

## 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 <del>public</del> <b>{PO cl.16}</b> infrastructure.	
Policy 9.2.1.1	Only allow land use or subdivision activities that may result in land use or development activities where: <ol style="list-style-type: none"> <li>in an area with <u>public</u> water supply and/or wastewater <del>public</del> infrastructure, it will not exceed the current or planned capacity of that <del>public</del> <b>{PO cl.16}</b> infrastructure or compromise its ability to service any activities permitted within the zone; and</li> <li>in an area without <u>public</u> water supply and/or wastewater <del>public</del> infrastructure, it will not lead to future pressure for unplanned expansion of that <del>public</del> <b>{PO cl.16}</b> infrastructure.</li> </ol>
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 <del>activities</del> <b>{PO cl.16}</b> to provide any available <u>public</u> <b>{PO cl.16}</b> water supply and wastewater <del>public</del> <b>{PO cl.16}</b> 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> <b>{PO cl.16}</b> water supply and/or wastewater <del>public</del> <b>{PO cl.16}</b> 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> <b>{PO 881.11 and 881.13}</b> 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, <del>if avoidance is not possible, would be insignificant</del> <u>minimised, as far as practicable.</u> <b>{PHS 308.464}</b> .
Policy 9.2.1.6	Require development and subdivision in an <b>infrastructure constraint mapped area</b> to be at a density which does not compromise the current or planned capacity of the <u>public</u> wastewater <del>public</del> infrastructure, or compromise the ability of the <u>public</u> wastewater <del>public</del> <b>{PO cl.16}</b> 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> <b>{PO 908.3 and others}</b> , ensure any adverse effects would be insignificant.
Policy 9.2.2.2	Require <u>those parts of</u> <b>{PHS 308.215}</b> buildings used for noise sensitive activities in the following areas to provide adequate acoustic insulation to avoid, <u>as far as practicable</u> , <b>{PO 308.497}</b> significant <u>adverse</u> <b>{PO 308.497}</b> effects from the higher noise environment anticipated in these areas: <ul style="list-style-type: none"> <li>a. Central Business District (CBD) Zone;</li> <li>b. Warehouse Precinct (WP) Zone;</li> <li>c. Princes, Parry and Harrow Street (PPH) Zone;</li> <li>d. Harbourside Edge (HE) Zone;</li> <li>e. <b>port noise control mapped area;</b></li> <li>f. <b>airport noise inner control mapped area;</b></li> <li>g. <b>airport noise outer control mapped area;</b></li> <li>h. within 20m of an industrial zone;</li> <li>i. within 40m of a state highway;</li> <li>j. within 40m of the Taieri Aerodrome Zone;</li> <li>k. within 70m of a railway line;</li> <li>l. in-patient areas in the Dunedin Hospital Zone; or</li> <li>m. the Stadium Zone.</li> </ul>
Policy 9.2.2.3	Avoid residential and visitor accommodation activity within the <del>Dunedin International Airport</del> <b>{PHS cl.16} airport noise inner control mapped area.</b>
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> , <b>{PHS 634.14}</b> ensure any adverse effects would be insignificant.
Policy 9.2.2.5	Require forestry and <del>tree planting</del> <u>shelterbelts and small woodlots</u> <b>{RU cl.16}</b> 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> <b>{PO 908.3 and others}</b> , ensure any adverse effects would be insignificant.
Policy 9.2.2.6	Only allow mining <u>or mineral exploration</u> <b>{CP 458.1 and others}</b> where <u>any adverse effects there would be no significant effects</u> <b>{PHS 308.477}</b> 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> <b>{PHS 308.477}</b>

## 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> <b>{PO 881.11 and 881.13}</b> infrastructure where the land use, development or the size and shape of resultant sites from a subdivision, <u>these activities</u> <b>{PHS cl.16}</b> ensure wastewater and stormwater can <u>will</u> <b>{PO cl.16}</b> be disposed of in such a way that avoids adverse effects on the health of people on the site or on surrounding sites <b>{PHS cl.16}</b> or, if avoidance is not possible <u>practicable</u> <b>{PHS 308.477}</b> , ensures any adverse effects <u>would on the health of people on the site or on surrounding sites will</u> <b>{PHS cl.16}</b> be insignificant.
Policy 9.2.2.8	Require fences in <u>residential, recreation and some major facility zones</u> <b>{PHS 919.17 and 306.216}</b> 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> <b>{PO cl.16}</b> 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 <b>groundwater protection mapped area</b> 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> <b>{PHS 634.17}</b> , ensures any adverse effects <u>is are no more than low</u> <del>would be</del> insignificant. <b>{PHS 634.17}</b>
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> <b>{PO 908.3 and others}</b> , ensure any adverse effects would be insignificant.
Policy 9.2.2.13	Require public amenities, <del>network utility activities,</del> <b>{NU 457.169 and others}</b> 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> <b>{PHS 308.477}</b> , ensure any adverse effects <u>will be no more than minor</u> <del>would be</del> insignificant. <b>{PHS 308.477}</b>
Policy 9.2.2.14	Require buildings and structures within the <b>Taieri Aerodrome flight fan mapped area</b> to be of a height that enables the safe operation of the aerodrome.
Policy 9.2.2.15 <b>{PHS 906.1}</b>	<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> <b>{PHS 906.1}</b>

## 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 <b>{CMU cl.16}</b> zones (except Smith Street and York Place (SSYP)), industrial, <b>{PHS 85.1}</b> 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> <b>{PHS 85.1}</b>	A6.5 A6.2 <b>{PHS 85.1}</b>
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: <sup>1</sup> **{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 <sup>2</sup> 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 <sup>2</sup> of the indoor floor area, up to a maximum total quantity of 180kg per occupancy	45kg cylinder

<sup>1</sup> The 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 200m<sup>2</sup>, 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}**

<b>9.3A.1 Assessment of controlled activities {MF 308.353}</b>		
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 <b>{PHS cl.16}</b> affordability of infrastructure	<p><i>Relevant objectives and policies:</i></p> <p>i. Objective 9.2.1</p> <p>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 <b>{PHS cl.16}</b> not compromise the capacity required for any future permitted activities within the zone (Policy 9.2.1.4).</p>

<sup>1</sup> **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	<p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>a. The degree of non-compliance with the performance standard is minor.</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>b. Where more than one standard is contravened, the combined effects of the contraventions should be considered.</li> </ol>

### 9.4.3 Assessment of performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. <del>Buildings and structures</del> <u>Public amenities {PA cl.16}</u> located on or above the footpath (Rule 6.7.2) <del>{PHS cl.16}</del>	a. Effects on health and safety	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>i. Objective 9.2.2</li> <li>ii. <del>Public amenities, network-utility activities, {NU 457.169 and others}</del> 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).</li> </ol>



### 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) <b>{PHS cl.16}</b>	a. Effects on health and safety	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 9.2.2</li> <li>ii. <del>In areas without public infrastructure land use and development ensure wastewater and stormwater</del> <u>Only allow land use and development in areas without public</u> <b>{PHS cl.16}</b> <u>wastewater and stormwater</u> <b>{PO 881.11 and 881.13}</b> <u>infrastructure where these activities ensure wastewater and stormwater</u> <b>{PHS cl.16}</b> <u>can will</u> <b>{PO cl.16}</b> be disposed of in such a way that avoids adverse effects on the health of people on the site or on surrounding sites <b>{PHS cl.16}</b> or, if avoidance is not practicable <b>{PHS 308.477}</b> possible, ensures any adverse effects <u>would on the health of people on the site or on surrounding sites will</u> <b>{PHS cl.16}</b> be insignificant (Policy 9.2.2.7).</li> </ul>
3.	Density - standard residential in General Residential 2 Zone <b>infrastructure constraint mapped area</b> (Rule 15.5.2) <b>{PHS cl.16}</b>	a. Effects on efficiency and/or <b>{PHS cl.16}</b> affordability of infrastructure	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 9.2.1</li> <li>ii. Development in an <b>infrastructure constraint mapped area</b>, is at a density which does not compromise the current or planned capacity of the <u>public</u> wastewater <del>public</del> infrastructure, or compromise the ability of the <u>public</u> wastewater <del>public</del> <b>{PO cl.16}</b> infrastructure to service any activities permitted within the zone (Policy 9.2.1.6).</li> </ul>
4.	Density - residential activity on an existing site not in a <b>no DCC reticulated wastewater mapped area</b> <b>{Res 542.2 and 542.3}</b>	a. Effects on health and safety	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 9.2.2</li> <li>ii. <del>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).</del></li> </ul>
5.	Earthworks standards: Sediment control (Rule 8A.5.7) <b>{PHS cl.16}</b>	a. Effects on efficiency and/or <b>{PHS cl.16}</b> affordability of infrastructure	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 9.2.1</li> <li>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> <b>{PHS 308.464}</b> (Policy 9.2.1.5).</li> </ul>

### 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	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 9.2.2</li> <li>ii. Activities <del>to be</del> <u>are</u> <b>{PHS cl.16}</b> designed and operated to avoid adverse effects from electrical interference on the health of people or, if avoidance is not possible <u>practicable</u> <b>{PO 908.3 and others}</b>, ensure any adverse effects <del>would be</del> <u>are</u> <b>{PHS cl.16}</b> insignificant (Policy 9.2.2.12).</li> </ul>
7.	Fence height and design	a. Effects on health and safety	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 9.2.2</li> <li>ii. Fences <u>in residential, recreation and some major facility zones</u> <b>{PHS 919.17 and 308.216}</b> are designed to allow a visual connection between buildings and public places, to enable opportunities for informal surveillance (Policy 9.2.2.8).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The increased height or reduced visual permeability is necessary to provide security for a business or protect public well-being.</li> <li>iv. Due to topography, the fence still enables a visual connection between buildings and public places.</li> </ul>
8.	Fire fighting	a. Effects on health and safety	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 9.2.2</li> <li>ii. New residential buildings, or subdivisions <u>activities</u> <b>{PO cl.16}</b> that may result in new residential buildings, have access to suitable water supply for fire fighting purposes (Policy 9.2.2.9).</li> <li>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).</li> </ul>

### 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	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 9.2.2</li> <li>ii. Forestry and <del>tree planting</del> 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).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Mitigation measures will be used to avoid risk to buildings in the event of fire originating from the forestry or <del>tree planting</del> shelterbelts and small woodlots {RU cl.16} activity.</li> <li>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.</li> </ul>

### 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	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 9.2.2</li> <li>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 <del>practicable</del> <b>{PHS 634.17}</b>, ensures any adverse effects are no more than low <del>would be insignificant.</del> <b>{PHS 634.17}</b> (Policy 9.2.2.11).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Hazardous substances are stored in a way that meets HSNO requirements <u>and Hazardous Substances Regulations.</u> <b>{PHS cl.16}</b></li> <li>iv. There is little or no risk of any discharge of hazardous substances into the <u>public</u> stormwater <del>public</del> <b>{PO cl.16}</b> infrastructure.</li> <li>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.</li> <li>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).</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>vii. In assessing the potential effects from hazardous substances, Council will consider: <ul style="list-style-type: none"> <li>1. any additional risk from natural hazards;</li> <li>2. implications on the future use of the site through any associated HAIL classification;</li> <li>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;</li> <li>4. the nature and size of the proposed development or activity; and</li> <li>5. the sensitivity of other activities on the same or surrounding sites.</li> </ul> </li> </ul>

#### 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> <ul style="list-style-type: none"> <li><u>Hazardous substances quantity limits and storage requirements {PO cl.16}</u></li> </ul>	a. Risk from natural hazards <b>{PO cl.16}</b>	<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	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 9.2.1</li> <li>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).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. There is a genuine need to have additional impermeable surfaces and:               <ul style="list-style-type: none"> <li>1. mitigation measures such as stormwater storage are proposed; and</li> <li>2. there is no net increase in the amount or rate of stormwater leaving the site.</li> </ul> </li> </ul>
12.	Service connections	a. Effects on efficiency and affordability of infrastructure	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 9.2.1</li> <li>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> <b>{PO cl.16}</b> infrastructure services, or any adverse effects on them are insignificant (Policy 9.2.1.3).</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>iv. Require on-site systems to be included in the subdivision.</li> </ul>
13.	Maximum height within the <b>Taieri Aerodrome flight fan mapped area</b>	a. Effects on health and safety	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 9.2.2</li> <li>ii. Buildings and structures within the <b>Taieri Aerodrome flight fan mapped area</b> are a height that enables the safe operation of the aerodrome (Policy 9.2.2.14).</li> </ul>

## 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. <del>Factory farming</del> <del>Intensive farming</del> <b>{RU 1090.3}</b>	a. Effects on health and safety	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>i. Objective 9.2.2</li> <li>ii. <del>Wastewater</del> <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></li> </ol>
2. Supported living facilities <del>(except student hostels in the Campus Zone)</del> <b>{MF 308.353}</b>	a. Effects on efficiency and/or <del>{PHS cl.16}</del> affordability of infrastructure	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>i. Objective 9.2.1</li> <li>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></li> </ol>
3. Earthworks - large scale (that exceed scale thresholds for a GPMA)	a. Effects on health and safety	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>i. Objective 9.2.2</li> <li>ii. Earthworks in a <b>groundwater protection mapped area</b> do not disturb or contaminate groundwater (Policy 9.2.2.10).</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>iii. Council will consider the degree to which earthworks could breach or reduce the protective mantle of the <b>groundwater protection mapped area</b> and increase the risk of groundwater contamination.</li> </ol>



### 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 <b>{PHS cl.16}</b> affordability of infrastructure	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 9.2.1</li> <li>ii. Subdivisions <b>activities {PHS cl.16}</b> are designed to ensure any future land use or development: <ul style="list-style-type: none"> <li>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> <b>{PO cl.16}</b> infrastructure or compromise its ability to service any activities permitted within the zone; and</li> <li>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> <b>{PO cl.16}</b> infrastructure (Policy 9.2.1.1).</li> </ul> </li> </ul> <p><i>Design considerations that may support a consent application:</i></p> <ul style="list-style-type: none"> <li>iii. The subdivision will not require any ratepayer-funded public infrastructure upgrades other than as already programmed.</li> <li>iv. Resultant sites accommodate on-site retention of stormwater where needed.</li> </ul> <p><i>Design considerations for large subdivisions that involve new stormwater management systems that may support a consent application:</i></p> <ul style="list-style-type: none"> <li>v. Stormwater management areas are integrated into the layout of the subdivision and neighbourhood including in reserves.</li> <li>vi. The subdivision integrates design elements to minimise adverse effects on the stormwater infrastructure, for example through: <ul style="list-style-type: none"> <li>1. minimum impermeable surfaces</li> <li>2. grassed/landscaped swales and other vegetation areas</li> <li>3. infiltration trenches/bio-retention systems</li> <li>4. wetlands/sediment ponds</li> <li>5. rainwater tanks- harvesting and reuse</li> <li>6. rain gardens, rooftop greening and planting, and</li> <li>7. porous surface treatments.</li> </ul> </li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>vii. If required, Council will consider the contents of an integrated stormwater catchment management plan or approved stormwater discharge consent.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>viii. A requirement for wastewater connections.</li> <li>ix. A requirement that a local purpose reserve be vested in Council as a site for public utility for wastewater treatment/ disposal purposes.</li> </ul>

### 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> <b>{PO 881.11 and 881.13}</b> infrastructure)	a. Effects on health and safety	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 9.2.2</li> <li>ii. <del>The size and shape of resultant sites from a subdivision</del> <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></li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. A design for a wastewater and stormwater disposal system is prepared by a suitably qualified engineer.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>iv. Requirement wastewater and stormwater disposal design to be included in the subdivision.</li> </ul>

<sup>2</sup> 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> <b>{PHS cl.16}</b>	<p><u><i>Relevant objectives and policies (priority considerations):</i></u> <b>{PHS cl.16}</b></p> <ol style="list-style-type: none"> <li>a. <u>Objective 9.2.2</u> <b>{PHS cl.16}</b></li> <li>b. <u>Activities are designed and operated to avoid adverse effects from noise on the health of people or, where avoidance is not</u> <b>{PHS cl.16}</b> <u>practicable</u> <b>{PO 908.3 and others}</b>, <u>ensure any adverse effects would be insignificant (Policy 9.2.2.1).</u> <b>{PHS cl.16}</b></li> <li>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> <b>{PHS cl.16}</b> <u>practicable</u> <b>{PHS 634.14}</b>, <u>ensure any adverse effects would be insignificant (Policy 9.2.2.4).</u> <b>{PHS cl.16}</b></li> </ol> <p><u><i>General assessment guidance:</i></u></p> <ol style="list-style-type: none"> <li>d. In assessing the significance of effects, consideration will be given to:           <ol style="list-style-type: none"> <li>i. both short and long term effects, including effects in combination with other activities; and</li> <li>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.</li> </ol> </li> </ol>

### 9.6.3 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
1. Mining	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 9.2.2</li> <li>b. <del>There are no significant</del> <u>Any adverse</u> <b>{PHS 308.477}</b> 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> <b>{PHS 308.477}</b> (Policy 9.2.2.6).</li> <li>c. <del>Wastewater</del> <u>Only allow land use and development in areas without public infrastructure where these activities ensure wastewater</u> <b>{PHS cl.16}</b> and stormwater <del>can</del> <u>will</u> <b>{PO cl.16}</b> be disposed of in such a way that <u>avoids</u> <del>adverse effects on the health of people on the site or on surrounding properties are avoided</del> <b>{PHS cl.16}</b> or, if avoidance is not possible <u>practicable</u><b>{PHS 308.477}</b>, <u>ensures adverse effects on the health of people on the site or surrounding sites</u> <b>{PHS cl.16}</b> are insignificant (Policy 9.2.2.7).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>d. Blasting will be carried out in accordance with appropriate industry standards.</li> <li>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.</li> <li>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.</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>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).</li> </ul>

### 9.6.3 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
<p>2. • Rural industry</p> <p>• Landfills</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 9.2.2</p> <p>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></p> <p><i>General assessment guidance:</i></p> <p>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).</p>
<p>3. <u>In a hazard facility mapped area: {PHS 906.1}</u></p> <p>• <u>Early childhood education - large scale (Recreation Zone)</u></p> <p>• <u>Registered health practitioners (Stadium Zone)</u></p> <p>• <u>Training and education (Stadium Zone)</u></p> <p>• <u>Visitor accommodation (Stadium Zone)</u></p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 2.2.6</p> <p>b. Objective 9.2.2</p> <p>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></p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>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></p> <p>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></p> <p>f. <u>emergency egress points are located away from the hazard facility.</u></p> <p>g. <u>the type and hours of operation, and number of people accommodated, minimises the risk to people if an emergency event occurs.</u></p> <p><i>Conditions that may be imposed include:</i></p> <p>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></p>

#### 9.6.4 Assessment of discretionary performance standard contraventions

Activity	Guidance on the assessment of resource consents
<p>1. Acoustic insulation</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 9.2.2</li> <li>b. <del>Buildings</del> <u>Those parts of buildings</u> <b>{PHS 308.215}</b> used for noise sensitive activities in identified areas provide adequate noise <u>acoustic</u> <b>{PHS cl.16}</b> insulation to avoid, <u>as far as practicable</u>, <b>{PO 308.497}</b> significant <u>adverse</u> <b>{PO 308.497}</b> effects from the higher noise environments anticipated in those areas (Policy 9.2.2.2).</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>g. <u>Council will consider the information provided by an acoustic engineer (see Rule 9.8.2 Acoustic insulation).</u> <b>{PHS 881.101}</b></li> </ul>
<p>2. Minimum site size (Rule 17.7.5.2)</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. <del>Subdivisions are designed to ensure any future</del> <u>Subdivision activities that may result in</u> <b>{PHS cl.16}</b> land use or development: <ul style="list-style-type: none"> <li>i. where <b>{PHS cl.16}</b> in an area with <u>public</u> <b>{PO cl.16}</b> water supply and/or wastewater <u>public</u> <b>{PO cl.16}</b> infrastructure, will not exceed the current or planned capacity of that <u>public</u> <b>{PO cl.16}</b> infrastructure or compromise its ability to service any activities permitted within the zone; and</li> <li>ii. where <b>{PHS cl.16}</b> in an area without <u>public</u> <b>{PO cl.16}</b> water supply and/or wastewater <u>public</u> <b>{PO cl.16}</b> infrastructure, will not lead to future pressure for unplanned expansion of that <u>public</u> <b>{PO cl.16}</b> infrastructure (Policy 9.2.1.1).</li> </ul> </li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>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</li> </ul>



#### 9.6.4 Assessment of discretionary performance standard contraventions

Activity	Guidance on the assessment of resource consents
<p>3. Density (papakāika) in rural zones</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 9.2.2</li> <li>b. <del>Wastewater</del> <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></li> </ul> <p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 9.2.1</li> <li>b. Development will not lead to future pressure for unplanned expansion of the <u>public</u> wastewater and/or water supply <del>public</del> {PO cl.16} infrastructure (Policy 9.2.1.1.b).</li> </ul>
<p>4. Noise - where the limit is exceeded by less than 5dB LAeq (15 min)</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 9.2.2</li> <li>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).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>c. The exceedance will be infrequent and/or short term.</li> <li>d. Sufficient ambient levels of noise exist that the exceedance will be insignificant in the circumstances.</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>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.</li> <li>f. Council may use the following <u>potential {PHS 917.22}</u> 'FIDOL' factors to guide the assessment of a resource consent application: <ul style="list-style-type: none"> <li>i. Frequency, which refers to how often the exceedance will occur;</li> <li>ii. Intensity, which refers to the level of the noise experienced;</li> <li>iii. Duration, which refers to the length of time the exceedance will occur and the time of day;</li> <li>iv. Offensiveness, which refers to the character of the noise; and</li> <li>v. Location, which refers to where the noise will occur.</li> </ul> </li> </ul>

#### 9.6.4 Assessment of discretionary performance standard contraventions

Activity	Guidance on the assessment of resource consents
<p>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> <b>{PHS cl.16}</b></p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 9.2.2</li> <li>b. Activities are designed and operated to avoid adverse effects from light spill on the health of people or, where avoidance is not possible practicable <b>{PHS 634.14}</b>, ensure any adverse effects would be insignificant (Policy 9.2.2.4).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>c. The exceedance will be infrequent and/or short term.</li> <li>d. Sufficient ambient levels of light exist that the exceedance will be insignificant in the circumstances.</li> </ul>
<p>6. <b>{CP 458.1 and others}</b> <u>Blasting (mineral exploration) {CP 458.1 and others}</u></p>	<p><i>Relevant objectives and policies (priority considerations):</i> <b>{CP 458.1 and others}</b></p> <ul style="list-style-type: none"> <li>a. <u>Objective 9.2.2 {CP 458.1 and others}</u></li> <li>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 (Policy 9.2.2.6).</u> <b>{CP 458.1 and others and PHS 308.477}</b></li> </ul>
<p>7. <u>Location (hazard facility mapped area) {PHS 906.1}</u></p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. <u>Objective 2.2.6</u></li> <li>b. <u>Objective 9.2.2</u></li> <li>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></li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>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></li> <li>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></li> <li>f. <u>emergency egress points are located away from the hazard facility.</u></li> <li>g. <u>the type and hours of operation, and number of people accommodated, minimises the risk to people if an emergency event occurs.</u></li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>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></li> </ul>

## 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 <b>{PO cl. 16}</b>	<p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>a. In assessing the significance of effects, consideration will be given to:               <ol style="list-style-type: none"> <li>i. both short and long term effects, including effects in combination with other activities; and</li> <li>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.</li> </ol> </li> </ol>
2. Density	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. Objective 9.2.1, Policy 9.2.1.1</li> </ol>
3. Hazardous substances quantity limits and storage requirements - (Rule 9.3.4.2) - Setback from National Grid <b>{PHS cl.16}</b>	<p><i>Relevant objectives and policies (priority considerations):</i> <b>{PHS cl.16}</b></p> <ol style="list-style-type: none"> <li>a. Objective 2.7.1, policies 2.7.1.1, 2.7.1.3 <b>{PHS cl.16}</b></li> <li>b. See Rule 5.10</li> </ol>
4. Light spill - where the limit is exceeded by greater than 25%	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. Objective 9.2.2, Policy 9.2.2.4</li> <li>b. Objective 2.2.6, Policy 2.2.6.1</li> </ol> <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>c. The exceedance will be infrequent and/or short term.</li> <li>d. Sufficient ambient levels of light exist such that the exceedance will be insignificant in the circumstances.</li> </ol>
5. Minimum site size	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. Objective 9.2.1, Policy 9.2.1.1</li> <li>b. Objective 2.7.1, policies 2.7.1.1 and 2.7.1.3</li> </ol>

### 9.7.2 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
<p>6. • Noise - where the limit is exceeded by 5dB LAeq (15 min) or more</p> <p>• Noise limits where the limit in Rule 32.5.6.2.a is exceeded</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 9.2.2, Policy 9.2.2.1</li> <li>b. Objective 2.2.6, Policy 2.2.6.1</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>c. The exceedance will be infrequent and/or short term.</li> <li>d. Sufficient ambient levels of noise exist that the exceedance will be insignificant in the circumstances.</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>e. Council will consider the following <u>potential</u> <b>{PHS 917.22}</b> 'FIDOL' factors as part of the assessment of a resource consent application: <ul style="list-style-type: none"> <li>i. Frequency, which refers to how often the exceedance will occur;</li> <li>ii. Intensity, which refers to the level of noise experienced;</li> <li>iii. Duration, which refers to the length of time and the time of day;</li> <li>iv. Offensiveness, which refers to the character of the noise; and</li> <li>v. Location, which refers to where the noise will occur.</li> </ul> </li> <li>f. Council will consider the sensitivity of activities on surrounding sites <u>to the noise source</u>, <b>{PHS 917.22}</b> and the distance of noise sensitive activities from the <u>site</u> boundary of the noise source.</li> </ul>

<sup>1</sup> **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}
<p>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></p>	<p>a. <u>Objective 9.2.2 {PHS cl.16}</u></p> <p>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></p> <p>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></p>
<p>2. <u>In a hazard facility mapped area:</u></p> <ul style="list-style-type: none"> <li>• <u>Community and leisure - large scale (industrial zones)</u></li> <li>• <u>Major facility activities (industrial, recreation and PPH zones)</u></li> <li>• <u>Major facility activities (other than a major recreation facility) in the Stadium Zone</u></li> <li>• <u>Early childhood education (industrial and stadium zones)</u></li> <li>• <u>Entertainment and exhibition (industrial, recreation, PPH and stadium zones)</u></li> <li>• <u>Registered health practitioners (industrial, recreation and PPH zones)</u></li> <li>• <u>Residential (industrial, recreation and stadium zones)</u></li> <li>• <u>Training and education (industrial and recreation zones)</u></li> <li>• <u>Visitor accommodation (industrial and recreation zones) {PHS 906.1}</u></li> </ul>	<p><u>Relevant objectives and policies:</u></p> <p>a. <u>Objective 2.2.6 {PHS 906.1}, Policy 2.2.6.2 {PHS cl.16}</u></p> <p>b. <u>Objective 9.2.2 {PHS 906.1}</u></p> <p>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></p> <p><u>Potential circumstances that may support a consent application include:</u></p> <p>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></p> <p>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></p> <p>f. <u>Emergency egress points are located away from the hazard facility. {PHS 906.1}</u></p> <p>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></p> <p><u>Conditions that may be imposed include:</u></p> <p>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></p>

<sup>1</sup> **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 <sup>3</sup> ) 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 <sup>2</sup> (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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>3</sup> ).
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 <sup>3</sup> ).	
e.	Combined superficial density	Combined mass of cladding and lining of not less than 25kg/m <sup>2</sup> with no less than 10kg/m <sup>2</sup> 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 <sup>3</sup> ) 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 <sup>2</sup> .
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 <sup>2</sup> 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 <sup>2</sup> ) 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, **{NatEnv900.26}** 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 focuses **{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 <b>{NatEnv 958.60 and 361.1}</b> , including by protecting <b>{NatEnv 900.141}</b> Areas of significant <b>{NatEnv 900.141}</b> indigenous vegetation and the significant <b>{NatEnv 900.141}</b> habitats of indigenous fauna are maintained and enhanced <b>{NatEnv 900.141, 958.60 and 361.1}</b> .	
Policy 10.2.1.W <b>{NatEnv 900.35}</b>	Only allow land use, development and city-wide activities where biodiversity values are maintained or enhanced. <b>{NatEnv 900.35}</b>
Policy 10.2.1.X <b>{NatEnv 900.142}</b>	Avoid adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna or, if avoidance is not practicable, ensure that: <b>{NatEnv 900.142}</b> <ol style="list-style-type: none"> <li>there is no net loss and preferably a net gain in the biodiversity values of the area; or <b>{NatEnv 900.142}</b></li> <li>where there are no practicable alternative locations, any proposal for a biodiversity offset is in accordance with Policy 2.2.3.5; or <b>{NatEnv 949.29}</b></li> <li>where a biodiversity offset is not practicable, environmental compensation is proposed in accordance with Policy 2.2.3.6. <b>{NatEnv 1088.15}</b></li> </ol>
Policy 10.2.1.Y <b>{NatEnv 900.142}</b>	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: <b>{NatEnv 900.142}</b> <ol style="list-style-type: none"> <li>there is no net loss and preferably a net gain <b>{NatEnv 1088.32}</b> in the biodiversity values of the ASBV including, but not limited to, those biodiversity values listed in Appendix A1.2; or <b>{NatEnv 690.8}</b></li> <li>where there are no practicable alternative locations, any proposal for a biodiversity offset is in accordance with Policy 2.2.3.5; or <b>{NatEnv 949.29}</b></li> <li>where a biodiversity offset is not practicable, environmental compensation is proposed in accordance with Policy 2.2.3.6. <b>{NatEnv 1088.15}</b></li> </ol>
Policy 10.2.1.2	Only allow <del>land use and development activities</del> 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 <b>{NatEnv 900.142}</b> in a Scheduled <b>{NatEnv cl.16}</b> Areas of Significant Conservation Biodiversity Value (ASCV ASBVs) <b>{NatEnv 958.60}</b> 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 <b>{NatEnv 1088.32}</b> the biodiversity values of the Scheduled ASCV ASBV including, but not limited to, those biodiversity values listed in Appendix A1.2 <b>{NatEnv 690.8}</b> .
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> <b>{NatEnv 900.28}</b> indigenous vegetation clearance - large scale <b>{NatEnv cl.16}</b> in the rural and rural residential zones to a size that avoids any <u>where</u> <b>{NatEnv 900.28}</b> adverse effects on the biodiversity values of the area of indigenous vegetation <b>{NatEnv 900.28}</b> are avoided or, if avoidance is not possible practicable <b>{PO 908.3}</b> , ensures that adverse effects are no more than minor. <b>{NatEnv 900.28}</b>
Policy 10.2.1.4	Only allow indigenous vegetation clearance in a Scheduled Area of Significant Conservation Value (ASCV), or <b>{NatEnv 949.5}</b> a wetland, or where there are threatened plant species or fauna species <b>{NatEnv 900.29}</b> 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> <b>{NatEnv 949.5}</b> the biodiversity values. of the area of indigenous vegetation <b>{NatEnv 1088.34}</b> are maintained or enhanced <b>{NatEnv 949.5}</b>
Policy 10.2.1.5	Only allow vegetation clearance over the maximum permitted <b>{NatEnv cl.16}</b> area, and earthworks - large scale, and subdivision <b>{NatEnv cl.16}</b> in an urban <b>Conservation biodiversity mapped areas</b> (UCMA UBMA) <b>{NatEnv 958.60}</b> where the conservation biodiversity <b>{NatEnv 958.60}</b> values of the UCMA UBMA <b>{NatEnv 958.60}</b> are maintained or enhanced, including, but not limited to, those values listed in Appendix A10. <b>{NatEnv 900.31}</b>
Policy 10.2.1.6	Require forestry and tree planting shelterbelts and small woodlots <b>{RU cl.16}</b> to avoid the use of wilding tree species, unless the risk of wilding tree spread into establishment in <b>{NatEnv 919.25}</b> areas of indigenous vegetation can be avoided or, if avoidance is not possible, <b>{NatEnv 919.25}</b> 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> <b>{NatEnv 900.143}</b> 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. <b>{NatEnv 949.8 and 958.58}</b> .
Policy 10.2.1.8 <b>{NatEnv 949.9}</b>	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. <b>{NatEnv 949.9}</b>
Policy 10.2.1.9	Only allow subdivision activities where the subdivision is designed to ensure any future land use or development activities <b>{NatEnv cl.16}</b> will: <ul style="list-style-type: none"> <li>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> <b>{NatEnv 958.60 and 958.27}</b></li> <li>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. <b>{NatEnv 958.60 and 958.27}</b> protect areas of significant indigenous vegetation and the significant habitats of indigenous fauna; and <b>{NatEnv 958.27}</b></li> <li>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> <b>{NatEnv 958.27}</b></li> </ul>

### 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 <b>{NatEnv 949.11}</b>	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 <b>{NU 308.468 and 308.122}</b>	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.

<sup>1</sup> **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 <del>utilities</del> <u>utility</u> <b>{NU cl.16}</b> 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> , <b>{NatEnv cl.16}</b> to <ol style="list-style-type: none"> <li>minimise, <u>as far as practicable</u>, <b>{PO 906.34 and 308.497}</b> the risk of erosion; and</li> <li>protect, or enable the enhancement of, biodiversity and natural character values.</li> </ol>
Policy 10.2.2.X <b>{NatEnv cl.16}</b>	<u>Only allow indigenous vegetation clearance in the <b>coastal environment mapped area</b> 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> <b>{NatEnv 1088.40}</b> minimises, <u>as far as practicable</u> , <b>{PO 906.34 and 308.497}</b> the risk of sediment entering the sea or water bodies. by: <ol style="list-style-type: none"> <li><del>being set back an adequate distance from the coast and water bodies; and</del> <b>{NatEnv 1088.40}</b></li> <li><del>by using appropriate sediment control techniques to ensure sediment does not enter water bodies or the sea</del> <b>{NatEnv 1088.40}</b>.</li> </ol>
Policy 10.2.2.Y <b>{NatEnv 900.38}</b>	<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> <b>{NatEnv cl.16}</b> the following biodiversity values and natural character values are maintained or enhanced, including through provision of <u>an</u> esplanade reserves or esplanade strips <b>{NatEnv 360.147}</b> in identified locations: <ol style="list-style-type: none"> <li>biodiversity values of riparian margins and the coast;</li> <li>the water quality and aquatic habitats of the water body or coast; and</li> <li>the natural functioning of the adjacent sea or water body.</li> </ol>
Policy 10.2.2.6	Only allow <u>natural</u> <b>{HazMit cl.16}</b> hazard mitigation earthworks and <u>natural</u> <b>{HazMit cl.16}</b> hazard mitigation structures where <del>there are no</del> <b>{NatEnv 951.8}</b> 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> <b>{NatEnv 951.8}</b> .

<sup>1</sup> **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 <b>{NatEnv 900.46}</b>	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. <b>{NatEnv 900.46}</b>
Policy 10.2.3.W <b>{NatEnv 447.75}</b>	Avoid landfills and mining in the Outstanding Natural Coastal Character (ONCC) and High Natural Coastal Character (HNCC) overlay zones. <b>{NatEnv 447.75}</b>
Policy 10.2.3.2	Avoid indigenous vegetation clearance - large scale, <b>{NatEnv 958.106}</b> buildings and structures, rural activities (except for farming, grazing, rural ancillary retail, rural tourism and rural research – small scale), <b>{NatEnv 900.46}</b> residential activities (except for working from home), <b>{NatEnv cl.16}</b> commercial activities (except for restaurants or retail activities ancillary to sport and recreation, and stand-alone car parking), <b>{NatEnv cl.16}</b> industrial activities, and major facility activities, substations, and <b>{NU 915.17}</b> network utility structures - large scale (excluding amateur radio configurations) <b>{NU cl.16}</b> , on-site energy generation, community scale energy generation, regional scale energy generation, energy resource investigation devices, <b>{NU 308.122}</b> and biomass generators – stand-alone <b>{NU 308.468}</b> 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 <b>{NatEnv 908.17}</b> .
Policy 10.2.3.5 <b>{NatEnv 908.17}</b>	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, <b>{NatEnv 958.106}</b> tree-planting shelterbelts and small woodlots <b>{RU cl.16}</b> , new network utilities or additions to network utilities network utility structures – small scale, <b>{NU 308.122}</b> network utility structures – large scale (amateur radio configurations only), <b>{NU cl.16}</b> and earthworks - large scale, transportation activities, and public amenities <b>{NatEnv 949.19}</b> in the Outstanding Natural Coastal Character (ONCC) and High Natural Coastal Character (HNCC) overlay zones where any <b>{NatEnv cl.16}</b> adverse effects on the natural character values identified in Appendix A5 are insignificant.
Policy 10.2.3.X <b>{NatEnv 908.17}</b>	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: <b>{NatEnv 908.17}</b> a. insignificant, or <b>{NatEnv 908.17}</b> b. where there are no practicable alternative locations, adequately mitigated. <b>{NatEnv 908.17}</b>

### 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 <b>{NU 308.122 and 308.468}</b>	<del>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. <b>{NU 308.122 and 308.468}</b></del>
Policy 10.2.3.4	Only allow mining, landfills, <u>crematoriums</u> , <b>{NatEnv 447.77}</b> large buildings and structures, forestry, earthworks - large scale and indigenous vegetation clearance - large scale <b>{NatEnv cl.16}</b> in the Natural Coastal Character Overlay Zone (NCC) where adverse effects on the natural character values identified in Appendix A5 can <u>will</u> <b>{PO cl.16}</b> be avoided or, if avoidance is not possible <u>practicable</u> <b>{PO 908.3}</b> , be <b>{PO cl.16}</b> no more than minor.
Policy 10.2.3.10 <b>{NatEnv 576.62}</b>	<del>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.</del>
Policy 10.2.3.Y <b>{NatEnv 908.17 and others}</b>	<u>Only allow public amenities, <b>{NatEnv 908.17}</b> substations, <b>{NU 915.17}</b> network utility poles and masts – small scale, hydro generators – small scale, solar panels – small scale, wind generators – small scale, network utility structures – large scale, <b>{NatEnv 576.62}</b> natural hazard mitigation activities and transportation activities <b>{NatEnv 908.17}</b> 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: <b>{NatEnv 908.17 and 576.62}</b></u> a. <u>no more than minor, or <b>{NatEnv 908.17 and 576.62}</b></u> b. <u>where there are no practicable alternative locations, adequately mitigated. <b>{NatEnv 908.17 and 576.62}</b></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 <b>{NatEnv cl.16}</b> will <u>maintain preserve</u> <b>{NatEnv 958.43}</b> 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 <b>{NatEnv 900.46 and others}</b> .
Policy 10.2.3.U <b>{NatEnv cl.16}</b>	<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	<del>Require buildings, structures, additions and alterations buildings and structures <b>{NatEnv cl.16}</b> , and wind generators – on-site energy generation <b>{NU 743.17}</b> 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, <b>{PO 906.34 and 308.497}</b> adverse visual effects caused by reflectivity.</del>

### 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 <sup>2</sup> ) 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> <b>{PO 908.3}</b> , ensures cumulative visual effects are no more than minor.
Policy 10.2.3.9	Require ancillary signs in <u>natural</u> <b>{NatEnv cl.16}</b> 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 <b>{NatEnv 900.144}</b>	<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 <b>{NU 576.9}</b>	<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> <b>{NU 576.9}</b>

<sup>1</sup> **NatEnv cl.16:** This policy provides for the assessment of buildings and structures >60m<sup>2</sup> 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 <b>{NatEnv 360.148}</b> 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 <b>{HazMit cl.16}</b>	Only allow <u>natural</u> hazard mitigation earthworks or <u>natural hazard mitigation</u> structures <b>{HazMit cl.16}</b> 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 <b>{NatEnv 874.14, 908.17 and 908.3}</b>	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 <b>{NatEnv 447.75 and 447.76}</b>	Avoid landfills <b>{NatEnv 447.75}</b> and mining <b>{NatEnv 447.76}</b> in the Outstanding Natural Feature Overlay Zone (ONF). <b>{NatEnv 447.75 and 447.76}</b>
Policy 10.2.5.2 <b>{NatEnv 874.14, 908.17 and 908.3}</b>	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, <b>{NatEnv 874.14, 908.17 and 908.3}</b> substations, and <b>{NU 915.17}</b> network utilities utility structures <b>{NU cl.16}</b> - large scale (excluding amateur radio configurations) <b>{NU cl.16}</b>, on-site energy generation, <b>{NU 308.122}</b> biomass generators – stand-alone <b>{NU 308.468}</b>, energy resource investigation devices, <b>{NU 308.122}</b> and community and regional scale energy generation <b>{NU 308.122}</b> 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> <b>{NatEnv 908.17 and 908.3}</b>.</u>
Policy 10.2.5.5 <b>{NatEnv 908.17 and 908.3}</b>	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 <b>{RU cl.16}</b> and earthworks - large scale, indigenous vegetation clearance - large scale <b>{NatEnv 958.106}</b>, network utility structures - small scale, network utility structures - large scale (amateur radio configurations only), <b>{NatEnv cl.16}</b></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> <b>{NatEnv cl.16}</b> insignificant.
Policy 10.2.5.Y <b>{NatEnv 908.17 and 908.3}</b>	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 <b>{NatEnv cl.16}</b>	<del>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.</del>
Policy 10.2.5.14	<del>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}</del>
Policy 10.2.5.15	<del>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}.</del>
Policy 10.2.5.6	<del>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.</del>
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, <del>crematoriums</del> , <b>{NatEnv 447.77}</b> large buildings and structures, and <b>{NatEnv cl.16}</b> earthworks - large scale, <del>public amenities</del> , <b>{NatEnv 908.17 and 908.3}</b> <del>substations</del> , <b>{NU915.17}</b> network utilities <del>utility</del> <b>{NU cl.16}</b> poles and masts - small scale, <del>hydro generators – small scale</del> , <del>solar panels – small scale</del> , <del>wind generators – small scale</del> , <b>{NU 308.122}</b> network utilities <del>utility</del> <b>{NU cl.16}</b> structures - small <del>large</del> <b>{NatEnv cl.16}</b> scale, on-site energy-generation devices, energy resource investigation devices, and community scale hydro-generators and solar panels; <b>{NU 308.122}</b> , <del>natural hazard mitigation activities and transportation activities</del> <b>{NatEnv 908.17 and 908.3}</b> in the Significant Natural Landscape Overlay Zone (SNL) where any <b>{NatEnv cl.16}</b> adverse effects on the landscape values of the SNL, as identified in Appendix A3, will be <del>are</del> <b>{NatEnv cl.16}</b> avoided or, if avoidance is not possible <del>practicable</del> <b>{PO 908.3}</b> : a. <del>be</del> <b>{NatEnv cl.16}</b> no more than minor <del>or</del> ; b. <del>where there are no practicable alternative locations, adequately mitigated</del> . <b>{NatEnv 458.12}</b>
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 <del>or enhance</del> <b>{NatEnv 908.17 and 908.3}</b> the landscape values identified in Appendix A3 and will be in accordance with policies 10.2.5.1 – 10.2.5.9 <del>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</del> <b>{NatEnv 900.46 and others}</b> .
Policy 10.2.5.V <b>{NatEnv 464.10 and 458.12}</b>	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 <b>{NatEnv 900.59}</b> buildings and structures, additions and alterations, <b>{NatEnv 900.59}</b> and wind generators – on-site energy generation <b>{NU 743.17}</b> in Outstanding Natural Landscape (ONL) and Significant Natural Landscape (SNL) overlay zones to have exterior colours and materials that avoid or, <del>if avoidance is not possible</del> , minimise, as far as practicable, <b>{PO 906.34 and 308.497}</b> adverse visual effects caused by reflectivity.
Policy 10.2.5.10 <b>{RU 874.41 and others}</b>	<del>Only allow mining where adverse effects on identified ridgelines can be avoided or, if avoidance is not possible, would be insignificant.</del> <b>{RU 874.41 and others}</b>
Policy 10.2.5.12	Provide for small buildings (no larger than 60m <sup>2</sup> ) 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 <del>practicable</del> <b>{PO 908.3}</b> , 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 <b>{NatEnv 900.144}</b>	<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>
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<sup>1</sup> **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.

<sup>2</sup> **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.16<sup>1</sup>}**

- 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}**

<b>Zone {NatEnv cl.16}</b>		<b>Maximum area {NatEnv cl.16}</b>
i. <b>{NatEnv cl.16}</b>	Coastal Rural Zone	500m <sup>2</sup>
ii. <b>{NatEnv cl.16}</b>	High Country Rural Zone	500m <sup>2</sup> non-tussock species 10,000m <sup>2</sup> (1ha) tussock species
iii. <b>{NatEnv cl.16}</b>	Hill Country Rural Zone	500m <sup>2</sup>
iv. <b>{NatEnv cl.16}</b>	Hill Slopes Rural Zone	500m <sup>2</sup>
v. <b>{NatEnv cl.16}</b>	Middlemarch Basin Rural Zone	100m <sup>2</sup>
vi. <b>{NatEnv cl.16}</b>	Peninsula Coast Rural Zone	250m <sup>2</sup>
vii. <b>{NatEnv cl.16}</b>	Taieri Plains Rural Zone	100m <sup>2</sup>
viii. <b>{NatEnv cl.16}</b>	Rural Residential 1 and Rural Residential 2 Zones	250m <sup>2</sup>

- 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}**

<sup>1</sup> **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.16<sup>1</sup>}

- 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 <sup>2</sup>	3 years
ii.	High Country Rural Zone <u>within the Taieri Ridge and Mare Burn mapped area {NatEnv 900.147}</u>	500m <sup>2</sup> 1000m <sup>2</sup> <b>{NatEnv 860.5}</b> non-tussock species 10000m <sup>2</sup> (1ha) 1000m <sup>2</sup> <b>{NatEnv 900.147}</b> 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 <sup>2</sup> non-tussock species <b>{NatEnv 860.5}</b> 10000m <sup>2</sup> (1ha) tussock species <b>{NatEnv 900.147}</b>	3 years
iv.	Hill Country Rural Zone	500m <sup>2</sup> 1000m <sup>2</sup> <b>{NatEnv 1082.1}</b>	3 years
v.	Hill Slopes Rural Zone	500m <sup>2</sup> 1000m <sup>2</sup> <b>{NatEnv 355.11}</b>	3 years
vi.	Middlemarch Basin Rural Zone	100m <sup>2</sup>	3 5 years <b>{NatEnv 900.147}</b>
vii.	Peninsula Coast Rural Zone	250m <sup>2</sup>	3 5 years <b>{NatEnv 900.147}</b>
viii.	Taieri Plain Rural Zone	100m <sup>2</sup>	3 5 years <b>{NatEnv 900.147}</b>
ix.	Rural Residential 1 and Rural Residential 2 Zones	250m <sup>2</sup>	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.

<sup>1</sup> **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.

<sup>2</sup> **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.

<sup>3</sup> **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.

<sup>4</sup> **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.16<sup>1</sup>}**

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}**

<sup>1</sup> **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}<sup>1</sup>
- a. Vegetation clearance in an **urban conservation biodiversity {NatEnv 958.60} mapped area (UBMA) {NatEnv cl.16}** must not exceed 20m<sup>2</sup> 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}

<sup>1</sup> **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}

<b>Zone {NatEnv cl.16}</b>	<b>Outstanding Natural Coastal Character Overlay Zone (ONCC) + High Natural Coastal Character Overlay Zone (HNCC) {NatEnv cl.16}</b>	<b>Natural Coastal Character Overlay Zone (NCC) {NatEnv cl.16}</b>	<b>Scheduled Areas of Significant Conservation Value (Scheduled ASCV) {NatEnv cl.16}</b>
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 10m<sup>2</sup> associated with port activities in the Industrial Port Zone; **{NatEnv737.8}**
  - o. bird hides, viewing structures and viewing platforms with a maximum footprint of 10m<sup>2</sup> 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 2m<sup>2</sup>; **{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}**

<sup>1</sup> **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

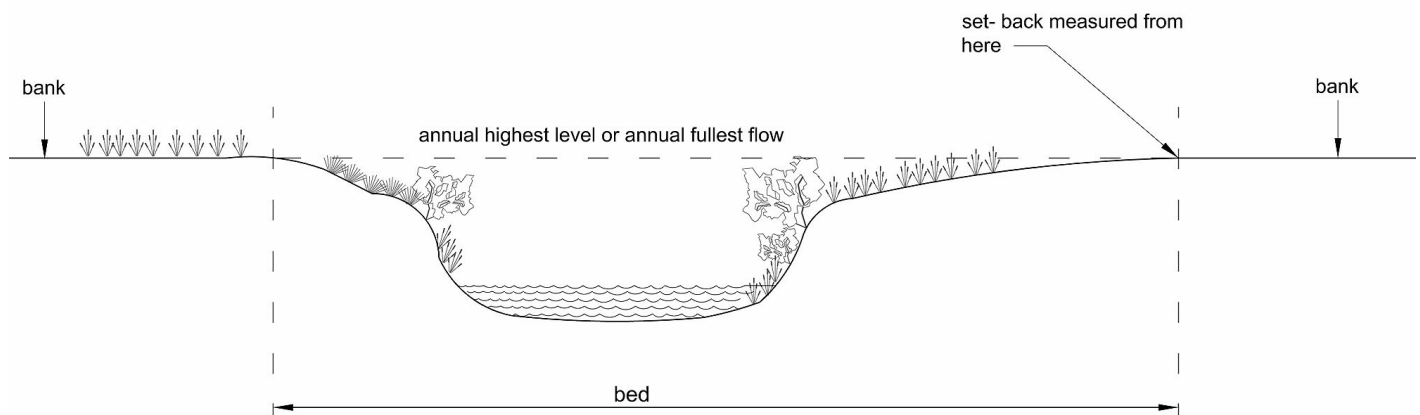
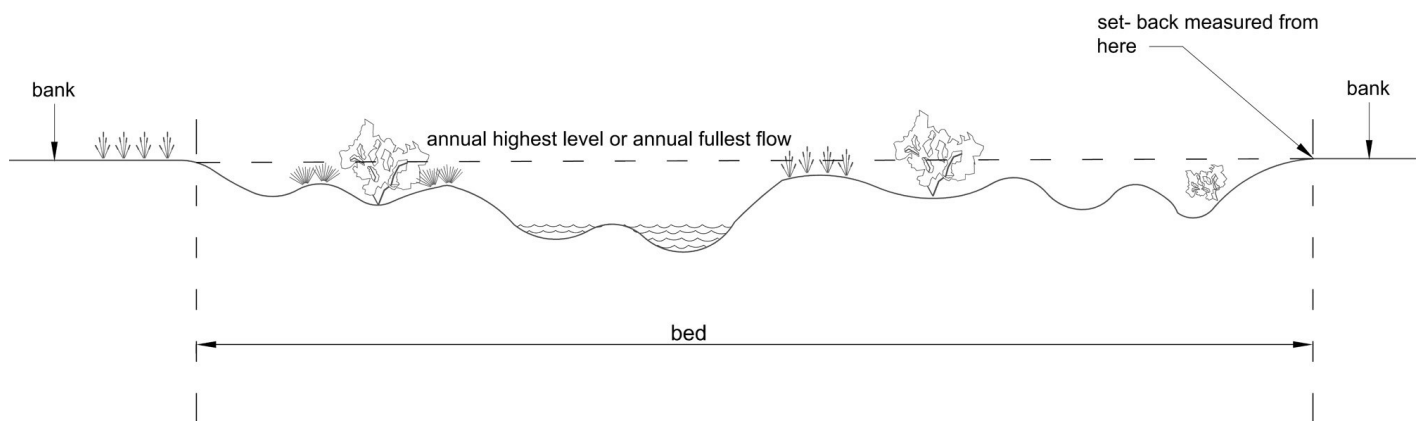


Figure 10.3B Setback from a water body



#### 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 60m<sup>2</sup> 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 60m<sup>2</sup> 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 60m<sup>2</sup> 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}**

<sup>1</sup> **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 10m<sup>2</sup> 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 10m<sup>2</sup> 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 <b>NCC Overlay Zone:</b> <ul style="list-style-type: none"> <li>New buildings greater than 60m<sup>2</sup> footprint <b>{PO cl.16'}</b> on a landscape building platform</li> </ul>	a. Size, design and appearance of buildings	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>i. Objective 10.2.3</li> <li>ii. <del>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).</del> <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> <b>{NatEnv cl.16'}</b></li> </ol> <p><u>General assessment guidance {NatEnv 191.1}</u></p> <ol style="list-style-type: none"> <li>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> <b>{NatEnv 191.1}</b></li> </ol> <p><i>Conditions that may be imposed include:</i></p> <ol style="list-style-type: none"> <li>iv. Restrictions on the size and design of buildings, including height, floor area footprint, <b>{PO cl.16'}</b> colour and materials.</li> <li>v. Requirements for landscaping and other forms of screening of buildings.</li> </ol>

### 10.3A.2 Assessment of controlled development activities

Activity	Matters of control	Guidance on the assessment of resource consents
<p>2. In the <b>ONL or SNL overlay zones</b>:</p> <ul style="list-style-type: none"> <li>New buildings greater than 60m<sup>2</sup> footprint <b>{PO cl.16<sup>1</sup>}</b> on a landscape building platform</li> </ul>	<p>a. Size, design and appearance of buildings</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 10.2.5</li> <li><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 <b>{NatEnv cl.16<sup>2</sup>}</b> 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). <b>{NatEnv 464.10 and 458.12}</b></u></li> <li><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): <b>{NatEnv 464.10 and 458.12}</b></u></li> </ol> <p><u>General assessment guidance <b>{NatEnv 191.1}</b></u></p> <ol style="list-style-type: none"> <li><u>In assessing effects on landscape values, Council will consider the extent to which the development follows the design guidelines in Appendix A11. <b>{NatEnv 191.1}</b></u></li> </ol> <p><i>Conditions that may be imposed include:</i></p> <ol style="list-style-type: none"> <li>Restrictions on the size and design of buildings, including height, floor area footprint, <b>{PO cl.16<sup>1</sup>}</b> colour and materials.</li> <li>Requirements for landscaping and other forms of screening of buildings.</li> </ol>

<sup>1</sup> **PO cl.16**: Footprint is included in the rule to improve plan clarity as a minor and inconsequential amendment.

<sup>2</sup> **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	<p><i>General assessment guidance:</i></p> <p>a. Where more than one standard is contravened, the combined effects of the contraventions will be considered.</p> <p><i>Potential circumstances <del>or mitigation measures</del> {NatEnv cl.16} that may support a consent application include:</i></p> <p>b. The degree of non-compliance with the performance standard is minor.</p> <p>c. <del>The development incorporates conservation activity that will have significant positive effects on biodiversity or natural character values.</del> <b>{NatEnv 690.10 and 690.12}</b></p>



**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 <b>{NatEnv 690.10 and 690.12}</b>	a. <u>Positive effects on biodiversity values or the natural character of the coast</u>	<p><i><u>Relevant objectives and policies:</u></i></p> <ul style="list-style-type: none"> <li>i. <u>Objectives 10.2.1, 10.2.2, 10.2.3</u></li> <li>ii. <u>Conservation activity is encouraged in all zones (Policy 10.2.1.1).</u></li> </ul> <p><i><u>Potential circumstances that may support a consent application include:</u></i></p> <ul style="list-style-type: none"> <li>iii. <u>The development incorporates conservation activity that will have significant positive effects on biodiversity or natural character values.</u></li> </ul>
1.	Esplanade reserves and strips	a. Effects on biodiversity values <b>{NatEnv 958.60}</b> and natural character values of riparian margins and the coast	<p><i><u>Relevant objectives and policies:</u></i></p> <ul style="list-style-type: none"> <li>i. Objective 10.2.2</li> <li>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 <b>{NatEnv 360.147}</b> in identified locations: <ul style="list-style-type: none"> <li>1. biodiversity values of riparian margins and the coast;</li> <li>2. the water quality and aquatic habitats of the water body or coast; and</li> <li>3. the natural functioning of the adjacent sea or water body (Policy 10.2.2.5).</li> </ul> </li> <li>iii. <u>Adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided or, if avoidance is not practicable: <b>{NatEnv 900.142 and 1088.15}</b></u> <ul style="list-style-type: none"> <li>1. <u>there is no net loss and preferably a net gain in the biodiversity values of the area, or <b>{NatEnv 900.142}</b></u></li> <li>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 <b>{NatEnv 949.29}</b></u></li> <li>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). <b>{NatEnv 1088.15}</b></u></li> </ul> </li> </ul> <p><i><u>General assessment guidance:</u></i></p> <ul style="list-style-type: none"> <li>iv. In assessing a change or reduction to the required</li> </ul>

**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
			<p>esplanade reserve or <u>esplanade strip</u> <b>{NatEnv 360.152}</b>, Council will consider:</p> <ol style="list-style-type: none"> <li>1. the effects on the values of the water body as identified in Appendix 10C;</li> <li>2. <u>the effects on the natural functioning of the water body</u>: <b>{NatEnv 908.33}</b></li> <li>3. <u>the effects on other biodiversity values and natural character values</u>; and <b>{NatEnv 908.33}</b></li> <li>4. any other measures proposed to enhance the biodiversity of the riparian or coastal margin and associated water body.</li> </ol> <p>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> <b>{NatEnv 900.9 and 958.8}</b></p> <p><i>Conditions that may be imposed include:</i></p> <p>vi. Where there is an esplanade reserve requirement, the <b>{NatEnv cl.16}</b> 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.</p>

**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	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 10.2.4</li> <li>ii. Public access to the natural environment is enhanced (Policy 10.2.4.3).</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>iii. In assessing a change or reduction to the required esplanade reserve or <u>esplanade strip</u> <b>{NatEnv 360.153}</b>, Council will consider; <ul style="list-style-type: none"> <li>1. the effects on public recreation and access values as identified in Appendix 10C;</li> <li>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> <b>{NatEnv 690.24}</b></li> <li>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> <b>{NatEnv 900.67}</b></li> </ul> </li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. Other opportunities to enhance public access are created by the subdivision.</li> <li>v. The design of the subdivision takes advantage of adjacent unformed legal roads to provide public access.</li> <li>vi. Restricting access is necessary to protect public health and safety.</li> </ul>
2.	<del>Vegetation clearance</del> (Maximum area of vegetation clearance) in a <b>{NatEnv cl.16}</b> <b>UGMA (UBMA)</b> <b>{NatEnv 958.60}</b>	a. Effects on biodiversity <del>values</del> <b>{NatEnv 958.60}</b>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 10.2.1.</li> <li>ii. Vegetation clearance maintains or enhances the <del>conservation biodiversity</del> values of an <del>UGMA</del> <u>the UBMA</u> <b>{NatEnv 958.60}</b> including, but not limited to, <del>those values listed in Appendix A10</del> <b>{NatEnv 900.31}</b> (Policy 10.2.1.5).</li> <li>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> <b>{NatEnv 900.142 and 1088.15}</b> <ul style="list-style-type: none"> <li>1. <u>there is no net loss and preferably a net gain in the biodiversity values of the area, or</u> <b>{NatEnv 900.142}</b></li> </ul> </li> </ul>

**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
			<p>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></p> <p>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></p> <p><i>Potential circumstances or mitigation measures {NatEnv cl.16} that may support a consent application include:</i></p> <p>iv. <u>The clearance is of a non-local indigenous species that has extended beyond its range.</u></p> <p>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></p> <p><i>General assessment guidance: {NatEnv 900.9 and others}</i></p> <p>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></p> <p>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></p> <p>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></p>

**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. <b>{NatEnv cl.16}</b>	Vegetation clearance (Maximum area of indigenous vegetation clearance) <b>{NatEnv cl.16}</b>	a. Effects on biodiversity <b>{NatEnv cl.16}</b>	<p><i>Relevant objectives and policies: {NatEnv cl.16}</i></p> <ul style="list-style-type: none"> <li>i. Objective 10.2.1. <b>{NatEnv cl.16}</b></li> <li>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). <b>{NatEnv cl.16}</b></li> </ul> <p><i>Potential circumstances or mitigation measures that may support a consent application: {NatEnv cl.16}</i></p> <ul style="list-style-type: none"> <li>iii. The clearance is of a non-local indigenous species that has extended beyond its range. <b>{NatEnv cl.16}</b></li> <li>iv. The clearance is part of conservation activity involving the clearance of indigenous species and replacement by other indigenous species. <b>{NatEnv cl.16}</b></li> <li>v. The clearance is of indigenous vegetation that is diseased and unlikely to regain health and viability. <b>{NatEnv cl.16}</b></li> </ul>
4.	Vegetation clearance (Protected areas (vegetation clearance) <b>{NatEnv cl.16}</b>	a. Effects on biodiversity <u>values</u> <b>{NatEnv 958.60}</b> and the natural character values of riparian margins and the coast	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 10.2.1, Objective 10.2.2.</li> <li>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> <b>{NatEnv 1088.34}</b> (Policy 10.2.1.4).</li> <li>iii. Vegetation clearance is set back an adequate distance from the coast and water bodies to minimise, <u>as far as practicable,</u> <b>{PO 906.34 and 308.497}</b> risk of erosion and protect, or enable the enhancement of, biodiversity and natural character values (Policy 10.2.2.3).</li> <li>iv. In any <u>the</u> <b>{NatEnv cl.16}</b> 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) <b>{NatEnv cl.16}</b>.</li> <li>v. <u>Adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided or, if avoidance is not</u></li> </ul>

**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
			<p><u>practicable: {NatEnv 900.142 and 1088.15}</u></p> <ol style="list-style-type: none"> <li>1. <u>there is no net loss and preferably a net gain in the biodiversity values of the area, or {NatEnv 900.142}</u></li> <li>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></li> <li>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></li> </ol> <p><u>Potential circumstances that may support a consent application include: {NatEnv 958.95}</u></p> <ol style="list-style-type: none"> <li>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></li> <li>vii. <u>In assessing a contravention of the performance standards for vegetation clearance or indigenous vegetation clearance, Council will consider: {NatEnv 908.33}</u> <ol style="list-style-type: none"> <li>1. <u>the effects on the values of the water body and the natural functioning of the water body; and {NatEnv 908.33}</u></li> <li>2. <u>the effects on other biodiversity values and natural character values. {NatEnv 908.33}</u></li> </ol> </li> <li>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></li> <li>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></li> <li>x. <u>In assessing the appropriateness of any proposed</u></li> </ol>



**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
			<p><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></p> <p>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></p> <p>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></p>
5.	Vegetation clearance (protected Protected species) <b>{NatEnv cl.16}</b> (indigenous vegetation clearance)	a. Effects on biodiversity values <b>{NatEnv 958.60}</b>	<p><i>Relevant objectives and policies:</i></p> <p>i. Objective 10.2.1.</p> <p>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></p> <p>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></p> <ol style="list-style-type: none"> <li>1. <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></li> <li>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 900.142 and 1088.15}</u></li> <li>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 900.142 and 1088.15}</u></li> </ol> <p><i>Potential circumstances or mitigation measures {NatEnv cl.16} that may support a consent application include:</i></p> <p>iv. The clearance is part of conservation activity and is being undertaken to enhance the health of the</p>

**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
			<p>protected species and improve its chances of reproduction.</p> <p>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.</p> <p>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></p> <p><u>General assessment guidance: {NatEnv 958.79}</u></p> <p>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></p> <p>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></p> <p>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></p>

**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> <b>{NatEnv cl.16}</b> in the <b>NCC Overlay Zone</b>	a. Effects on natural character of the coast	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 10.2.3</li> <li>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 <b>{NatEnv cl.16}</b> not possible practicable <b>{PO 908.3}</b>, ensures cumulative visual effects are no more than minor (Policy 10.2.3.8).</li> </ul> <p><u>General assessment guidance: {NatEnv cl.16}</u></p> <ul style="list-style-type: none"> <li>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></li> </ul>
7.	Minimum building separation <u>Number and location of permitted buildings</u> <b>{NatEnv cl.16}</b> in the <b>ONL or SNL overlay zones</b>	a. Effects on landscape values	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 10.2.5</li> <li>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 <b>{NatEnv cl.16}</b> not possible practicable <b>{PO 908.3}</b>, ensures cumulative visual effects are no more than minor (Policy 10.2.5.12).</li> </ul> <p><u>General assessment guidance: {NatEnv cl.16}</u></p> <ul style="list-style-type: none"> <li>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></li> </ul>

**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 <b>NCC Overlay Zone</b>	a. Effects on natural character of the coast	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 10.2.3</li> <li>ii. Exterior colours and materials avoid or, if avoidance is not possible, minimise <u>as far as practicable</u> <b>{PO 906.34 and 308.497}</b> adverse visual effects caused by reflectivity (Policy 10.2.3.6).</li> </ul> <p><i>General assessment guidance: {NatEnv 447.41 and others}</i></p> <ul style="list-style-type: none"> <li>iii. <u>In assessing effects on natural character values, Council will consider: {NatEnv 447.41 and others}</u> <ul style="list-style-type: none"> <li>1. <u>the level of visibility of the building or structure from public places.</u> <b>{NatEnv 447.41 and others}</b></li> <li>2. <u>the extent to which the development follows the design guidelines in Appendix A11.</u> <b>{NatEnv cl.16<sup>2</sup>}</b></li> </ul> </li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. The development incorporates key design elements as set out in Appendix A5.</li> </ul>

**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 <b>ONL</b> or <b>SNL</b> overlay zones	a. Effects on landscape values	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 10.2.5</li> <li>ii. Exterior colours and materials avoid or, if avoidance is not possible, minimise <u>as far as practicable</u> <b>{PO 906.34 and 308.497}</b> adverse visual effects caused by reflectivity (Policy 10.2.5.8).</li> </ul> <p><i>General assessment guidance: {NatEnv 447.41 and others}</i></p> <ul style="list-style-type: none"> <li>iii. <u>In assessing effects on landscape values, Council will consider: {NatEnv 447.41 and others}</u> <ul style="list-style-type: none"> <li>1. <u>the level of visibility of the building or structure from public places.</u> <b>{NatEnv 447.41 and others}</b></li> <li>2. <u>the extent to which the development follows the design guidelines in Appendix A11.</u> <b>{NatEnv cl.16<sup>2</sup>}</b></li> </ul> </li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. The development incorporates key design elements as set out in Appendix A3.</li> </ul>
10.	Setback from coast and water bodies	a. Effects on biodiversity values <b>{NatEnv 958.60}</b> and natural character of riparian margins and the coast	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 10.2.2</li> <li>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).</li> <li>iii. <del>Earthworks are set back an adequate distance, and use appropriate sediment control techniques, to minimise located and undertaken in a way that</del> <b>{NatEnv 1088.40}</b> <del>minimises, as far as practicable,</del> <b>{PO 906.34 and 308.497}</b> the risk of sediment entering the sea or water bodies (Policy 10.2.2.4).</li> <li>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> <ul style="list-style-type: none"> <li>1. <u>there is no net loss and preferably a net gain in the biodiversity values of the area, or</u> <b>{NatEnv</b></li> </ul> </li> </ul>

**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
			<p><b>900.142}</b></p> <ol style="list-style-type: none"> <li>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></li> <li>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></li> </ol> <p><i>General assessment guidance: {NatEnv 908.33}</i></p> <ol style="list-style-type: none"> <li>v. <u>In assessing a contravention of the setback from coast and water bodies performance standard, Council will consider: {NatEnv 908.33}</u> <ol style="list-style-type: none"> <li>1. <u>the effects on the values of the water body and the natural functioning of the water body; and {NatEnv 908.33}</u></li> <li>2. <u>the effects on other biodiversity values and natural character values; and {NatEnv 908.33}</u></li> <li>3. <u>the extent to which the development follows any relevant design guidelines in Appendix A11. {NatEnv cl.16}</u></li> </ol> </li> <li>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></li> </ol> <p><i>Potential circumstances or mitigation measures {NatEnv cl.16} that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>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.</li> </ol>



**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	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 10.2.4</li> <li>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).</li> </ul> <p><u><i>General assessment guidance: {NatEnv 690.24}</i></u></p> <ul style="list-style-type: none"> <li>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></li> </ul> <p><u><i>Potential circumstance that may support a consent application include: {NatEnv cl.16}</i></u></p> <ul style="list-style-type: none"> <li>iv. Reasonable public access to the coast or water body will still be available through alternative access arrangements.</li> <li>v. Topography, site size or other site constraints make providing access impractical.</li> </ul>
		<p><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></p>	
		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>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 10.2.1</li> <li>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).</li> <li>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> <ul style="list-style-type: none"> <li>1. <u>there is no net loss and preferably a net gain in the biodiversity values of the area, or {NatEnv 900.142}</u></li> </ul> </li> </ul>

**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
			<p>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></p> <p>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></p> <p><i>General assessment guidance:</i></p> <p>iv. The <b>{NatEnv cl.16}</b> Council will consider the risk of the tree species spreading beyond the original location of planting due to:</p> <ol style="list-style-type: none"> <li>1. the downwind land use, including the intensity of the stocking rate and the palatability of the tree species to the animals grazing; and</li> <li>2. the location of the <del>tree-planting shelterbelts and small woodlots</del> <b>{RU cl.16}</b> in relation to prevailing wind directions, slope, altitude and exposure; and/or</li> <li>3. the use of a wilding management plan that will ensure wilding tree spread will be monitored and eradicated.</li> </ol> <p><u>Potential circumstances that may support a consent application include: {NatEnv cl.16}</u></p> <p>v. There are no ecologically sensitive or important areas downwind that could be vulnerable to wilding tree spread, including identified <del>Scheduled Areas of Significant Conservation</del> <u>Biodiversity Value (Scheduled ASCV ASBV)</u> <b>{NatEnv 958.60}</b>.</p> <p>vi. <del>There are no landscape or natural coastal character overlay zones downwind that could be vulnerable to wilding tree spread.</del> <b>{NatEnv 900.144}</b></p>

**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
	<p><u>b. Effects on natural character of the coast</u> <b>{NatEnv 900.144}</b></p>	<p><u>Relevant objectives and policies:</u></p> <ul style="list-style-type: none"> <li>i. <u>Objective 10.2.3</u></li> <li>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></li> </ul> <p><u>General assessment guidance:</u></p> <ul style="list-style-type: none"> <li>iii. <u>See Rule 10.4.3.11.a.iii.</u></li> </ul> <p><u>Potential circumstances that may support a consent application include:</u></p> <ul style="list-style-type: none"> <li>iv. <u>There are no coastal character overlay zones downwind that could be vulnerable to wilding tree spread. {NatEnv 900.144}</u></li> </ul>
	<p><u>c. Effects on landscape values</u> <b>{NatEnv 900.144}</b></p>	<p><u>Relevant objectives and policies:</u></p> <ul style="list-style-type: none"> <li>i. <u>Objective 10.2.5</u></li> <li>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></li> </ul> <p><u>General assessment guidance:</u></p> <ul style="list-style-type: none"> <li>iii. <u>See Rule 10.4.3.11.a.iii.</u></li> </ul> <p><u>Potential circumstances that may support a consent application include:</u></p> <ul style="list-style-type: none"> <li>iv. <u>There are no landscape overlay zones downwind that could be vulnerable to wilding tree spread. {NatEnv 900.144}</u></li> </ul>

<sup>1</sup> **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.

<sup>2</sup> **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
<p>A. <u>All performance standard contraventions {NatEnv 690.10 and 690.12}</u></p>	<p>a. <u>Positive effects on biodiversity values or the natural character of the coast</u></p>	<p><u>Relevant objectives and policies:</u></p> <ul style="list-style-type: none"> <li>i. <u>Objective 10.2.1, 10.2.2, 10.2.3</u></li> <li>ii. Conservation activity is encouraged in all zones (Policy 10.2.1.1).</li> </ul> <p><u>Potential circumstances that may support a consent application include:</u></p> <ul style="list-style-type: none"> <li>iii. <u>The development incorporates conservation activity that will have significant positive effects on biodiversity or natural character values.</u></li> </ul>
<p>1. <b>Maximum height in the NCC overlay zone</b></p>	<p>a. Effects on natural character of the coast</p>	<p><u>Relevant objectives and policies:</u></p> <ul style="list-style-type: none"> <li>i. Objective 10.2.3.</li> <li>ii. <del>Large buildings and large structures are only allowed where adverse</del> <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).</li> </ul> <p><u>General assessment guidance: {NatEnv cl.16}</u></p> <ul style="list-style-type: none"> <li>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></li> </ul> <p><u>Potential circumstances that may support a consent application include:</u></p> <ul style="list-style-type: none"> <li>iv. The development incorporates key design elements as set out in Appendix A5.</li> </ul>

**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
<p>2. Maximum height in the <b>ONL</b> or <b>SNL</b> overlay zones</p>	<p>a. Effects on landscape values</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 10.2.5</li> <li>ii. Adverse effects on the landscape values of the ONL, as identified in Appendix A3, are: <ul style="list-style-type: none"> <li>1. insignificant; <u>or</u></li> <li>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> {<b>NatEnv 464.10</b>}).</li> </ul> </li> <li>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>: <ul style="list-style-type: none"> <li>1. no more than minor; <u>or</u></li> <li>2. <u>where there are no practicable alternative locations, adequately mitigated {NatEnv 458.12}</u> (Policy 10.2.5.7).</li> </ul> </li> </ul> <p><i>General assessment guidance: {NatEnv 464.10 and others}</i></p> <ul style="list-style-type: none"> <li>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></li> <li>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></li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>vi. The development incorporates key design elements as set out in Appendix A3.</li> </ul>
<p>3. Number, location and design of ancillary signs in the <b>ONCC</b>, <b>HNCC</b> or <b>NCC</b> overlay zones</p>	<p>a. Effects on natural character of the coast</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 10.2.3</li> <li>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).</li> </ul>
<p>4. Number, location and design of ancillary signs in the <b>ONL</b>, <b>SNL</b> or <b>ONF</b> overlay zones</p>	<p>a. Effects on landscape values</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 10.2.5</li> <li>ii. Adverse effects on landscape values, as identified in Appendix A3, are insignificant. (Policy 10.2.5.13).</li> </ul>

**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) <b>{NatEnv cl.16}</b>	a. Effects on biodiversity values <b>{NatEnv 958.60}</b> and natural character of riparian margins and the coast	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 10.2.2</li> <li>ii. Earthworks are located and undertaken in a way that <b>{NatEnv 1088.40}</b> minimises, as far as practicable, <b>{PO 906.34 and 308.497}</b> the risk of sediment entering the sea or water bodies by: <b>{NatEnv 1088.40}</b> <ul style="list-style-type: none"> <li>1. being set back an adequate distance from the coast and waterbodies; and <b>{NatEnv 1088.40}</b></li> <li>2. by using appropriate sediment control techniques to ensure sediment does not enter water bodies or the sea (Policy 10.2.2.4). <b>{NatEnv 1088.40}</b></li> </ul> </li> </ul>
6. Site restoration	a. Effects on biodiversity values <b>{NatEnv 958.60}</b>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 10.2.1</li> <li>ii. Mineral exploration and prospecting replant indigenous Indigenous vegetation and the habitats of indigenous fauna <b>{NatEnv 900.143}</b> are restored <b>{NatEnv cl.16}</b> where it existed prior to the activity commencing and <b>{NatEnv 949.8 and 958.58}</b> where it has been <b>{NatEnv cl.16}</b> cleared as part of the mineral <b>{NatEnv cl.16}</b> exploration or prospecting activity, or, where this is not practicable, biodiversity values are otherwise maintained or enhanced <b>{NatEnv 949.8 and 958.58}</b> (Policy 10.2.1.7).</li> <li>iii. Adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided or, if avoidance is not practicable: <b>{NatEnv 900.142 and 1088.15}</b> <ul style="list-style-type: none"> <li>1. there is no net loss and preferably a net gain in the biodiversity values of the area, or <b>{NatEnv 900.142}</b></li> <li>2. where there are no practicable alternative locations, any proposal for a biodiversity offset is in accordance with Policy 2.2.3.5; or <b>{NatEnv 949.29}</b></li> <li>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). <b>{NatEnv 1088.15}</b></li> </ul> </li> </ul>



**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
<p>7. <u>Location (network utility structures - small scale) {NU 576.9}</u></p>	<p>a. <u>Effects on natural character of the coast {NU 576.9}</u></p>	<p><i><b>Relevant objectives and policies: {NU 576.9}</b></i></p> <p>i. <u>Objective 10.2.3 {NU 576.9}</u></p> <p>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></p> <ol style="list-style-type: none"> <li><u>no more than minor; or</u></li> <li><u>where there are no practicable alternative locations, adequately mitigated. (Policy 10.2.3.Z) {NU 576.9}</u></li> </ol> <p><i><b>General assessment guidance: {NU 576.9}</b></i></p> <p>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></p>

<sup>1</sup> **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}
<p>1. All restricted discretionary activities that are linked to Section 10.5 {NatEnv 900.9 and others}</p>	<p><u>General assessment guidance: {NatEnv 900.9 and others}</u></p> <ul style="list-style-type: none"> <li>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></li> <li>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></li> <li>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></li> <li>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></li> <li>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></li> </ul>

### 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>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. <u>Objectives 10.2.1, 10.2.2, 10.2.3</u></li> <li>ii. <u>Conservation activity is encouraged in all zones (Policy 10.2.1.1).</u></li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. <u>The development incorporates conservation activity that will have significant positive effects on biodiversity or natural character values.</u></li> </ul>

### 10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>1.</p> <ul style="list-style-type: none"> <li>Earthworks - large scale that exceed scale thresholds within 20m of a water body or MHWS (rural zones and or <b>{NatEnv cl.16}</b> Invermay and Hercus Zone)</li> <li>Earthworks - large scale that exceed scale thresholds within 5m of a water body or MHWS (all other zones)</li> </ul>	<p>a. Effects on biodiversity <u>values</u> <b>{NatEnv 958.60}</b> and natural character of riparian margins and the coast</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 10.2.2</li> <li>Earthworks - large scale are set back an adequate distance from the coast and water bodies to <del>maintain or enhance</del> <u>enable</u> <b>{NatEnv cl.16}</b> the biodiversity and natural character values of riparian and coastal margins <u>to be maintained or enhanced</u> <b>{NatEnv cl.16}</b> (Policy 10.2.2.2).</li> <li><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). <b>{NatEnv 908.27}</b></li> <li><u>Adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided or, if avoidance is not practicable:</u> <b>{NatEnv 900.142 and 1088.15}</b> <ol style="list-style-type: none"> <li><u>there is no net loss and preferably a net gain in the biodiversity values of the area, or</u> <b>{NatEnv 900.142 and 1088.15}</b></li> <li><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> <b>{NatEnv 900.142 and 1088.15}</b></li> <li><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> <b>{NatEnv 900.142 and 1088.15}</b></li> </ol> </li> </ol> <p><i>Potential circumstances that may support a consent application:</i></p> <ol style="list-style-type: none"> <li>The earthworks are associated with conservation activity.</li> </ol>

### 10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
		b. Effects on public access	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 10.2.4</li> <li>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> <b>{NatEnv cl.16} {NatEnv 1088.41}</b> (Policy 10.2.4.1).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The earthworks are associated with conservation activity.</li> </ul>
B.	<u>Earthworks – large scale in rural zones</u> <b>{NatEnv 958.100}</b>	a. Effects on biodiversity values <b>{NatEnv 958.100}</b>	<p><i>Relevant objectives and policies:</i> <b>{NatEnv 958.100}</b></p> <ul style="list-style-type: none"> <li>i. <u>Objective 10.2.1.</u> <b>{NatEnv 958.100}</b></li> <li>ii. <u>Biodiversity values are maintained or enhanced</u> (Policy 10.2.1.W). <b>{NatEnv 958.100}</b></li> <li>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> <b>{NatEnv 900.142 and 1088.15}</b> <ul style="list-style-type: none"> <li>1. <u>there is no net loss and preferably a net gain in the biodiversity values of the area.</u> <b>or {NatEnv 900.142}</b></li> <li>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> <b>or {NatEnv 949.29}</b></li> <li>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> <b>{NatEnv 1088.15}</b></li> </ul> </li> </ul>



### 10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
C. <b>{NatEnv cl.16}</b>	Indigenous vegetation clearance – large scale in <b>{NatEnv cl.16}</b> (rural and rural residential zones)	a. Effects on biodiversity <u>values</u> <b>{NatEnv 958.60}</b>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 10.2.1.</li> <li>ii. <del>Indigenous vegetation clearance avoids adverse effects on the biodiversity values of areas of indigenous vegetation, or ensures adverse effects are</del> <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></li> <li>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> <ul style="list-style-type: none"> <li>1. <u>there is no net loss and preferably a net gain in the biodiversity values of the area, or {NatEnv 900.142}</u></li> <li>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></li> <li>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></li> </ul> </li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. The clearance is of a non-local indigenous species that has extended beyond its range.</li> <li>v. The clearance is part of conservation activity involving the clearance of indigenous species and replacement by other indigenous species.</li> <li>vi. The clearance is of indigenous vegetation that is diseased and unlikely to regain health and viability.</li> <li>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></li> </ul>
2.	All subdivision activities	a. Effects on areas of <del>indigenous vegetation</del>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objectives 10.2.1, <u>10.2.2 {NatEnv cl.16}</u></li> </ul>

### 10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
		<p>and the habitat of indigenous fauna biodiversity values <b>{NatEnv 958.60}</b> and the natural character of riparian margins and the coast <b>{NatEnv cl.16}</b></p>	<p>ii. The design of the subdivision and any future land use or development activities <b>{NatEnv cl.16}</b> 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): <b>{NatEnv 958.60}</b></p> <ol style="list-style-type: none"> <li>1. maintain or enhance, on an on-going basis, biodiversity values (Policy 10.2.1.9.a); <b>{NatEnv 958.60}</b></li> <li>2. protect areas of significant indigenous vegetation and the significant habitats of indigenous fauna (Policy 10.2.1.9.b) <b>{NatEnv 958.60}</b></li> <li>3. 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). <b>{NatEnv 958.60}</b></li> </ol> <p>iii. General subdivision adjacent to water bodies and the coast maintains or enhances the following values, including through provision of an esplanade reserve or esplanade strip in identified locations: <b>{NatEnv cl.16}</b></p> <ol style="list-style-type: none"> <li>1. biodiversity values of riparian margins and the coast; <b>{NatEnv cl.16}</b></li> <li>2. the water quality and aquatic habitats of the water body or coast; and <b>{NatEnv cl.16}</b></li> <li>3. the natural functioning of the adjacent sea or water body (Policy 10.2.2.5). <b>{NatEnv cl.16}</b></li> </ol> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>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:</p> <ol style="list-style-type: none"> <li>1. retaining indigenous vegetation on a single site, under single ownership; and</li> <li>2. fencing of indigenous vegetation.</li> </ol> <p>v. A legal mechanism (such as a covenant) is offered by the applicant to protect indigenous</p>

### 10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
			<p>vegetation.</p> <p>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.16<sup>2</sup>}</u></p> <p>vii. <u>In the rural zones, subdivisions are designed to maintain natural overland flow paths and natural hydrology. {NatEnv cl.16<sup>2</sup>}</u></p> <p><i>General assessment guidance:</i></p> <p>viii. Threatened indigenous vegetation includes those species listed in Appendix 10A.</p> <p><i>Conditions that may be imposed include:</i></p> <p>ix. A building platform may be required to be registered against the title by way of consent notice.</p>

### 10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	<p>b. Effects on biodiversity and natural character of riparian margins and the coast <b>{NatEnv cl.16<sup>2</sup>}</b></p>	<p><i>Relevant objectives and policies: {NatEnv cl.16<sup>2</sup>}</i></p> <ul style="list-style-type: none"> <li>i. Objective 10.2.2: <b>{NatEnv cl.16<sup>2</sup>}</b></li> <li>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: <b>{NatEnv cl.16<sup>2</sup>}</b> <ul style="list-style-type: none"> <li>1. biodiversity values of riparian margins and the coast; <b>{NatEnv cl.16<sup>2</sup>}</b></li> <li>2. the water quality and aquatic habitats of the water body or coast; and <b>{NatEnv cl.16<sup>2</sup>}</b></li> <li>3. the natural functioning of the adjacent sea or water body (Policy 10.2.2.5): <b>{NatEnv cl.16<sup>2</sup>}</b></li> </ul> </li> </ul> <p><i>Potential circumstance that may support a consent application include: {NatEnv cl.16<sup>2</sup>}</i></p> <ul style="list-style-type: none"> <li>iii. The subdivision is designed to minimise any adverse effects from drainage on water bodies, including by minimising impermeable surfaces near open water bodies: <b>{NatEnv cl.16<sup>2</sup>}</b></li> <li>iv. In the rural zones, subdivisions are designed to maintain natural overland flow paths and natural hydrology: <b>{NatEnv cl.16<sup>2</sup>}</b></li> </ul>

### 10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
		c. Effects on public access	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 10.2.4.</li> <li><u>Subdivision of land enhances public access to the natural environment is enhanced through:</u> <ol style="list-style-type: none"> <li><u>requiring an esplanade reserve or esplanade strip of an appropriate width and location adjacent to identified water bodies and the coast; and</u></li> <li><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). <b>{NatEnv cl16<sup>6</sup>}</b></li> </ol> </li> </ol> <p><i>Potential circumstances or mitigation measures {NatEnv cl.16} that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>Unformed legal roads will be fenced to maintain or enhance public access, or other mechanisms are proposed to enhance public access.</li> <li>A management plan is provided for on-going pest and weed control on areas set aside for public access.</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>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 <b>{NatEnv 360.155}</b> requirements that apply.</li> </ol>
3.	<p>In the <b>ONCC</b> or <b>HNCC</b> overlay zones:</p> <ul style="list-style-type: none"> <li>RD buildings and structures activities <b>{NatEnv 360.137}</b></li> <li>Tree planting Shelterbelts and small woodlots <b>{RU cl.16}</b></li> <li>Earthworks - large scale (that exceed scale thresholds for an ONCC, HNCC)</li> </ul>	a. Effects on natural character of the coast	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 10.2.3</li> <li>Adverse effects on the natural character values identified in Appendix A5 are insignificant (Policy 10.2.3.3).</li> <li>Subdivisions are designed to ensure any future land use or development activities <b>{NatEnv cl.16}</b> will maintain preserve <b>{NatEnv 958.43}</b> 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.W, 10.2.3.2, 10.2.3.3 and</li> </ol>

### 10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<ul style="list-style-type: none"> <li>Indigenous vegetation clearance <b>{NatEnv 958.106}</b></li> <li>Amateur radio configurations <u>Network utility structures – large scale (amateur radio configurations only)</u> <b>{NU cl.16}</b></li> <li>Network utilities utility <b>{NU cl.16}</b> structures - small scale</li> <li>Network utilities poles and masts – small scale <b>{NU cl.16}</b></li> <li>Public artworks - large scale</li> <li>General subdivision</li> </ul>		<p><u>10.2.3.X {NatEnv 900.46 and others}</u> (Policy 10.2.3.7).</p> <p>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></p> <ol style="list-style-type: none"> <li>1. <u>there is no net loss and preferably a net gain in the biodiversity values of the area, or {NatEnv 900.142}</u></li> <li>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></li> <li>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></li> </ol> <p><i>General assessment guidance:</i></p> <p>v. The assessment will consider the natural character values outlined in Appendix A5.</p> <p>vi. All development in an ONCC or HNCC overlay zone will consider the effects on biodiversity.</p> <p>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).</p> <p>viii. <u>The assessment will consider the appropriateness of the building platforms identified, as required by Rule 10.8.1. {NatEnv 447.135}</u></p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>ix. <del>Development activities are</del> <u>is {NU cl.16}</u> associated with conservation.</p> <p>x. For utilities activities:</p> <ol style="list-style-type: none"> <li>1. The network utility is co-located with existing buildings or network utility structures.</li> <li>2. It is essential for the activity to locate on</li> </ol>



### 10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
			<p>the feature to ensure the ongoing operation of a network utility service.</p> <p>3. Landscaping or other forms of screening will be used to reduce the visibility of the network utility from surrounding properties and public viewpoints.</p> <p>4. <u>Solar panels and other structures use a design and/or materials that minimise reflectivity and glare as far as practicable.</u> <b>{NatEnv 447.49}</b></p> <p><i>Conditions that may be imposed include:</i></p> <p>xi. For earthworks - large scale, requirements for batter gradients to be re-vegetated or screened by vegetation if visible from a public place.</p>
4.	<p>In the <b>NCC Overlay Zone</b>:</p> <ul style="list-style-type: none"> <li>• <u>Crematoriums</u> <b>{NatEnv 447.77}</b></li> <li>• Forestry</li> <li>• Indigenous vegetation clearance - <u>large scale</u> <b>{NatEnv cl.16}</b></li> <li>• <u>New buildings or structures greater than 60m<sup>2</sup>, or additions and alterations that result in a building or structure that is greater than 60m<sup>2</sup> GFA and/or has any wall longer than 20m. All restricted discretionary buildings and structures activities that are linked to Section 10.5</u> <b>{NatEnv 360.164}</b></li> <li>• <u>All other building and structures activities</u> <b>{NatEnv 360.164}</b></li> <li>• Earthworks - large scale (that exceed the scale thresholds for an NCC)</li> <li>• <u>Public artworks - large scale</u> <b>{NatEnv 908.17}</b></li> </ul>	a. Effects on natural character of the coast	<p><i>Relevant objectives and policies:</i></p> <p>i. Objective 10.2.3</p> <p>ii. Adverse effects on the natural character values identified in Appendix A5 are avoided or, if avoidance is not possible <u>practicable</u> <b>{PO 908.3}</b>, are no more than minor (Policy 10.2.3.4).</p> <p>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> <b>{NatEnv 900.142 and 1088.15}</b></p> <ol style="list-style-type: none"> <li>1. <u>there is no net loss and preferably a net gain in the biodiversity values of the area,</u> or <b>{NatEnv 900.142}</b></li> <li>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 <b>{NatEnv 949.29}</b></li> <li>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> <b>{NatEnv 1088.15}</b></li> </ol> <p><i>General assessment guidance:</i></p> <p>iv. The assessment will consider the natural character values outlined in Appendix A5.</p>

### 10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
			<p>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></p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>vi. The activity incorporates key design elements as set out in Appendix A5.</p> <p>vii. Development activities are <u>is {NU cl.16}</u> associated with conservation.</p> <p>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></p> <p>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></p> <p><i>Conditions that may be imposed include:</i></p> <p>x. For forestry, conditions on the siting, scale, species and/or layout of forestry blocks.</p> <p>xi. For earthworks - large scale, requirements for batter gradients to be re-vegetated or screened by vegetation if visible from a public place.</p>
5.	<p>In the <b>NCC Overlay Zone:</b></p> <ul style="list-style-type: none"> <li>Public Artworks - large scale <b>{NatEnv 908.17}</b></li> <li>Network utilities utility <b>{NU cl.16}</b> poles and masts - small scale</li> <li>Wind generators –on-site energy generation small scale <b>{NU 308.122}</b></li> </ul>	a. Effects on natural character of the coast	<p><i>Relevant objectives and policies:</i></p> <p>i. Objective 10.2.3</p> <p>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>:</p> <p>1. <u>are avoided or, if avoidance is not possible, are {NatEnv cl.16}</u> no more than minor, or</p>

### 10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<ul style="list-style-type: none"> <li>• Hydro generators –on-site energy generation <u>small scale</u> <b>{NU 308.122}</b></li> <li>• Solar panels –on-site energy generation <u>small scale</u> <b>{NU 308.122}</b></li> <li>• Energy resource investigation devices <b>{NU 308.122}</b></li> <li>• Biomass generators –on-site energy generation <b>{NU 308.137}</b></li> </ul>		<p>2. <u>where there are no practicable alternative locations, adequately mitigated (Policy 10.2.3.Y) <b>{NatEnv 908.17 and 576.62}</b></u> (Policy 10.2.3.10)</p> <p>iii. <u>Adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided or, if avoidance is not practicable: <b>{NatEnv 900.142 and 1088.15}</b></u></p> <p>1. <u>there is no net loss and preferably a net gain in the biodiversity values of the area, or <b>{NatEnv 900.142}</b></u></p> <p>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 <b>{NatEnv 949.29}</b></u></p> <p>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). <b>{NatEnv 1088.15}</b></u></p> <p><i>General assessment guidance:</i></p> <p>iv. The assessment will consider the natural character values outlined in Appendix A5.</p> <p>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. <b>{NatEnv 908.17 and 576.62}</b></u></p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>vi. For utilities activities:</p> <p>1. The network utility is co-located with existing buildings or network utility structures.</p> <p>2. <del>It is essential for the activity to locate on the feature to ensure the ongoing operation of a network utility service.</del></p>

### 10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
			<p><b>{NatEnv 576.62}</b></p> <p>3. Landscaping or other forms of screening will be used to reduce the visibility of the network utility from surrounding properties and public viewpoints.</p> <p>4. <u>Solar panels and other structures use a design and/or materials that minimise reflectivity and glare as far as practicable.</u></p> <p><b>{NatEnv 447.49}</b></p>
6.	<p>In the <b>NCC Overlay Zone:</b></p> <ul style="list-style-type: none"> <li>General subdivision</li> </ul>	a. Effects on natural character of the coast	<p><i>Relevant objectives and policies:</i></p> <p>i. Objective 10.2.3</p> <p>ii. Subdivisions are designed to ensure any future land use or development activities <b>{NatEnv cl.16}</b> will maintain preserve <b>{NatEnv 958.43}</b> 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 <b>{NatEnv 900.46 and others}</b> (Policy 10.2.3.7).</p> <p><i>General assessment guidance:</i></p> <p>iii. The assessment will consider the natural character values outlined in Appendix A5.</p> <p>iv. <u>The assessment will consider the appropriateness of the building platforms identified, as required by Rule 10.8.1.</u> <b>{NatEnv 447.135}</b></p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>v. For subdivision activities, a landscape building platform or platforms are identified (see Rule 10.8.1 Special Information Requirements).</p> <p>vi. Development activities are <u>is</u> <b>{NU cl.16}</b> associated with conservation.</p> <p>vii. For utilities activities: <b>{NatEnv cl.16}</b></p> <p>1. The network utility is co-located with existing buildings or network utilities structures: <b>{NatEnv cl.16}</b></p> <p>2. It is essential for the activity to locate on the feature to ensure the ongoing operation of a network utility service: <b>{NatEnv cl.16}</b></p> <p>3. Landscaping or other forms of screening</p>

### 10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
			<p>will be used to reduce the visibility of the network utility from surrounding properties and public viewpoints. <b>{NatEnv cl.16}</b></p> <p><i>Conditions that may be imposed include:</i></p> <p>viii. For forestry, conditions on the siting, scale, species and/or layout of forestry blocks. <b>{NatEnv cl.16}</b></p> <p>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).</p> <p>x. For earthworks – large scale, requirements for batter gradients to be re-vegetated or screened by vegetation if visible from a public place. <b>{NatEnv cl.16}</b></p>
7.	<p>In an <del>Scheduled ASCV</del> <b>ASBV: {NatEnv 958.60}</b></p> <ul style="list-style-type: none"> <li>Indigenous vegetation clearance <b>{NatEnv 949.13}</b></li> <li>New buildings or structures, or additions and alterations, that result in a building or structure that is greater than 60m<sup>2</sup> GFA and/or has any wall longer than 20m <u>All restricted discretionary buildings and structures activities that are linked to Section 10.5</u> <b>{NatEnv 360.164}</b></li> <li>All other structures <b>{NatEnv 360.164}</b></li> <li>Earthworks - large scale (that exceed the scale thresholds for a Scheduled ASCV <del>ASBV</del>) <b>{NatEnv 958.60}</b></li> <li><u>Shelterbelts and small woodlots</u> <b>{NatEnv</b></li> </ul>	<p>a. Effects on biodiversity <u>values</u> <b>{NatEnv 958.60}</b></p>	<p><i>Relevant objectives and policies:</i></p> <p>i. Objective 10.2.1</p> <p>ii. <del>Land use and development activities have net positive effects on the protection and enhancement of</del> <u>There is no net loss and preferably a net gain in</u> <b>{NatEnv 1088.32}</b> the biodiversity values of the area of significant conservation value <u>ASBV</u> <b>{NatEnv 958.60}</b> including, but not limited to, those biodiversity values listed in Appendix A1.2 <b>{NatEnv 690.8}</b> (Policy 10.2.1.2).</p> <p>iii. <del>Indigenous vegetation clearance maintains or enhances the biodiversity values of areas of significant conservation value</del> (Policy 10.2.1.4). <b>{NatEnv 949.5}</b></p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>iv. Development activities are <u>is</u> <b>{NU cl.16}</b> associated with conservation.</p> <p>v. Measures are proposed to protect or enhance the biodiversity values of the area of significant conservation <u>ASBV</u>. <b>{Nat Env 958.60}</b></p>

### 10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p><b>958.107}</b></p> <ul style="list-style-type: none"> <li>• <u>Site development activities (except for outdoor storage, parking, loading and access, vegetation clearance, storage and use of hazardous substances)</u> <b>{NatEnv 958.107}</b></li> <li>• <u>Network utility poles and masts – small scale</u> <b>{NatEnv 900.33}</b></li> <li>• <u>Wind generators – small scale</u> <b>{NatEnv 900.33 and NU 308.122}</b></li> <li>• <u>Hydro generators – small scale</u> <b>{NatEnv 900.33 and NU 308.122}</b></li> <li>• <u>Solar panels – small scale</u> <b>{NatEnv 900.33 and NU 308.122}</b></li> <li>• <u>Network utility structures – large scale (amateur radio configurations only)</u> <b>{NU cl.16}</b></li> </ul>		



### 10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
8. <b>{NatEnv 900.33}</b>	<p><del>In a <b>Scheduled ASCV:</b></del> <del><b>{NatEnv 900.33}</b></del></p> <ul style="list-style-type: none"> <li>• Network utilities poles and masts – small scale</li> <li>• Wind generators – on-site energy generation</li> <li>• Hydro generators – on-site energy generation</li> <li>• Solar panels – on-site energy generation</li> <li>• Energy resource investigation devices <b>{NatEnv 900.33}</b></li> <li>• Biomass generators – onsite energy generation <b>{NU 308.137 and others}</b></li> </ul>	<p><del>a. Effects on biodiversity <b>{NatEnv 900.33}</b></del></p>	<p><del><b>Relevant objectives and policies:</b></del></p> <ul style="list-style-type: none"> <li>i. Objective 10.2.1</li> <li>ii. Adverse effects on identified biodiversity values can be avoided or, where avoidance is not possible, would be insignificant (Policy 10.2.1.10).</li> </ul> <p><del><b>Potential circumstances that may support a consent application include:</b></del></p> <ul style="list-style-type: none"> <li>iii. Measures are proposed to protect or enhance the biodiversity values of the Area of Significant Conservation Value. <b>{NatEnv 900.33}</b></li> </ul>

### 10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
9.	<p>In an <del>Scheduled ASCV</del> <b>ASBV {NatEnv 958.60}</b>:</p> <ul style="list-style-type: none"> <li>All subdivision activities</li> </ul>	<p>a. Effects on biodiversity <u>values</u> <b>{NatEnv 958.60}</b></p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 10.2.1</li> <li>The design of the subdivision and any future land use or development <u>activities</u> <b>{NatEnv cl.16}</b> will maintain or enhance the biodiversity and conservation values associated with the Area of Significant Conservation Value and <b>urban Conservation mapped areas</b> (Policy 10.2.1.9.a); <b>{NatEnv 958.60}</b> <ol style="list-style-type: none"> <li><u>maintain or enhance, on an on-going basis, biodiversity values</u> (Policy 10.2.1.9.a); <b>{NatEnv 958.60}</b></li> <li><u>protect areas of significant indigenous vegetation and the significant habitats of indigenous fauna</u> (Policy 10.2.1.9.b); and <b>{NatEnv 958.60}</b></li> <li><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). <b>{NatEnv 958.60}</b></li> </ol> </li> </ol> <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>Development activities <u>are</u> <b>{NU cl.16}</b> associated with conservation.</li> <li>Measures are proposed to protect or enhance the biodiversity values of the area of significant conservation <b>ASBV {NatEnv 958.60}</b>.</li> </ol>
10.	<p>In a <del>UCMA UBMA</del> <b>{NatEnv 958.60}</b></p> <ul style="list-style-type: none"> <li>Earthworks - large scale (that exceed scale thresholds for an UCMA UBMA) <b>{NatEnv 958.60}</b></li> <li>All subdivision activities</li> </ul>	<p>a. Effects on biodiversity <u>values</u> <b>{NatEnv 958.60}</b></p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 10.2.1</li> <li>Earthworks - large scale <u>and subdivision</u> <b>{NatEnv cl.16}</b> in an <b>urban conservation mapped area</b> (UCMA) <b>{NatEnv cl.16}</b> maintain or enhance the conservation biodiversity <b>{NatEnv 958.60}</b> values of the UCMA UBMA <b>{NatEnv 958.60}</b> including, but not limited to, those values listed in Appendix A10 <b>{NatEnv 900.31}</b> (Policy 10.2.1.5).</li> <li><u>Adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided or, if avoidance is not practicable:</u> <b>{NatEnv 900.142 and 1088.15}</b></li> </ol>

### 10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
			<ol style="list-style-type: none"> <li>1. <u>there is no net loss and preferably a net gain in the biodiversity values of the area, or {NatEnv 900.142}</u></li> <li>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></li> <li>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></li> </ol> <p>iv. The design of the subdivision and any future land use or development activities <b>{NatEnv cl.16}</b> will maintain or enhance the biodiversity and conservation values associated with areas of significant conservation value and <b>urban conservation mapped areas</b> (Policy 10.2.1.9.a); <b>{NatEnv958.60}</b></p> <ol style="list-style-type: none"> <li>1. <u>maintain or enhance, on an on-going basis, biodiversity values (Policy 10.2.1.9.a); {NatEnv958.60}</u></li> <li>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></li> <li>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></li> </ol> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>v. The earthworks <b>Earthworks {NatEnv cl.16}</b> are associated with conservation.</p>

### 10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>11. In the <b>ONF Overlay Zone</b>:</p> <ul style="list-style-type: none"> <li>• All RD buildings and structures activities <b>{NatEnv 360.137}</b></li> <li>• Earthworks - large scale (that exceed scale thresholds for an ONF)</li> <li>• Tree planting Shelterbelts and small woodlots <b>{RU cl.16}</b></li> <li>• Indigenous vegetation clearance – large scale <b>{NatEnv 958.106}</b></li> <li>• Network utility structures - small scale <b>{NatEnv cl.16}</b></li> <li>• Network utility structures – large scale (amateur radio configurations only) <b>{NatEnv cl.16}</b></li> </ul>	<p>a. Effects on landscape values</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 10.2.5.</li> <li>The effects on landscape values are insignificant (Policy 10.2.5.3).</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>The assessment will consider the landscape values outlined in Appendix A3.</li> <li>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). <b>{NatEnv cl.16}</b></li> </ol> <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>For utilities activities: <ol style="list-style-type: none"> <li>The network utility is co-located with existing buildings or network utility structures.</li> <li>It is essential for the activity to locate on the feature to ensure the on-going operation of a network utility service.</li> <li>Landscaping or other forms of screening will be used to reduce the visibility of the network utility from surrounding properties and public viewpoints.</li> </ol> </li> </ol> <p><i>Conditions that may be imposed include:</i></p> <ol style="list-style-type: none"> <li>For earthworks - large scale, requirements for batter gradients to be re-vegetated or screened by vegetation if visible from a public place.</li> <li><u>Solar panels and other structures use a design and/or materials that minimise reflectivity and glare as far as practicable.</u> <b>{NatEnv 447.49}</b></li> </ol>

### 10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
12- <b>{NatEnv cl.16<sup>5</sup>}</b>	<p>In the <b>ONF Overlay Zone</b>:</p> <ul style="list-style-type: none"> <li>• Amateur radio configurations</li> <li>• Network utilities structures – small scale</li> <li>• Network utilities poles and masts – small scale</li> </ul>	a. Effects on landscape values	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 10.2.5.</li> <li>ii. Any adverse effects on the landscape values, as identified in Appendix A3, would be insignificant (Policy 10.2.5.16).</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>iii. The assessment will consider the landscape values outlined in Appendix A3.</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. The network utility is co-located with existing buildings or network utilities structures.</li> <li>v. It is essential for the activity to locate on the feature to ensure the on-going operation of a network utility service.</li> <li>vi. Landscaping or other forms of screening will be used to reduce the visibility of the network utility from surrounding properties and public viewpoints.</li> </ul>
D.	<p>In the <b>ONF overlay zone</b>: <b>{Nat Env 908.17 and 908.3}</b></p> <ul style="list-style-type: none"> <li>• <u>Public artworks - large scale</u></li> </ul>	a. Effects on landscape values	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. <u>Objective 10.2.5.</u></li> <li>ii. <u>Any adverse effects on landscape values are:</u> <ul style="list-style-type: none"> <li>1. <u>insignificant (Policy 10.2.5.Y.a); or</u></li> <li>2. <u>where there are no practicable alternative locations, adequately mitigated (Policy 10.2.5.Y.b).</u></li> </ul> </li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>iii. <u>The assessment will consider the landscape values outlined in Appendix A3.</u></li> <li>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></li> </ul>

### 10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
13.	<p>In the <b>ONF, ONL or SNL overlay zones</b>:</p> <ul style="list-style-type: none"> <li>General subdivision</li> </ul>	a. Effects on landscape values	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 10.2.5.</li> <li>Subdivision is designed to ensure that any future land use or development will maintain or enhance <b>{NatEnv 908.17 and 908.3}</b> the landscape values identified in Appendix A3 and will be in accordance with policies <del>10.2.5.1-10.2.5.9</del> <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> <b>{NatEnv 900.46 and others}</b> (Policy 10.2.5.11).</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>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).</li> <li><u>The assessment will consider the appropriateness of the building platforms identified, as required by Rule 10.8.1.</u> <b>{NatEnv 447.135}</b></li> </ol> <p><i>Conditions that may be imposed include:</i></p> <ol style="list-style-type: none"> <li>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).</li> </ol>
14.	<p>In the <del>ONF, ONL or SNL overlay zones</del> <b>{NatEnv 908.17 and 908.3}</b></p> <ul style="list-style-type: none"> <li>Public artworks – large scale</li> </ul>	a. Effects on landscape values	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 10.2.5.</li> <li>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).</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>The assessment will consider the landscape values outlined in Appendix A3.</li> </ol>



### 10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>15. In the <b>ONL Overlay Zone</b>:</p> <ul style="list-style-type: none"> <li>• Forestry</li> <li>• New building or structure greater than 60m<sup>2</sup> or, <b>{NatEnv 464.10}</b></li> <li>• additions and alterations that result in a building or structure that is greater than 60m<sup>2</sup> <b>{NatEnv 464.10}</b></li> <li>• All other buildings and structures activities <b>{NatEnv 360.137}</b></li> <li>• Earthworks – large scale (that exceed the scale thresholds for an ONL) <b>{NatEnv 464.10}</b></li> <li>• Network utilities poles and masts – small scale <b>{NatEnv 576.62}</b></li> <li>• Wind generators – on-site energy generation <b>{NatEnv 576.62}</b></li> <li>• Hydro generators – on-site energy generation <b>{NatEnv 576.62}</b></li> <li>• Solar panels – on-site energy generation <b>{NatEnv 576.62}</b></li> <li>• Energy resource investigation devices <b>{NatEnv 576.62}</b></li> <li>• Biomass generators – on-site energy generation <b>{NU 308.137}</b></li> </ul>	<p>a. Effects on landscape values</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 10.2.5.</li> <li>Adverse <u>Any adverse</u> <b>{NatEnv cl.16}</b> effects on identified landscape values, as identified in Appendix A3, are insignificant (Policy 10.2.5.6).</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>The assessment will consider the landscape values outlined in Appendix A3.</li> <li>For forestry, in assessing effects on <u>landscape values</u>, the Council will consider the extent to which the activity follows the design guidelines in Appendix A11.3. <b>{NatEnv 447.74}</b></li> </ol> <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>The activity incorporates key design elements as set out in Appendix A3.</li> <li>Landscaping or other forms of screening will be used to reduce the visibility of development from surrounding properties and public viewpoints. <b>{NatEnv 464.10}</b></li> <li>For utilities activities: <b>{NatEnv 576.62}</b> <ol style="list-style-type: none"> <li>It is essential for the activity to locate in the landscape overlay to ensure the effective functioning of a network utility. <b>{NatEnv 576.62}</b></li> <li>The network utility is co-located with existing buildings or network utilities structures. <b>{NatEnv 576.62}</b></li> <li>The activity is associated with the operation of the national <b>{NatEnv 576.62}</b></li> <li>Landscaping or other forms of screening will be used to reduce the visibility of the network utility from surrounding properties and public viewpoints. <b>{NatEnv 576.62}</b></li> </ol> </li> </ol> <p><i>Conditions that may be imposed include, but are not limited to: {NatEnv 464.10}</i></p> <ol style="list-style-type: none"> <li>For earthworks – large scale, requirements for batter gradients to be re-vegetated or screened by vegetation if visible from a public</li> </ol>

### 10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents place: <b>{NatEnv 464.10}</b>
E.	<p><b>In the ONL Overlay Zone: {NatEnv 464.10 and others}</b></p> <ul style="list-style-type: none"> <li>• <u>Crematoriums {NatEnv 447.77}</u></li> <li>• <u>New building or structure greater than 60m<sup>2</sup> footprint or, additions and alterations that result in a building or structure that is greater than 60m<sup>2</sup> footprint {NatEnv 464.10}</u></li> <li>• <u>Earthworks - large scale (that exceed the scale thresholds for an ONL) {NatEnv 464.10}</u></li> <li>• <u>Public artworks - large scale {NatEnv 907.17 and 908.3}</u></li> <li>• <u>Network utility poles and masts – small scale {NatEnv 576.62}</u></li> <li>• <u>Wind generators – small scale {NatEnv 576.62}</u></li> <li>• <u>Hydro generators – small scale {NatEnv 576.62}</u></li> <li>• <u>Solar panels – small scale {NatEnv 576.62}</u></li> </ul>	<p><u>a. Effects on landscape values {NatEnv 464.10 and others}</u></p>	<p><i>Relevant objectives and policies: {NatEnv 464.10 and others}</i></p> <ol style="list-style-type: none"> <li><u>Objective 10.2.5. {NatEnv 464.10 and others}</u></li> <li><u>Any adverse effects on landscape values are: {NatEnv 464.10}</u> <ol style="list-style-type: none"> <li><u>insignificant (Policy 10.2.5.Z.a); or {NatEnv 464.10 and others}</u></li> <li><u>where there are no practicable alternative locations, adequately mitigated (Policy 10.2.5.Z.b) {NatEnv 464.10 and others}</u></li> </ol> </li> </ol> <p><i>General assessment guidance: {NatEnv 464.10 and others}</i></p> <ol style="list-style-type: none"> <li><u>The assessment will consider the landscape values outlined in Appendix A3. {NatEnv 464.10 and others}</u></li> <li><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></li> </ol> <p><i>Potential circumstances that may support a consent application include: {NatEnv 464.4}</i></p> <ol style="list-style-type: none"> <li><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></li> </ol>
16.	<p><b>In the SNL Overlay Zone:</b></p> <ul style="list-style-type: none"> <li>• <u>Crematoriums {NatEnv 447.77}</u></li> <li>• <u>Forestry</u></li> <li>• <u>New building or structure greater than 60m<sup>2</sup> footprint {PO cl.16} or,</u></li> </ul>	<p><u>a. Effects on landscape values</u></p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li><u>Objective 10.2.5.</u></li> <li><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> <ol style="list-style-type: none"> <li><u>no more than minor (Policy 10.2.5.7.a), or</u></li> </ol> </li> </ol>

### 10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>additions and alterations that result in a building or structure that is greater than 60m<sup>2</sup> footprint <b>{PO cl.16}</b></p> <ul style="list-style-type: none"> <li>• All other buildings and structures activities <b>{NatEnv 360.137}</b></li> <li>• Earthworks - large scale (that exceed the scale thresholds for an SNL)</li> <li>• Public artworks - large scale <b>{NatEnv 908.17 and 908.3}</b></li> <li>• Network utilities utility <b>{NU cl.16}</b> poles and masts - small scale</li> <li>• Wind generators - on-site energy-generation small scale <b>{NU 308.122}</b></li> <li>• Hydro generators - on-site energy-generation small scale <b>{NU 308.122}</b></li> <li>• Solar panels - on-site energy-generation small scale <b>{NU 308.122}</b></li> <li>• Energy resource investigation devices <b>{NU 308.122}</b></li> <li>• Biomass generators - on-site energy-generation <b>{NU 308.137}</b></li> </ul>		<p>2. <u>where there are no practicable alternative locations, adequately mitigated (Policy 10.2.5.7.b).</u> <b>{NatEnv 458.12}</b></p> <p><i>General assessment guidance:</i></p> <p>iii. The assessment will consider the landscape values outlined in Appendix A3.</p> <p>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> <b>{NatEnv 458.12}</b></p> <p>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> <b>{NatEnv 447.74}</b></p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>vi. The activity incorporates key design elements as set out in Appendix A3.</p> <p>vii. Landscaping or other forms of screening will be used to reduce the visibility of development from surrounding properties and public viewpoints.</p> <p>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> <b>{NatEnv 464.4}</b></p> <p>ix. For utilities activities:</p> <ol style="list-style-type: none"> <li>1. <u>It is essential for the activity to locate in the landscape overlay to ensure the effective functioning of a network utility.</u> <b>{NatEnv 458.12}</b></li> <li>2. The network utility is co-located with existing buildings or network utility structures.</li> </ol>

### 10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
			<p>3. The activity is associated with the operation of the <del>national</del> <u>National Grid</u> <b>{NatEnv cl.16}</b></p> <p>4. Landscaping or other forms of screening will be used to reduce the visibility of the network utility from surrounding properties and public viewpoints.</p> <p>x. For earthworks - large scale, requirements for batter gradients to be re-vegetated or screened by vegetation if visible from a public place.</p>

<sup>1</sup> **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.

<sup>2</sup> **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.

<sup>3</sup> **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.

<sup>4</sup> **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.

<sup>5</sup> **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.

<sup>6</sup> **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.

<sup>6</sup> **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>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. Objectives 10.2.1 - 10.2.5</li> <li>b. Objective 2.2.3</li> <li>c. <u>Activities maintain or enhance biodiversity values (Policy 10.2.1.W). {NatEnv 900.35}</u></li> <li>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> <ol style="list-style-type: none"> <li>i. <u>there is no net loss and preferably a net gain in the biodiversity values of the area, or {NatEnv 900.142}</u></li> <li>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></li> <li>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></li> </ol> </li> <li>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></li> </ol> <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>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.</li> <li>g. The development incorporates conservation activity that will have significant positive effects on biodiversity or natural character values.</li> <li>h. A management plan is provided for weed and pest control in areas of indigenous vegetation or the habitat of indigenous fauna.</li> </ol>

## 10.6.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
	<p><i>General assessment guidance</i></p> <ul style="list-style-type: none"> <li>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> <b>{NatEnv 900.142 and others}</b></li> <li>j. In assessing the significance of effects, consideration will be given to:             <ul style="list-style-type: none"> <li>i. both short and long term effects, including effects in combination with other activities; and</li> <li>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.</li> </ul> </li> <li>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> <b>{NatEnv 900.9 and 958.8}</b></li> <li>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> <b>{NatEnv 949.29 and 1088.33}</b></li> <li>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> <b>{NatEnv 900.35 and 908.38}</b></li> <li>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> <b>{NatEnv cl.16}</b></li> </ul>



### 10.6.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
<p>2.</p> <ul style="list-style-type: none"> <li>• <del>Natural</del> Hazard mitigation earthworks <b>{HazMit cl.16}</b></li> <li>• <del>Natural</del> Hazard mitigation structures <b>{HazMit cl.16}</b></li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>Objectives 10.2.2, 10.2.4</li> <li><del>Natural</del> Hazard mitigation earthworks or <u>natural hazard mitigation structures <b>{HazMit cl.16}</b></u> maintain or enhance public access to the coast and riparian margins (Policy 10.2.4.34) <b>{HazMit cl.16}</b>.</li> <li><del>Hazard mitigation earthworks and hazard mitigation structures do not have significant</del> <u>Significant <b>{NatEnv 951.8}</b></u> adverse effects on the biodiversity and natural character values of coastal and riparian margins <u>are avoided or minimised as far as practicable <b>{NatEnv 951.8}</b></u> (Policy 10.2.2.6).</li> </ol> <p><i>General assessment guidance: <b>{NatEnv 322.35}</b></i></p> <ol style="list-style-type: none"> <li><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. <b>{NatEnv 322.35}</b></u></li> </ol>
<p>3.</p> <ul style="list-style-type: none"> <li>• Mining <b>{NatEnv 949.9}</b></li> <li>• Landfills <b>{NatEnv 949.9}</b></li> </ul>	<p><i>Relevant objectives and policies (priority considerations): <b>{NatEnv 949.9}</b></i></p> <ol style="list-style-type: none"> <li><del>Objective 10.2.1</del></li> <li><del>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).</del></li> </ol>
<p>A.</p> <p>In the <b>ONF overlay zone: <b>{NatEnv 908.17}</b></b></p> <ul style="list-style-type: none"> <li>• <u>Natural hazard mitigation activities</u></li> <li>• <u>Transportation activities</u></li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li><u>Objective 10.2.5</u></li> <li><u>Any adverse effects on the values identified in Appendix A3 are:</u> <ol style="list-style-type: none"> <li><u>insignificant, or</u></li> <li><u>where there are no practicable alternative locations, adequately mitigated (Policy 10.2.5.Y)</u></li> </ol> </li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li><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></li> <li><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></li> </ol>

## 10.6.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
<p>4. <b>In the ONF, ONL, or SNL overlay zones: {NatEnv 908.17 and 908.3}</b></p> <ul style="list-style-type: none"> <li>• Hazard mitigation structures <b>{NatEnv 908.17 and 908.3}</b></li> <li>• Hazard mitigation earthworks <b>{NatEnv 908.17 and 908.3}</b></li> <li>• Discretionary transportation activities <b>{NatEnv 908.17 and 908.3}</b></li> <li>• Discretionary public amenities <b>{NatEnv cl.16}</b></li> </ul>	<p><i>Relevant objectives and policies (priority considerations): {NatEnv 908.17 and 908.3}</i></p> <p>a. Objective 10.2.5</p> <p>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).</p>
<p>5. <b>In the SNL or ONL overlay zones:</b></p> <ul style="list-style-type: none"> <li>• Network utilities <u>utility</u> <b>{NU cl.16}</b> structures - large scale</li> <li>• <u>Substations</u> <b>{NU 915.17}</b></li> <li>• Solar panels – community scale <b>{NU 308.122}</b></li> <li>• Hydro-generators – community scale <b>{NU 308.122}</b></li> <li>• <u>Natural hazard mitigation activities</u> <b>{NatEnv 908.17 and 908.3}</b></li> <li>• <u>Transportation activities</u> <b>{NatEnv 908.17 and 908.3}</b></li> <li>• Mining (SNLs only) <b>{NatEnv 447.76}</b></li> <li>• Landfills (SNLs only) <b>{NatEnv 447.75}</b></li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 10.2.5</p> <p>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> <b>{PO 908.3}</b>, are:</p> <ol style="list-style-type: none"> <li>no more than minor, <u>or</u></li> <li><u>where there are no practicable alternative locations, adequately mitigated.</u> <b>{NatEnv 458.12}</b> (Policy 10.2.5.7).</li> </ol> <p>c. Adverse <u>Any adverse</u> <b>{NatEnv cl.16}</b> effects on the landscape values of the ONL, as identified in Appendix A3, are:</p> <ol style="list-style-type: none"> <li>insignificant, <u>or</u></li> <li><u>where there are no practicable alternative locations, adequately mitigated</u> <b>{NatEnv 464.10 and others}</b> (Policy 10.2.5.6 <u>10.2.5.Z</u> <b>{NatEnv 464.10 and others}</b>).</li> </ol> <p><i>General assessment guidance: {NatEnv 458.12, and others}</i></p> <p>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> <b>{NatEnv 458.12, and others}</b></p> <p>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> <b>{NatEnv 458.12, and others}</b></p>

### 10.6.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
<p>6. <b>In a Scheduled ASCV: {NatEnv 900.33}</b></p> <ul style="list-style-type: none"> <li>• Network utilities structures – large scale</li> <li>• Solar panels – community scale</li> <li>• Hydro generators – community scale</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>Objective 10.2.1</li> <li>Any adverse effects on identified biodiversity values are avoided or, where avoidance is not possible, are insignificant (Policy 10.2.1.10).</li> </ol>
<p>7. <b>In an Scheduled ASGV ASBV: {NatEnv 958.60}</b></p> <ul style="list-style-type: none"> <li>• Rural tourism - large scale (rural zones)</li> <li>• Rural research - large scale outside the <b>Invermay Farm mapped area</b> (rural zones)</li> <li>• Community and leisure - large scale (rural zones)</li> <li>• Sport and recreation (including commercial activities ancillary to sport and recreation) (rural and recreation zones)</li> <li>• Network utility structures – large scale (excluding amateur radio configurations) <b>{NU 308.122 and NatEnv 900.142}</b></li> <li>• Substations <b>{NU 915.17}</b></li> <li>• Transportation activities <b>{NatEnv 900.142}</b></li> <li>• Natural hazard mitigation activities <b>{NatEnv 900.142}</b></li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>Objective 10.2.1</li> <li>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></li> </ol> <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>Where in a <del>scheduled ASCV</del> the sport <del>Sport</del> <b>{NatEnv cl.16}</b> and recreation that involves motor vehicles takes place on existing formed roads.</li> </ol>
<p>B. <b>In the ONCC and HNCC overlay zones: {NatEnv 949.19}</b></p> <ul style="list-style-type: none"> <li>• Transportation activities</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>Objective 10.2.3</li> <li>Any adverse effects on the values identified in Appendix A5 are insignificant (Policy 10.2.3.3).</li> </ol>

## 10.6.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
<p><b>C. In the ONCC and HNCC overlay zones: {NatEnv 908.17}</b></p> <ul style="list-style-type: none"> <li>Natural hazard mitigation activities</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>Objective 10.2.3</li> <li>b. Any adverse effects on the values identified in Appendix A5 are:               <ol style="list-style-type: none"> <li>insignificant, or</li> <li>where there are no practicable alternative locations, adequately mitigated (Policy 10.2.3.X)</li> </ol> </li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>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.</li> </ol>
<p><b>8. In the NCC Overlay Zone:</b></p> <ul style="list-style-type: none"> <li>Network utilities structures – large-scale {NatEnv 576.62}</li> <li>Solar panels – community scale {NatEnv 576.62}</li> <li>Hydro generators – community scale {NatEnv 576.62}</li> <li>Mining</li> <li>Landfills</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>Objective 10.2.3</li> <li>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).</li> </ol>

### 10.6.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
<p><b>D. In the NCC overlay zone: {NatEnv 908.17 and 576.62}</b></p> <ul style="list-style-type: none"> <li>• <u>Network utility structures – large scale</u></li> <li>• <u>Substations</u></li> <li>• <u>Natural hazard mitigation activities</u></li> <li>• <u>Transportation activities</u></li> </ul>	<p><i>Relevant objectives and policies (priority considerations): {NatEnv 908.17 and 576.62}</i></p> <p>a. <u>Objective 10.2.3</u></p> <p>b. <u>Any adverse effects on the values identified in Appendix A5 are avoided or, if avoidance is not practicable:</u></p> <ol style="list-style-type: none"> <li><u>no more than minor, or</u></li> <li><u>where there are no practicable alternative locations, adequately mitigated (Policy 10.2.3.Y).</u></li> </ol> <p><i>General assessment guidance:</i></p> <p>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></p> <p>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></p>
<p><b>9. In the ONC, HNCC, NCC overlay zones: {NatEnv 908.17}</b></p> <ul style="list-style-type: none"> <li>• <u>hazard mitigation structures {NatEnv 908.17}</u></li> <li>• <u>hazard mitigation earthworks {NatEnv 908.17}</u></li> <li>• <u>Discretionary transportation activities {NatEnv 908.17}</u></li> <li>• <u>Discretionary public amenities {NatEnv cl.16}</u></li> </ul>	<p><i>Relevant objectives and policies (priority considerations): {NatEnv 908.17}</i></p> <p>a. <u>Objective 10.2.3</u></p> <p>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></p>

<sup>1</sup> **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> <b>{NatEnv 900.35 and 900.38}</b>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to:           <ol style="list-style-type: none"> <li>i. Dunedin's <u>significant</u> <b>{NatEnv 958.7}</b> indigenous biodiversity is <u>retained, protected or</u> <b>{NatEnv 958.7}</b> enhanced, and restored; <u>and other indigenous biodiversity is maintained or enhanced, and restored;</u> <b>{NatEnv 1088.13}</b> with <u>all indigenous biodiversity having</u> <b>{NatEnv cl.16}</b> improved connections and <u>improved</u> <b>{NatEnv cl.16}</b> resilience (Objective 2.2.3); and</li> <li>ii. The natural character of the coastal environment is <u>maintained preserved</u> <b>{NatEnv 900.21}</b> or enhanced (Objective 2.4.5).</li> </ol> </li> <li>b. The relationship between Manawhenua and the natural environment is maintained, including the cultural values and traditions associated with:           <ol style="list-style-type: none"> <li>i. wāhi tūpuna; and</li> <li>ii. the customary use of mahika kai (Objective 14.2.1).</li> </ol> </li> <li>c. <u>Activities maintain or enhance biodiversity values (Policy 10.2.1.W).</u> <b>{NatEnv 900.35}</b></li> <li>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> <b>{NatEnv 900.142 and 1088.15}</b> <ol style="list-style-type: none"> <li>i. <u>there is no net loss and preferably a net gain in the biodiversity values of the area, or</u> <b>{NatEnv 900.142}</b></li> <li>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> <b>{NatEnv 949.29}</b></li> <li>iii. <u>where a biodiversity offset is not practicable, environmental compensation is proposed in accordance</u></li> </ol> </li> </ol>



### 10.7.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
	<p><u>with Policy 2.2.3.6 (Policy 10.2.1.X). {NatEnv 1088.15}</u></p> <p>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></p> <p><i>General assessment guidance:</i></p> <p>f. In assessing the significance of the effects, consideration will be given to:</p> <ul style="list-style-type: none"> <li>i. both short and long term effects, including effects in combination with other activities; and</li> <li>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.</li> </ul> <p>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></p> <p>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></p> <p>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></p> <p>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></p>

### 10.7.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
<p>2. <b>In an Scheduled ASCV ASBV: {NatEnv 958.60}</b></p> <ul style="list-style-type: none"> <li>NC activities as indicated in the relevant management or major facility zone.</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>Objective 10.2.1</li> <li>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) <b>{NatEnv 900.142 and others}</b> There is no net loss and preferably a net gain <b>{NatEnv 1088.32}</b> in the biodiversity values of the ASBV including, but not limited to, those biodiversity values listed in Appendix A1.2: <b>{NatEnv 690.8}</b> or where there are no practicable alternative locations, any proposal for a biodiversity offset is in accordance with Policy 2.2.3.5 <b>{NatEnv 949.29}</b> ; 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). <b>{NatEnv 1088.15}</b></li> </ol>
<p>3. <b>In a Scheduled ASCV: {NU 308.468 and 308.122}</b></p> <ul style="list-style-type: none"> <li>Regional scale – Wind generators, Hydro-generators, Solar panels <b>{308.122}</b></li> <li>Wind generators – community scale <b>{308.122}</b></li> <li>Biomass generators – stand-alone <b>{308.468}</b></li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p><b>{NU 308.468 and 308.122}</b></p> <ol style="list-style-type: none"> <li>Objective 10.2.1 <b>{NU 308.468 and 308.122}</b></li> <li>In a Scheduled ASCV, there are not adverse effects on the identified biodiversity values of the Scheduled ASCV (Policy 10.2.1.11): <b>{NU 308.468 and 308.122}</b></li> </ol>
<p>A. <b>In an ASBV: {NatEnv 900.77}</b></p> <ul style="list-style-type: none"> <li>Contravention of tree species performance standard (Rule 10.3.4)</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>Objective 10.2.1</li> <li>The risk of wilding tree establishment in areas of indigenous vegetation is insignificant (Policy 10.2.1.6).</li> </ol>
<p>4. <b>In the ONCC, HNCC or NCC overlay zones:</b></p> <ul style="list-style-type: none"> <li>NC activities as indicated in the relevant management or major facility zone or city-wide activities section</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>Objective 10.2.3</li> <li>There are no material Any adverse effects on the natural character values, as identified in Appendix A5, are insignificant <b>{NatEnv 908.17}</b> (Policy 10.2.3.2).</li> </ol>
<p>B. <b>In the ONCC, HNCC or NCC overlay zones: {NatEnv 900.77}</b></p> <ul style="list-style-type: none"> <li>Contravention of tree species performance standard (Rule 10.3.4)</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>Objective 10.2.3</li> <li>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).</li> <li>The risk of wilding tree establishment in areas of indigenous vegetation is insignificant (Policy 10.2.1.6).</li> </ol>

### 10.7.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
<p>5. <b>In the ONF, or ONL or SNL {NU 308.122} overlay zones:</b></p> <ul style="list-style-type: none"> <li>• NC activities as indicated in the relevant management or major facility zone or city-wide activities section</li> <li>• Performance standard contravention Rule 5.5.6.5 (co-location on an ONF) <b>{NU 576.9}</b></li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. Objective 10.2.5</li> <li>b. <del>There are no material</del> Any adverse <b>{NatEnv 908.17 and 908.3}</b> effects on the landscape values of the ONF <b>{NatEnv cl.16}</b> as identified in Appendix A3, are insignificant <b>{NatEnv 908.17 and 908.3}</b> (Policy 10.2.5.4).</li> <li>c. Any adverse effects on the landscape values of the ONL, as identified in Appendix A3, are insignificant (Policy 10.2.5.15). <b>{NatEnv 908.17 and 908.3}</b></li> </ol>
<p>C. <b>In the ONF Overlay Zone: {NU 576.9}</b></p> <ul style="list-style-type: none"> <li>• Performance standard contravention Rule 5.5.6.5 (co-location on an ONF)</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. Objective 10.2.5</li> <li>b. Any adverse effects on the landscape values identified in Appendix A3 are insignificant (Policy 10.2.5.14).</li> </ol>
<p>D. <b>In the ONF and ONL overlay zones: {NatEnv 900.77}</b></p> <ul style="list-style-type: none"> <li>• Contravention of tree species performance standard (Rule 10.3.4)</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. Objective 10.2.5</li> <li>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).</li> <li>c. The risk of wilding tree establishment in areas of indigenous vegetation is insignificant (Policy 10.2.1.6).</li> </ol>

<sup>1</sup> **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 60m<sup>2</sup> footprint {PO cl.16} 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).

<sup>1</sup> **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" <b>{NatEnv cl.16}</b>	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 - NØ <b>{NatEnv cl.16}</b>	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> { <b>NatEnv cl.16</b> }		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> { <b>NatEnv cl.16</b> }	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>Teucrium 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 albastriatus</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



<b><u>Species</u></b>	<b><u>Common Name</u></b>	<b><u>Threat Classification</u></b>	<b><u>Type of Animal</u></b>	<b><u>Habitat</u></b>
<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>	<u>Aluminium plant.</u> <b>{NatEnv 588.5}</b> 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 <b>{NatEnv 588.4}</b>	<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> { <b>NatEnv 588.4</b> }	<u>Common and redfin bullies, inanga, banded kokopu, eels and koura.</u> { <b>NatEnv 588.4</b> }	
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 Introduction<sup>1</sup>

<sup>1</sup> **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 <b>{NH 308.231}</b> Moderate risk	Moderate to <b>{NH 308.231}</b> High risk	High risk
Moderately likely <sup>1</sup> (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

<sup>1</sup> 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	<del>Land-use activities</del> <b>Activities {NH cl.16}</b>
<u>Natural hazards sensitive</u> Sensitive <b>{PO cl.16}</b> activities	<ul style="list-style-type: none"> <li>• Cemeteries</li> <li>• Crematoriums</li> <li>• Registered health practitioners</li> <li>• Early childhood education</li> <li>• <del>Emergency services</del> <b>{NH 945.5}</b></li> <li>• Hospital</li> <li>• Landfills</li> <li>• Marae-related activities</li> <li>• Prisons or detention centres <b>{CP cl.16}</b></li> <li>• Residential activities (excluding working from home that do not involve additional people on-site)</li> <li>• Schools</li> <li>• <del>Service stations</del> <b>{NH 634.3}</b></li> <li>• Visitor accommodation</li> </ul>

Hazard provisions sensitivity classification	<del>Land-use activities</del> <b>Activities {NH cl.16}</b>
<p><u>Natural hazards potentially sensitive</u> Potentially sensitive <b>{PO cl.16}</b> activities</p>	<ul style="list-style-type: none"> <li>• Airport</li> <li>• Campus</li> <li>• Community and leisure (excluding marae-related activities)</li> <li>• Commercial activities (excluding visitor accommodation, registered health practitioners, service stations, <b>{NH 634.3}</b> commercial advertising)</li> <li>• <del>Factory farming</del> <u>Intensive farming</u> <b>{RU 1090.3}</b></li> <li>• Industrial activities</li> <li>• Invermay/Hercus</li> <li>• Major recreation facility</li> <li>• Mining</li> <li>• <u>NZ Marine Studies Centre</u> <b>{MF 308.283}</b></li> <li>• Port</li> <li>• Rural tourism - large scale</li> <li>• <u>Rural research - large scale</u> which requires a building <b>{NH cl.16}</b></li> <li>• <u>Scheduled mining activity</u> <b>{CP 874.2 and others}</b></li> <li>• Sport and recreation</li> <li>• Taieri Aerodrome</li> <li>• <del>All other commercial, community, industrial and major facility activities</del> <b>{NH cl.16}</b></li> </ul>

Hazard provisions sensitivity classification	Land-use activities <u>Activities {NH cl.16}</u>
<p><u>Natural hazards least sensitive Least sensitive {PO cl.16} activities</u></p>	<p><u>All other activities not specifically listed above as natural hazards sensitive activities or natural hazards potentially sensitive activities.</u></p> <ul style="list-style-type: none"> <li>• Commercial advertising</li> <li>• Conservation</li> <li>• Domestic animal boarding and breeding</li> <li>• Dunedin Botanic Garden</li> <li>• Farming</li> <li>• Forestry</li> <li>• Grazing</li> <li>• Mineral exploration</li> <li>• Mineral prospecting</li> <li>• Public amenities</li> <li>• Rural ancillary retail</li> <li>• Rural tourism – small scale</li> <li>• Temporary activities</li> <li>• Working from home</li> <li>• All other rural activities <b>{NH 1088.51}</b></li> </ul>

<sup>1</sup> **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.

<sup>2</sup> **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	<p>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></p> <ul style="list-style-type: none"> <li>a. sensitive activities; and <u>{NH 634.74}</u></li> <li>b. potentially sensitive activities that are not permitted in the underlying zone; <u>{NH 634.74}</u></li> <li>a. unless the risk from natural hazards is avoided, or is no more than low; and <u>{NH 634.74}</u></li> <li>b. the activity has a critical operational need to locate within the Hazard 1 (flood) Overlay Zone and locating outside it is not practicable. <u>{NH 634.74}</u></li> </ul>
Policy 11.2.1.2 <b>{NH 634.74}</b>	<p>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:</p> <ul style="list-style-type: none"> <li>a. 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</li> <li>b. the scale, location and design of the activity or other factors means risk is avoided, or is no more than low. <u>{NH 634.74}</u></li> </ul>
Policy 11.2.1.Y <b>{NH 908.37 and others}</b>	<u>In the Hazard 1A (flood) Overlay Zone, avoid natural hazards sensitive activities.</u>
Policy 11.2.1.Z <b>{NH 908.37 and others}</b>	<p><u>In the Hazard 1A (flood) Overlay Zone, avoid natural hazards potentially sensitive activities, unless:</u></p> <ul style="list-style-type: none"> <li>a. <u>the risk from natural hazards is avoided, or is no more than low; and</u></li> <li>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></li> </ul>
Policy 11.2.1.3	In the hazard 1, hazard 1A <b>{NH 908.37}</b> and 2 (flood) <b>{NH 73.4}</b> 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	<p>In the hazard 1 and hazard 1A (flood) Overlay Zones <b>{NH 908.37}</b>, require outdoor storage to be designed, managed, and located so that:</p> <ul style="list-style-type: none"> <li>a. potentially dangerous materials will not be mobilised in a flood; and</li> <li>b. materials will not obstruct or impede flood water.</li> </ul>
Policy 11.2.1.5	<p>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:</p> <ul style="list-style-type: none"> <li>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></li> <li>b. the scale, location and design of the activity or other factors means risk is avoided, or is no more than low.</li> </ul>

### 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 <b>{NH 634.74}</b>	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. <b>{NH 634.74}</b>
Policy 11.2.1.7	Only allow large quantities of hazardous substances in hazard 1, hazard 1A <b>{NH 908.37}</b> 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 <b>{NH 917.27 and others}</b>	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 <b>{NH cl.16}</b> 3 (coastal) Overlay Zone, require new buildings to be used for sensitive activities containing residential activity on the ground floor <b>{NH 737.9}</b> 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. <b>{NH 737.9 and others}</b>
Policy 11.2.1.10	Avoid development activities, and public amenities and temporary activities <b>{TA 583.9}</b> in a <b>swale mapped area</b> unless they will not obstruct or impede water in a flood hazard event, and not, or <b>{NH cl.16}</b> cause water to be diverted out of a swale, during a flood hazard event <b>{NH cl.16}</b> .
Policy 11.2.1.11	Avoid buildings and structures (except for relocatable surf life saving clubs) <b>{NH cl.16}</b> within the <b>dune system mapped area</b> unless: a. they have an operational need to locate there; <b>{NH 690.12}</b> b. there is no risk that development will cause, exacerbate, or be at risk from coastal erosion; and <b>{NH cl.16}</b> c. the risk from natural hazards is no more than low <b>{NH 908.3}</b> .
Policy 11.2.1.12	In all hazard overlay zones, the <b>swale mapped area</b> , and the <b>dune system mapped area</b> or in any other area that the DCC has good cause to suspect may be at risk from a natural hazard <b>{NH 634.69}</b> (including but not limited to a geologically sensitive mapped area (GSA)) <b>{NH cl.16}</b> , only allow earthworks - large scale or subdivision activities <b>{NH 634.69}</b> where: a. the risk from natural hazards including on any future land use or development, <b>{NH 634.69}</b> 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; <b>{NH cl. 16}</b> c. they will not have adverse effects on the stability or buffering capacity of dune systems; and <b>{NH cl. 16}</b> d. they will not obstruct or impede flood water, unless part of approved natural hazard mitigation activities. <b>{NH cl. 16}</b>

### 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	<del>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.</del> <u>In all hazard overlay zones, the <b>swale mapped area</b>, the <b>dune system mapped area</b>, 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. <b>{NH 634.69 and 949.25}</b></u>
Policy 11.2.1.14 <b>{NH cl.16}</b>	<del>Only allow earthworks in a dune system mapped area where they will not:</del> 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 <b>{NH cl.16}</b>	<del>Only allow earthworks in a swale mapped area and earthworks – large scale in hazard (flood) overlay zones, where they will not:</del> 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 <b>{NH cl.16}</b>	<del>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.</del>
Policy 11.2.1.17	Limit vegetation clearance in hazard (land instability) overlay zones, the <b>dune system mapped area</b> , 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 <b>{NH 317.6}</b>	<del>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.</del>
Policy 11.2.1.19	<del>Require buildings, and structures, storage and use of hazardous substances, network utility activities, and earthworks - large scale <b>{NH cl.16}</b> to be set back an adequate distance from water bodies an adequate distance to ensure that the risk from natural hazards <b>{NH cl.16}</b>, including from erosion and flooding, is avoided, or is no more than low.</del>
Policy 11.2.1.20	Only allow <u>natural hazard</u> mitigation earthworks and <u>natural hazard</u> <b>{HazMit cl.16}</b> 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. <b>{HazMit 308.167}</b>

<sup>1</sup> **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.

<sup>2</sup> **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.

<sup>3</sup> **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 36m<sup>2</sup> 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}.

<sup>1</sup> **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

<sup>1</sup> **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 50m<sup>2</sup> per site, per year, except that, on sites that are located within rural zones, more than one area up to 50m<sup>2</sup> 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}**

<b>Coastal Minimum Floor Level area {NH 917.27, 947.53 and others}</b>		<b>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}</b>
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	<p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>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.</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>Where more than one standard is contravened, the combined effects of the contraventions will be considered.</li> <li>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.</li> <li><u>In assessing the risks from natural hazards, Council will consider:</u> <ol style="list-style-type: none"> <li><u>how the risk from natural hazards may worsen over time due to climate change {NH 908.62}; and</u></li> <li><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></li> </ol> </li> <li>In assessing the appropriateness of alternative mitigation measures: <ol style="list-style-type: none"> <li>consideration will be given to its <u>their</u> {NH cl.16} potential effectiveness, in the short to longer term;</li> <li>preference will be given to non-structural solutions, over engineering or structural solutions, where practicable;</li> <li>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</li> <li>any mitigation measures that may result in more than negligible adverse effects on biodiversity <u>values</u> {NH cl.16}, 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.</li> </ol> </li> </ol>

#### 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> ) <b>swale mapped area</b> ( <u>residential zones and Rural Centre Zone only</u> ) <b>{NH cl.16}</b>	a. Risk from natural hazards	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 11.2.1</li> <li>Development activities, <u>and</u> public amenities and temporary activities <b>{TA 583.9}</b> in a <b>swale mapped area</b> do not obstruct or impede water during a flood-hazard event, <u>and not</u> , <u>or</u> <b>{NH cl.16}</b> cause water to be diverted out of a swale, <u>during a flood hazard event</u> <b>{NH cl.16}</b>. (Policy 11.2.1.10).</li> </ol> <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>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.</li> </ol>
3.	In a <b>hazard overlay zone</b> : <b>{NH cl.16}</b> <ul style="list-style-type: none"> <li>Hazardous substances quantity limits and storage requirements (Rule 9.3.4)</li> </ul>	a. Risk from natural hazards	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 11.2.1</li> <li>Hazardous substances in hazard 1, <u>hazard 1A</u> <b>{NH 908.37}</b> 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).</li> </ol> <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>An assessment by a suitably qualified person has established an appropriate manner of storage.</li> </ol>
4. <b>{NH 917.27, NH 947.53 and others}</b>	Minimum floor level	a. Risk from natural hazards	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 11.2.1</li> <li>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).</li> </ol> <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>A site-specific assessment by a suitably qualified person has established an appropriate alternative minimum floor level.</li> <li>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.</li> </ol>

#### 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> <b>{NatEnv cl.16}</b>	a. Risk from natural hazards	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 11.2.1</li> <li>ii. In a Hazard 1 (land instability) or Hazard 2 (land instability) Overlay Zone, or <b>dune system mapped area</b>, 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).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. A report by a suitably qualified person confirms that the risk from the vegetation clearance will be no more than low.</li> <li>iv. The area is to be replanted <del>in a</del> <u>with</u> <b>{NH cl.16}</b> species that will have equal or greater positive effects in terms of land stability and erosion control.</li> </ul>
6.	Outdoor storage standard <b>{NH cl.16}</b>	a. Risk from natural hazards	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 11.2.1</li> <li>ii. In the hazard 1 <u>and 1A</u> (flood) <del>Overlay Zones</del>, <b>{NH 908.37}</b> 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).</li> </ul>
7.	Relocatable buildings	a. Risk from natural hazards	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 11.2.1</li> <li>ii. In the Hazard 3 (coastal) Overlay Zone, new buildings to <del>be used for sensitive activities are relocatable so that as coastal hazards, including sea level rise, become more severe, these buildings can be relocated</del> <u>containing residential activity on the ground floor are relocatable, unless site constraints mean this is not practicable</u> <b>{NH 737.9 and others}</b> (Policy 11.2.1.9).</li> </ul>

#### 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	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 11.2.1</li> <li>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).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. A site specific assessment by a suitably qualified person has established an appropriate alternative setback.</li> </ul>



## **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	<p><i>General assessment guidance:</i></p> <p>i. In assessing the risks from natural hazards, Council will consider:</p> <ol style="list-style-type: none"> <li>existing hazards assessment reports on the DCC's <u>hazard Hazard {NH cl.16}</u> Information Management System;</li> <li>the Otago Regional Council's Otago Natural Hazards Database;</li> <li>any new hazard assessment or engineers' reports provided as part of an application; and</li> <li>site or area specific factors, including the elevation of the site or topography and geology of the area, including if it is in a <b>geologically sensitive mapped area</b> (GSA) <b>{NH cl.16<sup>3</sup>}</b>;</li> <li>risk to activities proposed on a site, as well as risk that is created, transferred, or exacerbated on other sites; and</li> <li><u>cumulative effects of natural hazards, including from multiple hazards with different risks; and {NH 908.59}</u></li> <li><u>how the risk from natural hazards may worsen over time due to climate change. {NH 908.62}</u></li> </ol> <p>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.</p> <p>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></p> <p>iv. In assessing the appropriateness of mitigation measures (other than those prescribed in performance standards):</p> <ol style="list-style-type: none"> <li>consideration will be given to its potential effectiveness, in the short to long term;</li> <li>preference will be given to non-structural solutions, over engineering or structural solutions, where practicable;</li> <li>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</li> <li>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,</li> </ol>

### 11.5.2 Assessment of all restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
		<p>or significant effects on amenity or natural coastal sedimentation processes, will generally not be seen as appropriate.</p> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>v. The risk from natural hazards will be no more than low when assessed against the guidance provided in Table 11.1.</li> <li>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.</li> <li>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> <b>{PO cl.16}</b> sensitive activities, or <u>natural hazards</u> <b>{PO cl.16}</b> potentially sensitive activities, undertaken in hazard overlay zones.</li> <li>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.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>ix. Building platforms registered against the title by way of consent notice.</li> </ul>

### 11.5.2 Assessment of all restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
2.	<p>In a hazard 1 (flood), 1A (flood) {<b>NH 908.37</b>} or 2 (flood) overlay zone other than the Hazard 1 (land instability) Overlay Zone {<b>NH 73.4 and others</b>}:</p> <ul style="list-style-type: none"> <li>new buildings, and additions and alterations to buildings, which create more than 36m<sup>2</sup> of new ground floor area in a residential zone, or 60m<sup>2</sup> of new ground floor area in all other zones other than residential {<b>NH cl.16</b>}.</li> </ul>	a. Risk from natural hazards	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 11.2.1</li> <li>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).</li> </ol>
X. { <b>NH 634.74</b> }	<p>In the Hazard 2 (flood) Overlay Zone:</p> <ul style="list-style-type: none"> <li>natural hazards sensitive activities</li> <li>natural hazards potentially sensitive activities</li> </ul>	a. Risk from natural hazards	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 11.2.1</li> <li>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).</li> </ol>

### 11.5.2 Assessment of all restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
3. <del>{NH 73.4 and others}</del>	In a <del>Hazard 1 (land instability) Overlay Zone</del> : <ul style="list-style-type: none"> <li>new buildings, and additions and alterations to buildings which create more than 1m<sup>2</sup> of new ground floor area.</li> </ul>	a. Risk from natural hazards	<i>Relevant objectives and policies:</i> <ol style="list-style-type: none"> <li>Objective 11.2.1</li> <li>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).</li> </ol>
4. <del>{NH cl.16}</del>	In a <del>dune system mapped area and swale mapped area</del> : <ul style="list-style-type: none"> <li>Earthworks – large scale that exceed the scale thresholds</li> </ul>	a. Risk from natural hazards	<i>Relevant objectives and policies:</i> <ol style="list-style-type: none"> <li>Objective 11.2.1</li> <li>Earthworks in a <del>dune system mapped area</del> 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).</li> <li>Earthworks in a <del>swale mapped area</del> 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).</li> </ol>
5. <del>{NH cl.16}</del>	Earthworks – large scale that exceed underlying zone scale thresholds for a geologically sensitive mapped area <del>{NH cl.16}</del>	a. Risk from natural hazards	<i>Relevant objectives and policies:</i> <ol style="list-style-type: none"> <li>Objective 11.2.1</li> <li>The risk from natural hazards is avoided, or no more than low (Policy 11.2.1.12).</li> </ol>
6. <del>{NH cl.16}</del>	Earthworks – large scale that exceed scale thresholds for hazard (flood) overlay zones	a. Risk from natural hazards	<i>Relevant objectives and policies:</i> <ol style="list-style-type: none"> <li>Objective 11.2.1</li> <li>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).</li> </ol>

### 11.5.2 Assessment of all restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
7. <del>{NH cl.16}</del>	Earthworks – large scale that exceed scale thresholds for hazard (land instability) overlay zones	a. Risk from natural hazards	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 11.2.1</li> <li>ii. Earthworks will not have adverse effects on land stability nor create, exacerbate, or transfer risk from natural hazards (Policy 11.2.1.16).</li> </ul>
8. <del>{NH 949.25 and 634.69}</del>	All subdivision activities in a Hazard 3 (coastal) Overlay Zone	a. Risk from natural hazard	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 11.2.1</li> <li>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).</li> </ul> <p><i>Additional conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>iii. Restrictions and conditions, including by way of consent notice, restricting future subdivision activities.</li> </ul>
Y. <del>{NH cl.16}</del>	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	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 11.2.1</li> <li>ii. The risk from natural hazards, will be avoided, or no more than low (Policy 11.2.1.12).</li> </ul> <p><i>General assessment guidance:</i></p> <p>In assessing changes in risk, Council will specifically consider:</p> <ul style="list-style-type: none"> <li>iii. In the <b>dune system mapped area</b>, any adverse effects on the stability or buffering capacity of dune systems that may lead to increased risk from natural hazards;</li> <li>iv. In a flood or alluvial fan overlay zone or the <b>swale mapped area</b>, whether the earthworks will obstruct, impede, or redirect flood water; and</li> <li>v. In a land instability overlay zone, general effects on land instability.</li> </ul>
9.	<p>All subdivision activities</p> <ul style="list-style-type: none"> <li>• General subdivision</li> <li>• Cross lease, company lease and unit title subdivision <b>{NH cl.16}</b></li> </ul>	a. Risk from natural hazards	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 11.2.1</li> <li>ii. In all hazard overlay zones, the <b>swale mapped area</b>, <b>dune system mapped area</b>, 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</li> </ul>

### 11.5.2 Assessment of all restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
		<p><del>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</del> (Policy 11.2.1.42-13). <b>{NH 949.25 and 634.69}</b></p> <p><i>General assessment guidance:</i></p> <p>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:</p> <ol style="list-style-type: none"> <li>1. earthworks;</li> <li>2. new driveways and vehicle tracks, including culverts or driveway crossings or other site development <u>activities</u> <b>{NH cl.16}</b> that may restrict or impede drainage;</li> <li>3. wastewater disposal systems (public or private);</li> <li>4. stormwater management;</li> <li>5. drainage;</li> <li>6. all buildings, structures and other development , and <del>the risk to them from natural hazards and their potential to create, transfer, or exacerbate risks off site</del> <b>{NH cl.16}</b>; and</li> <li>7. primary and <del>secondary or</del> <b>{NH cl.16}</b> ancillary land use activities, and their sensitivity.</li> </ol> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>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.</p> <p>v. That resultant sites provide building platforms that will allow buildings associated with <u>natural hazards</u> <b>{PO cl.16}</b> sensitive or <u>natural hazards</u> <b>{PO cl.16}</b> potentially sensitive activities to ensure the risk from natural hazards is avoided, or is no more than low, including through meeting relevant performance standards.</p> <p>vi. Any associated consents for land use and development activities are approved at the same time consents for subdivisions are granted.</p> <p>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.</p> <p>viii. Where development of the resultant sites is likely to result in on-site wastewater disposal or storage, the effects of</p>



### 11.5.2 Assessment of all restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
		<p>flooding and sea level rise will be such that safe and effective on-site disposal is likely to be practicable in the long term.</p> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>ix. Building platforms registered against the title by way of consent notice</li> <li>x. Restrictions and conditions, including by way of consent notice, on development activities including: <ul style="list-style-type: none"> <li>1. <del>minimum floor levels for buildings</del>; <b>{NH 917.27, NH 947.53 and others}</b></li> <li>2. stormwater management systems, for example, retention basins to regulate the rate and volume of surface runoff;</li> <li>3. establishment, enhancement, or retention of vegetation;</li> <li>4. conditions on the design of earthworks;</li> <li>5. the type of water and waste services to be used; and</li> <li>6. the location and design of driveways and vehicle tracks.</li> </ul> </li> <li>xi. Restrictions or conditions, including by way of consent notice, on land use activities allowed on the site.</li> </ul>

<sup>1</sup> **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.

<sup>2</sup> **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.

<sup>3</sup> **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>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. Objective 2.2.1 and Objective 11.2.1</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>b. In assessing the risks from natural hazards, Council will consider:               <ol style="list-style-type: none"> <li>i. existing hazards assessment reports on the DCC's Hazard Information Management System;</li> <li>ii. the Otago Regional Council's Otago Natural Hazards Database;</li> <li>iii. any new hazard assessment or engineers' reports provided as part of an application;</li> <li>iv. site or area specific factors, including the elevation of the site, or topography and geology of the area;</li> <li>v. the type, nature and scale of the activity, and how this affects its sensitivity to natural hazards;</li> <li>vi. short to long term effects, including effects in combination with other activities;</li> <li>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;</li> <li>viii. risk to activities proposed on a site, as well as risk that is created, transferred, or exacerbated on other sites; and</li> <li>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-</li> <li>x. <u>cumulative effects of natural hazards, including from multiple hazards with different risks; and {NH 908.59}</u></li> <li>xi. <u>how the risk from natural hazards may worsen over time due</u></li> </ol> </li> </ol>

### 11.6.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
	<p><u>to climate change {NH 908.62}</u></p> <p>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.</p> <p>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></p> <p>e. In assessing the appropriateness of mitigation measures (other than those prescribed in performance standards):</p> <ol style="list-style-type: none"> <li>consideration will be given to its potential effectiveness, in the short to longer term;</li> <li>preference will be given to non-structural solutions, over engineering or structural solutions, where practicable;</li> <li>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</li> <li>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.</li> </ol> <p>f. <del>Mitigation measures relying on minimum floor levels are either:</del></p> <ol style="list-style-type: none"> <li><del>based on recommended minimum floor levels specified in recommended minimum floor level areas as shown in the <b>flood minimum floor level mapped area</b>; or</del></li> <li><del>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}</del></li> </ol> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>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.</p> <p>h. Measures are taken (including legal instruments), that will avoid the <b>{NH cl.16}</b> 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.</p>

### 11.6.2 Assessment of all discretionary activities

Activity		Guidance on the assessment of resource consents
		<p>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.</p> <p>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).</p> <p><i>Conditions that may be imposed include:</i></p> <p>k. Building platforms registered against the title by way of consent notice.</p>
2.	<ul style="list-style-type: none"> <li>• <u>Natural</u> hazard mitigation earthworks <b>{HazMit cl.16}</b></li> <li>• <u>Natural</u> hazard mitigation structures <b>{HazMit cl.16}</b></li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 11.2.1</p> <p>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 <b>{HazMit 308.167}</b> (Policy 11.2.1.20).</p>
3. <del>{NH 634.74}</del>	<p><del>In the hazard 1 overlay zones:</del></p> <ul style="list-style-type: none"> <li>• <del>potentially sensitive activities permitted in underlying zone</del></li> </ul>	<p><del><i>Relevant objectives and policies (priority considerations):</i></del></p> <p>a. <del>Objective 11.2.1</del></p> <p>b. <del>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).</del></p> <p>c. <del>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).</del></p>
4. <del>{NH 634.74}</del>	<p><del>In the hazard 2 overlay zones:</del></p> <ul style="list-style-type: none"> <li>• <del>potentially sensitive activities not permitted in underlying zone</del></li> </ul>	<p><del><i>Relevant objectives and policies (priority considerations):</i></del></p> <p>a. <del>Objective 11.2.1</del></p> <p>b. <del>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).</del></p> <p>c. <del>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).</del></p>
5. <del>{NH 634.74}</del>	<p><del>In the hazard 2 overlay zones:</del></p> <ul style="list-style-type: none"> <li>• <del>sensitive activities</del></li> </ul>	<p><del><i>Relevant objectives and policies (priority considerations):</i></del></p> <p>a. <del>Objective 11.2.1</del></p> <p>b. <del>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).</del></p>

## 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
<p>1. In the hazard 1 (flood) overlay zones <b>{NH 73.4 and others}</b>:</p> <ul style="list-style-type: none"> <li>• New <b>{NH 908.3}</b> Natural hazards <b>{PO cl.16}</b> potentially sensitive activities not permitted in zone <b>{NH 634.74}</b></li> <li>• New <b>{NH 908.3}</b> Natural hazards <b>{PO cl.16}</b> sensitive activities</li> </ul> <p><u>In the Hazard 1A (flood) Overlay Zone:</u></p> <ul style="list-style-type: none"> <li>• Natural hazards potentially sensitive activities <b>{NH908.37}</b></li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. Objective 2.2.1</li> <li>b. Objective 11.2.1; Policy 11.2.1.1</li> <li>c. <u>In the Hazard 1 (flood) Overlay Zone, natural hazards sensitive activities and natural hazards potentially sensitive activities are avoided unless:</u> <ol style="list-style-type: none"> <li>i. <u>the risk from natural hazards is avoided, or is no more than low; and</u></li> <li>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></li> </ol> </li> <li>d. <u>In the Hazard 1A (flood) Overlay Zones, natural hazards potentially sensitive activities are avoided unless:</u> <ol style="list-style-type: none"> <li>i. <u>the risk from natural hazards is avoided, or is no more than low; and</u></li> <li>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></li> </ol> </li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>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></li> <li>f. In assessing the risks from natural hazards, Council will consider:         <ol style="list-style-type: none"> <li>i. existing hazards assessment reports on the DCC's Hazard Information Management System;</li> <li>ii. the Otago Regional Council's Otago Natural Hazards Database;</li> <li>iii. any new hazard assessment or engineers' reports provided as part of an application;</li> </ol> </li> </ol>

### 11.7.2 Assessment of non-complying activities

Activity	Guidance on the assessment of resource consents
	<ul style="list-style-type: none"> <li>iv. site or area specific factors, including the elevation of the site, or topography and geology of the area;</li> <li>v. the type, nature and scale of the activity, and how this affects its sensitivity to natural hazards;</li> <li>vi. short to long term effects, including effects in combination with other activities;</li> <li>vii. risk to activities proposed on a site, as well as risk that is created, transferred, or exacerbated on other sites;</li> <li>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</li> <li>ix. evacuation routes, and/or alternate means of maintaining access during a natural hazard event;</li> <li>x. <u>cumulative effects of natural hazards, including from multiple hazards with different risks. {NH 908.59}</u></li> <li>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 <b>{NH cl.16'}</b></li> <li>xii. <u>how the risk from natural hazards may worsen over time due to climate change. {NH 908.62}</u></li> <li>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></li> <li>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></li> <li>i. In assessing the appropriateness of mitigation measures (other than those prescribed in performance standards):             <ul style="list-style-type: none"> <li>i. consideration will be given to its potential effectiveness, in the short to longer term;</li> <li>ii. preference will be given to non-structural solutions, over engineering or structural solutions, where practicable;</li> <li>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</li> <li>iv. any mitigation measures that may result in more than negligible adverse effects on biodiversity <u>values</u> <b>{NH cl.16}</b>, more than minor</li> </ul> </li> </ul>



### 11.7.2 Assessment of non-complying activities

Activity	Guidance on the assessment of resource consents
	<p>effects on access to the coast, or significant effects on amenity or natural coastal sedimentation processes, will generally not be seen as appropriate.</p> <p><i>Potential circumstances that may support a consent application include:</i> <b>{NH cl.16}</b></p> <p>j. The risk from natural hazards, will be no more than low, when assessed against the guidance provided in Table 11.1.</p> <p>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.</p> <p>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.</p>

<sup>1</sup> **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) <b>swale mapped area</b>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objectives 2.2.1</p> <p>b. Objective 11.2.1, policies 11.2.1.10, 11.2.1.11 <b>{NH cl.16}</b></p> <p>c. Development activities <u>and</u> public amenities <u>and</u> temporary activities <b>{TA 583.9}</b> in a <b>swale mapped area</b> do not obstruct or impede water during a flood hazard event, and not, <u>or</u> <b>{NH cl.16}</b> cause water to be diverted out of a swale, <u>during a flood hazard event</u> <b>{NH cl.16}</b>. (Policy 11.2.1.10).</p>
2. • Hazard exclusion areas (Rule 11.3.1.2) - <b>dune system mapped area</b>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objectives 2.2.1</p> <p>b. Avoid buildings and structures (except for relocatable surf life saving clubs) <b>{NH 73.4 and others}</b> within a <b>dune system mapped area</b> unless:</p> <p>i. <u>they have an operational need to locate there:</u> <b>{NH 690.12}</b></p> <p>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> <b>{NH 908.3}</b></p> <p>iii. <u>the risk from natural hazards is no more than low.</u> <b>{NH 908.3}</b> (Policy 11.2.1.11)</p>



## **Rule 11.8 Notification {Confirmed for deletion - NH cl.16<sup>1</sup>}**

<sup>1</sup> **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).

<sup>1</sup> **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	<p>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:</p> <ol style="list-style-type: none"> <li>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}</li> <li>water supply, wastewater and stormwater infrastructure capacity is sufficient to support the additional residential development; and {ULS 350.6}</li> <li>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}</li> <li>the Council is satisfied that the amount and location of land reflects both: {ULS 350.6} <ol style="list-style-type: none"> <li>an appropriate amount of land based on projected land needs in the catchment for a five year period; and</li> <li>an appropriate location based on a logical staging of development from the point of infrastructure provision; and</li> </ol> </li> <li>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}</li> <li>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}</li> <li>in the relevant residential catchment area either: {ULS 350.6} <ol style="list-style-type: none"> <li>the residential capacity falls below 50 sites (see Appendix 12A for catchment areas and Appendix 12B for methodology for calculating capacity); or</li> <li>there is other evidence that there is significant land shortage in the residential catchment area;</li> </ol> </li> <li>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}</li> </ol>
Policy 12.2.1.2	<p>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}.</p>

### 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	<p>In the Industrial Transition Overlay Zone (IndTZ), provide for land to transition from rural zoned land to industrial zoned land through a <del>resolution by the Council; certification process by the Chief Executive Officer or their delegate</del> <b>{ULS 350.6}</b> when <del>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.</del> <b>{ULS 350.6}</b></p> <p>a. <del>the Council is satisfied that the amount and location of land reflects a logical staging of development from the point of infrastructure provision; and</del> <b>{ULS 350.6}</b></p> <p>i. <del>there is sufficient existing or planned and approved transport, wastewater and stormwater infrastructure capacity to accommodate industrial development; and</del></p> <p>b. <del>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.</del> <b>{ULS 350.6}</b></p>
Policy 12.2.3.2	<p>Only allow subdivision <del>activities</del> <b>{ULS cl.16}</b> where:</p> <p>a. <del>after land has been released by a resolution of Council</del> <b>{ULS 350.6}</b>, it is in accordance with the objectives and policies of the industrial zone <del>Industrial Zone</del> <b>{ULS cl.16}</b>; or</p> <p>b. prior to land being released, the subdivision will not undermine or inhibit the future development of the area as Industrial-zoned land.</p>

## **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 once: **{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.

<sup>1</sup> **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 <b>General Residential 1 Residential Transition Overlay Zone (GR1TZ RTZ) {ULS cl.16}</b> : <ul style="list-style-type: none"> <li>• <del>Factory farming</del> <u>Intensive farming</u> <b>{RU 1090.3}</b></li> <li>• Forestry</li> </ul>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>i. Objective 12.2.1</li> <li>ii. <del>Forestry and factory farming are only allowed in the General Residential 1 Transition Overlay Zone (GR1TZ) where these</del> <u>The {ULS cl.16}</u> activities will not inhibit future use of the land for residential activity (Policy 12.2.1.3).</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>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 <del>General Residential 1 Zone</del> <u>residential zoned {ULS cl.16}</u> land when required.</li> </ol>

### 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 <b>General Residential 1 Residential Transition Overlay Zone (RTZ) {ULS cl.16}</b> : <ul style="list-style-type: none"> <li>• Mining</li> <li>• Landfills</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>i. Objective 12.2.1</li> <li>ii. <del>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</del> <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).</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>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 <b>{ULS cl.16}</b>, unable to be developed as General Residential 1 Zone <u>residential zoned {ULS cl.16}</u> land when required.</li> </ol>

## 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 1000m<sup>2</sup>, and less than 10 years old; and
  - b. For vacant sites with an area between 100 and 1000m<sup>2</sup>, and 10 years or older, 80% of the total number of sites; and
  - c. For vacant sites with an area of 1000m<sup>2</sup> 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 1000m<sup>2</sup> 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 1000m<sup>2</sup> 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> , <b>{PO 906.34 and 308.497}</b> any adverse effects on the heritage values of the building, including by: <ul style="list-style-type: none"> <li>a. protecting, as far as possible, architectural features and details that contribute to the heritage values of the building;</li> <li>b. retaining the original façade material <u>where practicable</u> <b>{Her 308.244}</b>;</li> <li>c. minimising, <u>as far as practicable</u>, <b>{PO 906.34 and 308.497}</b> the visual impact of additions on protected parts of the building; and</li> <li>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.</li> </ul>
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: <ul style="list-style-type: none"> <li>a. it is carried out in a manner that minimises, <u>as far as practicable</u>, <b>{Her 308.245, PO 906.34 and 308.497}</b> adverse effects on the heritage values of the building; and</li> <li>b. the benefit in terms of long term protection and future use of the building, <u>including earthquake strengthening</u>, <b>{Her 308.245}</b> outweighs any loss of heritage values.</li> </ul>
Policy 13.2.1.5	Only allow other additions and alterations that affect a protected part of a scheduled heritage building or structure where: <ul style="list-style-type: none"> <li>a. adverse effects on heritage values are avoided; <del>or if avoidance is not possible, are no more than minor</del> <u>minimised as far as practicable</u> <b>{Her 308.246}</b>; and</li> <li>b. the visual impact of additions on protected parts of the building, including building utilities, is minimised, <u>as far as practicable</u> <b>{Her 308.246, PO 906.34 and 308.497}</b>; and <b>{Her 308.246}</b></li> <li>c. <u>the benefit in terms of long term protection and future use of the building outweighs any loss of heritage values</u>. <b>{Her 308.246}</b></li> </ul>

### 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: <ul style="list-style-type: none"> <li>a. provide sufficient curtilage around the scheduled heritage building or scheduled heritage structure to protect heritage values; and</li> <li>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.</li> </ul>
Policy 13.2.1.7	Avoid the demolition of a protected part of a scheduled heritage building or structure unless <del>all of</del> <b>{Her 308.248}</b> the following criteria are met: <ul style="list-style-type: none"> <li>a. <ul style="list-style-type: none"> <li>i. the building or part of the building poses a significant risk to safety or property; and <u>or</u> <b>{Her 308.248}</b></li> <li>ii. <u>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</u> <b>{Her 308.248}</b></li> </ul> </li> <li>b. there is no reasonable alternative to demolition, including repair, adaptive re-use, relocation or stabilising the building for future repair; and</li> <li>c. for buildings and structures located within a heritage precinct: <ul style="list-style-type: none"> <li>i. development post demolition will maintain or enhance the heritage streetscape character and amenity in accordance with Policy 13.2.3.6; and</li> <li>ii. conditions <del>can</del> <u>will</u> <b>{PO cl.16}</b> be imposed which would give reasonable certainty that this will be completed within an acceptable timeframe.</li> </ul> </li> </ul>
Policy 13.2.1.8	Only allow removal for relocation of a scheduled heritage building or structure where <del>all of</del> <b>{Her 308.249}</b> the following criteria are met: <ul style="list-style-type: none"> <li>a. the removal is necessary to <ul style="list-style-type: none"> <li>i. facilitate the ongoing use or protection of the building; <b>{Her 308.249}</b> or</li> <li>ii. ensure public safety; <u>or</u> <b>{Her 308.249}</b></li> <li>iii. <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;</u> <b>{Her 308.249}</b></li> </ul> </li> <li>b. measures are in place to minimise, <u>as far as practicable,</u> <b>{Her 308.249, PO 906.34 and 308.497}</b> the risk of damage to the building;</li> <li>c. the heritage values of the building or structure in its new location are not significantly diminished; and</li> <li>d. for buildings and structures located within a heritage precinct: <ul style="list-style-type: none"> <li>i. development post relocation will maintain or enhance the heritage streetscape character and amenity in accordance with Policy 13.2.3.6; and</li> <li>ii. conditions <del>can</del> <u>will</u> <b>{PO cl.16}</b> be imposed which would give reasonable certainty that this will be completed within an acceptable timeframe.</li> </ul> </li> </ul>
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	<p>Only allow new buildings and structures, additions and alterations, network <del>utilities</del> <u>utility</u> <b>{NU cl.16}</b> 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:</p> <ul style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>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;</li> <li>d. scheduled heritage sites that are primarily open space are protected from inappropriate development; and</li> <li>e. network <del>utilities</del> <u>utility</u> <b>{NU cl.16}</b> activities, natural hazard mitigation activities and building utilities are designed, located and/or screened to be as unobtrusive as <u>practicable</u> possible. <b>{Her 576.33}</b></li> </ul>
Policy 13.2.2.2	<p>Only allow subdivision of scheduled heritage sites where:</p> <ul style="list-style-type: none"> <li>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;</li> <li>b. scheduled heritage sites that are primarily open space are protected from unnecessary development; and</li> <li>c. the heritage values <del>for</del> <u>of</u> the site are maintained.</li> </ul>

### 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	<p>Require development within residential heritage precincts to maintain or enhance heritage streetscape character, including by ensuring:</p> <ul style="list-style-type: none"> <li>a. garages and carports do not dominate the street;</li> <li>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> <b>{Her 317.15}</b>;</li> <li>c. building heights, boundary setbacks and scale reflect heritage streetscape character; <u>and</u> <b>{Her 457.38}</b></li> <li>d. <del>network utility structures</del> <u>building utilities</u> <b>{Her cl.16}</b> are appropriately located, <u>taking into consideration operational and technical requirements</u> <b>{Her 457.38}</b>; and</li> <li>e. fences do not screen buildings from view.</li> </ul>
Policy 13.2.3.3	<p>Require development within commercial heritage precincts to maintain or enhance heritage streetscape character by ensuring:</p> <ul style="list-style-type: none"> <li>a. off-street car parking is located within or behind buildings;</li> <li>b. building heights, boundary setbacks and scale reflect heritage streetscape character; <u>and</u></li> <li>c. vehicle crossings are kept to a minimum, including avoiding commercial drive-through facilities; <u>and</u> <b>{Her 457.39}</b></li> <li>d. <del>network utility structures</del> <u>building utilities</u> <b>{Her cl.16}</b> are appropriately located, <u>taking into consideration operational and technical requirements</u> <b>{Her 457.39}</b>.</li> </ul>
Policy 13.2.3.4	Require signs within commercial heritage precincts to be located and designed to avoid <del>or, and if avoidance is not possible</del> <u>minimise, as far as practicable</u> <b>{PO 906.34 and 308.497}</b> , adverse effects on heritage streetscape character.
Policy 13.2.3.5	<p>Only allow <del>other</del> <b>{Her cl.16}</b> 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:</p> <ul style="list-style-type: none"> <li>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>, <b>{Her 308.253}</b> outweighs any adverse effects on heritage streetscape <b>{Her cl.16}</b> character; and</li> <li>b. for all other additions and alterations, heritage streetscape character is maintained or enhanced.</li> </ul>



### 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: <ol style="list-style-type: none"> <li>the heritage streetscape character of the precinct will be maintained or enhanced; and</li> <li>conditions <del>can</del> <u>will</u> <b>{PO cl.16}</b> be imposed that <del>would</del> <u>will</u> <b>{Her cl.16}</b> give reasonable certainty that within an acceptable timeframe:               <ol style="list-style-type: none"> <li>a replacement building will be constructed; or</li> <li>the land will be put to an acceptable alternative land use that will make a positive contribution to the amenity of the streetscape.</li> </ol> </li> </ol>
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: <ol style="list-style-type: none"> <li>incorporating into the design the relevant preferred design features and characteristics listed in Appendix A2 and, where <del>possible</del> <u>practicable</u> <b>{Her 576.74}</b> and appropriate, the relevant suggested features and characteristics;</li> <li>maintaining existing views of scheduled heritage buildings and character-contributing buildings from adjoining public places as far as practicable; and</li> <li>ensuring structures whose design unavoidably conflicts with precinct characteristics are as unobtrusive as <del>possible</del> <u>practicable</u> <b>{Her 576.74}</b>.</li> </ol>
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> <b>{Her 925.34 and others}</b> 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> <b>{HazMit cl.16}</b> <sup>1</sup> and network <del>utilities</del> <u>utility</u> <b>{NU cl.16}</b> 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 <b>{Her 308.358}</b>	<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>

<sup>1</sup> **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.
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## 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 <b>{Her cl.16}</b> on heritage values	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>i. Objective 13.2.1</li> <li>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>, <b>{PO 906.34 and 308.497}</b> any adverse effects on the heritage values of the building, including by:               <ol style="list-style-type: none"> <li>1. protecting, as far as possible, architectural features and details that contribute to the heritage values of the building;</li> <li>2. retaining the original façade material <u>where practicable</u> <b>{Her 308.244}</b>;</li> <li>3. minimising, <u>as far as practicable</u>, <b>{PO 906.34 and 308.497}</b> the visual effect of additions on protected parts of the building; and</li> <li>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).</li> </ol> </li> </ol> <p><i>Conditions that may be imposed include:</i></p> <ol style="list-style-type: none"> <li>iii. <u>Requirements around</u> <b>{Her cl.16}</b> the design and implementation of the works, including materials and methods used.</li> </ol>

### 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>	<p><u><i>Relevant objectives and policies:</i></u></p> <p>i. <u>Objective 13.2.1</u></p> <p>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></p> <p><u><i>Conditions that may be imposed include:</i></u></p> <p>iii. <u>The design and implementation of the works, including materials and methods used.</u></p> <p><u><i>General assessment guidance:</i></u></p> <p>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></p>
3. <u>In a heritage precinct, additions and alterations to a non character-contributing building that involve: {Her 308.358}</u> <ul style="list-style-type: none"> <li><u>an increase in the footprint of 10m<sup>2</sup>;</u></li> <li><u>an increase in the height of the building by more than 2m; or</u></li> <li><u>the replacement of a pitched roof with a mono plane roof (residential heritage precincts only).</u></li> </ul>	a. <u>Effect on heritage streetscape character</u>	<p><u><i>Relevant objectives and policies</i></u></p> <p>i. <u>Objective 13.2.3</u></p> <p>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></p> <p><u><i>Conditions that may be imposed include:</i></u></p> <p>iii. <u>The design of the works, including materials used.</u></p> <p><u><i>General assessment guidance:</i></u></p> <p>iv. <u>Council will consider the extent to which:</u></p> <ol style="list-style-type: none"> <li><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></li> <li><u>the design of any additions and alterations that does not detract further from the heritage streetscape character of the precinct.</u></li> </ol>

## **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	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>a. Objectives 2.4.2, 2.4.3</li> <li>b. Policies 32.4.2.1, 2.4.3.2</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>c. The degree of non-compliance with the performance standard is minor.</li> <li>d. There are positive effects on heritage values through not meeting the performance standards.</li> <li>e. The need to meet other performance standards <u>or</u> site specific factors, including topography, make meeting the standard impracticable.</li> <li>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.</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>g. For work affecting a scheduled heritage building or <u>scheduled heritage</u> <b>{Her cl.16}</b> 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</li> <li>h. For work affecting a character-contributing building or <u>scheduled heritage</u> <b>{Her cl.16}</b> structure, Council will consider the extent to which the work enables ongoing use of the building in line with Policy 13.2.3.8</li> <li>i. Where more than one standard is contravened, <u>Council will consider</u> <b>{Her cl.16}</b> the combined effects of the contraventions <del>should be considered</del> <b>{Her cl.16}</b>.</li> <li>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> <b>{Her cl.16}</b> on heritage policies.</li> <li>k. In assessing the effects on heritage streetscape character, Council will consider the heritage precinct values in Appendix A2.</li> <li>l. Where there is a conflict between compliance with performance standards and protection of heritage values, <u>Council will give precedence to</u> <b>{Her cl.16}</b> protection of heritage values <del>should take precedence</del> <b>{Her cl.16}</b>.</li> </ul>

### 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	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.1</li> <li>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).</li> <li>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: <ul style="list-style-type: none"> <li>1. protecting, as far as possible, architectural features and details that contribute to the heritage values of the building;</li> <li>2. retaining the original façade material <u>where practicable</u> <i>{Her 308.244}</i>; and</li> <li>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</li> <li>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).</li> </ul> </li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. Alternative materials are used only where: <ul style="list-style-type: none"> <li>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</li> <li>2. their effect on the heritage values of the building or structure is minor; and</li> <li>3. they are as close to the original material in appearance as possible.</li> </ul> </li> <li>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.</li> <li>vi. Rendering of unrendered surfaces is undertaken only where the surface has deteriorated and cannot feasibly be repaired.</li> <li>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</li> </ul>



### 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> <b>{Her 547.89}</b>
2. <u>Maximum volume in pedestrian street frontage mapped areas, heritage precincts and scheduled heritage sites (network utility activities)</u> <b>{NU 457.20}</b>	a. <u>Effects on heritage values</u>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. <u>Objective 13.2.2</u></li> <li>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></li> </ul>

### 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	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.3</li> <li>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).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The boundary setback is consistent with the setbacks of surrounding properties.</li> <li>iv. The visual cohesion of the street is not reduced by the increase in setback.</li> <li>v. There is significant variability in the setback of buildings from the street frontage in the vicinity of the site.</li> </ul>
2.	Building colour	a. Effects on heritage streetscape character	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.3</li> <li>ii. Buildings are painted a muted or heritage palette colour (Policy 13.2.3.9).</li> </ul>
3.	Fence height and design	a. Effects on heritage streetscape character	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.3</li> <li>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).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The fence is highly permeable.</li> <li>iv. The fence only screens an existing non character-contributing building.</li> <li>v. The fence maintains an attractive interface with the street.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>vi. Landscaping requirements between the fence and any public place.</li> </ul>

#### 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. <ul style="list-style-type: none"> <li>Height in relation to boundary</li> <li>Maximum height</li> <li>Height (CMU)</li> </ul>	a. Effects on heritage streetscape character	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.3</li> <li>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).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The height and height profile is consistent with that of the buildings on either side.</li> <li>iv. There is significant variability in the height and height profile of buildings from the street frontage in the vicinity of the site.</li> <li>v. The height of the building does not reduce the visual cohesion of the street.</li> <li>vi. The building is to the rear of the site, located behind a building on the street frontage.</li> </ul>
5. Location and screening of car parking	a. Effects on heritage streetscape character	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.3</li> <li>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 <b>{Her cl.16'}</b>).</li> <li>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> <b>{Her 317.15}</b> ;(Policy 13.2.3.3-a 13.2.3.2.b) <b>{Her cl.16}</b></li> </ul>

#### 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	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.3</li> <li>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).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The development avoids, or where avoidance is not possible, minimises loss of fabric and features that contribute to the heritage streetscape character.</li> <li>iv. Where alternative materials are used, their effect on the heritage streetscape character is minor. This may include the use of muted colours.</li> <li>v. Where an alternative design is proposed, it is architecturally compatible with the design of the building.</li> <li>vi. Rendering of un-rendered surfaces is undertaken only where the surface has deteriorated and cannot feasibly be repaired.</li> <li>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.</li> </ul>
7. Number, location and design of ancillary signs	a. Effects on heritage streetscape character	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.3</li> <li>ii. Signs within commercial heritage precincts are located and designed to avoid <u>or</u> and if avoidance is not possible minimise, <u>as far as practicable</u>, <b>{PO 908.34 and 308.497}</b> adverse effects on heritage streetscape character (Policy 13.2.3.4).</li> </ul>

#### 13.5.4 Assessment of performance standard contraventions in a Heritage Precinct

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
<p>8.</p> <ul style="list-style-type: none"> <li>Location (network utility activities)</li> <li>Maximum volume in <b>pedestrian street frontage mapped areas</b>, heritage precincts and scheduled heritage sites (network utility activities) <b>{NU 457.20}</b></li> </ul>	<p>a. Effects on heritage streetscape character</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.3</li> <li>ii. Development within heritage precincts maintains or enhances heritage streetscape character by ensuring: Network utilities utility <b>{NU cl.16}</b> structures activities <b>{NU cl.16}</b> 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). <b>{Her cl.16}</b></li> </ul>

<sup>1</sup> **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	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>a. Objectives 2.4.1, 2.4.2, 2.4.3</li> <li>b. Policies 2.4.1.3, 2.4.2.1, 2.4.2.2, 2.4.3.2</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>c. For work affecting a scheduled heritage building or structure, Council will consider:               <ol style="list-style-type: none"> <li>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></li> <li>ii. <u>the cumulative effects of the proposed work together with any previous changes on the heritage values of the property.</u> <b>{Her 547.71}</b></li> </ol> </li> <li>d. For work affecting a character-contributing building or structure, Council will consider:               <ol style="list-style-type: none"> <li>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></li> <li>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> <b>{Her 547.71}</b></li> </ol> </li> <li>e. For all restricted discretionary activities, Council will consider whether there are positive effects on heritage values.</li> <li>f. In assessing the effects on heritage streetscape character, Council will consider the heritage precinct values in Appendix A2.</li> </ol>

### 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
<p>1. On a <b>scheduled heritage site</b>:</p> <ul style="list-style-type: none"> <li>• New buildings and structures where visible from an adjoining public place or a public place within the heritage site</li> <li>• Parking, loading and access where visible from an adjoining public place or a public place within the heritage site</li> <li>• Earthworks - large scale (that exceed scale thresholds for a scheduled heritage site)</li> <li>• Network <del>utilities</del> <u>utility</u> <i>{NU cl.16}</i> poles and masts - small scale</li> <li>• Wind generators - <del>on-site energy generation</del> <u>small scale</u> <i>{NU 308.122}</i></li> <li>• Hydro generators - <del>on-site energy generation</del> <u>small scale</u> <i>{NU 308.122}</i></li> <li>• Solar panels - <del>on-site energy generation</del> <u>small scale</u> <i>{NU 308.122}</i></li> <li>• Energy resource <del>investigation devices</del> <i>{NU 308.122}</i></li> <li>• All restricted discretionary public amenities activities</li> </ul>	<p>a. Effects <i>{Her cl.16}</i> on heritage values</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 13.2.2</li> <li>Activities on a scheduled heritage site protect the heritage values of the site, including by ensuring: <ol style="list-style-type: none"> <li>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;</li> <li>the location of the development is compatible with that of scheduled heritage buildings and scheduled heritage structures on the <del>scheduled heritage</del> <i>{Her cl.16}</i> site, and respects the relationship between scheduled heritage buildings, scheduled heritage structures and open space;</li> <li>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;</li> <li>scheduled heritage sites that are primarily open space are protected from inappropriate development; and</li> <li><del>network utilities utility activities</del> <i>{NU cl.16}</i>, <del>natural hazard mitigation activities</del> <i>{HazMit cl.16}</i> and building utilities are designed, located and/or screened to be as unobtrusive as possible <u>practicable</u> <i>{Her 576.33}</i> (Policy 13.2.2.1).</li> </ol> </li> </ol>



**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
<p>2. On a <b>scheduled heritage site</b>:</p> <ul style="list-style-type: none"> <li>• All subdivision activities</li> </ul>	<p>a. Effects on heritage values</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.2</li> <li>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).</li> <li>iii. Scheduled heritage sites that are primarily open space are protected from unnecessary development (Policy 13.2.2.2.b).</li> <li>iv. Heritage values <del>for</del> <u>of</u> the site are maintained (Policy 13.2.2.2.c).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>v. The subdivision will result in better outcomes for heritage values than would otherwise exist.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>vi. A building platform registered against the Certificate of Title by way of consent notice.</li> </ul>

**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, <b>that affect a protected part of a scheduled heritage building or scheduled heritage structure</b>	a. Effects <b>{Her cl.16}</b> on heritage values	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.1</li> <li>ii. <del>Where {Her cl.16}</del> Work is required to comply with section 112 (Alterations) and section 115 (Change of Use) of the Building Act 2004: <del>Enable work provided meets {Her cl.16} both of the following criteria are met {Her cl.16}:</del> <ul style="list-style-type: none"> <li>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</li> <li>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).</li> </ul> </li> <li>iii. Only allow other additions and alterations that affect a protected part of a scheduled heritage building or structure where: <ul style="list-style-type: none"> <li>1. adverse effects on heritage values are avoided, or if avoidance is not possible, are <del>no more than minor minimised as far as practicable {Her 308.246};</del> and</li> <li>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</li> <li>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).</li> </ul> </li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>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.</li> <li>v. The form, scale, proportion and materials used are architecturally compatible with the existing building or structure and do not dominate the protected parts.</li> <li>vi. Architectural features and details are not removed.</li> </ul>

**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 <b>{Her cl.16}</b> on heritage values	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.1</li> <li>ii. Only allow removal where all of <b>{Her 308.249}</b> the following criteria are met: <ul style="list-style-type: none"> <li>1. the removal is necessary to <ul style="list-style-type: none"> <li>1. facilitate the ongoing use or protection of the building; <b>{Her 308.249}</b> or</li> <li>2. ensure public safety; or <b>{Her 308.249}</b></li> <li>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></li> </ul> </li> <li>2. measures are in place to minimise, as far as practicable, <b>{Her 308.249, PO 906.34 and 308.497}</b> the risk of damage to the building;</li> <li>3. the heritage values of the building or structure in its new location are not significantly diminished; and</li> <li>4. for buildings and structures located within a heritage precinct: <ul style="list-style-type: none"> <li>1. development post relocation will maintain or enhance the heritage streetscape character and amenity in accordance with Policy 13.2.3.6; and</li> <li>2. conditions <del>can</del> <u>will</u> <b>{PO cl.16}</b> be imposed which would give reasonable certainty that within an acceptable timeframe (Policy 13.2.1.8).</li> </ul> </li> </ul> </li> </ul>

**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
<p>5. All subdivision activities <b>on sites containing scheduled heritage buildings and scheduled heritage structures</b></p>	<p>a. Effects on heritage values</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objectives 13.2.1</li> <li>ii. Sufficient curtilage is provided around the scheduled heritage building or scheduled heritage structure to protect heritage values (Policy 13.2.1.6.a).</li> <li>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).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. The subdivision will result in better outcomes for heritage values than would otherwise exist.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>v. A building platform registered against the Certificate of Title by way of consent notice.</li> </ul>

<sup>1</sup> **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. <ul style="list-style-type: none"> <li>New buildings</li> <li>Structures greater than 2.5m high and 2m<sup>2</sup> footprint in a residential heritage precinct that are visible from an adjoining public place:</li> </ul>	a. Effects on heritage streetscape character	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 13.2.3</li> <li>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:               <ol style="list-style-type: none"> <li>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;</li> <li>maintaining existing views of scheduled heritage buildings and character-contributing buildings from adjoining public places as far as practicable; and</li> <li>ensuring structures whose design unavoidably conflicts with precinct characteristics are as unobtrusive as possible practicable {Her 576.74} (Policy 13.2.3.7).</li> </ol> </li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>Maintaining or enhancing the heritage streetscape character may be achieved by:               <ol style="list-style-type: none"> <li>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}</li> </ol> </li> <li><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></li> </ol> <p><i>Potential circumstances that may support a consent application include: {Her cl.16}</i></p> <ol style="list-style-type: none"> <li>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.</li> </ol>

### 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
<p>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)</p> <p>Additions and alterations to a non character-contributing building that involve: <b>{Her 308.358}</b></p> <ul style="list-style-type: none"> <li>• an increase in the footprint of more than 40m<sup>2</sup>; or</li> <li>• an increase in the height of the building by more than 2m; or</li> <li>• the replacement of a pitched roof with a flat roof.</li> </ul>	<p>a. Effects on heritage streetscape character</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 13.2.3</li> <li><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></li> <li>Only allow other <b>{Her cl.16}</b> additions and alterations to character-contributing buildings and larger additions to non-character-contributing buildings, <b>{Her 308.358}</b> where visible from a public place, where their design, materials and location achieve the following: <ol style="list-style-type: none"> <li>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 <b>{Her cl.16}</b> character (Policy 13.2.3.5.a) <b>{Her cl.16}</b>; and</li> <li>for all other additions and alterations, heritage streetscape character is maintained or enhanced (Policy 13.2.3.5.b).</li> </ol> </li> <li><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> <ol style="list-style-type: none"> <li>the design includes incorporating into the design <b>{Her cl.16}</b> the relevant preferred design features and characteristics and, where possible and appropriate, the suggested features and characteristics <b>{Her 576.74}</b> listed in Appendix A2 and, where practicable and appropriate, the relevant suggested features and characteristics <b>{Her cl.16}</b>.</li> <li><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></li> <li><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></li> </ol> </li> </ol> <p><i>Potential circumstances that may support a consent application include: {Her cl.16}</i></p>

### 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
		<p>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}.</p> <p>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.</p> <p><i>General assessment guidance: {CMU 252.19}</i></p> <p>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></p>
<p>3. Demolition or removal for relocation of:</p> <ul style="list-style-type: none"> <li>• a character-contributing building;</li> <li>• a non-protected part of a scheduled heritage building; or</li> <li>• a non character-contributing building that adjoins the road frontage (in a commercial heritage precinct).</li> </ul>	<p>a. Effects on heritage streetscape character</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.3</li> <li>ii. The heritage streetscape character of the zone will be maintained or enhanced (Policy 13.2.3.6.a).</li> <li>iii. Conditions <del>can</del> <u>will</u> {PO cl.16} be imposed that would give reasonable certainty that within an acceptable timeframe: <ul style="list-style-type: none"> <li>1. a replacement building will be constructed; or</li> <li>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).</li> </ul> </li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>vii. Landscaping requirements to soften or screen open sites following demolition.</li> </ul>



#### 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
<p>4.</p> <ul style="list-style-type: none"> <li>• All restricted discretionary public amenities activities</li> <li>• Network <del>utilities</del> <u>utility</u> <b>{NU cl.16}</b> poles and masts - small scale</li> <li>• Wind generators - on-site energy generation <del>small scale</del> <b>{NU 308.122}</b></li> <li>• Hydro - generators - on-site energy generation <del>small scale</del> <b>{NU 308.122}</b></li> <li>• Solar panels - on-site energy generation <del>small scale</del> <b>{NU 308.122}</b></li> <li>• Energy resource investigation devices <b>{NU 308.122}</b></li> </ul>	<p>a. Effects on heritage streetscape character</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.3</li> <li>ii. Public amenities and network <del>utilities</del> <u>utility</u> <b>{NU cl.16}</b> activities are located and designed to minimise, as far as practicable, any adverse effects on heritage streetscape character (Policy 13.2.3.10).</li> </ul>

<sup>1</sup> **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> <b>{PO cl. 16}</b>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. Objectives 2.4.2, 2.4.3</li> <li>b. Policies 2.4.2.2, 2.4.3.2</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>c. In assessing the effects on heritage streetscape character, Council will consider the heritage precinct values in Appendix A2: <b>{Her cl.16}</b></li> </ol>
2. <b>On a scheduled heritage site:</b> <ul style="list-style-type: none"> <li>• Discretionary transportation activities</li> <li>• Discretionary public amenities</li> <li>• <u>Natural Hazard mitigation earthworks and structures</u> <b>{HazMit cl.16}</b></li> <li>• <u>Natural hazard mitigation structures</u> <b>{HazMit cl.16}</b></li> <li>• <u>Network utilities utility structures - large scale other than amateur radio configurations</u> <b>{NU cl.16}</b></li> <li>• <u>Solar panels – community scale</u> <b>{NU 308.122}</b></li> <li>• <u>Hydro generators – community scale</u> <b>{NU 308.122}</b></li> <li>• <u>Substations</u> <b>{NU 915.17}</b></li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. Objective 13.2.2</li> <li>b. The heritage values of the scheduled heritage site are maintained or enhanced, including by ensuring:               <ol style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>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;</li> <li>iv. sites that are primarily open space are protected from inappropriate development; and</li> <li>v. network utilities utility activities <b>{NU cl.16}</b> and hazard mitigation activities are designed, located and/or screened to be as unobtrusive as possible <u>practicable</u> <b>{Her 576.33}</b> (Policy 13.2.2.1).</li> </ol> </li> </ol>

### 13.7.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
<p>3. <b>In a heritage precinct:</b></p> <ul style="list-style-type: none"> <li>• <u>Natural hazard mitigation earthworks</u> <b>{HazMit cl.16}</b></li> <li>• <u>Natural hazard mitigation structures</u> <b>{HazMit cl.16}</b></li> <li>• <u>Network utilities utility</u> <b>{NU cl.16}</b> structures - large scale <u>other than amateur radio configurations</u> <b>{NU cl.16}</b></li> <li>• <u>Solar panels</u> – community scale <b>{NU 308.122}</b></li> <li>• <u>Hydro-generators</u> – community scale <b>{NU 308.122}</b></li> <li>• <u>Substations</u> <b>{NU 915.17}</b></li> </ul>	<p><i>Relevant objectives and policies:</i></p> <p>a. Objective 13.2.3</p> <p>b. <u>Network utilities utility</u> <b>{NU cl.16}</b> activities <u>and natural hazard mitigation activities</u> <b>{HazMit cl.16}</b> are located and designed to minimise, as far as practicable, any adverse effects on heritage streetscape character (Policy 13.2.3.10).</p> <p><i>General assessment guidance:</i></p> <p>c. <u>In assessing the effects on heritage streetscape character, Council will consider the heritage precinct values in Appendix A2.</u> <b>{Her cl.16}</b></p>

<sup>1</sup> **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>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to Objective 2.4.2</li> <li>b. Policy 2.4.2.1.</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>c. In assessing the significance of effects, consideration will be given to:               <ol style="list-style-type: none"> <li>i. both short and long term effects, including effects in combination with other activities; and</li> <li>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.;</li> </ol> </li> <li>d. In assessing the effects on heritage streetscape character, Council will consider the values in <u>Schedule Appendix A2</u>.</li> </ol>

#### 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	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. Objective 13.2.1</li> <li>b. Policy 13.2.1.7.</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>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).</li> </ol>

#### 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>

<sup>1</sup> **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 Tahu<sup>1</sup> 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).

<sup>1</sup> 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 mātaihai, other sites for gathering food and cultural resources, tribally significant landforms, features and cultural landscapes (wāhi tūpuna). Taoka may also be intangible, such as tikaka and te reo (Māori language). All taoka are part of the cultural and tribal identity of an iwi.

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

#### **14.1.5.7 Mahika Kai**

Mahika kai is one of the cornerstones of Kāi Tahu cultural identity. Mahika kai is a term that literally means "food workings" and refers to the customary gathering of food and natural materials and the places where those resources are gathered or produced. The term also embodies the traditions, customs and collection methods, and the gathering of natural resources for cultural use<sup>2</sup>, 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.

<sup>2</sup> 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	
<p>The relationship between Manawhenua and the natural environment is maintained or enhanced, including the cultural values and traditions associated with:</p> <p>a. wāhi tūpuna;</p> <p>b. mahika kai; and</p> <p>c. occupation of <u>original</u> <b>{MW 248.10}</b> native reserve land through papakāika</p>	
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 <b>{PO 908.3 and others}</b> , 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 <b>{PO 908.3 and others}</b> , 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 <b>{PO 908.3 and others}</b> , are no more than minor.
Policy 14.2.1.6	Enable Manawhenua to live in <u>original</u> <b>{MW 248.10}</b> native reserve areas where any adverse effects <del>can</del> <u>will</u> <b>{PO cl.16}</b> 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'}~~

<sup>1</sup> **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		<p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>a. The degree of non-compliance with the performance standard is minor.</li> <li>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.</li> <li>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.</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>d. Where more than one standard is contravened, the combined effects of the contraventions should be considered.</li> <li>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).</li> <li>f. In assessing the effects on Manawhenua and their relationship with a <b>wāhi tūpuna mapped area</b>, Council will consider the values in Appendix A4.</li> </ul>
2. Density (papakāika - residential zones)	a. Effects on cultural values of Manawhenua	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 14.2.1</li> <li>ii. Manawhenua are able to live in <u>original</u> <b>{MW 248.10}</b> native reserve areas where any adverse effects can <u>will</u> <b>{PO cl.16}</b> be adequately managed in line with the <u>objectives and</u> <b>{MW cl.16}</b> policies of the relevant zone (Policy 14.2.1.6).</li> <li>iii. Residential buildings used for papakāika are removed when no longer used for that purpose (Policy 14.2.1.7).</li> </ul>
3. Esplanade reserves and strips	a. Where in a <b>wāhi tūpuna mapped area</b> , effects on cultural values of Manawhenua	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 14.2.1</li> <li>ii. In a <b>wāhi tūpuna mapped area</b> 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).</li> </ul>

#### 14.3.2 Assessment of performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
4. Maximum height	<p>a. In the <b>Huriawa height restriction mapped area</b>, effects on cultural values of Manawhenua</p> <p>b. In the Dunedin International Airport Zone, effects on cultural values of Manawhenua (in relation to Maukaatua <b>wāhi tūpuna mapped area</b>)</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 14.2.1</li> <li>Adverse effects on the relationship between Manawhenua and wāhi tūpuna are avoided, or if avoidance is not <u>practicable possible</u> <b>{PO 908.3 and others}</b>, are no more than minor (Policy 14.2.1.4).</li> </ol>
<p>5. <u>Vegetation clearance standards</u>: <b>{NatEnv cl.16}</b></p> <ul style="list-style-type: none"> <li>Maximum area of indigenous vegetation clearance (UBMA) <b>{NatEnv cl.16}</b></li> <li>Protected areas (vegetation clearance)</li> <li>Protected species (indigenous vegetation clearance) <b>{NatEnv cl.16}</b></li> </ul>	<p>a. Where in a <b>wāhi tūpuna mapped area</b>, effects on cultural values of Manawhenua</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 14.2.1</li> <li>In a <b>wāhi tūpuna mapped area</b> identified as having mahika kai values in Appendix A4, vegetation clearance <del>has no significant effects</del> <u>avoids adverse effects</u> on mahika kai, or if avoidance is not <u>practicable</u>, effects are no more than minor <b>{PO 908.3 and others and MW cl.16}</b> (Policy 14.2.1.1).</li> <li>In a <b>wāhi tūpuna mapped area</b> 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> <b>{PO 908.3 and others}</b>, are no more than minor (Policy 14.2.1.4).</li> </ol> <p><i>Potential circumstances or mitigation measures {MW cl.16} that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>Where the <b>wāhi tūpuna mapped area</b> has mahika kai values: <ol style="list-style-type: none"> <li>The area of vegetation to be cleared is not a source of mahika kai, nor will its removal affect adjoining areas of mahika kai.</li> <li>Sufficient vegetation will remain to ensure mahika kai can continue to be gathered to the extent it is currently gathered.</li> </ol> </li> </ol>

### 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 <b>wāhi tūpuna mapped area</b> , effects on cultural values of Manawhenua	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 14.2.1</li> <li>ii. In a <b>wāhi tūpuna mapped area</b> 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> <b>{PO 908.3 and others}</b>, are no more than minor (Policy 14.2.1.4).</li> <li>iii. In a <b>wāhi tūpuna mapped area</b> 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).</li> </ul>
7. Setback from ridgeline <u>Maximum height (rural and rural residential zones)</u> <b>{MW 874.41}</b>	a. Where in a <b>wāhi tūpuna mapped area</b> , effects on cultural values of Manawhenua	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 14.2.1</li> <li>ii. In a <b>wāhi tūpuna mapped area</b> where buildings, structures and network utility structures <u>that affect the peaks, upper slopes or skyline</u> <b>{MW 874.41}</b> 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> <b>{PO 908.3 and others}</b>, are no more than minor (Policy 14.2.1.4).</li> </ul>
8. <u>Sediment control</u> <b>{MW 1071.107}</b>	a. Where in a <b>wāhi tūpuna mapped area</b> , effects on cultural values of Manawhenua <b>{MW 1071.107}</b>	<p><i>Relevant objectives and policies: {MW 1071.107}</i></p> <ul style="list-style-type: none"> <li>i. <u>Objective 14.2.1</u> <b>{MW 1071.107}</b></li> <li>ii. In a <b>wāhi tūpuna mapped area</b> 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). <b>{MW 1071.107}</b></li> </ul>

## 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		<p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>a. <del>The development incorporates conservation activity that will have significant positive effects on biodiversity or natural character values.</del> <b>{MW cl.16}</b></li> <li>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).</li> <li>c. In assessing the effects on Manawhenua and their relationship with a <b>wāhi tūpuna mapped area</b>, Council will consider the values in Appendix A4.</li> </ol> <p><i>Potential circumstances that may support a consent application:</i></p> <ol style="list-style-type: none"> <li>d. <u>The development incorporates conservation activity that will have significant positive effects on biodiversity or natural character values.</u> <b>{MW cl.16}</b></li> </ol>
2. <u>Activities where effects on cultural values of Manawhenua is a matter of discretion, including but not limited to:</u> <b>{MW cl.16}</b>	a. Where in a <b>wāhi tūpuna mapped area</b> , effects on cultural values of Manawhenua	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>i. Objective 14.2.1</li> <li>ii. In a <b>wāhi tūpuna mapped area</b> 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 <del>practicable</del> possible <b>{PO 908.3 and others}</b>, are no more than minor (Policy 14.2.1.4).</li> </ol>

#### 14.4.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<ul style="list-style-type: none"> <li>Indigenous vegetation clearance – <u>large scale</u> <b>{NatEnv cl.16}</b></li> <li>Earthworks - large scale</li> <li>New buildings or structures/ additions and alterations up to 60m<sup>2</sup> <b>{MW cl.16}</b></li> <li>Network utilities <u>utility</u> <b>{NU cl.16}</b> activities</li> <li>All other structures <b>{MW cl.16}</b></li> <li>New buildings and additions and alterations 60m<sup>2</sup> and over <b>{MW cl.16}</b></li> <li>Forestry</li> <li>Tree planting <u>Shelterbelts and small woodlots</u> <b>{RU cl.16}</b></li> <li>All other buildings and structures <b>{MW cl.16}</b></li> <li><u>Public amenities</u> <b>{MW 1071.3}</b></li> <li><u>New buildings, structures, and additions</u></li> </ul>		

#### 14.4.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p><u>and alterations</u> <b>{MW cl.16}</b></p>		
<p>3. Crematoriums and Cemeteries</p>	<p>a. Effects on cultural values of Manawhenua</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 14.2.1</li> <li>ii. Adverse effects on cultural values, including the relationship between Manawhenua and sites of cultural importance to them, <u>can be are {PO cl.16} avoided</u>, or if avoidance is not <u>practicable possible {PO 908.3 and others}</u>, are no more than minor (Policy 14.2.1.5).</li> </ul>
<p>4. All subdivision activities</p>	<p>a. Where in a <b>wāhi tūpuna mapped area</b>, effects on cultural values of Manawhenua</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 14.2.1</li> <li>ii. In a <b>wāhi tūpuna mapped area</b> where a subdivision <del>or buildings and structures are</del> <u>is {MW cl.16}</u> identified as a threat <u>in Appendix A4 {MW cl.16}</u>, the subdivision is designed to ensure any future land use or development will avoid or, if avoidance is not <u>practicable possible {PO 908.3 and others}</u>, ensure adverse effects on values of significance to Manawhenua are no more than minor (Policy 14.2.1.4).</li> <li>iii. In a <b>wāhi tūpuna mapped area</b> 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).</li> </ul> <p><i>Design considerations Potential circumstances {MW cl.16} that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. Subdivisions are designed to maximise the opportunities for protection or enhancement of important Manawhenua values on the site, for example through: <ul style="list-style-type: none"> <li>1. retaining indigenous vegetation on a single allotment, under single ownership;</li> <li>2. fencing of indigenous vegetation; or</li> <li>3. enabling access to, and protection of, sites of significance.</li> </ul> </li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>v. A building platform registered against the Certificate of Title by way of consent notice.</li> </ul>

## 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>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objectives 2.5.1, 2.5.3, 2.5.4, 14.2.1</p> <p><i>General assessment guidance:</i></p> <p>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).</p> <p>c. <u>In assessing the significance of effects, Council will consider: {MW 1071.3}</u></p> <p>i. <u>Maintaining the relationship between Manawhenua and the natural environment, including the cultural values and traditions associated with: {MW 1071.3}</u></p> <p>1. <u>wāhi tūpuna; and {MW 1071.3}</u></p> <p>2. <u>the customary use of mahika kai (Objective 14.2.1). {MW 1071.3}</u></p>
2. <ul style="list-style-type: none"> <li>• Crematoriums</li> <li>• Cemeteries</li> <li>• Landfills</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>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> <b>{PO 908.3 and others}</b>, are no more than minor (Policy 14.2.1.5).</p>



#### 14.5.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
3. <ul style="list-style-type: none"> <li>• Mining</li> <li>• Discretionary Network utilities utility <b>{NU cl.16}</b> activities</li> <li>• New roads or additions or alterations to existing roads</li> <li>• Passenger transportation hubs</li> <li>• Heliports</li> <li>• <del>Natural</del> Hazard mitigation earthworks and structures <b>{HazMit cl.16}</b></li> <li>• <u>Natural hazard mitigation structures</u> <b>{HazMit cl.16}</b></li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. In a <b>wāhi tūpuna mapped area</b> 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 <b>{PO 908.3 and others}</b>, are no more than minor (Policy 14.2.1.4).</p> <p><i>General assessment guidance:</i></p> <p>b. Council will consider whether the activity is identified as a threat in Appendix A4 in the <b>wāhi tūpuna mapped area</b>. <b>{MW cl.16}</b></p> <p>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).</p>

#### 14.5.3 Assessment of discretionary performance standard contraventions

Activity	Guidance on the assessment of resource consents
1. Density (papakāika - rural zones)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objectives 2.5.2, 14.2.1</p> <p>b. Manawhenua are able to live in original <b>{MW 248.10}</b> <del>Native</del> Reserve <b>{MW cl.16}</b> areas where any adverse effects can <u>will</u> <b>{PO cl.16}</b> be adequately managed in line with the policies of the relevant zone (Policy 14.2.1.6).</p> <p>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).</p>

## 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>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. Objectives 2.5.1, 2.5.3, 2.5.4</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>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).</li> <li>c. <u>In assessing the significance of effects, Council will consider: {MW 1071.3}</u> <ol style="list-style-type: none"> <li>i. <u>Maintaining the relationship between Manawhenua and the natural environment, including the cultural values and traditions associated with: {MW 1071.3}</u> <ol style="list-style-type: none"> <li>1. <u>wāhi tūpuna; and {MW 1071.3}</u></li> <li>2. <u>the customary use of mahika kai (Objective 14.2.1). {MW 1071.3}</u></li> </ol> </li> </ol> </li> </ol>
2. <ul style="list-style-type: none"> <li>• Cemeteries</li> <li>• Crematoriums</li> <li>• Landfills</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. Objective 14.2.1</li> <li>b. Policy 14.2.1.5</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>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)</li> </ol>

## **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.