

20. Recreation Zone

20.1 Introduction

Public reserve and recreational areas are interspersed among other environments within the city. The protection and provision of these areas and facilities is important for the health and well-being of the community and to contribute to amenity values.

The key resource management issues relating to public reserves and recreation areas are: **{Rec cl.16}**

- The current District Plan applies the surrounding zone to recreational areas, which means the development on such sites is subject to the rules of the zone in which they are located, which does not enable consideration of the effects of the recreation activity or development on other users or surrounding neighbours. The lack of identification of recreation areas in the current District Plan results in uncertainty for surrounding properties in regard to what development might occur on adjacent recreational areas. The current situation may also result in activities being undertaken on land adjacent to recreation areas and facilities without full consideration of the effects on the recreation area. **{Rec cl.16}**
- Activities and developments in recreation areas can have adverse effects on the surrounding environment. For example, large scale buildings and structures, parking and traffic effects, and nuisance-related effects such as noise or glare from lighting can impact on the amenity of surrounding residential properties. As these areas and facilities are not identified in the current District Plan, there is no provision for the types of activities or developments that are anticipated and appropriate in these areas and the effects are only assessed within the context of the surrounding environment rules. This means that the positive effects of activities or development cannot be taken into account. **{Rec cl.16}**
- Many recreation areas provide important green space for the city. As such, limiting **{Rec cl.16}** the types and scale of activities and development that occurs on them is necessary to ensure that they are available for a range of uses (including casual public use), and that green space is not consumed by inappropriate activities or development.
- Commercial food, beverage, and retail activities provided in association with recreation facilities could threaten the vitality of centres if provided in a way or at a scale that would compete with activities in the centres. Such activities occurring outside the of a commercial centres **{Trans cl.16}** also have the potential to impact on neighbours.

In response to the issues, the Second Generation Plan 2GP proposes to provide for these areas through a specific Recreation Zone. **{Rec cl.16}** The areas covered by the zone are primarily sports fields, large urban bush reserves, and coastal reserves.

The provisions proposed in the 2GP recognise the values of these different areas included in the Recreation Zone; enabling an appropriate level of use and development in the different areas; and control the effects of the activities that take place on them. As such, recreational activity is enabled in an efficient manner and certainty as to what can occur on these areas is provided to both the recreational bodies and to adjacent land owners. **{Rec cl.16}**

Other recreation areas not incorporated in this zone are:

- a. Small pocket parks, such as neighbourhood playgrounds, and small reserve areas in a commercial centres **{Trans cl.16}** or the inner city, which retain the zoning of the surrounding environment.
- b. Some of the major facilities on recreation areas (such as Moana Pool), which are is managed through the Moana Pool Zone major facilities zones. **{MF cl.16}**
- c. Open space and recreation areas in the rural environment, which are generally zoned the same as the

surrounding environment (i.e. rural zones). These areas are primarily used for conservation, protection of biodiversity and landscapes, and to provide for walking and biking tracks.

20.2 Objectives and Policies

Objective 20.2.1	
The Recreation Zone provides opportunities for a wide range of recreational, sporting, community, and cultural activities.	
Policy 20.2.1.1	Enable sport and recreation, community and leisure activities {Rec cl.16} , and restaurant and retail ancillary to sport and recreation.
Policy 20.2.1.2	Enable rural activities in the form of grazing and forestry.
Policy 20.2.1.3	Provide for a wide range of community activities, cemeteries, and campgrounds, where these activities are designed and operated to meet Objective 20.2.2 and its policies.
Policy 20.2.1.4	Avoid industrial, residential, commercial, rural, and major facilities facility {MF cl.16} activities, unless otherwise provided for in the Recreation Zone.
Objective 20.2.2	
Land use, development and subdivision activities: support the efficient and effective operation of the recreation area; maintain a high standard of on-site amenity for users of the recreation area; and maintain or enhance neighbourhood amenity and the amenity of any surrounding residential properties.	
Policy 20.2.2.1	Require development to maintain or enhance on-site amenity for recreation area users, neighbourhood amenity, and the amenity of any surrounding residential properties by ensuring: a. there are adequate areas free from buildings or hard surfacing; b. the height, boundary setbacks, height in relation to boundary, and scale of buildings and structures is appropriate to the recreation area and in keeping with the scale of buildings in surrounding residential environments; c. service areas for campgrounds or restaurants ancillary to sport and recreation, are not visible from ground level from outside the site; d. communal outdoor gathering areas are designed and located to avoid overlooking and disturbing surrounding residential properties; e. parking areas are designed or located to minimise, as far as practicable, {PO 906.34 and 308.497} light spill from vehicles <u>using the parking area {Rec cl.16}</u> on surrounding residential properties; and f. outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or nuisance effects.
Policy 20.2.2.2	Require boundary fences to be of a height and design that contributes positively to streetscape amenity and character of the neighbourhood and recreation area.
Policy 20.2.2.3	Require ancillary signs to be located and designed to maintain on-site amenity, and surrounding streetscape and residential amenity by: a. being of an appropriate size, design, and number to convey information about the name and nature of the club, organisation, or reserve, and not oversized or too numerous than what is necessary for that purpose; and b. limiting commercial sponsorship signs ancillary to sport and recreation to be temporary or enclosed within the site.
Policy 20.2.2.4	Require forestry and <u>tree planting shelterbelts and small woodlots</u> {RU cl.16} to be set back an adequate distance to avoid significant effects from shading on residential buildings on adjacent properties.

Objective 20.2.2

Land use, development and subdivision activities: support the efficient and effective operation of the recreation area; maintain a high standard of on-site amenity for users of the recreation area; and maintain or enhance neighbourhood amenity and the amenity of any surrounding residential properties.

Policy 20.2.2.5	Require retail, and restaurants, and conference, meeting and function {Rec 557.4} ancillary to sport and recreation, and ancillary licensed premises, to operate in a way (including hours of operation) that avoids, or if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigates, noise or other adverse effects on the amenity of surrounding residential properties.
Policy 20.2.2.6	Only allow sport and recreation that involves motor vehicles, where there will be no, or only minimal, adverse effects on: a. any surrounding residential properties; and b. other recreation area users.
Policy 20.2.2.7	Only allow campgrounds where any adverse effects, including from noise, dust or loss of privacy, on surrounding residential properties and other recreation area users, can <u>will</u> {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , are adequately mitigated.
Policy 20.2.2.8	Only allow cemeteries, where they are designed and located: a. to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate adverse effects on the amenity of surrounding residential properties; and b. to minimise, <u>as far as practicable</u> {PO 906.34, PO 308.497} the potential for reverse sensitivity from surrounding permitted activities that may affect the ability of the cemetery to operate. {PO 1046.5}
Policy 20.2.2.9	Only allow mining where: a. there is a reasonable certainty that land will be restored <u>or rehabilitated</u> {CP 458.24 and others} to a standard that will minimise, <u>as far as practicable</u>, {PO 906.34 and 308.497} the long term visual effects; and b. any adverse effects, including from noise or dust, on surrounding residential properties or other recreation area users can <u>will</u> {PO cl.16} be avoided, or if avoidance is not possible <u>practicable</u>, {PO 908.3 and others} adequately mitigated.
Policy 20.2.2.10	Only allow new buildings or additions and alterations to buildings that will result in gross floor area greater than 350m ² and/ or have any wall longer than 20m, where any adverse effects on on-site amenity, surrounding properties, and neighbourhood amenity, can <u>will</u> {PO cl.16} be avoided, or if avoidance <u>is</u> not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigated.
Policy 20.2.2.11	Only allow subdivision activities where the subdivision does not adversely affect the efficient and effective operation of the recreation area.
Policy 20.2.2.12	Only allow early childhood education <u>or conference, meeting and function where they are where</u> designed, and located, and operated {Rec 557.4} to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigate adverse effects on: a. the amenity of surrounding residential properties; and b. other recreation area users.

Objective 20.2.2

Land use, development and subdivision activities: support the efficient and effective operation of the recreation area; maintain a high standard of on-site amenity for users of the recreation area; and maintain or enhance neighbourhood amenity and the amenity of any surrounding residential properties.

Policy 20.2.2.13	Only allow stand-alone car parking where it is the secondary use of a car parking area required for an activity provided for in the recreation area, at times when that parking is not needed for that activity or otherwise needed to facilitate public use of the recreation area.
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EW cl.16: As a clause 16 amendment, Objective 20.2.3 and its policies have been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

Rules

Rule 20.3 Activity Status

20.3.1 Rule location

The activity status tables in rules 20.3.3 to 20.3.6 specify the activity status of land use activities, development activities, and subdivision activities in the residential zones and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

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

20.3.2 Activity status introduction

1. The activity status tables in rules 20.3.3 - 20.3.65 **{Rec cl.16}** show the activity status of activities in the Recreation Zone and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.6 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested tables in Section 1.6 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

Additional activity status rules in hazard overlay zones

6. For the purpose of the hazards provisions, activities are categorised as natural hazards **{NH cl.16}** sensitive activities, natural hazards **{NH cl.16}** potentially sensitive activities or natural hazards **{NH cl.16}** least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
7. In the Hazard 1 (flood) Overlay Zone or Hazard 2 (flood) Overlay Zone, the activity statuses in Rule 20.3.6 apply to the following activities:
 - a. new **{NH 908.3}** natural hazards **{NH cl.16}** sensitive activities;
 - b. natural hazards **{NH cl.16}** potentially sensitive activities, and
 - c. some new buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area **{NH. cl.16}**

8. Where the activity status in Rule 20.3.6 differs from that in rules 20.3.3 - 20.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 20.3.6, performance standards for development activities within hazard overlay zones are included in rules 20.3.3- 20.3.5.
10. Activities in a hazard overlay zone must comply with all of the rules in 20.3.3 - 20.3.6.

Performance Standards

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

¹ **NH cl.16:** The content from Table 20.3.6 has been moved to Table 20.3.X, with the exception that columns a and c have been removed, pursuant to clause 16. Column c was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are show in the new location.

Legend

Acronym	Activity-status Meaning {PO cl.16}
±	<u>Additional provisions apply (assessment criteria for activities in the overlay need to be viewed)</u> {PO 490.1 and others}
N/A	No additional provisions apply or not relevant Not Applicable {PO 490.1 and others}
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
Rec	Recreation Zone
NCC	Natural Coastal Character Overlay Zone
Scheduled ASCV ASBV {NatEnv 958.60}	<u>Areas Scheduled area of Significant Conservation Biodiversity Value</u> {NatEnv 958.60}
UCMA UBMA {NatEnv 958.60}	<u>Urban Conservation Biodiversity Mapped Area</u> {NatEnv 958.60}
SHS	Scheduled Heritage Site
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones

20.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities				a. Acoustic insulation (noise sensitive activities only) b. Electrical interference c. Light spill d. Noise e. Setback from National Grid (National Grid sensitive activities only) {NH cl.16}
Community activities		Activity status ¹			Performance standards
		a. Rec	b. NCC	c. ASCV ASBV {NatEnv 958.60}	
2.	Community and leisure - small scale	P	P	P	i. Minimum car parking
3.	Community and leisure - large scale	RD	RD	RD	i. Minimum car parking ii. <u>Location (hazard facility mapped area)</u> {PHS 906.1}
4.	Conservation	P	P	P	
5.	Early childhood education - small scale	RD	RD	RD	i. <u>Location (hazard facility mapped area)</u> {PHS 906.1}
6.	Early childhood education - large scale	D	D	D	
7.	Sport and recreation that involves motor vehicles	D	D	D+	
8.	All other sport and recreation	P	P	D	i. Hours of operation ii. Minimum car parking
Commercial activities		a. Rec	b. NCC	c. ASCV ASBV {NatEnv 958.60}	Performance standards
9.	Ancillary licensed premises	RD	RD	RD	i. Hours of operation
10.	Conference, meeting, and function activity ancillary to sport and recreation {Rec 557.4}	P {Rec 557.4}	P {Rec 557.4}	D {Rec 557.4}	i. Scale of operation {Rec 557.1}

Y.	Conference, meeting, and function {Rec 557.4}	NC D {Rec 557.4}	NC D {Rec 557.4}	NC D {Rec 557.4}	
11.	Campgrounds	RD	RD	NC	i. Minimum car parking
12.	Restaurants ancillary to sport and recreation	P	P	D	i. Hours of operation
13.	Retail activities activity {PO cl.16} ancillary to sport and recreation	P	P	D	i. <u>Hours of operation</u> {Rec cl.16²}
14.	Stand-alone car parking	RD	RD	NC	
15.	All other activities in the commercial activities category	NC	NC	NC+	
Rural activities		a. Rec	b. NCC	c. ASGV ASBV {NatEnv 958.60}	Performance standards
16.	Forestry	P	RD	NC	i. Forestry and tree planting shelterbelts and small woodlots {RU cl.16} setbacks ii. Tree species
17.	Grazing	P	P	NC	
18.	Mining	D	D+	NC	
X.	<u>Scheduled Mining Activity</u> {CP 874.2 and others}	Ð P {CP 874.2 and others}	Ð+ P {CP 874.2 and others}	N/A	i. <u>Scheduled Mining Activity</u> {CP 874.2 and others}
19.	All other activities in the rural activities category	NC	NC	NC+	
Industrial activities		a. Rec	b. NCC	c. ASGV ASBV {NatEnv 958.60}	Performance standards
20.	All activities in the industrial activities category	NC	NC	NC+	
Residential activities		a. Rec	b. NCC	c. ASGV ASBV {NatEnv 958.60}	Performance standards
21.	All activities in the residential activities category	NC	NC	NC+	
Major facility activities		a. Rec	b. NCC	c. ASGV ASBV {NatEnv 958.60}	Performance standards

22.	Cemeteries	RD	RD	NC	
23.	All other activities in the major facility activities category	NC	NC	NC+	

¹ **PO 490.1:** Em-dashes are no longer used, and activity status is shown for all overlays (not just those that have additional provisions applying), except where two areas (zones, overlays, mapped areas etc.) do not intersect, in which case N/A is used. A plus symbol has been added to activity statuses that are the same as in the underlying zone but where additional assessment matters apply. See amended legend.

² **Rec cl.16:** This performance standard applies to the activity. A link has been added into the activity status table as a cl.16 amendment.

Note 20.3.3A – Other requirements outside of the District Plan

1. Activities that involve the sale, consumption, or provision of alcohol, may require a licence. Contact the DCC's Alcohol Licensing Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information. {**Rec cl.16**}
2. Permission from the Dunedin City Council (DCC) must be obtained for activities or development on recreation areas in addition to any permission or consent granted under the District Plan. Additional controls may apply under the Reserves Act 1977 or any management plan made under the Reserves Act. Please contact the Parks and Recreation Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz to ensure all appropriate permissions are received.. {**Rec 588.33**}

20.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities	a. <u>Natural Hazards Performance Standards Hazard overlay zones development standards {NH cl.16}</u> b. <u>Setback from coast and water bodies {NatEnv cl.16}</u> c. <u>Setback from national grid {NU cl.16}</u> d. <u>Setback from scheduled tree</u>
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2.	Performance standards that apply to all buildings and structures activities				a. Boundary setbacks b. Fire-fighting {Rec cl.16} c. Height in relation to boundary d. Maximum height e. Number, location and design of ancillary signs f. <u>Setback from coast and water bodies</u> {NatEnv cl.16} g. <u>Setback from National Grid</u> {NU cl.16}
Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or a scheduled heritage structure. See Rows 8 - 12)		Activity status:			Performance standards
		a. Rec	b. NCC	c. ASCV ASBV {NatEnv 958.60}	
3.	New buildings or additions and alterations that result in a building that is less than or equal to 60m ²	P	P	P	
4.	New buildings or additions and alterations that result in a building that is greater than 60m ² and less than or equal to 350m ² and/or has any wall longer than 20m <u>and does not have any wall longer than 20m</u> {NatEnv 360.164}	P	RD	RD	
5.	New buildings or additions and alterations that result in a building that is greater than 350m ² and/or has any wall longer than 20m	RD	RD	RD	
6.	Fences	P	P	P	i. Fence height and design
7.	All other buildings and structures activities	P	P	P	
Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		a. Rec	b. NCC	c. ASCV ASBV {NatEnv 958.60}	Performance standards
8.	Repairs and maintenance or restoration {Her 547.91}	P	P	P	i. Materials and design

X.	Restoration of a building or structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) {Her 547.91}	P C {Her 547.91}	P C {Her 547.91}	P C {Her 547.91}	i. Materials and design
Y.	Restoration of all other scheduled heritage buildings and structures {Her 547.91}	P	P	P	i. Materials and design
9.	Earthquake strengthening where external features only are protected	C	C	C	i. Materials and design
AA.	Signs attached to buildings or structures {Her cl. 16}	P	P	P	
10.	All other additions and alterations	RD	RD	RD	
11.	Demolition	NC	NC	NC	
12.	Removal for relocation	RD	RD	RD	
Development activities on a scheduled heritage site, where visible from an adjoining public place or a public place within the heritage site		a. Rec	b. NCC	c. ASGV ASBV {NatEnv 958.60}	Performance standards
13.	New {Her cl.16} structures that are {RU cl.16} no more than 2.5m high and or that have no more than a {RU cl.16} 2m ² footprint	P	P	P	
Z.	All other new structures {Her cl.16}	RD	RD	RD	
14.	New buildings, all other structures, parking, loading and access {Her cl.16}	RD	RD	RD	
ZZ	Parking, loading and access {Her cl.16}	RD	RD	RD	i. <u>Parking, loading and access standards {Her cl.16}</u> ii. <u>Location and screening of car parking {Her cl.16}</u>
Site development activities in all areas (except as covered by Rows 13 - 14 above)		a. Rec	b. NCC	c. ASGV ASBV {NatEnv 958.60}	Performance standards
15.	Earthworks – small scale {EW cl.16}	P	P	P	i. Earthworks standards
16	Earthworks – large scale {EW cl.16}	RD	RD	RD	i. Earthworks standards
17.	Outdoor storage	P	P	P	i. Location and screening of outdoor storage

19.	Indigenous vegetation clearance <u>small scale</u> {NatEnv cl.16}	P	RD P {NatEnv cl.16}	RD P {NatEnv cl.16}	i. Vegetation clearance standards
19A.	Indigenous vegetation clearance <u>large scale</u> {NatEnv cl.16}	N/A	RD+	RD NC {NatEnv 949.13}	i. Vegetation clearance standards
18.	All other vegetation <u>Vegetation</u> {NatEnv cl.16} clearance	P	P	P	i. Vegetation clearance standards
20.	Parking, loading and access	P	P	P	i. Parking, loading and access standards ii. Location and screening of car parking
21.	New <u>or additions to</u> parking areas, or extensions to existing parking areas that result in the creation of {Trans cl.16} 50 or more new parking spaces.	RD	RD	RD	i. Parking, loading and access standards ii. Location and screening of car parking
22.	Storage and use of hazardous substances	P	P	P	i. Hazardous substances quantity limits and storage requirements ii. <u>Setback from coast and water bodies</u> {NatEnv cl.16}
23.	Tree planting <u>Shelterbelts and small woodlots</u> {RU cl.16}	P	P	P RD {NatEnv 958.107}	i. Tree species ii. Forestry and tree <u>planting shelterbelts and small woodlots</u> {RU cl.16} setbacks
24.	All other site development activities	P	P	P RD {NatEnv 958.107}	

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

² **NatEnv cl.16:** Indigenous vegetation clearance rules have been reformatted. Indigenous vegetation clearance that was exempt from the notified definition of “indigenous vegetation clearance”, or that was permitted under notified Rule 10.3.2.2 Maximum area of indigenous vegetation clearance, is now provided for as Indigenous Vegetation Clearance – Small Scale. Other indigenous vegetation clearance is now provided for as Indigenous Vegetation Clearance – Large Scale. This does not change the effect of provisions.

⁴ **PO 490.1:** Em-dashes are no longer used, and activity status is shown for all overlays (not just those that have

additional provisions applying), except where two areas (zones, overlays, mapped areas etc.) do not intersect, in which case N/A is used. A plus symbol has been added to activity statuses that are the same as in the underlying zone but where additional assessment matters apply. See amended legend.

⁵ **Her cl.16:** This performance standard applies to the activity. A link has been added to the activity status table as a cl.16 amendment to aid plan usability.

⁶ **Her cl.16:** Rule restructured as a result of change to definition of additions and alterations and new definition of signs attached to buildings and structures. No substantive change to provisions.

⁷ **Rec cl.16:** The firefighting performance standard applies to residential activities. Residential activity is non-complying in this zone and so the performance standard is not relevant and has been removed under cl.16.

⁸ **NatEnv cl.16:** This performance standard applies to the activity. A link has been added to the activity status table as a cl. 16 amendment to aid plan usability.

Note 20.3B.4A - General advice

1. Under the Heritage New Zealand Pouhere Taonga Act 2014 it is an offence to modify or destroy an archaeological site without obtaining an archaeological authority from Heritage New Zealand (HNZ). An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand {Her 547.80}. This is the case regardless of whether the land on which the site is located is **{Her 547.80}** designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
2. An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
4. The **archaeological alert layer mapped area** identifies sites and areas that have a strong likelihood of containing archaeological remains, however remains may be present anywhere within the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.
5. Freedom camping is managed by Council's Camping Control Bylaw 2015. Bylaws are available at www.dunedin.govt.nz. {Rec 588.37}
6. Dunedin City Council Bylaws may apply to some activities in the Recreation Zone. Please refer to the bylaws for more detail. Bylaws are available at www.dunedin.govt.nz. {Rec 588.37}

20.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status ¹			c. Performance standards
		a. Rec	b. NCC	c. ASGV ASBV {NatEnv 958.60}	
1.	General subdivision	RD	RD+	RD+	i. Access ii. Esplanade reserves and strips iii. Fire fighting iv. Service connections v. Shape
2.	Cross lease, company lease and unit title subdivision	NC	NC	NC	

¹ **PO 490.1:** Em-dashes are no longer used, and activity status is shown for all overlays (not just those that have additional provisions applying), except where two areas (zones, overlays, mapped areas etc.) do not intersect, in which case N/A is used. A plus symbol has been added to activity statuses that are the same as in the underlying zone but where additional assessment matters apply. See amended legend.

Note 20.3.5A - Other RMA considerations {PO 490.4}

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

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

Activity {NH cl.16}		a. Haz1 {NH cl.16}	b. Haz2 {NH cl.16}	c. Haz3 {NH cl.16}
1- {NH cl.16}	Potentially sensitive activities permitted in Recreation Zone {NH cl.16}	⊕ {NH cl.16}	— {NH cl.16}	— {NH cl.16}
2- {NH cl.16}	Potentially sensitive activities not permitted in Recreation Zone {NH cl.16}	NC {NH cl.16}	⊕ {NH cl.16}	— {NH cl.16}
3- {NH cl.16}	Sensitive activities {NH cl.16}	NC {NH cl.16}	⊕ {NH cl.16}	— {NH cl.16}
4- {NH cl.16}	In a hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, which create more than 1m ² of new ground floor area {NH cl.16}	RD {NH cl.16}	— {NH cl.16}	— {NH cl.16}

5- {NH cl.16}	In a hazard 1 or 2 overlay zone, other than the hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, <i>which create more than 60m² of new ground floor area {NH cl.16}</i>	RD {NH cl.16}	RD {NH cl.16}	— {NH cl.16}
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¹ **NH cl. 16:** The content from Table 20.3.6 has been moved to Table 20.3.X, with the exception that columns a and c have been removed, pursuant to clause 16. Column c was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are show in the new location.

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

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

¹ **NH 634.74:** Note that “potentially sensitive activities permitted in Recreation Zone” had no additional rules (shown as an em-dash) under the notified Plan but the distinction between this activity and “potentially sensitive activities not permitted in Recreation Zone” (which was notified as a discretionary activity) was removed and both activities were changed to restricted discretionary in response to this submission.

Note 20.3.6A - Guidance on existing use rights applying to land use activities in hazard overlay zones
Other RMA considerations {Rec cl.16}

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

Accordingly, these activities will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 20.3.6. {NH 634.81} However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of the land use activity.

Rule 20.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or section 95B of the Act RMA, **{Res cl.16}** unless Council considers special circumstances exist in relation to the application that require public notification:
 1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
 2. contravention of the materials and design **{Her cl.16}** performance standard (Rule 13.3.2) 'Materials and design' **{Her cl.16}** where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided for the following:
 1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand;
 2. contraventions of the materials and design **{Her cl.16}** performance standard (Rule 13.3.2) 'Materials and design' **{Her cl.16}** where the building or structure is listed by Heritage New Zealand; and
 3. contravention of the archaeological sites **{Her cl.16}** performance standard (Rule 13.3.3) 'Archaeological sites' **{Her cl.16}**.
3. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A of the RMA, unless Council considers special circumstances exist in relation to the application:
 1. ~~demolition of a protected part of a scheduled heritage building or scheduled heritage structure;~~ **{Her 308.362}**
 2. all commercial activities (including commercial advertising); and
 3. all industrial activities.
4. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. cemeteries;
 2. all restricted discretionary activities that list 'effect on cultural values of Manawhenua as a matter for discretion; and
 3. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4.
5. With respect to resource consent applications for the following activities, the Department of Conservation will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided: **{RU 958.109}**
 1. indigenous vegetation clearance - large scale in a scheduled Area of Significant Biodiversity Value; or
 2. indigenous vegetation clearance - large scale or any discretionary or non-complying activity in a Natural Coastal Character overlay zone. **{RU 958.109}**
6. ~~In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons:~~ **{PO cl.16}**
7. With respect to resource consent applications for the following activities, the Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. activities in the Hazard 1 (flood) or Hazard 1A **{NH 908.37}** (flood) overlay zones; and

2. activities in **swale mapped areas**. *{NH cl.16²}*
8. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

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

² **NH cl.16:** Rule 20.4.7 was notified as Rule 11.8.3 in the Natural Hazards Section but has been transferred to this section for clarify. This does not result in a substantive change to the effect of provisions.

Rules 20.5 Land Use Performance Standards

20.5.1 Acoustic Insulation

1. Noise sensitive activities in the following areas must comply with Rule 9.3.1:
 - a. port noise control mapped area;
 - b. within 40m of a state highway;
 - c. within 20m of an industrial zone; and
 - d. within 70m of a railway line.

20.5.2 Electrical Interference

Land use activities must comply with Rule 9.3.2.

20.5.3 Hours of Operation {was "Scale of Operation" - Rec 557.1}

20.5.3.1 Hours of operation {Rec 557.1}

1. Sport and recreation, ~~activities that are ancillary to sport and recreation (retail, restaurant, and conference, meeting and function restaurants ancillary to sport and recreation, retail ancillary to sport and recreation, {Rec 557.4})~~, and ancillary licensed premises must operate within the following hours:

Days of week		Hours of operation
i. <u>a.</u> {Rec cl.16}	Sunday - Thursday	7.00am - 10.30pm
ii. <u>b.</u> {Rec cl.16}	Friday - Saturday	7.00am - 12.00am (midnight)

2. Sportsfield lighting on sites adjacent to a residential zone must not operate from within the hours of 10.00pm - 7.00am. {Rec cl.16}
3. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

20.5.3.2 Scale of activities {Rec 557.1}

- a. ~~Conference, meeting and function ancillary to sport and recreation must not exceed an attendance rate of 25 people at any one time, or, for a maximum of 10 days per calendar year, an attendance rate of up to 50 people.~~ {Rec 557.1}
- b. ~~Conference, meeting and function activities that contravene this performance standard are a discretionary activity.~~ {Rec 557.1}

Note 20.5.3A - Other requirements outside of the District Plan

1. Activities that involve the sale or provision of alcohol, or contain a social area that could be used for this purpose, may require a licence. Contact the DCC's Alcohol Licensing Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
2. Land owner consent from the DCC's Parks, Recreation and Aquatic Group Department is required for activities or development on recreation areas in addition to any permission or consent granted under the District Plan. Additional controls may apply under the Reserves Act 1977 or any Management Plan for the Area. Please contact customer services on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.

20.5.4 Light Spill

Land use activities must comply with Rule 9.3.5.

20.5.5 Minimum Car Parking

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

Activity	Minimum car parking rate
a. Community and leisure	1 parking space for every 5 persons the facility can accommodate at any one time
b. Sport and recreation	1 parking space for every 5 persons that the facility can accommodate at any one time.
c. Campgrounds	1 parking space for every visitor accommodation unit

- d. ~~Activities other than standard residential~~ **{Rec cl.16¹}** must provide mobility parking spaces as follows:

Total number of parking spaces provided	Minimum number of these that must be mobility parking spaces
i. 1 - 20	1 parking space
ii. 21 - 50	2 parking spaces
iii. For every additional 50 parking spaces	1 additional parking space

- e. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility parking.
- f. Parking spaces may be shared between land use activities (i.e. the same parking spaces may be used to fulfil the minimum car parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap.
- g. Where the minimum car parking performance standard results in the requirement for a fractional space, any fraction under one half will be disregarded and any fraction of one half or greater will be counted as one space.

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

¹ **Rec cl.16:** Residential activity is NC, therefore not needed.

Note 20.5.B5A - Other relevant District Plan provisions

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

20.5.6 Noise

Land use activities must comply with Rule 9.3.6.

20.5.7 Setback from National Grid

National Grid Sensitive **{NH cl.16}** activities must comply with Rule 5.6.1.

20.5.8 Tree Species

Forestry and tree planting shelterbelts and small woodlots *{RU cl.16}* must comply with Rule 10.3.4.

20.5.9 Location (hazard facility mapped area) {Confirmed for addition - PHS 906.1}

Activities must comply with Rule 9.3.8. *{PHS 906.1}*

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

1. Waldronville Gun Club Sand Pit must meet the performance standards listed below. *{CP 874.2 and others}*
2. If Waldronville Gun Club Sand Pit contravenes any of these standards it will be considered a new mining activity and will be subject to the rules that apply to mining in Rule 20.3. *{CP 874.2 and others}*

Rule 20.5.10.3 Operating Limits *{CP 874.2 and others}*

- a. Waldronville Gun Club Sand Pit: *{CP 874.2 and others}*
 - i. may only operate: Monday to Saturday 6am to 10pm; *{CP 874.2 and others}*
 - ii. must not use blasting; *{CP 874.2 and others}*
 - iii. must not undertake aggregate processing. *{CP 874.2 and others}*

Rule 20.5.10.4 Noise *{CP 874.2 and others}*

- a. Waldronville Gun Club Sand Pit must comply with Rule 9.3.6, subject to the following: *{CP 874.2 and others}*
 - i. An adjustment of minus 5 dBA for noise emissions having special audible characteristics. *{CP 874.2 and others}*
 - ii. Noise level readings for the purpose of determining compliance with the noise conditions must be provided by the quarry operator for two hours, at times representative of the operation and at which maximum noise levels can be assessed. For continuous operations, readings must take place at 12 monthly intervals. For intermittent operations, readings must be provided at the time of every subsequent operation of the site. *{CP 874.2 and others}*

Rule 20.5.10.5 Landscaping and rehabilitation *{CP 874.2 and others}*

- a. Waldronville Gun Club Sand Pit must undertake a programme of landscaping to encourage the revegetation of areas that are no longer being mined. The landscaping programme must ensure that: *{CP 874.2 and others}*
 - i. all planting is in accordance with a landscape plan prepared by a qualified landscape architect; *{CP 874.2 and others}*
 - ii. all vegetation established as part of this programme is maintained in a healthy state at all times; *{CP 874.2 and others}*
 - iii. the site is rehabilitated to an appearance and character similar to that of the surrounding environment. *{CP 874.2 and others}*
- b. Prior to removing sand from undisturbed areas, the DCC will be contacted to allow the removal of any pingao growing in the area. *{CP 874.2 and others}*

Rule 20.6 Development Performance Standards

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

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

20.6.2 Fence Height and Design

1. ~~Fences must not exceed the following height limits, except as provided for in Rule 20.6.2.3 below:~~ **{Res cl.16}**

Location {Res cl.16}		Maximum height {Res cl.16}
a- {Res cl.16}	Along the road boundary with a state highway {Res cl.16}	2m {Res cl.16}
b- {Res cl.16}	Along all other road boundaries {Res cl.16}	1.4m {Res cl.16}
c- {Res cl.16}	Along a side or rear boundary with a residential zone {Res cl.16}	1.4m {Res cl.16}
d- {Res cl.16}	Along all other side and rear boundaries {Res cl.16}	2m {Res cl.16}

2. ~~Fences along boundaries include fences that are not exactly on the boundary but are within the boundary setbacks required by Rule 20.6.12.1.~~ **{Res cl.16}**
3. ~~Where the maximum height of a fence is 1.4m, the height of a fence may be increased to a maximum height of 2m provided that a minimum of 40% of the entire structure is visually permeable (see-through), or the portion above 1.4m height is visually permeable. Visually permeable refers to construction using trellis, lattice, wrought iron, or spaced palings (palings maximum width 150mm, spacing minimum width 25mm) or other materials that provide gaps that can be seen through (see examples in Figure 20.6C).~~ **{Res cl.16}**
4. ~~For the purposes of calculating maximum height, where a fence or wall is erected atop a retaining wall, the height will be calculated as the combined height measured from ground level to the top of the fence or wall.~~ **{Res cl.16}**

20.6.2.1 Maximum Height {Res cl.16¹}

- a. The maximum height of fences along boundaries (including within the boundary setbacks required by Rule 20.6.12) is 2m. **{Res cl.16¹}**
- b. For the purposes of calculating maximum height, where a fence is erected atop a retaining wall, the height will be calculated as the combined height measured from ground level to the top of the fence. **{Res cl.16¹}**
- c. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

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

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

- a. Fences along road boundaries (or within the boundary setbacks required by Rule 20.6.12), or along a side or rear boundary with a residential zone, must be constructed to a length and/or height that maintains visual permeability for 50% of the length of the boundary measured at a height of 1.4m above ground level (see Figure 15.6D). **{Res 190.1 and others}**
- b. The following fences are exempt from this requirement: **{Res cl.16¹}**
 - i. fences along the road boundary of a state highway; **{Res cl.16¹}**
 - ii. fences required to meet Rule 20.6.8 (Location and Screening of Outdoor Storage); and **{MF 308.375 and 308.497}**
 - iii. fences required to meet Rule 20.6.7 (Location and Screening of Car Parking). **{Rec cl.16²}**
- c. Fences that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

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

² **Rec cl.16:** Amendment to resolve conflict between rules. No-one is considered to be prejudiced by this addition and it provides clarity in the Plan.

Figure 20.6C: Example of visually permeable fencing **{Res cl.16¹}**

¹ **Res cl.16:** This image has been replaced with the figures in residential Figure 15.6D.

20.6.3 Fire Fighting **{Confirmed for deletion - Rec cl.16}**

~~New residential buildings and subdivision activities must comply with Rule 9.3.3.~~ **{Rec cl.16¹}**

¹ **Rec cl.16:** The firefighting performance standard applies to residential activities. Residential activity is non-complying in this zone and so the performance standard is not relevant and has been removed under cl.16.

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

20.6.4.1 Hazard exclusion areas

- a. ~~Development activities~~ New buildings and structures and additions and alterations **{NH cl.16¹}** located in a **swale mapped area** must comply with Rule 11.3.1.1.
- b. ~~Development activities~~ New buildings and structures and additions and alterations **{NH cl.16¹}** located in a **dune system mapped area** must comply with Rule 11.3.1.2.

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

20.6.4.2 Maximum area of vegetation clearance in the hazard overlay zones

Vegetation clearance in the Hazard 1 (land instability) Overlay Zone, Hazard 2 (land instability) Overlay Zone, or in a **dune system mapped area**, must comply with Rule 11.3.2.

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

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

20.6.4.4 Relocatable buildings ~~{NH cl.16¹}~~

~~New buildings (including residential buildings) to be used for sensitive activities in the Hazard 3 (coastal) Overlay Zone must comply with Rule 11.3.4. **{NH cl.16¹}**~~

¹ **NH cl.16:** This has been deleted as residential activity is non-complying in this zone.

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

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

20.6.5 Hazardous Substances Quantity Limits and Storage Requirements

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

20.6.6 Height

20.6.6.1 Height in relation to boundary

- New buildings and additions and alterations to buildings must not protrude through a plane (see Figure 20.6E) raising at an angle of 45 degrees measured from a point 2.5m above ground level at the boundary of the Recreation Zone.
- Except sports field fences which are 100% permeable and required to be tall for the purposes of public safety (e.g. wire netting fences around softball fields), sports field lighting, and goal posts.
- Rooftop structures are exempt from the performance standard for height in relation to boundary
- Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

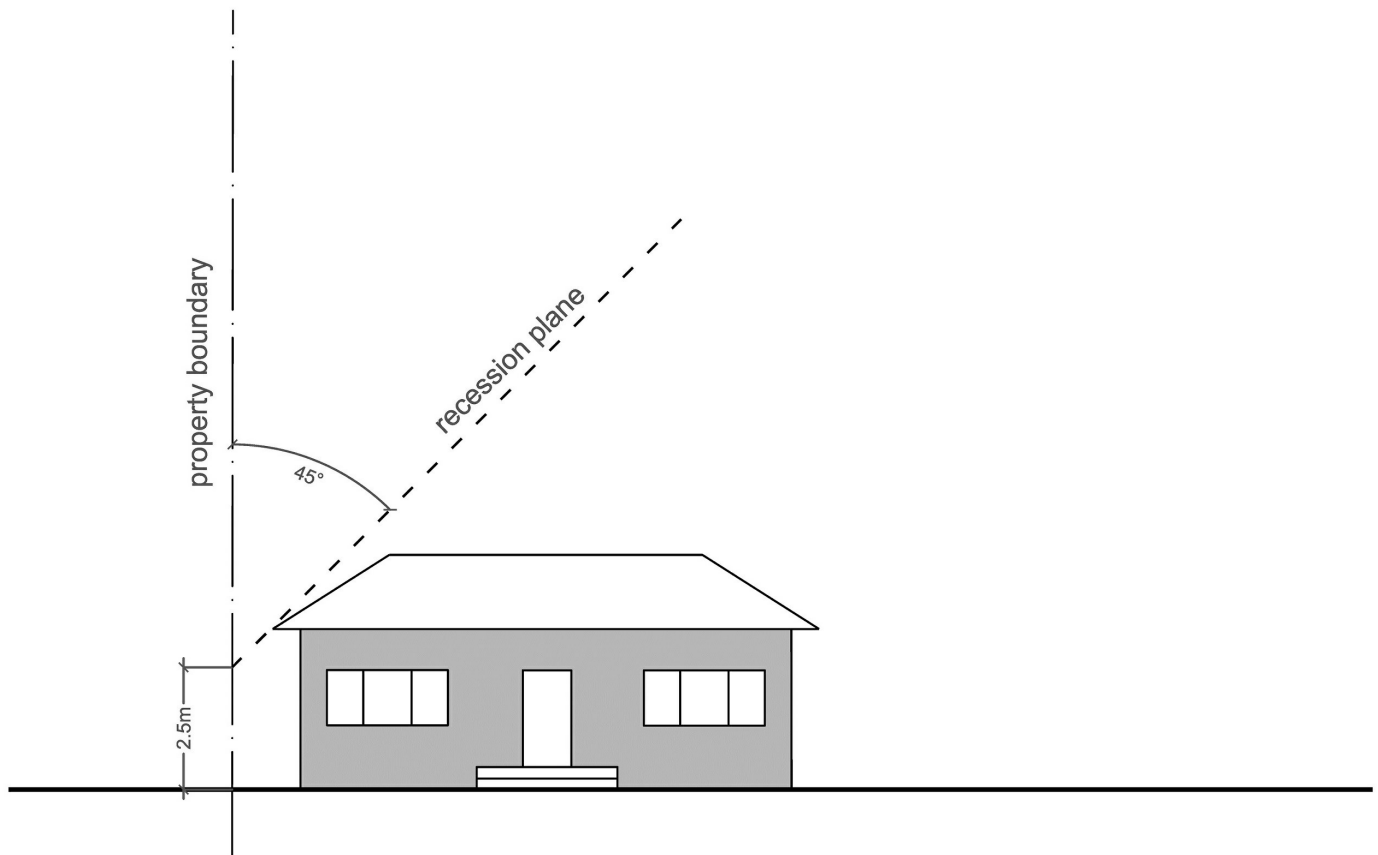
20.6.6.2 Maximum Height

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

Activity		1. Recreation Zone	2. Natural Coastal Character Overlay Zone (NCC)
i.	Goal posts and sports field lighting	22m	22m
ii.	All other buildings and structures	9m	5m

- Rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more than one third of that limit.
- Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Figure 20.6E: Height in relation to boundary



20.6.7 Location and Screening of Car Parking

1. Parking areas adjacent to boundaries of sites that are in {Rec cl.16} a residential zone must, on that boundary, have a solid fence or dense landscaping at least 1.4m high that is capable of blocking light from headlights of motor vehicles.
2. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

20.6.8 Location and Screening of Outdoor Storage

1. Service areas must be located or screened so that they are not visible at ground level from adjacent residential zoned sites properties {Rec cl.16} or roads.
2. Outdoor storage, including service areas, must not encroach into required parking, loading and access areas.
3. Outdoor storage must be managed in a way that does not result in unreasonable visual amenity effects or nuisance effects.
4. Materials stored outside must be stored in a way that prevents them contaminating any off-site area.
5. Outdoor storage in the Hazard 1 (flood) Overlay Zone must comply with Rule 11.3.5. {Rec cl.16}
6. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

20.6.9 Materials and Design

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

20.6.10 Number, Location and Design of Ancillary Signs

20.6.10.1 General

- a. Signs visible from a public place must meet all of the following performance standards, except that regulatory signs, directional signs and warning signs that do not exceed 0.25m² are exempt from these standards. {CMU 271.18}
- b. Signs must also comply with:
 - i. Rule 6.7.2 where located on or above the footpath ~~outside dairies~~ **{PO cl.16¹}**; and
 - ii. Rule 6.7.3 where visible from a road.
- c. ~~Signs must be ancillary signs. {PO cl.16²}~~
- d. Signs must not be illuminated or digital.
- e. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities. {PO cl.16}

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

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

20.6.10.2 Performance standards that apply to all ancillary signs, except commercial sponsorship signs

- a. Ancillary signs must only display the name, and logo of the relevant land use activity or organisation (e.g. DCC), locational, directional or informative information relevant to the area, or rules of the area or use of the area.
- b. Ancillary signs that promote or advertise retail, restaurants, or conference, meeting and function activities **{PO cl.16}** ancillary to sport and recreation must not be visible from a public place outside the recreation area.

20.6.10.3 Signs attached to buildings

- a. Any signs displaying the club/s name on clubrooms must not exceed a maximum total area of 5m² per building face.
- b. The maximum number of permanent commercial sponsorship signs is one sign for the naming rights sponsor of the sport and recreation activity (club), with a maximum area of 3m², except: for clubs that operate in an enclosed area that is only open to members, apart from during events, there is no maximum number of commercial sponsorship signs, provided those signs are not visible from outside of the enclosed area.
- c. Other signs must not exceed a total maximum area of 1m² per building face.
- d. Signs must remain entirely within the visual profile of the building or structure.
- e. Signs must not project higher than the lowest point of the roof, except as mounted flat against a parapet or gable end.

20.6.10.4 Freestanding signs

- a. Freestanding signs {Rec cl.16}
 - i. must not exceed a maximum total area of all display faces of 3m²; and each display face must not exceed 1.5m² in area;
 - ii. must not exceed a maximum height above ground level of 4m; and
 - iii. ~~must be positioned within the site boundaries and located so they do not obstruct any parking, loading or access areas.~~ must not obstruct parking, loading and access areas; and {PO cl.16}
 - iv. must be positioned entirely within site boundaries {PO cl.16}

20.6.10.5 Portable freestanding signs

- a. Commercial sponsorship signs erected for matches, competitions, or events must not be displayed for more than one day before the competition/event, and must be removed within one day of completion of the competition/event.
- b. Any other portable signs must not exceed one sign per activity, and 0.9m in height and 0.6m in width.
- c. Signs must be positioned within site boundaries.

Note 20.6.A – Other relevant District Plan provisions

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

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

Note 20.6.10B - Other requirements outside of the District Plan

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

20.6.11 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

20.6.12 Setbacks

20.6.12.1 Boundary Setbacks

- a. New buildings and structures, and additions and alterations, must be set back from boundaries as follows:
 - i. 4.5m from the road boundary; and
 - ii. 2m from side and rear boundaries;
 - iii. except for the site at 50 Three Mile Hill Road, where they must be set back: 12m from the road boundary, and 6m from side and rear boundaries. {Rec 58.1 and others}
 - iv. Jetties, boat ramps, wharves, fences, and ancillary signs are exempt from this standard.
- b. Communal outdoor gathering areas, including decks at or above ground level, must be setback 10m from a residential zone.
- c. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

20.6.12.2 Forestry and ~~tree planting shelterbelts and small woodlots~~ {RU cl.16} setbacks

- a. Trees associated with forestry activity:
 - i. must not be planted within 30m of the boundary of any residential zone or rural residential zone;
 - ii. must not be planted within 40m of a residential building where the building exists at the time of planting;

- iii. must not shade a motorway or a strategic road, arterial road, **{Trans cl.16}** or collector road between 10.00am and 2.00pm on the shortest day of the year; and
 - iv. must not be planted within 10m of the boundary of the designated rail corridor. **{Trans 322.59}**
- b. Trees associated with tree planting shelterbelts and small woodlots **{RU cl.16}**:
- i. must be set back, or managed so that they maintain, a minimum distance of their own height from any residential building on an adjacent site, where the building exists at the time of planting;
 - ii. must not shade a motorway, ~~or a strategic road~~, arterial road, **{Trans cl.16}** or collector road between 10.00am and 2.00pm on the shortest day of the year; and
 - iii. must not be planted within 10m of the boundary of the designated rail corridor. **{Trans 322.59}**
- c. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

20.6.12.3 Setback from coast and water bodies

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

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

20.6.12.4 Setback from ~~n~~National ~~g~~Grid

New buildings and structures, and additions and alterations, ~~and earthworks~~ **{EW cl.16}** must comply with Rule 5.6.1.

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

20.6.12.5 Setback from scheduled tree

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

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

20.6.13 Vegetation Clearance Standards

20.6.13.A Indigenous vegetation clearance – small scale thresholds **{NatEnv cl.16¹}**

Indigenous vegetation clearance – small scale must comply with Rule 10.3.2.A. **{NatEnv cl.16}**

¹ **NatEnv cl.16:** Indigenous vegetation clearance rules have been reformatted. As a result, exemptions to the definition of indigenous vegetation clearance have been replaced by new Rule 10.3.2.A. Therefore, a consequential amendment is needed here to add new Rule 20.6.13.A, in order to link to the reformatted provisions. This does not change the effect of provisions.

20.6.13.1 Maximum area of vegetation clearance (~~UCMA UBMA~~ **{NatEnv 958.60}**)

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

20.6.13.2 Protected areas (vegetation clearance) **{NatEnv cl.16}**

Vegetation clearance and indigenous vegetation clearance must comply with Rule 10.3.2.3.

20.6.13.3 Protected species (indigenous vegetation clearance)

Indigenous vegetation clearance must comply with Rule 10.3.2.4.

20.6.13.4 Maximum area of vegetation clearance in the hazard overlay zones

Vegetation clearance in the Hazard 1 (land instability) Overlay Zone, Hazard 2 (land instability) Overlay Zones, **{Rec cl.16}** or in a **dune system mapped area**, must comply with Rule 11.3.2.

Rule 20.7 Subdivision Performance Standards

20.7.1 Access

General subdivision must comply with Rule 6.8.1.

20.7.2 Esplanade Reserves and Strips

General subdivision must comply with Rule 10.3.1.

20.7.3 Fire Fighting

General subdivision must comply with Rule 9.3.3.

20.7.4 Service Connections

General subdivision must comply with Rule 9.3.7.

20.7.5 Shape

1. Each resultant site must be of a size and shape that is large enough to allow for:
 - a. setbacks from boundaries, water bodies, scheduled trees, ~~national grid transmission lines~~ **{NU 806.11}**; and
 - b. esplanade reserve or strip areas.
2. Building platforms must be located at least 12m from the outer edge of a National Grid support structure or centreline of an overhead National Grid transmission line. **{NU 806.11}**
3. Resultant sites created and used solely for the following purposes are exempt from the shape standard:
 - a. Scheduled ASCV ~~ASBV~~ **{NatEnv 958.60}** or QEII covenant;
 - b. reserve;
 - c. access;
 - d. network ~~utility~~ utilities activities; or **{NU cl.16}**
 - e. road.
4. Activities that contravene this performance standard are restricted discretionary activities, except that activities that do not meet Rule 20.7.5.2 are non-complying activities.**{NU 806.11}**

Rule 20.8 Assessment of Controlled Activities

Rule 20.8.1 Introduction

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rule 20.8.2:
 - a. lists the matters over which Council has reserved its control; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
 - ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 20.9; and
 - iv. the matters of control become matters of discretion and will be assessed as indicated in this section.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 20.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 20.12; and
 - iii. the assessment guidance in this section will also be considered.

20.8.2 Assessment of controlled activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. <u>Affecting a scheduled heritage building or a scheduled heritage structure: {Her cl.16}</u> • Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected. • <u>Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) {Her 547.91}</u>	a. Effects on heritage values	See Rule 13.4

Rule 20.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 20.9.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 20.9.2 - 20.9.6:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. ~~Rules 20.9.2 - 20.9.6 apply as follows: 20.9.5 apply to performance standards in the Recreation Zone; Rule 20.9.6 contains additional provisions that apply to performance standards in overlay zones, mapped areas, and on-scheduled items. {Rec cl.16}~~
 - a. Rule 20.9.2 applies to all performance standard contraventions;
 - b. Rule 20.9.3 applies to land use performance standard contraventions;
 - c. Rule 20.9.4 applies to development performance standard contraventions;
 - d. Rule 20.9.5 applies to subdivision performance standard contraventions; and
 - e. Rule 20.9.6 applies to performance standard contraventions in an overlay zone, mapped area, or affecting a scheduled item. {Rec cl.16}

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

20.9.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Electrical interference	a. Effects on health and safety	See Rule 9.4
2.	Hours of operation	a. Effects on <u>amenity of surrounding sites</u> ¹ {Rec cl.16}	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Retail, <u>and</u> restaurant, and conference, meeting and function {Rec 557.4} activities ancillary to sport and recreation operate in a way that avoids, or if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigates adverse effects on surrounding properties (Policy 20.2.2.5). <i>General assessment guidance:</i> iii. In assessing effects on amenity, Council will consider the location of the building on the site in relation to adjacent residential buildings, and the location of the site and access in the context of the wider environment, considering effects of vehicle movements, vehicle headlights and noise.
3.	Minimum car parking	a. Effects on the safety and efficiency of the transport network b. <u>Effects on accessibility</u> {Trans cl.16¹}	See Rule 6.9
4.	Tree species	a. Effects on biodiversity <u>values</u> {NatEnv 958.60} b. <u>Effects on natural character of the coast</u> {NatEnv 900.144} c. <u>Effects on landscape values</u> {NatEnv 900.144}	See Rule 10.4

¹ **Trans cl.16:** Under Transportation section assessment rules (Rule 6.9.3.6.a), 'effects on accessibility' is a matter of discretion for contraventions of minimum car parking performance standards. However, this matter of discretion was inadvertently omitted from notified Section 20 assessment rules. The correction of this error, via the addition of Rule 20.9.3.3.b, does not result in a substantive change to the effect of provisions.

20.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Boundary setbacks	a. Effects on on-site amenity	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Development maintains or enhances on-site amenity for recreation area users (Policy 20.2.2.1.b).
		b. Effects on <u>amenity of surrounding sites'</u> amenity {Rec cl.16}	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Development maintains or enhances neighbourhood amenity, and the amenity of any surrounding residential properties (Policy 20.2.2.1.b). <i>Potential circumstances that may support a consent application include:</i> iii. Access to sunlight to the outdoor living space(s) and windows of bedrooms and living areas of adjacent residential buildings are <u>is</u> {Rec cl.16} maintained or any reduction is minor.
2.	Earthworks standards: • Batter gradient {EW cl.16'}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 20.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 20.2.3.1.b).
3.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs {EW cl.16'}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 20.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 20.2.3.1.a).
4.	Earthworks standards: • Setback from national grid • Setback from network utilities {EW cl.16'}	a. Effects on efficient and effective operation of network utilities	See Rule 5.7
		b. Effects on health and safety	

20.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
5.	Earthworks standards: • Sediment control {EW cl.16'}	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 20.2.3 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems, or the coastal marine area {EW 1071.106} (Policy 20.2.3.2.b).
		b. Effects on biodiversity and natural character of riparian margins and the coast	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
6.	Earthworks standards: • NZ Environmental Code of Practice for Plantation Forestry {EW cl.16'}	a. Degree of compliance with New Zealand Code of Practice for Plantation Forestry	<i>Relevant objectives and policies:</i> i. Objective 20.2.3 ii. Earthworks ancillary to forestry are carried out in accordance with industry best practice guidelines (Policy 20.2.3.4).

20.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
7.	Fence height and design	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Boundary fences are of a height and design that contributes positively to the amenity and character of the neighbourhood and recreation area (Policy 20.2.2.2). <i>Potential circumstances that may support a consent application include:</i> iii. The increased height or reduced visual permeability is necessary to meet protection requirements, to provide security, minimise noise effects from a busy road or activity, or for public well-being. iv. Existing vegetation or proposed landscaping will screen fences from public places. v. For side and rear boundaries, the fence is on a boundary that is not generally accessible or visible from open areas of the recreation area, e.g. on a boundary in a dense bush area.
		b. Effects on health and safety	See Rule 9.4
8.	Fire fighting {Rec cl.16²}	a. Effects on health and safety {Rec cl.16²}	See Rule 9.4 {Rec cl.16²}
9.	Forestry and tree planting shelterbelts and small woodlots {RU cl.16} setbacks	a. Effects on <u>amenity</u> of surrounding sites' amenity {Rec cl.16}	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Forestry and tree planting shelterbelts and small woodlots {RU cl.16} are set back an adequate distance to avoid significant effects from shading on residential buildings on adjacent properties (Policy 20.2.2.4). <i>Potential circumstances that may support a consent application include:</i> iii. The area to be planted is to the south of any adjacent residential or rural residential zone. iv. Slope or orientation or other topographical aspects of the sites involved mean that there will be no shading of a residential building on an adjoining site.
		b. Effects on health and safety	See Rule 9.4
		c. Effects on the safety and efficiency of the transport network	See Rule 6.9

20.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
10.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
11.	Height in relation to boundary	a. Effects on <u>amenity of surrounding sites</u> ¹ amenity {Rec cl.16}	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Development maintains or enhances neighbourhood amenity, and the amenity of any surrounding residential properties (Policy 20.2.2.1.b). <i>Potential circumstances that may support a consent application include:</i> iii. Access to sunlight to the outdoor living space(s) and windows of bedrooms and living areas of adjacent residential buildings is maintained or any reduction is minor.
12.	Maximum height	a. Effects on on-site amenity	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Development maintains or enhances on-site amenity for recreation area users (Policy 20.2.2.1.b). <i>Potential circumstances that may support a consent application include:</i> iii. Better use of public space and retention of open space within the site can be achieved. iv. Greater height is required to meet specialised recreational needs.
		b. Effects on <u>amenity of surrounding sites</u> ¹ amenity {Rec cl.16}	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Development maintains or enhances neighbourhood amenity, and the amenity of any surrounding residential properties and is in keeping with the scale of buildings in the surrounding residential environment (Policy 20.2.2.1.b). <i>Potential circumstances that may support a consent application include:</i> iii. Access to sunlight to the outdoor living space(s) and windows of bedrooms and living areas of adjacent residential buildings is maintained or any reduction is minor. iv. Landscaping or fences screen or soften the visual effects of buildings. v. Natural landforms or topography (e.g. cliffs or tall trees) provide a backdrop to the building.

20.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
13.	Location and screening of car parking	a. Effects on <u>amenity of surrounding sites'</u> amenity {Rec cl.16}	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Parking areas are designed or located to minimise, <u>as far as practicable</u>, {PO 906.34 and 308.497} light spill from vehicles <u>using the parking area</u> {Rec cl.16} on surrounding resident properties (Policy 20.2.2.1.e). <i>Potential circumstances that may support a consent application include:</i> iii. Landscaping <u>to minimise adverse visual and nuisance effects from lighting, vehicle headlights, or car parking areas on surrounding properties</u>. {Res cl.16³}
14.	Location and screening of outdoor storage	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Service areas <u>for campgrounds or restaurants ancillary to sport and recreation</u> {Res cl.16³} are not visible from ground level from outside the site (Policy 20.2.2.1.c). iii. Outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or nuisance effects (Policy 20.2.2.1.f). <i>Conditions that may be imposed include:</i> iv. Landscaping <u>to minimise adverse visual and nuisance effects from lighting, vehicle headlights, or car parking areas on surrounding properties</u>. {Rec cl.16³}

20.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
15.	Number, location, and design of ancillary signs	a. Effects on on-site amenity	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Ancillary signs are located and designed to maintain or enhance {Rec cl.16} on-site amenity and surrounding streetscape and residential amenity, and {Rec cl.16} by being of an appropriate number size {Rec cl.16}, design, and number to convey information about the name and nature of the club, organisation, or reserve, and not oversized or too numerous than what is necessary for that purpose (Policy 20.2.2.3.a). iii. Commercial sponsorship signs ancillary to sport and recreation are managed and/or {Rec cl.16} temporary in nature or are enclosed within a site {Rec cl.16} to maintain on-site amenity and surrounding streetscape and residential amenity (Policy 20.2.2.3.b). <i>Potential circumstances that may support a consent application include:</i> iv. The number and location of signs will not result in more than minor cumulative visual effects.
		b. Effects on neighbourhood {Rec cl.16} surrounding streetscape and residential amenity	
		c. Effects on the safety and efficiency of the transport network	See Rule 6.9
16.	Parking loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
17.	Screening of outdoor gathering areas {Rec cl.16^s}	a. Effects on surrounding sites' amenity {Rec cl.16}	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Buildings are designed and located to avoid communal outdoor gathering areas, including decks, overlooking or disturbing surrounding properties or effect residential amenity (Policy 20.2.2.1.d). <i>Potential circumstances that may support a consent application include:</i> iii. Communal outdoor gathering areas will not be close to, or overlooking, residential buildings or outdoor living areas. <i>Conditions that may be imposed include:</i> iv. Landscaping to minimise adverse visual and nuisance effects from lighting, and noise on surrounding properties. v. Conditions may be imposed to minimise noise through the use of acoustic fencing or other treatments. {Rec cl.16}

20.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
18. Setback from coast and water bodies	a. Effects on biodiversity <u>values</u> {NatEnv 958.60} and natural character values of riparian margins and the coast	See Rule 10.4
	b. Effects on public access	See Rule 10.4
	c. Risk from natural hazards	See Rule 11.4
19. Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
20. Vegetation clearance standards: • {Protected areas (<u>vegetation clearance</u>) {NatEnv cl.16} }	a. Effects on biodiversity <u>values</u> {NatEnv 958.60} and natural character values of riparian margins and the coast	See Rule 10.4
21. Vegetation clearance standards: • Protected species (indigenous vegetation clearance)	a. Effects on biodiversity <u>values</u> {NatEnv 958.60}	See Rule 10.4

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

² **Rec cl.16:** The firefighting performance standard applies to residential activities. Residential activity is non-complying in this zone and so the performance standard is not relevant and has been removed under cl.16.

³ **Rec cl.16:** Error - incorrectly located under this activity.<

⁴ **Rec cl.16:** Amended to align better with policy wording.

⁵ **Rec cl.16:** Performance standard does not exist.

20.9.5 Assessment of subdivision performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Access	a. Effects on accessibility	See Rule 6.9
		b. Effects on the safety and efficiency of the transport network	
2.	Esplanade reserves and strips	a. Effects on biodiversity <u>values</u> {NatEnv 958.60} and natural character values of riparian margins and coast	See Rule 10.4
		b. Effects on public access	
3.	Fire fighting	a. Effects on health and safety	See Rule 9.4
4.	Service connections	a. Effects on efficiency and affordability of infrastructure	See Rule 9.4

20.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
5. Shape	<i>Relevant objectives and policies:</i> a. Objectives 2.4.1 b. Subdivisions are designed to ensure any future land use or development is able to meet the performance standards in the zone, or where in a structure plan mapped {ULS cl.16} area, reflects the requirements of the structure plan mapped area performance standards {ULS cl.16}, unless: i. a resource consent is approved for a development that does not meet the performance standard and the subdivision is intended for and capable of providing for that approved development; or ii. the resultant site is required for: 1. Scheduled ASCV ASBV or {NatEnv 958.60} QEII covenant; 2. reserve; 3. access; 4. utility network utility activities; or {Rec cl.16} 5. road (Policy 2.4.1.8). <i>General assessment guidance:</i> c. Non-compliance with the performance standard for shape will be assessed based on which performance standard(s) the shape of the resultant site does not provide for compliance with. See matters of discretion and assessment rules in relation to performance standard contraventions for: i. boundary setbacks; ii. setbacks from coast and {Rec cl.16} water bodies; iii. setback from scheduled tree; and iv. setback from nNational gGrid. <i>Conditions that may be imposed:</i> d. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site. e. A building platform may be required to be registered against the title by way of consent notice.	

20.9.6 Assessment of performance standard contraventions in an overlay zone, mapped area, or affecting a scheduled item

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. In a hazard overlay zone, swale mapped area or dune system mapped area {NH cl.16}: • Hazard overlay zones development standards {NH cl.16} • <u>Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) overlay zones and in a dune system mapped area)</u> • <u>Outdoor Storage (Hazard 1 (flood) Overlay Zone)</u> {NH cl.16} • <u>Hazardous substances quantity limits and storage requirements</u> {PO cl.16}	a. Risk from natural hazards	See Rule 11.4
2. In the NCC overlay zone: • Maximum height	a. Effects on natural character of the coast	See Rule 10.4
3. On a scheduled heritage building or scheduled heritage structure: • Materials and design	a. Effects on heritage values	See Rule 13.5

20.9.6 Assessment of performance standard contraventions in an overlay zone, mapped area, or affecting a scheduled item

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
4. In an UCMA urban biodiversity mapped area: {NatEnv 958.60} Vegetation clearance standards: Maximum area of vegetation clearance (UBMA) {NatEnv cl.16}	a. Effects on biodiversity values {NatEnv 958.60}	See Rule 10.4
5. In a wāhi tūpuna mapped area: - Setback from coast and water bodies - Esplanade reserves and strips <u>Vegetation clearance standards</u>: Maximum area of indigenous vegetation clearance (UBMA) {NatEnv cl.16} - Protected areas - Protected species	a. Effects on cultural values of Manawhenua	See Rule 14.3

¹ **NH cl.16:** The standards do not include provisions which apply in a **swale mapped area** or a **dune system mapped area**.

Rule 20.10 Assessment of Restricted Discretionary Activities

Rule 20.10.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 20.10.2 - 20.10.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. ~~Rules 20.10.2 - 20.10.5 apply as follows: 20.10.4 apply to activities in the Recreation Zone; Rule 20.10.5 contains additional provisions that apply to activities in overlay zones, mapped areas, and on scheduled items.~~
{Rec cl.16}
 - a. Rule 20.20.2 applies to restricted discretionary land use activities;
 - b. Rule 20.10.3 applies to restricted discretionary development activities;
 - c. Rule 20.20.4 applies to restricted discretionary subdivision activities; and
 - d. Rule 20.20.5 applies to restricted discretionary activities in an overlay zone, mapped area, or affecting a scheduled item. **{Rec cl.16}**
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
5. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 20.9; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 20.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 20.12; and

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

20.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All restricted discretionary land use activities, including <u>but not limited to the activities below</u> : {Rec cl.16} - community and leisure – large-scale - activities listed below: {Rec cl.16}	a. Effects on the safety and efficiency of the transport network	See Rule 6.10
A. All high trip generators, which include: {Trans cl.16} any activities that generate 250 or more vehicle movements a day {Trans cl.16}	a. Effects on accessibility {Trans cl.16} b. Effects on the safety and efficiency of the transport network {Trans cl.16}	See Rule 6.10 {Trans cl.16}

20.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. Campgrounds	a. Effects on <u>amenity</u> of surrounding sites' amenity {Rec cl.16}	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Campgrounds are designed so any adverse effects, including from noise or dust, or loss of privacy, on surrounding residential properties and other recreation area users, can <u>will</u> {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated (Policy 20.2.2.7). iii. Campgrounds are designed so service areas are not visible from ground level from outside the site (Policy 20.2.2.1.c). iv. Outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or create nuisance effects (Policy 20.2.2.1.f). <i>Conditions that may be imposed include:</i> v. Limits on the scale of the activity. vi. Location of dump stations (for disposal of waste from motor homes) away from boundaries with residential properties. vii. Restrictions on location and hours of operation of generators to minimise any effects from noise on neighbours. viii. Road upgrades necessary to handle the amount and type of vehicles anticipated. ix. Location, screening, or acoustic fencing of communal outdoor gathering areas.

20.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Cemeteries	a. Effects on cultural values of Manawhenua	See Rule 14.4
	b. Effects on <u>amenity</u> of surrounding sites' amenity {Rec cl.16}	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Cemeteries are designed and located to: 1. avoid, or if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigate, adverse effects on the amenity of surrounding sites <u>residential properties</u> {Res cl.16}; and 2. minimise, as far as practicable, {PO 906.34 and 308.497} the potential for reverse sensitivity that may affect the ability of the cemetery to operate from surrounding permitted activities {PO 1046.5} (Policy 20.2.2.8). <i>General assessment guidance/Conditions that may be imposed include:</i> iii. In assessing the effects on amenity, Council will consider whether graves will be located a suitable distance away from boundaries and whether any screening or landscaping proposed will be adequate. These aspects may be included as conditions of consent.

20.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
4. Early childhood education - small scale	a. Effects on <u>amenity</u> of surrounding sites' amenity {Rec cl.16}	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Early childhood education facilities are designed, and located, and operated {Rec 557.4} to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate adverse effects on the amenity of surrounding residential properties (Policy 20.2.2.12.a). <i>General assessment guidance:</i> iii. In assessing the effects on amenity, Council will consider whether buildings and outdoor areas are designed and located to reduce noise emissions. <i>Conditions that may be imposed include:</i> iv. Delivery time restrictions. v. Landscaping to minimise amenity effects of lighting, or parking areas on surrounding properties. Mitigation measures to minimise noise such as insulation, acoustic fencing, low noise surfaces for play areas, or other such treatments. vi. A noise management plan may be required.
	b. Effects on on-site amenity	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Early childhood education facilities are designed, and located, and operated {Rec 557.4} to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate adverse effects for other recreation area users (Policy 20.2.2.12.b). <i>Potential circumstances that may support a consent application include:</i> iii. Any loss of open space that would otherwise be available to the public, is minimal. iv. The activity will support a recreation activity on the site. <i>General assessment guidance include:</i> v. In assessing the effects on amenity, Council will consider whether: 1. noise emissions reduction measures should be required 2. the scale of the activity is suitable for the site.

20.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
5. Stand-alone car parking	a. Effects on on-site amenity	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Stand-alone car parking is only allowed where it is the secondary use of a parking area required for an activity provided for in the recreation area, when not required for the primary purpose of the area, and where that parking is not needed to facilitate public use of the recreation area (Policy 20.2.2.13). <i>Conditions that may be imposed include:</i> iii. Limits on the number of parking spaces that can be used for stand-alone parking to ensure car parks are still available for public use. iv. Limits on the hours parking spaces can be used for stand-alone car parking to ensure conflicts with the primary use of the site do not occur.
6. Ancillary licensed premises	a. Effects on <u>amenity of surrounding sites'</u> amenity {Rec cl.16}	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. Ancillary licensed premises operate in a way that avoids or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigates, noise or other adverse effects on the amenity of surrounding residential properties (Policy 20.2.2.5). <i>Potential circumstances that may support a consent application include:</i> iii. The intensity and scale of the activity will not result in increased vehicle or pedestrian movement at unreasonable hours or undesirable activities that would create a disturbance for surrounding residential properties; and iv. effects of the activity will be contained within the recreation area.

¹ **Trans cl.16:** Under Transportation section assessment rules (Rule 6.10.2.7a&b), 'effects on accessibility' and 'effects on safety and efficiency of the transport network' are matters of discretion for high trip generators, which include land use activities that generate 250 or more vehicle movements a day. However, the rule necessary to link to Rule 6.10.2.7 was inadvertently omitted from notified Section 20 assessment rules. The correction of this error, via the addition of Rule 20.10.2.A, does not result in a substantive change to the effect of provisions.

20.10.3 Assessment of restricted discretionary development activities

Development activities	Matters of discretion	Guidance on the assessment of resource consents
1. New buildings or additions and alterations that result in a building that is {Rec cl.16} greater than 350m ² GFA and/or has any wall longer than 20m.	a. Effects on on-site amenity b. Effects on <u>amenity of surrounding sites</u>¹ amenity {Rec cl.16} c. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. New buildings or additions and alterations to buildings avoid adverse effects on on-site amenity, or if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, effects are adequately mitigated (Policy 20.2.2.10). iii. Development maintains or enhances on-site amenity for recreation area users, neighbourhood amenity and the amenity of any surrounding residential properties by ensuring the scale of buildings and structures is appropriate to the recreation area and in keeping with the scale of buildings in surrounding residential environments (Policy 20.2.2.1.b). <i>Potential circumstances that may support a consent application include:</i> iv. The visual effect of the building length is screened and softened by landscaping, fencing, or other screening. v. The building is set back from boundaries an adequate distance to avoid shading or visual effects on adjacent residential properties or public places. vi. Topography of the site mitigates the effects of the building scale on adjacent residential properties or public places. vii. The building will not result in removal of important trees or other vegetation. viii. The building will not visually dominate the site or result in unacceptable loss of open space available for users of the recreation area. ix. The building enhances opportunities for use of the recreation area for its purpose. x. The building is attractive and has appropriate building modulation such as through: 1. varying building elevations; 2. setting parts of the building back; 3. using different textures; 4. architectural features; or 5. other forms of building modulation.

20.10.3 Assessment of restricted discretionary development activities

Development activities	Matters of discretion	Guidance on the assessment of resource consents
2. Earthworks – large-scale (that exceed the scale thresholds for the recreation zones) {EW cl.16} ¹	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 20.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 20.2.3.3.a): iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 20.2.3.3.b): <i>Potential circumstances that may support a consent application include:</i> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or effect existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to:</i> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished.

20.10.3 Assessment of restricted discretionary development activities

Development activities	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 20.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 20.2.3.3.c). <i>Potential circumstances that may support a consent application:</i> iii. A geotechnical report confirms the existing ground is suitably stable for the proposed works, and proposed works will not create instability risks for surrounding land, buildings, or structures (see Special Information Requirements – Rule 20.13.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards <i>Conditions that may be imposed include, but are not limited to:</i> v. Maximum slopes of cut and fill batters. vi. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. vii. Temporary shoring requirements to maintain stability before a wall is constructed. viii. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
3. Earthworks – large scale (that exceed scale thresholds within 5m of a water body or MHWS) {EW cl.16} ¹	a. Effects on biodiversity and natural character of riparian margins and the coast b. Effects on public access	See Rule 10.5

20.10.3 Assessment of restricted discretionary development activities

Development activities	Matters of discretion	Guidance on the assessment of resource consents
4. <u>High trip generators:</u> {Trans cl.16²} • New <u>or</u> additions to parking areas ; or extensions to existing parking areas that result in the creation of 50 or more new parking spaces {Trans cl.16}	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility	See Rule 6.10

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

² **Trans cl.16:** A reference to 'high trip generators' has been added here, to clarify that this activity is assessed as a high trip generator under Transportation section rules. This does not result in a substantive change to the effect of provisions.

20.10.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. General subdivision	a. Effects on the efficient and effective operation of the recreation area	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. The subdivision does not adversely affect the efficient and effective operation of the recreation area (Policy 20.2.2.11).
	b. Effects on the safety and efficiency of the transport network	See Rule 6.10
	c. Effects on health and safety	See Rule 9.5
	d. Effects on biodiversity <u>values</u> {NatEnv 958.60} and natural character of riparian margins and the coast	See Rule 10.5
	e. Effects on areas of indigenous vegetation and the habitat of indigenous fauna {NatEnv 958.60}	
	f. Effects on public access	
	g. Risk from natural hazards	See Rule 11.5

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	In a GPA mapped area : Earthworks – large scale (that exceed the scale thresholds for a GPA) {EW cl.16’}	a. Effects on health and safety	See Rule 9.5
2.	In a hazard overlay zone all hazard overlay zones, swale mapped areas and dune system mapped areas : {NH 949.25, NH 634.69 and NH cl.16} General subdivision {NH 949.25, NH 634.69 and NH cl.16} - Earthworks – large scale (that exceed the scale threshold for a hazard overlay zone or a swale or dune system mapped area) {EW cl.16’}	a. Risk from natural hazards	See Rule 11.5
3.	In a Hazard 1 (land instability) Overlay Zone (see Rule 20.3.6): New buildings, and additions and alterations to buildings, which create more than 1m² of new ground floor area {NH 73.4 and others}	a. Risk from natural hazards {NH 73.4 and others}	See Rule 11.5 {NH 73.4 and others}
4.	In a Hazard 1 (flood) or Hazard 2 (flood) {NH 73.4 and others} Overlay Zone other than the hazard 1 (land instability) Overlay Zone {NH 73.4 and others} (see Rule 20.3.6): New buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area	a. Risk from natural hazards	See Rule 11.5
5. {NH cl.16’}	In a geologically sensitive mapped area (GSA) : {NH cl.16} Earthworks – large scale (that exceed underlying zone scale thresholds) {NH cl.16}	a. Risk from natural hazards {NH cl.16}	See Rule 11.5 {NH cl.16}
6.	In the NCC Overlay Zone : - Forestry - New buildings or additions and alterations that result in a building greater than 60m² GFA and/or has any wall longer than 20m - Earthworks – large scale (that exceed scale thresholds for an NCC) {EW cl.16’} - Indigenous vegetation clearance – large scale {NatEnv cl.16} - General subdivision	a. Effects on natural character of the coast	See Rule 10.5

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
7. On a Scheduled ASCV ASBV {NatEnv 958.60}: • New buildings or additions and alterations that result in a building greater than 60m² GFA and/or has any wall longer than 20m • General subdivision • Earthworks – large scale (that exceed scale thresholds for a Scheduled ASCV) {EW cl.16} • Indigenous vegetation clearance {NatEnv 949.13} • Shelterbelts and small woodlots {NatEnv 958.107} • Site development activities (except for outdoor storage, parking, loading and access, vegetation clearance, storage and use of hazardous substances) {NatEnv 958.107}	a. Effects on biodiversity <u>values</u> {NatEnv 958.60}	See Rule 10.5
8. Activities affecting a scheduled heritage item building or scheduled heritage structure {Her cl.16}: • Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure • Removal for relocation of a scheduled heritage building or scheduled heritage structure {Her cl.16} • New buildings, all other structures, parking, loading and access on a scheduled heritage site, visible from an adjoining public place or a publicly accessible place within the heritage site {Her cl.16} • Earthworks – large scale (that exceed the scale thresholds for a scheduled heritage site) {EW cl.16} • General <u>All subdivision activities on sites containing a scheduled heritage building or scheduled heritage structure</u> {Her cl.16}	a. Effects {Rec cl.16} on heritage values	See Rule 13.6
X. <u>Activities affecting a scheduled heritage site: {Her cl.16}</u> • <u>New buildings and structures on a scheduled heritage site, where visible from an adjoining public place or a publicly accessible place within the site</u> {Her cl.16} • <u>Parking, loading and access on a scheduled heritage site, where visible from an adjoining public place or a public place within the site</u> {Her cl.16} • <u>All subdivision activities</u> {Her cl.16}	a. Effects on heritage <u>values</u> {Her cl.16}	See Rule 13.6 {Her cl.16}

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
9.	In an UCMA : Earthworks – large scale (that exceed the scale threshold for a UCMA) {EW cl.16}	a. Effects on biodiversity	See Rule 10.5
10.	In a wāhi tūpuna mapped area where activity is identified as a threat, including: - All RD forestry - All RD buildings and structures, additions and alterations up to 60m² - Earthworks – large scale that exceed any scale threshold {EW cl.16} - All RD {NatEnv cl.16} indigenous vegetation clearance – large scale {NatEnv cl.16} - General subdivision activities {MW 1071.3}	a. Effects on cultural values of Manawhenua	See Rule 14.4
11.	In the Hazard 2 (flood) Overlay Zone : {NH 634.74} - Natural hazards {NH cl.16} sensitive activities {NH 634.74} - Natural hazards {NH cl.16} potentially sensitive activities {NH 634.74}	a. Risk from natural hazards {NH 634.74}	See Rule 11.5 {NH 634.74}
12. {NU 806.11}	In the National Grid Corridor mapped area : {NU806.11} General subdivision {NU 806.11}	a. Effects on health and safety {NU806.11} b. Reverse sensitivity effects {NU806.11} c. Effects on efficient and effective operation of network utilities {NU806.11}	See Rule 5.8 {NU 806.11}

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

² **NH cl.16:** Geologically sensitive areas are not part of the Plan, and are included in the data map for information purposes only. Reference to them in assessment rules is therefore incorrect and has been removed under cl.16. There is no substantive change to the provisions.

Rule 20.11 Assessment of Discretionary Activities

Rule 20.11.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 20.11.2 - 20.11.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. Rules 20.11.2 - 20.11.3 apply as follows: {Rec cl.16}
 - a. Rule 20.11.2 applies to discretionary land use activities; and
 - b. Rule 20.11.3 applies to discretionary performance standard contraventions. {Rec cl.16}
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

20.11.2 Assessment of discretionary land use activities		
Activity		Guidance on the assessment of resource consents
1.	All discretionary <u>land use</u> activities listed below {PO cl. 16}	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 20.2.1 and 20.2.2 <i>Potential circumstances that may support a consent application include:</i> b. For discretionary land use activities, whether any associated development activities meet relevant performance standards, or are otherwise consistent with relevant objectives and policies for development (see Rules 20.9 for performance standard contraventions). c. For discretionary land use activities, whether relevant land use performance standards are met, including noise and light spill standards. <i>General assessment guidance:</i> d. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects. {Rec cl.16} e. In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the

20.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
	assessment guidance provided in relation to the underlying activity status will also be considered. {Rec cl.16³} f. In assessing the significance of effects, consideration will be given to: i. both short and long term effects, including effects in combination with other activities ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the grant of resource consent. iii. Manawhenua values and the relationship between manawhenua and the natural environment is maintained, including cultural values and traditions associated with: {MW cl.16} 1. wāhi tūpuna; and {MW cl.16} 2. the customary use of mahika kai (Objective 14.2.1): {MW cl.16} iv. If located outside a wāhi tūpuna mapped area, Kai Tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi tūpuna is located, or the linkages between wāhi tūpuna: {MW 1071.109} <i>Relevant guidance from other sections (priority considerations):</i> g. <u>See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety</u> {PHS cl.16} h. <u>For activities that may have effects on biodiversity values, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1.</u> {NatEnv 900.35} i. <u>For activities adjacent to water bodies and the coast, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.2.</u> {NatEnv 900.38} j. <u>See Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua</u> {MW cl.16}

20.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
2. Early childhood education - large scale	<i>Relevant objectives and policies (priority considerations)</i> a. Objective 20.2.2 b. Early childhood education facilities are designed, and located, and operated {Rec 557.4} to avoid or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigates adverse effects on the amenity of surrounding residential properties or other recreation area users (Policy 20.2.2.12). <i>Potential circumstances that may support a consent application include:</i> c. The activity will not result in a loss of open space that would otherwise be available to the public. d. The activity is provided to support a recreation activity on the site. <i>General assessment guidance:</i> e. In assessing the effects on amenity Council will consider whether buildings and outdoor areas are designed and located to reduce noise emissions. f. The scale of the activity is suitable for the site. <i>Conditions that may be imposed include:</i> g. Delivery time restrictions. h. Landscaping to minimise amenity effects of lighting, vehicle headlights or parking areas on surrounding properties. i. Mitigation measures to minimise noise such as insulation, acoustic fencing, low noise surfaces for play areas, or other such treatments. j. A noise management plan. <i>Relevant guidance from other sections (priority considerations):</i> k. See Section 6.11 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network <u>and its affordability to the public</u> {Trans 881.63}. l. <u>See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and Policy 9.2.2.15 and the risks to people from an emergency event occurring at a hazard facility.</u> {PHS 906.1}

20.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
3.	Mining <i>Relevant objectives and policies (priority considerations):</i> a. Objective 20.2.2 b. Mining is only allowed where there is reasonable certainty that land will be restored <u>or rehabilitated to {CP 458.24 and others}</u> a standard that will minimise, <u>as far as practicable, {PO 906.34 and 308.497}</u> the long term visual effects (Policy 20.2.2.9.a). c. Any adverse effects on the amenity of the site for recreation users or on surrounding residential properties from noise or dust can be avoided or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, adequately mitigated (Policy 20.2.2.9.b). <i>Potential circumstances that may support a consent application include:</i> d. The site will be restored <u>or rehabilitated {CP 458.24 and others}</u> to the satisfaction of the landowner. e. The site will be restored <u>or rehabilitated {CP 458.24 and others}</u> to its original or better condition at the completion of the activity or, for mining sand from dunes or beaches, there will be no significant effect on the look of the area. f. For mining sand from dunes or beaches, there will be no significant effect on the look of the area. {CP cl.16} g. The activity will not result in the creation of significant dust and noise. h. The stability of the area, or surrounding areas will not be undermined or affected. <i>Relevant guidance from other sections (priority considerations):</i> i. See Section 6.11 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network <u>and its affordability to the public {Trans 881.63}</u>. j. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. k. See Section 10.46 <u>{NatEnv cl.16}</u> for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects on biodiversity <u>values. {Nat Env 958.60}</u> l. Where in the NCC Overlay Zone, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and effects related to the natural character of the coast. m. Where in a wāhi tūpuna mapped area, see Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.

20.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
4. Sport and recreation that involves motor vehicles	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 20.2.2 b. Sport and recreation that involves motor vehicles has no, or only minimal, adverse effects on: i. surrounding residential properties; and ii. other recreation area users (Policy 20.2.2.6). <i>General assessment guidance:</i> c. There is sensitivity to the ecological values, scale, character, and use of the recreation area. d. Existing trees and desirable vegetation is retained. e. <u>Activities support the continued operation of railway activities at 3 John Wilson Drive, Ocean Beach {Rec 553.5}</u> <i>Relevant guidance from other sections (priority considerations):</i> f. See Section 6.11 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network <u>and its affordability to the public {Trans 881.63}</u>. g. Where in an Scheduled ASGV <u>ASBV</u> {NatEnv 958.60} - See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity <u>values</u>. {Nat Env 958.60}

20.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
8. <u>Conference, meeting and function</u> {Rec 557.4}	<u>Relevant objectives and policies (priority considerations): {Rec 557.4}</u> a. <u>Objectives 20.2.1 and 20.2.2 {Rec 557.4}</u> b. <u>Conference, meeting and function is designed, located and operated to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on surrounding residential properties amenity. (Policy 20.2.2.12.a) {Rec 557.4}</u> c. <u>Conference, meeting and function is designed, located, and operated to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on other reserve area users. (Policy 20.2.2.12.b) {Rec 557.4}</u> <u>Potential circumstances that may support a consent application include: {Rec 557.4}</u> d. <u>The activity will not result in a loss of open space that would otherwise be available to the public. {Rec 557.4}</u> e. <u>The activity is provided to support a recreation activity on the site. {Rec 557.4}</u> <u>General assessment guidance: {Rec 557.4}</u> f. <u>In assessing the effects on amenity Council will consider whether buildings and outdoor areas are designed and located to reduce noise emissions. {Rec 557.4}</u> <u>Conditions that may be imposed include: {Rec 557.4}</u> g. <u>Restrictions on the hours, days or frequency of operation, or maximum number of participants for events. {Rec 557.4}</u> h. <u>Delivery time restrictions. {Rec 557.4}</u> i. <u>Landscaping to minimise amenity effects of lighting, vehicle headlights or parking areas on surrounding properties. {Rec 557.4}</u> j. <u>Mitigation measures to minimise noise such as insulation, acoustic fencing, or other such treatments. {Rec 557.4}</u> <u>Relevant guidance from other sections (priority considerations):</u> k. <u>See Section 6.11 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network {Rec 557.4} and its affordability to the public. {Trans 881.63}</u>

20.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
5. In an Scheduled ASCV ASBV {NatEnv 958.60}: • Sport and recreation (including ancillary activities) otherwise permitted in recreation zone (excluding sport and recreation that involves motor vehicles) {Rec cl.16}¹ • Restaurants and retail ancillary to sport and recreation. {Rec cl.16}²	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity values. {Nat Env 958.60}
6. In the hazard 1 overlay zones (see Rule 16.3.6): {NH634.74} • Potentially sensitive activities permitted in recreation zone {NH634.74}	See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH634.74}
7. In the hazard 2 overlay zones (see Rule 16.3.6): {NH634.74} • Potentially sensitive activities not permitted in recreation zone {NH634.74} • Sensitive activities {NH634.74}	See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH634.74}

¹ Rec cl.16: Amended for clarity and to align with activity status table. ² Rec cl.16: Rule 20.11.2.1.d duplicates Rule 20.11.1.3 and therefore is unnecessary. ³ Rec cl.16: Rule 20.11.2.1.e unnecessary because there are no activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item.

20.11.3 Assessment of discretionary performance standard contraventions

Activity		Guidance on the assessment of resource consents
1. {Rec557.4}	Scale of operation (scale of activities) {Rec 557.4}	<i>Relevant objectives and policies (Priority considerations): {Rec 557.4}</i> a. Objective 20.2.2 {Rec 557.4} b. Conference, meeting, and function ancillary to sport and recreation operate in a way that avoids or, if avoidance is not possible, adequately mitigates, noise or adverse effects on the amenity of surrounding residential properties (Policy 20.2.2.5). {Rec 557.4} <i>General assessment guidance: {Rec 557.4}</i> c. The activity should not be used for large conference, meeting or function activities or at a frequency that exceeds the performance standards by a significant amount. Consideration needs to be given to the suitability of the activity in relation to the surrounding land uses, or other uses of the recreation area that are likely to occur at the same time, where conflicts in the use of the recreation area may occur. {Rec 557.4} d. The activity should not be of such a scale that it becomes a dominant, rather than ancillary, use of a building or car parking which should primarily be for recreation purposes. {Rec 557.4} e. Consideration of whether the proposed activities are likely to create a disturbance or disruption to other users of the recreation area. {Rec 557.4}
2.	- Acoustic insulation - Noise - where the limit is exceeded by up to less than {PHS cl.16} 5bD LAeq (15 min) - Light spill - where the limit is exceeded by 25% or less	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
3.	<u>Location (hazard facility mapped area) {PHS 906.1}</u>	<i>Relevant guidance from other sections (priority considerations):</i> a. See Rule 9.6 {PHS 906.1}

Rule 20.12 Assessment of Non-complying Activities

Rule 20.12.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 20.12.2 - 20.12.5 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. Rules 20.12.2 - 20.12.5 apply as follows: {Rec cl.16}
 - a. Rule 20.12.2 applies to all non-complying activities;
 - b. Rule 20.12.3 applies to non-complying land use activities;
 - c. Rule 20.12.4 applies to non-complying development activities;
 - d. Rule 20.12.X applies to non-complying subdivision activities; and
 - e. Rule 20.12.5 applies to non-complying performance standard contraventions. {Rec cl.16}
 - f. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

20.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities <u>including but not limited to the activities listed below. {Rec cl.16}</u>	<i>Relevant objectives and policies (priority considerations):</i> a. The activity does not detract from, or preferably contributes to, the strategic direction objectives, including, but not limited to, those related to: i. Objective 2.3.3 and 2.4.1 b. The activity supports the purpose of the zone as outlined in Objective 20.2.1. <i>General assessment guidance:</i> c. In assessing the significance of effects, consideration will be given to: i. both short and long term effects, including effects in combination with other activities; ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the grant of resource consent; iii. any effects otherwise managed through performance standards and consistent with all relevant objectives and policies for the zone; iv. Manawhenua values and the relationship between manawhenua the natural environment is maintained, including cultural values and traditions associated with: {MW cl.16} 1. wāhi tūpuna; and {MW cl.16} 2. the customary use of mahika kai (Objective 14.2.1): {MW

20.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
	cl.16} v. If located outside a wāhi tūpuna mapped area, Kai Tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi tūpuna is located, or the linkages between wāhi tūpuna: {MW 1071.109} d. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. <i>Relevant guidance from other sections (priority considerations):</i> e. See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public. {Trans cl.16} f. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety {PHS cl.16} g. For activities that may have effects on biodiversity values, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1. {NatEnv 900.35} h. For activities adjacent to water bodies and the coast, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.2. {NatEnv 900.38} i. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua {MW cl.16}

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

20.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. Commercial advertising	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c c. Where in a Scheduled ASCV – See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity. {Rec cl.16}

20.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
2. • Commercial activities (except commercial advertising, campgrounds) • Industrial activities • Major facilities <u>facility</u> {MF cl.16} activities (except cemeteries and crematoriums {MW cl.16²}) • Rural activities (except grazing, forestry, <u>mining</u>, {Rec cl.16} and <u>scheduled mining activity</u> {CP 874.2 and others} and landfills {MW cl.16²})	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 20.2.1 b. Policy 20.2.1.4 c. Where in a Scheduled ASCV – See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity. {Rec cl.16¹}
3. • Crematoriums • Landfills {MW cl.16²}	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 20.2.1 b. Policy 20.2.1.4 <i>Relevant guidance from other sections (priority considerations):</i> c. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and the effects on the cultural values of Manawhenua. d. Where in a Scheduled ASCV – See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity. {MW cl.16³}
4. Cemeteries {Rec cl.16⁴}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and the effects on cultural values of Manawhenua. {Rec cl.16⁴}
5. Residential	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 20.2.1 b. Policy 20.2.1.4 c. Where in a Scheduled ASCV – See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity. {Rec cl.16¹} <i>Potential circumstances that may support a consent application include:</i> d. An on-site residence is essential for management of the recreation area and approval has been granted under the Reserves Act 1977; and e. The location, design, and scale of the residence is appropriate to minimise effects on the recreation area, recreation users, surrounding sites, and neighbourhood amenity.

20.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
6. In the Hazard 1 (flood) {NH 73.4 and others} Overlay Zone (see Rule 20.3.6): • <u>Natural hazards</u> Ppotentially {NH cl.16} sensitive activities not permitted in Recreation Zone: {NH 634.74} • <u>Natural hazards</u> Ssensitive {NH cl.16} activities	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and the effects related to the risk from natural hazards.
7. In an an Scheduled ASCV ASBV {NatEnv 958.60}: • Campgrounds {Rec cl.16'} • Cemeteries {Rec cl.16'} • Stand-alone car parking {Rec cl.16'} • Commercial activities (except ancillary licensed premises, conference, meeting and function, restaurants or retail activities ancillary to sport and recreation) {Rec cl.16'} • Rural activities {Rec cl.16'} • Industrial activities {Rec cl.16'} • Residential activities {Rec cl.16'} • Major Facility activities {Rec cl.16'}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity <u>values</u>. {Nat Env 958.60}
8. In a hazard facility mapped area: • Major facility activities • Entertainment and exhibition • Registered health practitioners • Residential • Training and education • Visitor accommodation {PHS 906.1}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and Policy 9.2.2.15 and the risks to people from an emergency event occurring at a hazard facility. {PHS 906.1}

¹ **Rec cl.16:** All assessment related to ASBVs has been incorporated into Rule 20.12.3.7 for clarity. This does not change the effect of provisions.

² **MW cl.16:** Rules 20.12.3.2 and 20.12.3.3 have been combined.

³ **MW cl.16:** This guidance has been moved to 20.12.2.1.i.

⁴ **Rec cl.16:** This rule has been removed as incorrect. Cemeteries are RD activities except in ASBVs (Rule

20.12.3.7). Guidance on effects on cultural values of Manawhenua is now in Rule 20.12.2.1.i.

20.12.4 Assessment of non-complying development and subdivision {Rec cl.16} activities		
Activity		Guidance on the assessment of resource consents
1.	Demolition of a protected part of a scheduled heritage building or scheduled heritage structure	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and the effects on heritage values.
2.	Cross lease, company lease and unit title subdivision {Rec cl.16}	<i>Relevant objectives and policies (priority considerations):</i> {Rec cl.16} a. Objective 20.2.2 > {Rec cl.16} b. Policy 20.2.2.11 > {Rec cl.16}
3.	<u>In an ASBV:</u> • <u>Indigenous vegetation clearance – large scale {NatEnv 949.13}</u>	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values. {NatEnv 949.13}

¹ **Rec cl.16:** As a clause 16 amendment this content has been moved to table 20.12.X. This is not a substantive change to provisions.

20.12.X Assessment of non-complying subdivision activities {Rec cl.16}		
Activity		Guidance on the assessment of resource consents
1.	Cross lease, company lease and unit title subdivision	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 20.2.2 b. Policy 20.2.2.11

¹ **Rec cl.16:** As a clause 16 amendment this content has been moved from table 20.12.4. This is not a substantive change to provisions.

20.12.5 Assessment of non-complying performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
1.	- Light spill - where the limit is exceeded by greater than 25% - Noise - where the limit is exceeded by 5dB LAeq (15 min) or more - Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

20.12.5 Assessment of non-complying performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
2.	Setback from National Grid	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.4 5.2.2 {NU918.29} and effects related to the efficient and effective operation of network utilities and public health and safety.
3.	Hazard overlay zones development standards: • Hazard exclusion areas	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and the effects related to the risk from natural hazards.
4.	Archaeological sites (earthworks) {EW cl.16} ¹	See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.4 and effects related to the inappropriate development and use in Dunedin's archaeological sites.
5. {NU 806.11}	<u>Shape (Rule 20.7.5.2) - setback of building platforms from National Grid {NU 806.11}</u>	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.2 and effects related to the efficient and effective operation of network utilities, and reverse sensitivity. {NU 806.11}
6. {NatEnv 900.77}	In an ASBV : • <u>Tree species {NatEnv 900.77}</u>	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values. {NatEnv 900.77}
7. {NatEnv 900.77}	In the NCC Overlay Zone: • <u>Tree species {NatEnv 900.77}</u>	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and the effects related to natural character of the coast. {NatEnv 900.77}

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

Rule 20.13 Special Information Requirements {Confirmed to be deleted - EW cl.16}

EW cl.16: As a clause 16 amendment, Rule 20.13.1 Geotechnical investigation report has been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.