.

19.3.X Activity status in the Hazard 2 (flood) Overlay Zone {NH 637.74 and others¹}

Activity		Activity status
X.	Natural hazards sensitive activities {NH 634.74}	⌀ RD {NH 634.74}
Y.	Natural hazards potentially sensitive activities {NH 634.74}	⌀ RD {NH 634.74}
4.	In a hazard 1 or 2 overlay zone, other than the hazard 1 (land instability) Overlay Zone, new {NH 73.4 and others} New buildings, and additions and alterations to buildings, which create more than 60m ² of new ground floor area	RD

¹ **NH 634.74:** Note that “potentially sensitive activities permitted in industrial zones” had no additional rules (shown as an em-dash) under the notified Plan but the distinction between this activity and “potentially sensitive activities not permitted in industrial zones” (which was notified as a discretionary activity) was removed and both activities were changed to restricted discretionary in response to this submission.

**Note 19.3.6A - ~~Guidance on existing use rights applying to land use activities in hazard overlay zones~~
Other RMA considerations {Ind cl.16}**

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

Accordingly, these activities will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 19.3.6. {NH 634.81} However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of the land use activity.

Rule 19.4 Notification

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

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

³ **NH cl.16:** This rule was notified as Rule 11.8.3 in the Natural Hazards Section but has been transferred to this section for clarify. This does not result in a substantive change to the effect of provisions.

³ **NH cl.16:** Deleted because there is no Hazard 1 (flood) overlay zone in industrial zones

Rule 19.5 Land Use Performance Standards

19.5.1 Acoustic Insulation

1. Noise sensitive activities in the following areas must comply with Rule 9.3.1:
 - a. port noise control mapped area;
 - b. within 40m of a state highway;
 - c. within 40m of the Taieri Aerodrome Zone; and
 - d. within 70m of a railway line.

19.5.2 Electrical Interference

Land use activities must comply with Rule 9.3.2.

19.5.3 Hours of Operation

1. Restaurants must not be open before 6am or after 6pm.
2. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

19.5.4 Light Spill

Land use activities must comply with Rule 9.3.5.

19.5.5 Maximum Gross Floor Area

1. The gross floor area used for retail ancillary to industry activity must not exceed 10% of the ~~total floor space~~ gross floor area **{PO cl.16}** of the premises.
2. The maximum gross floor area of a ~~for~~ restaurants **{PO cl.16}** is 50m².
3. Any retail ancillary to an industry activity that contravenes the performance standard for maximum gross floor area is a non-complying activity.
4. Any restaurants that contravene the performance standard for maximum gross floor area are a restricted discretionary activity. **{Ind cl.16}**.

19.5.6 Minimum Car Parking

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

Activity		Minimum car parking rate
a.	Industry (~~excluding industrial ancillary tourism including rural industry~~ {Ind cl.16})	1 parking space per 100m ² gross floor area.
b.	Industrial ancillary tourism	i. 1 parking space for every 5 persons the facility can accommodate at any one time, and ii. 1 coach parking space for facilities that can accommodate more than 50 people at one time (see Figure 6.14L ~~6B.12~~ {Trans cl.16})
c.	Retail ancillary to industry	1 parking space per 35m ² of retail floor area
d.	Yard based retail	1 parking space per 100m ² of gross floor area and 1 per 400m ² of yard display area.
e.	Restaurants	1 parking space per 35m ² of gross floor area.

Activity		Minimum car parking rate
f.	Crematoriums	1 parking space per 75m ² gross floor area.
g.	<u>Emergency services {CP 945.36}</u>	i. <u>For fire stations: 5 parking spaces per fire engine bay. {CP 945.36}</u> ii. <u>For all other activities: 1 parking space per 100m² gross floor area. {CP 945.36}</u>
h.	<u>Service stations {Trans 634.107}</u>	<u>1 parking space per 40m² of gross public floor area {Trans 634.107}</u>

2. ~~Activities other than standard residential~~ **{Ind cl.16}** must provide mobility parking spaces as follows:

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

3. Required parking spaces must be designed and constructed to comply with Rule 6.6.1.
4. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces.
5. Parking spaces may be shared between land use activities (i.e. the same parking spaces may be used to fulfil the minimum parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap.
6. Where the minimum parking performance standard results in the requirement for a fractional space, any fraction under one half will be disregarded and any fraction of one half or greater will be counted as one space.
7. For activities where the minimum car parking performance standard is based on the gross floor area, the following areas will be excluded from the assessment of gross floor area:
- any parking area and associated manoeuvring space, including aisle;
 - any loading area and associated manoeuvring space {Ind cl.16}
8. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

¹ **Ind cl.16:** Rule 19.5.6.7 has been added to clarify how 'gross floor area' is to be interpreted, for the purposes of the minimum car parking performance standard in this zone. This does not change the effect of provisions.

Note 19.5B.6A - Other relevant District Plan provisions

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

19.5.7 Minimum Vehicle Loading

1. Land use activities must provide the ***{Trans cl.16}*** on-site vehicle loading and manoeuvring ***{PO cl.16}*** as follows:

Activity		Minimum vehicle loading rate <i>{Trans cl.16}</i>
a.	Industry	1 loading space to accommodate an 8m rigid truck (see Figure 6.14J <i>{Trans cl.16}</i>).
b.	Industrial ancillary tourism	1 loading space to accommodate a coach on any site greater than 400m ² which has a vehicle crossing onto a rural highway or urban connector (see Figure 6.14L <i>{Trans cl.16}</i>).

2. Required vehicle loading must be designed and constructed to comply with Rule 6.6.2.
3. Activities that contravene this performance standard are restricted discretionary activities.***{PO cl.16}***

19.5.8 Noise

Land use activities must comply with Rule 9.3.6.

19.5.9 Service Station Standards

Service stations must comply with Rule 6.7.1.

19.5.10 Setback from National Grid

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

Rule 19.6 Development Performance Standards

19.6.1 Boundary Treatments

1. ~~Where a building is not built to the street frontage, a~~ A landscaping area with a minimum width of 4.53m **{Ind 930.14}** must be provided along the full length of any road frontage that is identified as an **amenity route mapped area** (except for where existing or permitted **{Ind 930.14}** vehicle access is provided). Landscaping areas must:
 - a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
 - b. have an average of one tree for every 5m of frontage;
 - c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - d. be designed to allow surface water run-off from surrounding areas to enter;
 - e. be protected by a physical barrier that prevents cars ~~from accidentally driving into or~~ **{PO 360.213}** damaging plants;
 - f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a minimum **{PO 360.213}** height of 5m within 10 years of planting;
 - g. be planted prior to occupation ~~or completion~~ of any relevant building(s) or upon completion of site development activities **{Ind cl.16}**; and
 - h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
2. Any road boundary fences provided must be placed on the property side of any required road frontage landscaping required by this rule **{PO 360.213}**.
3. Fencing must be provided along any boundaries which adjoin a residential or school zoned property. Fencing must:
 - a. be constructed from solid timber paling;
 - b. have vertical palings which are butted together;
 - c. only have palings visible from the residential zone (have posts and rails on the Industrial Zone side) **{Ind cl.16}**; and
 - d. be a minimum of 1.8m high.
4. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

Note 19.6.1A - Other requirements outside of the District Plan

1. The Dunedin City Council Commercial Use of Footpaths Policy applies to all objects placed on the footpath or suspended over it up to a height of 2.6m. Contact customer services on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.

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

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

19.6.3 Fire Fighting {Confirmed for deletion - Ind cl.16}

New residential buildings and subdivision activities must comply with Rule 9.3.3. ~~{Ind cl.16}~~

¹ **Ind cl.16:** The firefighting performance standard applies to residential activities. Residential activity is non-complying in this zone and so the performance standard is not relevant and has been removed under cl.16.

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

19.6.4.1 Hazard exclusion areas

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

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

19.6.4.2 Maximum area of vegetation clearance in the hazard overlay zones

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

19.6.4.3 Minimum floor level ~~{NH 917.27, NH 947.53 and others}~~

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

19.6.4.4 Relocatable buildings

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

19.6.5 Hazardous Substances Quantity Limits and Storage Requirements

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

19.6.6 Height

19.6.6.1 Height in relation to boundary

- a. ~~New buildings and additions or alterations to buildings must not protrude through a plane (see Figure 19.6C) raising at an angle of 45 degrees measured from a point: New buildings and additions and alterations to buildings on sites adjoining a residential zone must comply with the height in relation to boundary performance standard of that residential zone, along the adjoining boundary (see Rule 15.6.7.1): {Res cl.16}~~
 - i. ~~3m above ground level at the side or rear boundary with an Inner City Residential Zone or General Residential 2 Zone; {Res cl.16}~~
 - ii. ~~2.5m above ground level at the side or rear boundary with all other residential zones or a recreation zone; {Res cl.16}~~
 - iii. ~~except, gable ends and dormers may protrude through the height in relation to boundary plane by a maximum of 1m (see Figure 19.6D): {Res cl.16}~~
- b. New buildings and additions and alterations to buildings on sites adjoining the Recreation Zone must comply with the height in relation to boundary performance standard of the Recreation Zone, along the adjoining boundary (see Rule 20.6.6.1): {Rec cl.16}
- c. New buildings and additions and alterations to buildings along the amenity route mapped area on Burns Street must not protrude through a plane raising at an angle of 40 degrees measured from ground level at the centreline of the road (see Figure 19.6E) {Ind 930.14}

- d. New buildings and additions ~~and~~ or alterations to buildings along the **amenity route mapped area** in all other locations must not protrude through a plane raising at an angle of 60 degrees measured from ground level along the road boundary (see Figure 19.6F) **{Ind 930.14}**
- e. Rooftop structures are exempt from the performance standard for height in relation to boundary.
- f. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

¹ **Res cl.16:** There is no substantive change to the rule, it simply refers back to the rule in the residential section to avoid repeating rule wording.

19.6.6.2 Maximum height

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

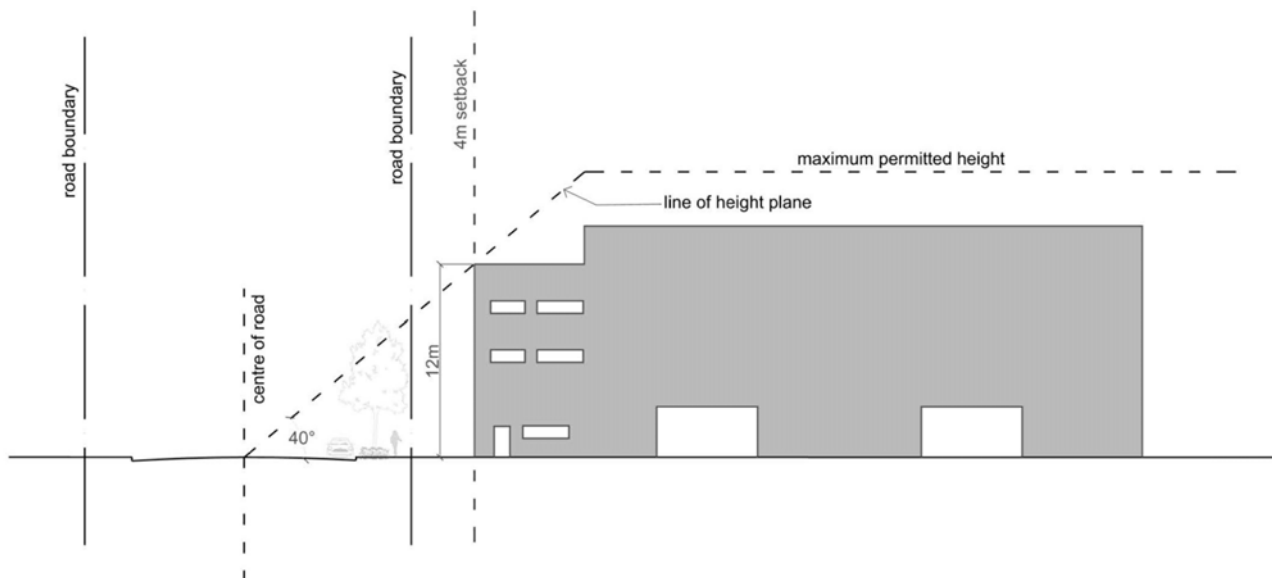
Height area		Maximum height
i.	Industrial Port Zone	25m
b.	Gadbury height mapped area {CMU 317.62}	28m {CMU 317.62}
ii.	Ravensbourne height mapped area	20m
iii.	Cerebos Greggs height mapped area {Ind 54.3}	33m {Ind 54.3}
iv.	Parry Street East height mapped area {Ind 922.1}	25m {Ind 922.1}
dv.	All other areas in the Industrial Zone	18m

- vi. Except, rooftop structures ~~and~~ free standing chimneys as part of industry activity **{Ind 893.4}** are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other building and structures by 5m.
- vii. Buildings or structures must not protrude through the height restriction for the Taieri Aerodrome approach and take-off fans shown on the **Taieri Aerodrome flight fan mapped area**.
- b. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Figure 19.6C: Height in relation to boundary {Res cl.16}

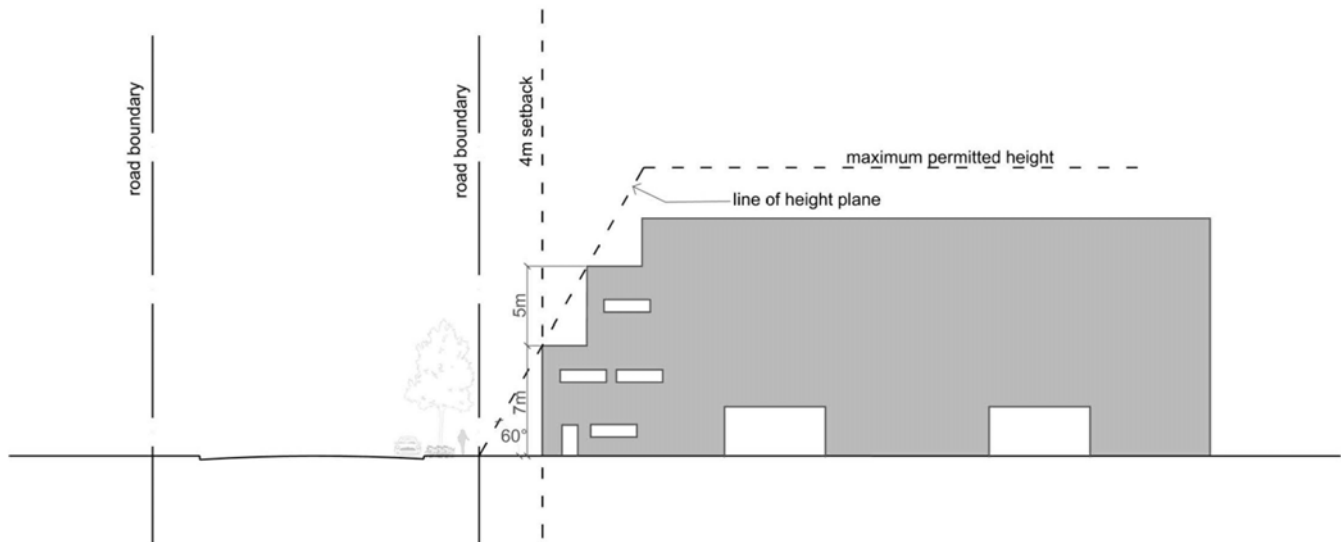
Figure 19.6D: Height in relation to boundary {Res cl.16}

Figure 19.6E: Height in relation to boundary {Ind 930.14}



Example 1. 40 degree height plane measured from the road centre.

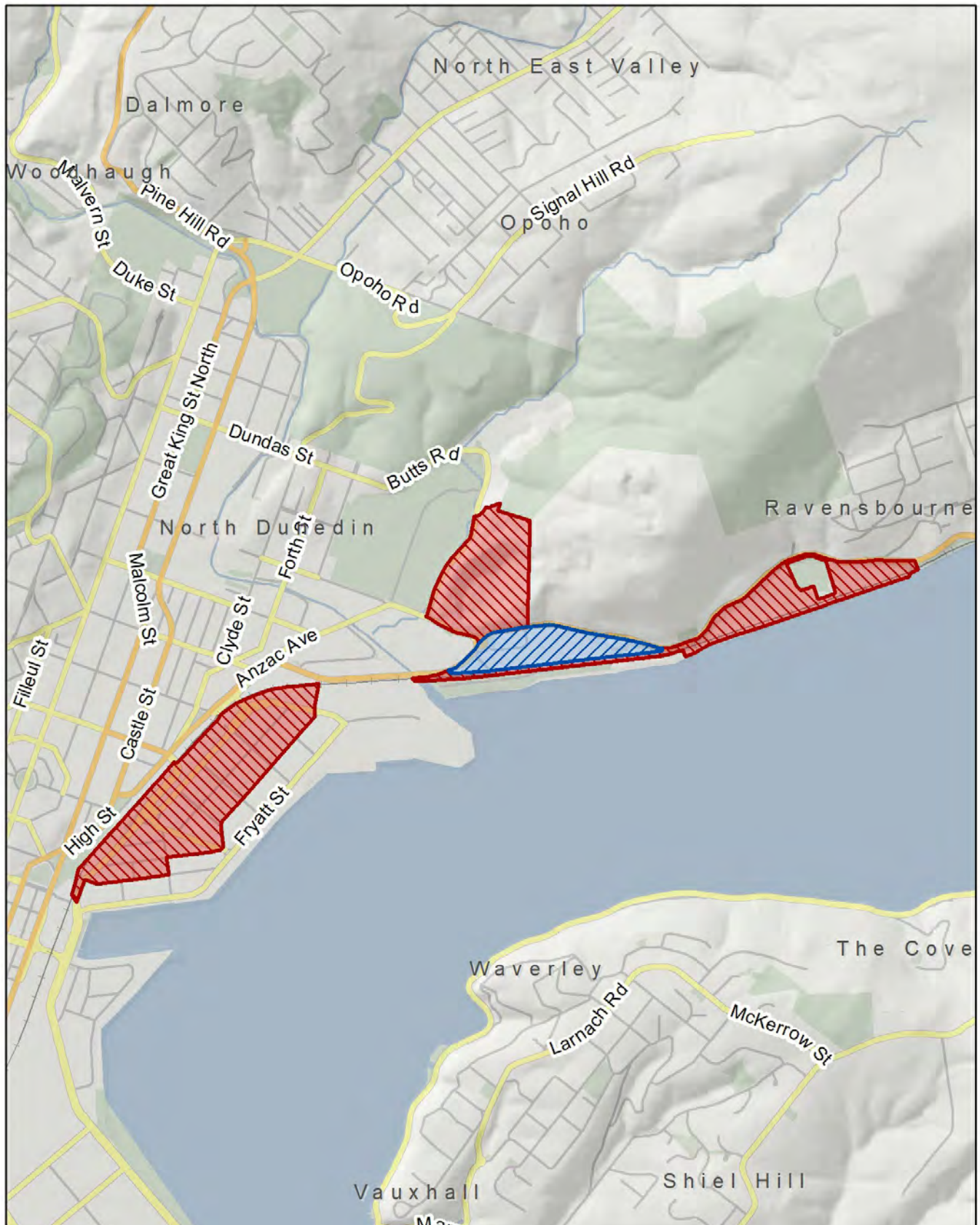
Figure 19.6F: Height in relation to boundary {Ind 930.14}



Example 2. 60 degree height plane measured from the property road boundary.

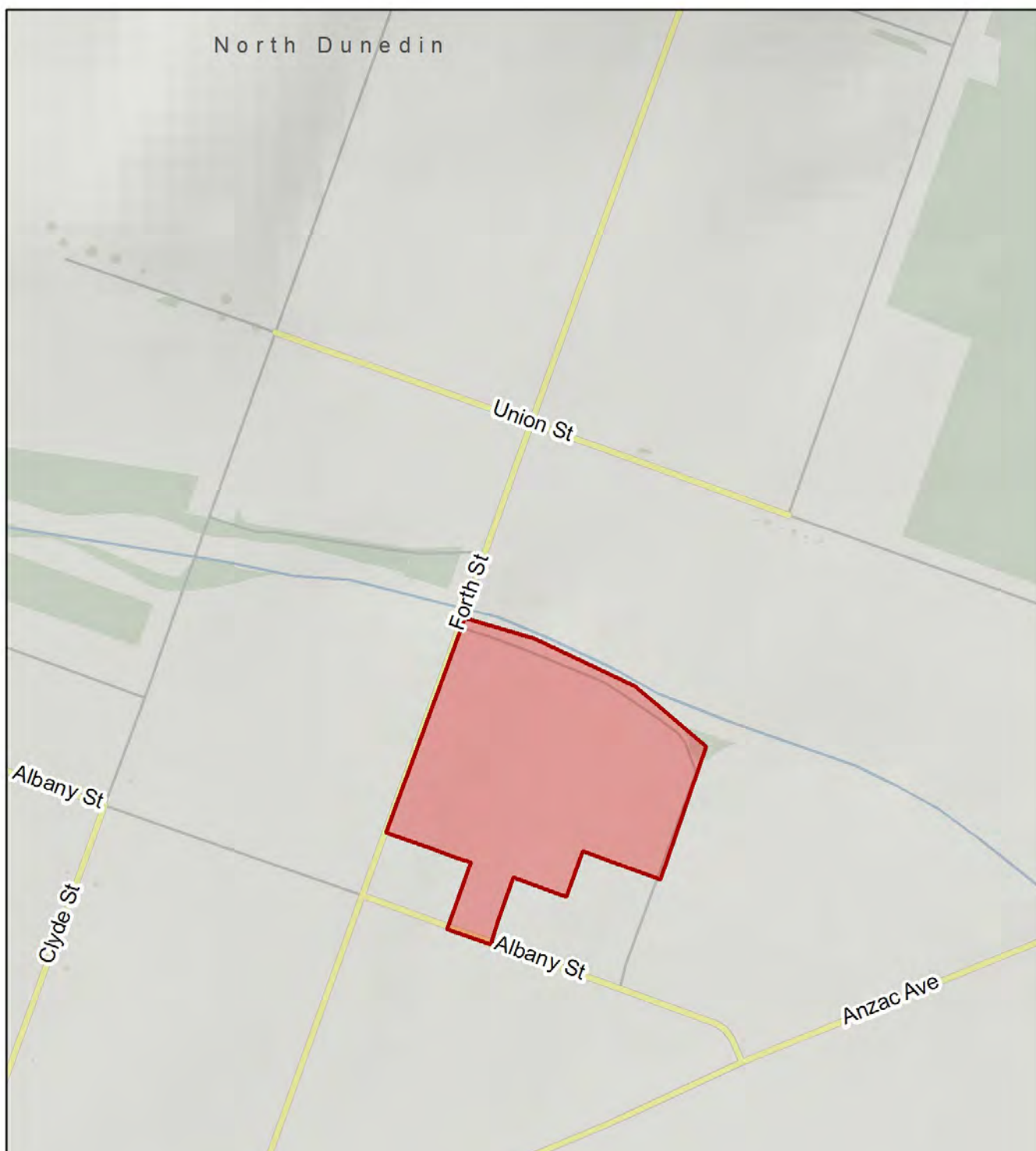
Gadbury Height Mapped Area {CMU 317.62}

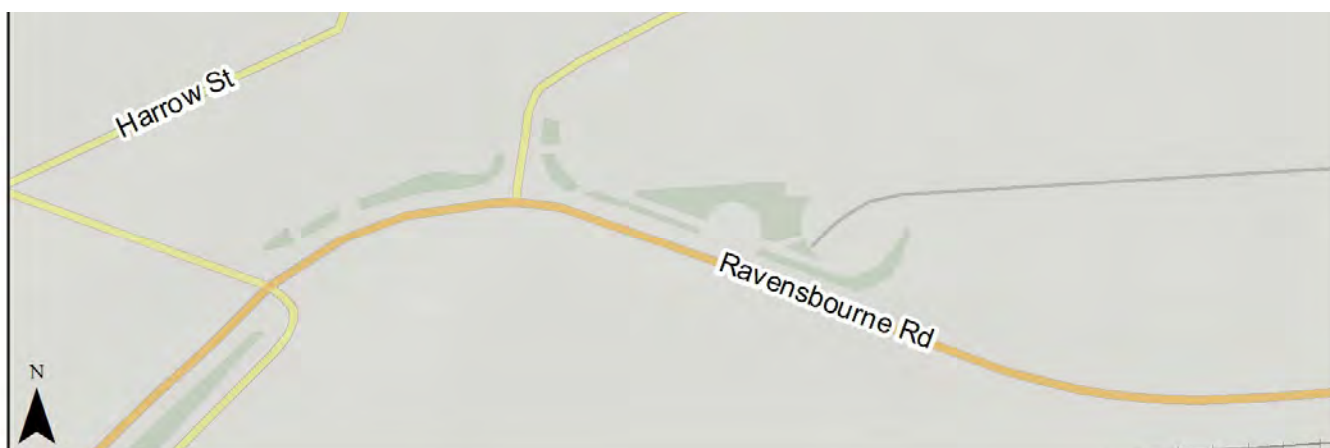
Parry Street East and {Ind 922.1} Ravensbourne Height Mapped Area {Ind 360.25 and 360.26}





Cerebos Gregg's Height Mapped Area {Ind 54.3}





19.6.7 Materials and Design

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

19.6.8 Number, Location and Design of Ancillary Signs

19.6.8.1 General

- a. Signs visible from a public place must meet all of the following performance standards, except that regulatory signs, directional signs and warning signs that do not exceed 0.25m² are exempt from these standards. **{CMU 271.18}**
- b. Signs must also comply with:
 - i. Rule 6.7.2 where located on or **{PO cl.16}** above the footpath; and
 - ii. Rule 6.7.3 where visible from a road.
- c. ~~Signs must be ancillary signs.~~ **{PO cl.16}**
- d. Signs higher than 4m above ground level must only display the business name.
- e. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities. **{PO cl.16}**

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

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

19.6.8.2 Signs attached to buildings

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

- iii. have a maximum of 2 display faces;
- iv. not exceed 1 sign per 15m of street frontage, for a site with a single premise, or 1 per 7.5m, for a site with multiple premises; and
- v. not exceed a total of 3 signs per building.

19.6.8.3 Freestanding signs

- a. The maximum number of freestanding signs is:
 - i. 2 per site or 1 per 50m of street frontage, whichever is the lesser, for permanently fixed freestanding signs; and
 - ii. 1 per 15m of street frontage for portable freestanding signs.
- b. The maximum dimensions of freestanding signs are:
 - i. maximum height of 8m for permanently fixed freestanding signs;
 - ii. maximum height of 4m for portable freestanding signs;
 - iii. maximum area of 16m² per display face for permanently fixed freestanding signs;
 - iv. maximum area of 8m² per display face for portable freestanding signs;
 - v. maximum width of 2m; and
 - vi. maximum depth of 400mm **{PO cl.16}**.
- c. Portable freestanding signs must not be located on the road reserve.
- d. Freestanding signs must:
 - i. not obstruct driveways, parking or loading areas; and
 - ii. be positioned entirely within site boundaries, except:
 - 1. a flag sign may project a maximum of 1.5m over a footpath if the flag sign is located at least 2.5m, at its lowest point, above the footpath.

Note 19.6B- Other relevant District Plan provisions {PO cl.16¹}

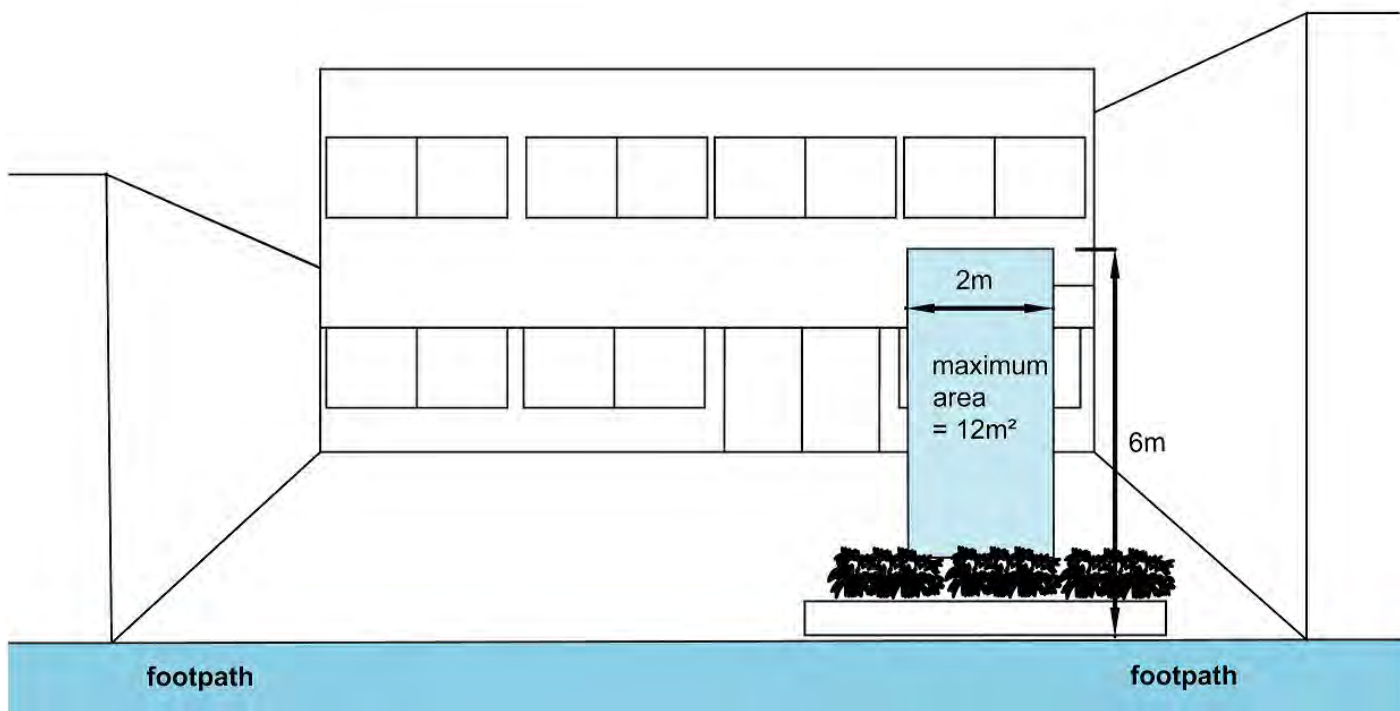
- 1. Commercial advertising is a non-complying land use activity in all zones except the Airport Zone: **{PO cl.16}**
- 2. See Section 3 Public Amenities for the rules related to public noticeboards: **{PO cl.16}**
- 3. See Section 4 Temporary Activities for the rules related to temporary signs: **{PO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

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

Note 19.6G.8A - Other requirements outside of the District Plan

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

Image 19.6E Figure 19.6G: Signs in industrial zones



19.6.9 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

19.6.10 Location of Outdoor Storage {was "Securing of Outdoor Storage" - Ind cl.16}

1. Materials stored outside must be stored in a way that prevents them contaminating any off-site area.
2. Outdoor storage must not encroach into required parking, loading or landscaping areas.
3. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

19.6.11 Setbacks

19.6.11.1 Boundary setbacks

- a. New buildings and structures, and additions and alterations to buildings and structures must have a minimum setback as follows:

Location		Setback distance
i.	From a <u>site boundary which that {Ind 930.14} adjoins a residential, school {Ind cl.16} or recreation zone</u>	5m
ii.	<u>From a boundary along the Burns Street amenity route mapped area {Ind 930.14}</u>	<u>3m {Ind 930.14}</u>
b. iii.	<u>From any a boundary along an all other amenity route mapped areas {Ind 930.14}</u>	<u>10.5m 4m {Ind 930.14}</u>

iv. Except, fences and ancillary signs are exempt from this standard.

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

19.6.11.2 Setback from scheduled tree

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

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

19.6.11.3 Setback from ~~n~~National ~~g~~Grid

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

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

19.6.11.4 Setback from coast and water bodies

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

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

19.6.12 Vegetation Clearance Standards

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

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

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

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

Rule 19.7 Subdivision Performance Standards

19.7.1 Access

Subdivision activities must comply with Rule 6.8.1.

19.7.2 Esplanade Reserves and Strips

Subdivision activities must comply with Rule 10.3.1.

19.7.3 Fire Fighting

Subdivision activities must comply with Rule 9.3.3.

19.7.4 Service Connections

Subdivision activities must comply with Rule 9.3.7.

19.7.5 Shape

1. Each resultant site must be of a size that is large enough to ensure the following performance standards can be met:
 - a. minimum car parking;
 - b. setbacks from boundaries, water bodies, scheduled trees, ~~national grid~~ **{NU 806.11}**; and
 - c. esplanade reserves or strips.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must ~~not contain~~ **{NU 806.11}**:
 - a. ~~not contain~~ **{NU 806.11}** scheduled heritage buildings or structures; or
 - b. ~~not contain~~ **{NU 806.11}** right-of-way easements.
 - c. be located at least 12m from the outer edge of a National Grid support structure or centreline of an overhead National Grid transmission line. **{NU806.11}**
3. For unreticulated areas, resultant sites must provide for a waste disposal area to be located at least 50m from any water body and mean high water springs. **{PHS 1071.56}**
4. Sites created and used solely for the following purposes are exempt from the shape standard:
 - a. Scheduled ASGV ASBV **{NatEnv 958.60}** or QEII covenant;
 - b. reserve;
 - c. access;
 - d. network utility; or
 - e. road.
5. Subdivision activities that do not meet this standard are restricted discretionary activities, except that subdivision activities that do not meet Rule 19.7.5.2.c are non-complying activities. **{NU806.11}**

Rule 19.8 Assessment of Controlled Activities

Rule 19.8.1 Introduction

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rule 19.8.2:
 - a. lists the matters over which Council has reserved its control; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
 - ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 19.9; and
 - iv. the matters of control become matters of discretion and will be assessed as indicated in this section.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 19.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 19.12; and
 - iii. the assessment guidance in this section will also be considered.

19.8.2 Assessment of controlled development activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. <u>Affecting a scheduled heritage building or a scheduled heritage structure: {Her cl.16}</u> • Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected. • <u>Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) {Her 547.91}</u>	a. Effects on heritage values	See Rule 13.4

Rule 19.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 19.9.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 19.9.2 - 19.9.6:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rules 19.9.2 - 19.9.6 apply as follows: ~~19.9.5 apply to performance standards in the industrial zones; Rule 19.9.6 contains additional provisions that apply to performance standards in mapped areas and scheduled items.~~ **{Ind cl.16}**
 - a. Rule 19.9.2 applies to all performance standard contraventions;
 - b. Rule 19.9.3 applies to land use performance standards;
 - c. Rule 19.9.4 applies to development performance standards;
 - d. Rule 19.9.5 applies to subdivision performance standard contraventions; and
 - e. Rule 19.9.6 applies to performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item. {Ind cl.16}

19.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor. b. Compliance with the performance standard would be impracticable or create health and safety issues. c. The need to meet other performance standards, or other site specific factors including topography, make meeting the standard impracticable. d. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. e. Non-compliance with the development performance standard would improve the design of the development in a way that would result in positive effects and better achieve identified objectives and policies of the Plan. f. The contravention is necessary for the ~~industrial~~ <u>industry</u> {Ind cl.16} activity to operate or would have significant positive effects on its operation. <i>General assessment criteria:</i> g. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

19.9.3 Assessment of land use performance standards

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Electrical interference	a. Effects on health and safety	See Rule 9.4
2. - Hours of operation - Maximum gross floor area (restaurants)	a. ~~Effects on the ability of industrial activities to operate~~ Reverse sensitivity effects {PO cl.16¹}	<i>Relevant objectives and policies:</i> i. Objective 19.2.1 ii. The restaurant is designed and operated to service workers engaged in or associated with industrial activities in the area, and is unlikely to attract significant patronage outside of this purpose (Policy 19.2.1.6).
3. ~~Minimum car parking~~ {Trans cl.16²} - Minimum vehicle loading - Service station standards	a. Effects on the <u>safety and efficiency of the</u> {Ind cl.16²} transport network	See Rule 6.9
4. <u>Minimum car parking</u> {Trans cl.16²}	a. <u>Effects on the safety and efficiency of the transport network</u> {Trans cl.16²} b. <u>Effects on accessibility</u> {Trans cl.16²}	See Rule 6.9 {Trans cl.16²}

¹ **PO cl.16:** Wording of matter of discretion changed to standard phrasing.

² **Trans cl.16:** Under Transportation section assessment rules (Rule 6.9.3.6.a), 'effects on accessibility'; is a matter of discretion for contraventions of minimum car parking performance standards. However, this matter of discretion was inadvertently omitted from notified Section 19 assessment rules. The correction of this error, via the deletion of 'minimum car parking' from Rule 19.9.3.3, and the addition of Rule 19.9.3.4., does not result in a substantive change to the effect of provisions.

19.9.4 Assessment of development performance standards

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Boundary setbacks (boundaries adjoining residential, school {Ind cl.16} or recreation zoned sites)	a. Effects on the character and amenity of sensitive surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 19.2.2 ii. Buildings are set back an adequate distance from boundaries which adjoin residential, school {Ind cl.16} or recreation zoned sites to maintain adequate sunlight access to these sites (Policy 19.2.2.1). <i>Potential circumstances that may support a consent application include:</i> iii. The topography of the area means adequate sunlight access will be maintained to the adjacent sites. iv. The affected part of the adjacent site is not utilised by, and will not be used in the future for, a sensitive use.
2.	Boundary treatments (fencing)	a. Effects on the character and amenity of sensitive surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 19.2.2 ii. Fencing along the boundaries that adjoin residential sites in the residential zones or sites in the Schools Zone is of an adequate height and design so that it provides screening and security (Policy 19.2.2.3).
3.	Earthworks standards: • Batter gradient {EW cl.16'}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 19.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 19.2.3.1.b).
4.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs {EW cl.16'}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 19.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 19.2.3.1.a).
5.	Earthworks standards: • Setback from national grid • Setback from network utilities {EW cl.16'}	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7

19.9.4 Assessment of development performance standards

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Earthworks standards: • Sediment control {EW cl.16'}	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 19.2.3 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems, or the coastal marine area {EW 1071.106} (Policy 19.2.3.2.b).
		b. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
7.	Fire fighting {Ind cl.16'}	a. Effects on health and safety {Ind cl.16}	See Rule 9.4 {Ind cl.16}
8.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards {PO cl.16}	See Rule 11.4 {PO cl.16}

19.9.4 Assessment of development performance standards

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
9. • Maximum <i>{Ind cl.16³}</i> Height	a. Effects on heightscape of industrial zones <i>{Ind 906.36}</i>	<i>Relevant objectives and policies: {Ind 906.36}</i> i. Objective 19.2.2 <i>{Ind 906.36}</i> ii. Buildings and structures reflect the existing heightscape of the industrial zones (Policy 19.2.2.5a) <i>{Ind 906.36}</i>
	b. <i>a. {Ind 906.36}</i> . Effects on important views <u>shafts across Otago Harbour</u> <i>{PO cl.16³}</i>	<i>Relevant objectives and policies:</i> i. Objective 2.4.1, Policy 2.4.1.4 ii. Objective 19.2.2 iii. Buildings and structures are of a height that avoids <u>or minimises, as far as practicable,</u> <i>{Ind 906.36 and PO 308.497}</i> significant adverse effects on views from the central city and Dunedin's inner hill suburbs, across the upper harbour toward the Otago Peninsula (Policy 19.2.2.5.b <i>{Ind 906.36}</i>). <i>Potential circumstances that may support a consent application include:</i> iv. Adverse effects are adequately mitigated by: 1. natural landforms and features (e.g. cliffs, tall trees on adjacent reserves) that provide a backdrop to the building; 2. the topography of the site; 3. building design; or 4. other neighbouring buildings.
	c. <i>b. {Ind 906.36}</i> Wind tunnelling and shading <u>Effects on neighbourhood amenity</u> <i>{PO cl.16³}</i>	<i>Relevant objectives and policies:</i> i. Objective 19.2.2 ii. Buildings and structures are of a height that <u>minimises, avoids or, if avoidance is not practicable, ensures adverse effects from</u> as far as practicable <i>{Ind 906.36}</i> shading and wind tunnelling effects on school, residential, and recreation zoned sites <u>are no more than minor</u> <i>{Ind 906.36}</i> (Policy 19.2.2.5.eb <i>{Ind 906.36}</i>).
	d. Effects on industrial activities <u>Reverse sensitivity effects</u> <i>{PO cl.16³}</i>	<i>Relevant objectives and policies:</i> i. Objective 19.2.2 ii. The height is essential to the operation of an industrial <u>the industry</u> <i>{Ind cl.16}</i> activity; and <u>all practicable measures have been taken to avoid or minimise</u> <i>{Ind 906.37}</i> the visual effects of the height limit exceedance <u>have been minimised as far as practicable.</u> <i>{Ind 906.37}</i> (Policy 19.2.2.6).
	e. Effects on operation of Taieri Aerodrome	See Rule 33.9 <i>{Ind cl.16⁵}</i>

19.9.4 Assessment of development performance standards

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
10.	Number, location and design of ancillary signs	a. Effects on character and streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 19.2.2 ii. Signs are of an appropriate size and number to convey information about the name, location and nature of the business to passing vehicles or pedestrians, and are not oversized or too numerous for that purpose (Policy 19.2.2.7). <i>Potential circumstances that may support a consent application include:</i> iii. Signs will not be visible from outside the zone.
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
11.	Parking, loading and access standards	a. Effects on the <u>safety and efficiency of the {PO cl.16²}</u> transport network	See Rule 6.9
12.	Securing of outdoor storage	a. Effects on amenity of surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 19.2.2 ii. Materials stored outside, including those which may become airborne due to wind, are stored in way that prevents materials escaping and contaminating any off-site area (Policy 19.2.2.4).
13.	Setback from coast and water bodies	a. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		b. Effects on public access	See Rule 6.9 Rule 10.4 { <i>NatEnv cl.16</i> }
		c. Risk from natural hazards	See Rule 11.4
14.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6

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

² **PO cl.16:** Wording of matter of discretion changed to standard phrasing.

³ **Ind cl.16:** Corrects the name of this standard, because it should not just refer to the sub-component of maximum height as the entire standard defaults to restricted discretionary

⁴ **Ind cl.16:** The firefighting performance standard applies to residential activities. Residential activity is non-complying in this zone and so the performance standard is not relevant and has been removed under cl. 16.

⁵ **Ind cl.16:** incorrectly repeats 19.9.6.4

19.9.5 Assessment of subdivision performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Access	a. Effects on the safety and efficiency of the transport network <u>accessibility</u> {Ind cl.16'}	See Rule 6.9
2.	Esplanade reserves and strips	a. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		b. Effects on public access	
3.	Fire fighting	a. Effects on health and safety	See Rule 9.4
4.	Service connections	1. a. Effects on efficiency and affordability of infrastructure	See Rule 9.4

19.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
5. Shape	<i>Relevant objectives and policies:</i> a. Objectives 2.4.1 b. Subdivisions are designed to ensure any future land use or development is able to meet the performance standards in the zone, or where in a structure plan mapped {ULS cl.16} area, reflects the requirements of the structure plan mapped area performance standards {ULS cl.16}, unless: i. a resource consent is approved for a development that does not meet the performance standard and the subdivision is intended for and capable of providing for that approved development; or ii. the resultant site is required for: 1. Scheduled ASCV ASBV {NatEnv 958.60}; QEII covenant; or 2. reserve; or 3. access; or 4. utility; or 5. road (Policy 2.4.1.8). <i>General assessment guidance:</i> c. Non-compliance with the performance standard for shape will be assessed based on which performance standard(s) the shape of the resultant site does not provide for compliance with. See matters of discretion and assessment rules in relation to performance standard contraventions for: i. boundary setbacks; ii. setbacks from water bodies; iii. setback from scheduled tree; and iv. setback from nNational gGrid. v. ~~earthworks standards (building platform slope):~~ {Ind cl.16} d. <u>For contravention of the building platform slope part of the shape performance standard (Rule 19.7.5.2), see the matters of discretion and assessment rules in relation to earthworks - large scale (Rule 8A.7.2.1). {Ind cl.16}</u> <i>Conditions that may be imposed:</i> e. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site. f. A building platform may be required to be registered against the title by way of consent notice.	

¹ Ind cl.16: Changed to align with wording in Rule 6.9.3.1.

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

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. In an amenity route mapped area: • Boundary setbacks • Boundary treatments - landscaping	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> - Objective 19.2.2 - Development along an amenity route mapped area to provides {Ind cl.16} a high level of streetscape amenity by: <u>providing landscaping of a height and density adequate to maintain or enhance the amenity of the route and to {Ind cl.16} mitigate the visual impact of {Ind 895.5} industrial activities and development; and {Ind cl.16}</u> <u>setting back buildings an adequate distance to allow this landscaping {Ind cl.16} (Policy 19.2.2.2).</u> <i>Potential circumstances that may support a consent application include:</i> - There are positive effects on streetscape amenity related to from {Ind 930.14} better building or site design outcomes achieved through not meeting the performance standard. <u>These include the use of building treatments such as murals, green walls, or activation treatments. {Ind 930.14}</u> <u>The alternative boundary treatment proposed is necessary to address traffic safety issues that could arise if the standard was complied with; and is necessary to achieve Objective 6.2.3. {Ind 895.5}</u>

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

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
2. In a hazard overlay zone or swale mapped area {NH cl.16}: - Hazard overlay zones development standards <u>Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) overlay zones)</u> <u>Relocatable buildings (Hazard 3 (coastal) Overlay Zone) {NH cl.16}</u> <u>Hazardous substances quantity limits and storage requirements {PO cl.16}</u>	a. Risk from natural hazards	See Rule 11.4
3. Affecting a scheduled heritage item building or scheduled heritage structure {Her cl.16}: Materials and design	a. Effects on heritage values	See Rule 13.5

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

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
4. In the Taieri Aerodrome flight fan mapped area : Maximum height (Rule 19.6.6.2.f.a.vii) {Ind cl.16}	a. Effects on <u>health and safety</u> operation of Taieri Aerodrome {Ind cl.16}	See Rule 9.4
5. In a wāhi tūpuna mapped area : {MW 1071.16} <u>Setback from coast and water bodies</u> {MW 1071.16} <u>Esplanade reserves and strips</u> {MW 1071.16}	a. Effects on cultural values of <u>Manawhenua</u> {MW 1071.16}	See Rule 14.3 {MW 1071.16}
6. In an urban biodiversity mapped area : <u>Vegetation clearance standards</u>: Maximum area of <u>vegetation clearance</u> (UBMA) {NatEnv cl.16²}	a. Effects on <u>biodiversity values</u> {NatEnv cl.16²}	See Rule 10.4 {NatEnv cl.16²}

¹ **NH cl.16**: The standards do not include provisions which apply in a **swale mapped area**.

² **NatEnv cl.16**: Rule 19.9.6.6, which cross-references to Rule 10.4.3.2, was inadvertently omitted from the notified Plan. The addition of this rule does not result in a substantive change to provisions.

Rule 19.10 Assessment of Restricted Discretionary Activities

Rule 19.10.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 19.10.2 - 19.10.6:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rules 19.10.2 - 19.10.6 apply as follows: ~~19.10.5 apply to activities in the industrial zones; Rule 19.10.6 contains additional provisions that apply to activities in overlay zones, mapped areas, and on-scheduled items.~~
{Ind cl.16}
 - a. Rule 19.10.2 applies to all restricted discretionary activities;
 - b. Rule 19.10.3 applies to restricted discretionary land use activities;
 - c. Rule 19.10.4 applies to restricted discretionary development activities;
 - d. Rule 19.10.5 applies to restricted discretionary subdivision activities; and
 - e. Rule 19.10.6 applies to restricted discretionary activities in an overlay zone, mapped area, or affecting a scheduled item. **{Ind cl.16}**
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to ~~minimize~~ minimise **{PO cl.16}** any adverse effects from the land use activity or create mitigating positive effects.
5. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 19.9; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 19.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 19.12; and

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

19.10.2 Assessment of all restricted discretionary activities

Activity	Guidance on the assessment of resource consents
1. All restricted discretionary activities <u>listed below</u> {Ind cl.16}	<i>Potential circumstances that may support a consent application include:</i> a. For restricted discretionary land use activities, whether any associated buildings or structures meet relevant development performance standards. <i>General assessment guidance:</i> b. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

19.10.3 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
A. <u>All high trip generators, which include:</u> {Trans cl.16} any activities that generate 250 or more vehicle movements a day {Trans cl.16}	a. Effects on <u>accessibility</u> {Trans cl.16} b. Effects on the <u>safety and efficiency of the transport network</u> {Trans cl.16}	See Rule 6.10 {Trans cl.16}
1. Emergency services {CP 945.36} Service stations (except self-service fuel stations) {CP 634.32}	a. Effects on the safety and efficiency of the transport network	See Rule 6.10
2. Crematoriums	a. Effects on cultural values of Manawhenua b. Effects on industrial activities <u>Reverse sensitivity effects</u> {PO cl.16} c. Effects on amenity of surrounding sites	See Rule 14.4 <i>Relevant objectives and policies:</i> i. Objective 19.2.2 <u>Objective 19.2.1</u> {Ind 906.38 and others} ii. The potential for reverse sensitivity is insignificant, that may affect the ability of industrial activities to operate, will be avoided or, if avoidance is not possible, will be no more than minor {Ind 906.38 and others} (Policy 19.2.2.8 <u>Policy 19.2.1.X</u> {Ind 906.38}). <i>Relevant objectives and policies:</i> i. Objective 19.2.2 ii. Crematoriums are located to avoid or minimise, as far as practicable, {PO 308.497} significant adverse effects on the amenity of surrounding residential, school and recreation zoned sites (Policy 19.2.2.9).

19.10.3 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. - Community and leisure – small scale {Ind 634.34} - Community and leisure – large scale {Ind 634.34} - Sport and recreation - Industrial ancillary tourism {Ind 634.33}	a. Effects on industrial activities <u>Reverse sensitivity effects</u> {Ind 906.38 and others}	<i>Relevant objectives and policies:</i> i. ~~Objective 19.2.2~~ <u>Objective 19.2.1</u> {Ind 906.38 and others} ii. The potential for reverse sensitivity is insignificant. ~~that may affect the ability of industrial activities to operate, will be avoided or, if avoidance is not possible, will be no more than minor~~ {Ind 906.38 and others} (Policy 19.2.2.8 <u>Policy 19.2.1.X</u> {Ind 906.38}). iii. ~~Community and leisure, and s~~ Sport {Ind 634.34} and recreation activities have specific operational requirements when located in the industrial zones that mean it is not practical to locate in a recreation, residential or commercial <u>and</u> {Ind cl.16} mixed use zone (Policy 19.2.1.7). <i>Potential circumstances that may support a consent application include:</i> iv. The scale of the activity is such that it will not result in a more than minor long term loss of land for industrial or port activities within a particular area, either on its own, or cumulatively with other non-industrial or port activities in that area. v. The number of people involved in the activity, hours of operation, and noise is such that the activity will not have significant adverse effects on the amenity of surrounding residential, school and recreation zones.

19.10.3 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
4. Ancillary licensed premises	a. ~~Effects on industrial activities~~ <u>Reverse sensitivity effects</u> {PO cl.16²}	<i>Relevant objectives and policies:</i> i. Objective 19.2.1 ii. ~~Restaurants and ancillary~~ <u>Ancillary</u> {Ind cl.16} licensed premises are designed and operated to service the workers engaged in or associated with industrial or port activities in the area, and are unlikely to attract significant patronage outside of this purpose (Policy 19.2.1.6). iii. <u>The potential for reverse sensitivity is insignificant</u> (Policy 19.2.1.X) {Ind 906.38 and others} iv. <u>Retail ancillary to industry is of a size that it:</u> {Ind cl.16} i. ~~is clearly subordinate to and part of the operation of the primary industrial activity;~~ and {Ind cl.16} ii. ~~does not conflict with objectives 2.3.1, 2.3.2 and 2.4.3;~~ and {Ind cl.16} iii. ~~does not create adverse effects on other industrial activities, for example from traffic, parking or reverse sensitivity effects (Policy 19.2.1.5);~~ {Ind cl.16} <i>Potential circumstances that may support a consent application include:</i> v. The number of people involved in the activity, hours of operation <u>and</u> noise is such that the activity will not have significant adverse effects on the amenity of surrounding residential, school and recreation zones.

¹ **Trans cl.16:** Under Transportation section assessment rules (Rule 6.10.2.7a&b), 'effects on accessibility' and 'effects on safety and efficiency of the transport network' are matters of discretion for high trip generators, which include land use activities that generate 250 or more vehicle movements a day. However, the rule necessary to link to Rule 6.10.2.7 was inadvertently omitted from notified Section 19 assessment rules. The correction of this error, via the addition of Rule 19.10.3.A, does not result in a substantive change to the effect of provisions.

² **PO cl.16:** Wording of matter of discretion changed to standard phrasing.

19.10.4 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Earthworks – large-scale (that exceed the scale thresholds for the industrial zones) {EW cl.16'}	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 19.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 19.2.3.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 19.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or effect existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to:</i> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished.

19.10.4 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 19.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 19.2.3.3.c). <i>Potential circumstances that may support a consent application:</i> iii. A geotechnical report confirms the existing ground is suitably stable for the proposed works, and proposed works will not create instability risks for surrounding land, buildings, or structures (see Special Information Requirements – Rule 19.13.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards. <i>Conditions that may be imposed include, but are not limited to:</i> v. Maximum slopes of cut and fill batters. vi. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. vii. Temporary shoring requirements to maintain stability before a wall is constructed. viii. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
2. Earthworks – large scale (that exceed scale thresholds within 5m of a water body or MHWS) {EW cl.16'}	a. Effects on biodiversity and natural character of riparian margins and the coast b. Effects on public access	See Rule 10.5

19.10.4 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. <u>High trip generators:</u> {Trans cl.16³} • New <u>or additions to parking areas, or extensions to existing parking areas that result in the creation of 50 or more new parking spaces</u> {Trans cl.16}	a. Effects on the safety and efficiency of the transport network b. <u>Effects on accessibility</u> {Trans cl.16³}	See Rule 6.11

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

² **Trans cl.16:** A reference to 'high trip generators' has been added here, to clarify that this activity is assessed as a high trip generator under Transportation section rules. This does not result in a substantive change to the effect of provisions.

³ **Trans cl.16:** Under Transportation section rules, 'effects on accessibility' as well as 'effects on safety and efficiency of the transport network' are matters of discretion for high trip generators. However, 'effects on accessibility' was inadvertently omitted from notified Section 19 assessment rules. The correction of this error does not result in a substantive change to the effect of provisions.

19.10.5 Assessment of restricted discretionary subdivision activities

Subdivision activities		Matters of discretion	Guidance on the assessment of resource consents
1.	Subdivision activities	a. Effects on the safety and efficiency of the transport network	See Rule 6.10
		b. Effects on health and safety	See Rule 9.5
		c. Effects on efficiency and affordability of infrastructure	
		d. Risk from natural hazards	See Rule 11.5

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	In the ~~hazard overlay zones~~ all hazard overlay zones, swale mapped areas and dune system mapped areas {<i>NH 949.25, NH 634.69 and NH cl.16</i>}: • Earthworks – large scale (that exceed scale thresholds for a ~~hazard (land instability) overlay zone~~) {<i>EW cl.16</i>} • Earthworks – large scale (that exceed scale thresholds for a ~~hazard (flood) overlay zone~~) {<i>EW cl.16</i>} • Earthworks – large scale (that exceed scale thresholds for a swale mapped area) {<i>EW cl.16</i>} • Subdivision activities in a ~~hazard 3 (Coastal) Overlay Zone~~ {<i>NH 949.25, NH 634.69 and NH cl.16</i>}	a. Risk from natural hazards	See Rule 11.5
2.	In the ~~hazard 1 or~~ {<i>NH cl.16</i>} Hazard 2 (flood) {<i>NH 73.4 and others</i>} Overlay Zone other than the ~~hazard 1 (land instability) Overlay Zone~~ {<i>NH 73.4 and others</i>} (see Rule 19.3.6): • New buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area	a. Risk from natural hazards	See Rule 11.5

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
3.	Affecting a ~~scheduled heritage item~~: {Her cl.16} - All other additions and alterations, and removal for relocation that affect a protected part of a scheduled heritage building or a scheduled heritage structure: {Her cl.16} - New buildings, all other structures, driveways, and parking, loading and access on a scheduled heritage site, where visible from an adjoining public place or a public place within a heritage site: {Her cl.16} - Earthworks – large scale (that exceed scale thresholds for a SHS) {EW cl.16} - Subdivision activities in a scheduled heritage site: {Her cl.16} <u>Activities affecting a scheduled heritage building or scheduled heritage structure: {Her cl.16}</u> <u>Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure {Her cl.16}</u> <u>Removal for relocation {Her cl.16}</u> <u>All subdivision activities on sites containing a scheduled heritage building or scheduled heritage structure {Her cl.16}</u>	a. Effects on heritage values	See Rule 13.6
X. {Her cl.16}	<u>Activities affecting a scheduled heritage site: {Her cl.16}</u> <u>New buildings and structures on a scheduled heritage site, where visible from an adjoining public place or a publicly accessible place within the site {Her cl.16}</u> <u>Parking, loading and access on a scheduled heritage site, where visible from an adjoining public place or a public place within the site {Her cl.16}</u> <u>All subdivision activities {Her cl.16}</u>	a. Effects on heritage values {Her cl.16}	See Rule 13.6 {Her cl.16}
4. {NH cl.16}	In a geologically sensitive mapped area (GSA): {NH cl.16} Earthworks – large scale (that exceed underlying zone scale thresholds) {NH cl.16}	a. Risk from natural hazards {NH cl.16}	See Rule 11.5 {NH cl.16}

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
5.	In a GPA: Earthworks – large scale (that exceed scale thresholds for a GPA) {EW cl.16}	a. Effects on health and safety	See Rule 9.5
6.	In the Hazard 2 (flood) Overlay Zone: {NH 634.74} - Natural hazards {NH cl.16} sensitive activities {NH 634.74} - Natural hazards {NH cl.16} potentially sensitive activities {NH 634.74}	a. Risk from natural hazards {NH 634.74}	See Rule 11.5 {NH 634.74}
7. {NU 806.11}	In the National Grid Corridor mapped area: {NU806.11} All subdivision activities {NU 806.11}	a. Effects on health and safety {NU806.11} b. Reverse sensitivity effects {NU806.11} c. Effects on efficient and effective operation of network utilities {NU806.11}	See Rule 5.8 {NU 806.11}

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

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

³ **NH cl.16**: Made as a clause 16 amendment, as there is no intersect between the Industrial Zones and the Hazard 1 (flood) Overlay Zone.

Rule 19.11 Assessment of Discretionary Activities

Rule 19.11.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. With respect to section 104(2) of the RMA, Council will not consider the performance standard for maximum height in the industrial zones as part of the permitted baseline in considering the effects of discretionary activities.
3. Rules 19.11.2 - 19.11.4 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
4. Rules 19.11.2 and 19.11.4 apply as follows: **{Ind cl.16}**
 - a. Rule 19.11.2 applies to all discretionary activities; and
 - b. Rule 19.11.4 applies to discretionary performance standard contraventions. **{Ind cl.16}**
5. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

19.11.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities	<i>Potential circumstances that may support a consent application include::</i> {PO cl.16¹} a. For discretionary land use activities, whether any associated buildings or structures meet relevant development performance standards, or otherwise achieve the relevant policies for development (see Rule 19.9 for performance standard contraventions): {PO cl.16} b. All relevant land use performance standards are met, including noise and light spill standards: {PO cl.16} <i>General assessment guidance:</i> c. In assessing the significance of effects, consideration will be given to: i. both short and long term effects, including effects in combination with other activities 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. 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: {Ind cl.16²} e. In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered: {Ind cl.16³}

¹ **PO cl.16:** Rule 19.11.2.1.a&b is unnecessary because there are no discretionary land use activities in the industrial zones.

² **Ind cl.16:** Rule 19.11.2.1.d duplicates Rule 19.11.1.4 and therefore is unnecessary.

³ **Ind cl.16:** Rule 19.11.2.1.e is unnecessary because there are no activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item.

19.11.3 Assessment of discretionary activities in an overlay zone, mapped area or affecting a scheduled item {NH634.74}

Activity {NH634.74}	Guidance on the assessment of resource consents {NH634.74}
~~1. In the hazard 1 overlay zones (see rule 19.3.6): {NH cl.16}~~ ~~Potentially sensitive activities permitted in Industrial Zone {NH cl.16}~~	~~See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH cl.16}~~
~~2. In the hazard 2 overlay zones (see rule 19.3.6): {NH634.74}~~ ~~Potentially sensitive activities not permitted in Industrial Zone {NH634.74}~~ ~~Sensitive activities {NH634.74}~~	~~See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH634.74}~~

¹ **NH cl.16:** The assessment rule related to the Hazard 1 overlay zone has been deleted as there is no Hazard 1 overlay over the Industrial Zone, so this rule was included in the notified plan in error.

19.11.4 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
~~1. • Acoustic insulation~~ ~~• Noise - where the limit is exceeded by <u>less than</u> up to {Ind cl.16} 5dB LAeq (15min)~~ ~~• Light spill - where the limit is exceeded by 25% or less~~	~~<i>Relevant guidance from other sections (priority considerations):</i>~~ ~~a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and the effects on public health and safety.~~

Rule 19.12 Assessment of Non-complying Activities

Rule 19.12.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. With respect to section 104(2) of the RMA, Council will not consider the maximum height performance standard in the industrial zones as part of the permitted baseline in considering the effects of non-complying activities.
3. Rules 19.12.2 - 19.12.5 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
4. Rules 19.12.2 - 19.12.4 apply as follows: **{Ind cl.16}**
 - a. Rule 19.12.2 applies to non-complying land use activities;
 - b. Rule 19.12.3 applies to non-complying development activities; and
 - c. Rule 19.12.4 applies to non-complying performance standard contraventions. **{Ind cl.16}**
5. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

19.12.2 Assessment of non-complying land use activities {Ind cl.16}

Activity	Assessment Matters
1. All non-complying land use activities, including but not limited to the activities listed below {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to, those related to: i. land and facilities {NU 918.22} that is are {NU 918.22} important for economic productivity {NU 918.22} and social prosperity wellbeing {NU 918.22}, including which include {NU 918.22} industrial areas, major facilities, and key transportation routes, network utilities, {NU 918.22} and highly productive rural {RU 1090.13} land, is are {NU 918.22} protected from less productive competing uses or incompatible uses, including activities that may give rise to reverse sensitivity effects, and in the case of facilities, able to operate efficiently and effectively {NU 918.22} (Objective 2.3.1). b. The activity supports the purpose of the zone as outlined in (objectives 2.3.1 and 19.2.1) c. The establishment of non-industrial or non-port activities in the industrial zones, other than those expressly provided for, is avoided, unless they The activity {Ind cl.16} would have significant positive effects on the successful operation of surrounding industrial or port activities (Policy 19.2.1.3). d. The potential for reverse sensitivity is insignificant (Policy 19.2.1.X) {Ind 906.38 and 749.32} <i>Potential circumstances that may support a consent application should include: {Ind cl.16}</i> e. There are significant positive effects on the operation of industrial or port activities: {Ind cl.16} <i>General assessment guidance:</i> f. In assessing the significance of effects, consideration will be given to: i. both short and long term effects, including effects in combination with other activities. ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. g. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. <i>Conditions that may be imposed:</i> h. A requirement for noise sensitive activity establishing in an industrial zone to comply, at a minimum with the acoustic insulation requirements in Rule 9.3.1 {Ind 749.32}

19.12.2 Assessment of non-complying land use activities {Ind cl.16'}

Activity	Assessment Matters
	<i>Relevant guidance from other sections (priority considerations):</i> i. <u>See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public. {Trans cl.16'}</u> j. <u>See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety {PHS cl.16}</u> k. <u>See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua {MW 1071.3}</u>
2. Commercial advertising	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c
X. <u>Community and leisure {Ind 634.34}</u>	<i>Relevant objectives and policies (priority considerations): {Ind 634.34 and 906.38}</i> a. <u>The activity has specific operational requirements that mean it is not practical to locate in a recreation, residential or commercial and mixed use zone (Policy 19.2.1.7) {Ind 634.34}</u> b. <u>The potential for reverse sensitivity is insignificant (Policy 19.2.1.X) {Ind 634.34 and Ind 906.38}</u>
3. • Cemeteries • Landfills	<i>Relevant guidance from other sections (priority considerations):</i> a. <u>See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.</u>
6. <u>Retail (excluding retail ancillary to industry and yard based retail) {Ind cl.16}</u>	<i>Relevant objectives and policies (priority considerations):</i> a. <u>Retail activity (excluding retail ancillary to industry and yard based retail activities), is avoided, due to its high potential to be a significant competing use of land primarily zoned for industrial or port uses, unless it has significant positive effects on the successful operation of surrounding industrial or port activities (Policy 19.2.1.10). {Ind cl.16}</u>

19.12.2 Assessment of non-complying land use activities {Ind cl.16¹}

Activity	Assessment Matters
2. In the hazard 1 (flood) {NH 73.4 and others} overlay zones (see Rule 19.3.6): • ~~Natural hazards~~ Ppotentially {NH cl.16} sensitive activities not permitted in Industrial Zone. {NH 634.74} • ~~Natural hazards~~ Ssensitive {NH cl.16} activities	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and the effects related to the risk from natural hazards.
5. In a hazard facility mapped area: • <u>Community and leisure - large scale</u> • <u>Early childhood education</u> • <u>Entertainment and exhibition</u> • <u>Major facility activities</u> • <u>Registered health practitioners</u> • <u>Residential activities</u> • <u>Training and education</u> • <u>Visitor accommodation</u> {PHS 906.1}	<i>Relevant guidance from other sections (priority considerations):</i> a. <u>See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and Policy 9.2.2.15 and the risks to people from an emergency event occurring at a hazard facility. {PHS 906.1}</u>

¹ **Ind cl.16:** Table 19.12.3 was changed to only include development activities and land use activities were moved into this table to improve readability.

² **Trans cl.16:** This amendment adds a cross-reference to relevant assessment rules in the transportation section, for all non-complying activities. This does not change the effect of provisions.

19.12.3 Assessment of non-complying land-use and {Ind cl.16¹} development activities

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

¹ **Ind cl.16:** Table 19.12.3 was changed to only include development activities and land use activities were moved into table 19.12.2 to improve readability.

19.12.45 {Ind cl.16} Assessment of non-complying performance standard contraventions

Performance standard		Assessment matters
1.	• Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5dB LAeq (15 min) or more • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and the effects related to public health and safety.
2.	Setback from National Grid	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.1 5.2.2 {NU 918.29} and effects related to the efficient and effective operation of network utilities and public health and safety.
3.	~~Hazard overlay development standards: {NH cl.16}~~ Hazard exclusion areas	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards.
4.	Maximum gross floor area (retail ancillary to industrial industry {Ind cl.16})	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.3.1 and 19.2.1 b. Retail ancillary to industry is of a size that is clearly subordinate to and part of the operation of the primary industrial industry {Ind cl.16} activity; and does not conflict with objectives 2.3.1, 2.3.2 and 2.4.3; and does not create adverse effects on other industrial activities, for example from traffic, parking or reverse sensitivity effects {PO 1046.5} (Policy 19.2.1.5).
5.	~~Archaeological sites (earthworks)~~	See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.4 and effects related to the inappropriate development and use in Dunedin's archaeological sites: {EW cl.16} ¹
6. {NU 806.11}	<u>Shape (Rule 19.7.5.2.c) - setback of building platforms from National Grid {NU 806.11}</u>	<i>Relevant guidance from other sections (priority considerations):</i> a. <u>See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.2 and effects related to the efficient and effective operation of network utilities, and reverse sensitivity. {NU 806.11}</u>

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

Rule 19.13 Special Information Requirements

EW cl.16: As a clause 16 amendment, Rule 19.13.1 Geotechnical investigation report has been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

20. Recreation Zone

20.1 Introduction

Public reserve and recreational areas are interspersed among other environments within the city. The protection and provision of these areas and facilities is important for the health and well-being of the community and to contribute to amenity values.

The key resource management issues relating to public reserves and recreation areas are: **{Rec cl.16}**

- The current District Plan applies the surrounding zone to recreational areas, which means the development on such sites is subject to the rules of the zone in which they are located, which does not enable consideration of the effects of the recreation activity or development on other users or surrounding neighbours. The lack of identification of recreation areas in the current District Plan results in uncertainty for surrounding properties in regard to what development might occur on adjacent recreational areas. The current situation may also result in activities being undertaken on land adjacent to recreation areas and facilities without full consideration of the effects on the recreation area. **{Rec cl.16}**
- Activities and developments in recreation areas can have adverse effects on the surrounding environment. For example, large scale buildings and structures, parking and traffic effects, and nuisance-related effects such as noise or glare from lighting can impact on the amenity of surrounding residential properties. As these areas and facilities are not identified in the current District Plan, there is no provision for the types of activities or developments that are anticipated and appropriate in these areas and the effects are only assessed within the context of the surrounding environment rules. This means that the positive effects of activities or development cannot be taken into account. **{Rec cl.16}**
- Many recreation areas provide important green space for the city. As such, limiting **{Rec cl.16}** the types and scale of activities and development that occurs on them is necessary to ensure that they are available for a range of uses (including casual public use), and that green space is not consumed by inappropriate activities or development.
- Commercial food, beverage, and retail activities provided in association with recreation facilities could threaten the vitality of centres if provided in a way or at a scale that would compete with activities in the centres. Such activities occurring outside the of a commercial centres **{Trans cl.16}** also have the potential to impact on neighbours.

In response to the issues, the Second Generation Plan 2GP proposes to provide for these areas through a specific Recreation Zone. **{Rec cl.16}** The areas covered by the zone are primarily sports fields, large urban bush reserves, and coastal reserves.

The provisions proposed in the 2GP recognise the values of these different areas included in the Recreation Zone; enabling an appropriate level of use and development in the different areas; and control the effects of the activities that take place on them. As such, recreational activity is enabled in an efficient manner and certainty as to what can occur on these areas is provided to both the recreational bodies and to adjacent land owners. **{Rec cl.16}**

Other recreation areas not incorporated in this zone are:

- a. Small pocket parks, such as neighbourhood playgrounds, and small reserve areas in a commercial centres **{Trans cl.16}** or the inner city, which retain the zoning of the surrounding environment.
- b. Some of the major facilities on recreation areas (such as Moana Pool), which are is managed through the Moana Pool Zone major facilities zones. **{MF cl.16}**
- c. Open space and recreation areas in the rural environment, which are generally zoned the same as the

surrounding environment (i.e. rural zones). These areas are primarily used for conservation, protection of biodiversity and landscapes, and to provide for walking and biking tracks.

20.2 Objectives and Policies

Objective 20.2.1	
The Recreation Zone provides opportunities for a wide range of recreational, sporting, community, and cultural activities.	
Policy 20.2.1.1	Enable sport and recreation, community and leisure activities {Rec cl.16} , and restaurant and retail ancillary to sport and recreation.
Policy 20.2.1.2	Enable rural activities in the form of grazing and forestry.
Policy 20.2.1.3	Provide for a wide range of community activities, cemeteries, and campgrounds, where these activities are designed and operated to meet Objective 20.2.2 and its policies.
Policy 20.2.1.4	Avoid industrial, residential, commercial, rural, and major facilities facility {MF cl.16} activities, unless otherwise provided for in the Recreation Zone.
Objective 20.2.2	
Land use, development and subdivision activities: support the efficient and effective operation of the recreation area; maintain a high standard of on-site amenity for users of the recreation area; and maintain or enhance neighbourhood amenity and the amenity of any surrounding residential properties.	
Policy 20.2.2.1	Require development to maintain or enhance on-site amenity for recreation area users, neighbourhood amenity, and the amenity of any surrounding residential properties by ensuring: a. there are adequate areas free from buildings or hard surfacing; b. the height, boundary setbacks, height in relation to boundary, and scale of buildings and structures is appropriate to the recreation area and in keeping with the scale of buildings in surrounding residential environments; c. service areas for campgrounds or restaurants ancillary to sport and recreation, are not visible from ground level from outside the site; d. communal outdoor gathering areas are designed and located to avoid overlooking and disturbing surrounding residential properties; e. parking areas are designed or located to minimise, as far as practicable, {PO 906.34 and 308.497} light spill from vehicles <u>using the parking area</u> {Rec cl.16} on surrounding residential properties; and f. outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or nuisance effects.
Policy 20.2.2.2	Require boundary fences to be of a height and design that contributes positively to streetscape amenity and character of the neighbourhood and recreation area.
Policy 20.2.2.3	Require ancillary signs to be located and designed to maintain on-site amenity, and surrounding streetscape and residential amenity by: a. being of an appropriate size, design, and number to convey information about the name and nature of the club, organisation, or reserve, and not oversized or too numerous than what is necessary for that purpose; and b. limiting commercial sponsorship signs ancillary to sport and recreation to be temporary or enclosed within the site.
Policy 20.2.2.4	Require forestry and <u>tree planting shelterbelts and small woodlots</u> {RU cl.16} to be set back an adequate distance to avoid significant effects from shading on residential buildings on adjacent properties.

Objective 20.2.2

Land use, development and subdivision activities: support the efficient and effective operation of the recreation area; maintain a high standard of on-site amenity for users of the recreation area; and maintain or enhance neighbourhood amenity and the amenity of any surrounding residential properties.

Policy 20.2.2.5	Require retail, ~~and~~ restaurants, ~~and~~ conference, meeting and function {Rec 557.4} ancillary to sport and recreation, and ancillary licensed premises, to operate in a way (including hours of operation) that avoids, or if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigates, noise or other adverse effects on the amenity of surrounding residential properties.
Policy 20.2.2.6	Only allow sport and recreation that involves motor vehicles, where there will be no, or only minimal, adverse effects on: a. any surrounding residential properties; and b. other recreation area users.
Policy 20.2.2.7	Only allow campgrounds where any adverse effects, including from noise, dust or loss of privacy, on surrounding residential properties and other recreation area users, ~~can will~~ {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , are adequately mitigated.
Policy 20.2.2.8	Only allow cemeteries, where they are designed and located: a. to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate adverse effects on the amenity of surrounding residential properties; and b. to minimise, <u>as far as practicable</u> {PO 906.34, PO 308.497} the potential for reverse sensitivity from surrounding permitted activities that may affect the ability of the cemetery to operate. {PO 1046.5}
Policy 20.2.2.9	Only allow mining where: a. there is a reasonable certainty that land will be restored or rehabilitated {CP 458.24 and others} to a standard that will minimise, <u>as far as practicable</u>, {PO 906.34 and 308.497} the long term visual effects; and b. any adverse effects, including from noise or dust, on surrounding residential properties or other recreation area users ~~can will~~ {PO cl.16} be avoided, or if avoidance is not possible <u>practicable</u>, {PO 908.3 and others} adequately mitigated.
Policy 20.2.2.10	Only allow new buildings or additions and alterations to buildings that will result in gross floor area greater than 350m ² and/ or have any wall longer than 20m, where any adverse effects on on-site amenity, surrounding properties, and neighbourhood amenity, ~~can will~~ {PO cl.16} be avoided, or if avoidance <u>is not possible practicable</u> {PO 908.3 and others} , adequately mitigated.
Policy 20.2.2.11	Only allow subdivision activities where the subdivision does not adversely affect the efficient and effective operation of the recreation area.
Policy 20.2.2.12	Only allow early childhood education ~~or conference, meeting and function where they are where~~ designed, ~~and~~ located, ~~and operated~~ {Rec 557.4} to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigate adverse effects on: a. the amenity of surrounding residential properties; and b. other recreation area users.

Objective 20.2.2

Land use, development and subdivision activities: support the efficient and effective operation of the recreation area; maintain a high standard of on-site amenity for users of the recreation area; and maintain or enhance neighbourhood amenity and the amenity of any surrounding residential properties.

Policy 20.2.2.13	Only allow stand-alone car parking where it is the secondary use of a car parking area required for an activity provided for in the recreation area, at times when that parking is not needed for that activity or otherwise needed to facilitate public use of the recreation area.

EW cl.16: As a clause 16 amendment, Objective 20.2.3 and its policies have been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

Rules

Rule 20.3 Activity Status

20.3.1 Rule location

The activity status tables in rules 20.3.3 to 20.3.6 specify the activity status of land use activities, development activities, and subdivision activities in the residential zones and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

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

20.3.2 Activity status introduction

1. The activity status tables in rules 20.3.3 - 20.3.6 **{Rec cl.16}** show the activity status of activities in the Recreation Zone and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.6 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested tables in Section 1.6 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

Additional activity status rules in hazard overlay zones

6. For the purpose of the hazards provisions, activities are categorised as natural hazards **{NH cl.16}** sensitive activities, natural hazards **{NH cl.16}** potentially sensitive activities or natural hazards **{NH cl.16}** least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
7. In the Hazard 1 (flood) Overlay Zone or Hazard 2 (flood) Overlay Zone, the activity statuses in Rule 20.3.6 apply to the following activities:
 - a. new **{NH 908.3}** natural hazards **{NH cl.16}** sensitive activities;
 - b. natural hazards **{NH cl.16}** potentially sensitive activities, and
 - c. some new buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area **{NH. cl.16}**

8. Where the activity status in Rule 20.3.6 differs from that in rules 20.3.3 - 20.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 20.3.6, performance standards for development activities within hazard overlay zones are included in rules 20.3.3- 20.3.5.
10. Activities in a hazard overlay zone must comply with all of the rules in 20.3.3 - 20.3.6.

Performance Standards

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

¹ **NH cl.16:** The content from Table 20.3.6 has been moved to Table 20.3.X, with the exception that columns a and c have been removed, pursuant to clause 16. Column c was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are show in the new location.

Legend

Acronym	Activity-status Meaning {PO cl.16}
±	<u>Additional provisions apply (assessment criteria for activities in the overlay need to be viewed)</u> {PO 490.1 and others}
N/A	~~No additional provisions apply or not relevant~~ Not Applicable {PO 490.1 and others}
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
Rec	Recreation Zone
NCC	Natural Coastal Character Overlay Zone
~~Scheduled ASCV ASBV~~ {NatEnv 958.60}	<u>Areas Scheduled area of Significant Conservation Biodiversity Value</u> {NatEnv 958.60}
~~UCMA UBMA~~ {NatEnv 958.60}	<u>Urban Conservation Biodiversity Mapped Area</u> {NatEnv 958.60}
SHS	Scheduled Heritage Site
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones

20.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities				a. Acoustic insulation (noise sensitive activities only) b. Electrical interference c. Light spill d. Noise e. Setback from ~~n~~ National ~~g~~ Grid (National Grid sensitive activities only) {NH cl.16}
Community activities		Activity status ¹			Performance standards
		a. Rec	b. NCC	c. ASCV ASBV {NatEnv 958.60}	
2.	Community and leisure - small scale	P	P	P	i. Minimum car parking
3.	Community and leisure - large scale	RD	RD	RD	i. Minimum car parking ii. <u>Location (hazard facility mapped area)</u> {PHS 906.1}
4.	Conservation	P	P	P	
5.	Early childhood education - small scale	RD	RD	RD	i. <u>Location (hazard facility mapped area)</u> {PHS 906.1}
6.	Early childhood education - large scale	D	D	D	
7.	Sport and recreation that involves motor vehicles	D	D	D+	
8.	All other sport and recreation	P	P	D	i. Hours of operation ii. Minimum car parking
Commercial activities		a. Rec	b. NCC	c. ASCV ASBV {NatEnv 958.60}	Performance standards
9.	Ancillary licensed premises	RD	RD	RD	i. Hours of operation
10.	Conference, meeting, and function activity ancillary to sport and recreation {Rec 557.4}	P {Rec 557.4}	P {Rec 557.4}	D {Rec 557.4}	i. Scale of operation {Rec 557.1}

Y.	<u>Conference, meeting, and function {Rec 557.4}</u>	NC D {Rec 557.4}	NC D {Rec 557.4}	NC D {Rec 557.4}	
11.	Campgrounds	RD	RD	NC	i. Minimum car parking
12.	Restaurants ancillary to sport and recreation	P	P	D	i. Hours of operation
13.	Retail activities activity {PO cl.16} ancillary to sport and recreation	P	P	D	i. <u>Hours of operation {Rec cl.16²}</u>
14.	Stand-alone car parking	RD	RD	NC	
15.	All other activities in the commercial activities category	NC	NC	NC+	
Rural activities		a. Rec	b. NCC	c. ASGV ASBV {NatEnv 958.60}	Performance standards
16.	Forestry	P	RD	NC	i. Forestry and tree planting shelterbelts and small woodlots {RU cl.16} setbacks ii. Tree species
17.	Grazing	P	P	NC	
18.	Mining	D	D+	NC	
X.	<u>Scheduled Mining Activity {CP 874.2 and others}</u>	Ð P {CP 874.2 and others}	Ð+ P {CP 874.2 and others}	N/A	i. <u>Scheduled Mining Activity {CP 874.2 and others}</u>
19.	All other activities in the rural activities category	NC	NC	NC+	
Industrial activities		a. Rec	b. NCC	c. ASGV ASBV {NatEnv 958.60}	Performance standards
20.	All activities in the industrial activities category	NC	NC	NC+	
Residential activities		a. Rec	b. NCC	c. ASGV ASBV {NatEnv 958.60}	Performance standards
21.	All activities in the residential activities category	NC	NC	NC+	
Major facility activities		a. Rec	b. NCC	c. ASGV ASBV {NatEnv 958.60}	Performance standards

22.	Cemeteries	RD	RD	NC	
23.	All other activities in the major facility activities category	NC	NC	NC+	

¹ **PO 490.1:** Em-dashes are no longer used, and activity status is shown for all overlays (not just those that have additional provisions applying), except where two areas (zones, overlays, mapped areas etc.) do not intersect, in which case N/A is used. A plus symbol has been added to activity statuses that are the same as in the underlying zone but where additional assessment matters apply. See amended legend.

² **Rec cl.16:** This performance standard applies to the activity. A link has been added into the activity status table as a cl.16 amendment.

Note 20.3.3A – Other requirements outside of the District Plan

1. Activities that involve the sale, consumption, or provision of alcohol, may require a licence. Contact the DCC's Alcohol Licensing Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information. {**Rec cl.16**}
2. Permission from the Dunedin City Council (DCC) must be obtained for activities or development on recreation areas in addition to any permission or consent granted under the District Plan. Additional controls may apply under the Reserves Act 1977 or any management plan made under the Reserves Act. Please contact the Parks and Recreation Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz to ensure all appropriate permissions are received.. {**Rec 588.33**}

20.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities	a. <u>Natural Hazards Performance Standards Hazard overlay zones development standards {NH cl.16}</u> b. <u>Setback from coast and water bodies {NatEnv cl.16}</u> c. <u>Setback from national grid {NU cl.16}</u> d. <u>Setback from scheduled tree</u>

2.	Performance standards that apply to all buildings and structures activities				a. Boundary setbacks b. Fire-fighting {Rec cl.16} c. Height in relation to boundary d. Maximum height e. Number, location and design of ancillary signs f. <u>Setback from coast and water bodies</u> {NatEnv cl.16} g. <u>Setback from National Grid</u> {NU cl.16}
Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or a scheduled heritage structure. See Rows 8 - 12)		Activity status:			Performance standards
		a. Rec	b. NCC	c. ASCV ASBV {NatEnv 958.60}	
3.	New buildings or additions and alterations that result in a building that is less than or equal to 60m ²	P	P	P	
4.	New buildings or additions and alterations that result in a building that is greater than 60m ² and less than or equal to 350m ² ~~and/or has any wall longer than 20m~~ <u>and does not have any wall longer than 20m</u> {NatEnv 360.164}	P	RD	RD	
5.	New buildings or additions and alterations that result in a building that is greater than 350m ² and/or has any wall longer than 20m	RD	RD	RD	
6.	Fences	P	P	P	i. Fence height and design
7.	All other buildings and structures activities	P	P	P	
Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		a. Rec	b. NCC	c. ASCV ASBV {NatEnv 958.60}	Performance standards
8.	Repairs and maintenance ~~or restoration~~ {Her 547.91}	P	P	P	i. Materials and design

X.	Restoration of a building or structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) {Her 547.91}	P C {Her 547.91}	P C {Her 547.91}	P C {Her 547.91}	i. Materials and design
Y.	Restoration of all other scheduled heritage buildings and structures {Her 547.91}	P	P	P	i. Materials and design
9.	Earthquake strengthening where external features only are protected	C	C	C	i. Materials and design
AA.	Signs attached to buildings or structures {Her cl. 16}	P	P	P	
10.	All other additions and alterations	RD	RD	RD	
11.	Demolition	NC	NC	NC	
12.	Removal for relocation	RD	RD	RD	
Development activities on a scheduled heritage site, where visible from an adjoining public place or a public place within the heritage site		a. Rec	b. NCC	c. ASGV ASBV {NatEnv 958.60}	Performance standards
13.	New {Her cl.16} structures that are {RU cl.16} no more than 2.5m high and or that have no more than a {RU cl.16} 2m ² footprint	P	P	P	
Z.	All other new structures {Her cl.16}	RD	RD	RD	
14.	New buildings, all other structures, parking, loading and access {Her cl.16}	RD	RD	RD	
ZZ	Parking, loading and access {Her cl.16}	RD	RD	RD	i. <u>Parking, loading and access standards {Her cl.16}</u> ii. <u>Location and screening of car parking {Her cl.16}</u>
Site development activities in all areas (except as covered by Rows 13 - 14 above)		a. Rec	b. NCC	c. ASGV ASBV {NatEnv 958.60}	Performance standards
15.	Earthworks – small scale {EW cl.16}	P	P	P	i. Earthworks standards
16	Earthworks – large scale {EW cl.16}	RD	RD	RD	i. Earthworks standards
17.	Outdoor storage	P	P	P	i. Location and screening of outdoor storage

19.	Indigenous vegetation clearance <u>small scale</u> {NatEnv cl.16}	P	RD P {NatEnv cl.16}	RD P {NatEnv cl.16}	i. Vegetation clearance standards
19A.	Indigenous vegetation clearance <u>large scale</u> {NatEnv cl.16}	N/A	RD+	RD NC {NatEnv 949.13}	i. Vegetation clearance standards
18.	~~All other vegetation~~ <u>Vegetation</u> {NatEnv cl.16} clearance	P	P	P	i. Vegetation clearance standards
20.	Parking, loading and access	P	P	P	i. Parking, loading and access standards ii. Location and screening of car parking
21.	New <u>or additions to</u> parking areas, ~~or extensions to existing parking areas~~ that result in the creation of {Trans cl.16} 50 or more new parking spaces.	RD	RD	RD	i. Parking, loading and access standards ii. Location and screening of car parking
22.	Storage and use of hazardous substances	P	P	P	i. Hazardous substances quantity limits and storage requirements ii. <u>Setback from coast and water bodies</u> {NatEnv cl.16^s}
23.	~~Tree planting~~ <u>Shelterbelts and small woodlots</u> {RU cl.16}	P	P	P RD {NatEnv 958.107}	i. Tree species ii. Forestry and tree <u>planting shelterbelts and small woodlots</u> {RU cl.16} setbacks
24.	All other site development activities	P	P	P RD {NatEnv 958.107}	

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

² **NatEnv cl.16:** Indigenous vegetation clearance rules have been reformatted. Indigenous vegetation clearance that was exempt from the notified definition of “indigenous vegetation clearance”, or that was permitted under notified Rule 10.3.2.2 Maximum area of indigenous vegetation clearance, is now provided for as Indigenous Vegetation Clearance – Small Scale. Other indigenous vegetation clearance is now provided for as Indigenous Vegetation Clearance – Large Scale. This does not change the effect of provisions.

⁴ **PO 490.1:** Em-dashes are no longer used, and activity status is shown for all overlays (not just those that have

additional provisions applying), except where two areas (zones, overlays, mapped areas etc.) do not intersect, in which case N/A is used. A plus symbol has been added to activity statuses that are the same as in the underlying zone but where additional assessment matters apply. See amended legend.

⁵ **Her cl.16:** This performance standard applies to the activity. A link has been added to the activity status table as a cl.16 amendment to aid plan usability.

⁶ **Her cl.16:** Rule restructured as a result of change to definition of additions and alterations and new definition of signs attached to buildings and structures. No substantive change to provisions.

⁷ **Rec cl.16:** The firefighting performance standard applies to residential activities. Residential activity is non-complying in this zone and so the performance standard is not relevant and has been removed under cl.16.

⁸ **NatEnv cl.16:** This performance standard applies to the activity. A link has been added to the activity status table as a cl. 16 amendment to aid plan usability.

Note 20.3B.4A - General advice

1. Under the Heritage New Zealand Pouhere Taonga Act 2014 it is an offence to modify or destroy an archaeological site without obtaining an archaeological authority from Heritage New Zealand (HNZ). An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand {Her 547.80}. This is the case regardless of whether the land on which the site is located is **{Her 547.80}** designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
2. An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
4. The **archaeological alert layer mapped area** identifies sites and areas that have a strong likelihood of containing archaeological remains, however remains may be present anywhere within the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.
5. Freedom camping is managed by Council's Camping Control Bylaw 2015. Bylaws are available at www.dunedin.govt.nz. {Rec 588.37}
6. Dunedin City Council Bylaws may apply to some activities in the Recreation Zone. Please refer to the bylaws for more detail. Bylaws are available at www.dunedin.govt.nz. {Rec 588.37}

20.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status ¹			c. Performance standards
		a. Rec	b. NCC	c. ASGV ASBV {NatEnv 958.60}	
1.	General subdivision	RD	RD+	RD+	i. Access ii. Esplanade reserves and strips iii. Fire fighting iv. Service connections v. Shape
2.	Cross lease, company lease and unit title subdivision	NC	NC	NC	

¹ **PO 490.1:** Em-dashes are no longer used, and activity status is shown for all overlays (not just those that have additional provisions applying), except where two areas (zones, overlays, mapped areas etc.) do not intersect, in which case N/A is used. A plus symbol has been added to activity statuses that are the same as in the underlying zone but where additional assessment matters apply. See amended legend.

Note 20.3.5A - Other RMA considerations {PO 490.4}

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

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

Activity {NH cl.16}		a. Haz1 {NH cl.16}	b. Haz2 {NH cl.16}	c. Haz3 {NH cl.16}
1- {NH cl.16}	Potentially sensitive activities permitted in Recreation Zone {NH cl.16}	⊕ {NH cl.16}	— {NH cl.16}	— {NH cl.16}
2- {NH cl.16}	Potentially sensitive activities not permitted in Recreation Zone {NH cl.16}	NC {NH cl.16}	⊕ {NH cl.16}	— {NH cl.16}
3- {NH cl.16}	Sensitive activities {NH cl.16}	NC {NH cl.16}	⊕ {NH cl.16}	— {NH cl.16}
4- {NH cl.16}	In a hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, which create more than 1m ² of new ground floor area {NH cl.16}	RD {NH cl.16}	— {NH cl.16}	— {NH cl.16}

5- {NH cl.16}	In a hazard 1 or 2 overlay zone, other than the hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, <i>which create more than 60m² of new ground floor area {NH cl.16}</i>	RD {NH cl.16}	RD {NH cl.16}	— {NH cl.16}

¹ **NH cl. 16:** The content from Table 20.3.6 has been moved to Table 20.3.X, with the exception that columns a and c have been removed, pursuant to clause 16. Column c was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are show in the new location.

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

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

¹ **NH 634.74:** Note that “potentially sensitive activities permitted in Recreation Zone” had no additional rules (shown as an em-dash) under the notified Plan but the distinction between this activity and “potentially sensitive activities not permitted in Recreation Zone” (which was notified as a discretionary activity) was removed and both activities were changed to restricted discretionary in response to this submission.

Note 20.3.6A - Guidance on existing use rights applying to land use activities in hazard overlay zones
Other RMA considerations {Rec cl.16}

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

Accordingly, these activities will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 20.3.6. {NH 634.81} However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of the land use activity.

Rule 20.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or section 95B of the Act RMA, **{Res cl.16}** unless Council considers special circumstances exist in relation to the application that require public notification:
 1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
 2. contravention of the materials and design **{Her cl.16}** performance standard (Rule 13.3.2) 'Materials and design' **{Her cl.16}** where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided for the following:
 1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand;
 2. contraventions of the materials and design **{Her cl.16}** performance standard (Rule 13.3.2) 'Materials and design' **{Her cl.16}** where the building or structure is listed by Heritage New Zealand; and
 3. contravention of the archaeological sites **{Her cl.16}** performance standard (Rule 13.3.3) 'Archaeological sites' **{Her cl.16}**.
3. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A of the RMA, unless Council considers special circumstances exist in relation to the application:
 1. ~~demolition of a protected part of a scheduled heritage building or scheduled heritage structure;~~ **{Her 308.362}**
 2. all commercial activities (including commercial advertising); and
 3. all industrial activities.
4. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. cemeteries;
 2. all restricted discretionary activities that list 'effect on cultural values of Manawhenua as a matter for discretion; and
 3. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4.
5. With respect to resource consent applications for the following activities, the Department of Conservation will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided: **{RU 958.109}**
 1. indigenous vegetation clearance - large scale in a scheduled Area of Significant Biodiversity Value; or
 2. indigenous vegetation clearance - large scale or any discretionary or non-complying activity in a Natural Coastal Character overlay zone. **{RU 958.109}**
6. ~~In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons:~~ **{PO cl.16}**
7. With respect to resource consent applications for the following activities, the Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. activities in the Hazard 1 (flood) or Hazard 1A **{NH 908.37}** (flood) overlay zones; and

2. activities in **swale mapped areas**. *{NH cl.16²}*
 8. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.
- ¹ **PO cl.16:** Clause removed as superfluous.
- ² **NH cl.16:** Rule 20.4.7 was notified as Rule 11.8.3 in the Natural Hazards Section but has been transferred to this section for clarify. This does not result in a substantive change to the effect of provisions.

Rules 20.5 Land Use Performance Standards

20.5.1 Acoustic Insulation

1. Noise sensitive activities in the following areas must comply with Rule 9.3.1:
 - a. port noise control mapped area;
 - b. within 40m of a state highway;
 - c. within 20m of an industrial zone; and
 - d. within 70m of a railway line.

20.5.2 Electrical Interference

Land use activities must comply with Rule 9.3.2.

20.5.3 Hours of Operation {was "Scale of Operation" - Rec 557.1}

20.5.3.1 Hours of operation {Rec 557.1}

1. Sport and recreation, ~~activities that are ancillary to sport and recreation (retail, restaurant, and conference, meeting and function restaurants ancillary to sport and recreation, retail ancillary to sport and recreation, {Rec 557.4})~~, and ancillary licensed premises must operate within the following hours:

Days of week		Hours of operation
i. ~~a.~~ {Rec cl.16}	Sunday - Thursday	7.00am - 10.30pm
ii. ~~b.~~ {Rec cl.16}	Friday - Saturday	7.00am - 12.00am (midnight)

2. Sportsfield lighting on sites adjacent to a residential zone must not operate from within the hours of 10.00pm - 7.00am. {Rec cl.16}
3. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

20.5.3.2 Scale of activities {Rec 557.1}

- a. ~~Conference, meeting and function ancillary to sport and recreation must not exceed an attendance rate of 25 people at any one time, or, for a maximum of 10 days per calendar year, an attendance rate of up to 50 people.~~ {Rec 557.1}
- b. ~~Conference, meeting and function activities that contravene this performance standard are a discretionary activity.~~ {Rec 557.1}

Note 20.5.3A - Other requirements outside of the District Plan

1. Activities that involve the sale or provision of alcohol, or contain a social area that could be used for this purpose, may require a licence. Contact the DCC's Alcohol Licensing Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
2. Land owner consent from the DCC's Parks, Recreation and Aquatic Group Department is required for activities or development on recreation areas in addition to any permission or consent granted under the District Plan. Additional controls may apply under the Reserves Act 1977 or any Management Plan for the Area. Please contact customer services on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.

20.5.4 Light Spill

Land use activities must comply with Rule 9.3.5.

20.5.5 Minimum Car Parking

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

Activity	Minimum car parking rate
a. Community and leisure	1 parking space for every 5 persons the facility can accommodate at any one time
b. Sport and recreation	1 parking space for every 5 persons that the facility can accommodate at any one time.
c. Campgrounds	1 parking space for every visitor accommodation unit

- d. ~~Activities other than standard residential~~ **{Rec cl.16¹}** must provide mobility parking spaces as follows:

Total number of parking spaces provided	Minimum number of these that must be mobility parking spaces
i. 1 - 20	1 parking space
ii. 21 - 50	2 parking spaces
iii. For every additional 50 parking spaces	1 additional parking space

- e. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility parking.
- f. Parking spaces may be shared between land use activities (i.e. the same parking spaces may be used to fulfil the minimum car parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap.
- g. Where the minimum car parking performance standard results in the requirement for a fractional space, any fraction under one half will be disregarded and any fraction of one half or greater will be counted as one space.

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

¹ **Rec cl.16:** Residential activity is NC, therefore not needed.

Note 20.5.B5A - Other relevant District Plan provisions

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

20.5.6 Noise

Land use activities must comply with Rule 9.3.6.

20.5.7 Setback from National Grid

National Grid Sensitive **{NH cl.16}** activities must comply with Rule 5.6.1.

20.5.8 Tree Species

Forestry and tree planting shelterbelts and small woodlots **{RU cl.16}** must comply with Rule 10.3.4.

20.5.9 Location (hazard facility mapped area) {Confirmed for addition - PHS 906.1}

Activities must comply with Rule 9.3.8. **{PHS 906.1}**

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

1. Waldronville Gun Club Sand Pit must meet the performance standards listed below. {CP 874.2 and others}
2. If Waldronville Gun Club Sand Pit contravenes any of these standards it will be considered a new mining activity and will be subject to the rules that apply to mining in Rule 20.3. {CP 874.2 and others}

Rule 20.5.10.3 Operating Limits {CP 874.2 and others}

- a. Waldronville Gun Club Sand Pit: {CP 874.2 and others}
 - i. may only operate: Monday to Saturday 6am to 10pm; {CP 874.2 and others}
 - ii. must not use blasting; {CP 874.2 and others}
 - iii. must not undertake aggregate processing. {CP 874.2 and others}

Rule 20.5.10.4 Noise {CP 874.2 and others}

- a. Waldronville Gun Club Sand Pit must comply with Rule 9.3.6, subject to the following: {CP 874.2 and others}
 - i. An adjustment of minus 5 dBA for noise emissions having special audible characteristics. {CP 874.2 and others}
 - ii. Noise level readings for the purpose of determining compliance with the noise conditions must be provided by the quarry operator for two hours, at times representative of the operation and at which maximum noise levels can be assessed. For continuous operations, readings must take place at 12 monthly intervals. For intermittent operations, readings must be provided at the time of every subsequent operation of the site. {CP 874.2 and others}

Rule 20.5.10.5 Landscaping and rehabilitation {CP 874.2 and others}

- a. Waldronville Gun Club Sand Pit must undertake a programme of landscaping to encourage the revegetation of areas that are no longer being mined. The landscaping programme must ensure that: {CP 874.2 and others}
 - i. all planting is in accordance with a landscape plan prepared by a qualified landscape architect; {CP 874.2 and others}
 - ii. all vegetation established as part of this programme is maintained in a healthy state at all times; {CP 874.2 and others}
 - iii. the site is rehabilitated to an appearance and character similar to that of the surrounding environment. {CP 874.2 and others}
- b. Prior to removing sand from undisturbed areas, the DCC will be contacted to allow the removal of any pingao growing in the area. {CP 874.2 and others}

Rule 20.6 Development Performance Standards

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

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

20.6.2 Fence Height and Design

1. Fences must not exceed the following height limits, except as provided for in Rule 20.6.2.3 below: **{Res cl.16}**

Location {Res cl.16}		Maximum height {Res cl.16}
a- {Res cl.16}	Along the road boundary with a state highway {Res cl.16}	2m {Res cl.16}
b- {Res cl.16}	Along all other road boundaries {Res cl.16}	1.4m {Res cl.16}
c- {Res cl.16}	Along a side or rear boundary with a residential zone {Res cl.16}	1.4m {Res cl.16}
d- {Res cl.16}	Along all other side and rear boundaries {Res cl.16}	2m {Res cl.16}

2. Fences along boundaries include fences that are not exactly on the boundary but are within the boundary setbacks required by Rule 20.6.12.1. **{Res cl.16}**
3. Where the maximum height of a fence is 1.4m, the height of a fence may be increased to a maximum height of 2m provided that a minimum of 40% of the entire structure is visually permeable (see-through), or the portion above 1.4m height is visually permeable. Visually permeable refers to construction using trellis, lattice, wrought iron, or spaced palings (palings maximum width 150mm, spacing minimum width 25mm) or other materials that provide gaps that can be seen through (see examples in Figure 20.6C). **{Res cl.16}**
4. For the purposes of calculating maximum height, where a fence or wall is erected atop a retaining wall, the height will be calculated as the combined height measured from ground level to the top of the fence or wall. **{Res cl.16}**

20.6.2.1 Maximum Height {Res cl.16¹}

- a. The maximum height of fences along boundaries (including within the boundary setbacks required by Rule 20.6.12) is 2m. **{Res cl.16¹}**
- b. For the purposes of calculating maximum height, where a fence is erected atop a retaining wall, the height will be calculated as the combined height measured from ground level to the top of the fence. **{Res cl.16¹}**
- c. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

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

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

- a. Fences along road boundaries (or within the boundary setbacks required by Rule 20.6.12), or along a side or rear boundary with a residential zone, must be constructed to a length and/or height that maintains visual permeability for 50% of the length of the boundary measured at a height of 1.4m above ground level (see Figure 15.6D). **{Res 190.1 and others}**
- b. The following fences are exempt from this requirement: **{Res cl.16¹}**
 - i. fences along the road boundary of a state highway; **{Res cl.16¹}**
 - ii. fences required to meet Rule 20.6.8 (Location and Screening of Outdoor Storage); and **{MF 308.375 and 308.497}**
 - iii. fences required to meet Rule 20.6.7 (Location and Screening of Car Parking). **{Rec cl.16²}**
- c. Fences that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

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

² **Rec cl.16:** Amendment to resolve conflict between rules. No-one is considered to be prejudiced by this addition and it provides clarity in the Plan.

Figure 20.6C: Example of visually permeable fencing **{Res cl.16¹}**

¹ **Res cl.16:** This image has been replaced with the figures in residential Figure 15.6D.

20.6.3 Fire Fighting **{Confirmed for deletion - Rec cl.16}**

~~New residential buildings and subdivision activities must comply with Rule 9.3.3.~~ **{Rec cl.16¹}**

¹ **Rec cl.16:** The firefighting performance standard applies to residential activities. Residential activity is non-complying in this zone and so the performance standard is not relevant and has been removed under cl.16.

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

20.6.4.1 Hazard exclusion areas

- a. ~~Development activities~~ New buildings and structures and additions and alterations **{NH cl.16¹}** located in a **swale mapped area** must comply with Rule 11.3.1.1.
- b. ~~Development activities~~ New buildings and structures and additions and alterations **{NH cl.16¹}** located in a **dune system mapped area** must comply with Rule 11.3.1.2.

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

20.6.4.2 Maximum area of vegetation clearance in the hazard overlay zones

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

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

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

20.6.4.4 Relocatable buildings ~~{NH cl.16¹}~~

~~New buildings (including residential buildings) to be used for sensitive activities in the Hazard 3 (coastal) Overlay Zone must comply with Rule 11.3.4. {NH cl.16¹}~~

¹ **NH cl.16:** This has been deleted as residential activity is non-complying in this zone.

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

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

20.6.5 Hazardous Substances Quantity Limits and Storage Requirements

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

20.6.6 Height

20.6.6.1 Height in relation to boundary

- a. New buildings and additions and alterations to buildings must not protrude through a plane (see Figure 20.6E) raising at an angle of 45 degrees measured from a point 2.5m above ground level at the boundary of the Recreation Zone.
- b. Except sports field fences which are 100% permeable and required to be tall for the purposes of public safety (e.g. wire netting fences around softball fields), sports field lighting, and goal posts.
- c. Rooftop structures are exempt from the performance standard for height in relation to boundary
- d. Activities that contravene this performance standard are restricted discretionary activities.~~{PO cl.16}~~

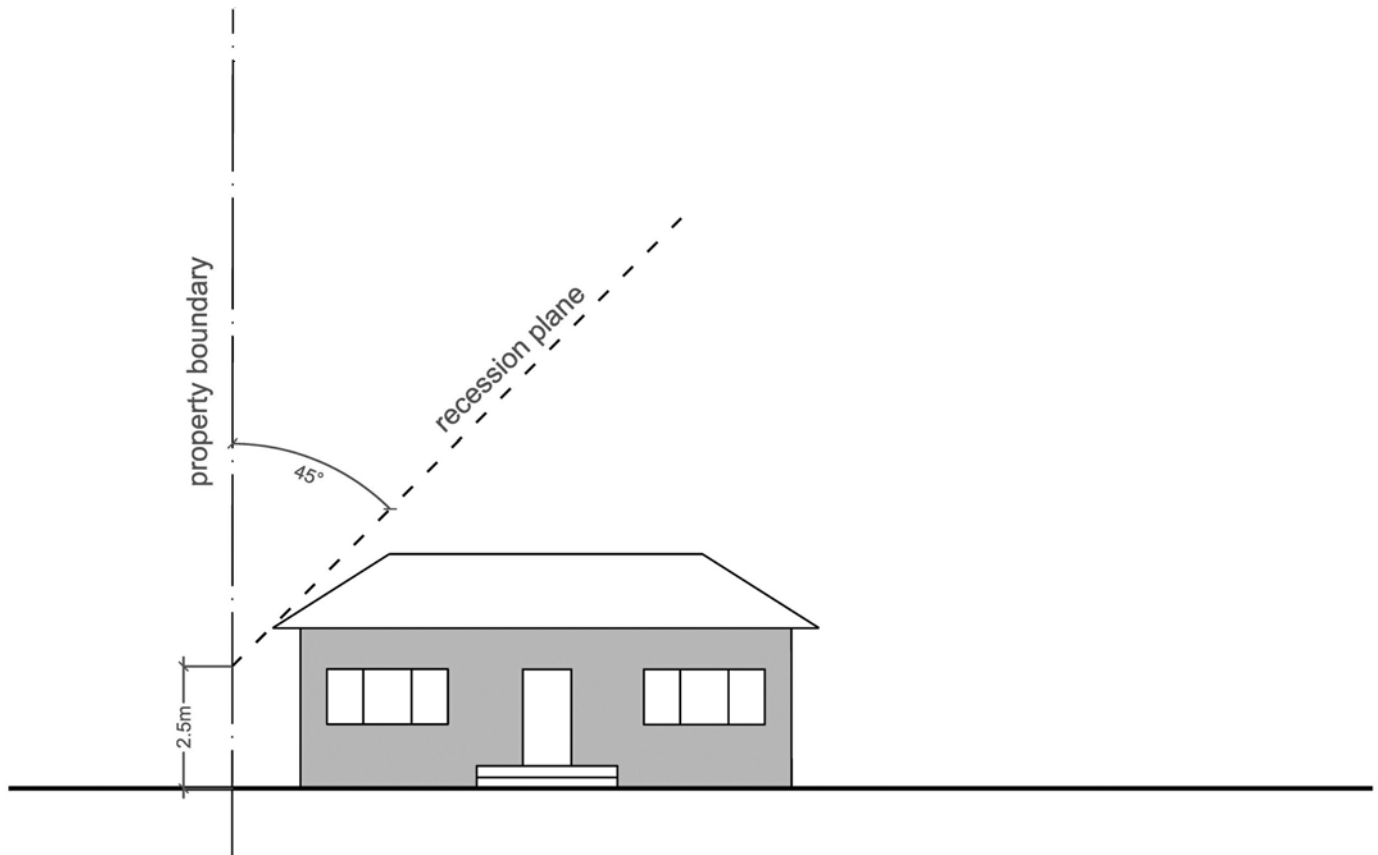
20.6.6.2 Maximum Height

- a. The maximum height for new buildings and structures, and additions and alterations, must not exceed the following above ground level:

Activity		1. Recreation Zone	2. Natural Coastal Character Overlay Zone (NCC)
i.	Goal posts and sports field lighting	22m	22m
ii.	All other buildings and structures	9m	5m

- b. Rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more than one third of that limit.
- c. Activities that contravene this performance standard are restricted discretionary activities.~~{PO cl.16}~~

Figure 20.6E: Height in relation to boundary



20.6.7 Location and Screening of Car Parking

1. Parking areas adjacent to boundaries of sites that are in {Rec cl.16} a residential zone must, on that boundary, have a solid fence or dense landscaping at least 1.4m high that is capable of blocking light from headlights of motor vehicles.
2. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

20.6.8 Location and Screening of Outdoor Storage

1. Service areas must be located or screened so that they are not visible at ground level from adjacent residential zoned sites properties {Rec cl.16} or roads.
2. Outdoor storage, including service areas, must not encroach into required parking, loading and access areas.
3. Outdoor storage must be managed in a way that does not result in unreasonable visual amenity effects or nuisance effects.
4. Materials stored outside must be stored in a way that prevents them contaminating any off-site area.
5. Outdoor storage in the Hazard 1 (flood) Overlay Zone must comply with Rule 11.3.5. {Rec cl.16}
6. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

20.6.9 Materials and Design

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

20.6.10 Number, Location and Design of Ancillary Signs

20.6.10.1 General

- a. Signs visible from a public place must meet all of the following performance standards, except that regulatory signs, directional signs and warning signs that do not exceed 0.25m² are exempt from these standards. {CMU 271.18}
- b. Signs must also comply with:
 - i. Rule 6.7.2 where located on or above the footpath ~~outside dairies~~ **{PO cl.16¹}**; and
 - ii. Rule 6.7.3 where visible from a road.
- c. ~~Signs must be ancillary signs. {PO cl.16²}~~
- d. Signs must not be illuminated or digital.
- e. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities. {PO cl.16}

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

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

20.6.10.2 Performance standards that apply to all ancillary signs, except commercial sponsorship signs

- a. Ancillary signs must only display the name, and logo of the relevant land use activity or organisation (e.g. DCC), locational, directional or informative information relevant to the area, or rules of the area or use of the area.
- b. Ancillary signs that promote or advertise retail, restaurants, or conference, meeting and function activities **{PO cl.16}** ancillary to sport and recreation must not be visible from a public place outside the recreation area.

20.6.10.3 Signs attached to buildings

- a. Any signs displaying the club/s name on clubrooms must not exceed a maximum total area of 5m² per building face.
- b. The maximum number of permanent commercial sponsorship signs is one sign for the naming rights sponsor of the sport and recreation activity (club), with a maximum area of 3m², except: for clubs that operate in an enclosed area that is only open to members, apart from during events, there is no maximum number of commercial sponsorship signs, provided those signs are not visible from outside of the enclosed area.
- c. Other signs must not exceed a total maximum area of 1m² per building face.
- d. Signs must remain entirely within the visual profile of the building or structure.
- e. Signs must not project higher than the lowest point of the roof, except as mounted flat against a parapet or gable end.

20.6.10.4 Freestanding signs

- a. Freestanding signs {Rec cl.16}
 - i. must not exceed a maximum total area of all display faces of 3m²; and each display face must not exceed 1.5m² in area;
 - ii. must not exceed a maximum height above ground level of 4m; and
 - iii. ~~must be positioned within the site boundaries and located so they do not obstruct any parking, loading or access areas.~~ must not obstruct parking, loading and access areas; and {PO cl.16}
 - iv. must be positioned entirely within site boundaries {PO cl.16}

20.6.10.5 Portable freestanding signs

- a. Commercial sponsorship signs erected for matches, competitions, or events must not be displayed for more than one day before the competition/event, and must be removed within one day of completion of the competition/event.
- b. Any other portable signs must not exceed one sign per activity, and 0.9m in height and 0.6m in width.
- c. Signs must be positioned within site boundaries.

Note 20.6.A – Other relevant District Plan provisions

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

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

Note 20.6.10B - Other requirements outside of the District Plan

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

20.6.11 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

20.6.12 Setbacks

20.6.12.1 Boundary Setbacks

- a. New buildings and structures, and additions and alterations, must be set back from boundaries as follows:
 - i. 4.5m from the road boundary; and
 - ii. 2m from side and rear boundaries;
 - iii. except for the site at 50 Three Mile Hill Road, where they must be set back: 12m from the road boundary, and 6m from side and rear boundaries. {Rec 58.1 and others}
 - iv. Jetties, boat ramps, wharves, fences, and ancillary signs are exempt from this standard.
- b. Communal outdoor gathering areas, including decks at or above ground level, must be setback 10m from a residential zone.
- c. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

20.6.12.2 Forestry and ~~tree planting shelterbelts and small woodlots~~ {RU cl.16} setbacks

- a. Trees associated with forestry activity:
 - i. must not be planted within 30m of the boundary of any residential zone or rural residential zone;
 - ii. must not be planted within 40m of a residential building where the building exists at the time of planting;

- iii. must not shade a motorway or a strategic road, arterial road, **{Trans cl.16}** or collector road between 10.00am and 2.00pm on the shortest day of the year; and
 - iv. must not be planted within 10m of the boundary of the designated rail corridor. **{Trans 322.59}**
- b. Trees associated with tree planting shelterbelts and small woodlots **{RU cl.16}**:
- i. must be set back, or managed so that they maintain, a minimum distance of their own height from any residential building on an adjacent site, where the building exists at the time of planting;
 - ii. must not shade a motorway, ~~or a strategic road~~, arterial road, **{Trans cl.16}** or collector road between 10.00am and 2.00pm on the shortest day of the year; and
 - iii. must not be planted within 10m of the boundary of the designated rail corridor. **{Trans 322.59}**
- c. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

20.6.12.3 Setback from coast and water bodies

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

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

20.6.12.4 Setback from ~~n~~National ~~g~~Grid

New buildings and structures, and additions and alterations, ~~and earthworks~~ **{EW cl.16}** must comply with Rule 5.6.1.

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

20.6.12.5 Setback from scheduled tree

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

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

20.6.13 Vegetation Clearance Standards

20.6.13.A Indigenous vegetation clearance – small scale thresholds **{NatEnv cl.16¹}**

Indigenous vegetation clearance – small scale must comply with Rule 10.3.2.A. **{NatEnv cl.16}**

¹ **NatEnv cl.16:** Indigenous vegetation clearance rules have been reformatted. As a result, exemptions to the definition of indigenous vegetation clearance have been replaced by new Rule 10.3.2.A. Therefore, a consequential amendment is needed here to add new Rule 20.6.13.A, in order to link to the reformatted provisions. This does not change the effect of provisions.

20.6.13.1 Maximum area of vegetation clearance (~~UCMA~~ UBMA **{NatEnv 958.60}**)

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

20.6.13.2 Protected areas (vegetation clearance) **{NatEnv cl.16}**

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

20.6.13.3 Protected species (indigenous vegetation clearance)

Indigenous vegetation clearance must comply with Rule 10.3.2.4.

20.6.13.4 Maximum area of vegetation clearance in the hazard overlay zones

Vegetation clearance in the Hazard 1 (land instability) Overlay Zone, Hazard 2 (land instability) Overlay Zones, **{Rec cl.16}** or in a **dune system mapped area**, must comply with Rule 11.3.2.

Rule 20.7 Subdivision Performance Standards

20.7.1 Access

General subdivision must comply with Rule 6.8.1.

20.7.2 Esplanade Reserves and Strips

General subdivision must comply with Rule 10.3.1.

20.7.3 Fire Fighting

General subdivision must comply with Rule 9.3.3.

20.7.4 Service Connections

General subdivision must comply with Rule 9.3.7.

20.7.5 Shape

1. Each resultant site must be of a size and shape that is large enough to allow for:
 - a. setbacks from boundaries, water bodies, scheduled trees, ~~national grid transmission lines~~ **{NU 806.11}**; and
 - b. esplanade reserve or strip areas.
2. ~~Building platforms must be located at least 12m from the outer edge of a National Grid support structure or centreline of an overhead National Grid transmission line.~~ **{NU 806.11}**
3. Resultant sites created and used solely for the following purposes are exempt from the shape standard:
 - a. Scheduled ASCV ~~ASBV~~ **{NatEnv 958.60}** or QEII covenant;
 - b. reserve;
 - c. access;
 - d. network ~~utility~~ utilities activities; or **{NU cl.16}**
 - e. road.
4. ~~Activities that contravene this performance standard are restricted discretionary activities, except that activities that do not meet Rule 20.7.5.2 are non-complying activities.~~**{NU 806.11}**

Rule 20.8 Assessment of Controlled Activities

Rule 20.8.1 Introduction

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rule 20.8.2:
 - a. lists the matters over which Council has reserved its control; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
 - ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 20.9; and
 - iv. the matters of control become matters of discretion and will be assessed as indicated in this section.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 20.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 20.12; and
 - iii. the assessment guidance in this section will also be considered.

20.8.2 Assessment of controlled activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. <u>Affecting a scheduled heritage building or a scheduled heritage structure: {Her cl.16}</u> • Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected. • <u>Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) {Her 547.91}</u>	a. Effects on heritage values	See Rule 13.4

Rule 20.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 20.9.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 20.9.2 - 20.9.6:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. ~~Rules 20.9.2 - 20.9.6 apply as follows: 20.9.5 apply to performance standards in the Recreation Zone; Rule 20.9.6 contains additional provisions that apply to performance standards in overlay zones, mapped areas, and on-scheduled items. {Rec cl.16}~~
 - a. Rule 20.9.2 applies to all performance standard contraventions;
 - b. Rule 20.9.3 applies to land use performance standard contraventions;
 - c. Rule 20.9.4 applies to development performance standard contraventions;
 - d. Rule 20.9.5 applies to subdivision performance standard contraventions; and
 - e. Rule 20.9.6 applies to performance standard contraventions in an overlay zone, mapped area, or affecting a scheduled item. {Rec cl.16}

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

20.9.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Electrical interference	a. Effects on health and safety	See Rule 9.4
2.	Hours of operation	a. Effects on <u>amenity of surrounding sites'</u> amenity {Rec cl.16}	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Retail, <u>and</u> restaurant, ~~and conference, meeting and function~~ {Rec 557.4} activities ancillary to sport and recreation operate in a way that avoids, or if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigates adverse effects on surrounding properties (Policy 20.2.2.5). <i>General assessment guidance:</i> iii. In assessing effects on amenity, Council will consider the location of the building on the site in relation to adjacent residential buildings, and the location of the site and access in the context of the wider environment, considering effects of vehicle movements, vehicle headlights and noise.
3.	Minimum car parking	a. Effects on the safety and efficiency of the transport network b. <u>Effects on accessibility</u> {Trans cl.16'}	See Rule 6.9
4.	Tree species	a. Effects on biodiversity <u>values</u> {NatEnv 958.60} b. <u>Effects on natural character of the coast</u> {NatEnv 900.144} c. <u>Effects on landscape values</u> {NatEnv 900.144}	See Rule 10.4

¹ **Trans cl.16:** Under Transportation section assessment rules (Rule 6.9.3.6.a), 'effects on accessibility' is a matter of discretion for contraventions of minimum car parking performance standards. However, this matter of discretion was inadvertently omitted from notified Section 20 assessment rules. The correction of this error, via the addition of Rule 20.9.3.3.b, does not result in a substantive change to the effect of provisions.

20.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Boundary setbacks	a. Effects on on-site amenity	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Development maintains or enhances on-site amenity for recreation area users (Policy 20.2.2.1.b).
		b. Effects on <u>amenity of surrounding sites'</u> amenity {Rec cl.16}	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Development maintains or enhances neighbourhood amenity, and the amenity of any surrounding residential properties (Policy 20.2.2.1.b). <i>Potential circumstances that may support a consent application include:</i> iii. Access to sunlight to the outdoor living space(s) and windows of bedrooms and living areas of adjacent residential buildings are <u>is</u> {Rec cl.16} maintained or any reduction is minor.
2.	Earthworks standards: • Batter gradient {EW cl.16}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 20.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 20.2.3.1.b).
3.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs {EW cl.16}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 20.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 20.2.3.1.a).
4.	Earthworks standards: • Setback from national grid • Setback from network utilities {EW cl.16}	a. Effects on efficient and effective operation of network utilities	See Rule 5.7
		b. Effects on health and safety	

20.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
5.	Earthworks standards: • Sediment control {EW cl.16'}	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 20.2.3 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems, or the coastal marine area {EW 1071.106} (Policy 20.2.3.2.b).
		b. Effects on biodiversity and natural character of riparian margins and the coast	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
6.	Earthworks standards: • NZ Environmental Code of Practice for Plantation Forestry {EW cl.16'}	a. Degree of compliance with New Zealand Code of Practice for Plantation Forestry	<i>Relevant objectives and policies:</i> i. Objective 20.2.3 ii. Earthworks ancillary to forestry are carried out in accordance with industry best practice guidelines (Policy 20.2.3.4).

20.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
7.	Fence height and design	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Boundary fences are of a height and design that contributes positively to the amenity and character of the neighbourhood and recreation area (Policy 20.2.2.2). <i>Potential circumstances that may support a consent application include:</i> iii. The increased height or reduced visual permeability is necessary to meet protection requirements, to provide security, minimise noise effects from a busy road or activity, or for public well-being. iv. Existing vegetation or proposed landscaping will screen fences from public places. v. For side and rear boundaries, the fence is on a boundary that is not generally accessible or visible from open areas of the recreation area, e.g. on a boundary in a dense bush area.
		b. Effects on health and safety	See Rule 9.4
8.	Fire fighting {Rec cl.16²}	a. Effects on health and safety {Rec cl.16²}	See Rule 9.4 {Rec cl.16²}
9.	Forestry and tree planting shelterbelts and small woodlots {RU cl.16} setbacks	a. Effects on <u>amenity</u> of surrounding sites' amenity {Rec cl.16}	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Forestry and tree planting shelterbelts and small woodlots {RU cl.16} are set back an adequate distance to avoid significant effects from shading on residential buildings on adjacent properties (Policy 20.2.2.4). <i>Potential circumstances that may support a consent application include:</i> iii. The area to be planted is to the south of any adjacent residential or rural residential zone. iv. Slope or orientation or other topographical aspects of the sites involved mean that there will be no shading of a residential building on an adjoining site.
		b. Effects on health and safety	See Rule 9.4
		c. Effects on the safety and efficiency of the transport network	See Rule 6.9

20.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
10.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
11.	Height in relation to boundary	a. Effects on <u>amenity of surrounding sites</u> ¹ amenity {Rec cl.16}	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Development maintains or enhances neighbourhood amenity, and the amenity of any surrounding residential properties (Policy 20.2.2.1.b). <i>Potential circumstances that may support a consent application include:</i> iii. Access to sunlight to the outdoor living space(s) and windows of bedrooms and living areas of adjacent residential buildings is maintained or any reduction is minor.
12.	Maximum height	a. Effects on on-site amenity	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Development maintains or enhances on-site amenity for recreation area users (Policy 20.2.2.1.b). <i>Potential circumstances that may support a consent application include:</i> iii. Better use of public space and retention of open space within the site can be achieved. iv. Greater height is required to meet specialised recreational needs.
		b. Effects on <u>amenity of surrounding sites</u> ¹ amenity {Rec cl.16}	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Development maintains or enhances neighbourhood amenity, and the amenity of any surrounding residential properties and is in keeping with the scale of buildings in the surrounding residential environment (Policy 20.2.2.1.b). <i>Potential circumstances that may support a consent application include:</i> iii. Access to sunlight to the outdoor living space(s) and windows of bedrooms and living areas of adjacent residential buildings is maintained or any reduction is minor. iv. Landscaping or fences screen or soften the visual effects of buildings. v. Natural landforms or topography (e.g. cliffs or tall trees) provide a backdrop to the building.

20.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
13.	Location and screening of car parking	a. Effects on <u>amenity of surrounding sites'</u> amenity {Rec cl.16}	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Parking areas are designed or located to minimise, <u>as far as practicable</u>, {PO 906.34 and 308.497} light spill from vehicles <u>using the parking area</u> {Rec cl.16} on surrounding resident properties (Policy 20.2.2.1.e). <i>Potential circumstances that may support a consent application include:</i> iii. Landscaping <u>to minimise adverse visual and nuisance effects from lighting, vehicle headlights, or car parking areas on surrounding properties</u>. {Res cl.16³}
14.	Location and screening of outdoor storage	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Service areas <u>for campgrounds or restaurants ancillary to sport and recreation</u> {Res cl.16³} are not visible from ground level from outside the site (Policy 20.2.2.1.c). iii. Outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or nuisance effects (Policy 20.2.2.1.f). <i>Conditions that may be imposed include:</i> iv. Landscaping <u>to minimise adverse visual and nuisance effects from lighting, vehicle headlights, or car parking areas on surrounding properties</u>. {Rec cl.16³}

20.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
15. Number, location, and design of ancillary signs	a. Effects on on-site amenity	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Ancillary signs are located and designed to maintain or enhance {Rec cl.16} on-site amenity and surrounding streetscape and residential amenity, and {Rec cl.16} by being of an appropriate number size {Rec cl.16}, design, and number to convey information about the name and nature of the club, organisation, or reserve, and not oversized or too numerous than what is necessary for that purpose (Policy 20.2.2.3.a). iii. Commercial sponsorship signs ancillary to sport and recreation are managed and/or {Rec cl.16} temporary in nature or are enclosed within a site {Rec cl.16} to maintain on-site amenity and surrounding streetscape and residential amenity (Policy 20.2.2.3.b). <i>Potential circumstances that may support a consent application include:</i> iv. The number and location of signs will not result in more than minor cumulative visual effects.
	b. Effects on neighbourhood {Rec cl.16} surrounding streetscape and residential amenity	
	c. Effects on the safety and efficiency of the transport network	See Rule 6.9
16. Parking loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
17. Screening of outdoor gathering areas {Rec cl.16^s}	a. Effects on surrounding sites' amenity {Rec cl.16}	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Buildings are designed and located to avoid communal outdoor gathering areas, including decks, overlooking or disturbing surrounding properties or effect residential amenity (Policy 20.2.2.1.d). <i>Potential circumstances that may support a consent application include:</i> iii. Communal outdoor gathering areas will not be close to, or overlooking, residential buildings or outdoor living areas. <i>Conditions that may be imposed include:</i> iv. Landscaping to minimise adverse visual and nuisance effects from lighting, and noise on surrounding properties. v. Conditions may be imposed to minimise noise through the use of acoustic fencing or other treatments. {Rec cl.16}

20.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
18. Setback from coast and water bodies	a. Effects on biodiversity <u>values</u> {NatEnv 958.60} and natural character values of riparian margins and the coast	See Rule 10.4
	b. Effects on public access	See Rule 10.4
	c. Risk from natural hazards	See Rule 11.4
19. Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
20. Vegetation clearance standards: • {Protected areas (<u>vegetation clearance</u>) {NatEnv cl.16} }	a. Effects on biodiversity <u>values</u> {NatEnv 958.60} and natural character values of riparian margins and the coast	See Rule 10.4
21. Vegetation clearance standards: • Protected species (indigenous vegetation clearance)	a. Effects on biodiversity <u>values</u> {NatEnv 958.60}	See Rule 10.4

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

² **Rec cl.16:** The firefighting performance standard applies to residential activities. Residential activity is non-complying in this zone and so the performance standard is not relevant and has been removed under cl.16.

³ **Rec cl.16:** Error - incorrectly located under this activity.<

⁴ **Rec cl.16:** Amended to align better with policy wording.

⁵ **Rec cl.16:** Performance standard does not exist.

20.9.5 Assessment of subdivision performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Access	a. Effects on accessibility	See Rule 6.9
		b. Effects on the safety and efficiency of the transport network	
2.	Esplanade reserves and strips	a. Effects on biodiversity <u>values</u> {NatEnv 958.60} and natural character values of riparian margins and coast	See Rule 10.4
		b. Effects on public access	
3.	Fire fighting	a. Effects on health and safety	See Rule 9.4
4.	Service connections	a. Effects on efficiency and affordability of infrastructure	See Rule 9.4

20.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
5. Shape	<i>Relevant objectives and policies:</i> a. Objectives 2.4.1 b. Subdivisions are designed to ensure any future land use or development is able to meet the performance standards in the zone, or where in a structure plan mapped {ULS cl.16} area, reflects the requirements of the structure plan mapped area performance standards {ULS cl.16}, unless: i. a resource consent is approved for a development that does not meet the performance standard and the subdivision is intended for and capable of providing for that approved development; or ii. the resultant site is required for: 1. Scheduled ASCV ASBV or {NatEnv 958.60} QEII covenant; 2. reserve; 3. access; 4. ~~utility network utility activities~~; or {Rec cl.16} 5. road (Policy 2.4.1.8). <i>General assessment guidance:</i> c. Non-compliance with the performance standard for shape will be assessed based on which performance standard(s) the shape of the resultant site does not provide for compliance with. See matters of discretion and assessment rules in relation to performance standard contraventions for: i. boundary setbacks; ii. setbacks from <u>coast and</u> {Rec cl.16} water bodies; iii. setback from scheduled tree; and iv. setback from ~~n~~National ~~g~~Grid. <i>Conditions that may be imposed:</i> d. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site. e. A building platform may be required to be registered against the title by way of consent notice.	

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

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. In a hazard overlay zone, ~~swale mapped area or dune system mapped area~~ {NH cl.16}: • ~~Hazard overlay zones development standards~~ {NH cl.16} • <u>Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) overlay zones and in a dune system mapped area)</u> • <u>Outdoor Storage (Hazard 1 (flood) Overlay Zone)</u> {NH cl.16} • <u>Hazardous substances quantity limits and storage requirements</u> {PO cl.16}	a. Risk from natural hazards	See Rule 11.4
2. In the NCC overlay zone: • Maximum height	a. Effects on natural character of the coast	See Rule 10.4
3. On a scheduled heritage building or scheduled heritage structure: • Materials and design	a. Effects on heritage values	See Rule 13.5

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

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
4. In an UCMA urban biodiversity mapped area: {NatEnv 958.60} Vegetation clearance standards: Maximum area of vegetation clearance (UBMA) {NatEnv cl.16}	a. Effects on biodiversity values {NatEnv 958.60}	See Rule 10.4
5. In a wāhi tūpuna mapped area: - Setback from coast and water bodies - Esplanade reserves and strips <u>Vegetation clearance standards</u>: Maximum area of indigenous vegetation clearance (UBMA) {NatEnv cl.16} - Protected areas - Protected species	a. Effects on cultural values of Manawhenua	See Rule 14.3

¹ **NH cl.16:** The standards do not include provisions which apply in a **swale mapped area** or a **dune system mapped area**.

Rule 20.10 Assessment of Restricted Discretionary Activities

Rule 20.10.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 20.10.2 - 20.10.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. ~~Rules 20.10.2 - 20.10.5 apply as follows: 20.10.4 apply to activities in the Recreation Zone; Rule 20.10.5 contains additional provisions that apply to activities in overlay zones, mapped areas, and on scheduled items.~~
{Rec cl.16}
 - a. Rule 20.20.2 applies to restricted discretionary land use activities;
 - b. Rule 20.10.3 applies to restricted discretionary development activities;
 - c. Rule 20.20.4 applies to restricted discretionary subdivision activities; and
 - d. Rule 20.20.5 applies to restricted discretionary activities in an overlay zone, mapped area, or affecting a scheduled item. **{Rec cl.16}**
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
5. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 20.9; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 20.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 20.12; and

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

20.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All restricted discretionary land use activities, including <u>but not limited to the activities below</u> : {Rec cl.16} - community and leisure – large-scale - activities listed below: {Rec cl.16}	a. Effects on the safety and efficiency of the transport network	See Rule 6.10
A. All high trip generators, which include: {Trans cl.16} any activities that generate 250 or more vehicle movements a day {Trans cl.16}	a. Effects on accessibility {Trans cl.16} b. Effects on the safety and efficiency of the transport network {Trans cl.16}	See Rule 6.10 {Trans cl.16}

20.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. Campgrounds	a. Effects on <u>amenity</u> of surrounding sites' amenity {Rec cl.16}	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Campgrounds are designed so any adverse effects, including from noise or dust, or loss of privacy, on surrounding residential properties and other recreation area users, ~~can~~ <u>will</u> {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated (Policy 20.2.2.7). iii. Campgrounds are designed so service areas are not visible from ground level from outside the site (Policy 20.2.2.1.c). iv. Outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or create nuisance effects (Policy 20.2.2.1.f). <i>Conditions that may be imposed include:</i> v. Limits on the scale of the activity. vi. Location of dump stations (for disposal of waste from motor homes) away from boundaries with residential properties. vii. Restrictions on location and hours of operation of generators to minimise any effects from noise on neighbours. viii. Road upgrades necessary to handle the amount and type of vehicles anticipated. ix. Location, screening, or acoustic fencing of communal outdoor gathering areas.

20.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Cemeteries	a. Effects on cultural values of Manawhenua	See Rule 14.4
	b. Effects on <u>amenity</u> of surrounding sites' amenity {Rec cl.16}	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Cemeteries are designed and located to: 1. avoid, or if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigate, adverse effects on the amenity of surrounding sites <u>residential properties</u> {Res cl.16}; and 2. minimise, as far as practicable, {PO 906.34 and 308.497} the potential for reverse sensitivity that may affect the ability of the cemetery to operate from surrounding permitted activities {PO 1046.5} (Policy 20.2.2.8). <i>General assessment guidance/Conditions that may be imposed include:</i> iii. In assessing the effects on amenity, Council will consider whether graves will be located a suitable distance away from boundaries and whether any screening or landscaping proposed will be adequate. These aspects may be included as conditions of consent.

20.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
4. Early childhood education - small scale	a. Effects on <u>amenity of surrounding sites'</u> amenity {Rec cl.16}	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Early childhood education facilities are designed, and located, and operated {Rec 557.4} to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate adverse effects on the amenity of surrounding residential properties (Policy 20.2.2.12.a). <i>General assessment guidance:</i> iii. In assessing the effects on amenity, Council will consider whether buildings and outdoor areas are designed and located to reduce noise emissions. <i>Conditions that may be imposed include:</i> iv. Delivery time restrictions. v. Landscaping to minimise amenity effects of lighting, or parking areas on surrounding properties. Mitigation measures to minimise noise such as insulation, acoustic fencing, low noise surfaces for play areas, or other such treatments. vi. A noise management plan may be required.
	b. Effects on on-site amenity	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Early childhood education facilities are designed, and located, and operated {Rec 557.4} to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate adverse effects for other recreation area users (Policy 20.2.2.12.b). <i>Potential circumstances that may support a consent application include:</i> iii. Any loss of open space that would otherwise be available to the public, is minimal. iv. The activity will support a recreation activity on the site. <i>General assessment guidance include:</i> v. In assessing the effects on amenity, Council will consider whether: 1. noise emissions reduction measures should be required 2. the scale of the activity is suitable for the site.

20.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
5. Stand-alone car parking	a. Effects on on-site amenity	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Stand-alone car parking is only allowed where it is the secondary use of a parking area required for an activity provided for in the recreation area, when not required for the primary purpose of the area, and where that parking is not needed to facilitate public use of the recreation area (Policy 20.2.2.13). <i>Conditions that may be imposed include:</i> iii. Limits on the number of parking spaces that can be used for stand-alone parking to ensure car parks are still available for public use. iv. Limits on the hours parking spaces can be used for stand-alone car parking to ensure conflicts with the primary use of the site do not occur.
6. Ancillary licensed premises	a. Effects on <u>amenity of surrounding sites'</u> amenity {Rec cl.16}	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Ancillary licensed premises operate in a way that avoids or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigates, noise or other adverse effects on the amenity of surrounding residential properties (Policy 20.2.2.5). <i>Potential circumstances that may support a consent application include:</i> iii. The intensity and scale of the activity will not result in increased vehicle or pedestrian movement at unreasonable hours or undesirable activities that would create a disturbance for surrounding residential properties; and iv. effects of the activity will be contained within the recreation area.

¹ **Trans cl.16:** Under Transportation section assessment rules (Rule 6.10.2.7a&b), 'effects on accessibility' and 'effects on safety and efficiency of the transport network' are matters of discretion for high trip generators, which include land use activities that generate 250 or more vehicle movements a day. However, the rule necessary to link to Rule 6.10.2.7 was inadvertently omitted from notified Section 20 assessment rules. The correction of this error, via the addition of Rule 20.10.2.A, does not result in a substantive change to the effect of provisions.

20.10.3 Assessment of restricted discretionary development activities

Development activities	Matters of discretion	Guidance on the assessment of resource consents
1. New buildings or additions and alterations that result in a building that is {Rec cl.16} greater than 350m ² GFA and/or has any wall longer than 20m.	a. Effects on on-site amenity b. Effects on <u>amenity of surrounding sites</u> amenity {Rec cl.16} c. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. New buildings or additions and alterations to buildings avoid adverse effects on on-site amenity, or if avoidance is not possible practicable {PO 908.3 and others}, effects are adequately mitigated (Policy 20.2.2.10). iii. Development maintains or enhances on-site amenity for recreation area users, neighbourhood amenity and the amenity of any surrounding residential properties by ensuring the scale of buildings and structures is appropriate to the recreation area and in keeping with the scale of buildings in surrounding residential environments (Policy 20.2.2.1.b). <i>Potential circumstances that may support a consent application include:</i> iv. The visual effect of the building length is screened and softened by landscaping, fencing, or other screening. v. The building is set back from boundaries an adequate distance to avoid shading or visual effects on adjacent residential properties or public places. vi. Topography of the site mitigates the effects of the building scale on adjacent residential properties or public places. vii. The building will not result in removal of important trees or other vegetation. viii. The building will not visually dominate the site or result in unacceptable loss of open space available for users of the recreation area. ix. The building enhances opportunities for use of the recreation area for its purpose. x. The building is attractive and has appropriate building modulation such as through: 1. varying building elevations; 2. setting parts of the building back; 3. using different textures; 4. architectural features; or 5. other forms of building modulation.

20.10.3 Assessment of restricted discretionary development activities

Development activities	Matters of discretion	Guidance on the assessment of resource consents
2. Earthworks – large-scale (that exceed the scale thresholds for the recreation zones) {EW cl.16} ¹	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 20.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 20.2.3.3.a): iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 20.2.3.3.b): <i>Potential circumstances that may support a consent application include:</i> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or effect existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to:</i> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished.

20.10.3 Assessment of restricted discretionary development activities

Development activities	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 20.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 20.2.3.3.c): <i>Potential circumstances that may support a consent application:</i> iii. A geotechnical report confirms the existing ground is suitably stable for the proposed works, and proposed works will not create instability risks for surrounding land, buildings, or structures (see Special Information Requirements – Rule 20.13.1): iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards <i>Conditions that may be imposed include, but are not limited to:</i> v. Maximum slopes of cut and fill batters: vi. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period: vii. Temporary shoring requirements to maintain stability before a wall is constructed: viii. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction:
3. Earthworks – large scale (that exceed scale thresholds within 5m of a water body or MHWS) {EW cl.16} ¹	a. Effects on biodiversity and natural character of riparian margins and the coast b. Effects on public access	See Rule 10.5

20.10.3 Assessment of restricted discretionary development activities

Development activities	Matters of discretion	Guidance on the assessment of resource consents
4. <u>High trip generators:</u> {Trans cl.16²} • New <u>or</u> additions to parking areas ; ~~or extensions to existing parking areas~~ that result in the creation of 50 or more new parking spaces {Trans cl.16}	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility	See Rule 6.10

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

² **Trans cl.16:** A reference to 'high trip generators' has been added here, to clarify that this activity is assessed as a high trip generator under Transportation section rules. This does not result in a substantive change to the effect of provisions.

20.10.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. General subdivision	a. Effects on the efficient and effective operation of the recreation area	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. The subdivision does not adversely affect the efficient and effective operation of the recreation area (Policy 20.2.2.11).
	b. Effects on the safety and efficiency of the transport network	See Rule 6.10
	c. Effects on health and safety	See Rule 9.5
	d. Effects on biodiversity <u>values</u> {NatEnv 958.60} and natural character of riparian margins and the coast	See Rule 10.5
	e. ~~Effects on areas of indigenous vegetation and the habitat of indigenous fauna~~ {NatEnv 958.60}	
	f. Effects on public access	
	g. Risk from natural hazards	See Rule 11.5

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	In a GPA mapped area : Earthworks – large scale (that exceed the scale thresholds for a GPA) {EW cl.16’}	a. Effects on health and safety	See Rule 9.5
2.	In a hazard overlay zone ~~all hazard overlay zones, swale mapped areas and dune system mapped areas~~ : {NH 949.25, NH 634.69 and NH cl.16} ~~General subdivision~~ {NH 949.25, NH 634.69 and NH cl.16} - Earthworks – large scale (that exceed the scale threshold for a hazard overlay zone or a swale or dune system mapped area) {EW cl.16’}	a. Risk from natural hazards	See Rule 11.5
3.	In a Hazard 1 (land instability) Overlay Zone (see Rule 20.3.6): New buildings, and additions and alterations to buildings, which create more than 1m² of new ground floor area {NH 73.4 and others}	a. Risk from natural hazards {NH 73.4 and others}	See Rule 11.5 {NH 73.4 and others}
4.	In a Hazard 1 (flood) or Hazard 2 (flood) {NH 73.4 and others} Overlay Zone other than the hazard 1 (land instability) Overlay Zone {NH 73.4 and others} (see Rule 20.3.6): New buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area	a. Risk from natural hazards	See Rule 11.5
5. {NH cl.16’}	In a geologically sensitive mapped area (GSA) : {NH cl.16} Earthworks – large scale (that exceed underlying zone scale thresholds) {NH cl.16}	a. Risk from natural hazards {NH cl.16}	See Rule 11.5 {NH cl.16}
6.	In the NCC Overlay Zone : - Forestry - New buildings or additions and alterations that result in a building greater than 60m² GFA and/or has any wall longer than 20m - Earthworks – large scale (that exceed scale thresholds for an NCC) {EW cl.16’} - Indigenous vegetation clearance – large scale {NatEnv cl.16} - General subdivision	a. Effects on natural character of the coast	See Rule 10.5

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
7. On a Scheduled ASCV ASBV {NatEnv 958.60}: • New buildings or additions and alterations that result in a building greater than 60m² GFA and/or has any wall longer than 20m • General subdivision • Earthworks – large scale (that exceed scale thresholds for a Scheduled ASCV) {EW cl.16} • Indigenous vegetation clearance {NatEnv 949.13} • Shelterbelts and small woodlots {NatEnv 958.107} • Site development activities (except for outdoor storage, parking, loading and access, vegetation clearance, storage and use of hazardous substances) {NatEnv 958.107}	a. Effects on biodiversity <u>values</u> {NatEnv 958.60}	See Rule 10.5
8. Activities affecting a scheduled heritage item building or scheduled heritage structure {Her cl.16}: • Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure • Removal for relocation of a scheduled heritage building or scheduled heritage structure {Her cl.16} • New buildings, all other structures, parking, loading and access on a scheduled heritage site, visible from an adjoining public place or a publicly accessible place within the heritage site {Her cl.16} • Earthworks – large scale (that exceed the scale thresholds for a scheduled heritage site) {EW cl.16} • General <u>All subdivision activities on sites containing a scheduled heritage building or scheduled heritage structure</u> {Her cl.16}	a. Effects {Rec cl.16} on heritage values	See Rule 13.6
X. <u>Activities affecting a scheduled heritage site: {Her cl.16}</u> • <u>New buildings and structures on a scheduled heritage site, where visible from an adjoining public place or a publicly accessible place within the site</u> {Her cl.16} • <u>Parking, loading and access on a scheduled heritage site, where visible from an adjoining public place or a public place within the site</u> {Her cl.16} • <u>All subdivision activities</u> {Her cl.16}	a. Effects on heritage <u>values</u> {Her cl.16}	See Rule 13.6 {Her cl.16}

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
9.	In an UCMA : Earthworks – large scale (that exceed the scale threshold for a UCMA) {EW cl.16}	a. Effects on biodiversity	See Rule 10.5
10.	In a wāhi tūpuna mapped area where activity is identified as a threat, including: - All RD forestry - All RD buildings and structures, additions and alterations up to 60m² - Earthworks – large scale that exceed any scale threshold {EW cl.16} - All RD {NatEnv cl.16} indigenous vegetation clearance – large scale {NatEnv cl.16} - General subdivision activities {MW 1071.3}	a. Effects on cultural values of Manawhenua	See Rule 14.4
11.	In the Hazard 2 (flood) Overlay Zone : {NH 634.74} - Natural hazards {NH cl.16} sensitive activities {NH 634.74} - Natural hazards {NH cl.16} potentially sensitive activities {NH 634.74}	a. Risk from natural hazards {NH 634.74}	See Rule 11.5 {NH 634.74}
12. {NU 806.11}	In the National Grid Corridor mapped area : {NU806.11} General subdivision {NU 806.11}	a. Effects on health and safety {NU806.11} b. Reverse sensitivity effects {NU806.11} c. Effects on efficient and effective operation of network utilities {NU806.11}	See Rule 5.8 {NU 806.11}

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

² **NH cl.16:** Geologically sensitive areas are not part of the Plan, and are included in the data map for information purposes only. Reference to them in assessment rules is therefore incorrect and has been removed under cl.16. There is no substantive change to the provisions.

Rule 20.11 Assessment of Discretionary Activities

Rule 20.11.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 20.11.2 - 20.11.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. Rules 20.11.2 - 20.11.3 apply as follows: {Rec cl.16}
 - a. Rule 20.11.2 applies to discretionary land use activities; and
 - b. Rule 20.11.3 applies to discretionary performance standard contraventions. {Rec cl.16}
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

20.11.2 Assessment of discretionary land use activities		
Activity		Guidance on the assessment of resource consents
1.	All discretionary <u>land use</u> activities listed below {PO cl. 16}	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 20.2.1 and 20.2.2 <i>Potential circumstances that may support a consent application include:</i> b. For discretionary land use activities, whether any associated development activities meet relevant performance standards, or are otherwise consistent with relevant objectives and policies for development (see Rules 20.9 for performance standard contraventions). c. For discretionary land use activities, whether relevant land use performance standards are met, including noise and light spill standards. <i>General assessment guidance:</i> d. ~~For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects. {Rec cl.16}~~ e. ~~In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the~~

20.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
	~~assessment guidance provided in relation to the underlying activity status will also be considered. {Rec cl.16³}~~ f. In assessing the significance of effects, consideration will be given to: i. both short and long term effects, including effects in combination with other activities ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the grant of resource consent. iii. ~~Manawhenua values and the relationship between manawhenua and the natural environment is maintained, including cultural values and traditions associated with:~~ {MW cl.16} 1. ~~wāhi tūpuna; and~~ {MW cl.16} 2. ~~the customary use of mahika kai (Objective 14.2.1):~~ {MW cl.16} iv. ~~If located outside a wāhi tūpuna mapped area, Kai Tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi tūpuna is located, or the linkages between wāhi tūpuna:~~ {MW 1071.109} <i>Relevant guidance from other sections (priority considerations):</i> g. <u>See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety</u> {PHS cl.16} h. <u>For activities that may have effects on biodiversity values, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1.</u> {NatEnv 900.35} i. <u>For activities adjacent to water bodies and the coast, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.2.</u> {NatEnv 900.38} j. <u>See Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua</u> {MW cl.16}

20.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
2. Early childhood education - large scale	<i>Relevant objectives and policies (priority considerations)</i> a. Objective 20.2.2 b. Early childhood education facilities are designed, and located, and operated {Rec 557.4} to avoid or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigates adverse effects on the amenity of surrounding residential properties or other recreation area users (Policy 20.2.2.12). <i>Potential circumstances that may support a consent application include:</i> c. The activity will not result in a loss of open space that would otherwise be available to the public. d. The activity is provided to support a recreation activity on the site. <i>General assessment guidance:</i> e. In assessing the effects on amenity Council will consider whether buildings and outdoor areas are designed and located to reduce noise emissions. f. The scale of the activity is suitable for the site. <i>Conditions that may be imposed include:</i> g. Delivery time restrictions. h. Landscaping to minimise amenity effects of lighting, vehicle headlights or parking areas on surrounding properties. i. Mitigation measures to minimise noise such as insulation, acoustic fencing, low noise surfaces for play areas, or other such treatments. j. A noise management plan. <i>Relevant guidance from other sections (priority considerations):</i> k. See Section 6.11 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network <u>and its affordability to the public</u> {Trans 881.63}. l. <u>See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and Policy 9.2.2.15 and the risks to people from an emergency event occurring at a hazard facility.</u> {PHS 906.1}

20.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
3.	Mining <i>Relevant objectives and policies (priority considerations):</i> a. Objective 20.2.2 b. Mining is only allowed where there is reasonable certainty that land will be restored <u>or rehabilitated to {CP 458.24 and others}</u> a standard that will minimise, <u>as far as practicable, {PO 906.34 and 308.497}</u> the long term visual effects (Policy 20.2.2.9.a). c. Any adverse effects on the amenity of the site for recreation users or on surrounding residential properties from noise or dust can be avoided or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, adequately mitigated (Policy 20.2.2.9.b). <i>Potential circumstances that may support a consent application include:</i> d. The site will be restored <u>or rehabilitated {CP 458.24 and others}</u> to the satisfaction of the landowner. e. The site will be restored <u>or rehabilitated {CP 458.24 and others}</u> to its original or better condition at the completion of the activity or, for mining sand from dunes or beaches, there will be no significant effect on the look of the area. f. ~~For mining sand from dunes or beaches, there will be no significant effect on the look of the area. {CP cl.16}~~ g. The activity will not result in the creation of significant dust and noise. h. The stability of the area, or surrounding areas will not be undermined or affected. <i>Relevant guidance from other sections (priority considerations):</i> i. See Section 6.11 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network <u>and its affordability to the public {Trans 881.63}</u>. j. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. k. See Section 10.46 <u>{NatEnv cl.16}</u> for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects on biodiversity <u>values. {Nat Env 958.60}</u> l. Where in the NCC Overlay Zone, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and effects related to the natural character of the coast. m. Where in a wāhi tūpuna mapped area, see Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.

20.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
4.	Sport and recreation that involves motor vehicles <i>Relevant objectives and policies (priority considerations):</i> a. Objective 20.2.2 b. Sport and recreation that involves motor vehicles has no, or only minimal, adverse effects on: i. surrounding residential properties; and ii. other recreation area users (Policy 20.2.2.6). <i>General assessment guidance:</i> c. There is sensitivity to the ecological values, scale, character, and use of the recreation area. d. Existing trees and desirable vegetation is retained. e. <u>Activities support the continued operation of railway activities at 3 John Wilson Drive, Ocean Beach {Rec 553.5}</u> <i>Relevant guidance from other sections (priority considerations):</i> f. See Section 6.11 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network <u>and its affordability to the public {Trans 881.63}</u>. g. Where in an ~~Scheduled ASGV~~ <u>ASBV</u> {NatEnv 958.60} - See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity <u>values</u>. {Nat Env 958.60}

20.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
8. <u>Conference, meeting and function</u> {Rec 557.4}	<u>Relevant objectives and policies (priority considerations): {Rec 557.4}</u> a. <u>Objectives 20.2.1 and 20.2.2 {Rec 557.4}</u> b. <u>Conference, meeting and function is designed, located and operated to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on surrounding residential properties amenity. (Policy 20.2.2.12.a) {Rec 557.4}</u> c. <u>Conference, meeting and function is designed, located, and operated to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on other reserve area users. (Policy 20.2.2.12.b) {Rec 557.4}</u> <u>Potential circumstances that may support a consent application include: {Rec 557.4}</u> d. <u>The activity will not result in a loss of open space that would otherwise be available to the public. {Rec 557.4}</u> e. <u>The activity is provided to support a recreation activity on the site. {Rec 557.4}</u> <u>General assessment guidance: {Rec 557.4}</u> f. <u>In assessing the effects on amenity Council will consider whether buildings and outdoor areas are designed and located to reduce noise emissions. {Rec 557.4}</u> <u>Conditions that may be imposed include: {Rec 557.4}</u> g. <u>Restrictions on the hours, days or frequency of operation, or maximum number of participants for events. {Rec 557.4}</u> h. <u>Delivery time restrictions. {Rec 557.4}</u> i. <u>Landscaping to minimise amenity effects of lighting, vehicle headlights or parking areas on surrounding properties. {Rec 557.4}</u> j. <u>Mitigation measures to minimise noise such as insulation, acoustic fencing, or other such treatments. {Rec 557.4}</u> <u>Relevant guidance from other sections (priority considerations):</u> k. <u>See Section 6.11 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network {Rec 557.4} and its affordability to the public. {Trans 881.63}</u>

20.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
5. In an ~~Scheduled ASCV ASBV~~ {NatEnv 958.60}: • Sport and recreation (including ancillary activities) otherwise permitted in recreation zone (excluding sport and recreation that involves motor vehicles) {Rec cl.16}¹ • Restaurants and retail ancillary to sport and recreation. {Rec cl.16}²	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity values. {Nat Env 958.60}
6. In the ~~hazard 1 overlay zones~~ (see Rule 16.3.6): {NH634.74} • Potentially sensitive activities permitted in recreation zone {NH634.74}	See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH634.74}
7. In the ~~hazard 2 overlay zones~~ (see Rule 16.3.6): {NH634.74} • Potentially sensitive activities not permitted in recreation zone {NH634.74} • Sensitive activities {NH634.74}	See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH634.74}

¹ Rec cl.16: Amended for clarity and to align with activity status table. ² Rec cl.16: Rule 20.11.2.1.d duplicates Rule 20.11.1.3 and therefore is unnecessary. ³ Rec cl.16: Rule 20.11.2.1.e unnecessary because there are no activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item.

20.11.3 Assessment of discretionary performance standard contraventions

Activity		Guidance on the assessment of resource consents
1. {Rec557.4}	Scale of operation (scale of activities) {Rec 557.4}	<i>Relevant objectives and policies (Priority considerations): {Rec 557.4}</i> a. Objective 20.2.2 {Rec 557.4} b. Conference, meeting, and function ancillary to sport and recreation operate in a way that avoids or, if avoidance is not possible, adequately mitigates, noise or adverse effects on the amenity of surrounding residential properties (Policy 20.2.2.5). {Rec 557.4} <i>General assessment guidance: {Rec 557.4}</i> c. The activity should not be used for large conference, meeting or function activities or at a frequency that exceeds the performance standards by a significant amount. Consideration needs to be given to the suitability of the activity in relation to the surrounding land uses, or other uses of the recreation area that are likely to occur at the same time, where conflicts in the use of the recreation area may occur. {Rec 557.4} d. The activity should not be of such a scale that it becomes a dominant, rather than ancillary, use of a building or car parking which should primarily be for recreation purposes. {Rec 557.4} e. Consideration of whether the proposed activities are likely to create a disturbance or disruption to other users of the recreation area. {Rec 557.4}
2.	- Acoustic insulation - Noise - where the limit is exceeded by up to less than {PHS cl.16} 5bD LAeq (15 min) - Light spill - where the limit is exceeded by 25% or less	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
3.	<u>Location (hazard facility mapped area) {PHS 906.1}</u>	<i>Relevant guidance from other sections (priority considerations):</i> a. See Rule 9.6 {PHS 906.1}

Rule 20.12 Assessment of Non-complying Activities

Rule 20.12.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 20.12.2 - 20.12.5 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. Rules 20.12.2 - 20.12.5 apply as follows: {Rec cl.16}
 - a. Rule 20.12.2 applies to all non-complying activities;
 - b. Rule 20.12.3 applies to non-complying land use activities;
 - c. Rule 20.12.4 applies to non-complying development activities;
 - d. Rule 20.12.X applies to non-complying subdivision activities; and
 - e. Rule 20.12.5 applies to non-complying performance standard contraventions. {Rec cl.16}
 - f. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

20.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities <u>including but not limited to the activities listed below. {Rec cl.16}</u>	<i>Relevant objectives and policies (priority considerations):</i> a. The activity does not detract from, or preferably contributes to, the strategic direction objectives, including, but not limited to, those related to: i. Objective 2.3.3 and 2.4.1 b. The activity supports the purpose of the zone as outlined in Objective 20.2.1. <i>General assessment guidance:</i> c. In assessing the significance of effects, consideration will be given to: i. both short and long term effects, including effects in combination with other activities; ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the grant of resource consent; iii. any effects otherwise managed through performance standards and consistent with all relevant objectives and policies for the zone; iv. ~~Manawhenua values and the relationship between manawhenua the natural environment is maintained, including cultural values and traditions associated with: {MW cl.16}~~ 1. ~~wāhi tūpuna; and {MW cl.16}~~ 2. ~~the customary use of mahika kai (Objective 14.2.1): {MW~~

20.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
	cl.16} v. If located outside a wāhi tūpuna mapped area, Kai Tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi tūpuna is located, or the linkages between wāhi tūpuna: {MW 1071.109} d. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. <i>Relevant guidance from other sections (priority considerations):</i> e. See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public. {Trans cl.16} f. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety {PHS cl.16} g. For activities that may have effects on biodiversity values, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1. {NatEnv 900.35} h. For activities adjacent to water bodies and the coast, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.2. {NatEnv 900.38} i. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua {MW cl.16}

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

20.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. Commercial advertising	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c c. Where in a Scheduled ASCV – See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity. {Rec cl.16}

20.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
2. • Commercial activities (except commercial advertising, campgrounds) • Industrial activities • Major facilities <u>facility</u> {MF cl.16} activities (except cemeteries and crematoriums {MW cl.16²}) • Rural activities (except grazing, forestry, <u>mining</u>, {Rec cl.16} and <u>scheduled mining activity</u> {CP 874.2 and others} and landfills {MW cl.16²})	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 20.2.1 b. Policy 20.2.1.4 c. ~~Where in a Scheduled ASCV – See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity.~~ {Rec cl.16¹}
~~3.~~ • Crematoriums • Landfills {MW cl.16²}	~~<i>Relevant objectives and policies (priority considerations):</i>~~ ~~a. Objective 20.2.1~~ ~~b. Policy 20.2.1.4~~ ~~<i>Relevant guidance from other sections (priority considerations):</i>~~ ~~c. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and the effects on the cultural values of Manawhenua.~~ ~~d. Where in a Scheduled ASCV – See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity.~~ {MW cl.16³}
~~4.~~ Cemeteries {Rec cl.16⁴}	~~<i>Relevant guidance from other sections (priority considerations):</i>~~ ~~a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and the effects on cultural values of Manawhenua.~~ {Rec cl.16⁴}
5. Residential	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 20.2.1 b. Policy 20.2.1.4 c. ~~Where in a Scheduled ASCV – See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity.~~ {Rec cl.16¹} <i>Potential circumstances that may support a consent application include:</i> d. An on-site residence is essential for management of the recreation area and approval has been granted under the Reserves Act 1977; and e. The location, design, and scale of the residence is appropriate to minimise effects on the recreation area, recreation users, surrounding sites, and neighbourhood amenity.

20.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
6. In the Hazard 1 (flood) {NH 73.4 and others} Overlay Zone (see Rule 20.3.6): • <u>Natural hazards</u> ~~P~~potentially {NH cl.16} sensitive activities ~~not~~ permitted in Recreation Zone: {NH 634.74} • <u>Natural hazards</u> ~~S~~sensitive {NH cl.16} activities	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and the effects related to the risk from natural hazards.
7. In an ~~an~~ Scheduled ASCV ASBV {NatEnv 958.60}: • <u>Campgrounds</u> {Rec cl.16'} • <u>Cemeteries</u> {Rec cl.16'} • <u>Stand-alone car parking</u> {Rec cl.16'} • <u>Commercial activities (except ancillary licensed premises, conference, meeting and function, restaurants or retail activities ancillary to sport and recreation)</u> {Rec cl.16'} • <u>Rural activities</u> {Rec cl.16'} • <u>Industrial activities</u> {Rec cl.16'} • <u>Residential activities</u> {Rec cl.16'} • <u>Major Facility activities</u> {Rec cl.16'}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity <u>values</u>. {Nat Env 958.60}
8. In a hazard facility mapped area: • <u>Major facility activities</u> • <u>Entertainment and exhibition</u> • <u>Registered health practitioners</u> • <u>Residential</u> • <u>Training and education</u> • <u>Visitor accommodation</u> {PHS 906.1}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and Policy 9.2.2.15 and the risks to people from an emergency event occurring at a hazard facility. {PHS 906.1}

¹ **Rec cl.16:** All assessment related to ASBVs has been incorporated into Rule 20.12.3.7 for clarity. This does not change the effect of provisions.

² **MW cl.16:** Rules 20.12.3.2 and 20.12.3.3 have been combined.

³ **MW cl.16:** This guidance has been moved to 20.12.2.1.i.

⁴ **Rec cl.16:** This rule has been removed as incorrect. Cemeteries are RD activities except in ASBVs (Rule

20.12.3.7). Guidance on effects on cultural values of Manawhenua is now in Rule 20.12.2.1.i.

20.12.4 Assessment of non-complying development and subdivision {Rec cl.16} activities

Activity	Guidance on the assessment of resource consents
1. Demolition of a protected part of a scheduled heritage building or scheduled heritage structure	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and the effects on heritage values.
2. Cross lease, company lease and unit title subdivision {Rec cl.16}	<i>Relevant objectives and policies (priority considerations):</i> > {Rec cl.16} a. Objective 20.2.2> {Rec cl.16} b. Policy 20.2.2.11> {Rec cl.16}
3. In an ASBV: • Indigenous vegetation clearance – large scale {NatEnv 949.13}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values. {NatEnv 949.13}

¹ **Rec cl.16:** As a clause 16 amendment this content has been moved to table 20.12.X. This is not a substantive change to provisions.

20.12.X Assessment of non-complying subdivision activities {Rec cl.16}

Activity	Guidance on the assessment of resource consents
1. Cross lease, company lease and unit title subdivision	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 20.2.2 b. Policy 20.2.2.11

¹ **Rec cl.16:** As a clause 16 amendment this content has been moved from table 20.12.4. This is not a substantive change to provisions.

20.12.5 Assessment of non-complying performance standard contraventions

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

20.12.5 Assessment of non-complying performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
2.	Setback from National Grid	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.4 5.2.2 {NU918.29} and effects related to the efficient and effective operation of network utilities and public health and safety.
3.	Hazard overlay zones development standards: • Hazard exclusion areas	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and the effects related to the risk from natural hazards.
4.	Archaeological sites (earthworks) {EW cl.16} ¹	See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.4 and effects related to the inappropriate development and use in Dunedin's archaeological sites.
5. {NU 806.11}	Shape (Rule 20.7.5.2) - setback of building platforms from National Grid {NU 806.11}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.2 and effects related to the efficient and effective operation of network utilities, and reverse sensitivity. {NU 806.11}
6. {NatEnv 900.77}	In an ASBV : • Tree species {NatEnv 900.77}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values. {NatEnv 900.77}
7. {NatEnv 900.77}	In the NCC Overlay Zone: • Tree species {NatEnv 900.77}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and the effects related to natural character of the coast. {NatEnv 900.77}

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

Rule 20.13 Special Information Requirements {Confirmed to be deleted - EW cl.16}

EW cl.16: As a clause 16 amendment, Rule 20.13.1 Geotechnical investigation report has been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.