

D. Management Zones

15. Residential Zones

15.1 Introduction

Dunedin's residential environments are diverse in character and include a variety range **{Res 743.44}** of housing types ranging from apartments to stand-alone residential buildings. This diversity stems from successive waves of settlement and **{Res 743.44}** the prior zoning regimes, and will continue through the approaches proposed in the Second-Generation Plan (2GP) this Plan **{PO cl.16}**.

These residential environments are an important resource for the city and contribute to the social, economic, and cultural well-being of people. The types and condition of housing, and the services available to it are important considerations in determining the distribution of resources and providing attractive residential environments. Developing residential environments that maintain and improve people's enjoyment of residential amenity is key.

In achieving this, of importance is the development of an urban form that ensures that Dunedin remains compact, with resilient townships, and sustainably managed urban expansion. The city has a limited amount of residential land, and so to facilitate a more compact form, it needs to be ensured that development is undertaken in a suitable manner. Also, changing demographics, including an aging population and an increase in single person households, has led to a requirement for greater flexibility in the size and type of dwelling options available throughout Dunedin.

Inappropriate land use, subdivision, and development in residential areas can adversely affect the character and amenity of Dunedin's residential environments and is a major concern. Furthermore, commercial activities that do not support the day-to-day living of residents and which detract from residential character and amenity need to be avoided.

In response to these issues, the 2GP Plan **{PO cl.16}** proposes to **{Res cl.16}** encourages the development of attractive, safe and compact residential environments through controlling matters including the siting of appropriate activities in residential zones, the design, location and scale of land use activities and buildings, the avoidance of certain activities in sensitive locations, and impacts on the efficiency and affordability of public infrastructure; and services; and the transport network **{PO 881.167}**.

Many of the provisions for the residential zones are designed to manage the potential for development to adversely affect the amenity and character of streets and neighbourhoods. In some cases, provisions are designed to ensure new houses have a similar character to existing houses; however, in some areas the provisions may allow for houses of a different character in order to support the development of high quality medium density housing. In these areas, which include the Inner City Residential Zone and General Residential 2 Zone, the desired 'future character' includes houses that may be different in style or even size, but that are designed to be attractive and integrate well with surrounding housing. This outcome is achieved through a mixture of performance standards for bulk and location and rules that require consent for larger buildings and multi-unit developments (3 or more units). Resource consents for these developments will consider whether: **{Res 293.154 and 495.11}**

- the building design and placement is appropriate for the context of the site, including considering the appropriateness of form (roof pitch, scale, massing, window placement, entrance detailing and/or proportion) and materials **{Res 293.154}**
- adequate green space is provided. **{Res 293.154, 417.10 and 843.3}**

Parts of the residential zones are also managed through heritage precincts, which include more controls on new development as well as alterations to existing buildings if they are scheduled heritage buildings or identified 'character-contributing' buildings. Natural Hazard overlays also apply to some parts of residential zones. **{Res**

293.154}

This management approach proposed in the 2GP **{Res cl.16}** will result in residential zones that support the needs of residents, provide a range of housing types and sizes; maintain and improve amenity values; enhance streetscapes; maintain and enhance efficient and affordable water and waste infrastructure networks; enable land use activities that are accessible by a range of travel methods modes **{Trans 881.19}**, and contribute to compact living environments.

In addition to the various residential zones, it is noted that hazard and heritage overlays apply to parts of Dunedin's residential environment. **{Res 293.154}** The various residential zones proposed in the 2GP this Plan **{Res cl.16}** are briefly briefly **{Res cl.16}** described below.

15.1.1 Zone descriptions

15.1.1.1 General Residential 1

The General Residential 1 Zone covers the city's hill suburbs and valleys of the main urban area of Dunedin and Mosgiel and is characterised by low density suburban residential living.

15.1.1.2 General Residential 2

The General Residential 2 Zone covers defined areas within the city's suburbs of the main urban area of Dunedin and Mosgiel. It is characterised by existing or proposed medium density suburban residential living and provides for a range of housing choices throughout the suburban area. Within this zone, the rules differ between those existing and proposed new medium density areas in recognition of the existing or surrounding built form.

15.1.1.3 Inner City Residential

The Inner City Residential Zone covers the residential area near the campus and between the town belt and the central business district. It is characterised by existing or proposed medium density residential living and provides for a range of housing choices close to the central area of Dunedin. With good access to public transport and facilities this environment supports opportunities for higher densities of development than other areas of the City which also allows for different forms of development. Within this environment particular areas that contain dwellings with high heritage characteristics are identified as residential heritage precincts and have additional rules to protect heritage values.

15.1.1.4 Low Density Residential

The Low Density Residential Zone is a smaller subset of the main urban Dunedin suburban environment, and has slightly larger sites than the General Residential 1 Zone. It is characterised by a more spacious and open suburban environment.

15.1.1.5 Large Lot Residential 1

The Large Lot Residential 1 Zone includes a small number of residential areas which that have needed **{Res cl.16}** to be developed at a lower density to maintain existing bush or open areas, or because of land instability issues, or where development and subdivision with larger lot sizes is considered more appropriate to maintain other values or respond to other issues. **{Res 360.121}**

15.1.1.6 Large Lot Residential 2

The Large Lot Residential 2 Zone includes a small number of residential areas that have needed **{Res cl.16}** to be developed at a lower density, with large sites, either to maintain bush or open areas, because of land instability issues, or to maintain the amenity values of the surrounding area, or where development and subdivision with larger lot sizes is appropriate to maintain other values or respond to other issues. **{Res 360.122}**

15.1.1.7 Township and Settlement

The Township and Settlement Zone is a mix of larger residential settlements supported by a commercial area, and smaller residential areas that are not attached to a commercial centre and are generally located between townships, particularly along the coast. These areas are characterised by low density environments, and provide for further sites where fully serviced by DCC infrastructure, and development on larger sites that are not fully serviced by DCC infrastructure.

15.2 Objectives and Policies

Objective 15.2.1	
Residential zones are primarily reserved for residential activities and only provide for a limited number of compatible activities, including: visitor accommodation, community activities, ~~major facilities~~ <u>major facility activities</u> {CP 945.29} , and commercial activities that support the day-to-day needs of residents.	
Policy 15.2.1.1	Provide for a range of residential and community activities, where the effects of these activities ~~can~~ <u>will</u> {PO cl.16} be managed in line with objectives 15.2.2, 15.2.3, ~~and~~ 15.2.4, ~~and~~ 15.2.5 and their policies. {Res cl.16}
Policy 15.2.1.2	Provide for a limited range of <u>major facility activities</u> and {CP 945.58} commercial activities, including dairies, registered health practitioners, training and education, and visitor accommodation, where the effects of these activities ~~can~~ <u>will</u> {PO cl.16} be managed in line with objectives 15.2.3 and 15.2.4, and their policies.
Policy 15.2.1.3	Limit the size of working from home and dairies in residential zones to a size that: a. is compatible with the character and amenity of the residential zone; and b. does not detract from the vibrancy and functioning of the centres hierarchy.
Policy 15.2.1.4	Require activities ancillary to visitor accommodation to be located and designed to cater to patrons of the primary activity rather than the general public.
Policy 15.2.1.5	Avoid commercial activities, other than those expressly provided for, from locating in residential zones, unless: a. the activity will not detract from the vibrancy and functioning of the ~~centre's~~ <u>centres</u> hierarchy {CMU cl.16}; and b. the site is adjacent to a centre and it provides a logical extension to a centre; and c. the centre is at, or very close to, capacity; and d. the ~~site development activities are~~ <u>is</u> {Res cl.16} done in accordance with the performance standards of the street typology (if relevant) of the adjacent centre zoned sites; and e. the development maximises opportunities for integration with the centre; or f. if the site is in the Township and Settlement Zone: i. the commercial activity would have significant positive effects in terms of supporting the needs of the community and visitors to the area; and ii. the activity is unable to be located in, or adjacent to, the nearest centre, or no centre exists within the relevant township or settlement; and iii. the location is appropriate for the proposed activity; and iv. any adverse effects from noise, vehicle movements, and on-street parking supply ~~can~~ <u>will</u> {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated.
Policy 15.2.1.6	Avoid industrial activities, rural activities, and ~~major facilities~~ <u>facility activities</u> {MF cl.16} other than those expressly provided for, sport and recreation that involves motor vehicles, and any other activities not compatible with the character and amenity of the residential zone.
Policy 15.2.1.7 {CP 634.39}	<u>Provide for service stations on a strategic road or arterial road, where it is not practicable, due to a lack of site availability and/or special locational requirements, to locate in the PPH, TR, CEC, industrial or centre zones. {CP 634.39}</u>

Objective 15.2.2

Residential activities, development, and subdivision activities provide high quality on-site amenity for residents.

Policy 15.2.2.1	Require residential development to achieve a high quality of on-site amenity by: - providing functional, sunny, and accessible outdoor living spaces that allow enough space for on-site food production, leisure, <u>green space</u> {Res 417.10 and 843.3} and/or {Res 317.19} recreation; - having adequate separation distances between residential buildings; - retaining adequate open space uncluttered by buildings; and - having adequate space available for service areas.

Objective 15.2.3

Activities in residential zones maintain a good level of amenity on surrounding residential properties and public spaces.

Policy 15.2.3.1	Require buildings and structures to be of a height and setback from boundaries that ensures there are no more than minor effects on the sunlight access of current and future residential buildings and their outdoor living spaces.
Policy 15.2.3.2	Require working from home, dairies, training and education, and community and leisure - small scale to operate in a way (including hours of operation) that avoids or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigates, noise or other adverse effects on the amenity of surrounding residential properties.
Policy 15.2.3.3	Require buildings and structures in the Inner City Residential Zone to be of a height and setback from boundaries that: - enables a high quality, medium density form of development; ~~that is consistent with the existing streetscape character of the zone; and~~ {Res cl.16'} - is consistent with the existing streetscape character of the zone; and {Res cl.16'} ~~avoids or, if avoidance is not practicable, adequately mitigates, ensures a reasonable level of outdoor amenity by minimising~~ {PO 308.497} adverse effects on sunlight access on outdoor spaces at the rear of <u>adjacent</u> {Res cl.16} sites.
Policy 15.2.3.4	Only allow schools, <u>emergency services</u> , {CP 945.30} early childhood education, community and leisure - large scale, sport and recreation, registered health practitioners, training and education, visitor accommodation, supported living facilities, <u>service stations</u> {CP 634.39} and stand-alone car parking where they are designed and located to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigate, adverse effects on the amenity of surrounding residential properties.
Policy 15.2.3.5	Only allow cemeteries where they are designed and located: - to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate, adverse effects on the amenity of surrounding residential properties; and ~~to avoid reverse sensitivity from surrounding permitted activities to avoid, as far as practicable~~ {PO 308.497}, the potential for reverse sensitivity {PO 1046.5}.
Policy 15.2.3.6	Avoid sport and recreation that involves motor vehicles unless the adverse effects on the amenity of surrounding properties will be no more than minor.

¹ Res cl.16: Improves clarity.

Objective 15.2.4	
Subdivision aActivities and development {Res 908.3} maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood.	
Policy 15.2.4.1	Require development to maintain or enhance streetscape amenity by ensuring: a. garages, carports and car parking do not dominate the street; b. there are adequate <u>green space</u> {Res 417.10 and 843.3} areas free from buildings or hard surfacing; c. buildings' height, <u>and</u> boundary setbacks, and scale reflect the existing or intended future residential character; d. shared service areas are not visible from ground level from outside the site; and e. outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or create nuisance effects.
Policy 15.2.4.2	Require residential activity to be at a density that reflects the existing residential character or intended future character of the zone.
Policy 15.2.4.3	~~Limit the size of family flats to a size that:~~ <u>Restrict the tenancy and design of family flats to:</u> {PO 207.1 and 394.63} a. ~~reflects their purpose as providing a second residential unit for people related to residents of the main residential unit; and avoid, as far as practicable, the risk they will be used for a separate, non-ancillary, residential activity:~~ {PO 207.1 and 394.63} b. <u>avoid, as far as practicable, future pressure to subdivide off family flats; and</u> {PO 207.1 and 394.63} c. <u>minimise, as far as practicable,</u> {PO 906.34 and 308.497} any adverse effects on the amenity and character of the neighbourhood.
Policy 15.2.4.4	Require fences to be of a height and design that contributes positively to the streetscape amenity and character of the neighbourhood.
Policy 15.2.4.5	Require ancillary signs to be located and designed to maintain residential amenity including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles and not being oversized or too numerous for what is necessary for that purpose.
Policy 15.2.4.6	Only allow subdivision activities where the subdivision is designed to ensure any future land use and development will: a. maintain the amenity of the streetscape b. reflect the current or future intended character of the neighbourhood; c. provide for development to occur without unreasonable earthworks or engineering requirements; and d. provide for quality housing.

Objective 15.2.4

Subdivision a Activities and development **{Res 908.3}** maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood.

Policy 15.2.4.7	Only allow schools, <u>emergency services</u> , {CP 945.30} early childhood education, community and leisure - large scale, sport and recreation, registered health practitioners, training and education, visitor accommodation, supported living facilities, restaurants or retail ancillary to sport and recreation, <u>service stations</u> {CP634.39} and stand-alone car parking where they are designed and located to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigate, adverse effects on streetscape amenity.
Policy 15.2.4.8 {Res 491.2 and 743.30}	<u>Only allow buildings over 300m² footprint or multi-unit developments where they are designed to ensure that streetscape and neighbourhood amenity and character is maintained or enhanced.</u> {Res 491.2 and 743.30}

EW cl.16: As a clause 16 amendment, Objective 15.2.5 and its policies have been moved to new city-wide activity section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

Rules

Rule 15.3 Activity Status

15.3.1 Rule location

The activity status tables in rules 15.3.3 to 15.3.6 specify the activity status of land use activities, development activities, and subdivision activities in the residential zones and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

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

15.3.2 Activity status introduction

1. The activity status tables in rules 15.3.3 - 15.3.5 show the activity status of activities in the residential zones and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

Additional activity status rules in hazard overlay zones

6. For the purpose of the hazards provisions, activities are categorised as natural hazards {NH cl.16} sensitive activities, natural hazards {NH cl.16} potentially sensitive activities or natural hazards {NH cl.16} least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
7. In the Hazard 1 (flood) Overlay Zone or the Hazard 2 (flood) Overlay Zone, the activity statuses rules in Rule 15.3.6 apply to the following activities:
 - a. new {NH 908.3} natural hazards {NH cl.16} sensitive activities;
 - b. and natural hazards {NH cl.16} potentially sensitive activities, and
 - c. some new buildings, and additions and alterations to buildings, that create more than 60m² of new ground floor area {NH. cl.16}

8. Where the activity status in Rule 15.3.6 differs from that in rules 15.3.3 - 15.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 15.3.6, performance standards for development activities within hazard overlay zones are included in Rules 15.3.4.
10. Activities in a hazard overlay zone must comply with all of the rules in rules 15.3.3 - 15.3.6.

Performance Standards

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

¹ **NH cl.16:** The content from Table 15.3.6 has been moved to Table 15.3.X, with the exception that column c has been removed, pursuant to clause 16. This was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are show in the new location.

Legend

Acronym	~~Activity status~~ Meaning {PO cl.16}
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
GR1	General Residential 1 Zone
GR2	General Residential 2 Zone
ICR	Inner City Residential Zone
LDR	Low Density Residential Zone
LLR1	Large Lot Residential 1 Zone
LLR2	Large Lot Residential 2 Zone
TS	Township and Settlement Zone
RHP {Res cl.16}	~~Residential Heritage Precinct~~ {Res cl.16}
ASCV ASBV {NatEnv 958.60}	~~Areas Scheduled area of Significant Conservation Biodiversity Value~~ {NatEnv 958.60}
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones

15.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Acoustic insulation (noise sensitive activities only) b. Electrical interference c. Light spill d. Noise e. Setback from a National Grid (National Grid sensitive activities only) {NH cl.16} f. Structure plan mapped area performance standards (where relevant) {ULS cl.16}
Residential activities		Activity status	Performance standards
2.	Supported living facilities	RD	a. Minimum car parking b. Outdoor living space c. Service areas
3.	Standard residential	P	a. Density b. Minimum car parking c. Outdoor living space d. Service areas e. <u>Family flats</u> {PO 876.1, 207.1 and others}
4.	Working from home	P	a. Hours of operation b. Maximum gross floor area c. Minimum car parking
Community activities		Activity status	Performance standards
5.	Community and leisure - small scale	P	a. Minimum car parking b. Hours of operation
6.	Community and leisure - large scale	RD	a. Minimum car parking b. Hours of operation
7.	Conservation	P	
8.	Early childhood education - small scale	RD	a. Minimum car parking
9.	Early childhood education - large scale	D	
10.	Sport and recreation that involves motor vehicles	NC	
11.	All other sport and recreation activities activity {PO cl.16}	D	
Commercial activities		Activity status	Performance standards

12.	Ancillary licensed premises	Same status as underlying activity	
13.	Dairies	RD	a. Hours of operation b. Maximum gross floor area
14.	Registered health practitioners	D	
15.	Restaurants, or retail, ancillary to sport and recreation	D	
16.	Restaurants, retail, or conference, meeting and function activity, ancillary to visitor accommodation	RD	a. Location
<u>X.</u>	<u>Service stations on a strategic road or arterial road {CP 634.39}</u>	NC <u>D</u> {CP 634.39}	
<u>AB.</u>	<u>Service stations, other than on a strategic road or arterial road {CP 634.39}</u>	NC	
17.	Stand-alone car parking	D	
18.	Training and education	RD	a. Hours of operation b. Minimum car parking
19.	Visitor accommodation in the George Street North residential heritage precinct	P	a. Density b. Minimum car parking {Res cl.16'}
20.	Visitor accommodation, other than in George Street North residential heritage precinct	RD	a. Density b. Minimum car parking c. Minimum vehicle loading
21.	All other activities in the commercial activities category	NC	
Major facility activities		Activity status	Performance standards
22.	Cemeteries	RD	
<u>Y.</u>	<u>Emergency Services {CP 945.30}</u>	NC <u>RD</u> {CP 945.30}	a. Minimum car parking {CP 945.30}
23.	Schools	D	
24.	All other activities in the major facility activities category	NC	
Rural activities		Activity status	Performance standards
25.	Grazing	P	
<u>Z.</u>	<u>Scheduled Mining Activity {CP 874.2 and others}</u>	NC <u>P</u> {CP 874.2 and others}	a. <u>Scheduled Mining Activity {CP 874.2 and others}</u>
<u>AA.</u>	<u>Mining</u>	NC	

26.	All other activities in the rural activities category	NC	
Industrial activities		Activity status	Performance standards
27.	All activities in the industrial activities category	NC	

¹ **Res cl.16:** Error - no performance standards for this.

Note 15.3B.3A- General advice

1. Papakāika activity (a sub-activity of standard residential activity) **{Res cl. 16}** is intended to allow descendants of the original native reserve grantees to live on this land. If papakāika is developed and is subsequently no longer required for the use of Manawhenua in accordance with the papakāika definition, resource consent will be required to allow its use as other residential development. In this situation, the provisions that govern residential activity, including density of residential development, will apply. It is strongly recommended that the use of relocatable buildings is considered for papakāika development in order to avoid potential future problems of being unable to obtain consent for ownership or occupation of dwellings by people other than descendants of the original grantees.
2. Where papakāika is on Māori Land, the provisions of the Te Ture Whenua Māori Act 1993 or subsequent legislation apply.
3. New marae can may **{PO cl.16}** only be established with the agreement of Manawhenua.

15.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. <u>Natural Hazards Performance Standards Hazard overlay zones development standards {NH cl.16}</u> b. Maximum building site coverage and impermeable surfaces c. <u>Setback from coast and water bodies {NatEnv cl.16}</u> d. <u>Setback from national grid {NU cl.16}</u> e. Setback from scheduled tree f. Structure plans mapped area performance standards (where relevant) {ULS cl.16}
2.	Performance standards that apply to all buildings and structures activities		a. Boundary setbacks b. Building length c. Fire fighting d. Height in relation to boundary e. Maximum height f. Number, location and design of ancillary signs g. <u>Setback from coast and water bodies {NatEnv cl.16}</u> h. <u>Setback from National Grid {NU cl.16}</u>
~~Buildings and structures activities In all locations, including areas covered by rows 3 - 36 below {Res cl.16}~~		Activity status	Performance standards
X.	<u>New buildings and additions and alterations that result in: {Res 743.46}</u> • <u>a building that is greater than 300m² footprint or</u> • <u>a multi-unit development in the ICR and GR2 zones {Res 743.46}</u>	RD	
Z.	<u>Fences {Res cl.16}</u>	P	a. <u>Fence height and design</u>
~~Buildings and structures activities not in a residential heritage precinct or in a residential heritage precinct but not visible from an adjoining public place (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure – See rows 19-24) In locations not covered by rows 7 - 36 below. {Res cl.16}~~		Activity status	Performance standards

3.	New buildings, and additions and alterations to buildings, that result in a building that is less than or equal to 300m ²	P	
4.	~~New buildings, and additions and alterations that result in a building, that is greater than 300m² {Res cl.16}~~	RD	
5.	Fences {Res cl.16'}	P	a. Fence height and design
6.	All other <u>buildings and</u> {Res cl.16'} structures <u>activities</u> {Res cl.16'}	P	
Buildings and structures activities in a residential heritage precinct that are visible from an adjoining public place		Activity status	Performance standards
7.	New buildings	RD	
8.	Repair and maintenance of a non character-contributing building	P	
9.	Repair and maintenance of a character-contributing building or non-protected part of a scheduled heritage building	P	a. Materials and design
10.	Earthquake strengthening or restoration of a character-contributing building or non-protected parts of a scheduled heritage building	P	a. Materials and design
11.	Demolition or removal for relocation of a character-contributing building or non-protected part of a scheduled heritage building	RD	
AA.	<u>Signs attached to buildings or structures</u> {Her cl.16 ⁵ }	P	
12.	<u>All other</u> {Her cl.16} additions and alterations to a character-contributing building or non-protected part of a scheduled heritage building (other than earthquake strengthening or restoration)	RD	
13.	Additions and alterations to a non character-contributing building that involve: • an increase in the footprint of 10m² <u>or more</u> {Her cl.16³} • an increase in the height of the building by more than 2m; or • the replacement of a pitched roof with a <u>flat roof mono pitch roof</u> {Her cl.16}.	RD <u>C</u> {Her 308.358}	
14.	All other additions and alterations to non character-contributing buildings	P	
15.	Fences {Res cl.16'}	P	a. Fence height and design
16.	<u>New</u> {PO cl.16} retaining walls less than 1m high	P	

17.	All other <u>new</u> {PO cl.16} structures up to 2.5m high and 2m ² footprint	P	
18.	Structures greater than 2.5m high and 2m ² footprint <u>All new {PO cl.16} structures not covered by rows 16 and 17 above. (Res cl. 16⁶)</u>	RD	
Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		Activity status	Performance standards
19.	Repairs and maintenance	P	a. Materials and design
20.	Restoration of a building or structure that has a <u>Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) {Her 547.91}</u>	P C {Her 547.91}	a. Materials and design
Y.	<u>Restoration of all other scheduled heritage buildings and structures {Her 547.91}</u>	P	a. Materials and design
21.	Earthquake strengthening where external features only are protected	C	a. Materials and design
BB.	<u>Signs attached to buildings or structures {Her cl.16⁵}</u>	P	
22.	All other additions and alterations	RD	
23.	Demolition	NC	
24.	Removal for relocation	RD	
Development activities on a scheduled heritage site, where visible from an adjoining public place or a public place within the heritage site		Activity status	Performance standards
25.	<u>New {Her cl.16} structures no more than 2.5m high or 2m² footprint</u>	P	
26.	All other <u>new</u> {PO cl.16} structures	RD	
27.	New buildings	RD	
28.	Parking, loading and access	RD	a. Parking, loading and access standards
Site development activities in all areas (except as covered by rows 25 - 28 above)		Activity status	Performance standards
29.	~~Earthworks – small scale {EW cl 16³}~~	P	a. ~~Earthworks standards~~
30.	~~Earthworks – large scale {EW cl 16³}~~	RD	a. ~~Earthworks standards~~
31.	Parking, loading and access	P	a. Parking, loading and access standards b. Location and screening of car parking

32.	New <u>or additions to</u> parking areas, <u>or extensions to existing parking areas</u> that result in the creation of {Trans cl.16} 50 or more new parking spaces.	RD	a. Parking, loading and access standards b. Location and screening of car parking
33.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements b. <u>Setback from coast and water bodies</u> {NatEnv cl.16}
34.	Outdoor storage	P	a. Location and screening of outdoor storage
35.	Vegetation clearance	P	a. Vegetation clearance standards (UCMA and hazard overlay zones) {NatEnv cl.16}
36.	All other site development activities	P	

¹ **Res cl.16:** Headings and location of rules moved to enable more substantive changes to be more logically read (no substantive changes to rules content).

² **EW cl.16:** As a clause 16 amendment, all earthworks provisions in management and major facility zones have been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

³ **Her cl.16:** Added for plan clarity.

⁴ **Res cl.16:** Buildings and structures activities were meant to be included but it was incorrectly recorded as just structures.

⁵ **Her cl.16:** Rule restructured as a result of change to definition of additions and alterations and new definition of signs attached to buildings and structures. No substantive change to provisions.

⁶ **Res cl.16:** Minor wording change to clarify relationship of rules

Note 15.36.4A- General advice

- Under the Heritage New Zealand Pouhere Taonga Act 2014 it is an offence to modify or destroy an archaeological site without obtaining an archaeological authority from Heritage New Zealand (HNZ). An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand {Her 547.80}. This is the case regardless of whether the land on which the site is located is **{Her 547.80}** designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
- An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
- Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
- The **archaeological alert layer mapped area** identifies sites and areas that have a strong likelihood of containing archaeological remains, however remains may be present anywhere within the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.

15.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status	Performance standards
1.	Cross lease, company lease and unit title subdivision	RD	a. Access b. Esplanade reserves and strips c. Fire fighting d. Service connections e. Shape
2: { ULS cl.16' }	Subdivision activities in structure plan areas { ULS cl.16' }	RD { ULS cl.16' }	a. Structure plans { ULS cl.16' }
3.	General subdivision	RD	a. Access b. Esplanade reserves and strips c. Fire fighting d. Minimum site size e. Service connections f. Shape g. Structure plan mapped area performance standards (where relevant) {ULS cl.16}

¹**ULS cl.16:** Rules 15.3.5.2 and 15.3.5.3 have been combined. There is no substantive change.

Note 15.3.5A - Other RMA considerations {PO 490.4}

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

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

Activity {NH cl.16}		a. Haz1 {NH cl.16}	b. Haz2 {NH cl.16}	c. Haz3 {NH cl.16}
1. {NH cl.16}	Potentially sensitive activities permitted in residential zone {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}	— {NH cl.16}
2. {NH cl.16}	Potentially sensitive activities not permitted in residential zone {NH cl.16}	NC {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}
3. {NH cl.16}	Sensitive activities {NH cl.16}	NC {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}
4. {NH cl.16}	In a hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, <i>which create more than 1m² of new ground floor area</i> {NH cl.16}	RD {NH cl.16}	— {NH cl.16}	— {NH cl.16}
5. {NH cl.16}	In a hazard 1 or 2 overlay zone, other than the hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, <i>which create more than 36m² of new ground floor area</i> {NH cl.16}	RD {NH cl.16}	RD {NH cl.16}	— {NH cl.16}

¹ **NH cl. 16:** The content from Table 15.3.6 has been moved to Table 15.3.X, with the exception that column c has been removed, pursuant to clause 16. This was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are shown in the new location.

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

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

¹ **NH 634.74:** Note that “potentially sensitive activities permitted in residential zone” had no additional rules (shown as

an em-dash) under the notified Plan but the distinction between this activity and “potentially sensitive activities not permitted in residential zone” (which was notified as a discretionary activity) was removed and both activities were changed to restricted discretionary in response to this submission.

Note 15.3.6A - Guidance on existing use rights applying to land use activities in hazard overlay zones
Other RMA considerations {Res cl.16}

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

Accordingly, these activities will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 15.3.6. {NH 634.81} However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of the land use activity.

Rule 15.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or section 95B of the Act RMA, **{Res cl.16}** unless Council considers special circumstances exist in relation to the application that require public notification:
 1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand;
 2. contravention of the materials and design **{Her cl.16}** performance standard (Rule 13.3.2) 'Materials and design' **{Her cl.16}** where the building or structure is not listed by Heritage New Zealand; and
 3. In the **Holyhead Street structure plan mapped area**, **{ULS cl.16}** subdivision activities in accordance with the ~~Holyhead Street structure plan~~ and notations Rule 15.7A Holyhead Street structure plan mapped area performance standards **{ULS cl.16}**.
2. ~~Applications for resource consent for the following activities will be publicly notified in accordance with section 95A(2) of the RMA: **{Her 308.362}**~~
 1. ~~demolition of a protected part of a scheduled heritage building or scheduled heritage structure: **{Her 308.362}**~~
3. With respect to resource consent applications, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided for the following:
 1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand;
 2. contraventions of the materials and design **{Her cl.16}** performance standard (Rule 13.3.2) 'Materials and design' **{Her cl.16}** where the building or structure is listed by Heritage New Zealand; and
 3. contravention of the archaeological sites **{Her cl.16}** performance standard (Rule 13.3.3) 'Archaeological sites' **{Her cl.16}**.
4. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. cemeteries;
 2. all restricted discretionary activities that list 'effect on cultural values of Manawhenua' as a matter for discretion; and
 3. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4.
5. With respect to sections 95D(b) and 95E(2)(a) of the RMA, Council will not consider family flats as part of the permitted baseline in considering residential density effects in the residential zones.
6. ~~In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons: **{PO cl.16}**~~
7. With respect to resource consent applications for the following activities, the Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. activities in the hazard 1 or hazard 1A **{NH 908.37}** (flood) overlay zones; and
 2. activities in **swale mapped areas**. **{NH cl.16}**
8. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the

RMA.

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

² **NH cl.16:** Rule 15.7 was notified as Rule 11.8.3 in the Natural Hazards Section but has been transferred to this section for clarity. This does not result in a substantive change to the effect of provisions.

Rule 15.5 Land Use Performance Standards

15.5.1 Acoustic Insulation

Noise sensitive activities in the following areas must comply with Rule 9.3.1:

1. port noise control mapped area;
2. airport noise outer control mapped area;
3. airport noise inner control mapped area;
4. within 40m of the Taieri Aerodrome Zone;
5. within 40m of a state highway;
6. within 20m of an industrial zone; and
7. within 70m of a railway line.

15.5.2 Density

1. Residential ~~Standard residential~~ **{Res cl.16}** activities must not exceed the following **{Res cl.16}** density limits set out in Table 15.5.2.A, except **{Res cl.16}**:

Zone		i. Minimum site area for a residential unit (excluding family flats)	ii. Maximum development potential per site	iii. Number of family flats permitted per site {PO cl.16}
a.	General Residential 1 Zone	1 per 500m ²	1 habitable room per 100m ²	4 {PO cl.16}
b.	General Residential 2 Zone not within an infrastructure constraint mapped area or the South Dunedin mapped area	N/A	1 habitable room per 45m ²	0 {PO cl.16}
c.	General Residential 2 Zone within an infrastructure constraint mapped area	N/A	1 habitable room per 100m ²	0 {PO cl.16}
d.	General Residential 2 Zone within the South Dunedin mapped area	N/A	1 habitable room per 60m ²	0 {PO cl.16}
e.	Inner City Residential Zone	N/A	1 habitable room per 45m ²	0 {PO cl.16}
f.	Low Density Residential Zone	1 per 750m ²	1 habitable room per 150m ²	4 {PO cl.16}
g.	Large Lot Residential 1 Zone	1 per 2000m ²	1 habitable room per 400m ²	4 {PO cl.16}
h.	Large Lot Residential 2 Zone	1 per 3500m ²	1 habitable room per 700m ²	4 {PO cl.16}
i.	Township and Settlement Zone not within the no DCC reticulated wastewater mapped area	1 per 500m ²	1 habitable room per 100m ²	4 {PO cl.16}

Zone	i. Minimum site area for a residential unit (excluding family flats)	ii. Maximum development potential per site	iii. Number of family flats permitted per site {PO cl.16 ³ }
j. Township and Settlement Zone within the no DCC reticulated wastewater mapped area	1 per 1000m ²	1 habitable room per 200m ²	4 {PO cl.16}

k. Except: {Res cl.16}

i. In all zones, other than the GR2 and ICR zones: {Res cl.16⁴}

1. A single residential unit may be erected on an existing a site (created before 26 September 2015) {Res 368.1} of any size not in a **no DCC reticulated wastewater mapped area** {Res 542.2 and 542.3} provided all other performance standards are met.
2. one family flat is allowed per site in association with a standard residential activity provided the maximum development potential per site is not exceeded. {PO cl. 16⁵}

ii. Within the **East Taieri structure plan**, up to 20% of the land used for residential purposes with in the region marked "Area A", may be developed at a density of one residential unit per 300m². {ULS cl.16⁶}

2. For the purposes of this standard:

- a. the calculation of habitable rooms includes rooms in family flats and sleep outs;
- b. the calculation of minimum site area excludes access legs provided for rear sites; and
- c. the calculation of maximum development potential only applies in the Inner City Residential and General Residential 2 Zones, and for determining whether a family flat can be developed in other zones.

3. In the General Residential 2 Zone, more than one residential unit must not be built on sites smaller than 400m² {Res 368.1}

4. In the Inner City Residential Zone, more than one residential unit must not be built on sites smaller than 200m² {Res 368.1}

5. Family flats:

- a. must not exceed 60m²; {PO cl.16⁷}
- b. must be ancillary to a primary residential unit on the same site. {PO cl.16⁸}

6. More than one residential building (other than a family flat) may only be built on a site if all residential buildings are able to meet all the following performance standards if they were ever subdivided onto separate sites:

- a. site coverage;
- b. height in relation to boundary;
- c. setbacks; and
- d. access.

7. Residential Standard residential {Res cl.16⁹} activity that contravenes the performance standard for density is a non-complying activity, except the following are restricted discretionary activities: {Res cl.16³}

- a. papakāika that contravenes the performance standards for density is a restricted discretionary activity: {Res cl.16³};
- b. standard residential in the General Residential 2 Zone (**infrastructure constraint mapped area**) that

contravenes the performance standards for maximum development potential per site ~~is a restricted discretionary activity: {Res cl.16²}~~, provided the maximum development potential per site of the activity proposed does not exceed 1 habitable room per 45m²;

- c. ~~contravention of Rule 15.5.2.6 (all residential units are able to meet bulk and location performance standards) {Res cl. 16²} is a restricted discretionary activity; and {Res cl.16²}~~
- d. ~~residential activity on an existing site not in a no DCC reticulated wastewater mapped area is a restricted discretionary activity {Res 542.2 and 542.3}~~

- 8. Visitor accommodation must have a maximum of one visitor accommodation unit per 80m² of site area;
- 9. Visitor accommodation that ~~contravenes this standard~~ exceeds one visitor accommodation unit per 80m² of site area {Res cl. 16³} is a non-complying activity.

¹ **Res cl.16:** Improves clarity by accurately referring to the activity

² **Res cl.16:** Improves structure and clarity of rule

³ **PO cl 16:** Moved to Rule 15.5.2.1.k.2.

⁴ **Res cl.16:** This is a re-arranging of content in Rule 15.5.2. There is no substantive change, unless as shown under other submission points.

⁵ **PO cl.16:** : Replaces column iii in 15.5.2.1

⁶ **ULS cl.16:** This rule has been moved to 15.7A.1.2

⁷ **PO cl 16:** Moved to new Family Flat performance standard

⁸ **PO cl 16:** Moved to definition of Family Flats

Note 15.5.2A - General advice

- 1. Maximum development potential may not be achievable on all sites as site size, shape, topography, and design will all influence development potential. {Res 452.3 and 394.45}

15.5.3 Electrical Interference

Land use activities must comply with Rule 9.3.2.

15.5.4 Blank Page {Confirmed for deletion - Res cl.16}

This page has no content {Res cl.16}

15.5.5 Hours of Operation

Activity	Hours of operation
1. Working from home (excluding homestay)	7.00am - 7.00pm
2. Dairies	6.00am - 10.00pm
3. ~~Sport and recreation, and {Res cl.16²}~~ Community and leisure	Sunday - Thursday: 6.00am - 10.30pm Friday - Saturday: 6.00am - 12.00am (midnight)
4. Training and education	8.00am - 8.00pm

- 5. Working from home hours of operation do not apply to activities that:
 - a. are located entirely within a building; and
 - b. do not involve machinery operation, visitors, customers, or deliveries.
- 6. ~~Flood lighting and sportsfield lighting on sites adjoining a residential zone must not operate from 10pm - 7am.~~ {Res cl.16²}

7. Special church celebrations, including Christmas midnight mass, are exempt for this standard, provided they occur no more than 3 times in a calendar year.
8. Activities that contravene the performance standard for hours of operation are restricted discretionary activities. {PO cl.16}

¹ **Res cl.16:** Sport and recreation has a discretionary activity status and performance standards do not apply to discretionary activities.

15.5.6 Light Spill

Land use activities must comply with Rule 9.3.5.

15.5.7 Location

1. For restaurants, retail, or conference, meeting and function activities **{PO cl.16}** ancillary to visitor accommodation, all customer pedestrian access must not be orientated to the street frontage.
2. Land use activities that contravene the performance standard for location are restricted discretionary activities. {PO cl.16}

15.5.8 Maximum Gross Floor Area

Activity	Maximum gross floor area
1. Working from home	50m ² (includes any internal or external area occupied for storage of materials or goods)
2. Dairies	50m ²

3. Working from home or dairies that contravene the performance standard for maximum gross floor area are non-complying activity discretionary activities. {Res 997.3}

Note 15.5.8A - Other requirements outside of the District Plan

1. Registration must be obtained from the DCC's Environmental Health Department for any working from home activities activity {PO cl.16} which involves food products, hairdressing, beauty therapy or tattooing. Please contact the DCC's Environmental Health Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
2. Approval from DCC's Alcohol Licensing Department may be required for working from home activities activity {PO cl.16} that involves the sale or distribution of alcohol. Please contact the DCC on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.

15.5.9 Minimum Car Parking

Land use activities must provide the on-site car parking as follows:

Activity	Minimum car parking rate
1. Standard residential in Inner City Residential Zone	a. 1 - 5 habitable rooms on a site: 1 parking space b. 6 - 8 habitable rooms on a site: 2 parking spaces c. Greater than 8 habitable rooms on a site: 2 parking spaces plus 1 space for every 4 habitable rooms (or part thereof) d. Except: i. where sites with less than 5 habitable rooms have no existing parking, no additional parking is required for additions that increase the number of habitable rooms to 5 (or fewer), provided no additional residential units are created; ii. where the provision of an on-site parking space for sites with 1-5 habitable rooms would result in the loss of an on-street parking space, no parking space is required. iii. <u>where a residential building that existed as at 26 September 2015 (date of notification of the Plan) is divided into more residential units, no additional parking is required provided that no additional habitable rooms are created.</u> {Trans 927.3}
2. Standard residential in all other residential zones	a. 1 - 4 habitable rooms: 1 parking space b. 5 or more habitable rooms: 2 parking spaces
3. Working from home	On-site car parking must be provided for all vehicles associated with the activity
4. Supported living facilities	a. Student hostels i. hostels with 1 - 10 residents: 1 parking space ii. hostels with 11 - 20 residents: 2 parking spaces iii. hostels with 21 - 30 residents: 3 parking spaces iv. hostels with greater than 30 residents: 3 parking spaces plus 1 additional space for every 10 additional residents (or part thereof) v. <u>Except student hostels in the Campus Zone or within 500m walking distance of the Campus Zone have no minimum car parking requirements.</u> {Trans 308.276} b. Rest homes i. 1 parking space for every 3 beds. c. Retirement villages i. 1 parking space for every residential unit, and 1 parking space for every 3 beds for any rest home type component of the retirement village.
5. Community and leisure	1 parking space for every 5 persons the facility can accommodate at any one time

Activity		Minimum car parking rate
6.	Visitor accommodation (other than in George Street North Residential Heritage Precinct)	1. 1 parking space per 3 guest rooms, where the activity is based upon guest rooms (e.g. hotels); 2. 1 parking space per visitor accommodation unit, where the activity is based on units (e.g. motels); and 3. 1 parking space per visitor accommodation unit on a campground.
7.	Early childhood education - small scale	1 parking space per 2 full time equivalent staff members plus one parking space for parent/guardian use per 6 children the facility is licensed for.
8.	Training and education	1 parking space per 30m ² of gross floor area.
X.	Emergency services {CP 945.30}	a. <u>For fire stations: 5 parking spaces per fire engine bay. {CP 945.30}</u> b. <u>For all other activities: 1 parking space per 100m² gross floor area. {CP 945.30}</u>

9. Activities other than standard residential must provide mobility parking spaces as follows:

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

10. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for accessible car parking.
11. Parking spaces may be shared between land use activities (i.e. the same parking spaces may be used to fulfil the minimum car parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap.
12. Residential and office activities (excluding registered health practitioners) undertaken entirely within a scheduled heritage building do not need to provide any additional car parking other than what is already on-site and may remove any car parking that does not meet the performance standards for location of car parking.
13. For the purposes of calculating minimum car parking:
- Where the minimum car parking performance standard results in the requirement for a fractional space, any fraction under one half will be disregarded and any fraction of one half or greater will be counted as one space.
 - Parking loading and access areas within a building will be excluded from the assessment of gross floor area for the purpose of calculating the minimum car parking requirement.
14. For activities where the minimum car parking performance standard is based on the gross floor area, the following areas will be excluded from the assessment of gross floor area:
- any parking area and associated manoeuvring space, including aisle; and
 - any loading area and associated manoeuvring space. **{Res cl.16¹}**
15. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

¹ **Res cl.16:** Rule 15.5.9.14 has been added to clarify how 'gross floor area' is to be interpreted, for the purposes of

the minimum car parking performance standard in this zone. This does not change the effect of provisions.

Note 15.5B.9A - Other relevant District Plan provisions

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

15.5.10 Minimum Vehicle Loading

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

Activity	Minimum vehicle loading rate {Trans cl.16}
a. Visitor accommodation with more than 50 visitor accommodation units (except in relation to scheduled heritage buildings in the George Street North Residential Heritage Precinct)	1 loading space to accommodate the turning circle of a coach, as shown on Figure 6.14L 6B.12 {Trans cl.16}

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

Note 15.5C.10A - Other relevant District Plan provisions

1. Vehicle loading must comply with the vehicle loading design performance standards in Section 6.6: Parking, Loading and Access Performance **{Res cl.16}** Standards.

15.5.11 Noise

Land use activities must comply with Rule 9.3.6.

15.5.12 Outdoor Living Space

15.5.12.1 Minimum area of outdoor living space for standard residential activities activity **{PO cl.16} **{Res cl.16¹}****

- a. Standard residential activity and supported living facilities that offer individual residential units **{Res cl.16¹}** must provide a minimum of outdoor living space per residential unit as follows:

Number of habitable rooms in unit		i. Ground level units in ICR, GR2, and campus zones, and retirement villages in all residential zones {Res cl.16¹}	ii. Ground level units in all other zones (excluding retirement villages) {Res cl.16¹}	iii. Minimum area of outdoor living space provided as decks, balconies or roof terraces for first floor and above units Units not at ground level {Res cl.16¹}
i.	1	15m ²	25m ²	6m ²
ii.	2	15m ²	25m ²	10m ²
iii.	3	20m ²	35m ²	10m ²
iv.	More than 3 habitable rooms	20m ² + 5m ² per additional habitable room over 3 habitable rooms	35m ² + 5m ² per additional habitable room over 3 habitable rooms	10m ²

- v. For the purposes of this standard, family flats will only count toward the total number of habitable

rooms on a site and will not be calculated as a separate residential unit requiring additional outdoor living space to that provided for the primary residential unit, as long as the family flat has direct access to at least 25m² of outdoor living space. Except: family flats that have direct access to at least 25m² of outdoor living space provided for the primary residential unit do not need to provide additional outdoor living space. **{Res cl.16¹}**

- vi. Outdoor Required outdoor {Res cl.16¹} living space for residential units must be for the exclusive use of the individual residential unit, except shared outdoor living space may be provided for residential units located above ground floor (first floor and above units) and for family flats {Res cl.16¹} however, for the sake of clarity, this does not require that the area to be fenced or otherwise partitioned from another unit's outdoor living space. **{Res cl.16¹}**

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

¹ **Res cl.16:** This is not new content but is a re-organisation of existing content.

15.5.12.2 Minimum area of outdoor living space for supported living facilities. {Res cl.16¹}

- a. Supported living facilities that offer individual residential units, must provide a minimum area of outdoor living space per residential unit as follows:

Number of habitable rooms in unit		Minimum area
i.	1-2	15m ²
ii.	3	20m ²
iii.	More than 3 habitable rooms	20m ² + 5m ² per additional habitable room over 3 habitable rooms

- b. Required outdoor living space for individual residential units must be for the exclusive use of the residential unit, however for the sake of clarity, this does not require that the area to be fenced or otherwise partitioned from another unit's outdoor living space. **{Res cl.16¹}**

- c. For supported living facilities, such as rest homes or student hostels, which only provide bedrooms or beds for residents (not residential units), shared outdoor living space must be provided as follows:

Type of room		Minimum area of outdoor living space per bedroom
i.	<u>Individual Single occupancy {Res cl.16¹}</u> bedrooms	5m ²
ii.	<u>Bedrooms Multiple occupancy bedrooms {Res cl.16¹}</u> hospital rooms/dorms <u>designed to (rooms used to accommodate 2 or more residents) {Res cl.16¹}</u>	10m ²

- d. Shared outdoor living space may be provided as a mixture of ground level green space, balconies balcony, decks or terraces spaces {Res cl.16¹}, provided at least 60% is at ground level, and each space is at least 20m².
- e. Where a facility provides a mixture of residential units and bed/bedroom only options, such as a retirement village, the outdoor living space must comply with the respective standards above based on the amount of each type of accommodation.

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

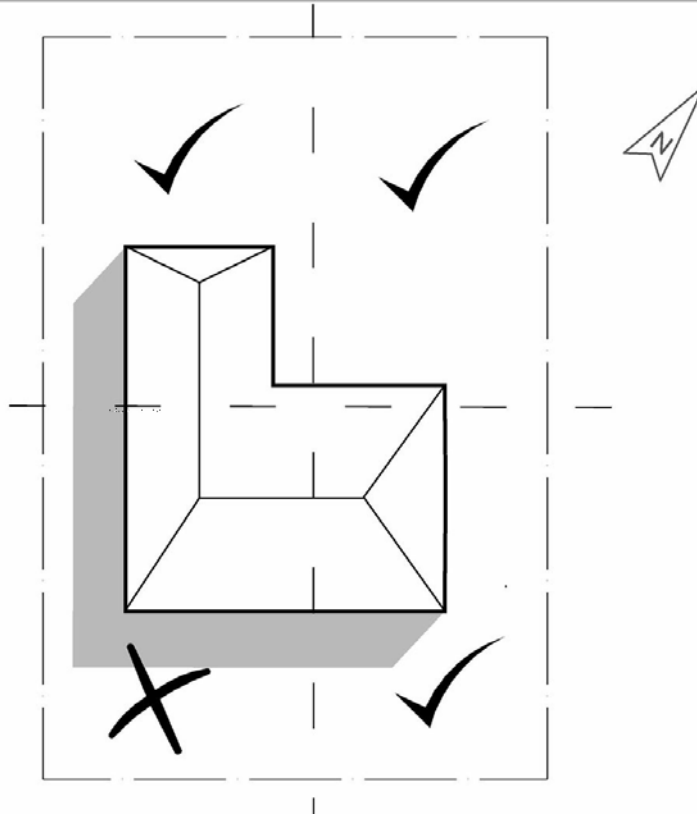
¹ **Res cl.16:** This is not new content but is a re-organisation of existing content (aside from changes marked as such above)

15.5.12.3 Quality and location of outdoor living space for all residential activities {Res cl.16¹}

- a. Outdoor living space provided at ground level **{Res cl.16'}** must:
 - i. be clear of buildings and structures, except for pools, building eaves, pergolas, decks and terraces;
 - ii. have an average vertical grade not exceeding 1:12 degrees (vertical:horizontal) in any direction;
 - iii. ~~if provided at ground level,~~ **{Res cl.16'}** have dimensions no less than 3m;
 - iv. ~~must~~ **{Res cl.16'}** be usable for its intended purpose and not used for vehicle parking, manoeuvring, driveways, or pedestrian accessways to other residential units or properties, or other uses; and
 - v. include at least one continuous **{Res cl.16'}** area ~~of~~ **{Res cl.16'}** no smaller than 15m².
- b. Outdoor living space provided not at ground level must: **{Res cl.16'}**
 - i. if provided as a deck, balcony, **{Res cl.16'}** or roof terrace, have dimensions no less than 1.8m.
- c. All outdoor living space must: **{Res cl.16'}**
 - i. be located on the northern, eastern or western sides of residential buildings as per Figure 15.5A; and
 - ii. be directly accessible from a principal living area, except if provided as shared outdoor living space for supported living facilities **{Res cl.16'}**.
- d. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

¹ **Res cl.16:** This is not new content but is a re-organisation of existing content (aside from changes marked as such above)

Figure 15.5A: Location of outdoor living space



15.5.13 Service Areas

1. Residential activity with 3 or more residential units on a site must provide service areas with a minimum area of 2.5m² per residential unit. Service area requirements are in addition to outdoor living space requirements.
2. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

15.5.14 Setback from National Grid

National Grid Sensitive activities **{NH cl.16}** must comply with Rule 5.6.1.1.

15.5.15 Family Flats {Confirmed for addition - PO 207.1, 876.1 and others}

15.5.15.1 Family Flats - Tenancy {PO 207.1, and others}

- a. Family flats must: **{PO cl.16}**
 - i. only be occupied by: **{PO cl.16}**
 1. a person or persons related to or dependent on the household that lives in the primary residential unit on the same site; or **{PO cl.16}**
 2. employed on-site as a domestic or child-care worker by the household that lives in the primary residential unit on the same site; and **{PO 539.3 and 708.2}**
 - ii. not be on a different tenancy agreement to the primary residential unit. **{PO 207.1 and 394.63}**
- b. Standard residential activity that contravenes this performance standard is a non-complying activity. **{PO 207.1 and 394.63}**

¹ **PO cl.16:** As a clause 16 amendment this has been moved here from definition of family flats.

15.5.15.2 Family Flats - Design {PO 876.1 and others}

- a. Family flats must: {PO cl.16² and cl.16³}
 - i. not exceed a maximum gross floor area {PO cl.16¹} of 60m²: {PO cl.16³}
 - ii. be on the same available water and waste infrastructure connection, or the same non-reticulated wastewater disposal system as the primary residential unit: {PO cl.16³}
 - iii. be on the same household electricity account; and {PO 876.1}
 - iv. share the same vehicle access as the primary residential unit. {PO 876.1}
- b. Standard residential activity that contravenes this performance standard is a restricted discretionary activity. {PO 876.1, 372.1 and 207.2}

¹ **PO cl.16:** Added to improve clarity and for consistency with wording in other sections of this Plan

² **PO cl.16:** As a clause 16 amendment this has been moved from the density performance standard

³ **PO cl.16:** As a clause 16 amendment this has been moved here from the definition of family flats.

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

1. Fairfield Sandpit No. 1 must meet the performance standards listed below. {CP 874.2 and others}
2. If Fairfield Sandpit No. 1 contravenes any of these standards it will be considered a new mining activity and will be subject to the rules that apply to mining in Rule 15.3. {CP 874.2 and others}

15.5.16.3 Maximum annual extraction {CP 874.2 and others}

- a. Fairfield Sandpit No. 1 must not exceed a maximum annual limit of 10,000 tonnes. {CP 874.2 and others}

15.5.16.4 Operating limits {CP 874.2 and others}

- a. Fairfield Sandpit No. 1: {CP 874.2 and others}
 - i. may only operate: Monday to Friday 6.00am to 8.00pm and Saturday 7.00am to 5.00pm: {CP 874.2 and others}
 - ii. must not use blasting: {CP 874.2 and others}
 - iii. must not undertake aggregate processing; and {CP 874.2 and others}
 - iv. must not quarry within 15m of any adjoining property boundary which is used for residential purposes. {CP 874.2 and others}

15.5.16.5 Noise {CP 874.2 and others}

Fairfield Sand Pit No. 1 must comply with Rule 9.3.6, subject to the following: {CP 874.2 and others}

- a. an adjustment of minus 5 dBA for noise emissions having special audible characteristics; and {CP 874.2 and others}
- b. noise level readings for the purpose of determining compliance with the noise conditions must be provided by the quarry operator for two hours, at times representative of the operation and at which maximum noise levels can be assessed. For continuous operations, readings must take place at 12 monthly intervals; for intermittent operations readings must be provided at the time of every subsequent operation of the site. {CP 874.2 and others}

15.5.16.6 Landscaping and Rehabilitation {CP 874.2 and others}

- a. Fairfield Sand Pit No. 1 must undertake a programme of screen planting designed to mitigate adverse visual

effects as viewed from adjacent residential areas, road and other viewing areas, and a programme of landscaping to encourage the revegetation of areas that are no longer being mined. The programmes must ensure that: {CP 874.2 and others}

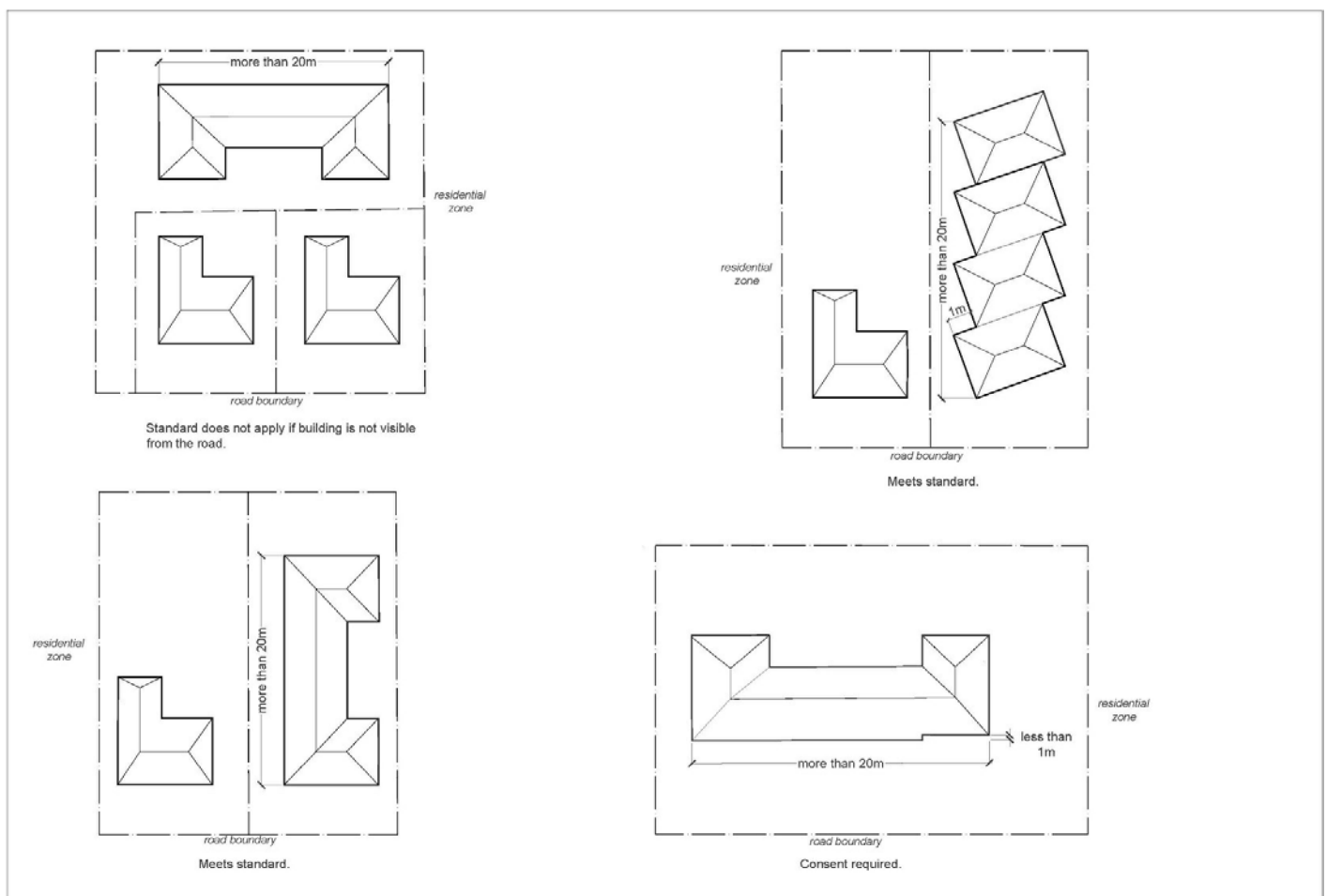
- i. all planting is in accordance with a landscape plan prepared by a qualified landscape architect; {CP 874.2 and others}
 - ii. all vegetation established as part of this programme is maintained in a healthy state at all times; {CP 874.2 and others}
 - iii. where practical, existing screening vegetation within 15m of any adjoining property boundary which is used for residential purposes will be retained; and {CP 874.2 and others}
 - iv. the site is rehabilitated to an appearance and character similar to that of the surrounding environment. {CP 874.2 and others}
- b. Fairfield Sand Pit No. 1 must ensure the edge of the quarried area is designed and certified by a suitably qualified geotechnical engineer to ensure that the edge will not adversely affect any adjoining property boundary. {CP 874.2 and others}

Rule 15.6 Development Performance Standards

15.6.1 Building Length

1. New buildings and additions and alterations must not result in a building with a continuous {Res 740.9} dimension (building length) that is greater than 20m measured parallel to boundaries along the boundary with a road or a residential-zoned property {Res cl.16}, except along any boundary length where the building shares the wall with the adjacent building.
2. For the purposes of this rule a 'continuous dimension' will be measured as follows for walls that modulate: where modulation involves a step-back of 1 metre or more in depth it will be counted as a new wall, but where modulation is less than 1 metre in depth it will be considered a continuous dimension. {Res 740.9}
3. Buildings that are not visible from an adjoining public place are exempt from this standard. {Res 740.9}
4. New buildings, and additions and alterations that contravene the performance standard building length are restricted discretionary activities. {PO cl.16}

Figure 15.6.1A: Building Length {Res cl.16}



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

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.

15.6.3 Fence Height and Design

1. Fences must not exceed the following height limits (except as provided for in 15.6.3.3 below): **{Res cl.16}**

Location {Res cl.16}		Maximum height {Res cl.16}
a- {Res cl.16}	Along the road boundary with a state highway {Res cl.16}	2m {Res cl.16}
b- {Res cl.16}	Along all other road boundaries {Res cl.16}	1.4m {Res cl.16}
c- {Res cl.16}	Along a side or rear boundary with a reserve in the recreation zone or residential zone: {Res cl.16}	1.4m {Res cl.16}
d- {Res cl.16}	For sites within a residential heritage precinct, along the part of a side boundary that is within the road boundary setback required by Rule 15.6.14 (see Figure 15.6C) {Res cl.16}	1.4m {Res cl.16}
e- {Res cl.16}	Along all other side and rear boundaries {Res cl.16}	2m {Res cl.16}
f- {Res cl.16}	Between residential buildings on a site {Res cl.16}	2m {Res cl.16}

2. Fences along boundaries include fences that are not exactly on the boundary but are within the boundary setbacks required by Rule 15.6.14: **{Res cl.16}**
3. Where the maximum height of a fence is 1.4m, the height of a fence may be increased to a maximum height of 2m provided that a minimum of 40% of the entire structure is visually permeable (see-through), or the portion above 1.4m height is visually permeable. Visually permeable refers to construction using trellis, lattice, wrought iron, or spaced palings (palings maximum width 150mm, spacing minimum width 25mm) or other materials that provide gaps that can be seen through (see Figure 15.6D and Figure 15.6E): **{Res cl.16}**
4. For the purposes of calculating maximum height, where a fence or wall is erected atop a retaining wall, the height will be calculated as the combined height measured from ground level to the top of the fence or wall: **{Res cl.16}**

15.6.3.1 Maximum Height **{Res cl.16¹}**

- a. The maximum height of fences along boundaries (including within the boundary setbacks required by Rule 15.6.14) is 2m, except:
- for sites within a residential heritage precinct, fences along the part of a side boundary that is within the road boundary setback required by Rule 15.6.14 (see Figure 15.6C) the maximum height is 1.4m.
- b. For the purposes of calculating maximum height, where a fence is erected atop a retaining wall, the height will be calculated as the combined height measured from ground level to the top of the fence. **{Res cl.16¹}**
- c. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

¹ **Res cl.16:** As a clause 16 amendment this has been rearranged from the notified version to provide clarity. This

does not effect the outcome of the provision. Any changes as a result of submissions are indicated.

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

- a. Fences along road boundaries or boundaries adjoining a reserve (including within the boundary setbacks required by Rule 15.6.14) must be constructed to a length and/or height that maintains visual permeability for 50% of the length of the boundary measured at a height of 1.4m above ground level (see Figure 15.6D). **{Res 190.1 and others}**
- b. The following fences are exempt from this requirement: **{Res cl.16¹}**
 - i. fences along the road boundary of a state highway: **{Res cl.16¹}**
 - ii. fences required to meet Rule 15.6.9 (Location and Screening of Outdoor Storage); and **{MF 308.375 and 308.497}**
 - iii. boundaries with a reserve that is not in the Recreation Zone or a residential zone. **{Res cl.16¹}**
- c. Fences that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

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

Figure 15.6C: Side boundary fences in heritage precincts

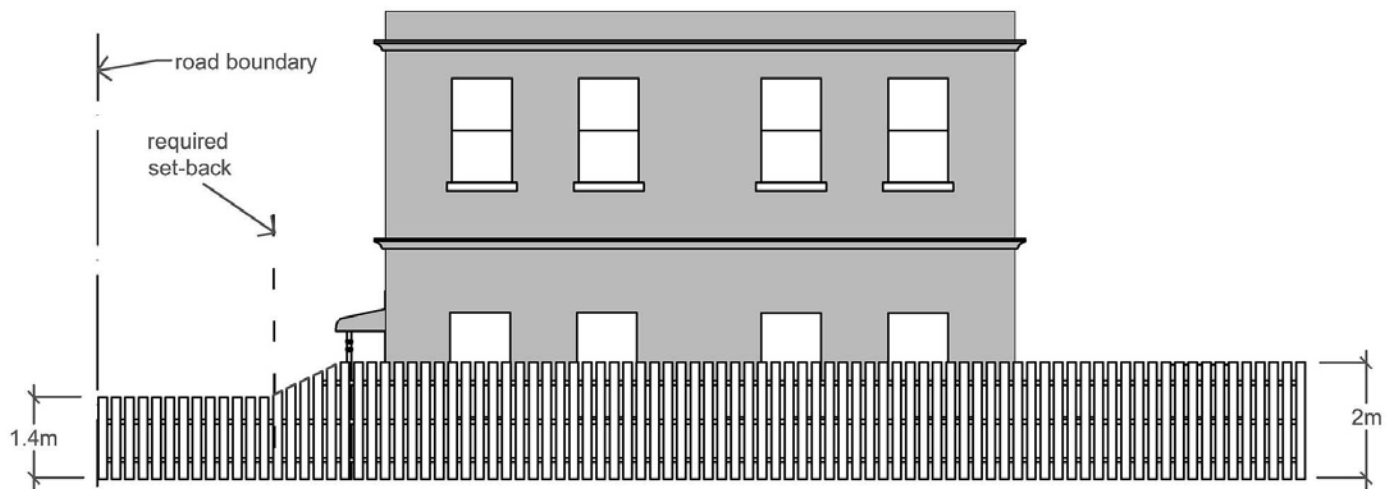


Figure 15.6D: ~~Example of visually permeable fencing~~ Examples of fencing that meet Rule 15.6.3.2 - Visual Permeability **{Res 190.1 and others}**

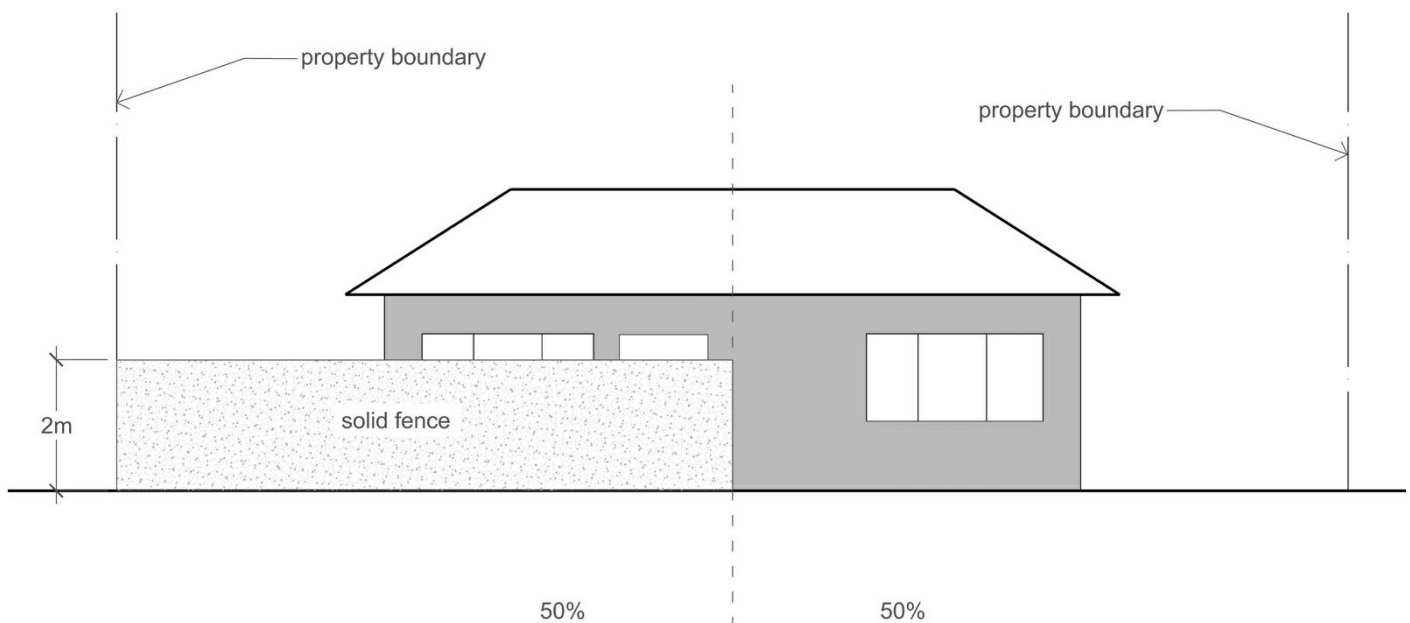
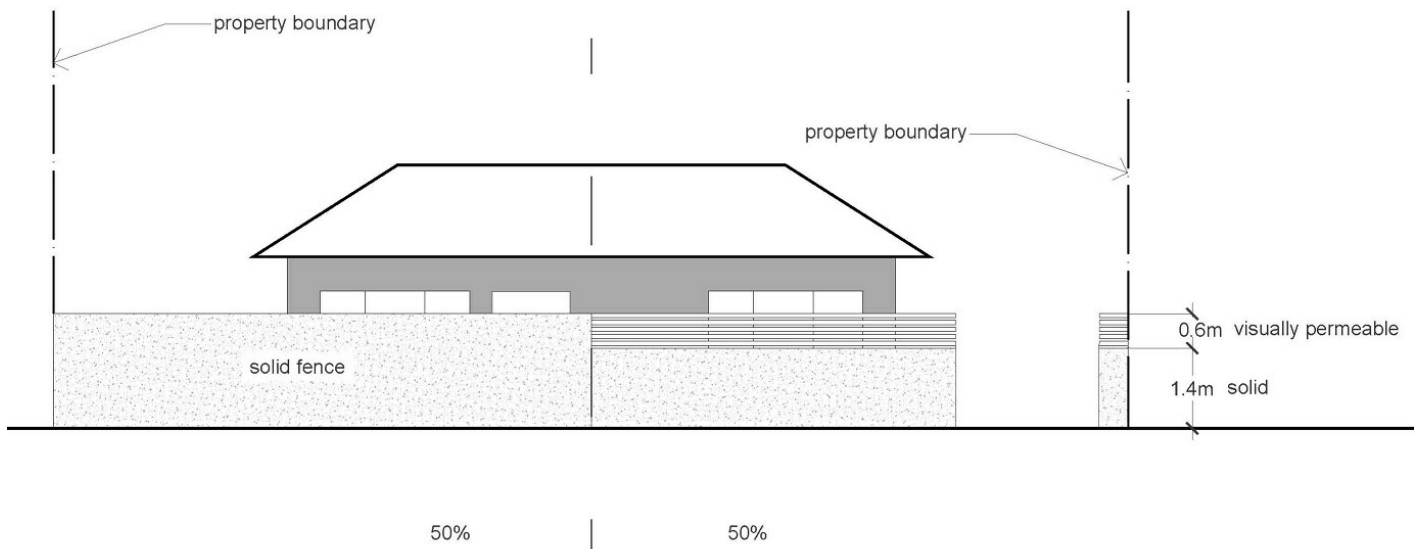


Figure 15.6E: Example of visually permeable fencing



15.6.4 Fire Fighting

All new residential buildings and subdivision activities must comply with Rule 9.3.3.

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

15.6.5.1 Hazard exclusion areas (swale mapped area)

Development activities New buildings and structures and additions and alterations **{NH cl.16}** located in a **swale mapped area** must comply with Rule 11.3.1.1.

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

15.6.5.2 Maximum area of vegetation clearance in the hazard overlay zones

Vegetation clearance in the Hazard 1 or 2 (land instability) Overlay **{Res cl.16}** Zones must comply with Rule 11.3.2.

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

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

15.6.5.4 Relocatable buildings

New buildings (including residential buildings) to be used for sensitive activities containing residential activity on the ground floor **{NH 360.239 and NH 961.1}** in the Hazard 3 (coastal) Overlay Zone must comply with Rule 11.3.4.

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

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

15.6.6 Hazardous Substances Quantity Limits and Storage Requirements

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

15.6.7 Height

Note 15.6.7A - General advice {Res 452.3 and 394.45}

The permitted height of buildings and structures is controlled by both the maximum height standard and height in relation to boundary standard. The absolute maximum height specified in the 'maximum height performance standard' may not be achievable on all sites due to site dimensions and topography. {Res 452.3 and 394.45}

15.6.7.1 Height in relation to boundary {Res cl.16¹}

- a. On all side and rear boundaries that adjoin a site with a residential zone or a Residential Transition Overlay Zone {Res 740.18}, new buildings and additions and alterations to buildings must not protrude through the following planes:
 - i. in the General Residential 1 Zone, a plane rising at an angle of 45 degrees measured from a point 2.5m above ground level; or for parts of the site where the width of the site as measured at right angles to the side or rear boundaries is under 16m (see Figure 15.6J), or that have a slope angle of 6 degrees or more and where the ground level at the nearest boundary is lower than the existing ground level of the building platform (see Figure 15.6K), through a plane raising at an angle of 55 degrees from a point 2.5m above ground level. {Res 546.1 and 490.21}
 - ii. in the Inner City Residential Zone, a plane rising at an angle of 45 degrees measured from a point 3m above ground level (see Figure 15.6F-2); or for parts of the site where the width of the site as measured at right angles to the side or rear boundaries is under 16m (see Figure 15.6J), or that have a slope angle of 6 degrees or more and where the ground level at the nearest boundary is lower than the existing ground level of the building platform (see Figure 15.6K), through a plane raising at an angle of 55 degrees from a point 3m above ground level. {Res 546.1 and 490.21}
 - iii. in the General Residential 2 Zone, a plane rising at an angle of ~~45~~ 55 **{Res 740.21}** degrees measured from a point 3m above ground level (see Figure 15.6F-1);
 - iv. in all other residential zones, a plane rising at an angle of 45 degrees measured from a point 2.5m above ground level (see Figure 15.6F-3)
 - v. except:
 1. in the Inner City Residential Zone, for any new buildings and additions or alterations to buildings within ~~13~~ 16m **{Res 740.20 and others}** of the road boundary, the height in relation to boundary will be measured from 6.5m above ground level at side boundaries, provided that all buildings on the remainder of the site are set back from the side boundaries by at least 2m (see Figure 15.6G);
 2. where new buildings or additions and alterations are built to a common wall, any part of a building where the height and angle of the roofline are the same as the adjoining building is exempt from this standard Figure 15.6I **{Res cl.16²}**;
 3. gable ends and dormers may protrude through the height in relation to boundary plane by a maximum of 42m **{Res 740.1}** (see Figure 15.6H); and
 4. rooftop structures are exempt from the performance standard for height in relation to boundary.
- b. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

¹ **Res cl.16:** Note rule reformatted to make it easier to read and additional figures added as a clause 16 change. All substantive changes are shown against the reformatted rule.

² **Res cl.16:** Figure 15.6I reflects notified rule and is being added to include clarity.

15.6.7.2 Maximum height

- a. The maximum height for **{Res cl.16}** New buildings and structures, and additions and alterations must not exceed the following maximum height {Res cl.16} above ground level is {Res cl.16}:

		1. Maximum height in the Inner City Residential Zone	2. Maximum height in all other residential zones
i.	Family flat (stand-alone building)	Not provided for	4-5 3m (from ground level to the bottom of the eaves) {Res 740.11 and 372.2}
ii.	Garages and carports in road boundary setback	3-3m (from ground level to the bottom of the eaves) {Res 740.16}	3-3m (from ground level to the bottom of the eaves) {Res 740.16}
iii.	All other buildings and structures within setbacks from boundaries, except as provided for in Rule 15.6.14.1	2m	2m
d. {ULS cl.16}	Within Lots 1-10 of the Formby Street Structure Plan (see Appendix 15B) {ULS cl.16}	— {ULS cl.16}	6m {ULS cl.16}
e. {Res 137.1 and 681.1}	Within the Huriawa height restriction mapped area (see mapped area below) {Res 137.1 and 681.1}	— {Res 137.1 and 681.1}	4-5m {Res 137.1 and 681.1}
iv.	All other buildings and structures	12m	9m

- v. Except, **{Res 137.1 and 681.1}**

- rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more than one third of that limit.
- within the **Huriawa height restriction mapped area** (see Figure 15.6.7.2A) **{Res 137.1 and 681.1}**
 - buildings on sites between Rockal Street and Kilda Street must not protrude through a horizontal plane 4.5m above ground level at the Sulisker Street boundary of the site; **{Res 137.1 and 681.1}**
 - buildings on sites between Rona Street and Rockal Street must not exceed 4.5m. **{Res 137.1 and 681.1}**

- b. Buildings or structures must not protrude through the height restriction for the Taieri Aerodrome approach and take-off fans shown on the **Taieri Aerodrome flight fan mapped area**.
- c. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

¹ **ULS cl.16:** This rule has been moved to 15.7A.4 - Formby Street Structure Plan Mapped Area Performance

Standards.

Figure 15.6F: Height in relation to boundary **{Res 740.21 and others}**

Figure 15.6F-1: General Residential 2 Zone **{Res 740.21 and others}**

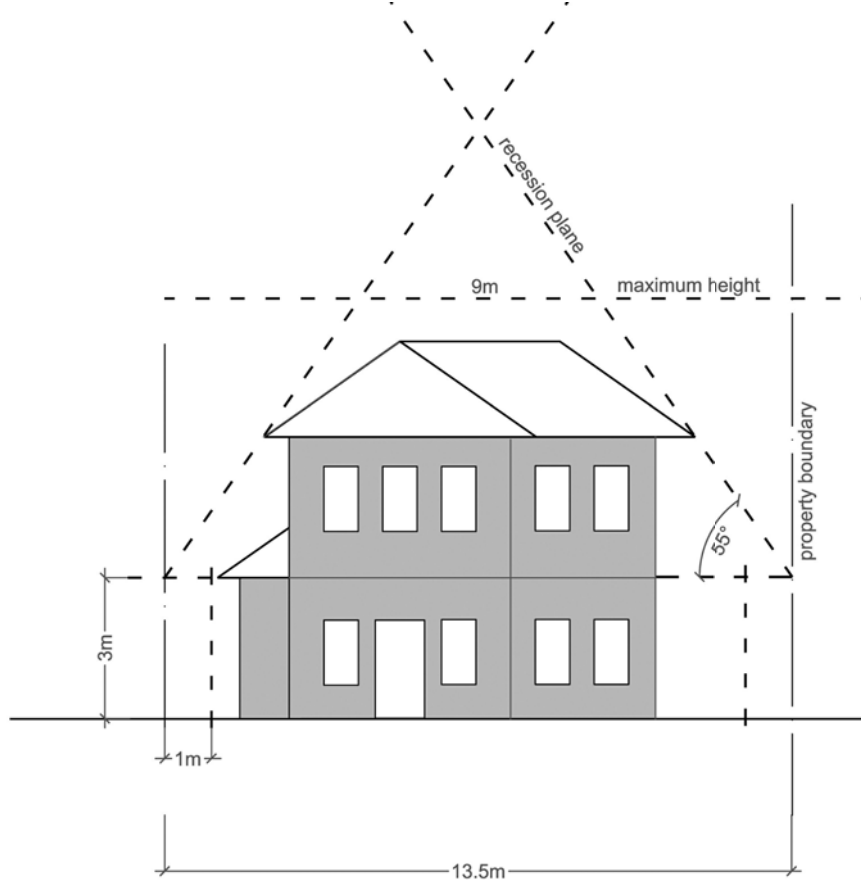


Figure 15.6F-2: Inner City Residential Zone **{Res 740.21 and others}**

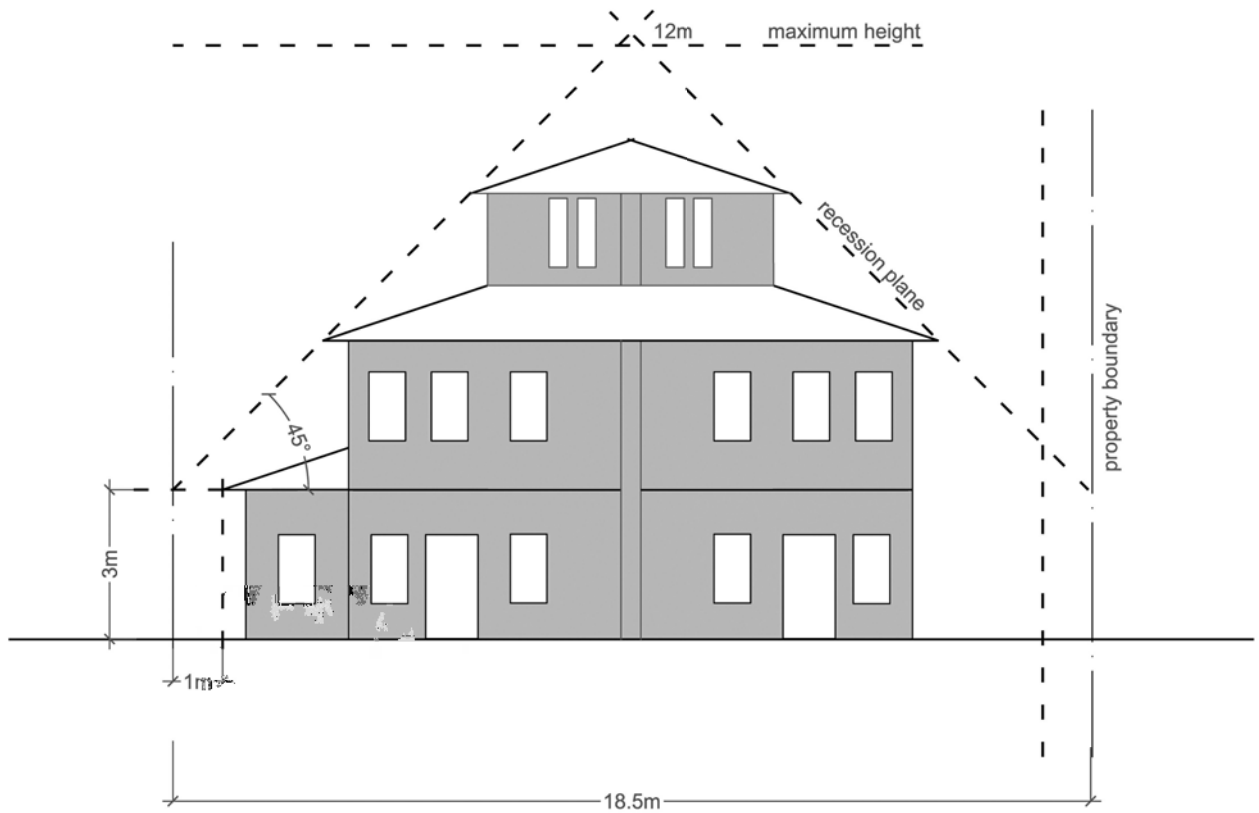


Figure 15.6F-3: All other residential zones **{Res 740.21 and others}**

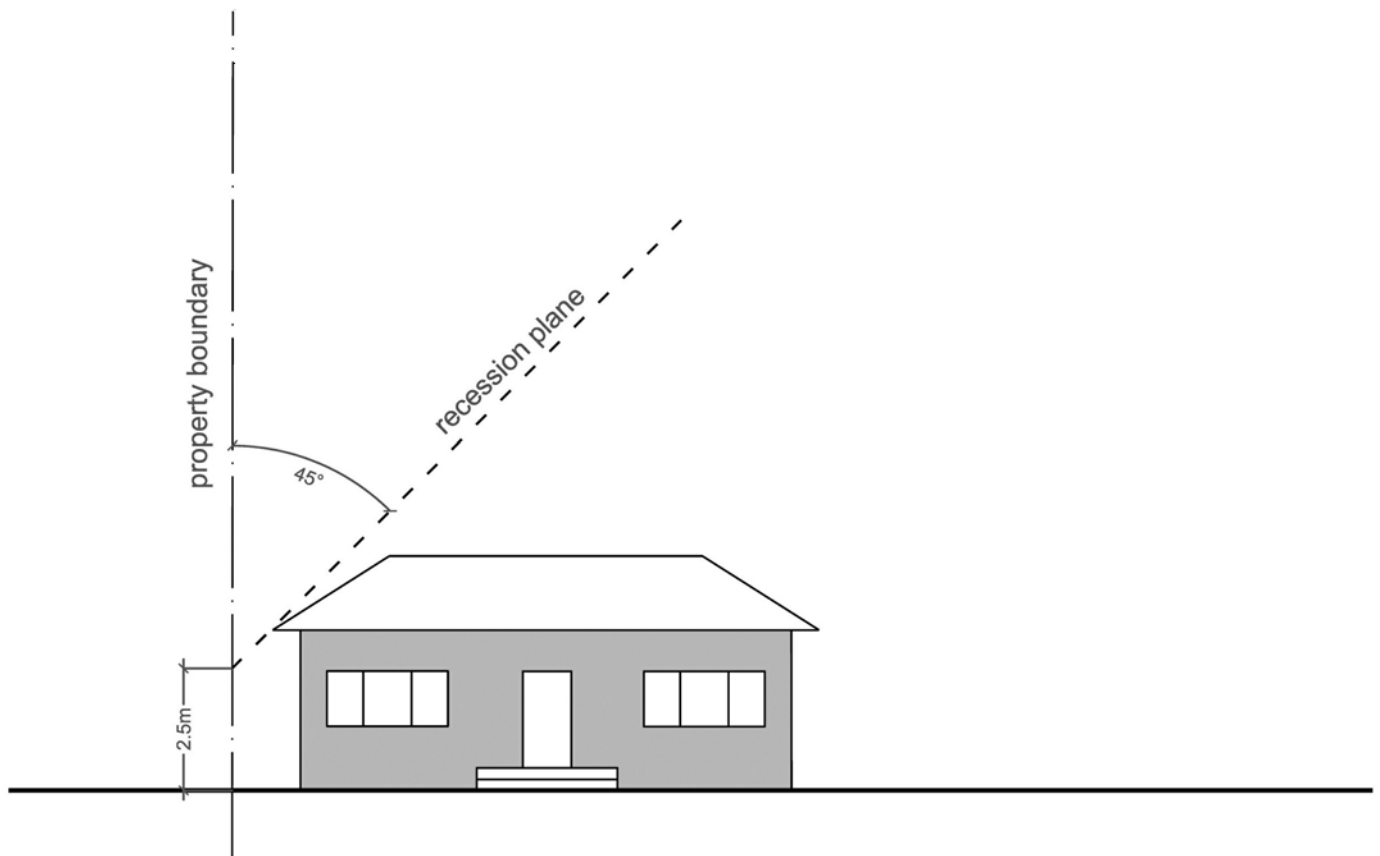


Figure 15.6G: Inner City Residential Zone height in relation to boundary special provision **{Res 740.21 and others¹}**

¹ **Res 740.21 and others:** This image has changed from the Notified Plan.

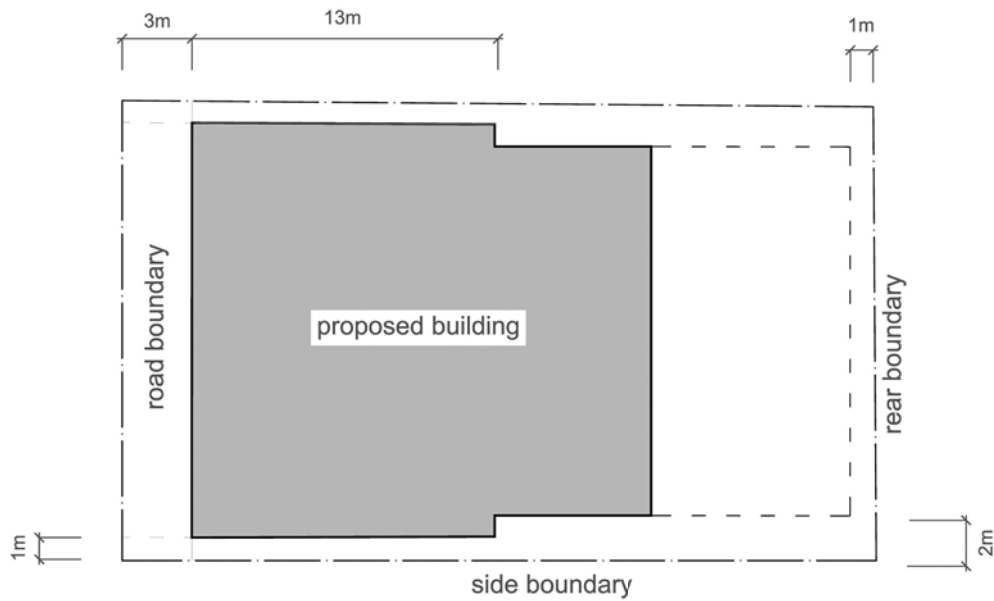


Figure 15.6H: Gable ends and dormers protruding through height plane **{Res 740.1}**

¹ **Res 740.1:** As a result of submissions, this image has changed.

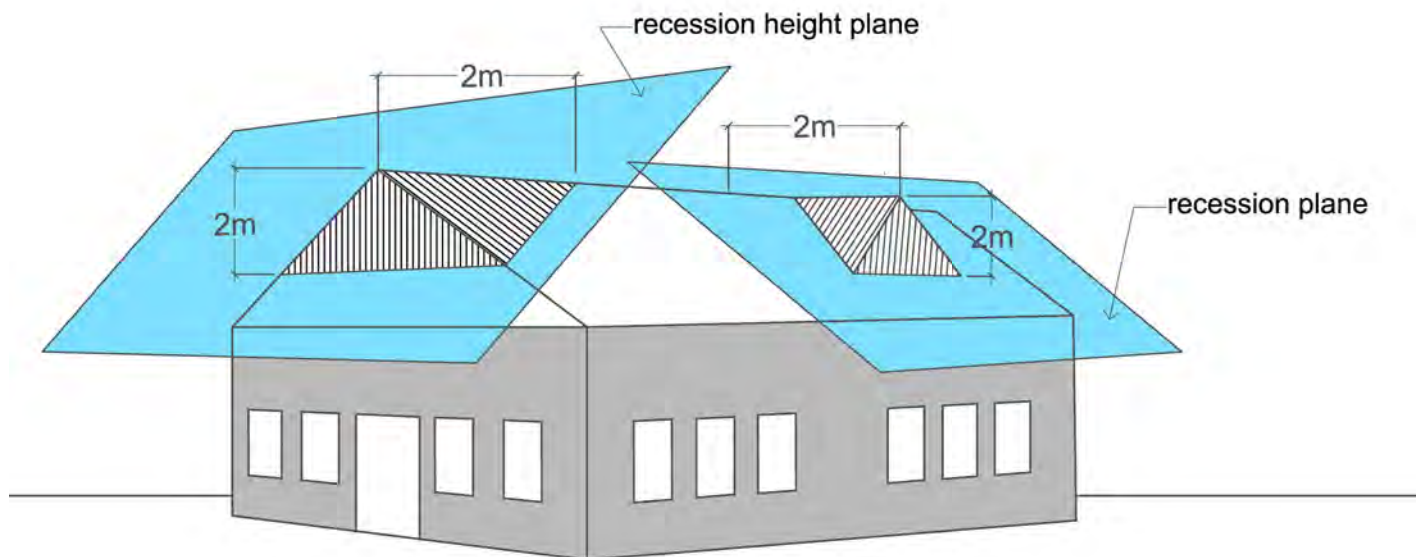


Figure 15.6I: Roof line mirror image where shared wall **{Res cl.16}**

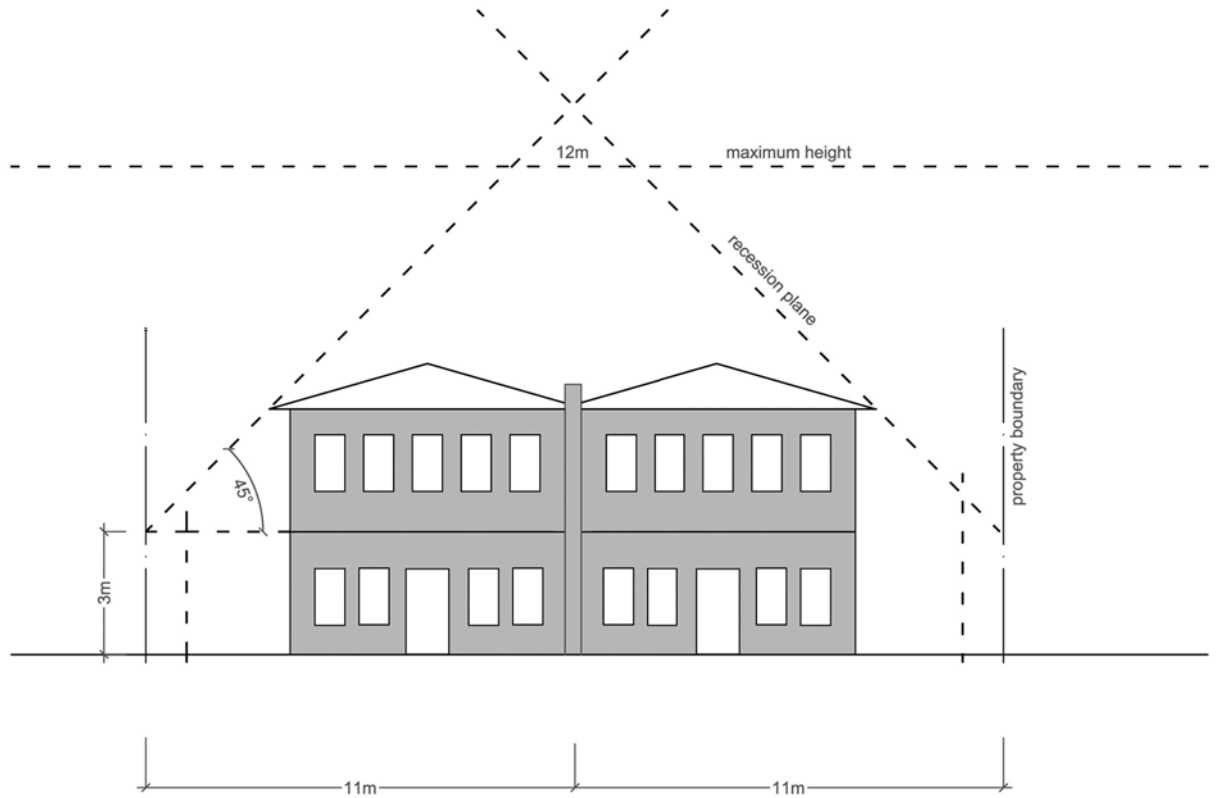


Figure 15.6J: Site width exception rule **{Res 546.1}**

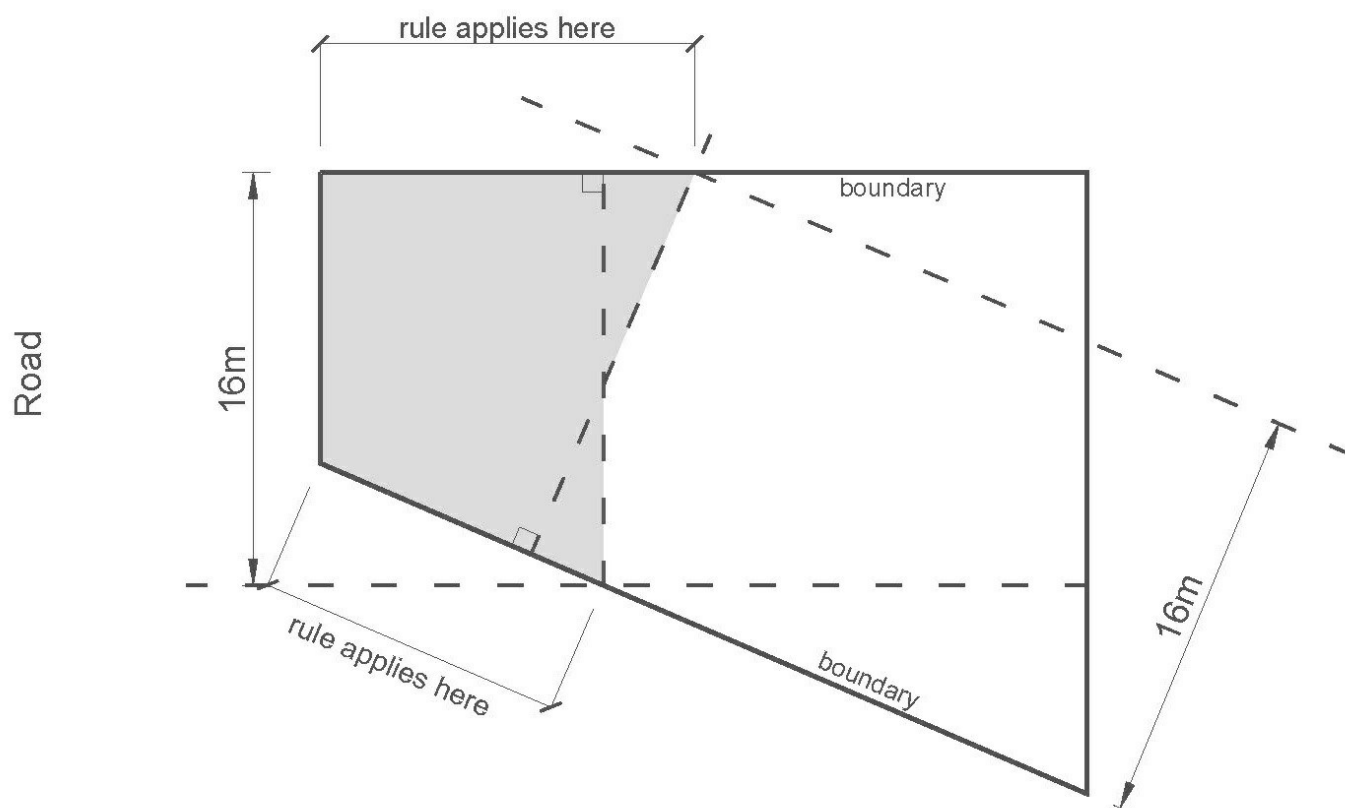


Figure 15.6K: Sloping Site exception rule **{Res 546.1}**

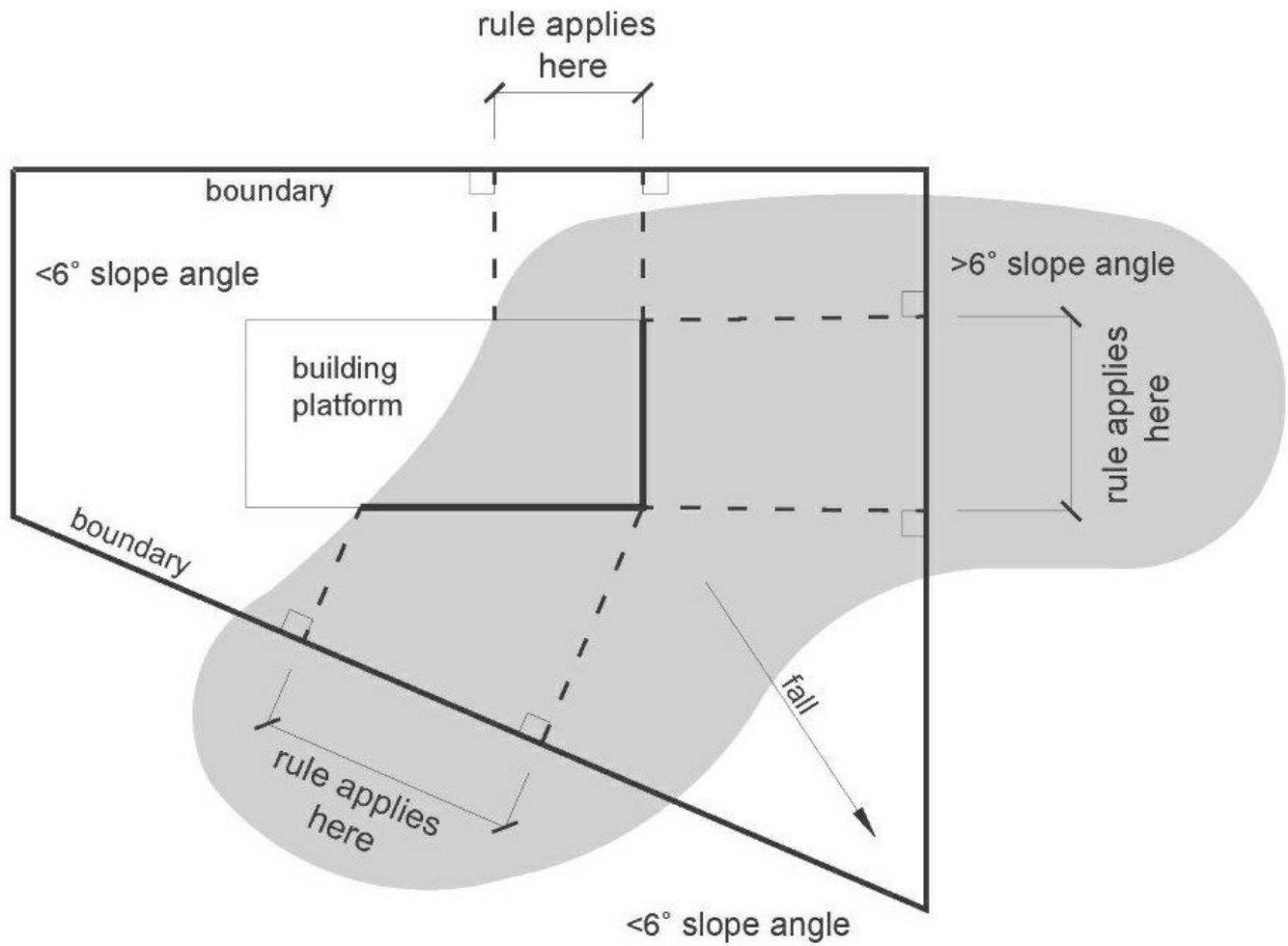
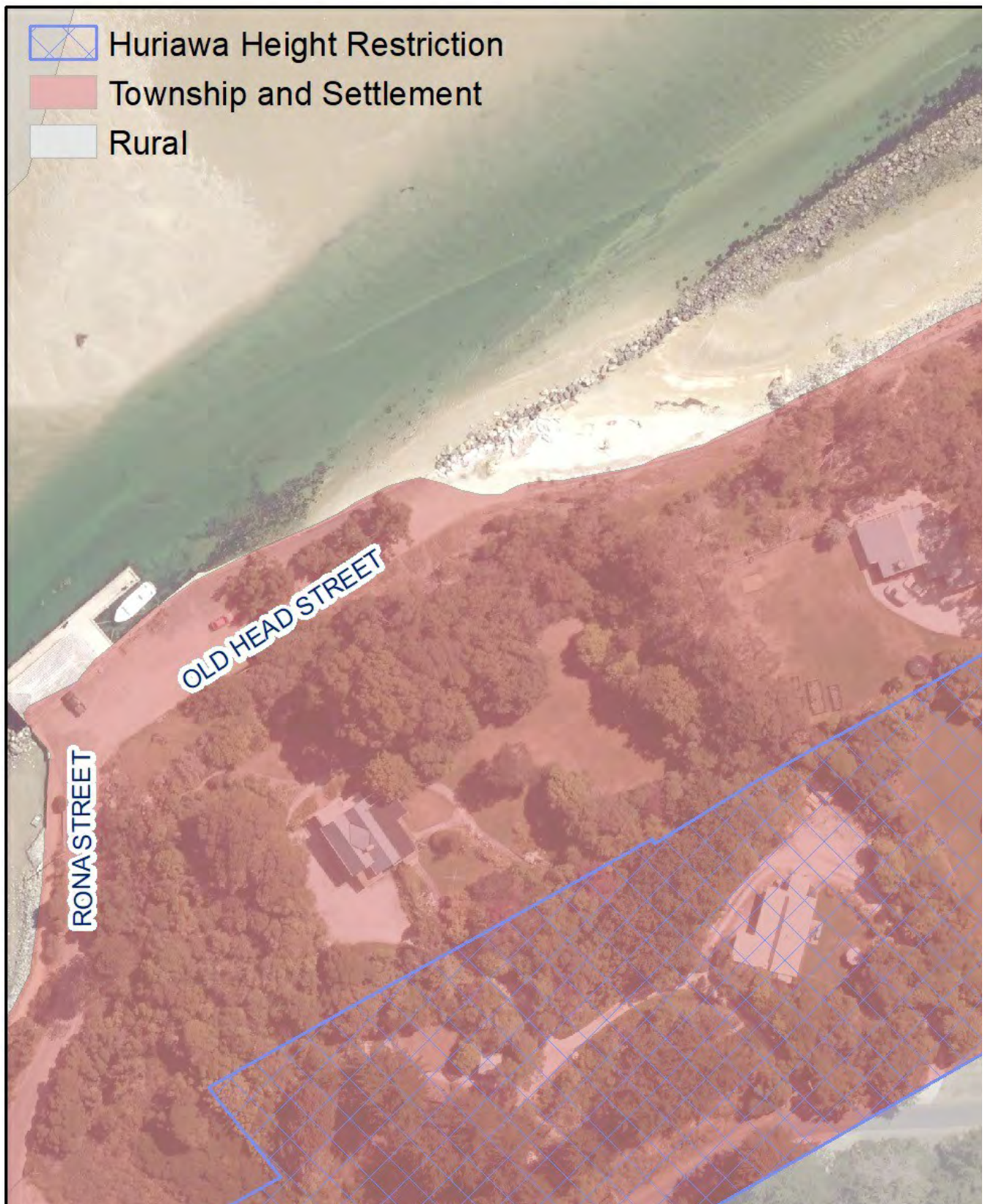
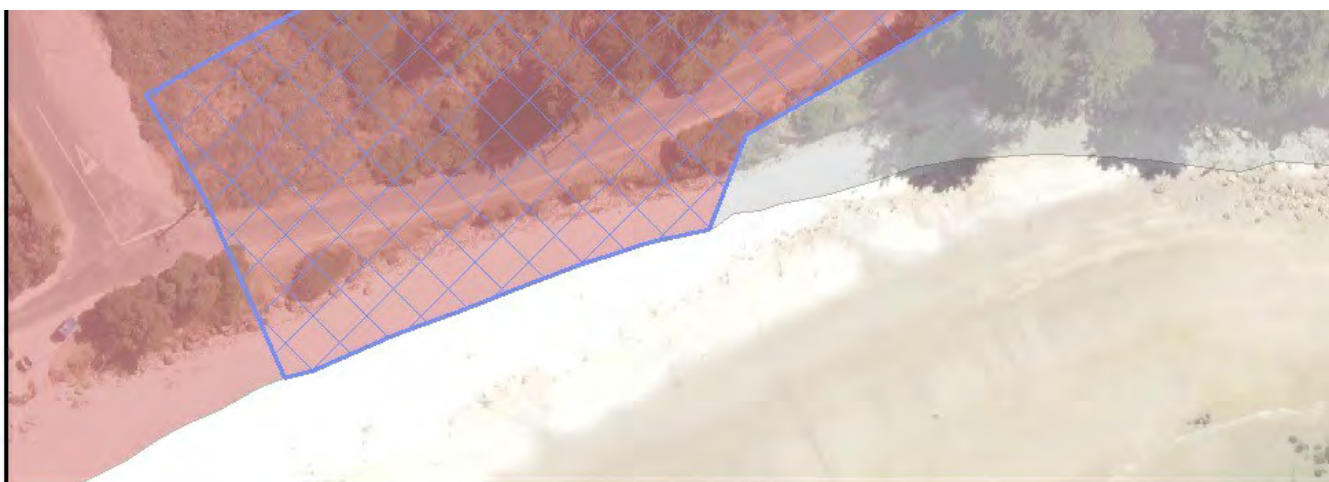


Figure 15.6.7.2A: Huriawa Height Restriction Mapped Area {Res 137.1 and 681.1}

¹ Res 137.1 and 681.1: This image has changed from the notified Plan.





15.6.8 Location and Screening of Car Parking

1. In residential heritage precincts, parking areas must not be visible from an adjoining public place, unless they are set back a minimum of 4m from the road boundary. In all residential areas, parking, loading and access areas and garages and carports must not occupy more than 50% of the area of the front yard that is part of the road boundary setback required by Rule 15.6.14. {Res 360.109}
2. In all other residential areas, parking, loading and access areas and garages and carports must not occupy more than 50% of the area of the front yard that is part of the road boundary setback required by Rule 15.6.14. In residential heritage precincts, parking areas must not be visible from an adjoining public place, unless they are set back a minimum of 4m from the road boundary. {Res 360.109}
3. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

15.6.9 Location and Screening of Outdoor Storage

1. Shared service areas provided for 3 or more residential units must be located or screened so they are not visible at ground level from residential activities within the site, residential activities on adjacent sites, or public places.
2. Outdoor storage, including service areas, must not encroach into required parking, loading, manoeuvring, or outdoor living areas.
3. Materials stored outside must be stored in a way that prevents them contaminating any off-site area.
4. Outdoor storage in the Hazard 1 (flood) Overlay Zone must comply with Rule 11.3.5. {Res cl.16}
5. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

15.6.10 Materials and Design

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

15.6.11 Maximum Building Site Coverage and Impermeable Surfaces

1. Development activities must not result in exceed the following maximum building **{Res cl.16}** site coverage limits: in Table 15.6.11A being exceeded: **{Res cl.16}**

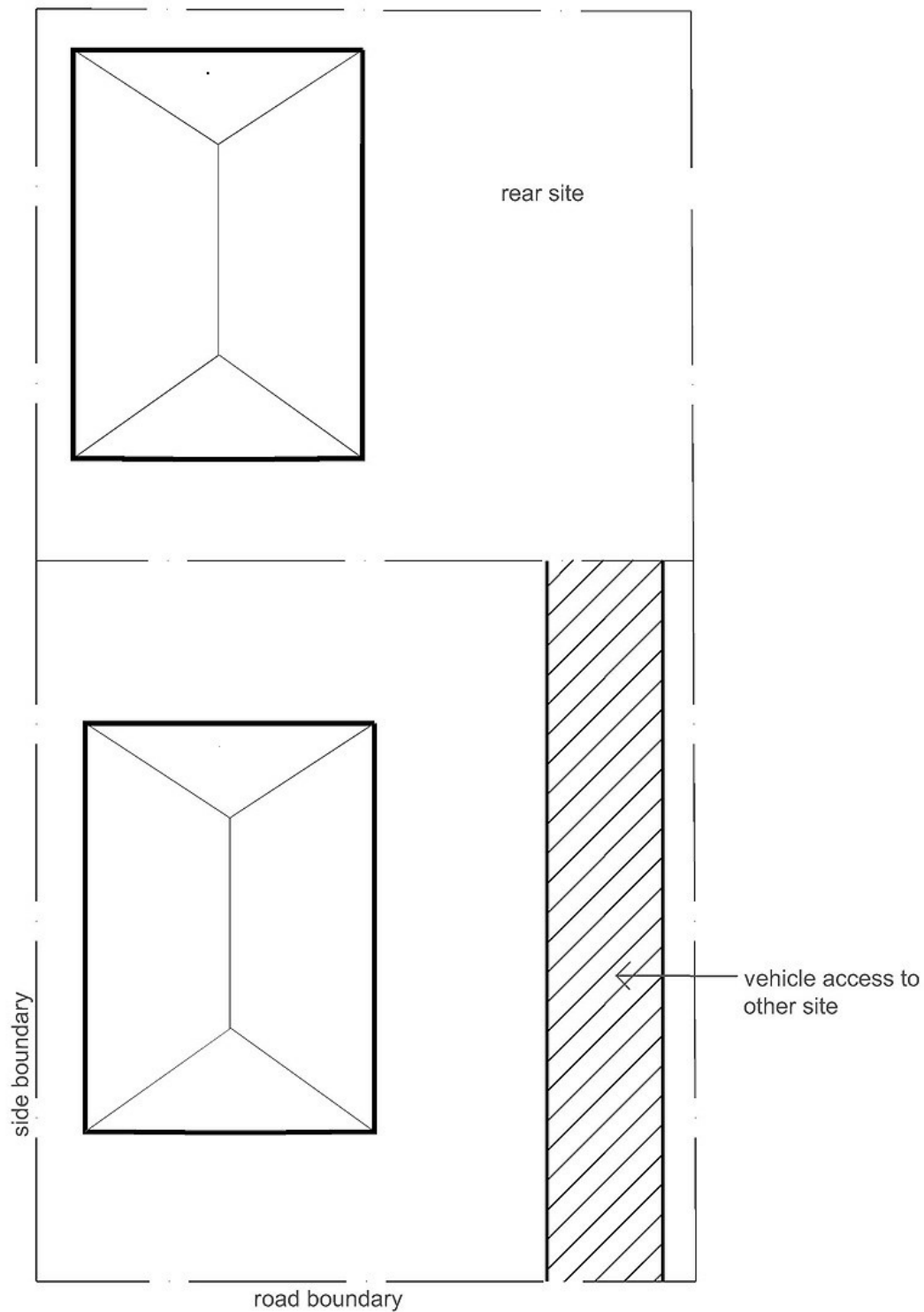
Zone		i. Maximum ~~building~~ {Res cl.16} site coverage: buildings and structures with a footprint greater than 10m ² (% of site)	ii. Maximum ~~building~~ {Res cl.16} site coverage: buildings and structures and any impermeable surfaces (% of site)
a.	General Residential 1 Zone	40%	70%
b.	General Residential 2 Zone	50%	80%
c.	Inner City Residential Zone	60%	80%
d.	Low Density Residential Zone	35%	65%
e.	Large Lot Residential 1 and 2 Zones	30%	50%
f.	Township and Settlement Zone	40%	70%
g.	Township and Settlement Zone in a no DCC reticulated wastewater mapped area	30%	50%

2. Column i gives ~~maximum site coverage, as a percentage of the site, for buildings and structures with a footprint greater than 10m².~~ **{Res cl.16}**
3. Column ii gives the ~~maximum site coverage, as a percentage of the site, for buildings, structures with a footprint greater than 10m²~~ **{Res cl.16}**, and any impermeable surfaces: **{Res cl.16}**
4. For the purpose of this standard, the footprint area of buildings is measured from the external side of walls and excludes any eaves or spouting: **{PO cl.16}**
5. Any vehicle access that provides access to another site and access leg for rear sites will be excluded from the calculation of total site area for the purpose of calculating site coverage in column i but included in the calculation of site coverage in column ii (see Figure 15.6I).
6. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

¹ **Res cl.16:** Makes rule formatting easier to follow.

² **PO cl.16:** This clause is deleted as the requirement is included in the new definition of footprint.

Figure 15.6l: Site coverage calculation



15.6.12 Number, Location and Design of Ancillary Signs

15.6.12.1 General

- a. Signs visible from a public place must meet all of the following performance standards, except that regulatory signs, directional signs and warning signs that do not exceed 0.25m² are exempt from these standards. {CMU 271.18}
- b. Signs must also comply with:
 - i. Rule 6.7.2 where located on or above the footpath outside dairies **{PO cl.16'}**; and
 - ii. Rule 6.7.3 where visible from a road.
- c. ~~Signs must be ancillary signs. {PO cl.16'}~~
- d. Signs must not be illuminated or digital, except signs ancillary to visitor accommodation in the George Street North Residential Heritage Precinct and North Ground Residential Precinct. {Res 437.2}
- e. Signs that contravene the performance standard for number, location, and design of ancillary signs are restricted discretionary activities. {PO cl.16}

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

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

15.6.12.2 All signs in residential zones

- a. Signs must not be attached to roofs.
- b. Signs must not project higher than the lowest point of the roof, except as mounted flat against a parapet or gable end.
- c. Signs must have a maximum of 2 display faces per sign.
- d. Where attached to a building, signs must not protrude from a building façade by more than 1m.

15.6.12.3 All signs (ancillary to residential activities)

- a. Maximum one sign per site, either attached to a building, freestanding or attached to a fence or retaining wall.
- b. The height, above ground level, at the highest point of any sign:
 - i. attached to a residential building, is 4m; and
 - ii. where attached to a fence, retaining wall or freestanding, is 2m.
- c. Signs must have a maximum area of 0.6m² per display face.
- d. Portable freestanding signs must not be located on the road reserve.

15.6.12.4 All signs (ancillary to dairies)

- a. The height, above ground level, at the highest point of any sign attached to a building is 6m.
- b. Signs attached to a verandah fascia must not exceed a height of 0.5m, or the height of a verandah fascia, whichever is greater.
- c. The maximum area of walls up to 4m above ground level, or the bottom of a verandah, whichever is the lesser that signs may occupy is 50%.
- d. One sign with a maximum display face of 2m² is allowed per building between 4 and 6m in height above ground level.
- e. Signs attached at right angles to the façade of a building (including attached to the underside of a verandah), must not exceed:

- i. a maximum of 2 signs per site; and
 - ii. a maximum area per display face of 1.5m²
- f. Portable freestanding signs on footpaths outside dairies must not exceed:
- i. a maximum height of 0.9m above ground level;
 - ii. a maximum width of 0.6m; and
 - iii. a maximum of 1 portable freestanding sign per street frontage of dairy.

15.6.12.5 Signs attached to buildings (ancillary to other commercial activities and community activities)

- a. Maximum 1 sign per site attached to a building.
- b. The height, above ground level, at the highest point of any sign, attached to a building is 4m.
- c. Signs must have a maximum area per display face of 1.5m², except signs ancillary to visitor accommodation may have a maximum area of 2m² per display face in the George Street North Residential Heritage Precinct and North Ground Residential Precinct. {Res 437.2}

15.6.12.6 Freestanding signs (ancillary to commercial activities and community activities)

- a. Maximum of 1 permanently fixed freestanding sign or 1 portable freestanding sign per site.
- b. Freestanding signs must be positioned entirely within site boundaries.
- c. The maximum dimensions of freestanding signs are:
 - i. maximum height of 2m;
 - ii. maximum area of 1.5m² per display face, except signs ancillary to visitor accommodation may have a maximum area of 2m² per display face in the George Street North Residential Heritage Precinct and North Ground Residential Heritage Precinct; {Res 437.2}
 - iii. maximum width of 0.6m; and
 - iv. maximum depth of 0.4m.

Note 15.6A – Other relevant District Plan provisions {PO cl.16¹}

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

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

Note 15.6B.12A - Other requirements outside of the District Plan

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

15.6.13 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

15.6.14 Setbacks

15.6.14.1 Boundary setbacks

- a. New buildings and structures, and additions and alterations, must ~~be~~ have a minimum {Res 945.35} set back from boundaries, as follows:

Zone		1. Setback from any road boundary	2. Setback from side and rear boundaries	3. Setback from boundary with right of way
i.	General Residential 1 Zone	4.5m	2m	1m
ii.	General Residential 2 Zone (except for Gardens, Mornington, Mosgiel, South Dunedin, and Caversham mapped areas)	4.5m	2m	1m
iii.	General Residential 2 Zone (Gardens, Mornington, Mosgiel, South Dunedin, and Caversham mapped areas)	3m	1m	1m
iv.	Inner City Residential Zone	3m	1m	1m
v.	Low Density Residential Zone	4.5m	2m	1m
vi.	Large Lot Residential 1 and 2 Zones	4.5m	4m	1m
vii.	Township and Settlement Zone (except as for Formby Street structure plan) {ULS cl.16}	4.5m	2m	1m
viii.	In the Formby Street Structure Plan , on the side or rear boundary (as relevant) on the eastern site boundary of Lots 1-10 (as shown on the Formby Street Structure Plan) {ULS cl.16}	4.5m {ULS cl.16}	10m {ULS cl.16}	1m {ULS cl.16}

- ix. Except:

- where residential buildings are located on a site between two sites (including corner sites) **{Res 23.1}** with residential buildings that do not meet the standard for setback from the road boundary, then the minimum setback may be reduced to the depth of the larger of the two existing setbacks, as shown in Figure 15.6J¹. Existing setbacks will be measured from the main part of residential buildings and will exclude any garages or carports within the setback from the road boundary **{Res 23.1}**;
- where buildings are built to the boundary and share a common wall no setback is required for the length of the buildings where joined (see Figure 15.6K);
- in all areas, except Large Lot Residential Zones, for stand-alone and attached garages and carports that have their entry facing the road **and** are no greater than 4m high and 4.5m in width (measured as parallel to the road boundary), the setback is reduced to 0.5m from the road boundary or 1m from the edge of any formed footpath or cycleway (whichever is greatest); the setback from any road boundary may be reduced to 0.5m for garages (stand-alone and

attached) and carports no greater than 4.5m in width (as measured parallel to the road boundary) that have their entry facing the road and that meet Rule 15.6.7.2.b (maximum height) {Res 740.16}

4. the setback from the side and rear boundary for stand-alone and attached garages and carports no greater than 3.3 4m {Res 360.107} high and 6m in length (measured as parallel to the boundary) is reduced to 1m; and the setback from the side and rear boundary may be reduced to 1m for garages (stand-alone and attached) and carports that are no greater than 6m in length (as measured parallel to the boundary) and that meet Rule 15.6.7.2.b (maximum height) {Res 740.16}
5. decks less than 0.5m above ground level, structures less than 2m² in floor-area footprint {PO cl.16³} and 2m in height, and all fences are exempt from this standard.
6. for new buildings or additions and alterations to buildings in the Inner City Residential Zone being built in accordance with Rule 15.6.7.1.a.iii.1 (alternate height in relation to boundary performance standard) where a 2m minimum setback is required in accordance with that rule. {Res 360.107}

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

¹ Note: for the purposes of this rule 'existing setbacks' will be measured from the main part of residential buildings and will not include any garages or carports, or other parts of buildings that occupy less than 50% of the building frontage (within the setback), e.g. bay windows, porches, steps, or decks (See Figure 15.6J-2). Where the main part of an existing buildings is not parallel to the road boundary (e.g. not consistently the same distance from the road boundary), the nearest point of the building from the boundary will be used to determine the existing setback. {Res 23.1}

² **ULS cl.16:** Rule has moved to 15.7A.2.1

³ **PO cl.16:** Floor area is replaced by footprint (which is now defined) to improve plan clarity as a minor and inconsequential amendment.

Figure 15.6J-1: Setback from road boundary consistent with neighbour **{Res 23.1}**

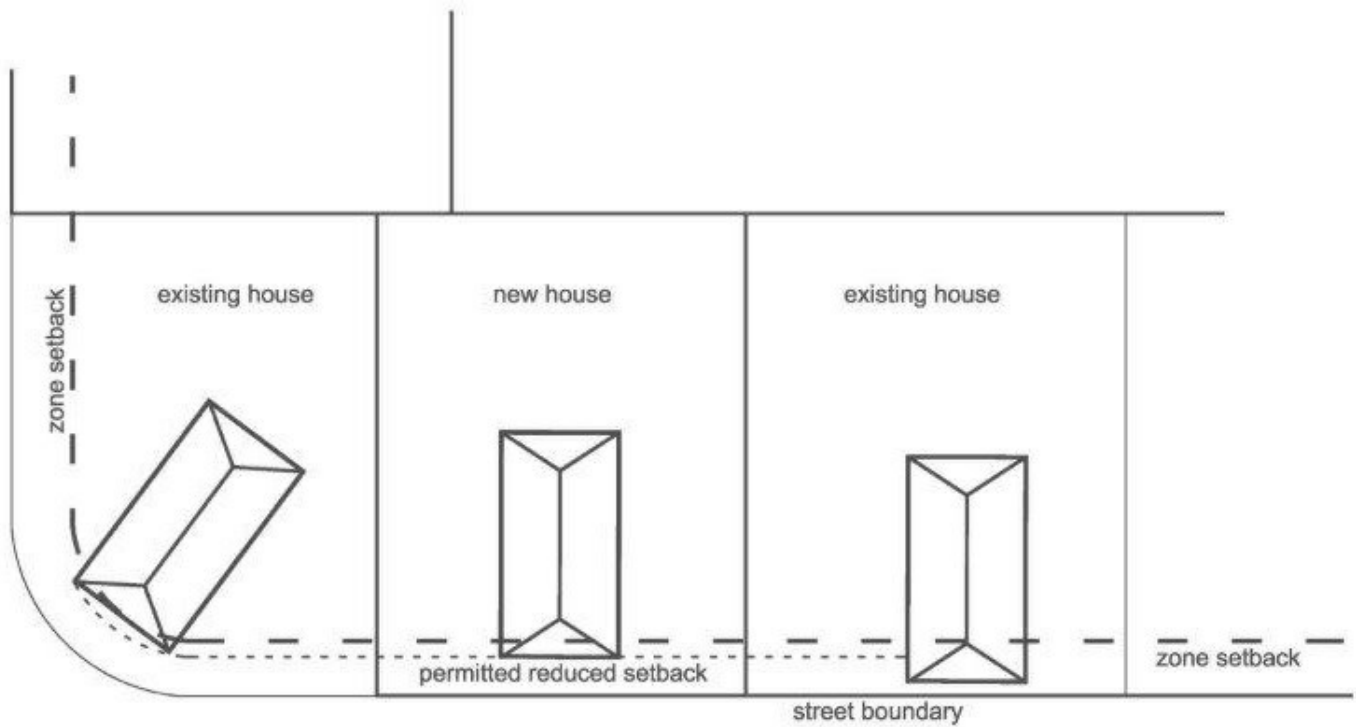


Figure 15.6J-2: Determining existing setbacks {Res 23.1}

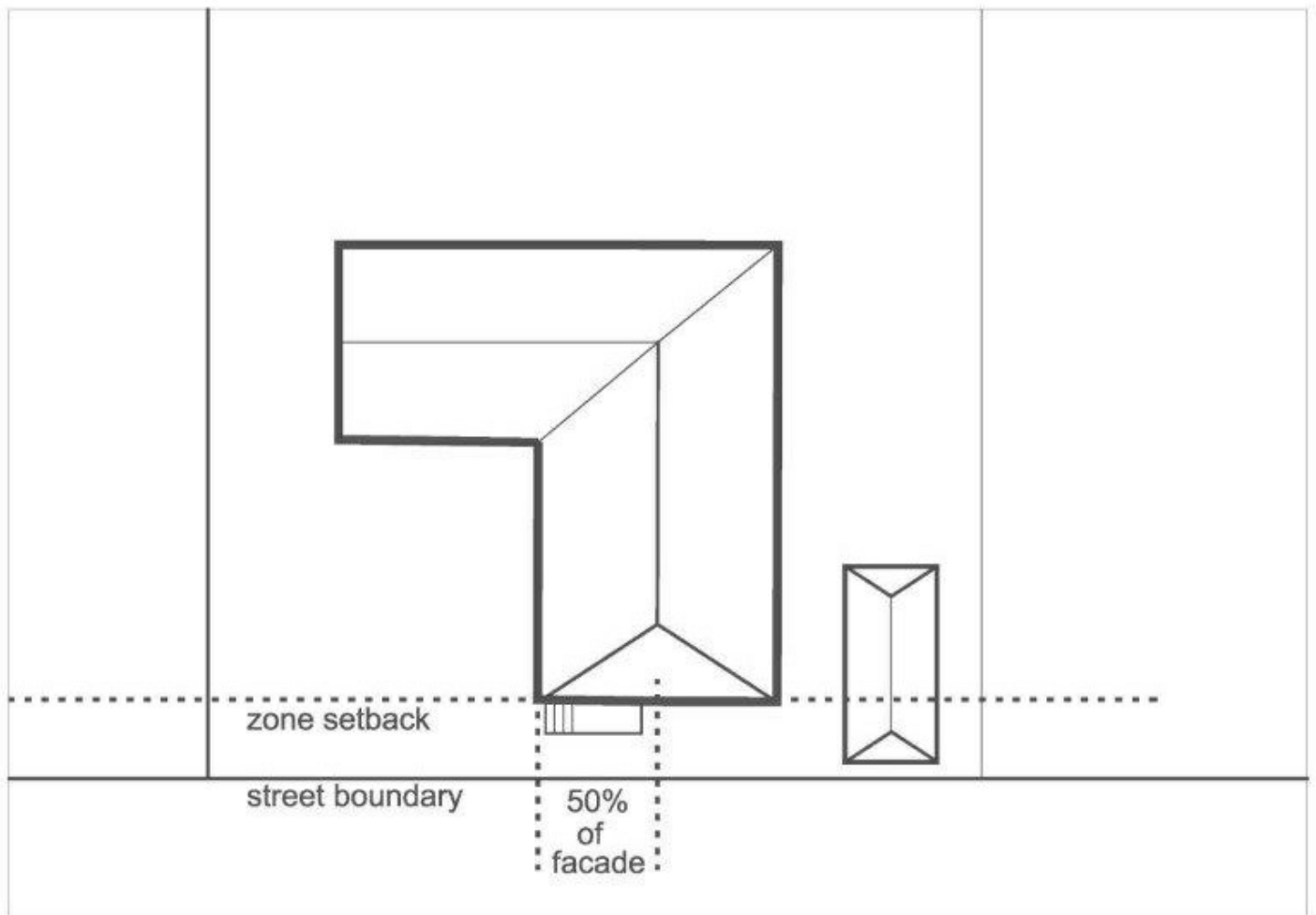
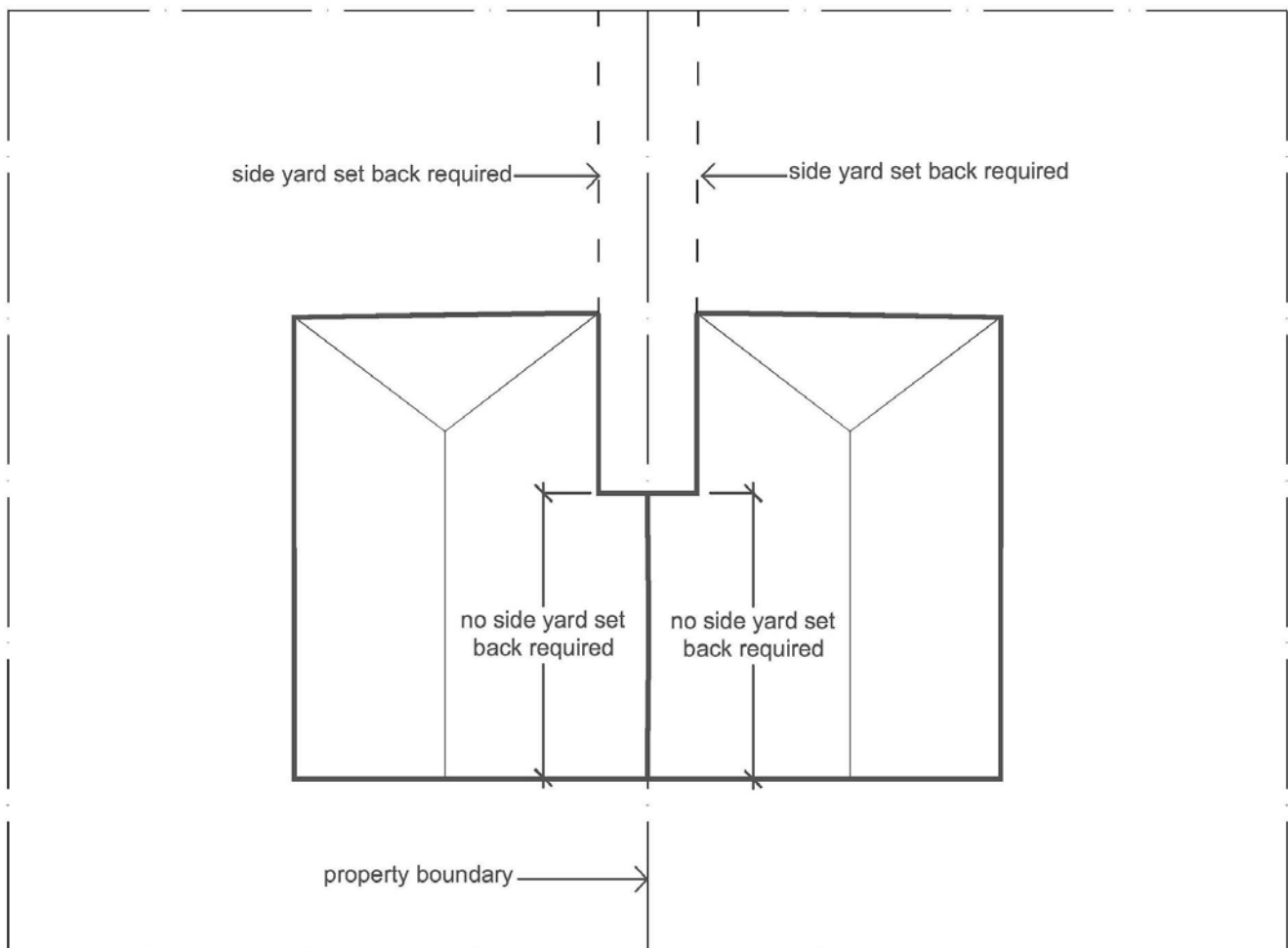


Figure 15.6K: Setbacks for buildings sharing common wall



15.6.14.2 Setback from scheduled tree

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

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

15.6.14.3 Setback from coast and water bodies

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

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

15.6.14.4 Setback from National Grid

New buildings and structures, and additions and alterations, ~~and earthworks~~ **{EW cl.16}** must comply with Rules 5.6.1.1. and 5.6.1.2 **{EW cl.16}**

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

15.6.15 Structure Plans ~~{Confirmed for deletion and replaced by 15.7A - ULS cl.16}~~

1. ~~Development activities must be designed and located to ensure all of the requirements of the following structure plans can be met: **{ULS cl.16}**¹~~
 - a. ~~**East Taieri Structure Plan** (see Appendix 15A); **{ULS cl.16}**~~
 - b. ~~**Formby Street Structure Plan** (see Appendix 15B); **{ULS cl.16}**~~
 - c. ~~**Mosgiel East Structure Plan** (see Appendix 15C); and **{ULS cl.16}**~~
 - d. ~~**Holyhead Street Structure Plan** (see Appendix 15D). **{ULS cl.16}**~~
2. ~~Development that contravenes the performance standard for structure plans is a non-complying activity. **{ULS cl.16}**¹~~

¹ **ULS cl.16:** note that this section has been moved to Rule 15.7A.

East Taieri Structure Plan Mapped Area

Note: Image has been moved to 15.7A. **{ULS cl.16}**

Formby Street Structure Plan Mapped Area

Note: Image has been moved to 15.7A. **{ULS cl.16}**

Mosgiel East Structure Plan Mapped Area

Note: Image has been moved to 15.7A. **{ULS cl.16}**

Holyhead Street Structure Plan Mapped Area

Note: Image has been moved to 15.7A. **{ULS cl.16}**

15.6.16 Vegetation Clearance Standards

15.6.16.1 - Maximum area of vegetation clearance (UBMA) **{NatEnv cl.16}**

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

15.6.16.2 - Maximum area of vegetation clearance in a hazard overlay zone **{NatEnv cl.16}**

Vegetation clearance in the Hazard 1 (land instability) or Hazard 2 (land instability) Overlay Zone must comply with Rule 11.3.2.

Rule 15.7 Subdivision Performance Standards

15.7.1 Access

Subdivision activities must comply with Rule 6.8.1.

15.7.2 Esplanade Reserves and Strips

Subdivision activities must comply with Rule 10.3.1.

15.7.3 Fire Fighting

Subdivision activities must comply with Rule 9.3.3.

15.7.4 Minimum Site Size

1. The minimum site sizes for new resultant sites is:

Zone		Minimum site size
a.	General Residential 1 Zone	500m ²
b.	General Residential 2 Zone 1. not within an infrastructure constraint mapped area ; or 2. within the Mosgiel infrastructure constraint mapped area (<u>Mosgiel</u>) {Res cl.16} .	300m ²
c.	General Residential 2 Zone within an infrastructure constraint mapped area , except for the Mosgiel infrastructure constraint mapped area (<u>Mosgiel</u>) {Res cl.16} .	500m ²
d.	Inner City Residential Zone	200m ²
e.	Low Density Residential Zone	750m ²
f.	Large Lot Residential Zone 1	2000m ²
g.	Large Lot Residential Zone 2	3500m ²
h.	Township and Settlement Zone	500m ²
i.	Township and Settlement Zone <u>within a</u> {Res cl.16} no DCC reticulated wastewater mapped area	1000m ²

- j. Except resultant sites created and used solely for the following purposes are exempt from the minimum site size:
 - i. Scheduled ASGV ASBV **{NatEnv 958.60}** or QEII covenant;
 - ii. reserve;
 - iii. access;
 - iv. utility; or
 - v. road.
2. General subdivision that contravenes ~~does not comply with~~ **{Trans cl.16}** the standard for minimum site size is non-complying, except in the following circumstances where the subdivision is restricted discretionary:
 - a. a two or more three-**{Res 490.24 and others}** site subdivision where one resultant site is below, but not less than, 75% of **{Res 490.24 and others}** the minimum site size and the average of the site sizes meets the minimum site size performance standard; and

- b. the subdivision does not result in any resultant site being of a size that could be further subdivided in accordance with the minimum site size performance standards; and
- c. the undersized resultant site is large enough to contain a building platform of at least 7m by 10m that meets the performance standards of this Plan including, but not limited to:
 - i. outdoor living space;
 - ii. minimum car parking space;
 - iii. setbacks from boundaries, water bodies, significant trees, National Grid transmission lines; and
 - iv. esplanade reserves and strips.
 - v. maximum building site coverage and impermeable surfaces **{Res cl.16}**

Note 15.7.4A - Other relevant District Plan provisions {Res cl.16}

Note that Rule 15.3.4.4 requires restricted discretionary resource consent for new buildings and additions and alterations that result in a multi-unit development. Landowners undertaking subdivision may wish to apply for subdivision and land use consent simultaneously if three or more units are proposed in a development. **{Res cl.16}**

15.7.5 Service Connections

Subdivision activities must comply with Rule 9.3.7.

15.7.6 Shape

1. Each resultant site that is intended to be developed must be of a size and shape that is large enough to contain a building platform of at least 7m by 10m that meets the performance standards of this Plan including, but not limited to:
 - a. outdoor living space;
 - b. minimum car parking;
 - c. setbacks from boundaries, water bodies, scheduled trees, ~~national grid~~ **{NU 806.11}**; and
 - d. esplanade reserves or strips.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must ~~not contain~~ **{NU 806.11}**:
 - a. not contain **{NU 806.11}** scheduled heritage buildings or structures; or
 - b. not contain **{NU 806.11}** right-of-way easements.
 - c. be located at least 12m from the outer edge of a National Grid support structure or centreline of an overhead National Grid transmission line. **{NU806.11}**
3. For unreticulated areas, resultant sites must provide for a waste disposal area to be located at least 50m from any water body and Mean High Water Springs. **{PHS 1071.56}**
4. Sites created and used solely for the following purposes are exempt from the shape standard:
 - a. Scheduled ASCV ASBV **{NatEnv 958.60}** or QEII covenant;
 - b. reserve;
 - c. access;
 - d. network utility; or
 - e. road.
5. Subdivision activities that do not meet this standard are restricted discretionary activities, except that

subdivision activities that do not meet Rule 15.7.6.2.c are non-complying activities. {NU806.11}

15.7.7 Structure Plans {Confirmed to be replaced 15.7A - ULS cl.16}

1. Subdivision of land subject to a Structure Plan must be in accordance with the relevant Structure Plan as follows: **{ULS cl.16¹}**
 - a. **East Taieri Structure Plan** (Appendix 15A); **{ULS cl.16¹}**
 - b. **Formby Street Structure Plan** (Appendix 15B); **{ULS cl.16¹}**
 - c. **Mosgiel East Structure Plan** (Appendix 15C); or **{ULS cl.16¹}**
 - d. **Holyhead Street Structure Plan** (Appendix 15D); **{ULS cl.16¹}**
2. Subdivision not in accordance with an approved Structure Plan is a non-complying activity. **{ULS cl.16¹}**

¹ **ULS cl.16:** note that this section has been moved to Rule 15.7A.

Rule 15.7A - Structure Plan Mapped Area Performance Standards {Confirmed for addition - ULS cl.16}

1. Subdivision of land in a structure plan mapped area must be in accordance with the relevant structure plan mapped area performance standards. **{ULS cl.16¹}**
2. Development activities in a structure plan mapped area must be designed and located to ensure all of the requirements of the structure plan mapped area performance standards can be met. **{ULS cl.16²}**

¹ **ULS cl.16:** Content has moved from Rule 15.7.7.1

² **ULS cl.16:** Content has moved from Rule 15.6.15.1

15.7A.3 – East Taieri Structure Plan Mapped Area Performance Standards {Confirmed to replace Appendix 15A - ULS cl.16}

Additional performance standards {ULS cl.16¹}

¹ **ULS cl.16:** Rules 15.7A.3.1, 15.7A.3.3, 15.7A.3.4 and Figure 15.7A.X have moved from Appendix 15A.

15.7A.3.1 Subdivision {ULS cl.16¹}

- a. Transport network
 - i. Access links to Gladstone Rd, Riccarton Rd, and Cemetery Rd must be provided for full development of the site to occur.
 - ii. The legal road width of a collector road must be a minimum of 20m wide, including footpaths 2m wide, and cycle lanes 1.5m wide.
 - iii. The legal road width of a local road must be a minimum of 16m wide, including footpaths a minimum 1.5m wide.
- b. Reserve
 - i. A 4000m² recreation reserve must be provided within the region marked 'Area A' on the structure plan. The reserve is to have road frontages of at least 20m, and the detailed location of this reserve must be shown in a resource consent application for subdivision of land in the area and vest in Council accordingly.

15.7A.3.2 Density {ULS cl.16²}

Up to 20% of the land used for residential purposes within the region marked "Area A", may be developed at a density of one residential unit per 300m². **{ULS cl.16¹}**

² **ULS cl.16:** moved from Rule 15.5.2.1.k.ii

15.7A.3.3 Development requirements or conditions of subdivision consent **{ULS cl.16¹}**

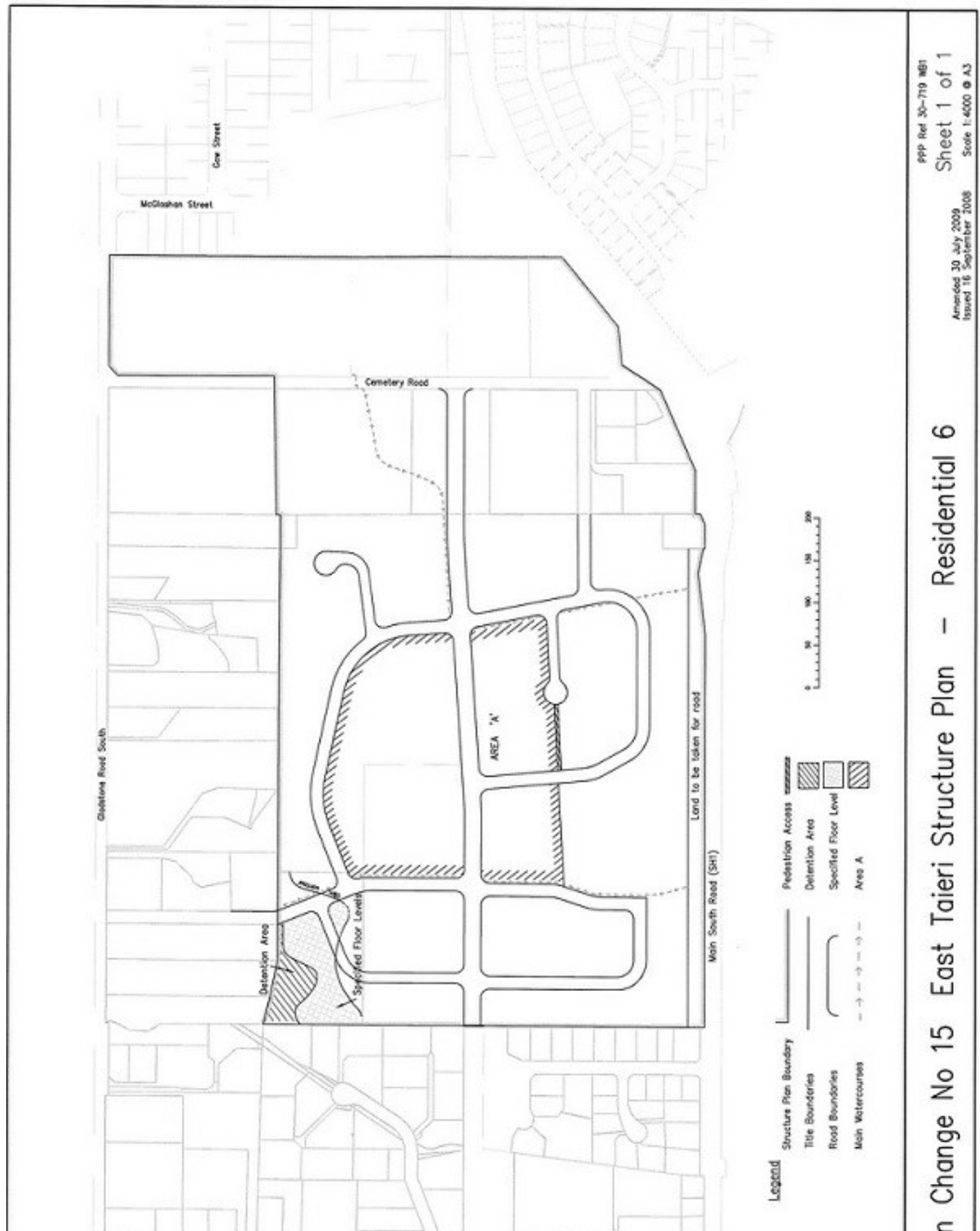
- a. Stormwater network
 - i. On-site stormwater systems (retention/detention and secondary flowpaths, etc.) must be designed for 1 in 100 (1%) annual exceedance probability event. A stormwater retention/detention pond to service the **structure plan mapped {ULS cl.16} area** must be established in the general location of the area marked "detention area" on the structure plan and developed to the satisfaction of Council.
 - ii. Local stormwater reticulation systems must be designed for a 1 in 10 (10%) annual exceedance probability event.
 - iii. Development within the 'specified floor level' area shown on the structure plan is to be designed to adequately address potential flooding issues, with finished floor levels ~~equal to or greater than the floor level shown on the flood minimum floor level mapped area~~, or if not shown on that map, at least ~~500mm above ground level~~ for dwellings above the 1:50 year flood level in accordance with the NZ Building Code {Res cl.16¹}
- b. Reserve
 - i. The reserve must have a consistent boundary treatment where it adjoins residential properties, installed by the developer prior to vesting in Council. The reserve must be flattened and grassed to a standard that can be cut with a ride-on mower, and free of buildings, tree stumps, or other obstacles, prior to vesting in Council.

¹ **Res cl.16:** Correction to align with provisions in the Dunedin City District Plan 2006.

15.7A.3.4 Information requirements

- a. Subdivision applications must include an Integrated Traffic Assessment (ITA) (refer Rule 6.13.2).
- b. Subdivision applications must include information outlining:
 - a. the techniques to be used to manage stormwater, and the location and extent to which these techniques are accommodated on-site; and
 - b. how the integrity of the stormwater mitigation and management measures will not be compromised during and after subdivision; and
 - c. a maintenance plan for stormwater infrastructure, including actions to be taken to ensure the on-going management and maintenance of on-site mitigation measures and the responsibilities for this; and
 - d. design details highlighting the adequacy of the proposed measures and identifying areas of greatest risk; and
 - e. how subdivision within the 'specified floor level' area shown on the structure plan is to be designed to adequately address potential flooding issues.
5. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply. {ULS cl.16}
6. Activities that contravene this performance standard are a non-complying activity. {ULS cl.16}

Figure 15.7A.X: East Taieri Structure Plan {ULS cl.16'}



n Change No 15 East Taieri Structure Plan – Residential 6



15.7A.4 – Formby Street Structure Plan Mapped Area Performance Standards {Confirmed to replace Appendix 15B - ULS cl.16}

Additional performance standards {ULS cl.16¹}

¹ **ULS cl.16:** Rules 15.7A.4.1.a - 15.7A.4.1.b and Figure 15.7A.X have moved from Appendix 15B.

15.7A.4.1 Subdivision

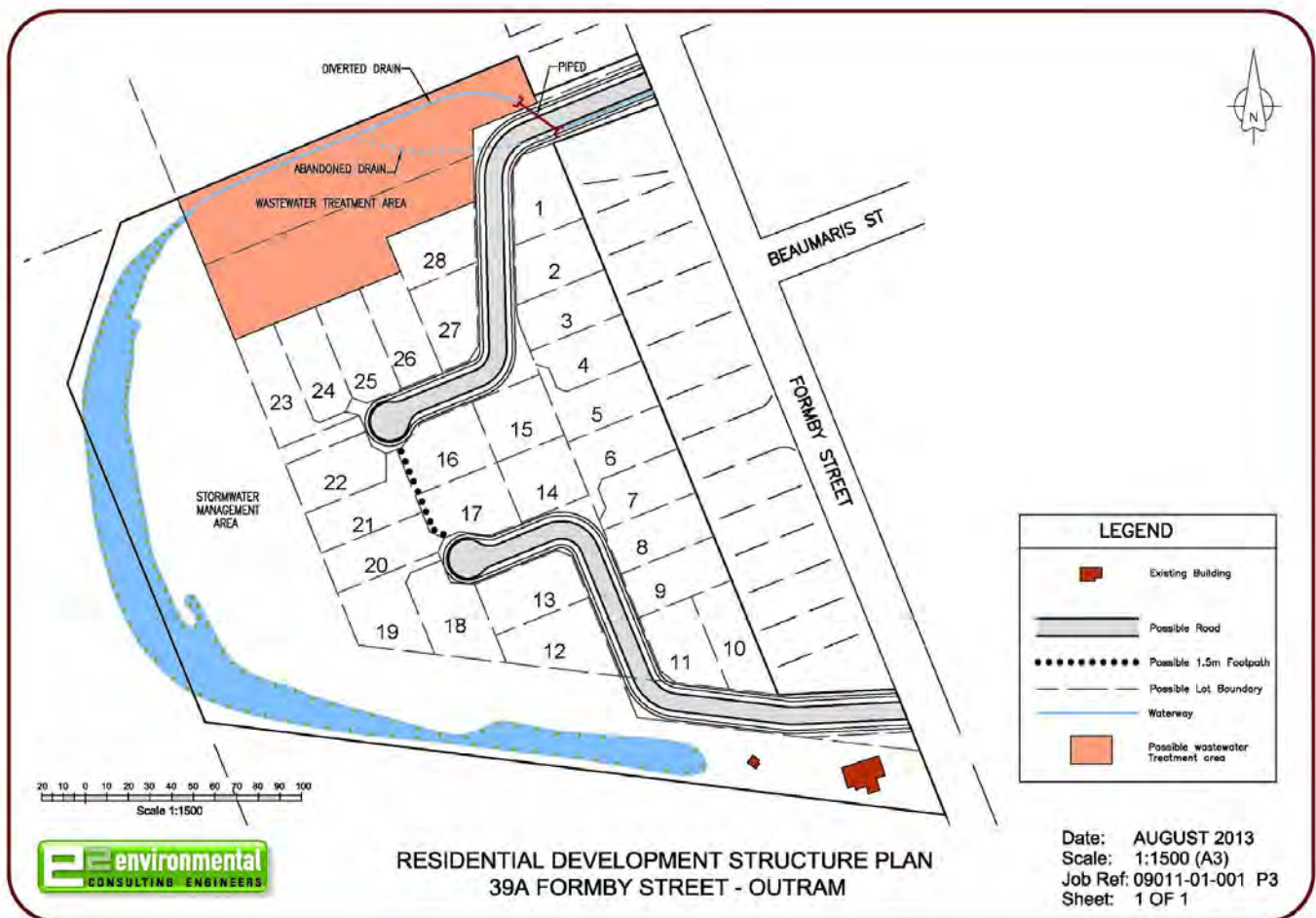
- a. Wastewater network
 - i. Proprietary wastewater treatment facility must be established in the area marked "wastewater treatment area" on the structure plan.
- b. Transport network
 - i. A public pedestrian accessway with a minimum width of 1.5m must be established along the "possible 1.5m footpath" line marked on the structure plan.
 - ii. The legal road width of the two cul-de-sacs must be at least 16m, with a footpath on at least one side of each of the cul-de-sacs.
- c. New buildings and structures, and additions and alterations, on Lots 1-10 must have a minimum set back from the side or rear boundary (as relevant) on the eastern site boundary, of 10m. **{ULS cl.16²}**
- d. The maximum height for new buildings and structures, and additions and alterations above ground level on Lots 1-10 is 6m. **{ULS cl.16³}**

² **ULS cl.16:** Moved from Rule 15.6.14

³ **ULS cl.16:** Moved from Rule 15.6.7.2

2. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply. **{ULS cl.16}**
3. Activities that contravene this performance standard are a non-complying activity. **{ULS cl.16}**

Figure 15.7A.X: Formby Street Structure Plan



15.7A.5 – Mosgiel East Structure Plan Mapped Area Performance Standards {Confirmed to replace Appendix 15C - ULS cl.16}

Additional performance standards {ULS cl.16¹}

¹ **ULS cl.16:** Rules 15.7A.5.1, 15.7A.5.2 15.7A.5.3 and Figure 15.7A.X have moved from Appendix 15C.

15.7A.5.1 Subdivision

- a. Transport network
 - i. Access points for roads must be provided as indicated in the Mosgiel East structure plan.
 - ii. The legal width of a collector road must be a minimum of 20m wide, including footpaths of a minimum 2m wide, and cycle lanes 1.5m wide.
 - iii. The legal width of a local road must be a minimum of 16m wide, including footpaths a minimum 1.5m wide.
- b. Stormwater network
 - i. The rate of stormwater discharge to the Silverstream must remain equal to or less than that of pre-development up to the 1 in 100 (1%) annual exceedance probability event.

15.7A.5.2 Development requirement or condition of subdivision consent

- a. Stormwater network
 - i. Local stormwater reticulation systems must be designed for a 1 in 10 (10%) annual exceedance probability event.
 - ii. On-site stormwater systems (retention/detention and secondary flowpaths, etc.) must be designed for 1 in 100 (1%) annual exceedance probability event. Stormwater retention/detention measures must be provided on-site as part of the overall development.
 - iii. There must be no individual discharge of stormwater to the Silverstream or Owhiro Stream.

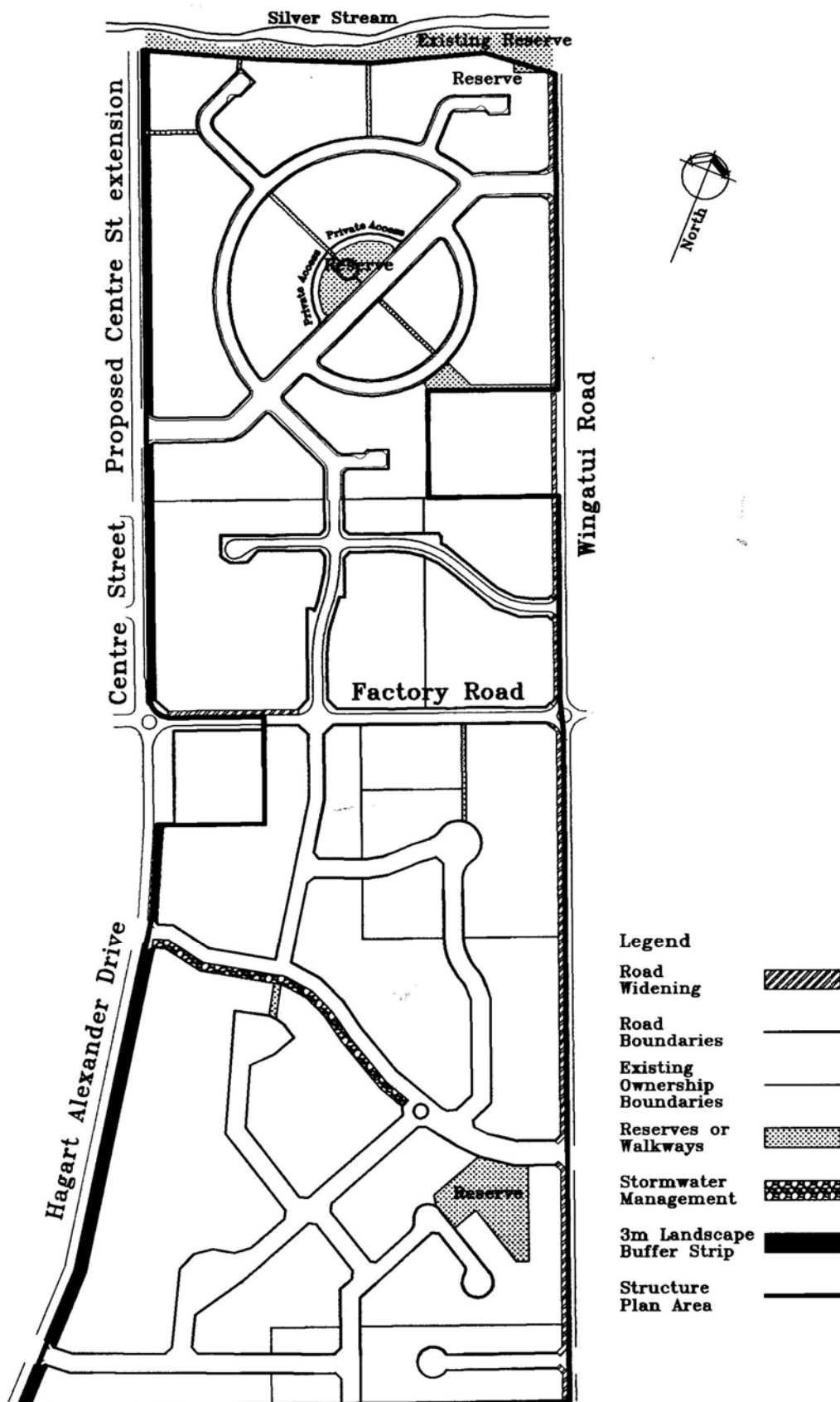
15.7A.5.3 Information requirements

- a. Subdivision and land use applications must include information outlining:
 - i. the techniques to be used to manage stormwater and the extent to which these techniques are accommodated on-site; and
 - ii. how the integrity of the stormwater mitigation and management measures will not be compromised during and after a subdivision; and
 - iii. a maintenance plan for stormwater infrastructure, including actions to be taken to ensure the on-going management and maintenance of on-site mitigation measures and the responsibilities for this; and
 - iv. design details highlighting the adequacy of the proposed measures and identifying areas of greatest risk.
4. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply. {ULS cl.16}
5. Activities that contravene this performance standard are a non-complying activity. {ULS cl.16}

Figure 15.7A.X: Mosgiel East Structure Plan



MOSGIEL EAST STRUCTURE PLAN



15.7A.6 – Holyhead Street Structure Plan Mapped Area Performance Standards {Confirmed to replace Appendix 15D - ULS cl.16}

Additional performance standards {ULS cl.16}

¹ **ULS cl.16:** Rules 15.7A.6.1, 15.7A.6.2 and Figure 15.7A.X have moved from Appendix 15D.

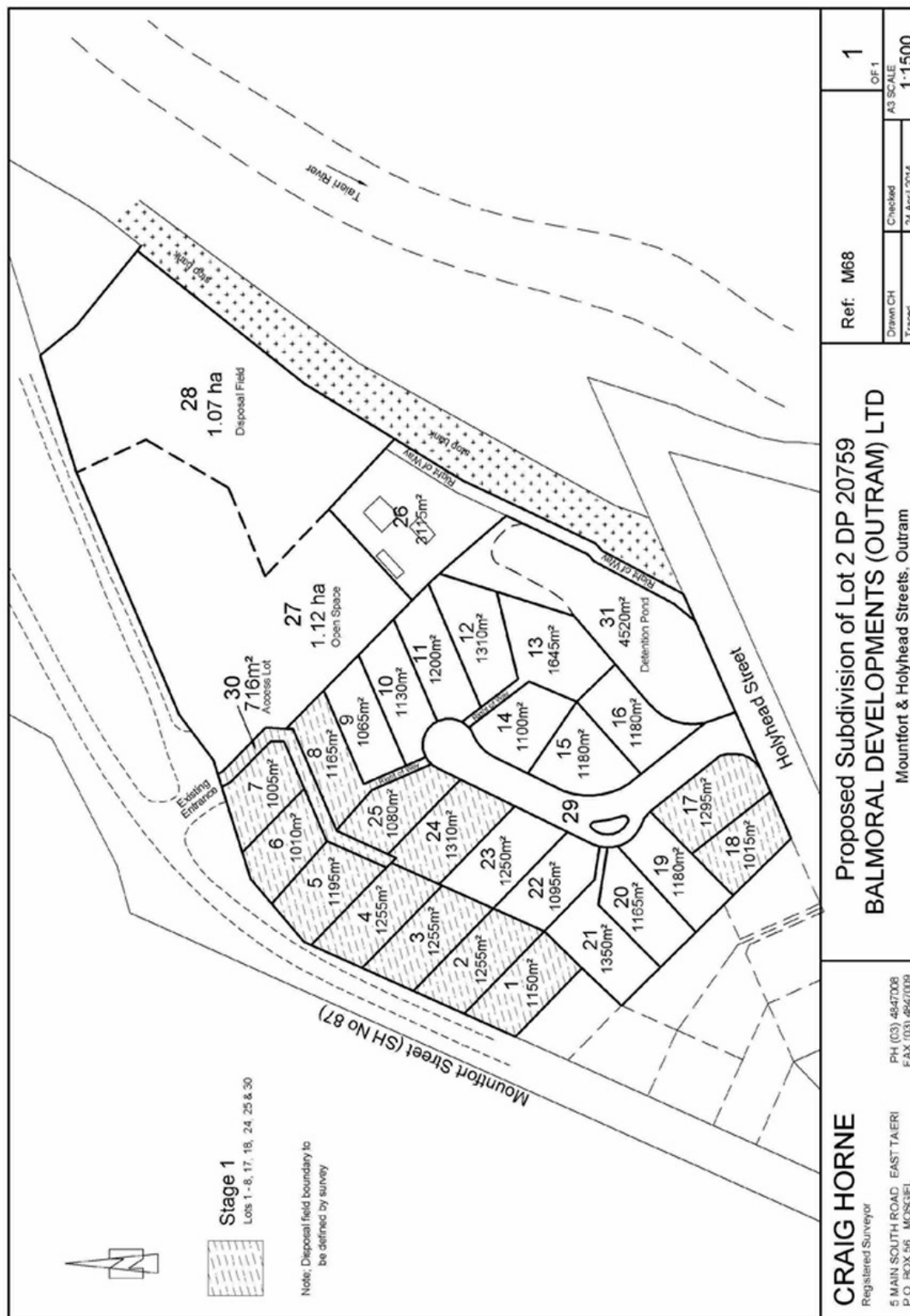
15.7A.6.1 Subdivision

- a. Staging: the subdivision may be staged with the first stage comprising some or all of lots 1-8 (inclusive), 17, 18, 24, 25 and 30 as shown on the structure plan.
- b. Vehicle access to the resultant sites must be as follows:
 - i. Lots 1-4 from Montfort Street (State Highway 87);
 - ii. Lots 5-7 from Montfort Street (State Highway 87) via access Lot 30;
 - iii. Lots, 8, 24, and 25 initially from Montfort Street (State Highway 87) via access Lot 30, but from Holyhead Street via lot 29 once Lot 29 is formed; and
 - iv. All other lots via Holyhead Street directly, or Holyhead Street via Lot 29.

15.7A.6.2 Development requirement or condition of subdivision consent

- a. Vehicle access
 - i. Lot 29 must be formed as an access road either once all of Lots 1-8 (inclusive), 24 and 25 have residential development established on them, or before any residential development is established on any of Lots 9-16 (inclusive) or any of Lots 19-23 (inclusive).
3. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply. **{ULS cl.16}**
4. Activities that contravene this performance standard are a non-complying activity. **{ULS cl.16}**

Figure 15.7A.X: Holyhead Street Structure Plan

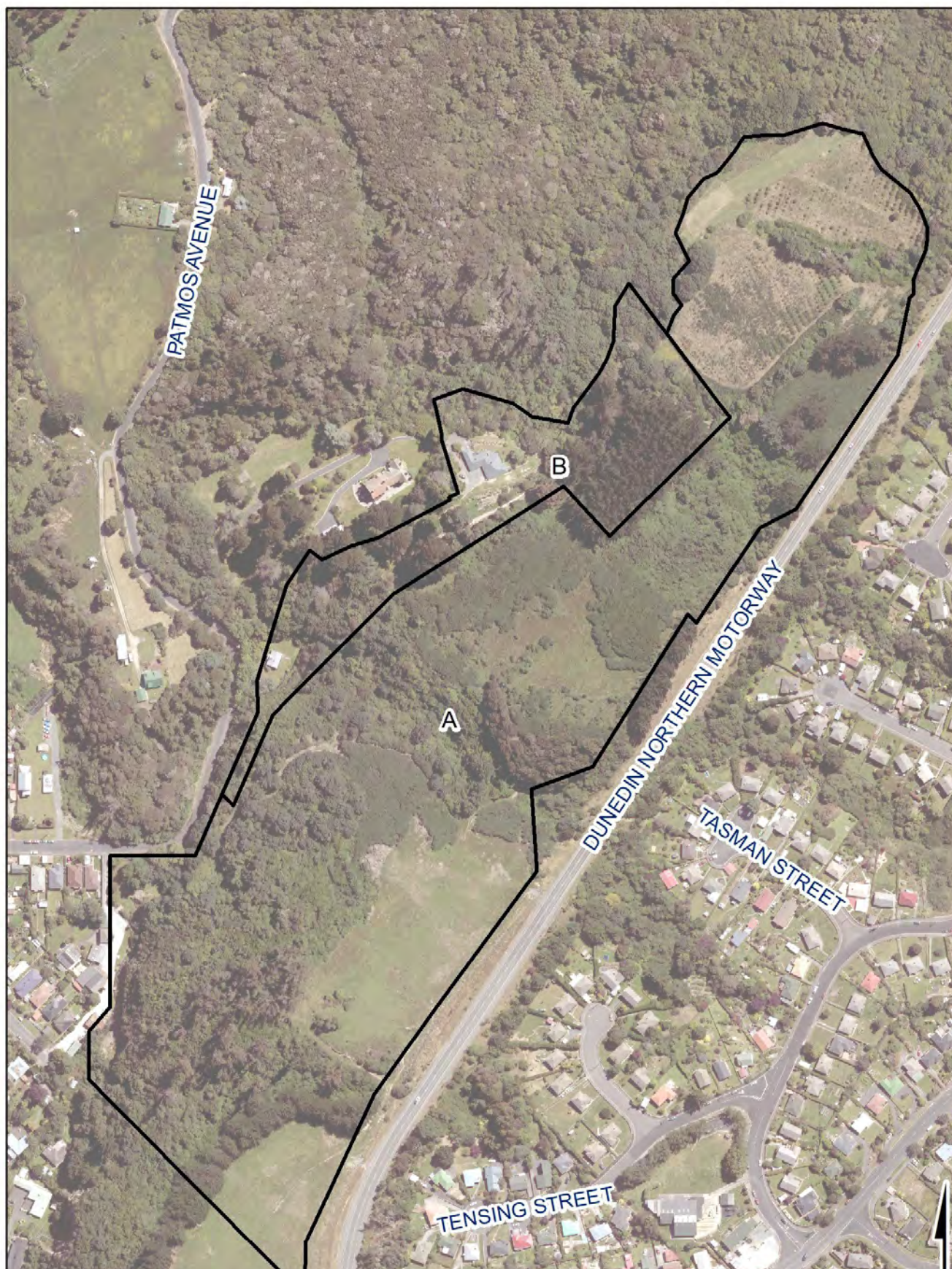


15.7A.7 – Patmos Avenue Structure Plan Mapped Area Performance Standards {Confirmed for addition - ULS 740.6 and others}

Additional performance standards

1. Vehicle access must not be provided through the part of 28 Patmos Avenue that is outside the Patmos Avenue Structure Plan mapped area. {ULS 740.6 and others}
2. The minimum site size for new resultant sites in the area marked A on the Patmos Avenue Structure Plan (Figure 15.7A.X) is 1,000m². {ULS 740.6 and others}
3. The minimum site size for new resultant sites in the area marked B on the Patmos Avenue Structure Plan (Figure 15.7A.X) is 2,000m². {ULS 740.6 and others}
4. Construction of dwellings must not take place until all roading, stormwater, wastewater and water supply infrastructure is in place for that stage of the development, and connections to future stages, and adjoining sites, are provided for. {ULS 740.6 and others}
5. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply. {ULS 740.6 and others}
6. Subdivision, land use and development activities that contravene this performance standard are a non-complying activity. {ULS 740.6 and others}

Figure 15.7A.X: Patmos Avenue Structure Plan {ULS 740.6 and others}





15.7A.8 - Torquay Street Structure Plan Mapped Area Performance Standards {Confirmed for addition - ULS 1043.1}

Additional performance standards

1. 'Lot 100' as shown in the Torquay Street Structure Plan (Figure 15.7A.8) may not be subdivided from the residential dwelling marked 'existing dwelling'. {ULS 1043.1}
2. No dwelling may be constructed in Areas A or B as shown on the Torquay Street Structure Plan (Figure 15.7A.8). {ULS 1043.1}
3. Construction of dwellings must not take place until: {ULS 1043.1}
 - a. all roading, stormwater, wastewater and water supply infrastructure is in place for that stage of the development, and connections to future stages, and adjoining sites, are provided for; and {ULS 1043.1}
 - b. the public pathway shown in the Torquay Street Structure Plan (Figure 15.7A.8) is constructed. {ULS 1043.1}
3. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply. {ULS cl.16}
4. Activities that contravene this performance standard are a non-complying activity. {ULS cl.16}

Figure 15.7A.8: Torquay Street Structure Plan {ULS 1043.1}



15.7A.9 - Emerson Street Structure Plan Mapped Area Performance Standards {Confirmed for addition - ULS 875.1}

Additional performance standards

1. The layout of any subdivision must include provision for vehicle access to Mulford Park recreation reserve for maintenance purposes. {ULS 875.1}
2. The layout of any subdivision must provide for roading access to 18 Roy Crescent. {ULS 875.1}
3. Construction of dwellings must not take place until all roading, stormwater, wastewater and water supply infrastructure is in place for that stage of the development, and connections to future stages, and adjoining sites, are provided for. {ULS 875.1}
4. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply. {ULS cl.16}
5. Activities that contravene this performance standard are a non-complying activity. {ULS cl.16}

Figure 15.7A.X: Emerson Street Structure Plan {ULS 875.1}

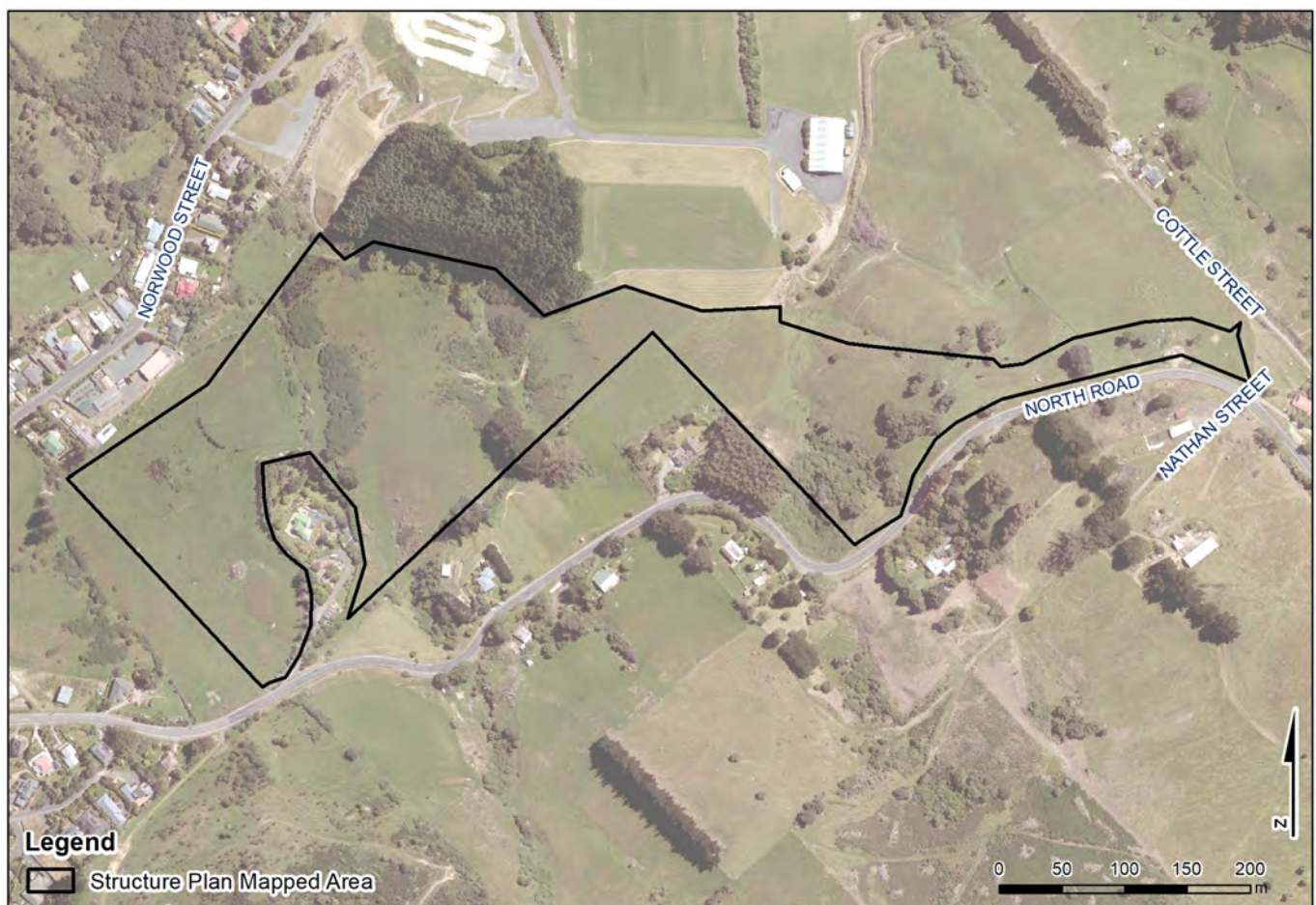


15.7A.10 - North Road Structure Plan Mapped Area Performance Standards {Confirmed for addition - ULS 350.6}

Additional performance standards

1. Vehicle access must be provided between Norwood Street and North Road. {ULS 350.6}
2. Construction of dwellings must not take place until all roading, stormwater, wastewater and water supply infrastructure is in place for that stage of the development, and connections to future stages, and adjoining sites, are provided for. {ULS 350.6}
3. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply. {ULS cl.16}
4. Activities that contravene this performance standard are a non-complying activity. {ULS cl.16}

Figure 15.7A.X: North Road Structure Plan mapped area {ULS 350.6}



15.7A.11 - Bradford Structure Plan Mapped Area Performance Standards {Confirmed for addition - ULS 350.6}

Additional performance standards

1. The layout of any subdivision must provide for: **{ULS 350.6}**
 - a. pedestrian access from Glenelg Street through to Bradford School; and **{ULS 350.6}**
 - b. vehicle access between Ronay Street and Bradford Street. **{ULS 350.6}**
2. Construction of dwellings must not take place until all roading, stormwater, wastewater and water supply infrastructure is in place for that stage of the development, and connections to future stages, and adjoining sites, are provided for. **{ULS 350.6}**
3. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply. **{ULS cl.16}**
4. Activities that contravene this performance standard are a non-complying activity. **{ULS cl.16}**

Figure 15.7A.X: **Bradford Structure Plan mapped area {ULS 350.6}**



15.7A.12 - St Albans Street Structure Plan Mapped Area Performance Standards {Confirmed for addition - ULS 350.6}

Additional performance standards

1. The layout of any subdivision must provide for: {ULS 350.6}
 - a. pedestrian access to the Department of Conservation reserve at PT Sec 121 Lixmont Street; {ULS 350.6}
 - b. pedestrian access to the DCC Reserve at 79 Cockerell Street, to enable access to Brockville Road; and {ULS 350.6}
 - c. vehicle access between Lixmont Street, St Albans Street and Ettrick Street. {ULS 350.6}
2. Construction of dwellings must not take place until all roading, stormwater, wastewater and water supply infrastructure is in place for that stage of the development and connections to future stages, and adjoining sites, are provided for. {ULS 350.6}
3. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply. {ULS cl.16}
4. Activities that contravene this performance standard are a non-complying activity. {ULS cl.16}

Figure 15.7A.X: **St Albans Structure Plan mapped area {ULS 350.6}**



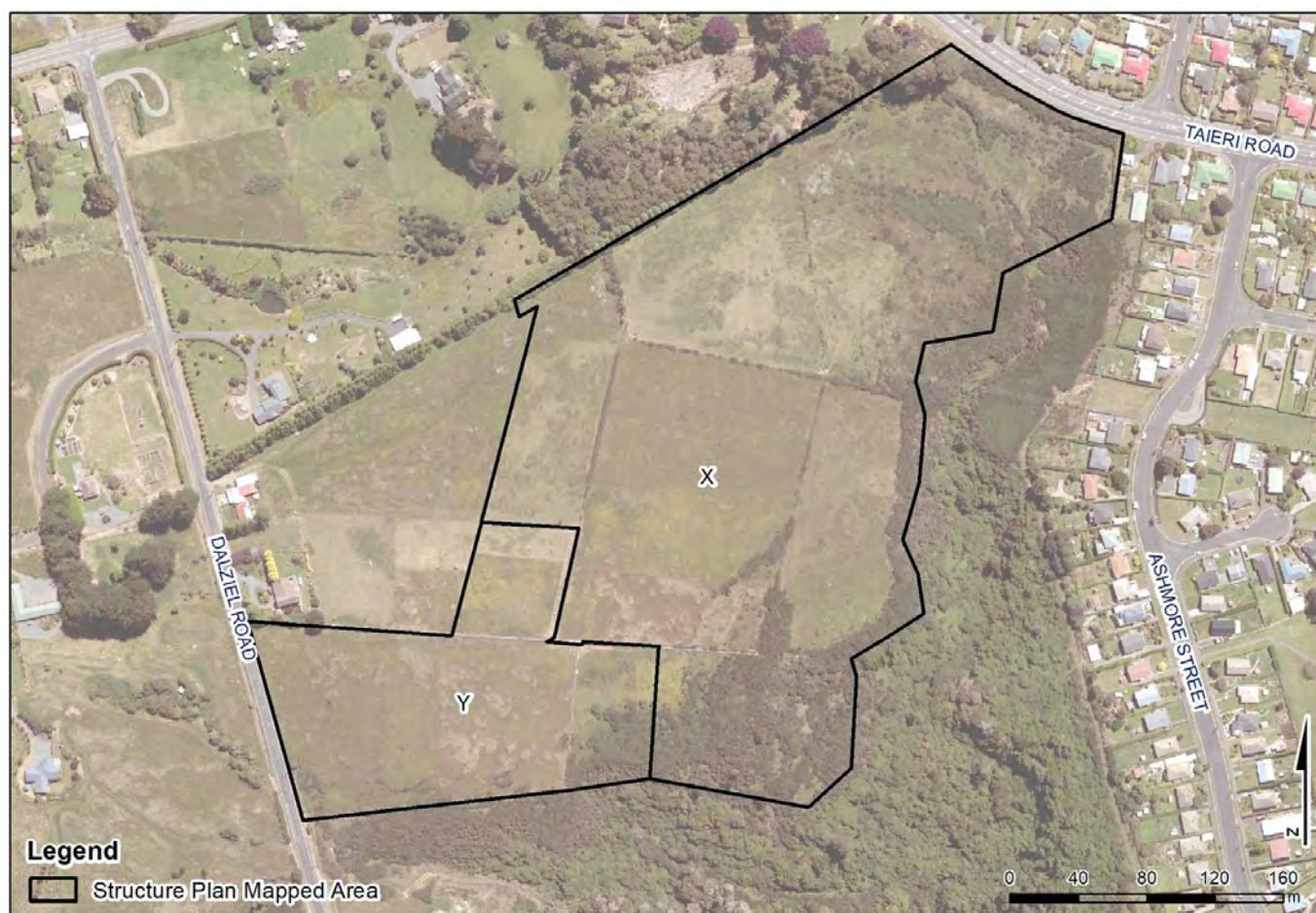


15.7A.13 - Dalziel Road Structure Plan Mapped Area Performance Standards {Confirmed for addition ULS 688.2 and 688.3}

Additional performance standards

1. Vehicle access to Area X on the Dalziel Road Structure Plan (Figure 15.7A.X) must be provided from Taieri Road. {ULS 688.2 and 688.3}
2. Vehicle access to Area Y on the Dalziel Road Structure Plan (Figure 15.7A.X) must be provided from Dalziel Road. {ULS 688.2 and 688.3}
3. Construction of dwellings must not take place until all roading, stormwater, wastewater and water supply infrastructure is in place for that stage of the development and connections to future stages, and adjoining sites, are provided for. {ULS 688.2 and 688.3}
4. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply. {ULS cl.16}
5. Activities that contravene this performance standard are a non-complying activity. {ULS cl.16}

Figure 15.7A.X: Dalziel Road Structure Plan {ULS 688.2 and 688.3}



Rule 15.8 Assessment of Controlled Activities

Rule 15.8.1 Introduction

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rule 15.8.2:
 - a. lists the matters over which Council has reserved its control; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
 - ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. ~~the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and~~ **{Res cl.16}**
 - iii. the performance standard contravention will be assessed as indicated in Section 15.9; and
 - iv. the matters of control become matters of discretion and will be assessed as indicated in this section.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 15.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 15.12; and
 - iii. the assessment guidance in this section will also be considered.

15.8.2 Assessment of controlled activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. <u>Affecting a scheduled heritage building or a scheduled heritage structure: {Her cl.16}</u> • Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected. • Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1 {Her 547.91}	a. Effects on heritage values	See Rule 13.4
2. <u>In a heritage precinct, additions and alterations to a non character-contributing building that involve: {Her 308.358}</u> • <u>an increase in the footprint of 10m² or more {Her 308.358}</u> • <u>an increase in the height of the building by more than 2m; or {Her 308.358}</u> • <u>the replacement of a pitched roof with a mono pitch roof. {Her 308.358}</u>	a. Effect on heritage streetscape character {Her 308.358}	See Rule 13.4 {Her 308.358}

Rule 15.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 15.9.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 15.9.2 - 15.9.6:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rules 15.9.2 - 15.9.5 ~~15.9.6~~ apply as follows: ~~to performance standards in the residential zones; Rule 15.9.6 contains additional provisions that apply to performance standards in overlay zones, mapped areas, heritage precincts and on scheduled items.~~ **{Res cl.16}**
 - a. Rule 15.9.2 applies to all performance standard contraventions;
 - b. Rule 15.9.3 applies to land use performance standard contraventions;
 - c. Rule 15.9.4 applies to development performance standard contraventions;
 - d. Rule 15.9.5 applies to subdivision performance standard contraventions; and
 - e. Rule 15.9.6 applies to performance standards that apply in an overlay zone, mapped area, heritage precinct or affecting a scheduled heritage item. **{Res cl.16}**

15.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards or topography, or other site specific factors, make meeting the standard impracticable. c. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. <i>General assessment guidance:</i> d. Where more than one standard is contravened, the combined effects of the contraventions should be considered. e. In balancing consideration of the objectives and policies related to the maintenance of heritage values or heritage precinct streetscape character and those related to general amenity, greater weight will usually be placed on heritage policies.

15.9.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Density - (Rule 15.5.2.6) <u>all residential units are able to meet bulk and location performance standards</u> {Res cl.16}	a. Effects on on-site amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.2 ii. Residential development achieves high quality on-site amenity for residents (Policy 15.2.2.1). <i>General assessment guidance:</i> iii. Non-compliance with Rule 15.5.2.6 will be assessed based on which performance standard(s) the second residential building does not provide for compliance with, if subdivided in future. See assessment rules in relation to performance standard contraventions for: 1. site coverage; 2. height in relation to boundary; 3. setbacks; and 4. access.
2.	Density - (Rule 15.5.2.7.a) {Res cl.16} Papakāika	a. Effects on cultural values of Manawhenua	See Rule 14.3
		b. Effects on health and safety	See Rule 9.4
		c. Effects on the safety and efficiency of the transport network	See Rule 6.9
3.	Density - (Rule 15.5.2.7.b) {Res cl.16} standard residential in General Residential 2 Zone infrastructure constraint mapped area	a. Effects on efficiency and/or {Res cl.16} affordability of infrastructure	See Rule 9.4

15.9.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
X.	Family flats - Design {PO 876.1 and others}	a. Effects on neighbourhood residential character and amenity {PO 876.1 and others}	<i>Relevant objectives and policies: {PO 876.1 and others}</i> i. <u>Objective 15.2.4 {PO 372.1}</u> ii. <u>The design of family flats avoids, as far as practicable, the risk they will be used for a separate, non-ancillary residential activity, or future pressure to subdivide off family flats, and minimises, as far as practicable, any adverse effects on the amenity and character of the neighbourhood (Policy 15.2.4.3). {PO 207.1 and 394.63}</u> <i>Potential circumstances that may support a consent application include: {PO 394.47 and 491.3}</i> iii. <u>The family flat is in the same residential building as the primary residential unit. {PO 394.47 and 491.3}</u> iv. <u>The design of the family flat matches the design of the primary residential building. {PO 491.3}</u> v. <u>Landscaping or other forms of screening will be used to reduce the visibility of the family flat. {PO 394.47 and 491.3}</u> vi. <u>The family flat will not be easily viewed from outside the site. {PO 394.47 and 491.3}</u> vii. <u>The extra area is required due to the occupant's needs. {PO 372.1}</u> viii. <u>The size of the family flat is unlikely to create future pressure for it to be subdivided or be consented to operate as a second residential activity on the site. {PO 207.2 and 372.1}</u>
4.	Residential activity on an existing site not in a no-DCC reticulated wastewater mapped area {Res 542.2 and 542.3}	a. Effects on health and safety {Res 542.2 and 542.3}	See Rule 9.4 {Res 542.2 and 542.3}
5.	Electrical interference	a. Effects on health and safety	See Rule 9.4

15.9.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Hours of operation	a. Effects on surrounding sites' residential amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.3 ii. Working from home, dairies, training of education, and community and leisure operate in a way (including hours of operation), that avoids or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigates, effects on the amenity of surrounding properties (Policy 15.2.3.2). <i>Potential circumstances that may support a consent application include:</i> iii. The extension of hours will not result in unreasonable disturbance from vehicle headlights, deliveries/pick-ups, vehicle movements, or other noise.
7.	Location	a. Effects on the vibrancy and economic and social success of the CBD and centres.	<i>Relevant objectives and policies:</i> i. Objective 15.2.1 ii. Activities ancillary to visitor accommodation are located and designed to cater to patrons of the primary activity rather than the general public (Policy 15.2.1.4). <i>Potential circumstances that may support a consent application include:</i> iii. The ancillary activity is designed and managed so as to be unlikely to attract external customers. iv. There will be no external advertising on buildings facing the street, for the ancillary activity.
8.	Minimum car parking	a. Effects on accessibility b. Effects on the safety and efficiency of the transport network {Trans cl.16'}	See Rule 6.9
9.	Minimum vehicle loading	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

15.9.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
10.	Outdoor living space	a. Effects on on-site amenity for residents	<i>Relevant objectives and policies:</i> i. Objective 15.2.2 ii. Residential development achieves high quality on-site amenity by providing functional, sunny, and accessible outdoor living spaces that allow enough space for on-site food production, leisure, <u>green space</u> {Res 417.10 and 843.3} and/or {Res 317.19} recreation (Policy 15.2.2.1.a). <i>Potential circumstances that may support a consent application include:</i> iii. The property is within a short walking distance from public green space. iv. <u>Juliet balconies (balconies less than the width required by the rule, including zero depth) with glass doors that can be opened to create an opening greater than 1m wide and allow direct sunlight into the principal living area, may be acceptable if alternate shared outdoor living space is available and easily accessed and it is more compatible with the design of the dwelling than alternative balcony forms.</u> {Res 740.10}
11.	Service areas	a. Effects on on-site amenity for residents	<i>Relevant objectives and policies:</i> i. Objective 15.2.2 ii. Adequate space is available for service areas (Policy 15.2.2.1.d).

¹ **Trans cl.16:** Under Transportation section assessment rules (Rule 6.9.3.6.b), 'effects on safety and efficiency of the transport network' is a matter of discretion for contraventions of minimum car parking performance standards. However, this matter of discretion was inadvertently omitted from notified Section 15 assessment rules. The correction of this error, via the addition of Rule 15.9.3.8.b, does not result in a substantive change to the effect of provisions.

15.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Boundary setback	a. Effects on surrounding sites' residential amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.3 ii. Buildings and structures are of a height and setback from boundaries that ensures no more than minor effects on the sunlight access of current and future residential buildings and their outdoor amenity spaces (Policy 15.2.3.1). iii. <u>In the Inner City Residential Zone, buildings and structures are of a height and setback from boundaries that avoids or, if avoidance is not practicable, adequately mitigates adverse effects on sunlight access on outdoor space at the rear of adjacent sites (Policy 15.2.3.3.c). {Res cl.16²}</u> <u>Potential circumstances that may support a consent application include: {Res cl.16²}</u> iv. Residential buildings on neighbouring sites receive adequate natural light and privacy. v. <u>The reduced setback will mirror the setback of the adjacent residential building, both in minimum distance from the boundary, and the maximum extent to which the encroachment occurs along the boundary (including length and height). {Res 740.15}</u> vi. <u>There are no windows from living or sleeping areas proposed along the wall of the new building or existing along the wall of any adjacent parallel residential building. {Res 740.15}</u>

15.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
	b. Effects on neighbourhood residential character and amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.4 ii. Development maintains or enhances streetscape amenity by ensuring buildings' height, boundary setbacks, and scale reflect existing or intended future residential character (Policy 15.2.4.1.c). iii. <u>In the Inner City Residential Zone, buildings and structures are of a height and setback from boundaries that:</u> 1. <u>enables a high quality, medium density development (Policy 15.2.3.3.a); {Res cl.16}</u> 2. <u>is consistent with the existing streetscape character of the zone (Policy 15.2.3.3.b); {Res cl.16}</u> <i>Potential circumstances that may support a consent application include:</i> iv. The boundary setback is consistent with surrounding properties. v. Landscaping or fences screen or soften the visual effects of buildings. vi. The building is designed to integrate with residential buildings on the site and contribute to residential character and amenity e.g. similar materials to residential buildings, and roof pitch.
2. Boundary setback - (Rule 15.6.14.1.a.ix.3) <u>garages and carports setback from road boundary {Res cl.16}</u>	a. Effects on health and safety	See Rule 6.9

15.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	Building length	a. Effects on neighbourhood residential character and amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.4 ii. Development maintains or enhances streetscape amenity by ensuring buildings' scale reflect existing or intended future residential character (Policy 15.2.4.1.c). <i>Potential circumstances that may support a consent application include:</i> iii. The bulk of the building is broken up by: 1. varying building elevations; 2. setting parts of the building back; 3. using different textures; 4. architectural features; or 5. other forms of building modulation. iv. The visual impact of the building length is screened and softened by landscaping, fencing, or other screening, which provides an attractive interface for surrounding properties. v. The building is set back from boundaries an adequate distance to avoid shading or visual effects on adjacent residential properties or public places. vi. Topography of the site mitigates the effects of the building scale on adjacent residential properties or public places. vii. <u>In the case of buildings to be used for emergency services, there is a need for longer buildings to meet operational requirements. {Res 945.32}</u>
4.	Earthworks standards: • Batter gradient {EW cl 16'}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 15.2.5 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 15.2.5.1.b).
5.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs {EW cl 16'}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 15.2.5 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 15.2.5.1.a).

15.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Earthworks standards: - Setback from national grid {EW cl 16} - Setback from network utilities {EW cl 16}¹	a. Effects on efficient and effective operation of network utilities	See Rule 5.7
		b. Effects on health and safety	
7.	Earthworks standards: Sediment control {EW cl 16}	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 15.2.5 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems <u>or the coastal marine area</u> {EW 1071.106} (Policy 15.2.5.2.b):
		b. Effects on biodiversity values and natural character of the riparian margins and the coast	See Rule 10.4
		c. Effects on efficiency and/or affordability of infrastructure	See Rule 9.4
8.	Fence height and design	a. Effects on health and safety	See Rule 9.4
		b. Effects on neighbourhood residential character and amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.4 ii. Fences are of a height and design that contributes positively to the streetscape amenity and character of the neighbourhood (Policy 15.2.4.4). <i>Potential circumstances that may support a consent application include:</i> iii. The increased height or reduced visual permeability is necessary to meet protection requirements, to provide security, minimise noise effects from a busy road or activity, or for public well-being. iv. An attractive interface with the street is achieved. v. The fence will be screened by landscaping.
9.	Fire fighting	a. Effects on health and safety	See Rule 9.4

15.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
10.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
11.	- Maximum height - Height in relation to boundary	a. Effects on surrounding sites' residential amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.3 ii. Buildings and structures are of a height and setback from boundaries that ensures no more than minor effects on the sunlight access of current and future residential buildings and their outdoor living spaces (Policy 15.2.3.1). iii. <u>In the Inner City Residential Zone, buildings and structures are of a height and setback from boundaries that avoids or, if avoidance is not practicable, adequately mitigates adverse effects on sunlight access on outdoor space at the rear of adjacent sites (Policy 15.2.3.3.c). {Res cl.16}</u>
		b. Effects on neighbourhood residential character and amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.4 ii. Development maintains or enhances streetscape amenity by ensuring buildings' height, boundary setbacks, and scale reflect existing or intended future residential character (Policy 15.2.4.1.c). iii. <u>In the Inner City Residential Zone, buildings and structures are of a height and setback from boundaries that:</u> 1. <u>enables a high quality, medium density development (Policy 15.2.3.3.a); {Res cl.16}</u> 2. <u>is consistent with the existing streetscape character of the zone (Policy 15.2.3.3.b). {Res cl.16}</u> <i>Potential circumstances that may support a consent application include:</i> iv. The height and/or height in relation to boundary is consistent with surrounding properties. v. Landscaping or fences screen or soften the visual effects of buildings. vi. Natural landforms or topography (e.g. cliffs, tall trees on adjacent reserves) provide a backdrop to the building.

15.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
12.	Location and screening of car parking	a. Effects on neighbourhood residential character and amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.4, 6.2.1 ii. Garages, carports, and car parking do not dominate the street (Policy 15.2.4.1a). <i>Potential circumstances that may support a consent application include: {Res cl.16}</i> iii. Landscaping or other features soften the impact of these activities. iv. <u>In order to meet Rule 6.6.1.2.a.i (requirement to not reverse onto a motorway, strategic road, arterial road, urban high density corridor, commercial centre street, or collector road), there are no reasonably practicable alternatives other than to contravene the standard.</u> {Res 403.3}
13.	Location and screening of outdoor storage	a. Effects on neighbourhood residential character and amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.4 ii. Development maintains or enhances streetscape amenity by ensuring shared service areas are not visible from ground level from outside the site (Policy 15.2.4.1.d). iii. Development maintains or enhances streetscape amenity by ensuring outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or create nuisance effects (Policy 15.2.4.1.e).
14.	Maximum building site coverage and impermeable surfaces	a. Effects on on-site amenity for residents	<i>Relevant objectives and policies:</i> i. Objective 15.2.2 ii. Residential development achieves high quality on-site amenity by retaining adequate open space uncluttered by buildings (Policy 15.2.2.1.c).
		b. Effects on neighbourhood residential character and amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.4 ii. Development maintains or enhances streetscape amenity and by ensuring there are adequate <u>green space</u> {Res 417.10 and 843.3} areas free from buildings or hard surfacing (Policy 15.2.4.1.b).
		c. Effects on efficiency and/or {Res cl.16} affordability of infrastructure	See Rule 9.4

15.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
15.	Number, location and design of ancillary signs	a. Effects on neighbourhood residential character and amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.4 ii. Ancillary signs are located and designed to maintain residential amenity by being of an appropriate size and number to convey information about the name, location and nature of the activity ~~or on-site~~ to passing pedestrians and vehicles and not being {Res cl.16} oversized or too numerous for what is necessary for that purpose (Policy 15.2.4.5).
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
16.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
17.	Setback from coast and water bodies	a. Effects on biodiversity values and natural character of riparian margins and the coast	See Rule 10.4
		b. Effects on public access	
		c. Risk from natural hazards	See Rule 11.4
18.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6

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

² **Res cl.16:** Policy reference was not included in the performance standard contravention assessment.

15.9.5 Assessment of subdivision performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Access	a. Effects on accessibility	See Rule 6.9
2.	Esplanade reserves and strips	a. Effects on biodiversity values and the natural character of riparian margins and the coast	See Rule 10.4
		b. Effects on public access	
3.	Fire fighting	a. Effects on health and safety	See Rule 9.4
4.	~~Minimum site size (three-site subdivision where one resultant site is below the {Res cl.16} Minimum site size - (Rule 15.7.4.2)~~	a. Effects on neighbourhood residential character and amenity	<i>Relevant objectives and policies:</i> i. Objective 2.4.1 ii. Resultant sites are of a size: 1. that provides for compliance of all relevant land use and development performance standards; and 2. where in a structure plan mapped {ULS cl.16} area, reflects the requirements of the structure plan mapped area performance standards structure plan {ULS cl.16} (Policy 2.4.1.8). <i>Potential circumstances that may support a consent application include:</i> iii. The adjustment of site boundaries is necessary to achieve: 1. a more balanced division of site sizes relative to an existing residential buildings size, location or access requirements; 2. better alignment with topographical or other site development constraints; or 3. the protection of heritage items, significant trees, indigenous vegetation, or waterways on a site.
5.	Service connections	a. Effects on efficiency and/or {Res cl.16} affordability of infrastructure	See Rule 9.4

15.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
6. Shape	<i>Relevant objectives and policies:</i> a. Objective 2.4.1 b. Subdivision is designed to ensure any future land use or development is able to meet the performance standards in the zone, or where in a structure plan mapped {ULS cl.16} area, reflects the requirements of the structure plan mapped area performance standards structure plan {ULS cl.16}, unless: i. a resource consent is approved for a development that does not meet the performance standard and the subdivision is intended for and capable of providing for that approved development; or ii. the resultant site is required for: 1. Scheduled ASCV ASBV {NatEnv 958.60}; QEII covenant; or 2. reserve; or 3. access; or 4. utility; or 5. road (Policy 2.4.1.8). <i>General assessment guidance:</i> c. Non-compliance with the performance standard for shape will be assessed based on which performance standard(s) the shape of the resultant site does not provide for compliance with. See matters of discretion and assessment rules in relation to performance standard contraventions for: i. outdoor living space; ii. minimum car parking; iii. boundary setbacks; iv. setbacks from water bodies; v. setback from scheduled tree; and vi. setback from National Grid. vii. earthworks standards (building platform slope). {Res cl.16} d. <u>For contravention of the building platform slope part of the shape performance standard (Rule 15.7.6.2), see the matters of discretion and assessment rules in relation to earthworks - large scale (Rule 8A.7.2.1). {Res cl.16}</u> <i>Conditions that may be imposed:</i> e. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site. f. A building platform may be required to be registered against the title by way of consent notice.	

15.9.6 Assessment of restricted discretionary performance standard contraventions in an overlay zone, mapped area, heritage precinct or affecting a scheduled heritage item

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. In a hazard overlay zone or swale mapped area: - Hazard exclusion areas (Rule 11.3.1.1) – Swale mapped area <u>Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) overlay zones) {NH cl.16}</u> <u>Relocatable buildings (Hazard 3 (coastal) Overlay Zone) {NH cl.16}</u> <u>Outdoor Storage (Hazard 1 (flood) Overlay Zone) {NH cl.16}</u> <u>Hazard overlay zones development standards {NH cl.16}</u> <u>Hazardous substances quantity limits and storage requirements</u>	a. Risk from natural hazards	See Rule 11.4
2. In an urban conservation biodiversity mapped area: {NatEnv 958.60} <u>Vegetation clearance standards: Maximum area of vegetation clearance (UBMA) {NatEnv cl.16}</u>	a. Effects on biodiversity <u>values</u> {NatEnv 958.60}	See Rule 10.4
3. In a Huriawa height restriction mapped area: Maximum height	a. Effects on cultural values of Manawhenua	See Rule 14.3
4. In a heritage precinct: - Fence height and design - Materials and design - Maximum height - Height in relation to boundary <u>Location and screening of car parking {Res 360.109}</u> <u>Number, location and design of ancillary signs (Rule 15.6.12.6.d) - Free standing signs ancillary to commercial and community activities in the George Street North Residential Heritage Precinct and North Ground Residential Heritage Precinct {Res cl.16}</u>	a. Effects on heritage streetscape character	See Rule 13.5

15.9.6 Assessment of restricted discretionary performance standard contraventions in an overlay zone, mapped area, heritage precinct or affecting a scheduled heritage item

Activity	Matters of discretion	Guidance on the assessment of resource consents
5. In a wāhi tūpuna mapped area : • Esplanade reserves and strips • Setback from coast and water bodies	a. Effects on cultural values of Manawhenua	See Rule 14.3
6. Affecting a scheduled heritage item building or scheduled heritage structure {Her cl.16} : • Materials and design	a. Effects on heritage values	See Rule 13.5
7. In the Taieri Aerodrome flight fan mapped area : • Maximum height (Rule 15.6.7.2.hb) {Res cl.16}	a. Effects on <u>health and safety</u> operation of Taieri Aerodrome {PHS cl.16}	See Rule 9.4

Rule 15.10 Assessment of Restricted Discretionary Activities

Rule 15.10.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 15.10.2 - 15.10.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. ~~Rules 15.10.2 – 15.10.4 apply to activities in the residential zones; Rule 15.10.5 contains additional provisions that apply to activities in overlay zones, mapped areas, heritage precincts and on scheduled items. {Res cl.16}~~
Rules 15.10.2 - 15.10.5 apply as follows:
 - a. Rule 15.10.2 applies to restricted discretionary land use activities;
 - b. Rule 15.10.3 applies to restricted discretionary development activities;
 - c. Rule 15.10.4 applies to restricted discretionary subdivision activities; and
 - d. Rule 15.10.5 applies to activities that are restricted discretionary due to a rule that applies in an overlay zone, mapped area, heritage precinct, or affecting a scheduled heritage item. {Res cl.16}
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
5. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 15.9; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 15.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 15.12; and

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

6. With respect to section 104(2), Council will not consider family flats as part of the permitted baseline in considering residential density effects in the residential zones.

15.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All RD land use activities, including: - early childhood education – small scale - visitor accommodation (including ancillary activities); - activities listed below <u>All restricted discretionary land use activities in the residential zones, including but not limited to the activities listed below {PO cl.16}</u>	a. Effects on accessibility	See Rule 6.10
	b. Effects on the safety and efficiency of the transport network	
	c. Effects on surrounding sites' residential amenity	<i>Relevant objectives and policies:</i> - Objective 15.2.3 - Activities are designed to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4). <i>General assessment guidance:</i> - In assessing the effects on amenity, Council will: - consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movements on the adjoining road, and the appropriateness of higher levels of vehicle movements based on the Road Classification Hierarchy in Appendix 6A; and - consider for visitor accommodation and supported living facilities whether communal outdoor gathering areas are located or screened to be minimise effects on adjacent residential properties; and {Res cl.16} - consider the relevant policies for development activities, including policies 15.2.3.1, 15.2.3.3, 15.2.4.1. <i>Potential circumstances that may support a consent application include:</i> - Performance standards for development activities are met. <i>Conditions that may be imposed include:</i> - Conditions on signage, lighting, hours of operation. - Delivery time restrictions. - Requirements for fencing or landscaping of car parking areas to minimise adverse visual and nuisance effects from lighting and/or vehicle headlights on surrounding properties. - For early childhood education centres: {Res cl.16} - acoustic insulation, acoustic fencing, low noise surfaces for play areas, or other such treatments; and {Res cl.16}

15.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
		2. use of a noise management plan: {Res cl.16'} ix. For campgrounds: {Res cl.16'} 1. Limits on the scale of the activity: {Res cl.16'} 2. Location of dump stations (for disposal of waste from motor homes) away from boundaries with residential properties: {Res cl.16'} 3. Restrictions on location and hours of operation of generators to minimise any effects from noise on neighbours: {Res cl.16'} 4. Road upgrades necessary to handle the amount and type of vehicles anticipated: {Res cl.16'} 5. Location, screening, or acoustic fencing of communal outdoor living/ gathering areas: {Res cl.16'}
	d. Effects on streetscape amenity and character	<i>Relevant objectives and policies (priority considerations):</i> i. Objective 15.2.4 ii. Activities are designed and located to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate, adverse effects on streetscape amenity (Policy 15.2.4.7). <i>General assessment guidance:</i> iii. In assessing the effects on amenity, Council will: 1. consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movements on the adjoining road, and the appropriateness of higher levels of vehicle movements based on the Road Classification Hierarchy in Appendix 6A; and 2. consider the relevant policies for development activities, including policies 15.2.3.1, 15.2.3.3, 15.2.4.1. <i>Potential circumstances that may support a consent application include:</i> iv. Performance standards for development activities are met.

15.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. Cemeteries	a. Effects on surrounding sites' residential amenity.	<i>Relevant objectives and policies:</i> i. Objective 15.2.3 ii. Cemeteries are designed and located to avoid or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigate, adverse effects on the amenity of surrounding sites residential properties {Res cl.16} and avoid reverse sensitivity from surrounding permitted, as far as practicable {PO 308.497}, the potential for reverse sensitivity {PO 1046.5} (Policy 15.2.3.5). <i>General assessment guidance/Conditions that may be imposed include:</i> iii. In assessing the effects on amenity, Council will consider the location of graves being a suitable distance away from boundaries and any screening or landscaping proposed. These aspects may be included as conditions of consent.
	b. Effects on cultural values of Manawhenua	See Rule 14.4
X. Emergency Services {CP 945.30}	a. Effects on the safety and efficiency of the transport network {CP 945.30}	See Rule 6.10 {CP 945.30}
	b. Effects on surrounding sites' residential amenity {CP 945.30}	<i>Relevant objectives and policies: {CP 945.30}</i> i. Objective 15.2.3 {CP 945.30} ii. Activities are designed to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4). {CP 945.30} <i>General assessment guidance {Res cl.16}</i> iii. In assessing the effects on amenity, Council will consider: {CP 945.30} 1. whether the facility has been designed to minimise effects on surrounding sites amenity. {CP 945.30} 2. the functional requirements and operational needs of the emergency service when considering the above matters. {CP 945.41}
	c. Positive effects for natural hazard resilience {NH 908.35}	<i>Relevant objectives and policies: {NH 908.35}</i> i. Policy 2.2.1.11 {NH 908.35}

15.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Restaurants, retail, or conference, meeting and function ancillary to visitor accommodation	a. Effects on the vibrancy and economic and social success of CBD and centres	<i>Relevant objectives and policies:</i> i. Objective 15.2.1 ii. Activities ancillary to visitor accommodation are located and designed to cater to patrons of the primary activity rather than the general public (Policy 15.2.1.4). <i>Potential circumstances that may support a consent application include:</i> iii. The ancillary activity is designed and managed so as to be unlikely to attract external customers. iv. There will be no external advertising on buildings facing the street, for the ancillary activity. v. Communal outdoor gathering areas are located or screened to minimise effects on adjacent residential properties. <i>Conditions that may be imposed include:</i> vi. Entrances to be located internally to the visitor accommodation. vii. No signs related to the ancillary activity to be visible from a public place.
4. Supported living facilities	a. Effects on efficiency and/or {Res cl.16} affordability of infrastructure	See Rule 9.5
	b. Effects on <u>surrounding sites'</u> <u>residential amenity</u> {Res cl.16}	<i>Relevant objectives and policies: {Res cl.16}</i> i. <u>Objective 15.2.3. {Res cl.16}</u> ii. <u>Supported living facilities are designed to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4).</u> {Res cl.16} <i>Potential circumstances that may support a consent application: {Res cl.16}</i> iii. <u>Communal outdoor gathering areas are located or screened to minimise effects on adjacent residential properties.</u> {Res cl.16}

15.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
5. <u>Early childhood education - small scale {Res cl.16²}</u>	a. Effects on surrounding sites' residential amenity {Res cl.16 ² }	<u>Relevant objectives and policies:</u> i. <u>Objective 15.2.3.</u> ii. <u>Early childhood education - small scale are designed to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4).</u> <u>Potential circumstances that may support a consent application include:</u> iii. <u>For early childhood education centres:</u> 1. <u>acoustic insulation, acoustic fencing, low noise surfaces for play areas, or other such treatments; and</u> 2. <u>use of a noise management plan.</u> {Res cl.16²}
6. <u>Visitor accommodation {Res cl.16²}</u>	a. Effects on surrounding sites' residential amenity {Res cl.16 ² }	<u>Relevant objectives and policies:</u> i. <u>Objective 15.2.3.</u> ii. <u>Visitor accommodation is designed to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4).</u> <u>Potential circumstances that may support a consent application include:</u> iii. <u>Communal outdoor gathering areas are located or screened to minimise effects on adjacent residential properties.</u> iv. <u>For campgrounds:</u> 1. <u>Limits on the scale of the activity.</u> 2. <u>Location of dump stations (for disposal of waste from motor homes) away from boundaries with residential properties.</u> 3. <u>Restrictions on location and hours of operation of generators to minimise any effects from noise on neighbours.</u> 4. <u>Road upgrades necessary to handle the amount and type of vehicles anticipated.</u> 5. <u>Location, screening, or acoustic fencing of communal outdoor living/ gathering areas.</u> {Res cl.16²}

¹ Res cl.16: Moved to new line.

² Res cl.16: Moved from general assessment of all activities Rule 15.10.2.1 into new row.

15.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. New buildings or additions and alterations to buildings that result in: - a building that is greater than 300m² footprint or {Res cl. 16} - a multi-unit development in the ICR and GR2 zones {Res 743.46}	a. Effects on streetscape amenity and character	<i>Relevant objectives and policies:</i> - Objective 15.2.4 <u>Buildings over 300m² footprint and multi-unit developments are designed to maintain or enhance streetscape and neighbourhood amenity and character (Policy 15.2.4.8) {Res 491.2 and 743.30}</u> <u>Development maintains or enhances streetscape amenity by ensuring buildings' height, boundary setbacks, and scale reflect the existing or intended future residential character (Policy 15.2.4.1.e). {Res cl.16'}</u> <i>General assessment guidance:</i> - In assessing the effects on amenity Council will consider whether building design reflects, and is conducive with, the residential scale. The cumulative effect of buildings on the streetscape amenity will also be considered. <u>In assessing the effects on streetscape amenity and character, Council will consider: {Res 491.2 and 743.30}</u> <u>building design and placement in terms of appropriateness for the context of the site, including: considering the appropriateness of form (roof pitch, scale, massing, window placement, entrance detailing, and/or proportion) and materials {Res 491.2 and 743.30}</u> <u>any landscaping proposed and its effectiveness in enhancing amenity and/or mitigating adverse effects {Res 491.2 and 743.30}</u> <u>the level of visibility from the street {Res 491.2 and 743.30}</u> <u>the location of any car parking {Res 491.2 and 743.30}</u> <u>whether the development provides adequate green space and maintains an appropriate balance of green space vs built and hard features {Res 491.2 and 743.30}</u> <u>whether the development has the potential to adversely affect any heritage streetscape values in the immediate neighbourhood {Res 491.2 and 743.30}</u> <u>In general, where a new building is located within an integrated group of buildings that contribute strongly to the heritage streetscape character of the immediate neighbourhood, design maintains the coherence of the group and the contribution it makes to the overall character and amenity. {Res 491.2 and 743.30}</u> <i>Conditions that may be imposed include:</i> - Requirements for design features to break up the bulk of the building, for example by varying building elevations, by setting parts of the building back, use of different textures, by the use of

15.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
		architectural features, or modulation. viii. The visual effects of the building is screened and softened by landscaping, fencing, or other screening, which provides an attractive interface with the street. ix. The building is set back from boundaries adequate distance to avoid shading or visual effects on adjacent residential properties or public places. x. Topography of the site mitigates the effects of the building scale on adjacent residential properties or public places.
2. <u>High trip generators:</u> {Trans cl.16³} • New or additions to parking areas, or extensions to existing parking areas that result in the creation of 50 or more new parking spaces {Trans cl.16}	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility {Trans cl.16⁴}	See Rule 6.10

15.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Earthworks – large-scale (that exceed the scale thresholds for the residential zones) {EW cl.16}	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 15.2.5 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 15.2.5.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 15.2.5.3.b). <i>Potential circumstances that may support a consent application include:</i> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or effect existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to:</i> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished.

15.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 15.2.5 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 15.2.5.3.c). <i>Potential circumstances that may support a consent application include:</i> iii. A geotechnical report confirms the existing ground is suitably stable for the proposed works, and proposed works will not create instability risks for surrounding land, buildings, or structures (see Special Information Requirements - Rule 15.13.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards. <i>Conditions that may be imposed include, but are not limited to:</i> v. Maximum slopes of cut and fill batters. vi. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. vii. Temporary shoring requirements to maintain stability before a wall is constructed. viii. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
4. Earthworks – large scale (that exceed scale thresholds within 5m of a water body or MHWS) {EW cl.16 ² }	a. Effects on biodiversity and natural character of riparian margins and the coast b. Effects on public access	See Rule 10.5

¹ **Res cl.16:** Scale of new buildings over 300m² now managed in Policy 15.2.4.8, therefore reference to this policy no longer relevant.

² **EW cl.16:** As a clause 16 amendment, all earthworks provisions in management and major facility zones have been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

³ **Trans cl.16:** A reference to 'high trip generators' has been added here, to clarify that this activity is assessed as a high trip generator under Transportation section rules. This does not result in a substantive change to the effect of provisions.

⁴ **Trans cl.16:** Under Transportation section rules, 'effects on accessibility' as well as 'effects on safety and efficiency of the transport network' are matters of discretion for high trip generators. However, 'effects on accessibility' was inadvertently omitted from notified Section 15 assessment rules. The correction of this error does

not result in a substantive change to the effect of provisions.

Table 15.10.4 Assessment of restricted discretionary subdivision activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	All subdivision activities	a. Effects on neighbourhood residential character and amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.4 ii. Subdivision is designed to ensure any future land use and development will: 1. maintain the amenity of the streetscape; 2. ~~maintain or compliment the~~ <u>reflect the current or future intended</u> {Res cl.16} character of the neighbourhood; 3. provide for development to occur without unreasonable earthworks or engineering requirements; and 4. provide for quality housing (Policy 15.2.4.6). <i>Design considerations that may support a consent application include:</i> iii. The layout of the subdivision takes into account solar orientation and is designed to ensure future development will facilitate a high level of passive solar gain. <i>Conditions that may be imposed include:</i> iv. Building platforms registered against the title by way of consent notice.
		b. Risk from natural hazards	See Rule 11.5
		c. Effects on efficiency and/or {Res cl.16} affordability of infrastructure	See Rule 9.5
		d. Effects on the safety and efficiency of the transport network	See Rule 6.10
2.	All subdivision activities that involve a new road	a. Effects on the safety and efficiency of the transport network	

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. In a hazard overlay zone: • Earthworks – large scale (that exceed scale thresholds for a hazard (land instability) overlay zone) {EW cl.16’} • Earthworks – large scale (that exceed scale thresholds for a hazard (flood) overlay zone) {EW cl.16’} • Earthworks – large scale (that exceed scale thresholds for a swale mapped area) {EW cl.16’}	a. Risk from natural hazards	See Rule 11.5–
2 In a Hazard 1 (land instability) Overlay Zone (see Rule 15.3.6): • New buildings, and additions and alterations to buildings, which create more than 1m² of new ground floor area {NH 73.4 and others}	a. Risk from natural hazards– {NH 73.4 and others}	See Rule 11.5 {NH 73.4 and others}
3. In a hazard 1 or 2 (flood) {NH 73.4 and others} overlay zone other than the hazard 1 (land instability) Overlay Zone {NH 73.4 and others} (see Rule 15.3.6): • New buildings, and additions and alteration to buildings, which create more than 36m² of new ground floor area	a. Risk from natural hazards	See Rule 11.5
4. In the Hazard 3 (coastal) Overlay Zone <u>all hazard overlay zones, swale mapped areas and dune system mapped areas</u>: {NH 949.25, NH 634.69 and NH cl.16} • All subdivision activities	a. Risk from natural hazards {PHS cl.16}	See Rule 11.5
5. In a geologically sensitive mapped area (GSA): • Earthworks – large scale (that exceed underlying zone scale thresholds) {NH cl.16’}	a. Risk from natural hazards–	See Rule 11.5–

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
6. In a ~~UCMA~~ UBMA: {NatEnv 958.60} • Earthworks – large scale (that exceed the scale thresholds for a UCMA) {EW cl.16’} • All subdivision activities	a. Effects on biodiversity <u>values</u> {NatEnv 958.60}	See Rule 10.5
7. In a heritage precinct: • All RD activities due to being in a heritage precinct	a. Effects on heritage streetscape character	See Rule 13.6
8. On ~~Activities affecting~~ {Her cl.16} a scheduled heritage site: • Earthworks – large scale (that exceed the scale thresholds for a SHS) {EW cl.16’} • New buildings and all other structures on a scheduled heritage site, where visible from an adjoining public place or a public place within ~~the a-heritage~~ {Her cl.16} site • Parking, loading and access on a scheduled heritage site, where visible from an adjoining public place or a public place within ~~the a-heritage~~ {Her cl.16} site • All subdivision activities	a. Effects on heritage values	See Rule 13.6
9. ~~Activities~~ {Her cl.16} affecting a scheduled heritage building or a scheduled heritage structure: • ~~Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure~~ All other additions and alterations {Her cl.16} • Removal for relocation • All subdivision activities <u>on sites containing a scheduled heritage building or scheduled heritage structure</u> {Her cl.16}	a. Effects on heritage values	See Rule 13.6

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
10.	In a wāhi tūpuna mapped area : • All subdivision activities • Earthworks – large scale (that exceed the scale thresholds for the residential zones) {EW cl.16¹}	a. Effects on cultural values of Manawhenua	See Rule 14.4
11.	In the Hazard 2 (flood) Overlay Zone : {NH 634.74} • <u>Natural hazards {NH cl.16} sensitive activities {NH 634.74}</u> • <u>Natural hazards {NH cl.16} potentially sensitive activities {NH 634.74}</u>	a. <u>Risk from natural hazards {NH 634.74}</u>	See Rule 11.5 {NH 634.74}
12. {NU 806.11}	In the National Grid Corridor mapped area : {NU806.11} • <u>All subdivision activities {NU 806.11}</u>	a. <u>Effects on health and safety {NU806.11}</u> b. <u>Reverse sensitivity effects {NU806.11}</u> c. <u>Effects on efficient and effective operation of network utilities {NU806.11}</u>	See Rule 5.8 {NU 806.11}

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

² **NH cl.16:** As a clause 16 amendment, geologically sensitive areas are not part of this Plan, and are included in the data map for information purposes only.

Rule 15.11 Assessment of Discretionary Activities

Rule 15.11.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 15.11.2 - 15.11.43 **{Res cl.16}** provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. Rules 15.11.2 - 15.11.3 apply as follows:
 - a. Rule 15.11.2 applies to discretionary land use activities; and
 - b. Rule 15.11.3 applies to discretionary performance standard contraventions. **{Res cl.16}**
4. With respect to section 104(2), Council will not consider family flats as part of the permitted baseline in considering residential density effects in the residential zones.
5. ~~Rules 15.11.2 - 15.11.3 apply to activities in the residential zones; Rule 15.11.4 contains additional provisions that apply to activities in overlay zones. **{NH cl.16}**~~
6. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

15.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary <u>land use activities listed below</u> {PO cl.16}	~~<i>General assessment guidance</i>~~ ~~a. In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. {Res cl.16}~~ <i>Relevant guidance from other sections (priority considerations):</i> b. See Section 6.11 for guidance on the assessment of resource consents in relation to Objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network <u>and its affordability to the public</u> {Trans 881.63}. c. <u>See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety</u> {PHS cl.16} d. <u>See Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua</u> {MW 1071.3}

15.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
2. Registered health practitioners	<i>Relevant objectives and policies (priority considerations)</i> - Objective 15.2.3 - Registered health practitioners are designed <u>and located</u> {Res cl.16} to avoid, or if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4). <i>General assessment guidance:</i> - In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movement on the adjoining road, with consideration of the Road Hierarchy in Appendix 6A. <i>Potential circumstance that may support a consent application include</i> - The scale of the facilities is appropriate to the residential environment, providing for a small number of registered health practitioners, rather than a medical centre, which should be located in a centre. <i>Conditions that may be imposed include:</i> - Delivery/pick up time restrictions. - Landscaping to minimise amenity effects of lighting, vehicle headlights, or parking areas on surrounding properties. - Number of registered practitioners to be employed.
3. • Early childhood education - large scale • Schools	<i>Relevant objectives and policies (priority considerations)</i> - Objective 15.2.3 - Schools and early childhood education are designed and located to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4). <i>General assessment guidance:</i> - In assessing the effects on amenity Council will consider whether buildings and outdoor areas are designed and located to reduce noise emissions. <i>Conditions that may be imposed include:</i> - Delivery time restrictions - Landscaping to minimise amenity effects of lighting, vehicle headlights or parking areas on surrounding properties. - Mitigation measures to minimise noise such as insulation, acoustic fencing, low noise surfaces for play areas, or other such treatments. - A noise management plan may be required.

15.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
4. Sport and recreation (not involving the use of motor vehicles)	<i>Relevant objectives and policies (priority considerations)</i> a. Objective 15.2.3 b. Sport and recreation is designed and located to avoid or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigate, adverse effects on the amenity of surrounding residential properties(Policy 15.2.3.4). <i>General assessment guidance:</i> c. In assessing the effects on amenity Council will consider whether buildings and outdoor areas are designed and located to reduce noise emissions. d. Amount of parking proposed is appropriate for the activity and will not result in impacts or parking pressure on the surrounding residential environment. e. Hours of operation proposed are appropriate for the residential environment. f. The scale of the facilities is appropriate to the residential environment. <i>Conditions that may be imposed include:</i> g. Landscaping to minimise amenity effects of lighting, vehicle headlights or parking areas on surrounding properties. h. Hours of operation. i. Car parking requirements.
5. Stand-alone car parking	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 15.2.3 b. Stand-alone car parking is of a scale and is designed and located operated {Res cl.16} in a way that avoids, or if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigates, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4). <i>General assessment guidance:</i> c. In assessing the effects on the amenity of surrounding residential properties, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movement on the adjoining road, with consideration of the Road Hierarchy in Appendix 6A. <i>Conditions that may be imposed include:</i> d. Requirements for fencing or landscaping of car parking areas to minimise adverse visual or nuisance effects from lighting and/ or vehicle headlights on surrounding properties.

15.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
6. Restaurants or retail ancillary to sport and recreation	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 15.2.4 b. Sport and recreation facilities are designed and operated in a way that avoids, or if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigates, adverse effects on streetscape amenity(Policy 15.2.4.7). <i>General assessment guidance:</i> c. The ancillary activity is designed and managed so as to be unlikely to attract external customers. d. There will be no external advertising on buildings facing the street, for the ancillary activity.

15.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
7. {CP 634.39} <u>Service stations on a strategic road or arterial road {CP 634.39}</u>	<u>Relevant objectives and policies (priority considerations): {CP 634.39}</u> a. <u>Objectives 15.2.1, 15.2.3 and 15.2.4. {CP 634.39}</u> b. <u>Provide for service stations on a strategic road or arterial road only where it is not practicable, due to a lack of site availability and/or special locational requirements, to locate in the PPH, TR, CEC, industrial or centre zones (Policy 15.2.1.7). {CP 634.39}</u> c. <u>Service stations are designed and located to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4). {CP 634.39}</u> d. <u>Service stations are designed and located to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on streetscape amenity (Policy 15.2.4.7). {CP 634.39}</u> <u>General assessment guidance: {CP 634.39}</u> e. <u>In assessing the effects on the amenity of surrounding residential properties and the streetscape amenity, Council will consider the: {CP 634.39}</u> i. <u>design and location of buildings, forecourts/yards and signs: {CP 634.39}</u> ii. <u>location of access/egress points: {CP 634.39}</u> iii. <u>effects of vehicle movements on the site; and {CP 634.39}</u> iv. <u>the hours of operation, light spill, noise and location of service station development in relation to site boundaries. {CP 634.39}</u> f. <u>See Rule 6.11.2.2 for guidance on the assessment of the effects on the safety and efficiency of the transportation network, and other transportation effects. {CP 634.39}</u> <u>Conditions that may be imposed include: {CP 634.39}</u> g. <u>Requirements for fencing, landscaping and/or setbacks of buildings, forecourts/yards, signs and access/egress points to minimise adverse visual or nuisance effects from noise, lighting and/or vehicle headlights on surrounding properties. {CP 634.39}</u> h. <u>Restrictions on hours of operation. {CP 634.39}</u> i. <u>Restrictions on on-site lighting. {CP 634.39}</u> j. <u>Requirements for screening of storage areas. {CP 634.39}</u> k. <u>Requirement to control dust. {CP 634.39}</u> l. <u>Conditions related to building design, scale and bulk including roof lines, height, façade articulation, colour and materials to ensure compatibility with surrounding residential amenity. {CP 634.39}</u>

15.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
	634.39} m. <u>Restrictions on signage.</u> {CP 634.39}

15.11.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • Acoustic insulation • Noise - where the limit is exceeded by less than 5dB LAeq (15min) • Light spill - where the limit is exceeded by 25% or less	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
2. <u>Maximum gross floor area for working from home and dairies</u> {Res 997.3}	<i>Relevant objectives and policies (priority considerations) {Res 997.3}</i> a. <u>Objective 15.2.3</u> {Res 997.3} b. <u>Working from home and dairies operate in a way that avoids or, if avoidance is not practicable, adequately mitigates, noise or other adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.2).</u> {Res 997.3} c. <u>The size of working from home and dairies is compatible with the character and amenity of the residential zones (Policy 15.2.1.3.a).</u> {Res 997.3} d. <u>The size of working from home and dairies does not detract from the vibrancy and functioning of the centres hierarchy (Policy 15.2.1.3.b).</u> {Res 997.3} <i>Potential circumstances that may support a consent application include: {Res 997.3}</i> e. <u>The degree of non-compliance with the performance standard is minor.</u> {Res 997.3} <i>General assessment guidance: {Res 997.3}</i> f. <u>In assessing the effects on amenity, Council will consider if: {Res 997.3}</u> i. <u>the increased scale of the activity will result in increased vehicle movements or parking requirements, or the need for additional outdoor storage.</u> {Res 997.3} ii. <u>the scale of the activity is appropriate to the residential environment and is secondary to the residential activity.</u> {Res 997.3}

15.11.4 Assessment of discretionary activities in an overlay zone {NH634.74}

Activity {NH634.74}	Guidance on the assessment of resource consents {NH634.74}
1. In the hazard 1 overlay zones (see Rule 15.3.6): {NH634.74} Potentially sensitive activities permitted in residential zones {NH634.74}	See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH634.74}
2. In the hazard 2 overlay zones (see Rule 15.3.6): {NH634.74} - Potentially sensitive activities not permitted in residential zones {NH634.74} - Sensitive activities {NH634.74}	See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH634.74}

Rule 15.12 Assessment of Non-complying Activities

Rule 15.12.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 15.12.2 - 15.12.5 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. With respect to section 104(2), Council will not consider family flats as part of the permitted baseline in considering residential density effects in the residential zones.
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

15.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying <u>land use</u> activities <u>listed below</u> {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 15.2.1 <i>General assessment guidance:</i> b. In assessing the significance of effects, consideration will be given to: i. short to long term effects, including effects in combination with other activities ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the grant of resource consent. iii. any effects otherwise managed through performance standards and consistent with all relevant objectives and policies for the zone. iv. ~~Manawhenua values and the relationship between manawhenua and the natural environment is maintained, including the cultural values and traditions associated with:~~ {MW cl.16} 1. ~~wāhi tūpuna;~~ and {MW cl.16} 2. ~~the customary use of mahuik kai (Objective 14.2.1);~~ {MW cl.16} v. ~~If located outside a wāhi tūpuna mapped area, Kai Tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi tūpuna is located, or the linkages between wāhi tūpuna~~ {MW 1071.109} c. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. <i>Relevant guidance from other sections (priority considerations):</i> d. <u>See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public.</u> {Trans cl.16¹} e. <u>See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety</u> {PHS cl.16} f. <u>See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua</u> {MW cl.16}

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

15.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. Sport and recreation that involves motor vehicles	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 15.2.1, 2.2.6 b. Policies 15.2.1.6, 2.2.6.21.f {Res cl.16}
2. Commercial advertising	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c
3. All non-complying commercial activities	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 15.2.1 b. Strategic Directions - Objectives 2.4.3, 2.3.2 c. Commercial activities, other than those expressly provided for, are avoided from locating in residential zones, unless: i. the activity will not detract from the vibrancy and functioning of the centre's centres {CMU cl.16} hierarchy; and ii. the site is adjacent to a centre and it provides a logical extension to a centre; and iii. the centre is at, or very close to, capacity; and iv. the site development activities are {Res cl.16} done in accordance with the performance standards of the street typology (if relevant) of the adjacent centre zoned sites; and v. the development maximises opportunities for integration with the centre; or vi. if the site is in the Township and Settlement Zone: 1. the commercial activity would have significant positive effects in terms of supporting the needs of the community and visitors to the area; and 2. the activity is unable to be located in, or adjacent to, the nearest centre, or no centre exists within the relevant township or settlement; and 3. the location is appropriate for the proposed activity; and 4. any adverse effects from noise, vehicle movements, and on-street parking supply can <u>will</u> {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated (Policy 15.2.1.5). <u>General assessment guidance {CMU 877.2}</u> d. <u>In assessing the effects on the vibrancy and functioning of the centres hierarchy, Council will also consider effects on the economic feasibility of any redevelopment necessary to maintain the vibrancy and attractiveness of those centres. {CMU 877.2}</u>

15.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
4. - Crematoriums - Landfills {MW cl.16²}	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 15.2.1, Policy 15.2.1.6 <i>Relevant guidance from other sections (priority considerations):</i> b. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua {MW cl.16¹}
5. - All major facility activities (excluding crematoriums, {MW cl.16²} cemeteries, emergency services, {CP 945.30} and schools) - All rural activities (excluding grazing and scheduled mining activity {CP 874.2 and others} landfills {MW cl.16²}) - All industrial activities	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 15.2.1 b. Policy 15.2.1.6 c. Where in a wāhi tūpuna mapped area, see Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua {MW cl.16¹}
6. In the hazard 1 (flood) {NH 73.4 and others} overlay zones: (see Rule 15.3.6): {Res cl.16} - Natural hazards Ppotentially {NH cl.16} sensitive activities not permitted in residential zones: {NH 634.74} - Natural hazards Ssensitive {NH cl.16} activities	See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards.

¹ **MW cl.16:** Assessment deleted as now located at 15.12.2.1.f

² **MW cl.16:** Rules 15.12.3.4 and 15.12.3.5 have been combined.

15.12.4 Assessment of non-complying development activities

Activity	Guidance on the assessment of resource consents
1. Demolition of a protected part of a scheduled heritage building or scheduled heritage structure	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects on heritage values.

15.12.5 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Density	<i>Relevant objectives and policies (priority considerations):</i> a. Strategic Directions - Objectives 2.7.1 (policies 2.7.1.1, 2.7.1.3), 2.4.1 (Policy 2.4.1.5) b. Objective 15.2.4, Policy 15.2.4.2, Policy 15.2.4.3 c. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.
X. <u>Density - visitor accommodation</u> {Res cl.16}	<i>Relevant objectives and policies (priority considerations): {Res cl.16}</i> a. <u>Objective 15.2.3</u> {Res cl.16} b. <u>Policy 15.2.3.4</u> {Res cl.16}
2. • Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5dB LAeq (15 min) or more • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
3. Setback from National Grid	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.1 <u>5.22 {NU 918.29}</u> and effects related to the efficient and effective operation of network utilities, and public health and safety.
4. Maximum gross floor area for working from home and dairies {Res 997.3}	<i>Relevant objectives and policies (priority considerations): {Res 997.3}</i> a. Objectives 15.2.1, 2.4.3 {Res 997.3} b. The size of working from home and dairies is compatible with the character and amenity of the residential zones (Policy 15.2.1.3.a). {Res 997.3} c. The size of working from home and dairies does not detract from the vibrancy and functioning of the centres hierarchy (Policy 15.2.1.3.b). {Res 997.3} d. The degree of non-compliance with the performance standard is minor. {Res 997.3} e. Policy 2.4.3.4 {Res 997.3}

15.12.5 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
5. Minimum site size	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 15.2.4, 9.2.1 <i>Relevant guidance from other sections (priority considerations):</i> b. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.
6. Structure plans mapped area performance standards {ULS cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. Strategic Directions - Objective 2.4.1, Policy 2.4.1.8
7. Archaeological sites (earthworks) {EW cl.16}	See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.4 and effects related to the inappropriate development and use in Dunedin's archaeological sites.
8. <u>Family Flats - Tenancy {PO 207.1 and 394.63}</u>	<i>Relevant objectives and policies (priority considerations):</i> a. Strategic Directions - 2.4.1 (Policy 2.4.1.5) b. <u>Objective 15.2.4</u> c. <u>The tenancy of family flats avoids, as far as practicable, the risk they will be used for a separate, non-ancillary residential activity, or future pressure to subdivide off family flats, and minimises, as far as practicable, any adverse effects on the amenity and character of the neighbourhood (Policy 15.2.4.3). {PO 207.1 and 394.63}</u>
9. <u>Shape (Rule 15.7.6.2.c) - setback of building platforms from National Grid {NU 806.11}</u>	<i>Relevant guidance from other sections (priority considerations):</i> a. <u>See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.2 and effects related to the efficient and effective operation of network utilities, and reverse sensitivity. {NU 806.11}</u>

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

Rule 15.13 Special Information Requirements

EW cl.16: As a clause 16 amendment, Rule 15.3.1 Geotechnical investigation report has been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

15.13.2 Papakāika - ownership and occupation

For papakāika activity, proof that both the owner and occupier of the land fall into one of the classes listed in the definition of papakāika is required. Proof can be obtained from the Māori Land Court or the Ngāi Tahu Whakapapa Unit.

Appendices {Confirmed for deletion - ULS cl.16}

Appendix 15B. Formby Street Structure Plan {Confirmed to be replaced by 15.7A.2 - ULS cl.16¹}

¹ **ULS cl.16:** The content of this section has been moved to Rule 15.7A.2

Appendix 15A. East Taieri Structure Plan and Notations {Confirmed to be replaced by 15.7A.1 - ULS cl.16¹}

¹ **ULS cl.16:** The content of this section has been moved to Rule 15.7A.1

Appendix 15C. Mosgiel East Structure Plan and Notations {Confirmed to be replaced by 15.7A.3 - ULS cl.16¹}

¹ **ULS cl.16:** The content of this section has been moved to Rule 15.7A.3

Appendix 15D. Holyhead Street Structure Plan {Confirmed to be replaced by 15.7A.4 - ULS cl.16¹}

¹ **ULS cl.16:** The content of this section has been moved to Rule 15.7A.4

16. Rural Zones

16.1 Introduction

Dunedin's rural environment is large, at around 314,822 hectares or approximately 96% of the total land area of the city. This rural environment is highly varied, stretching from coastal lowlands north and south of the main urban part of the city, through river plains, valley systems, hill country and rolling uplands, to the inland mountain ranges at the western extent of the city.

The rural environment is dominated by pastoral farming in many areas, which contributes to the sense of openness and low density of development throughout much of Dunedin. Significant areas of indigenous vegetation and habitat for indigenous fauna are found across the city, ranging from estuarine and coastal habitat through to alpine plant communities on the Rock and Pillar and Lammermoor ranges. Plantation forestry is found mainly on the hills to the north of the Taieri Plain or in the southern coastal parts of the city.

The ~~principle principal~~ **{CP cl.16}** functions of the rural environment are firstly to provide for productive rural activities such as pastoral farming, livestock, horticulture, and forestry, ~~and mining~~ **{CP 458.59}** and associated resource-based activities; and secondly, the provision of ecosystem services - soil, water and air resources and the setting for the vast majority of the city's indigenous vegetation and habitat for indigenous species.

The rural environment contributes significantly to Dunedin's economy through rural primary production activities such as farming, ~~and forestry, and mining~~ **{CP 458.59}** and associated processing and service activities that rely on these. ~~Tourism is a key sector in the Dunedin economy.~~ **{RU cl.16}** The rural parts of Dunedin ~~also~~ play an important role in providing for tourism activities ~~(another key sector of the Dunedin economy)~~ **{RU cl.16}**, not least through eco-tourism ~~activities, which relies on maintaining the quality of the natural environment~~ **{RU cl.16}**. ~~The functions of the rural environment are interrelated, with much of Dunedin's rural economic activity reliant on maintaining the quality of the natural environment.~~ **{NatEnv 588.1}** ~~The provision of ecosystem services, and issues relating to the natural environment more generally, are addressed in the Natural Environment section (Section 10).~~ **{RU 958.96}**

The rural environment also contains a number of outstanding and significant natural landscapes and features, along with coastal areas with natural character values. Along with the biodiversity values referred to above, these elements of the rural environment make an important contribution to the social and cultural well-being of the residents of Dunedin, and to the quality of the city's natural environment. **{RU 900.102 and 447.70}**

The key issues facing the rural ~~zone~~ environment **{RU 360.143}** are:

- the fragmentation of rural landholdings from subdivision, which can lead to rural properties too small to be used for productive purposes. Dunedin already has a large number of small rural sites as a result of historic subdivision patterns ~~under earlier district plans and schemes.~~ and further pressure ~~Pressure~~ **{RU 490.25}** for rural residential ~~(lifestyle block) activities~~ subdivision **{RU 490.25}** in rural areas threatens to further fragment rural land; and
- non-productive land uses or those activities that would ordinarily be expected to locate in the urban parts of Dunedin seeking to locate in rural areas.

The following issues stem directly from these two key issues:

- the productive capacity of the rural environment can be diminished through the loss of rural land and soil resources, including the finite high class soils resource that needs to be retained for future generations;
- the spread of non-rural uses including rural residential activities into rural areas can have adverse effects on landscape values, rural character and amenity values; and natural environment functions and values ;
- potential conflicts between activities in the rural environment, which often arises from new activities in rural

areas complaining about established productive rural activities and is known as 'reverse sensitivity';

- demand for the inefficient provision of infrastructure and services, stemming from the fact that sometimes people living on small rural blocks in close proximity to urban areas demand urban public **{PO 881.167}** infrastructure and services, such as reticulated services or sealed roads.

In response to these issues, seven rural zones and their objectives, policies and rules manage Dunedin's rural environment in a manner that recognises its diversity. The District **{PO cl.16}** Plan emphasises the importance of providing for rural activities and for other activities which are reliant on or associated with the rural environment ~~(provided effects are managed)~~ **{RU 490.25}**, while acknowledging that residential uses are clearly secondary and subordinate to these activities. This approach seeks to achieve the strategic outcomes for the rural zones, while ensuring that environmental effects are managed at an acceptable level. **{RU 490.25}**

A limited degree of flexibility has been incorporated into the subdivision rules that apply in the rural zones, via provision for surplus dwelling subdivision. **{RU 807.26}**

The rural zones are supported by overlays relating to landscape, natural character of the coast, ~~and natural hazards;~~ **{RU cl.16}** and scheduled areas of significant indigenous vegetation and habitats of indigenous fauna. Provisions relating to these are located in the Natural Environment section, along with rules relating to other matters that apply more generally throughout the rural zones, such as rules on vegetation clearance and setback from coast and water bodies. **{RU 958.96}**

Appendix A7 provides descriptions and rural character values for each of the seven rural zones. The seven rural zones are: Coastal Rural Zone, High Country Rural Zone, Hill Country Rural Zone, Hill Slopes Rural Zone, Middelmarsh Basin Rural Zone, Peninsula Coast Rural Zone and Taieri Plain Rural Zone. **{RU 360.143}**

16.2 Objectives and Policies

Objective 16.2.1	
Rural zones are reserved for productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of rural {CP 1088.60 and others} communities where these activities are most appropriately located in a rural rather than an urban environment. Residential activity in rural zones is limited to that which directly supports farming or which is associated with papakāika.	
Policy 16.2.1.1	Enable farming, grazing and conservation activity {RU cl.16} in the rural zones.
Policy 16.2.1.2	Provide for other {RU cl.16} rural activities, veterinary services, rural industry, rural contractor and transport depots, {RU 911.5} community activities, emergency services, {CP 945.39} cemeteries and crematoriums in the rural zones where the effects can <u>will</u> {PO cl.16} be adequately managed in line with objectives 16.2.2 and 16.2.3, 16.2.4 and their policies, and the objectives and policies of any relevant overlay zones.
Policy 16.2.1.3	Require rural ancillary retail, rural tourism and working from home to be at a scale that: - is ancillary to and supportive of productive rural activities or conservation activity on the same property; and - supports objectives 2.3.2 and 2.4.3 and their policies.
Policy 16.2.1.4	Only allow visitor accommodation in the rural zones where it supports a {PO cl.16} productive rural activity activities {PO cl.16} or a significant conservation activity {RU 366.3} on the same property.
Policy 16.2.1.5	~~Limit~~ Require {RU 350.11 and others} residential activity, with the exception of papakāika, in the rural zones to be at {RU 350.11 and others} a level (density) that supports farming activity and achieves objectives 2.2.2, 2.3.1, 2.4.6, 16.2.2, 16.2.3 and 16.2.4 and their policies.
Policy 16.2.1.6	Require any family flat to be of a size and location in relation to the primary residential building (house) that: <u>Restrict the tenancy and design of family flats to:</u> {PO 207.1 and 394.63} - reflects its use for housing a person or persons related to, dependent on, or employed by the household that lives in the primary residential building on the same site; and {PO 207.1 and 394.63} - avoid, as far as practicable, the risk they will be used for a separate, non-ancillary, residential activity; and {PO 207.1 and 394.63} - adequately discourages avoid, as far as practicable, {PO cl.16} future pressure to subdivide the off {PO cl.16} family flats. {PO cl.16}
Policy 16.2.1.7	Avoid residential activity in the rural zones on a site that does not comply with the density standards for the zone, unless it is the result of a surplus dwelling subdivision.
Policy 16.2.1.8	Avoid supported living facilities, commercial activities, industrial activities, and major facilities facility activities {MF cl.16} , unless otherwise provided for, in the rural zones.
Policy 16.2.1.9	~~Avoid~~ Only allow {RU 490.29} cross lease, company lease and unit title subdivision in the rural zones unless where {RU 490.29} it does not result in an increase in residential {RU 490.29} development potential beyond that which might be achieved through a general subdivision. {RU 490.29}

Objective 16.2.1

Rural zones are reserved for productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of rural **{CP 1088.60 and others}** communities where these activities are most appropriately located in a rural rather than an urban environment. Residential activity in rural zones is limited to that which directly supports farming or which is associated with papakāika.

Policy 16.2.1.10	Only allow the subdivision of a surplus dwelling where: a. the subdivision meets policies 16.2.3.8 and 16.2.4.3.a, b and d; b. the dwelling is habitable and in good condition; and c. the subdivision will not result in any additional development potential for residential activity across resultant sites than would otherwise be provided for by the minimum site size standard.
Policy 16.2.1.11 {CP 634.40}	<u>Provide for service stations on a strategic road or arterial road, where it is not practicable, due to a lack of site availability and/or special locational requirements, to locate in the PPH, TR, CEC, industrial or centre zones. {CP 634.40}</u>
Policy 16.2.1.12 {MF 308.283}	<u>Enable the New Zealand Marine Studies Centre in the Portobello Marine Science mapped area {MF 308.283}</u>

Objective 16.2.2

The potential for conflict between activities within the rural zones, and between activities within the rural zones and adjoining residential zones, is minimised through measures that ensure:

- the potential for reverse sensitivity effects from more sensitive land uses (such as residential activities) on other permitted or lawfully established activities **{PO 1046.5}** in the rural zones is minimised;
- the residential character and amenity of adjoining residential zones is maintained; and
- a reasonable level of amenity for residential activities in the rural zones.

Policy 16.2.2.1	Require residential buildings <u>and cemeteries</u> {RU 702.4} to be set back an adequate distance from site boundaries {RU cl.16} to minimise, <u>as far as practicable</u> , {PO 906.34 and 308.497} the potential for reverse sensitivity <u>by being set back an adequate distance from effects from</u> {RU 1090.32 and PO 1046.5} : - rural activities such as farming (for example, effects from noise, dust or odour) <u>site boundaries</u> {RU 1090.32 and PO 1046.5}; and - existing {PO 1046.5} factory farming <u>intensive farming</u> {RU 1090.3}, domestic animal boarding and breeding (that includes <u>including</u> {RU cl.16} dogs), mining, landfills, wind generators – small scale and wind generators – regional scale <u>wind generators – large scale</u>, {NU 308.122} and the Waitati Rifle Range {RU 583.20}.
Policy 16.2.2.2	Require buildings that house animals to be set back from site boundaries an adequate distance to ensure that any adverse effects on sensitive activities on adjoining sites, such as residential activities, are avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , are no more than minor.
Policy 16.2.2.3	Require all new buildings to be located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites.
Policy 16.2.2.4	Require rural ancillary retail, rural tourism - <u>small scale</u> , {RU cl.16} working from home, mineral exploration, and mineral prospecting to operate in a way (including hours of operation <u>or, for mineral exploration, use of blasting</u> {CP 458.1 and others}) that avoids or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigates noise or adverse effects on the amenity of sensitive activities on surrounding properties.
Policy 16.2.2.5	Only allow rural tourism - large scale, rural research - large scale (<u>outside the Invermay Farm mapped area</u>) {RU 924.9} , rural contractor and transport depots - large scale, {RU 911.5} community and leisure - large scale, sport and recreation, veterinary services, visitor accommodation, cemeteries, crematoriums, <u>factory farming</u> <u>intensive farming</u> {RU 1090.3} , domestic animal boarding and breeding (including dogs), rural industry, mining, <u>service stations</u> , {CP 634.40} or landfills where adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigated.
Policy 16.2.2.6 {CP 458.23 and others}	Only allow factory farming, domestic animal boarding and breeding (including dogs), rural industry, mining, landfills or non-rural activities, other than those that are permitted in the rural zones, where the potential for reverse sensitivity effects, that may affect the ability of permitted activities to operate, will be avoided or, if avoidance is not possible, will be no more than minor. {CP 458.23 and others}

Objective 16.2.2

The potential for conflict between activities within the rural zones, and between activities within the rural zones and adjoining residential zones, is minimised through measures that ensure:

- a. the potential for reverse sensitivity effects from more sensitive land uses (such as residential activities) on other permitted or lawfully established activities **{PO 1046.5}** in the rural zones is minimised;
- b. the residential character and amenity of adjoining residential zones is maintained; and
- c. a reasonable level of amenity for residential activities in the rural zones.

Policy 16.2.2.7	Require forestry and ~~tree planting~~ <u>shelterbelts and small woodlots</u> {RU cl.16} to be set back an adequate distance to avoid <u>or minimise, as far as practicable,</u> {PO 308.497} significant effects from shading on residential buildings on surrounding properties.

Policy 16.2.2.8	Only allow cemeteries where they are designed to avoid, as far as practicable, {PO 308.497} the <u>potential for</u> reverse sensitivity effects ~~on surrounding permitted or lawfully established activities~~ {PO 1046.5} by locating graves a suitable distance from site boundaries and providing adequate screening from surrounding activities.

Objective 16.2.3

The rural character values and amenity of the rural zones are maintained or enhanced, elements of which include:

- a. a predominance of natural features over human made features;
- b. a high ratio of open space, low levels of artificial light, and a low density of buildings and structures;
- c. buildings that are rural in nature, scale and design, such as barns and sheds;
- d. a low density of residential activity, which is associated with rural activities;
- e. a high proportion of land containing farmed animals, pasture, crops, and forestry;
- f. ~~significant~~ extensive **{RU 958.99}** areas of indigenous vegetation and habitats for indigenous fauna; and
- g. other elements as described in the character descriptions of each rural zone located in Appendix A7.

Policy 16.2.3.1	Require buildings, ~~and~~ structures and network utilities {RU 874.41 and others} to be set back from ~~site~~ {RU cl.16} boundaries and identified ridgelines, {RU 874.41 and others} and of a height that maintains the rural character values and visual amenity of the rural zones.
Policy 16.2.3.2	Require residential activity to be at a density that maintains the rural character values and visual amenity of the rural zones.
Policy 16.2.3.3	Require mineral exploration and mineral prospecting to restore land to at least the same standard as before the activity commenced with respect to landform and productive potential.
Policy 16.2.3.4	Only allow mining and landfills where there is reasonable certainty that land will be restored <u>or rehabilitated</u> {CP 458.24 and others} to an acceptable standard with respect to landform and <u>to enable a return to productive, recreational or conservation use as soon as possible.</u> ~~productive potential.~~ {RU 796.26}
Policy 16.2.3.5	Only allow ~~factory farming~~ <u>intensive farming</u> {RU 1090.3} , rural tourism - large scale, rural industry, rural research - large scale (<u>outside the Invermay Farm mapped area</u>) {RU 924.10} , <u>rural contractor and transport depots - large scale,</u> {RU 911.5} mining and landfills activities {RU cl.16} where there are no significant {CP 458.25 and others} adverse effects from large scale development on rural character and visual amenity <u>will be avoided or minimised as far as practicable</u> {RU 704.11 and others} .
Policy 16.2.3.6	Only allow community and leisure activities {RU cl.16} - large scale, sport and recreation, early childhood education, <u>service stations,</u> {CP 634.40} and visitor accommodation activities {RU cl.16} where the adverse effects of development on rural character and visual amenity are ~~insignificant~~ <u>avoided or, if avoidance is not practicable, no more than minor.</u> {RU 350.18 and others}
Policy 16.2.3.7	Require ancillary signs to be located and designed to maintain rural character and visual amenity, including by being of an appropriate size and number to convey information about the name, location, and nature of the activity on-site to passing pedestrians and vehicles and not being oversized or too numerous for that purpose.
Policy 16.2.3.8	Only allow subdivision activities where the subdivision is designed to ensure any associated future land use and development will maintain or enhance the rural character and visual amenity of the rural zones.
Policy 16.2.3.9	Require activities to be designed and operated to ensure that <u>any</u> {RU 919.55 and 1088.59} adverse effects from light spill on rural character and amenity, and the ability of people to view the night sky, ~~would be insignificant~~ <u>will be no more than minor.</u> {RU 919.55 and 1088.59}

Objective 16.2.3

Policy 16.2.3.10 {NatEnv 447.36}	Require large buildings and structures in the Hill Slopes Rural Zone to avoid adverse visual effects caused by reflectivity or, if avoidance is not practicable, ensure effects are no more than minor. {NatEnv 447.36}
Policy 16.2.3.X {MW 1071.52}	Require papakāika to maintain, as far as practicable, the rural character values and amenity of the rural zones in terms of the design, scale and location of the development. {MW 1071.52}

Objective 16.2.4

The productivity of rural activities in the rural zones is maintained or enhanced.

Policy 16.2.4.1	Require earthworks in a high class soils mapped area to retain soils on the site.
Policy 16.2.4.2	~~Avoid Only allow~~ {RU 796.27} activities other than farming in a ~~high class soils mapped area unless on highly productive land where~~ {RU 1090.13 and 1090.35} : a. the scale, size and nature of the activity ~~on the high class soils mapped area~~ means that any loss of current or potential future rural productivity would be insignificant; or i. ~~insignificant in any high class soils mapped area; and~~ {RU 1090.13 and 1090.35} ii. ~~no more than minor in other areas of highly productive land~~ {RU 1090.13 and 1090.35} ; ~~unless~~ {RU cl.16} b. for mining, the activity must locate on the ~~part of the site with high class soils~~ highly productive land {RU 1090.13 and 1090.35} due to operational requirements and there are no practicable alternative locations.
Policy 16.2.4.3	Only allow subdivision ~~activities~~ {PO cl.16} where the subdivision is designed to ensure any future land use and development will: a. maintain or enhance the productivity of rural activities; b. maintain ~~high class soils~~ highly productive land {RU 1090.13 and 1090.35} for farming activity, or ensure ~~the effects of any loss change in land use are:~~ {RU 1090.35} is: ~~no more than minor;~~ i. ~~insignificant on any high class soils mapped area; and~~ {RU 1090.13 and 1090.35} ii. ~~no more than minor on other areas of highly productive land;~~ {RU 1090.13 and 1090.35} c. maintain land in a rural rather than rural residential land use; and d. not increase the potential for reverse sensitivity ~~from residential activities in the rural zones~~ {PO 1046.5} .
Policy 16.2.4.4	~~Avoid Require~~ residential activity in the rural zones ~~to be~~ at a density that ~~may will not~~ , over time and/or cumulatively, reduce rural productivity by displacing rural activities. {RU 592.14 and 717.16}

EW cl.16: As a clause 16 amendment, Objective 16.2.5 and its policies have been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

Rules

Rule 16.3 Activity Status

16.3.1 Rule location

The activity status tables in rules 16.3.3 to 16.3.6 specify the activity status of land use activities, development activities, and subdivision activities in the rural zones and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

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

16.3.2 Activity Status Introduction **{RR cl.16}**

1. The activity status tables in rules 16.3.3 - 16.3.5 show the activity status of activities in the rural zones and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

Additional activity status rules in hazard overlay zones

6. For the purpose of the hazards provisions, activities are categorised as natural hazards **{NH cl.16}** sensitive activities, natural hazards **{NH cl.16}** potentially sensitive activities or natural hazards **{NH cl.16}** least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
7. In the Hazard 1 (Flood) Overlay Zone or the Hazard 2 (Flood) Overlay Zone, the activity statuses rules **{RU cl.16}** in Rule 16.3.6 apply to the following activities:
 - a. new **{NH 908.3}** natural hazards **{NH cl.16}** sensitive activities
 - b. natural hazards **{NH cl.16}** potentially sensitive activities, and
 - c. some new buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area **{NH. cl.16}**

8. Where the activity status in Rule 16.3.6 differs from that in rules 16.3.3 - 16.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 16.3.6, performance standards for development activities within hazard overlay zones are included in Rule 16.3.4.
10. Activities in a hazard overlay zone must comply with all of the rules in 16.3.3 - 16.3.5.

Performance Standards

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

¹ **NH cl.16:** The content from Table 16.3.6 has been moved to Table 16.3.X, with the exception that column c has been removed, pursuant to clause 16. This was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are show in the new location.

Legend

Acronym	~~Activity status~~ Meaning {PO cl.16}
±	<u>Additional provisions apply (assessment criteria for activities in overlay need to be viewed) {PO 490.1 and others}</u>
N/A	~~No additional provisions apply or not relevant~~ <u>Not Applicable {PO 490.1 and others}</u>
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
Pr	Prohibited Activity
RU	Rural Zones
ONF	Outstanding Natural Feature Overlay Zone
ONL	Outstanding Natural Landscape Overlay Zone
SNL	Significant Natural Landscape Overlay Zone
ONCC	Outstanding Natural Coastal Character Overlay Zone
HNCC	High Natural Coastal Character Overlay Zone
NCC	Natural Coastal Character Overlay Zone
~~Scheduled ASCV ASBV~~ {NatEnv 958.60}	<u>Areas Scheduled area of Significant Conservation Biodiversity Value {NatEnv 958.60}</u>
<u>Haz1A {NH 908.37}</u>	<u>Hazard 1A (flood) Overlay Zone {NH 908.37}</u>
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones
~~GR1TZ RTZ~~ {ULS cl.16}	~~General Residential 1~~ <u>Residential</u> Transition Overlay Zone {ULS cl.16}

16.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities					a. Acoustic insulation (noise sensitive activities only) b. Electrical interference c. Light spill d. Noise e. Setback from ~~n~~ National ~~g~~ Grid (National Grid sensitive activities only) {NH cl.16}
Rural activities		Activity status ³				Performance standards
		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASGV/ ASBV {NatEnv 958.60}	
2.	Domestic animal boarding and breeding (not including dogs)	P	P	NC	NC	i. Location ii. Minimum car parking {RU cl.16}
3.	Domestic animal boarding and breeding (including dogs)	RD	RD	NC	NC	i. Location ii. Minimum car parking {RU cl.16}
4.	~~Factory farming~~ Intensive farming {RU 1090.3} not in a GR1TZ RTZ {ULS cl.16}	RD	RD	NC	NC	i. Minimum car parking
5.	~~Factory farming~~ Intensive farming {RU 1090.3} in a GR1TZ RTZ {ULS cl.16}	D	~~D~~ N/A {ULS 447.68 and 447.69}	N/A	N/A	
6.	Farming	P	P	P	NC	

7.	Forestry not in a GR1TZ RTZ {ULS cl.16}	P	RD	NC	NC	i. Forestry and tree planting shelterbelts and small woodlots {RU cl.16} setbacks ii. Tree species
8.	Forestry in a GR1TZ RTZ {ULS cl.16}	D	Ø N/A {ULS 447.68 and 447.69}	N/A	N/A	
9.	Grazing	P	P	P	NC	
10.	Landfills not in a GR1TZ RTZ {ULS cl.16}	D	D+ in SNL/NCC NC in ONL {NatEnv 447.75}	NC Pr {NatEnv 447.75}	NC	
11.	Landfills in a GR1TZ RTZ {ULS cl.16}	NC	NC N/A {ULS 447.68 and 447.69}	N/A	N/A	
X. {CP 458.1 and others'}	Mineral prospecting	P	P	NC	NC	i. Hours of operation ii. Site restoration
12. {CP 458.1 and others'}	Mineral exploration that does not involve blasting	P	P	NC	NC	i. Hours of operation ii. Site restoration
Y. {CP 458.1 and others'}	Mineral exploration that involves blasting and mineral prospecting {CP 458.1 and others}	Ø P {CP 458.1 and others}	D+ in SNL/NCC NC in ONL {NatEnv 447.76}	NC	NC	i. Hours of operation ii. Site restoration iii. Blasting {CP 458.1 and others}
13.	Mining not in a GR1TZ RTZ {ULS cl.16}	D	D+ in SNL/NCC NC in ONL {NatEnv 447.76}	NC Pr {NatEnv 447.76}	NC	

14.	Mining in a GR1TZ <u>RTZ</u> { ULS cl.16 }	NC	NC N/A {ULS 447.68 and 447.69}	N/A	N/A	
<u>AD.</u>	<u>Scheduled Mining Activity {CP 874.2 and others}</u>	<u>D</u> <u>P {CP874.2 and others}</u>	<u>D+ P {CP 874.2 and others}</u>	<u>NC P {CP 874.2 and others}</u>	N/A	i. <u>Scheduled mining activity {CP 874.2 and others}</u>
15.	Rural ancillary retail	P	P	P	P	i. Hours of operation ii. Location iii. Maximum gross floor area iv. Minimum car parking
16.	Rural tourism - small scale	P	P	P	P	i. Hours of operation ii. Location iii. Minimum car parking
17.	Rural tourism - large scale	D	D	D	D+	
18.	Rural research - small scale	P	P	P	P	i. Minimum car parking
19.	Rural research - large scale outside the Invermay Farm mapped area	D	D	NC	D+	
20.	Rural research - large scale in the Invermay Farm mapped area	P	N/A	N/A	N/A	
Residential activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASGV/ ASBV { NatEnv 958.60 }	Performance standards
21.	Papakāika ¹	C	C	NC	NC	i. Density ii. Separation distances
22.	Residential activities within the airport noise inner control mapped area	Pr	N/A	N/A	N/A	

23.	Standard residential	P	P	NC	NC	i. Density ii. Separation distances iii. <u>Family flats</u> {PO 876.1, 207.1 and others}
24.	Supported living facilities	NC	NC	NC+	NC+	
25.	Working from home	P	P	P	P	i. Hours of operation ii. Maximum gross floor area
Community activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASGV/ ASBV {NatEnv 958.60}	Performance standards
26.	Conservation	P	P	P	P	
27.	Community and leisure - small scale	P	P	P	P	i. Minimum car parking
28.	Community and leisure - large scale	D	D	D	D+	
29.	Early childhood education	D	D	D	NC	
30.	Sport and recreation	D	D	D	D+	
Commercial activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASGV/ ASBV {NatEnv 958.60}	Performance standards
31.	Ancillary licensed premises	Same status as underlying activity	Same status as underlying activity	Same status as underlying activity	Same status as underlying activity	
32.	Restaurants or retail activities ancillary to sport and recreation	D	D	D	D+	
33.	Stand-alone car parking	P	P	P	P	
34.	Veterinary services (large animal practice)	RD	RD	NC	NC	

35.	Visitor accommodation <u>outside the airport noise inner control mapped area</u> { RU cl.16 }	D	D	NC	NC	
36.	Visitor accommodation within the airport noise inner control mapped area	Pr	N/A	N/A	N/A	
AB. {CP 634.40}	<u>Service stations on a strategic road or arterial road</u> { CP 634.40 }	NC D {CP 634.40}	NC	NC	NC	
AF. {CP 634.40}	<u>Service stations other than on a strategic road or arterial road</u> { CP 634.40 }	NC	NC	NC	NC {CP 634.40}	
37.	All other activities in the commercial activities category	NC	NC	NC	NC+	
Industrial activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASGV/ ASBV { NatEnv 958.60 }	Performance standards
Z. {RU 911.5}	<u>Rural contractor and transport depots – small scale</u> { RU 911.5 }	D P {RU 911.5}	D P {RU 911.5}	NC	NC	
AA. {RU 911.5}	<u>Rural contractor and transport depots – large scale</u> { RU 911.5 }	D	D	NC	NC	
38.	Rural industry	D	D	NC	NC	
39.	All other activities in the industrial activities category	NC	NC	NC	NC+	
Major facility activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASGV/ ASBV { NatEnv 958.60 }	Performance standards
40.	Cemeteries	RD	RD	NC	NC	i. <u>Separation distances</u> { RU 702.4 }
41.	Crematoriums	RD	RD+ {NatEnv 447.77}	NC	NC	i. Minimum car parking
AC.	<u>Emergency services</u> { CP 945.39 }	NC P {CP 945.39}	NC	NC	NC	i. <u>Minimum car parking</u> { CP 945.39 }

AE. {MF 308.283}	<u>New Zealand Marine Studies Centre in the Portobello Marine Science mapped area {MF 308.283}</u>	P {MF 308.283}	P {MF 308.283}	N/A {MF 308.283}	N/A {MF 308.283}	
42.	All other activities in the major facility activities category	NC	NC+ {NatEnv 447.79}	NC+ {NatEnv 447.79}	NC+	

¹ **CP 458.1:** and others: was previously part of Mineral exploration and mineral prospecting.

² **CP 458.1:** and others: was previously part of Mining.

³ **PO 490.1:** Em-dashes are no longer used, and activity status is shown for all overlays (not just those that have additional provisions applying), except where two areas (zones, overlays, mapped areas etc.) do not intersect, in which case N/A is used. A plus symbol has been added to activity statuses that are the same as in the underlying zone but where additional assessment matters apply. See amended legend.

⁴ **RU cl.16:** Link to performance standard removed as performance standard does not apply to this activity.

Note 16.3B.3A - General advice

1. ¹ Papakāika activity is intended to allow descendants of the original native reserve grantees to live on this land. It is not intended to allow other residential use of rural land at a higher density than provided for in the rural zones. If papakāika is developed and is subsequently no longer required for the use of Manawhenua in accordance with the papakāika definition, resource consent will be required to allow its use as other residential development. In this situation, the provisions of the rural zones that govern residential activity, including density of residential development, will apply. It is strongly recommended that the use of relocatable buildings is considered for papakāika development in order to avoid potential future problems of being unable to obtain consent for ownership or occupation of dwellings by people other than descendants of the original grantees.
2. Where papakāika is on Māori Land, the provisions of the Te Ture Whenua Māori Act 1993 or subsequent legislation apply.
3. New marae can may **{PO cl.16}** only be established with the agreement of Manawhenua.

16.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities	a. <u>Natural Hazards Performance Standards</u> Hazard overlay zones development standards {NH cl.16} b. Setback from coast and water bodies {NatEnv cl.16} c. Setback from national grid {NU cl.16} d. Setback from scheduled tree

2.	Performance standards that apply to all buildings and structures activities					a. Boundary setbacks b. Fire fighting c. Maximum height d. Number, location and design of ancillary signs e. Reflectivity (landscape and natural {NatEnv cl.16} coastal character overlays) f. <u>Setback from coast and water bodies</u> {NatEnv cl.16} g. Setback from ridgeline (mapped area) {RU 874.41 and others} h. <u>Setback from National Grid</u> {NU cl.16}
Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure: see rows 8-12)		Activity status _s				Performance standards
		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASGV/ <u>ASBV</u> {NatEnv 958.60}	
3.	New buildings greater than 60m ² <u>footprint</u> {PO cl.16’} on a landscape building platform	P	C	NC	P RD {NatEnv 958.107}	

4.	New buildings or structures {NatEnv cl.16} less than or equal to 60m ² footprint {PO cl.16} or additions and alterations that result in a building or structure that is less than or equal to 60m ² footprint {PO cl.16}	P	P	NC	P	i. <u>Number and location of permitted buildings</u> Minimum building separation (landscape and natural coastal character overlays) {NatEnv cl.16}
5.	New buildings or structures {NatEnv cl.16} greater than 60m ² footprint {PO cl.16} or additions and alterations that result in a building or structure that is greater than 60m ² footprint {PO cl.16}	P	RD	NC	RD	
6.	Fences	P	P	P	P	
7.	All other buildings and structures activities	P	RD P {NatEnv 360.137}	RD P {NatEnv 360.137}	RD P {NatEnv 360.137}	
Buildings and structures activities that affect a protected part of a scheduled heritage building or a scheduled heritage structure		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASGV/ ASBV {NatEnv 958.60}	Performance standards
8.	Repairs and maintenance or restoration {Her 547.91}	P	P	P	P	i. Materials and design
X.	Restoration of a building or structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) {Her 547.91}	P C {Her 547.91}	P C {Her 547.91}	P C {Her 547.91}	P C {Her 547.91}	i. Materials and design
Y.	Restoration of all other scheduled heritage buildings and scheduled heritage structures {Her 547.91}	P	P	P	P	i. Materials and design
9.	Earthquake strengthening where external features only are protected	C	C	C	C	i. Materials and design

AA.	Signs attached to buildings or structures {Her cl.16⁷}	P	P	P	P	
10.	All other additions and alterations	RD	RD	RD	RD	
11.	Demolition	NC	NC	NC	NC	
12.	Removal for relocation	RD	RD	RD	RD	
Development activities on a scheduled heritage site, where visible from an adjoining public place or a publicly public {Her cl.16} place within the heritage site		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV/ ASBV {NatEnv 958.60}	Performance standards
13.	New {Her cl.16} structures no more than 2.5m high or 2m ² footprint	P	P	P	P	
Z.	All other new structures {Her cl.16}	RD	RD	RD	RD	
14.	New buildings, all other structures, parking, loading and access {Her cl.16}	RD	RD	RD	RD	
ZZ	Parking, loading and access {Her cl.16}	RD	RD	RD	RD	Parking, loading and access standards {Her cl.16⁶}
Site development activities in all areas (except as covered by rows 13-14 above)		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV/ ASBV {NatEnv 958.60}	Performance standards
15.	Earthworks – small-scale {EW cl.16²}	P	P	P	P	i. Earthworks standards
16.	Earthworks – large-scale {EW cl.16²}	RD	RD+	RD+	RD+	i. Earthworks standards
17.	Outdoor storage	P	P	P	P	
18.	New or additions to parking areas, or extensions to existing parking areas that result in the creation of {Trans cl.16} 50 or more new parking spaces.	RD	RD	RD	RD	i. Parking, loading and access standards
19.	Parking, loading and access	P	P	P	P	i. Parking, loading and access standards

20.	Indigenous vegetation clearance - small scale {NatEnv cl.16³}	P	P in ONL/SNL RD in NCC {NatEnv cl.16}	P in ONF RD in ONCC/HNCC {NatEnv cl.16}	RD P {NatEnv cl.16}	i. Vegetation clearance standards
20A.	Indigenous vegetation clearance - large scale {NatEnv cl.16³}	RD	RD in ONL/SNL RD+ in NCC	RD+ {NatEnv 958.106} in ONF RD NC {NatEnv 958.106} in ONCC/HNCC	RD NC {NatEnv 949.13}	i. Vegetation clearance standards
21.	All other vegetation clearance	P	P	P	P	i. Vegetation clearance standards
22.	Storage and use of hazardous substances	P	P	P	P	i. Hazardous substances quantity limits and storage requirements ii. <u>Setback from coast and water bodies</u> {NatEnv cl.16³}
23.	Tree planting Shelterbelts and small woodlots {RU cl.16}	P	P	RD	P RD {NatEnv 958.107}	i. Forestry and tree planting shelterbelts and small woodlots {RU cl.16} setbacks ii. Tree species
24.	All other site development activities	P	P	P	P RD {NatEnv 958.107}	

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

² **EW cl.16:** As a clause 16 amendment, all earthworks provisions in management and major facility zones have been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

³ **NatEnv cl.16:** Indigenous vegetation clearance rules have been reformatted. Indigenous vegetation clearance that was exempt from the notified definition of “indigenous vegetation clearance”, or that was permitted under notified Rule 10.3.2.2 Maximum area of indigenous vegetation clearance, is now provided for as Indigenous Vegetation Clearance – Small Scale. Other indigenous vegetation clearance is now provided for as Indigenous Vegetation Clearance – Large Scale. This does not change the effect of provisions.

⁵ **PO 490.1:** Em-dashes are no longer used, and activity status is shown for all overlays (not just those that have additional provisions applying), except where two areas (zones, overlays, mapped areas etc.) do not intersect, in which case N/A is used. A plus symbol has been added to activity statuses that are the same as in the underlying zone but where additional assessment matters apply. See amended legend.

⁶ **Her cl.16:** This performance standard applies to the activity. A link has been added to the activity status table as a cl.16 amendment to aid plan usability.

⁷ **Her cl.16:** Rule restructured as a result of change to definition of additions and alterations and new definition of signs attached to buildings and structures. No substantive change to provisions.

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

Note 16.3G.4A - General advice

- Under the Heritage New Zealand Pouhere Taonga Act 2014 it is an offence to modify or destroy an archaeological site without obtaining an archaeological authority from Heritage New Zealand (HNZ): An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand {Her 547.80}. This is the case regardless of whether the land on which the site is located is **{Her 547.80}** designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
- An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
- Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
- The **archaeological alert layer mapped area** identifies sites and areas that have a strong likelihood of containing archaeological remains, however remains may be present anywhere within the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.

16.3.5 Activity status table - subdivision activities

Subdivision Activities		Activity status ¹				Performance standards
		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASGV/ ASBV {NatEnv 958.60}	
1.	General subdivision	RD	RD+	RD+	RD+	i. Access ii. Esplanade reserves and strips iii. Fire fighting iv. Minimum site size v. Shape
2.	Cross lease, company lease and unit title subdivision	~~NG D~~ {RU 490.29}	~~NG D~~ {RU 490.29}	~~NG D~~ {RU 490.29}	~~NG D~~ {RU 490.29}	

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

zone but where additional assessment matters apply. See amended legend.

Note 16.3.5A - Other RMA considerations {PO 490.4}

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

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

Activity {NH cl.16}		a. Haz1 {NH cl.16}	b. Haz2 {NH cl.16}	c. Haz3 {NH cl.16}
1- {NH cl.16}	Potentially sensitive activities permitted in rural zone {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}	— {NH cl.16}
2- {NH cl.16}	Potentially sensitive activities not permitted in rural zone {NH cl.16}	NC {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}
3- {NH cl.16}	Sensitive activities {NH cl.16}	NC {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}
4- {NH cl.16}	In a hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, <i>which create more than 1m² of new ground floor area</i> {NH cl.16}	RD {NH cl.16}	— {NH cl.16}	— {NH cl.16}
5- {NH cl.16}	In a hazard 1 or 2 overlay zone, other than the hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, <i>which create more than 36m² of new ground floor area</i> {NH cl.16}	RD {NH cl.16}	RD {NH cl.16}	— {NH cl.16}

¹ **NH cl. 16:** The content from Table 16.3.6 has been moved to Table 16.3.X, with the exception that column c has been removed, pursuant to clause 16. This was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are show in the new location.

16.3.X Activity status in Hazard 1 (flood), Hazard 1A (flood) and Hazard 2 (flood) Overlay Zones {NH 637.74 and others}

		Activity status		
Activity		a. Haz1A (flood) {NH 908.37}	b. Haz1 (flood) {NH 73.4 and others}	c. Haz2 (flood) {NH 73.4 and others}
X.	Natural hazards sensitive activities {NH 634.74}	Pr {NH 908.37}	NC	⌀ RD {NH 634.74'}
Y.	Natural hazards potentially sensitive activities {NH 634.74}	NC {NH 908.37}	⌀ NC {NH 634.74 and 908.37'}	⌀ RD {NH 634.74'}

		Activity status		
Activity		a. Haz1A (flood) {NH 908.37}	b. Haz1 (flood) {NH 73.4 and others}	c. Haz2 (flood) {NH 73.4 and others}
4.	In a hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, which create more than 1m ² of new ground floor area {NH 73.4 and others}		RD {NH 73.4 and others}	— {NH 73.4 and others}
5.	In a hazard 1 or 2 overlay zone, other than the hazard 1 (land instability) Overlay Zone, {NH 73.4 and others} New buildings, and additions and alterations to buildings, which create more than 36m ² of new ground floor area	RD {NH 908.37}	RD	RD

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

Note 16.3.6A - Guidance on existing use rights applying to land use activities in hazard overlay zones
Other RMA considerations {Ru cl.16}

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

Accordingly, these activities will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 16.3.6. {NH 634.81} However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of the land use activity.

Rule 16.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or 95B of the Act RMA, {RU cl.16} unless Council considers special circumstances exist in relation to the application that require public notification:
 1. papakāika (controlled activity) where the associated site development activities are permitted;
 2. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
 3. contravention of the materials and design {Her cl.16} performance standard (Rule 13.3.2) 'Materials and design' **{Her cl.16}** where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications for the following activities, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand;
 2. ~~activities that contravene~~ contravention of the materials and design {Her cl.16} performance standard (Rule 13.3.2) 'Materials and design' **{Her cl.16}** where the building or structure is listed by Heritage New Zealand; and
 3. ~~activities that contravene~~ contravention of the archaeological sites {Her cl.16} performance standard (Rule 13.3.3) 'Archaeological sites' **{Her cl.16}**.
3. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A(2) of the RMA: **{NatEnv 592.32}**
 1. ~~new residential activity on a site that contravenes the performance standard for density;~~ **{RU 592.20 and 717.19}**
 2. ~~new residential building greater than 60m² in an Outstanding Natural Landscape (ONL);~~ **{NatEnv 592.32}**
 3. ~~general subdivision that contravenes the performance standard for minimum site size;~~ **{RU 592.20 and RU 717.19}**
 4. ~~demolition of a protected part of a scheduled heritage building or scheduled heritage structure;~~ **{Her 308.362}**
4. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. cemeteries, crematoriums and landfills;
 2. all restricted discretionary activities that list 'effect on cultural values of Manawhenua as a matter for discretion; and
 3. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4.
5. With respect to resource consent applications for the following activities, the Department of Conservation will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided: {RU 958.109}
 1. indigenous vegetation clearance - large scale in a scheduled Area of Significant Biodiversity Value; or
 2. indigenous vegetation clearance - large scale or any discretionary or non-complying activity in a Natural

Coastal Character, High Natural Coastal Character or Outstanding Natural Coastal Character overlay zone. {RU 958.109}

6. With respect to resource consent applications for the following activities within the **radio transmitters mapped area**, Radio New Zealand Limited will be considered an affected person in accordance with section 95B of the RMA, unless their written approval is provided or discretion is restricted and excludes consideration of reverse sensitivity effects: {NU 918.25}
 1. any activities that may be sensitive to electromagnetic interference, noise or visual effects from Radio New Zealand's facilities at 740 Highcliff Road and 35 Karetai Road; and {NU 918.25}
 2. subdivision that could result in activities of this kind. {NU 918.25}
7. With respect to sections 95D(b) and 95E(2)(a) of the RMA, Council will not consider papakāika or family flats as part of the permitted baseline in considering residential density effects in the rural zones.
8. ~~In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons: {PO cl.16}~~
9. With respect to resource consent applications for the following activities, the Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. activities in the hazard 1 or hazard 1A {NH 908.37} (flood) overlay zones; and
 2. activities in **swale mapped areas. {NH cl.16²}**
10. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

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

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

Rule 16.5 Land Use Performance Standards

16.5.1 Acoustic Insulation

Noise sensitive activities in the following areas must comply with Rule 9.3.1:

1. port noise control mapped area;
2. airport noise inner control mapped area;
3. airport noise outer control mapped area;
4. within 40m of the Taieri Aerodrome Zone;
5. within 40m of a state highway;
6. within 20m of an industrial zone; and
7. within 70m of a railway line.

16.5.2 Density

1. The maximum density of standard residential activities activity **{PO cl.16}** is as follows:

Rural Zone		i. Minimum site size - first residential activity per site	ii. Minimum site size - second residential activity per site ¹	iii. Minimum site size - third residential activity per site
a.	Coastal	15ha	80ha	120ha
b.	High Country	100ha	200ha	300ha
c.	Hill Country	100ha	200ha	300ha
d.	Hill Slopes	15ha	50ha	75ha
e.	Middlemarch Basin	40ha	160ha	240ha
f.	Peninsula Coast	20ha	80ha	120ha
g.	Taieri Plain	25ha	80ha	120ha

- h. Except,
 - i. papakāika may be developed at a density of 6 residential units, or 15 habitable rooms per site, whichever is the lesser. {RU cl.16}:-
 1. ~~6 residential units, or {RU cl.16}~~
 2. ~~15 habitable rooms per site, whichever is the lesser. {RU cl.16}~~
 - ii. in the Middlemarch Basin, Hill Country and High Country rural zones, a single residential activity is permitted on any site that existed before 26 September 2015, and that is 15ha or larger, provided the residential activity is established prior to 7 November 2023. {RU 1018.2}
- i. Multiple standard residential activities (additional primary residential buildings (houses)) are only allowed on a single site where they are located no closer than 80m from other residential buildings on the same site (family flats or sleepouts are considered part of the same residential activity), except:
 - i. multiple residential units developed as part of papakāika may be located closer than 80m to each other.
- j. if a site is crossed by a boundary between two or more rural zones, the maximum density of the

standard residential activity must meet the density required for the rural zone in which the residential activity is to be established; and {RU 908.1}

- i. the total site size must meet the minimum site size for the zone in which the residential activity is to be established; and {RU 908.1}
- ii. for each new residential activity per site, a minimum of 2ha of the site per residential activity must be located within the rural zone in which the residential activity is to be established. {RU 908.1}

2. One family flat is allowed per site in association with a standard residential activity that meets this performance standard for density provided **{PO 447.89}**.
 - a. ~~the family flat is either attached to or located in the same residential building as the primary residential unit, or is located within 30m of the primary residential building, as measured as the closest distance between any wall of the primary residential building and any wall of the family flat; and {PO cl.16}~~
 - b. ~~the family flat has a maximum gross floor area of 60m². {PO cl.16}~~
3. Standard residential activity that contravenes the performance standard for density is a non-complying activity, except:
 - a. ~~papakāika that contravenes the performance standard for density is a discretionary activity. ; and {PO cl.16}~~
 - b. ~~family flats that exceed the distance from the primary residential building (Rule 16.5.2.2.a) or maximum gross floor area (Rule 16.5.2.2.b) are a restricted discretionary activity. {PO cl.16}~~

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

16.5.3 Electrical Interference

Land use activities must comply with Rule 9.3.2.

16.5.3 Hours of Operation

Activity		Hours of operation
1.	Mineral exploration and mineral prospecting	7:00am – 10:00pm
2.	Rural ancillary retail	Customers must not arrive before 7:00am or depart after 7:00pm
3.	Rural tourism - <u>small scale</u> {RU cl.16}	Visitors must not arrive before 7:00am or depart after 7:00pm
4.	Working from home (excluding homestay)	Customers and deliveries must not arrive before 7:00am or depart after 7:00pm

5. Wildlife and night sky viewing activities are exempt from this standard. {RU 690.20}
6. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

16.5.4 Light Spill

1. Light spill measured 1.5m above ground level at the boundary of a site must not exceed 1 Lux between 10:00pm and 7:00am.
2. Lights must be:
 - a. cut-off or fully shielded;
 - b. and directed away from roads and any adjacent property
3. Light spill measured at the boundary of the residential zone or any site used for residential purposes between 7:00am and 10:00pm must not exceed 3 Lux.
 - a. Except this standard does not apply to light spill from the headlights of motor vehicles.
4. Activities that contravene rules 16.5.4.1 and 16.5.4.2 are discretionary activities.
5. Activities that contravene any light spill limit in Rule 16.5.4.3 by 25% or less are discretionary activities.
6. Activities that contravene any light spill limit in Rule 16.5.4.3 by greater than 25% are non-complying activities.

16.5.5 Location

1. Domestic animal boarding and breeding, rural ancillary retail and rural tourism -small scale {RU cl.16} must not be accessed directly from a state highway with a speed limit of 80kmh or over.
2. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

16.5.6 Maximum Gross Floor Area

Activity	Maximum gross floor area
1. Rural ancillary retail	60m ²
2. Working from home	100m ² ~~(applies only to area used within buildings)~~ {PO cl.16}

3. Except the retailing of plants grown on the site is exempt from the performance standard for maximum gross floor area.
4. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

¹ **PO cl.16:** Qualifier deleted as this is included in the new definition of gross floor area.

Note 16.5.7A - Other requirements outside of the District Plan

1. Registration must be obtained from DCC Environmental Health Department for any working from home ~~activities~~ activity {PO cl.16} which involves food products, hairdressing, beauty therapy or tattooing. Please contact the DCC's Environmental Health Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
2. A licence from the DCC's Alcohol Licensing Department may be required for any working from home ~~activities~~ activity {PO cl.16} involving the sale or distribution of alcohol. Please contact the DCC on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.

16.5.7 Minimum Car Parking

The following land use activities must provide on-site car parking at the rates indicated below:

Activity	Minimum car parking
1. Rural ancillary retail	1 parking space for customers of any roadside produce stall
2. Rural tourism - small scale	1 parking space for every 5 persons the facility can accommodate at any one time
3. Rural research -small scale {RU cl.16}	1 parking space is required for each full time equivalent member of staff, when over five staff members are employed on-site.
4. Factory farming Intensive farming {RU 1090.3}	1 parking space per full time equivalent member of staff employed on-site
5. Community and leisure - small scale	1 parking space for every 5 persons the facility can accommodate at any one time
6. Crematoriums	1 parking space per 75m ² of gross floor area.
7. Emergency services {CP 945.39}	a. For fire stations: 5 parking spaces per fire engine bay. {CP 945.39} b. For all other activities: 1 parking space per 100m ² gross floor area. {CP 945.39}

8. Activities other than standard residential **{RU cl.16}** must provide mobility parking spaces as follows:

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

9. Where the minimum parking performance standard results in the requirement for a fractional space, any fraction under one half will be disregarded and any fraction of one half or greater will be counted as one space
10. Parking spaces may be shared between land use activities (i.e. the same parking spaces may be used to fulfil the minimum car parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap
11. For activities where the minimum car parking performance standard is based on the gross floor area, the following areas will be excluded from the assessment of gross floor area:
- any parking area and associated manoeuvring space, including aisle; and
 - any loading area and associated manoeuvring space. **{RU cl.16}**
12. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

¹ **RU cl.16:** Rule 16.5.7.10 has been added to clarify how 'gross floor area' is to be interpreted, for the purposes of the minimum car parking performance standard in this zone. This does not change the effect of provisions.

Note 16.5B.8A - Other relevant District Plan provisions

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

16.5.8 Noise

Land use activities must comply with Rule 9.3.6.

16.5.9 Separation Distances {RU cl.16¹}

¹ **RU cl.16:** This rule has been reformatted to reduce repetition and to re-order the list of existing activities according to the length of the separation distance (except that the two mining-related separation distances are listed consecutively). This does not change the effect of the rule.

1. ~~New residential buildings must be located at least 100m from:~~
 - a. ~~existing, lawfully established factory farming on a separate site;~~
 - b. ~~existing, lawfully established domestic animal boarding and breeding including dogs on a separate site;~~
 - c. ~~existing, lawfully established mining on a separate site;~~
 - d. ~~existing, lawfully established landfill activity on a separate site; and~~
 - e. ~~existing, lawfully established wind generators – community scale and wind generators – regional scale on a separate site.~~
1. New residential buildings and cemeteries **{RU 702.4}** must be located at least:
 - a. 100m from:
 - i. an existing, lawfully established ~~factory farming~~ intensive farming activity **{RU 1090.3}** on a separate site;
 - ii. an existing, lawfully established domestic animal boarding and breeding (including dogs) activity **{RU cl.16}** on a separate site; and
 - iii. the Waitati Rifle Range at 108 Miller Road, Waitati (Minister of Defence designation D158); **{RU 583.21}**
 - b. ~~400m~~ 150m **{RU 796.8}** from existing, lawfully established landfills ~~activity~~ **{PO cl.16}** on a separate site;
 - c. ~~400m~~ 250m **{RU 702.4}** from existing, lawfully established ~~wind generators – community scale and wind generators – regional scale~~ wind generators – large scale **{NU 308.122}** on a separate site;
 - d. 200m from an existing, lawfully established mining activity, that does not involve blasting, on a separate site; and **{CP 458.43 and others}**
 - e. ~~400m~~ 500m **{CP 458.43 and others}** from an existing, lawfully established mining activity, that involves blasting, **{CP 458.43 and others}** on a separate site.
2. For the purposes of this standard, separation distance is measured from either **{RU 702.4}** the closest wall of the new residential building or the closest edge of the cemetery, as relevant, **{RU 702.4}** to the closest edge of any active **{CP 458.43 and others}** operational area or other part of the site being used as part of the activities listed.
3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

16.5.10 Setback from National Grid

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

16.5.11 Site Restoration

1. Areas disturbed by mineral prospecting and mineral exploration must restore any areas disturbed to a standard not less than that existing prior to the activity commencing **{NatEnv cl.16}** with respect to landform, biodiversity values **{NatEnv 900.143 and others}** and productive potential. Restoration must be completed prior to the end of the lease, licence, or consent, whichever is earliest. Where indigenous vegetation clearance has been conducted as part of the activity, replanting of indigenous vegetation must be conducted on at least the same parts of the site as where indigenous vegetation existed prior to the activity commencing. **{NatEnv 900.143 and others}**
2. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

¹ **NatEnv cl.16:** This wording has been deleted because it is not necessary; it is implied by the term 'restore'.

16.5.12 Tree Species

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

16.5.13 Family Flats {Confirmed for addition - PO 207.1, 876.1 and others}

16.5.13.1 Family Flats - Tenancy {PO 207.1, 394.63 and others}

- a. Family flats must:
 - i. only be occupied by: **{PO cl.16}**
 1. a person or persons related to or dependent on the household that lives in the primary residential unit on the same site; or **{PO cl.16}**
 2. employed **{PO cl.16}** on-site, in a paid or voluntary capacity, as a domestic, child-care, farm or conservation worker by the household that lives in the primary residential unit on the same site **{PO 539.3 and 708.2}**
 - ii. not be on a different tenancy agreement to the primary residential unit. **{PO 207.1 and 394.63}**
- b. Standard residential activity that contravenes this performance standard is a non-complying activity. **{PO 207.1 and 394.63}**

¹ **PO cl.16:** As a clause 16 amendment this has moved here from the definition of family flats.

16.5.13.2 Family Flats - Design {PO 876.1 and others}

- a. Family flats must:
 - i. not exceed a maximum gross floor area of 60m²; **{PO cl.16}**
 - ii. be on the same available water and wastewater infrastructure connection, or the same non-reticulated wastewater disposal system as the primary residential unit; **{PO cl.16}**
 - iii. be on the same household electricity account; **{PO 876.1}**
 - iv. share the same vehicle access as the primary residential unit; and **{PO 876.1}**
 - v. be attached to or located in the same residential building as the primary residential unit, or located within 30m of the primary residential building (house), as measured as the closest distance between any wall of the primary residential building and any wall of the family flat. **{PO cl.16}**

- b. Standard residential activity that contravenes this performance standard is a restricted discretionary activity.
{PO 876.1, 372.1 and 207.2}

¹ **PO cl.16:** As a cl. 16 amendment this has been moved from the density performance standard

² **PO cl.16:** As a clause 16 amendment this has moved here from the definition of family flats.

16.5.14 Blasting {Confirmed for addition - CP 458.1 and others}

1. Mineral exploration that involves blasting must comply with the following: {CP 458.1 and others}
 - a. There are no more than 3 blast events per site per day, and no more than 21 blast events in a calendar year. {CP 458.1 and others}
 - b. Blast events may only occur between 8.00am and 6.00pm Monday to Saturday (excluding public holidays): {CP 458.1 and others}
 - c. The peak amplitude (Vmax) must not exceed 5 mm/second, measured on any foundation or suitable adjacent location of an adjoining residential property; Overpressure (Pmax) must not exceed 120 dBL, measured at the boundary of the receiving property, or the notional boundary of noise sensitive activities in a rural, rural residential or Ashburn Clinic Zone. {CP 458.1 and others}
 - d. Quantum of earth moved must not exceed the earthworks – small scale standards. {CP 458.1 and others}
2. Mineral exploration that contravenes the performance standard for blasting is a discretionary activity {CP 458.1 and others}

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

1. Scheduled mining activity must meet the performance standards listed below. {CP 874.2 and others}
2. Scheduled mining activity that contravenes any of these standards will be considered a new mining activity and will be subject to the rules that apply to mining in Rule 16.3. {CP 874.2 and others}

16.5.15.3 Maximum Annual Extraction {CP 874.2 and others}

- a. Aramoana Quarry must not exceed a maximum annual extraction limit of 50,000m³. {CP 874.2 and others}
- b. Fairfield Sand Pit No. 3 must not exceed a maximum annual extraction limit of 10,000 tonnes. {CP 874.2 and others}

16.5.15.4 Operating Limits {CP 874.2 and others}

- a. Blackhead Quarry: {CP 874.2 and others}
 - i. may only operate: Monday to Saturday 6.00am to 10.00pm; {CP 874.2 and others}
 - ii. must not extract material on Sec 153 Green Island Bush SD or within 100m of Blackhead Road on Secs 154 and 155 Green Island Bush SD. However, these areas may be used for quarry activities not involving extraction such as stock piling overburden; and {CP 874.2 and others}
 - iii. must not undertake mining in the area defined by Conservation Covenant 779741/2. {CP 874.2 and others}
- b. Fairfield Sand Pit No. 3: {CP 874.2 and others}
 - i. may only operate: Monday to Friday 6.00am to 8.00pm and Saturday 7.00am to 5.00pm; {CP 874.2 and others}
 - ii. must not use blasting; and {CP 874.2 and others}
 - iii. must not extract material on Pt Sec 11 -13 Green Island West SD. However, these areas may be used

for quarry activities not involving extraction, such as stockpiling overburden. {CP 874.2 and others}

c. Aramoana Quarry: {CP 874.2 and others}

- i. may only operate: Monday to Saturday 7.00am to 7.00pm: {CP 874.2 and others}
- ii. may only operate for the purpose of maintaining and repairing of the Aramoana Mole and the Long Mac Groyne; and {CP 874.2 and others}
- iii. may only transport rock on the Aramoana Road/Moana Street route, between the hours of 7.00am to 7.00pm Monday to Saturday. {CP 874.2 and others}

d. Mt Kettle Quarry: {CP 874.2 and others}

- i. may only operate: Monday to Saturday 6.00am to 10.00pm: {CP 874.2 and others}
- ii. must not undertake mining on more than 40 days each calendar year: {CP 874.2 and others}
- iii. must ensure quarrying does not alter the skyline as viewed from Portobello Road or from State Highway No 1; {CP 874.2 and others}
- iv. must not quarry closer than 50m to adjoining properties; and {CP 874.2 and others}
- v. must retain existing native vegetation on areas not quarried. {CP 874.2 and others}

16.5.15.5 Noise {CP 874.2 and others}

Aramoana Quarry, Blackhead Quarry, Mt Kettle Quarry and Fairfield Sand Pit No. 3 must comply with Rule 9.3.6, subject to the following: {CP 874.2 and others}

- a. An adjustment of minus 5 dBA for noise emissions having special audible characteristics. {CP 874.2 and others}
- b. Noise level readings for the purpose of determining compliance with the noise conditions must be provided by the quarry operator for two hours, at times representative of the operation and at which maximum noise levels can be assessed. For continuous operations, readings must take place at 12 monthly intervals; for intermittent operations readings must be provided at the time of every subsequent operation of the site. {CP 874.2 and others}

16.5.15.6 Blasting {CP 874.2 and others}

- a. Aramoana Quarry, Blackhead Quarry and Mt Kettle Quarry must ensure that airblast over-pressure from a blasting event on the site, when assessed at any point within the notional boundary of any residence, does not exceed a peak non-frequency-weighted (linear or flat) level of 115 dB (Peak) at any time. {CP 874.2 and others}

16.5.15.7 Landscaping and Rehabilitation {CP 874.2 and others}

- a. Aramoana Quarry, Blackhead Quarry, Mt Kettle Quarry and Fairfield Sand Pit No. 3 must carry out a programme of landscaping to encourage the revegetation of areas that are no longer being mined. The landscaping programme must ensure that: {CP 874.2 and others}
 - i. all planting is in accordance with a landscape plan prepared by a qualified landscape architect; and {CP 874.2 and others}
 - ii. all vegetation established as part of this programme is maintained in a healthy state at all times. {CP 874.2 and others}
- b. For Aramoana Quarry, Blackhead Quarry and Mt Kettle Quarry, the landscaping must include creating areas of loose scree on any benching for the colonisation of rock plants. {CP 874.2 and others}
- c. For Fairfield Sand Pit No. 3, the site must be rehabilitated to an appearance and character similar to that of

the surrounding environment. {CP 874.2 and others}

- d. Aramoana Quarry must use the overburden and the stockpiling of fines that are retained on the site to recontour the area adjacent to Aramoana Road on sections 46 and 47 Blk V, North Harbour and Blueskin Survey District and must be progressively regrassed. {CP 874.2 and others}
- e. Fairfield Sand Pit No. 3 must undertake a programme of screen planting designed to mitigate adverse visual effects as viewed from the adjacent residential areas, road and other viewing areas. The programme must ensure that: {CP 874.2 and others}
 - i. all planting is in accordance with a landscape plan prepared by a qualified landscape architect; and {CP 874.2 and others}
 - ii. all vegetation established as part of this programme is maintained in a healthy state at all times. {CP 874.2 and others}
- f. Fairfield Sand Pit No. 3 must ensure the edge of the quarried area is designed and certified by a suitably qualified geotechnical engineer to ensure that the edge is stable and will not adversely affect any adjoining property boundary. {CP 874.2 and others}

Rule 16.6 Development Performance Standards

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

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

16.6.2 Fire Fighting

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

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

16.6.3.1 Hazard exclusion areas

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

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

16.6.3.2 Maximum area of vegetation clearance in the hazard overlay zones

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

16.6.3.3 Minimum floor level {NH 917.27, NH 947.53 and others}

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

16.6.3.4 Relocatable buildings

~~New buildings (including residential buildings) to be used for sensitive activities~~ containing residential activity on the ground floor in the Hazard 3 (coastal) Overlay Zone must comply with Rule 11.3.4. **{NH 360.239 and NH 961.1}**

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

Outdoor storage in the Hazard 1 and 1A (flood) Overlay Zones must comply with Rule 11.3.5. **{NH 908.37}**

16.6.4 Hazardous Substances Quantity Limits and Storage Requirements

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

16.6.5 Materials and Design

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

16.6.6 Maximum Height

1. New buildings and structures, and additions and alterations, must not exceed a maximum height above ground level as follows:

Activity		i Rural zones	ii Landscape and Natural {NatEnv cl.16} coastal character overlay zones
a.	Roadside produce stall	3.5m	3.5m
b.	<u>Buildings associated with the New Zealand Marine Studies Centre in the Portobello Marine Science mapped area {MF 308.283}</u>	10m {MF 308.283}	10m {MF 308.283}
2- c.	All other buildings and structures	10m	5m

2. Rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more than one third of that limit.
3. Buildings or structures must not protrude through the height restriction for the Taieri Aerodrome approach and take-off fans shown on the **Taieri Aerodrome flight fan mapped area**.
4. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

16.6.7 Number and Location of Permitted Buildings {Was "Minimum Building Separation" - NatEnv cl.16}

1. In ~~any landscape overlay zone or in a~~ Outstanding Natural Landscape (ONL), Significant Natural Landscape (SNL) and Natural Coastal Character Overlay Zone (NCC), overlay zones {NatEnv cl.16} all new buildings (less than or equal to 60m² footprint {PO cl.16}) must comply with Rule 10.3.5.

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

16.6.8 Number, Location and Design of Ancillary Signs

16.6.8.1 General

- a. A maximum of one sign attached to a building and one freestanding sign is allowed per site, except:
 - i. only one sign may be located in any part of a site in an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone.
- b. Signs visible from a public place must meet all of the following performance standards, except that regulatory signs, directional signs and warning signs that do not exceed 0.25m² are exempt from these standards. {CMU 271.18}
- c. Signs that only give address, occupant or place name information (not including any commercial business names) do not count toward maximum sign numbers.
- d. ~~Signs must be ancillary signs.~~ {PO cl.16}
- e. Signs must comply with Rule 6.7.3 where visible from a road.
- f. Signs must not be illuminated or digital.
- g. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.{PO cl.16}

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

16.6.8.2 Signs attached to buildings

- a. The maximum height above ground level, at the highest point of any sign, attached to a building is 4m, except:
 - i. the maximum height is 2m in an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted flat against a parapet or gable end.
- d. The maximum area of signs, per display face, is 2m², except:
 - i. the maximum area of signs, per display face, is 0.6m² in an ONF, ONCC or HNCC overlay zone; and
 - ii. the maximum area of signs, per display face, is 1m² in an ONL, SNL or NCC overlay zone.
- e. In an ONF, ONCC or HNCC overlay zone the sign must only provide information about the values of the overlay zone (refer Appendices A3 and A5).

16.6.8.3 Freestanding signs

- a. Maximum dimensions of freestanding signs are:
 - i. maximum height of 4m, except:
 1. 2m in an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone;
 - ii. maximum area of 2m² per display face, except:
 1. 0.6m² per display face in an ONF, ONCC or HNCC overlay zone; and
 2. 1m² per display face in an ONL, SNL or NCC overlay zone;
 - iii. maximum of 2 display faces per sign;
 - iv. maximum width of 2m, except:
 1. 1m in an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone; and
 - v. maximum depth of 400mm.
- b. Freestanding signs must:
 - i. not obstruct parking, loading and access areas; and
 - ii. be positioned entirely within site boundaries.
- c. In an ONF, ONCC or HNCC overlay zone the sign must only provide information about the values of the overlay zone (refer Appendices A3 and A5).

Note 16.6A – Other relevant District Plan provisions {PO cl.16¹}

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

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

Note 16.6B.8A - Other requirements outside of the District Plan

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

16.6.9 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

16.6.10 Reflectivity

1. New buildings and structures (except fences), and additions and alterations, in any landscape or natural coastal **{NatEnv cl.16}** character overlay zone must comply with Rule 10.3.6.
2. In the Hill Slopes Rural Zone, new buildings and structures that exceed 300m² must have exterior surfaces that have a light reflectance value (LRV) of 30% or less, except that this rule does not apply to the following exterior surfaces: **{NatEnv 447.36}**
 - a. natural wood finishes: **{NatEnv 447.36}**
 - b. glass: **{NatEnv 447.36}**
 - c. clear plastic: **{NatEnv 447.36}**
 - d. soffits; or **{NatEnv 447.36}**
 - e. flues: **{NatEnv 447.36}**
3. For the purposes of Rule 16.6.10.2, the LRV of exterior surface materials whose reflectivity changes due to weathering (e.g. stone) will be measured based on an 'as weathered' condition. **{NatEnv 447.36}**
4. For the sake of clarity, Rule 16.6.10.2 applies to roofs and does not apply to fences. **{NatEnv 447.36}**
5. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

16.6.11 Setbacks

16.6.11.1 Boundary setbacks

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

Activity		1. Minimum setback from road boundary	2. Minimum setback from side and rear boundaries with sites held in separate ownership
i.	Residential buildings (see Figure 16.6A) {RU cl.16}	20m	40m The greater of either: {RU 464.8} i. 20m; or {RU 464.8} ii. a setback that provides a 40m separation from any residential building on any adjoining site {RU 464.8}
ii.	Non-residential buildings {RR cl.16} housing animals (see Figure 16.6B) {RU cl.16}	20m	i. Buildings with a maximum height of up to 7m above ground level: {RU 312.17} 12m ii. Buildings with a maximum height that is over 7m above ground level: Twice the maximum height of the building {RU 312.17}
iii.	Non-residential buildings not housing animals (see Figure 16.6C) {RU cl.16}	20m	i. Buildings with a maximum height of up to 7m above ground level: {RU 312.17} 6m ii. Buildings with a maximum height that is over 7m above ground level: Twice the maximum height of the building {RU 312.17}
iv.	Roadside produce stall	No requirement	6m
v.	All other structures	No requirement	No requirement.

- vi. Except:

- additions and alterations to an existing building located within the minimum setback from road boundary, provided the addition and alteration does not further increase the contravention of the setback and does not increase the height of the building;
- additions and alterations to an existing building used for residential activity located within the minimum setback from side and/or rear boundary, provided the addition and alteration does not further increase the contravention of the setback and does not increase the height of the residential building; and
- buildings associated with the University of Otago Portobello Marine Laboratory and New Zealand Marine Studies Centre, when situated on the land comprising Part section 23 (SO 7232), section 24 (SO 11431) and section 28 (SO 11431), Block VI Portobello Survey District and that Part of section 29 Block VI Survey District marked "A" on SO 22930: New Zealand Marine Studies Centre in the Portobello Marine Science mapped area. **{MF 308.283}**

- vii. Rooftop structures are exempt from any calculation of maximum height in this performance standard. **{RU 312.17}**
- viii. For the purposes of this standard, the separation between residential buildings is measured from the closest wall of each residential building. **{RU 464.8}**

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

Figure 16.6A Setbacks for new residential buildings {RU cl.16}

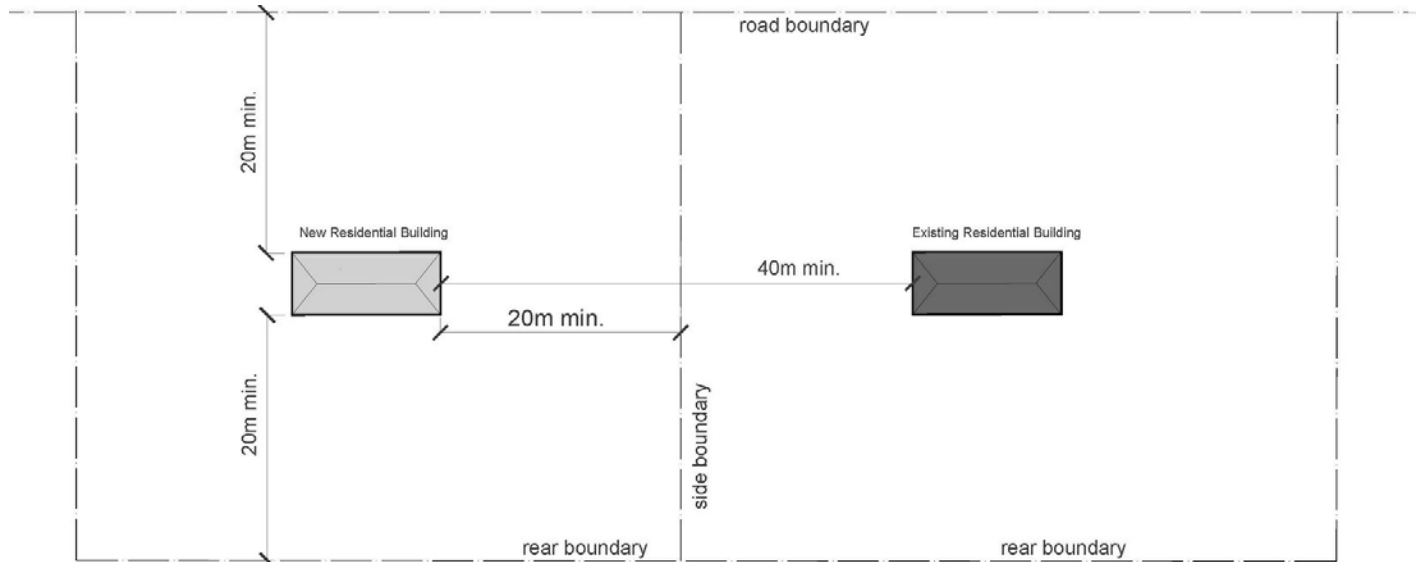


Figure 16.6B Setbacks for non-residential buildings housing animals {RU cl.16}

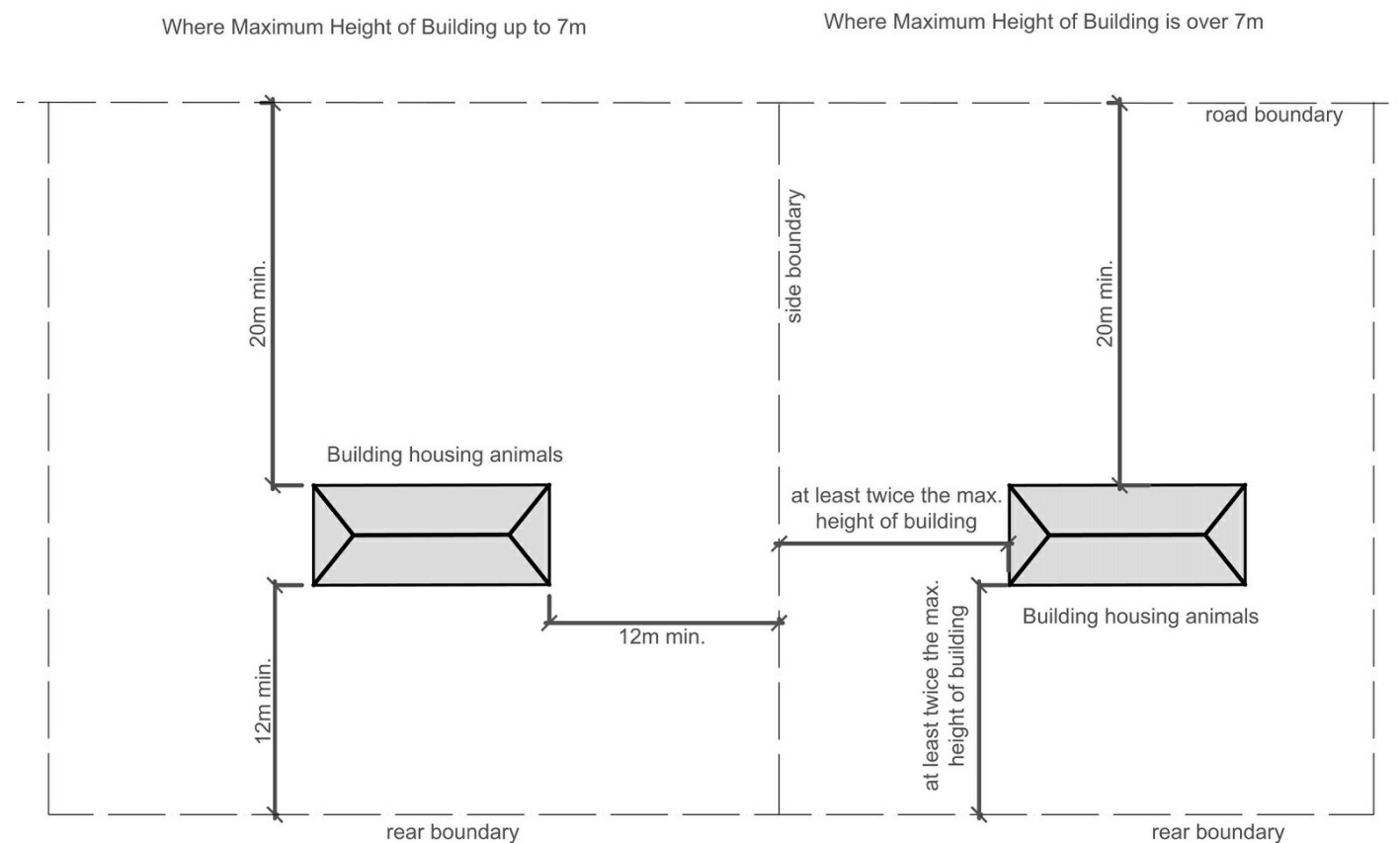
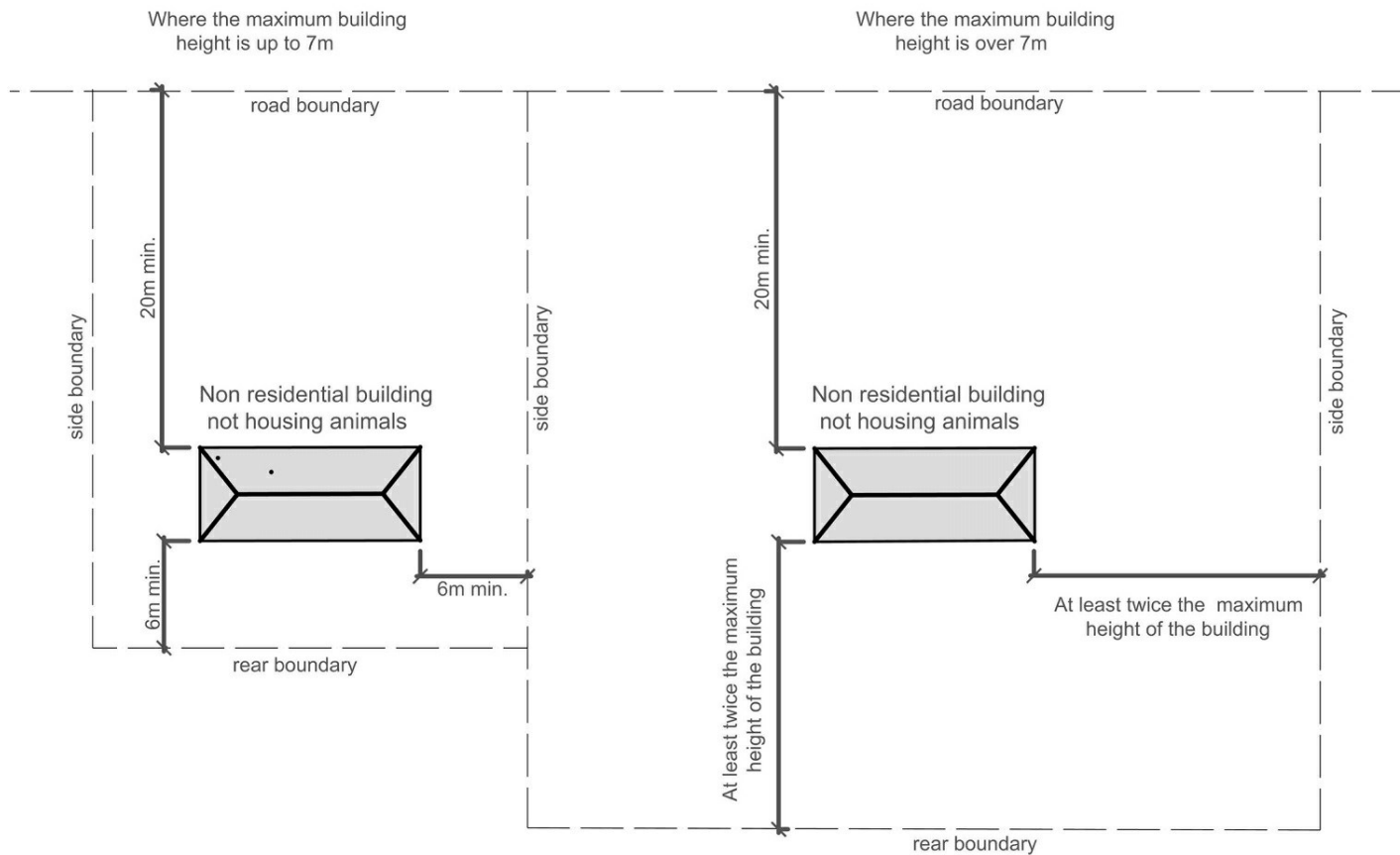


Figure 16.6C Setbacks for non-residential buildings not housing animals {RU cl.16}



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

- a. Trees associated with forestry activity {RU cl.16}:
 - i. must not be planted within 30m of the boundary of any residential zone or rural residential zone;
 - ii. must not be planted within 40m of a residential building where the building exists at the time of planting;
 - iii. must not shade a motorway or a strategic, arterial or collector road between 10am and 2pm on the shortest day of the year; and
 - iv. must not be planted within 10m of the boundary of the designated rail corridor. {Trans 322.106}
- b. Trees associated with tree planting shelterbelts and small woodlots {RU cl.16}:
 - i. must be set back, or managed, so that they maintain a minimum distance of their own height from any residential building on an adjoining site, where the building exists at the time of planting;
 - ii. must not shade a motorway or a strategic, arterial or collector road between 10am and 2pm on the shortest day of the year; and
 - iii. must not be planted within 10m of the boundary of the designated rail corridor. {Trans 322.106}
- c. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

16.6.11.3 Setback from National Grid

New buildings and structures, and additions and alterations, ~~and earthworks~~ **{EW cl.16}** must comply with Rules 5.6.1 and 5.6.1.2. **{EW cl.16}**

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

~~16.6.11.4: Setback from ridgeline~~ **{RU 874.41 and others}**

- a. ~~New buildings and structures (except fences), additions and alterations, and network utilities structures (all scales) and network utilities poles and masts – small scale must be at least 20m vertically below any ridgeline mapped area.~~ **{RU 874.41 and others}**
- b. ~~For the purposes of this standard, the vertical distance will be measured from the highest part of the building or structure.~~ **{RU 874.41 and others}**

16.6.11.5 Setback from scheduled tree

New buildings and structures, additions and alterations, ~~earthworks,~~ **{EW cl.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.

16.6.11.6 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.

16.6.12 Vegetation Clearance Standards

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

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

~~16.6.12.2 Maximum area of indigenous vegetation clearance~~ **{NatEnv cl.16¹}**

~~Indigenous vegetation clearance must comply with Rule 10.3.2.2.~~ **{NatEnv cl.16}**

16.6.12.2 Indigenous vegetation clearance – small scale thresholds **{NatEnv cl.16}**

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

¹ **NatEnv cl.16:** Indigenous vegetation clearance rules have been reformatted. As a result, notified Rule 10.3.2.2 has been replaced by new Rule 10.3.2.A. Therefore, a consequential amendment is needed here to delete the existing Rule 16.6.12.2 and reformat it into new Rule 16.6.12.2, in order to link to the reformatted provisions. This does not change the effect of provisions.

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

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

16.6.12.4 Protected species (indigenous vegetation clearance)

Indigenous vegetation clearance must comply with Rule 10.3.2.4.

16.6.12.5 Maximum area of vegetation clearance in a hazard overlay zone

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

Rule 16.7 Subdivision Performance Standards

16.7.1 Access

General subdivision must comply with Rule 6.8.1.

16.7.2 Esplanade Reserves and Strips

General subdivision must comply with Rule 10.3.1.

16.7.3 Fire Fighting

General subdivision must comply with Rule 9.3.3.

16.7.4 Minimum Site Size

1. The minimum site size for new resultant sites is:

Rural Zone		Minimum site size
a.	Coastal	40ha
b.	High Country	100ha
c.	Hill Country	100ha
d.	Hill Slopes	25ha
e.	Middlemarch Basin	80ha
f.	Peninsula Coast	40ha
g.	Taieri Plain	40ha
h.	<u>For the purposes of this standard, if a site is crossed by a boundary between two or more rural zones, then new resultant sites must comply with the minimum site size required for new resultant sites in each relevant rural zone. {RU 908.1}</u>	

2. Resultant sites created and used solely for the following purposes are exempt from the minimum site size standard:
 - a. Scheduled ASCV ASBV {NatEnv 958.60} or QEII covenant;
 - b. conservation covenant with the Department of Conservation or a local government agency: {RU 366.2}
 - c. protected private land agreement under the Reserves Act 1977: {RU 366.2}
 - d. a heritage covenant with Heritage New Zealand Pouhere Taonga: {RU 735.5}
 - e. protection of a scheduled heritage site, building or structure listed in Appendix A1.1 - Schedule of Protected Heritage Items and Sites: {RU 735.5}
 - f. reserve;
 - g. access;
 - h. network utilities; or
 - i. road.
3. General subdivision that contravenes ~~does not comply with~~ {Trans cl.16} the standard for minimum site size is non-complying, except for surplus dwelling subdivision which is restricted discretionary {RU cl.16} in either of {RU 704.21} the following sets of {RU 704.21} circumstances where the subdivision is restricted discretionary {RU cl.16}:

- a. The first set of circumstances is as follows: {RU 704.21}
 - i. the subdivision involves **{RU cl.16}** the subdivision of one site into two sites, where one resultant site is below the minimum site size and contains an existing residential building greater than 100m² gross floor area **{PO cl.16}**¹ that was built before 26 September 2015; and
 - ii. the second resultant site is:
 1. at least the minimum site size; and
 2. is less than twice the minimum site size, ~~or {RU cl.16 and 807.26}~~ will include a covenant registered against the title, a condition is offered (to be secured by consent notice) ~~to that restricts {RU 592.26 and 717.25} further subdivision in terms of the total number of sites that can be used for residential activity, and further residential activity on the second resultant site, {RU cl.16 and 807.26}~~ to a level that is no greater than would have otherwise been allowed had the minimum site size standard been met for both sites.
- b. The second set of circumstances is as follows: {RU 704.21}
 - i. every new site that will be created by the subdivision contains an existing residential building greater than 100m² **{RU 704.21}** gross floor area **{PO cl.16}**¹ that was built before 26 September 2015; and **{RU 704.21}**
 - ii. if any of these new sites is equal to, or greater than, twice the minimum site size, a condition is offered (to be secured by consent notice), if necessary, to restrict: **{RU 704.21}**
 1. further subdivision of that site, in terms of the total number of sites that can be used for residential activity; and **{RU 704.21}**
 2. further residential activity on that site. **{RU 704.21}**

to a level that is no greater than would have otherwise been allowed had the minimum site size standard been met for all sites. **{RU 704.21}**

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

16.7.5 Shape

1. Each resultant site that is intended to be developed must be of a size and shape that is large enough to contain a building platform of at least 8m by 15m that meets the performance standards of this Plan including, but not limited to:
 - a. all setbacks from boundaries, water bodies, scheduled trees and national grid **{NU 806.11}**.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must not contain **{NU 806.11}**:
 - a. not contain **{NU 806.11}** esplanade reserves or strips;
 - b. not contain **{NU 806.11}** scheduled heritage buildings or structures;
 - c. not contain **{NU 806.11}** right-of-way easements; and
 - d. be located at least 12m from the outer edge of a National Grid support structure or centreline of an overhead National Grid transmission line. **{NU806.11}**
3. For unreticulated areas, resultant sites must provide for a waste disposal area to be located at least 50m from any water body and Mean High Water Springs. **{PHS 1071.56}**
4. Sites created and used solely for the following purposes are exempt from the shape standard:
 - a. Scheduled ASGV ASBV **{NatEnv 958.60}** or QEII covenant;

- b. conservation covenant with the Department of Conservation or a local government agency: {RU 366.2}
 - c. protected private land agreement under the Reserves Act 1977: {RU 366.2}
 - d. a heritage covenant with Heritage New Zealand Pouhere Taonga: {RU 735.5}
 - e. protection of a scheduled heritage site, scheduled heritage building or scheduled heritage structure in Appendix A1.1: {RU 735.5}
 - f. reserve;
 - g. access;
 - h. network utility; or
 - i. road.
5. Subdivision activities that do not meet this standard are restricted discretionary activities, except that subdivision activities that do not meet Rule 16.7.5.2.d are non-complying activities. {PO cl.16}

Rule 16.8 Assessment of Controlled Activities

Rule 16.8.1 Introduction

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rules 16.8.2 and 16.8.3:
 - a. list the matters over which Council has reserved its control; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
 - ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 16.9; and
 - iv. the matters of control become matters of discretion and will be assessed as indicated in this section.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 16.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 16.12; and
 - iii. the assessment guidance in this section will also be considered.
4. Rules 16.8.2 and 16.8.3 apply as follows:
 - a. Rule 16.8.2 applies to controlled land use activities; and
 - b. Rule 16.8.3 applies to controlled development activities. **{RU cl.16}**

16.8.2 Assessment of controlled land use activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. Papakāika	~~a. Site development, including: {RU cl.16}~~ • Design, scale, location and number of dwellings • Design, scale and location of other buildings, structures and site development activities • Disposal of stormwater and wastewater • Vehicle access and parking	<i>Relevant objectives and policies:</i> - Objectives 16.2.3, 14.2.1, 9.2.2, 6.2.3. - Manawhenua are able to live in <u>original</u> {MW 248.10} native reserve areas where any adverse effects <u>can will</u> {PO cl.16} be adequately managed in line with the <u>objectives and</u> {MW cl.16} policies of the rural zones (Policy 14.2.1.6). ~~Papakāika is at a density such that {RU cl.16}~~ Wastewater and stormwater can be disposed of in such a way that adverse effects on the health of people on the site or on surrounding sites <u>can will</u> {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u>{PHS 308.477}, <u>would will</u> {PO cl.16} be insignificant (Policy 9.2.2.7). ~~There are no significant effects on the safety and efficiency of the transport network~~ <u>Adverse effects on the safety and efficiency of the transport network are avoided or, if avoidance is not practicable, adequately mitigated (6.2.3.9.a).</u> {Trans 881.72 and 1088.24} <u>Any associated changes to the transportation network will be affordable to the public in the long term.</u> {Trans 881.63} (Policy 6.2.3.14 6.2.3.9.b {Trans cl.16}). ~~Rural character and visual amenity of the rural zones are maintained (Policy 16.2.3.2).~~ {MW 1071.52} <u>Papakāika maintains, as far as practicable, the rural character values and amenity of the rural zones in terms of the design, scale and location of the development (Policy 16.2.3.X).</u> {MW 1071.52} ~~Conditions that may be imposed to ensure these outcomes include, but are not limited to: {RR cl.16}~~ - requirements for wastewater disposal systems and wastewater disposal areas; - requirements for stormwater disposal; - water supply; - driveways and vehicle tracks; and - number, design and location of residential units. <i>General assessment guidance:</i> - Council will consider the information required by Rule 16.13.1 provided with any resource consent application (see Special Information Requirements - Rule 16.13.1).

16.8.3 Assessment of controlled development activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. <u>Affecting a scheduled heritage building or a scheduled heritage structure: {Her cl.16}</u> • Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected. • <u>Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) {Her 547.91}</u>	a. Effects on heritage values	See Rule 13.4
2. In the NCC Overlay Zone : • New buildings greater than 60m² <u>footprint</u> {PO cl.16¹} on a landscape building platform	a. Size, design and appearance of buildings	See Rule 10.3A
3. In the ONL or SNL overlay zones : • New buildings greater than 60m² <u>footprint</u> {PO cl.16¹} on a landscape building platform	a. Size, design and appearance of buildings	See Rule 10.3A

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

Rule 16.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 16.9.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 16.9.2 - 16.9.6:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rules 16.9.2 - 16.9.5 16.9.6 apply as follows: to performance standards in the rural zones; Rule 16.9.6 contains additional provisions that apply to performance standards in overlay zones, mapped areas, and on scheduled items. {RU cl.16}
 - a. Rule 16.9.2 applies to all performance standard contraventions;
 - b. Rule 16.9.3 applies to land use performance standard contraventions;
 - c. Rule 16.9.4 applies to development performance standard contraventions;
 - d. Rule 16.9.5 applies to subdivision performance standard contraventions; and
 - e. Rule 16.9.6 applies to performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item. {RU cl.16}

16.9.2 Assessment of all performance standard contraventions

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

16.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Density (family Family flats - design) { PO 876.1 and others }	a. <u>Effects on long term Maintenance of rural {RU cl.16} land for productive rural activities</u> b. <u>Effects on rural character and visual amenity {PO 397.47 and 491.3}</u>	<i>Relevant objectives and policies:</i> - Objective 16.2.1, <u>16.2.3 {PO 876.1 and others}</u> - The design of family flats avoids, as far as practicable, the risk they will be used for a separate, non-ancillary residential activity and future pressure to subdivide off family flats (Policy 16.2.1.6). The family flat is of a size and location in relation to the primary residential building that: {PO 207.1 and 394.63} - reflects its use for housing a person or persons related to, dependent on, or employed by the household that lives in the primary residential building on the same site; and {PO 207.1 and 394.63} - adequately discourages future pressure for subdivision of the family flat (Policy 16.2.1.6). {PO 207.1 and 394.63} <i>Potential circumstances that may support a consent application include:</i> - For contravention of maximum gross floor area, the extra area is required due to occupant needs. - For contravention of maximum separation distance, other mechanisms such as covenants are proposed to avoid pressure for subdivision of the family flat. - The size of the residential unit will not create future pressure or expectation for it to be subdivided or be consented to operate as a second residential activity on site. - For contravention of maximum gross floor area, the family flat is in the same residential building as the primary residential unit. {PO 394.47 and 491.3} - For family flats in separate buildings to the primary dwelling the design of the family flat matches the design of the primary residential building. {PO 491.3} - For family flats in separate buildings to the primary dwelling, landscaping or other forms of screening will be used to reduce the visibility of the family flat. {PO 394.47 and 491.3} - For family flats in separate buildings to the primary dwelling, the family flat will not be easily viewed from outside the site. {PO 394.47 and 491.3} <i>General assessment guidance: {RU 360.127}</i> - As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. {RU 360.127}

16.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
	b. Effects on rural character and visual amenity {PO cl.16}	<i>Relevant objectives and policies: {PO cl.16}</i> i. Objective 16.2.3 {PO cl.16} ii. Residential activity is at a density that maintains the rural character values and visual amenity of the rural zones (Policy 16.2.3.2). {PO cl.16} <i>Potential circumstances that may support a consent application include: {PO cl.16}</i> iii. For contravention of maximum gross floor area, the family flat is in the same residential building as the primary residential unit. {PO cl.16} iv. The design of the family flat matches the design of the primary residential building. {PO cl.16} v. Landscaping or other forms of screening will be used to reduce the visibility of the family flat. {PO cl.16} vi. The family flat will not be easily viewed from outside the site. {PO cl.16}
2. Electrical interference	a. Effects on health and safety	See Rule 9.4
3. Hours of operation	a. Effects on amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 16.2.2 ii. Rural ancillary retail, rural tourism - <u>small scale</u> {RU cl.16}, working from home, mineral exploration, and mineral prospecting operate in a way (including hours of operations) {RU cl.16} that avoids or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigates noise or adverse effects on the amenity of sensitive activities on surrounding properties (Policy 16.2.2.4).
4. Location	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
5. Maximum gross floor area	a. Effects on <u>the vibrancy and economic and social success of the CBD and centres/retail distribution</u> {RU cl.16}	<i>Relevant objectives and policies:</i> i. Objectives 2.3.2, 2.4.3, 16.2.1.3 ii. Policies 2.3.2.2 and 2.4.3.4 iii. Rural ancillary retail, rural tourism {RU cl.16} and working from home are at a scale that is ancillary to and supportive of productive rural activities or conservation on the same property (Policy 16.2.1.3.a).

16.9.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Minimum car parking	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
		b. <u>Effects on accessibility</u> {Trans cl.16}	
7.	Separation distances	a. Reverse sensitivity effects	<i>Relevant objectives and policies:</i> i. Objective 16.2.2 ii. Residential buildings and cemeteries {RU 702.4} are set back an adequate distance from {RU cl.16} existing {PO 1046.5} minimise, as far as practicable, {PO 906.34 and 308.497} the potential for reverse sensitivity {PO 1046.5} by being set back an adequate distance from {RU cl.16} factory farming intensive farming {RU 1090.3}, domestic animal boarding and breeding (including dogs), mining, landfills, wind generators - large scale wind generators - small scale and wind generators - regional scale {NU 308.122} and the Waitati Rifle Range {RU 583.20} to minimise the potential for reverse sensitivity effects {PO 1046.5} (Policy 16.2.2.1.b).
8.	Site restoration	a. Effects on biodiversity values {NatEnv 958.60}	See Rule 10.4
		b. Effects on rural character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 16.2.3 ii. Land will be restored to at least the same standard as before the mineral exploration or mineral prospecting activity commenced with respect to landform and productive potential (Policy 16.2.3.3). <u><i>General assessment guidance:</i></u> {RU 360.128} iii. As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. {RU 360.128}

16.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
9. Tree species	a. Effects on biodiversity <u>values</u> {NatEnv 958.60}	See Rule 10.4
	b. <u>Effects on natural character of the coast</u> {NatEnv 900.144}	
	c. <u>Effects on landscape values</u> {NatEnv 900.144}	

¹ **Trans cl.16:** Under Transportation section assessment rules (Rule 6.9.3.6.a), 'effects on accessibility' is a matter of discretion for contraventions of minimum car parking performance standards. However, this matter of discretion was inadvertently omitted from notified Section 16 assessment rules. The correction of this error, via the addition of Rule 16.9.3.6.b, does not result in a substantive change to the effect of provisions.

16.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
X. {NatEnv 951.18}	All development performance standard contraventions listed below {NatEnv 951.18}	a. Positive effects in terms of supporting farming or conservation activity {NatEnv 951.18}	<i>Relevant objectives and policies: {NatEnv 951.18}</i> i. <u>Objective 16.2.1 {NatEnv 951.18}</u>
1.	Boundary setbacks	a. Effects on amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 16.2.2 ii. Buildings that house animals are set back from site boundaries an adequate distance to ensure adverse effects on sensitive activities, such as residential activities, on adjoining sites are avoided or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, are no more than minor (Policy 16.2.2.2). iii. New buildings are located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites (Policy 16.2.2.3). <i>Potential circumstances that may support a consent application include:</i> iv. Screening or landscaping will be used in the development to ensure a good level of amenity for residential activities on adjoining sites. v. Where a building used to house animals contravenes the boundary setback standard, the type and/or number of animals or the frequency of housing them mean that the potential for adverse effects from noise, odour or dust on sensitive activities on adjoining sites will be avoided or will be no more than minor.
		b. Reverse sensitivity effects	<i>Relevant objectives and policies:</i> i. Objective 16.2.2 ii. Residential buildings are set back an adequate distance from site boundaries to {RU cl.16} minimise as far as <u>practicable {PO 906.34 and 308.497}</u> the potential for reverse sensitivity effects from rural activities {RU 1090.32 and PO 1046.5} by being set back an adequate distance from site boundaries {RU cl.16} (Policy 16.2.2.1.a). <i>Potential circumstances that may support a consent application include:</i> iii. Screening or landscaping will ensure potential for reverse sensitivity effects {PO 1046.5} is minimised as far as <u>practicable {PO 906.34 and 308.497}</u>.

16.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on rural character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 16.2.3 ii. Buildings and structures are set back from site boundaries ~~an adequate distance~~ {RU cl.16} to maintain the rural character values and visual amenity of the rural zones (Policy 16.2.3.1). <i>Potential circumstances that may support a consent application include:</i> iii. Landscaping or other forms of screening will be used to reduce the visibility of buildings or structures. iv. Colours and materials used in the development will blend in with the character of the surrounding rural environment, with natural finishes and low levels of reflectivity. v. The proposed building or structure will not obstruct any important views from public viewpoints, or cause significant obstruction of views from dwellings on surrounding sites. vi. The proposed building platform is low lying in relation to surrounding sites and roads and the proposed building will not be easily viewed from outside the site. vii. There are already existing buildings on the site in breach of the same setback. viii. There would be positive effects from maintaining open space through the clustering of buildings on the site. <u><i>General assessment guidance: {RU 360.129}</i></u> ix. <u>As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. {RU 360.129}</u>
2.	Earthworks standards: • Batter gradient {EW cl.16²}	<i>Relevant objectives and policies:</i> i. Objective 16.2.5 ii. ~~Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 16.2.5.1.b).~~

16.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	Earthworks standards: Setback from property boundary, buildings, structures and cliffs {EW cl.16²}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 16.2.5 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 16.2.5.1.a).
4.	Earthworks standards: - Setback from national grid {EW cl.16²} - Setback from network utilities {EW cl.16²}	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7
5.	Earthworks standards: Sediment control {EW cl.16²}	a. Effects on surrounding sites b. Effects on biodiversity and natural character values of riparian margins and coast c. Effects on the efficiency and/or affordability of infrastructure	<i>Relevant objectives and policies:</i> i. Objective 16.2.5 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems <u>or the coastal marine area</u> {EW 1071.106} (Policy 16.2.5.2.b). See Rule 10.4 See Rule 9.4

16.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Earthworks standards: • NZ Environmental Code of Practice for Plantation Forestry {EW cl.16}	a. Degree of compliance with New Zealand Code of Practice for Plantation Forestry	<i>Relevant objectives and policies:</i> i. Objective 16.2.5 ii. Earthworks ancillary to forestry are carried out in accordance with industry best practice guidelines (Policy 16.2.5.4).
7.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards {PO cl.16}	See Rule 11.4 {PO cl.16}
8.	Fire fighting	a. Effects on health and safety	See Rule 9.4
9.	Forestry and tree planting shelterbelts and small woodlots {RU cl.16} setbacks	a. Effects on amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 16.2.2 ii. Forestry and tree planting shelterbelts and small woodlots {RU cl.16} are set back an adequate distance from residential buildings on adjacent surrounding {RU cl.16} properties to avoid or minimise, as far as practicable, {PO 308.497} significant effects from shading (Policy 16.2.2.7). <i>Potential circumstances or mitigation measures {RU cl.16} that may support a consent application include:</i> iii. The area to be planted is to the south of any adjoining residential zone iv. Slope or orientation or other topographical aspects of the sites involved mean that there will be no shading of residential buildings on an adjoining site.
		b. Effects on health and safety	See Rule 9.4
		c. Effects on the safety and efficiency of the transport network	See Rule 6.9

16.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
10.	Maximum height	a. Effects on rural character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 16.2.3 ii. Buildings <u>and structures</u> are of {RU cl.16} a height that maintains the rural character values and visual amenity of the rural zones (Policy 16.2.3.1). <i>Potential circumstances that may support a consent application include:</i> iii. As for Rule 16.9.4.1.c.iii-vi iv. The terrain provides an adequate backdrop to the proposed building or structure and mitigates any adverse visual effects from the building or structure. <i>General assessment guidance: {RU 360.130}</i> v. <u>As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. {RU 360.130}</u>
11.	Number, location and design of ancillary signs	a. Effects on rural character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 16.2.3 ii. Ancillary signs are located and designed to maintain rural character and visual amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles and not being oversized or too numerous for that purpose (Policy 16.2.3.7). <i>General assessment guidance: {RU 360.131}</i> iii. <u>As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. {RU 360.131}</u>
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
12.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

16.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
Y.	Reflectivity (Hill Slopes Rural Zone) {NatEnv 447.36}	a. Effects on rural character and visual amenity {NatEnv 447.36}	<u>Relevant objectives and policies: {NatEnv 447.36}</u> i. <u>Objective 16.2.3 {NatEnv 447.36}</u> ii. <u>Adverse visual effects caused by reflectivity are avoided or, if avoidance is not practicable, no more than minor (Policy 16.2.3.10) {NatEnv 447.36}</u> <u>General assessment guidance {NatEnv 447.36}</u> iii. <u>In assessing adverse visual effects, Council will consider the level of visibility of the building or structure from public places. {NatEnv 447.36}</u>
13.	Setback from coast and water bodies	a. Effects on biodiversity values {NatEnv 958.60} and natural character values of riparian margins and the coast	See Rule 10.4
		b. Effects on public access	
		c. Risk from natural hazards	See Rule 11.4
14. {RU 874.41 and others}	Setback from ridgelines {RU 874.41 and others}	a. Effects on rural character and visual amenity {RU 874.41 and others}	<u>Relevant objectives and policies: {RU 874.41 and others}</u> i. <u>Objective 16.2.3 {RU 874.41 and others}</u> ii. <u>Buildings, structures and network utilities are set back from ridgelines an adequate distance to maintain the rural character values and visual amenity of the rural zones (Policy 16.2.3.1). {RU 874.41 and others}</u>
15.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
16.	Tree species {NatEnv cl.16}	a. Effects on biodiversity	See Rule 10.4

16.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
17.	Vegetation clearance standards: - Maximum area of indigenous vegetation clearance {NatEnv cl.16³} - Protected species (<u>indigenous vegetation clearance</u>) {NatEnv cl.16}	a. Effects on biodiversity <u>values</u> {NatEnv 958.60}	See Rule 10.4
18.	Vegetation clearance standards: Protected areas (<u>vegetation clearance</u>) {NatEnv cl.16}	a. Effects on biodiversity <u>values</u> {NatEnv 958.60} and natural character values of riparian margins and the coast	See Rule 10.4

² **EW cl.16:** As a clause 16 amendment, all earthworks provisions in management and major facility zones have been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

³ **NatEnv cl.16:** Indigenous vegetation clearance rules have been reformatted. Indigenous vegetation clearance that would contravene notified Rule 10.3.2.2 Maximum area of indigenous vegetation clearance is now provided for as Indigenous Vegetation Clearance – Large Scale. This does not change the effect of provisions.

⁴ **NatEnv cl.16:** Contravention of the tree species performance standard outside an ASBV or overlay zone is assessed under Rule 16.9.3.9. This rule is a duplicate and is being removed as an amendment under Clause 16 of the RMA.

16.9.5 Assessment of subdivision performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Access	a. Effects on accessibility {RU cl.16}	See Rule 6.9
2.	Esplanade reserves and strips	a. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		b. Effects on public access	
3.	Fire fighting	a. Effects on health and safety	See Rule 9.4

16.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
4. Shape	<i>Relevant objectives and policies:</i> a. Objective 2.4.1 b. Subdivisions are designed to ensure future land use or development is able to meet the performance standards in the zone, or where in a structure plan mapped {ULS cl.16} area, the subdivision reflects the requirements of the structure plan mapped area performance standards {ULS cl.16}, unless: i. a resource consent is approved for a development that does not meet the performance standard and the subdivision is intended for and capable of providing for that approved development; or ii. the resultant site is required for: 1. Scheduled ASGV; ASBV or {NatEnv 958.60} QEII covenant; or 2. reserve; or 3. access; or 4. network utility; or 5. road (Policy 2.4.1.8). <i>General assessment guidance:</i> c. Non-compliance with the performance standard for shape will be assessed based on which performance standard(s) the shape of the resultant site does not provide for compliance with. See matters of discretion and assessment rules in relation to performance standard contraventions for: i. boundary setbacks; ii. setbacks from water bodies; iii. ~~earthworks standards (building platform slope).~~ {RU cl.16} iv. setback from scheduled tree; and v. setback from ~~n~~National gGrid. d. <u>For contravention of the building platform slope part of the shape performance standard (Rule 16.7.5.2), see the matters of discretion and assessment rules in relation to earthworks - large scale (Rule 8A.7.2.1).</u> {RU cl.16} <i>Conditions that may be imposed include:</i> e. The requirements for a consent notice to be registered against the title that restricts development on the site. f. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site. g. A building platform may be required to be registered against the title by way of consent notice.	

16.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
5. Minimum site size (surplus dwelling subdivision Rule 16.7.4.3)	a. Effects on long term maintenance of rural land for productive rural activities	<i>Relevant objectives and policies:</i> i. Objectives 16.2.1, 16.2.3, 16.2.4 ii. The subdivision of a surplus dwelling does not result in any additional development potential for residential activity (Policy 16.2.1.10.c). iii. The subdivision is designed to ensure any associated future land use and development maintains or enhances the rural character and visual amenity of the rural zones (16.2.3.8). iv. The subdivision is designed to ensure any future land use and development maintains or enhances the productivity of rural activities, maintains <u>high class soils highly productive land {RU 1090.13}</u> for farming activity, <u>or ensures the effects of any change in land use are insignificant on any high class soil mapped area and no more than minor on other areas of highly productive land {RU 1090.13 and 1090.35}</u>, and does not increase the potential for reverse sensitivity from residential activities <u>{PO 1046.5}</u> (Policy 16.2.4.3.a, b and d). <i>Potential circumstances that may support a consent application include:</i> v. A legal mechanism such as a covenant <u>consent notice {RU 592.26 and 717.25}</u> on the title of the parent property <u>second resultant site {RU cl.16}</u> will ensure that there will be no increase in the potential for residential activity as a result of the subdivision. vi. The dwelling can be shown to be in a suitable condition for occupation, with recent history of use for residential activity. vii. The resultant site on which the surplus dwelling will be located is large enough to support on-site disposal of effluent. viii. <u>The dwelling is surplus to the requirements of the property. {RU 807.26}</u> <i>General assessment guidance: {RU 1090.13}</i> ix. <u>In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification (https://soils.landcareresearch.co.nz/soil-data/nzlri-soils/), the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/) {RU 1090.13}</u>

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	In a Scheduled ASCV: Tree species (Tree planting) {NatEnv 900.144}	a. Effects on biodiversity	See Rule 10.4
3.	In the ONL, SNL or ONF overlay zones: Number, location and design of ancillary signs	a. Effects on landscape values	See Rule 10.4
4.	In the ONL or SNL overlay zones: - Maximum height - Reflectivity - Number and location of permitted buildings - Minimum building separation {NatEnv cl.16}	a. Effects on landscape values	See Rule 10.4
5.	In the HNCC, ONCC or NCC overlay zones: Number, location and design of ancillary signs	a. Effects on natural character of the coast	See Rule 10.4
6.	In the NCC overlay zone: - Reflectivity - Maximum height - Number and location of permitted buildings - Minimum building separation {NatEnv cl.16}	a. Effects on natural character of the coast	See Rule 10.4

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
7. In a wāhi tūpuna mapped area: • Setback from ridgelines {MW 874.41} <u>Maximum height {MW 874.41}</u> • Setback from coast and water bodies • Vegetation clearance standards: Maximum area of vegetation clearance (<u>UBMA</u>), Maximum area of indigenous vegetation clearance; Protected areas (<u>vegetation clearance</u>), Protected species (<u>indigenous vegetation clearance</u>) {NatEnv cl.16} • Esplanade reserves and strips	a. Effects on cultural values of Manawhenua	See Rule 14.3

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
8. In a hazard overlay zone; swale mapped area {NH cl.16} or dune system mapped area: • Hazard overlay zones development standards • <u>Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) overlay zones and dune system mapped area)</u> • <u>Relocatable buildings (Hazard 3 (coastal) Overlay Zone)</u> • <u>Outdoor Storage (Hazard 1 (flood) Overlay Zone) {NH cl.16}</u> • <u>Hazardous substances quantity limits and storage requirements {PO cl.16}</u>	a. Risk from natural hazards	See Rule 11.4

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
9.	In an urban conservation biodiversity mapped area : {NatEnv 958.60} Vegetation clearance standards: Maximum area of vegetation clearance (UBMA) {NatEnv cl.16}	a. Effects on biodiversity values {NatEnv 958.60}	See Rule 10.4
10.	In the Taieri Aerodrome flight fan mapped area : Maximum height (Rule 16.6.6.3)	a. Effects on <u>health and safety</u> operation of Taieri Aerodrome {PHS cl.16}	See Rule 9.4
11.	In a high class soils mapped area : Earthworks standards (removal of high class soils) {EW cl.16}	a. Maintenance of high class soils resource	<i>Relevant objectives and policies:</i> i. Objective 16.2.4 ii. Earthworks in a high class soils mapped area retain soils on the site (Policy 16.2.4.1). <i>Potential circumstances that may support a consent application include:</i> iii. The development will involve a productive rural activity. iv. The site design will minimise the effect of the activity on the high class soils contained on the site. v. The soils are being removed to enhance the productivity of another site.
12.	Affecting a scheduled heritage item building or scheduled heritage structure {Her cl.16} : Materials and design	a. Effects on heritage values (work on scheduled heritage buildings/structures) {Ru cl.16}	See Rule 13.5

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

² **NH cl.16:** The standards do not include provisions which apply in a **swale mapped area**.

Rule 16.10 Assessment of Restricted Discretionary Activities

Rule 16.10.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 16.10.2 - 16.10.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rules 16.10.2 -16.10.4 16.10.5 apply as follows: ~~to activities in the rural zones; Rule 16.10.5 contains additional provisions that apply to activities in overlay zones, mapped areas, and on scheduled items.~~ **{RU cl.16}**
 - a. Rule 16.10.2 applies to restricted discretionary land use activities;
 - b. Rule 16.10.3 applies to restricted discretionary development activities;
 - c. Rule 16.10.4 applies to restricted discretionary subdivision activities;and
 - d. Rule 16.10.5 applies to restricted discretionary activities in an overlay zone, mapped area or affecting a scheduled item. **{RU cl.16}**
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
5. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 16.9; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 16.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 16.12; and
 - iii. the assessment guidance in this section will also be considered.

6. With respect to section 104(2) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural zones.

16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
5. Development associated with restricted discretionary land use activities <u>All restricted discretionary land use activities in the rural zones that also involve development activities {RU cl. 16}</u>	a. Effects on rural character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 16.2.3 ii. ~~There are no significant adverse~~ <u>Adverse {CP 458.25 and others}</u> effects from <u>large scale {PO cl.16}</u> development on rural character and visual amenity <u>will be avoided or minimised as far as practicable {RU 704.11 and others}</u> (Policy 16.2.3.5). iii. Adverse effects of development on rural character and amenity are <u>insignificant avoided or, if avoidance is not practicable, no more than minor {RU 350.18 and others}</u> (Policy 16.2.3.6). <u>Potential circumstances that may support a consent application include: {RU cl.16}</u> iv. Landscaping or other forms of screening will be used to reduce the visibility of development from surrounding properties and public viewpoints. v. The development is not situated on visually prominent land. vi. The form, scale and materials used in buildings and structures are compatible with the character values of the rural zones as listed in Appendix A7. vii. Building colours and materials are chosen to blend in with the rural setting and minimise reflectivity. viii. Signage and entranceways are in character with the surrounding environment. <u>General assessment guidance: {RU 360.133}</u> ix. <u>As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. {RU 360.133}</u>
A. All high trip generators, which include: <u>{Trans cl.16}</u> • <u>any activities that generate 250 or more vehicle movements a day {Trans cl.16}</u>	a. Effects on <u>accessibility {Trans cl.16}</u> b. Effects on the <u>safety and efficiency of the transport network {Trans cl.16}</u>	See Rule 6.10 <u>{Trans cl.16}</u>

16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. - Cemeteries - Crematoriums	a. Effects on amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 16.2.2 ii. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated (Policy 16.2.2.5). <i>Potential circumstances that may support a consent application include:</i> iii. The activity will be set back a sufficient distance from its own property boundaries to avoid, or adequately mitigate, any adverse effects from noise, odour or visual impact on surrounding properties. <i>General assessment guidance:</i> iv. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movements on the adjoining road.
	b. Reverse sensitivity effects	<i>Relevant objectives and policies:</i> i. Objective 16.2.2 ii. Cemeteries are designed to avoid, as far as practicable {PO 308.497}, ~~the potential for reverse sensitivity effects on surrounding permitted or lawfully established activities~~ {PO 1046.5} by locating graves a suitable distance from site boundaries and providing adequate screening (Policy 16.2.2.8).

16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Maintenance of high-class soils resource <u>highly productive land</u> {RU 1090.13}	<i>Relevant objectives and policies:</i> i. Objective 16.2.4 ii. Activities other than farming are avoided in a high-class soils mapped area unless <u>only allowed on highly productive land where {RU 796.27, 1090.13 and 1090.35} the scale, size and nature of the activity means {RU cl.16} the loss of current or potential future rural productivity would be insignificant in any high class soils mapped area and no more than minor in other areas of highly productive land {RU 1090.13 and 1090.35}</u> (Policy 16.2.4.2.a). <i>Potential circumstances that may support a consent application include:</i> iii. The site design will ensure the effect of the activity on the <u>any {RU 1090.13 and 1090.35} high class soils contained on the site, and any impact on the potential for future use of the high class soils, is insignificant.</u> <i>General assessment guidance: {RU 1090.13}</i> iv. <u>In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification (https://soils.landcareresearch.co.nz/soil-data/nzlri-soils/), the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/)</u> {RU 1090.13}
	d. Effects on cultural values of Manawhenua	See Rule 14.4
	e. Effects on the safety and efficiency of the transport network	See Rule 6.10

16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. Domestic animal boarding and breeding (including dogs)	a. Effects on amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 16.2.2 ii. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated (Policy 16.2.2.5). <i>Potential circumstances that may support a consent application include:</i> iii. The activity will be set back a sufficient distance from its own property boundaries to avoid, or adequately mitigate, any adverse effects from noise on surrounding properties. iv. The design and acoustic insulation of kennel buildings, dog runs and fencing will mitigate adverse effects from noise on surrounding properties. v. Areas used for parking, drop-off and collection of dogs are separated from kennel buildings and dog runs an adequate distance to avoid or minimise barking triggered by the arrival or departure of customers. <i>General assessment guidance:</i> vi. In assessing effects on the amenity of residential activities on surrounding properties, Council will consider effects from noise, traffic, odour, <u>and</u> dust contaminants. ~~and effects:~~ {RU cl.16} vii. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movements on the adjoining road. <i>Conditions that may be imposed include:</i> viii. Restrictions on the hours of operation in terms of the arrival and departure times of customers.
	b. Effects on ability of productive rural activities to operate (reverse sensitivity) {CP 458.23 and others}	<i>Relevant objectives and policies: {CP 458.23 and others}</i> i. Objective 16.2.2 {CP 458.23 and others} ii. The potential for reverse sensitivity that may affect the ability of productive rural activities to operate is avoided or, if avoidance is not possible, is no more than minor (Policy 16.2.2.6). {CP 458.23 and others}
	c. Effects on the safety and efficiency of the transport network	See Rule 6.10

16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. <u>Factory farming</u> <u>Intensive</u> <u>farming</u> {RU 1090.3}	a. Effects on amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 16.2.2 ii. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated (Policy 16.2.2.5). <i>Potential circumstances that may support a consent application include:</i> iii. The activity will be set back a sufficient distance from its own property boundaries to avoid or adequately mitigate any adverse effects on surrounding properties. iv. Management plans or other mitigation measures will be employed to avoid or mitigate the effects of odour, dust, vehicle movements and operating noise on surrounding properties. <i>General assessment guidance:</i> v. In assessing effects on the amenity of residential activities on surrounding properties, Council will consider effects from noise, traffic, odour, <u>and</u> dust contaminants. ~~and effects:~~ {RU cl.16} vi. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road. <i>Conditions that may be imposed include:</i> vii. Restrictions on the hours of operation.
	b. Effects on ability of productive rural activities to operate (reverse sensitivity) {CP 458.23 and others}	<i>Relevant objectives and policies: {CP 458.23 and others}</i> i. Objective 16.2.2 {CP 458.23 and others} ii. The potential for reverse sensitivity that may affect the ability of productive rural activities to operate is avoided or, if avoidance is not possible, is no more than minor (Policy 16.2.2.6). {CP 458.23 and others}
	c. Effects on the safety and efficiency of the transport network	See Rule 6.10
	d. Effects on health and safety	See Rule 9.5

16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
4. Veterinary services (large animal practice)	a. Effects on amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 16.2.2 ii. Any adverse effects on the amenity of <u>residential activities on {RU cl.16}</u> surrounding properties will be avoided or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, adequately mitigated (Policy 16.2.2.5). <i>General assessment guidance: {RU cl.16}</i> iii. In assessing effects on the amenity of residential activities on surrounding properties, Council will consider effects from noise, traffic, odour <u>and</u> dust contaminants. ~~and effects {RU cl.16}~~ iv. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movements on the adjoining road. <i>Conditions that may be imposed include: {RU cl.16}</i> v. Restrictions on the hours of operation in terms of the arrival and departure times of customers.
	b. Effects on the safety and efficiency of the transport network	See Rule 6.10

¹ **Trans cl.16:** Under Transportation section assessment rules (Rule 6.10.2.7a&b), 'effects on accessibility' and 'effects on safety and efficiency of the transport network' are matters of discretion for high trip generators, which include land use activities that generate 250 or more vehicle movements a day. However, the rule necessary to link to Rule 6.10.2.7 was inadvertently omitted from notified Section 16 assessment rules. The correction of this error, via the addition of Rule 16.10.2.A, does not result in a substantive change to the effect of provisions.

16.10.3 Assessment of restricted discretionary development activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
A. {NatEnv 951.19}	All restricted discretionary activities listed below {NatEnv 951.19}	a. Positive effects in terms of supporting farming or conservation activity {NatEnv 951.19}	<i>Relevant objectives and policies:</i> i. <u>Objective 16.2.1 {NatEnv 951.19}</u>
4.	Earthworks – large scale (that exceed the scale thresholds for the rural zones) {EW cl.16'}	a. Effects on visual amenity and character – b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 16.2.5 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.5.3.a): iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.5.3.b): <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.

16.10.3 Assessment of restricted discretionary development activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
		c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 16.2.5 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.5.3.c). <i>Potential circumstances that may support a consent application:</i> iii. A geotechnical report confirms the existing ground is suitably stable for the proposed works, and proposed works will not create instability risks for surrounding land, buildings, or structures (see Special Information Requirements – Rule 16.13.2). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards. <i>Conditions that may be imposed include, but are not limited to:</i> v. Maximum slopes of cut and fill batters. vi. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. vii. Temporary shoring requirements to maintain stability before a wall is constructed. viii. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
2.	Earthworks – large scale (that exceed scale thresholds within 20m of a water body or MHWS) {EW cl.16’}	a. Effects on biodiversity and natural character of riparian margins and the coast b. Effects on public access	See Rule 10.5

16.10.3 Assessment of restricted discretionary development activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
3.	<u>High trip generators:</u> {Trans cl.16³} • New or additions to parking areas, or extensions to existing parking areas that result in the creation of 50 or more new parking spaces {Trans cl.16}	a. Effects on the safety and efficiency of the transport network	See Rule 6.10
		b. Effects on accessibility	
4.	<u>Indigenous vegetation clearance – large scale</u> {NatEnv cl.16²}	<u>a. Effects on biodiversity values</u> {NatEnv cl.16}	See Rule 10.5 {NatEnv cl.16}

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

² **NatEnv cl.16:** Indigenous vegetation clearance rules have been reformatted. Indigenous vegetation clearance that would contravene notified Rule 10.3.2.2 Maximum area of indigenous vegetation clearance is now provided for as Indigenous Vegetation Clearance – Large Scale. This does not change the effect of provisions.

³ **Trans cl.16:** A reference to 'high trip generators' has been added here, to clarify that this activity is assessed as a high trip generator under Transportation section rules. This does not result in a substantive change to the effect of provisions.

16.10.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. General subdivision	a. Effects on long term maintenance of rural land for productive rural activities	<i>Relevant objectives and policies:</i> i. Objective 16.2.4. ii. The design of a subdivision ensures any future land use and development will: 1. maintain or enhance the productivity of rural activities; 2. maintain ~~high class soils~~ <u>highly productive land {RU 1090.13 and 1090.35}</u> for farming activity, or ensure any loss is <u>insignificant on any high class soils mapped area and {RU 1090.13 and 1090.35}</u> no more than minor <u>on other areas of highly productive land {RU 1090.13 and 1090.35}</u>; 3. maintain land in a rural rather than rural residential land use; and 4. not increase the potential for reverse sensitivity ~~from residential activities in the rural zones {PO 1046.5}~~ (Policy 16.2.4.3). <i>General assessment guidance: {RU 1090.13}</i> iii. <u>In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/) {RU 1090.13}</u>

16.10.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	b. Effects on rural character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 16.2.3. ii. The subdivision is designed to ensure any associated future land use and development will maintain or enhance the rural character and visual amenity of the rural zones (Policy 16.2.3.8). <i>Potential circumstances that may support a consent application include:</i> iii. Sites are designed to respond to the topography and characteristics of the land and surrounding environment. iv. Building platforms are located to respond to landform and avoid significant visual effects. v. Driveways, vehicle tracks, utilities and services are designed and located to minimise the need for significant earthworks. <u><i>General assessment guidance: {RU 360.135}</i></u> vi. <u>As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. {RU 360.135}</u>
	c. Effects on biodiversity <u>values</u> {NatEnv 958.60} and natural character values of riparian margins and coast	See Rule 10.5
	d. Effects on areas of indigenous vegetation and the habitat of indigenous fauna {NatEnv 958.60}	
	e. Effects on public access	
	f. Risk from natural hazards	See Rule 11.5
	g. Effects on the safety and efficiency of the transport network	See Rule 6.10
	h. Effects on health and safety	See Rule 9.5

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
A. {NatEnv 951.19}	All restricted discretionary activities listed below {NatEnv 951.19}	a. Positive effects in terms of supporting farming or conservation activity {NatEnv 951.19}	<i>Relevant objectives and policies:</i> i. Objective 16.2.1 {NatEnv 951.19}
1.	In the ONF overlay zone: - All other buildings and structures activities {NatEnv 360.137} - Indigenous vegetation clearance - large scale {NatEnv 958.106} - Tree planting Shelterbelts and small woodlots {RU cl.16} - Earthworks – large scale (that exceed scale thresholds for an ONF {EW cl.16}) - General subdivision	a. Effects on landscape values	See Rule 10.5
2.	In the ONL or SNL overlay zones: - Crematoriums {NatEnv 447.77} - Forestry - New buildings or {RU cl.16} structures greater than 60m² footprint, {PO cl.16} or additions and alterations that result in a building or structure that is greater than 60m² footprint {PO cl.16} - All other buildings and structures activities {NatEnv 360.137} - Earthworks – large scale (that exceed the scale thresholds for an ONL) {EW cl.16} - General subdivision	a. Effects on landscape values	See Rule 10.5

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. In the ONCC or HNCC overlay zones: • ~~All other buildings and structures activities~~ {NatEnv 360.137} • Tree planting <u>Shelterbelts and small woodlots</u> {RU cl.16} • Earthworks – large scale (that exceed scale thresholds for an ONCC or HNCC) {EW cl.16'} • Indigenous vegetation clearance {NatEnv 958.106} • General subdivision	a. Effects on natural character of the coast	See Rule 10.5
4. In the NCC overlay zone: • <u>Crematoriums</u> {NatEnv 447.77} • Forestry • New buildings or structures {RU cl.16} greater than 60m² <u>footprint</u>, {PO cl.16'} or additions and alterations that result in a building or structure that is greater than 60m² <u>footprint</u> {PO cl.16'} • ~~All other buildings and structures activities~~ {NatEnv 360.137} • Earthworks – large scale (that exceed scale thresholds for an NCC) {EW cl.16'} • Indigenous vegetation clearance - <u>large scale</u> {NatEnv cl.16} • General subdivision	a. Effects on natural character of the coast	See Rule 10.5

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
5. In an ~~scheduled ASCV~~ ASBV: {NatEnv 958.60} • New buildings or {RU cl.16} structures <u>greater than 60m² footprint, {RU cl.16}</u> or additions and alterations that result in a building or structure that is greater than {RU cl.16} 60m² footprint {PO cl.16} and over {RU cl.16} • All other buildings and structures activities {NatEnv 360.137} • Earthworks – large scale (that exceed scale thresholds for a Scheduled ASCV) {EW cl.16} • Indigenous vegetation clearance {NatEnv 949.13} • General subdivision • <u>Shelterbelts and small woodlots</u> {NatEnv 958.107} • <u>Site development activities (except for outdoor storage, parking, loading and access, vegetation clearance, storage and use of hazardous substances)</u> {NatEnv 958.107}	a. Effects on biodiversity <u>values</u> {NatEnv 958.60}	See Rule 10.5
6. In a wāhi tūpuna mapped area where activity is identified as a threat: • All RD Forestry • All RD buildings and structures • Earthworks – large scale that exceed any threshold {EW cl.16} • All RD {NatEnv cl.16} Indigenous vegetation clearance - large scale {NatEnv cl.16} • Tree planting <u>Shelterbelts and small woodlots</u> {RU cl.16} • General subdivision	a. Effects on cultural values of Manawhenua	See Rule 14.4

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
7. Activities affecting a scheduled heritage building or scheduled heritage structure: • Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure • Removal for relocation • ~~General~~ <u>All subdivision activities on sites containing a scheduled heritage building or scheduled heritage structure {Her cl.16}</u>	a. Effects on heritage values	See Rule 13.6
8. ~~In~~ <u>Activities affecting {Her cl.16} a scheduled heritage site</u>: • ~~General~~ <u>All subdivision activities {Her cl.16}</u> • New buildings, and all other structures, parking, loading and access, where visible from an adjoining public place or a publicly accessible place within the heritage site {Her cl.16} • <u>Parking, loading and access on a scheduled heritage site, where visible from an adjoining public place or a public place within the site {Her cl.16}</u>	a. Effects on heritage values	See Rule 13.6
9. ~~In a hazard overlay zone~~ <u>all hazard overlay zones, swale mapped areas and dune system mapped areas {NH949.25, NH634.69 and NH cl.16}</u>: • General subdivision in a hazard 3 (coastal) Overlay Zone {NH949.25, NH634.69 and NH cl.16} • Earthworks – large scale (that exceed the scale threshold for a hazard overlay zone or ~~swale or dune system mapped area~~) {EW cl.16}	a. Risk from natural hazards	See Rule 11.5
~~10. In a Hazard 1 (land instability) Overlay Zone (see Rule 16.3.6):~~ • ~~New buildings, and additions and alterations to buildings, which create more than 1m² of new ground floor area {NH 73.4 and others}~~	a. Risk from natural hazards {NH 73.4 and others}	See Rule 11.5 {NH 73.4 and others}

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
10.	In the Hazard 2 (flood) Overlay Zone: {NH 634.74} - Natural hazards {NH cl.16} sensitive activities {NH 634.74} - Natural hazards {NH cl.16} potentially sensitive activities {NH 634.74}	a. Risk from natural hazards {NH 634.74}	See Rule 11.5 {NH 634.74}
11.	In a hazard 1, 1A {NH 908.37} or 2 (flood) {NH 73.4 and others} overlay zone other than the hazard 1 (land instability) Overlay Zone {NH 73.4 and others} (see Rule 16.3.6): New buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area	a. Risk from natural hazards	See Rule 11.5
12.	In a ~~ground water protection mapped area (GPA):~~ ~~Earthworks – large scale (that exceed scale thresholds for a GPA) {EW cl.16¹}~~	a. ~~Effects on health and safety~~	See Rule 9.5
13.	In a ~~geologically sensitive mapped area (GSA):~~ ~~Earthworks – large scale (that exceed underlying zone scale thresholds) {NH cl.16³}~~	a. ~~Risk from natural hazards~~	See Rule 11.5
14. {NU 806.11}	In the National Grid Corridor mapped area: {NU806.11} All subdivision activities {NU 806.11}	a. Effects on health and safety {NU806.11} b. Reverse sensitivity effects {NU806.11} c. Effects on efficient and effective operation of network utilities {NU806.11}	See Rule 5.8 {NU 806.11}
15.	In the radio transmitters mapped area: {NU 918.25} General subdivision {NU 918.25}	a. Reverse sensitivity effects {NU 918.25}	See Rule 5.8 {NU 918.25}

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

² **PO cl.16:** Footprint is included in the rule to improve plan clarity as a minor and inconsequential amendment.

³ **NH cl.16:** As a clause 16 amendment, geologically sensitive areas are not part of this Plan, and are included in the data map for information purposes only.

Rule 16.11 Assessment of Discretionary Activities

Rule 16.11.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 16.11.2 and ~~16.11.3~~ - 16.11.4 **{RU cl.16}** provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. Rules 16.11.2 - 16.11.4 apply as follows:
 - a. Rule 16.11.2 applies to discretionary land use activities;
 - b. Rule 16.11.3 applies to discretionary performance standard contraventions; and
 - c. Rule 16.11.4 applies to discretionary subdivision activities. **{RU cl.16}**
4. With respect to section 104(2), Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural zones.
5. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
1. All discretionary <u>land use</u> activities listed below {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives <u>16.2.1</u>, {NatEnv 951.20} 16.2.2, 16.2.3, 16.2.4. b. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects. {RU cl.16} <i>Potential circumstances that may support a consent application include:</i> c. For discretionary land use activities, whether any associated development activities meet relevant performance standards, or are otherwise consistent with relevant objectives and policies for development (see Rules 20.9 Rule 16.9 {RU cl.16} for performance standard contraventions). d. Development is not situated on visually prominent land. e. The form, scale and materials used in buildings and structures are compatible with the character values of the rural zones as listed in Appendix A7. f. Colours and materials used in development are chosen to blend in with the rural setting and minimise reflectivity. g. Landscaping or other forms of screening are used to reduce the visibility of development from surrounding properties and public viewpoints. <i>General assessment guidance:</i> h. In assessing the significance of effects, consideration is given to: {MW cl.16} i. The relationship between manawhenua and the natural environment is maintained, including the cultural values and traditions associated with: {MW cl.16} 1. wāhi-tūpuna; and {MW cl.16} 2. the customary use of mahika kai (Objective 14.2.1): {MW cl.16} ii. If located outside a wāhi-tūpuna mapped area, Kai Tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi-tūpuna is located, or the linkages between wāhi-tūpuna: {MW 1071.109} i. In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. {RU cl.16}

16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
	j. <u>As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. {RU 360.136}</u> <i>Relevant guidance from other sections (priority considerations):</i> k. <u>For activities taking place within the radio transmitters mapped area, see Section 5.9 for guidance on the assessment of resource consents in relation to management of reverse sensitivity effects on Radio New Zealand's facilities at 740 Highcliff Road and 35 Karetai Road. {NU 918.25}</u> l. <u>See Section 6.11 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public {Trans 881.63}.</u> m. <u>For activities that may have effects on biodiversity values, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1. {NatEnv 900.35}</u> n. <u>For activities adjacent to water bodies and the coast, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.2. {NatEnv 900.38}</u> o. <u>See Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua {MW cl.16}</u>
2. - Rural tourism - large scale - Rural research - large scale (<u>outside the Invermay Farm mapped area</u>) {RU 924.9}	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.3.1, 16.2.2, 16.2.3, 16.2.4. b. Commercial activities in the rural zones are restricted to those that need a rural location and <u>or {RU 366.3} support rural activity activities {PO cl.16} (Policy 2.3.1.2.gh). {RU cl.16}</u> c. Adverse effects on the amenity of <u>residential activities on {RU cl.16}</u> surrounding properties is avoided or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, adequately mitigated (Policy 16.2.2.5). d. ~~There are no significant adverse~~ <u>Adverse {CP 458.25 and others}</u> effects on rural character and visual amenity from large scale development <u>will be avoided or minimised as far as practicable {RU 704.11 and others}</u> (Policy 16.2.3.5). e. Activities other than farming are avoided in a <u>high class soils mapped area unless only allowed on highly productive land where {RU 796.27 and 1090.13} the scale, size and nature of the activity means {RU cl. 16} the loss of current or potential future rural productivity would be insignificant in any high class soils mapped area and no more than minor in other areas of highly productive land {RU 796.27 and 1090.13} (Policy 16.2.4.2.a).</u>

16.11.2 Assessment of discretionary land use activities

Activity		Priority considerations
		<i>Potential circumstances that may support a consent application include:</i> f. The activity is set back a sufficient distance from its own boundaries and existing sensitive activities on surrounding sites to avoid or adequately mitigate effects. <i>Conditions that may be imposed include:</i> g. Restriction on hours of operation. h. Restriction on maximum number of guests (rural tourism). i. Controls on lighting. j. Parking requirements. <i>General assessment guidance:</i> k. In assessing effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road. l. <u>In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/)</u> {RU 1090.13} <i>Relevant guidance from other sections (priority considerations):</i> m. In an Scheduled ASGV ASBV, {NatEnv 958.60} see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity <u>values</u>. {Nat Env 958.60}
3.	• Rural industry • <u>Rural contractor and transport depots – large scale</u> {RU 911.5}	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives <u>2.2.2</u> {NU 308.468} 16.2.2, 16.2.3, 16.2.4, <u>5.2.1</u> {NU 308.468} b. ~~There are no significant adverse~~ <u>Adverse</u> {CP 458.25 and others} effects on rural character and visual amenity from large scale development <u>will be avoided or minimised as far as practicable</u> {RU 704.11 and others} (Policy 16.2.3.5). c. Adverse effects on the amenity of residential activities on surrounding properties, are avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated (Policy 16.2.2.5). d. ~~The potential for reverse sensitivity that may affect the ability of productive rural activities to operate will be avoided or, if avoidance is not possible, will be no more than minor~~ (Policy 16.2.2.6). {CP 458.23 and others}

16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
	e. Activities other than farming are avoided in a high class soils mapped area unless only allowed on highly productive land where <u>{RU 796.27 and 1090.13}</u> the scale, size and nature of the activity means <u>{RU cl. 16}</u> the loss of current or potential future rural productivity would be insignificant in any high class soils mapped area and no more than minor in other areas of highly productive land <u>{RU 1090.13 and 1090.35}</u> (Policy 16.2.4.2.a). f. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. g. <u>For rural industry, the use and development of renewable energy generation is encouraged (Policy 5.2.1.1). {NU 308.468}</u> <i>Potential circumstances that may support a consent application include:</i> h. The activity will be set back a sufficient distance from its own property boundaries to avoid or adequately mitigate any adverse effects from noise, odour, dust, contaminants or visual effects on surrounding properties. i. High noise generating equipment is located within acoustically insulated buildings or fitted with noise reduction devices to ensure noise emissions are maintained at a reasonable level. j. If noise is not able to be adequately controlled at its source, noise reduction is achieved through noise barriers or bunds to ensure noise emissions are maintained at a reasonable level. k. Management plans or other mitigation measures will be employed to limit the effects of dust, vehicle movements and operating noise on surrounding properties. <i>Conditions that may be imposed include:</i> l. Restriction on hours of operation. m. Controls on on-site lighting. n. A requirement for screening of storage areas. o. A requirement to control dust. p. Provision of car parking areas. <i>General assessment guidance:</i> q. In assessing effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road. r. <u>In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about LUC classification is provided on the</u>

16.11.2 Assessment of discretionary land use activities

Activity		Priority considerations
		<u>Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/) {RU 1090.13}</u>
4.	• Mining • Landfills	<i>Relevant objectives and policies (priority considerations):</i> - Objectives <u>2.2.2 {NU 308.468}</u>, 16.2.2, 16.2.3, 16.2.4, <u>5.2.1 {NU 308.468}</u>. - Policies <u>2.3.1.8.b {CP 1088.17 and others}</u>, <u>2.3.1.Y {RU 796.3}</u> - Adverse effects on the amenity of residential activities on surrounding properties are avoided or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, adequately mitigated (Policy 16.2.2.5). - The potential for reverse sensitivity that may affect the ability of productive rural activities to operate will be avoided or, if avoidance is not possible, will be no more than minor (Policy 16.2.2.6). {CP 458.23 and others} - There are no significant adverse {CP 458.25 and others} effects on rural character and visual amenity from large scale development <u>are avoided, or minimised as far as practicable. {RU 704.11 and others}</u> (Policy 16.2.3.5). - Land will be restored or rehabilitated {CP 458.24 and others} to an acceptable standard with respect to landform and <u>to enable a return to productive, recreational or conservation use as soon as possible productive potential {RU 796.26}</u> (Policy 16.2.3.4). - The mining activity is located on the part of the site with high class soils for <u>highly productive land due to {RU 1090.13 and 1090.35}</u> operational requirements and there are no practicable alternative locations (Policy 16.2.4.2.b) - See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. <i>Potential circumstances that may support a consent application include:</i> - The activity will be set back a sufficient distance from its own property boundaries to avoid or adequately mitigate any adverse effects from noise, odour, dust, contaminants or visual effects on surrounding properties. - For mining sand from dunes or beaches, there will be no significant impact on the look of the area. - Management plans or other mitigation measures will be used to adequately manage any adverse effects from dust, vehicle movements and operating noise on surrounding properties. - There will be no adverse effects in terms of land instability. <i>General assessment guidance:</i>

16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
	m. In assessing effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road. n. <u>In assessing an application for mining, Council will consider the constraints imposed by the location of the mineral resource and any logistical or technical requirements to access the resource.</u> {CP 901.24 and others} o. <u>In assessing effects on rural character values and amenity, Council will consider whether any proposed restoration or rehabilitation measures will ensure that final landforms:</u> {CP 1088.57} i. <u>screen or enhance the view of excavated faces from surrounding public and residential viewpoints through appropriate landscaping, plantings or siting of public amenities; and/or</u> {CP 1088.57} ii. <u>minimise evidence of landfills or mining activity by blending final contours with surrounding landforms to achieve as natural appearance as possible, and by providing for the establishment of vegetation cover appropriate to the local character.</u> {CP 1088.57} p. <u>In determining whether land is 'highly productive land', Council will consider its LUC classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/)</u> {RU 1090.13} <i>Conditions that may be imposed include:</i> q. Controls on overall waste volumes for landfills. r. Restrictions on aggregate processing activity for mining. s. A requirement for buffer areas and bunds. t. For quarries, a quarry management plan addressing noise, dust and other amenity effects. u. A site restoration or rehabilitation {CP 458.24 and others} plan and/or {RU cl.16} bond to provide for site restoration {RU 796.9} or rehabilitation {CP 458.24 and others}. <i>Relevant guidance from other sections (priority considerations):</i> v. See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity values. {Nat Env 958.60} w. Where in the ONL, {NatEnv 447.75 and 447.76} SNL or NCC overlay zones, see Section 10.6 for guidance on the assessment of

16.11.2 Assessment of discretionary land use activities

Activity		Priority considerations
		resource consents in relation to Objective 10.2.3 and effects related to the natural character of the coast, and Objective 10.2.5 and effects related to landscape. x. <u>Where For mining {MW 1071.3} in a wāhi tūpuna mapped area, and landfills in any location, {MW 1071.3} see Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.</u> y. <u>For landfills, the use and development of renewable energy generation is encouraged (Policy 5.2.1.1). {NU 308.468}</u>
5.	• Community and leisure - large scale • Early childhood education • Restaurants or retail activities ancillary to sport and recreation • Sport and recreation • Visitor accommodation	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.3.1, 16.2.1, 16.2.2, 16.2.3, 16.2.4. b. Commercial and community activities in the rural zones are restricted to those which require a rural location and/or {RU 366.3} support rural activity activities {PO cl.16} (Policy 2.3.1.2.h). c. Adverse effects of development on rural character and visual amenity are insignificant avoided or, if avoidance is not practicable, no more than minor {RU 350.18 and others} (Policy 16.2.3.6). d. Visitor accommodation supports productive rural activity activities {PO cl.16} or a significant conservation activity {RU 366.3} on the same property (Policy 16.2.1.4). e. Adverse effects on the amenity of residential activities on {RU cl.16} surrounding properties is avoided or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigated (Policy 16.2.2.5). f. Activities other than farming are avoided in a high-class soils mapped area unless only allowed on highly productive land where {RU 796.27 and 1090.13} the scale, size and nature of the activity means {RU cl. 16} the loss of current or potential future rural productivity would be insignificant in any high class soils mapped area and no more than minor in other areas of highly productive land {RU 1090.13 and 1090.35} (Policy 16.2.4.2.a). <i>Potential circumstances that may support a consent application include:</i> g. The activity is set back a sufficient distance from its own boundaries and existing sensitive activities. h. <u>The activity supports a conservation activity that is associated with an ASBV, QEII covenant, conservation covenant with the Department of Conservation or a local government agency, or a protected private land agreement under the Reserves Act 1977. {RU366.3}</u> <i>General assessment guidance:</i> i. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road.

16.11.2 Assessment of discretionary land use activities

Activity		Priority considerations
		j. In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/) {RU 1090.13} <i>Relevant guidance from other sections (priority considerations):</i> k. In an ~~Scheduled ASCV~~ ASBV {NatEnv 958.60}, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity <u>values</u>. {Nat Env 958.60}
6. {NH634.74}	In the hazard 1 overlay zones (see Rule 16.3.6): Potentially sensitive activities permitted in rural zones {NH634.74}	See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. {NH634.74}
7. {NH634.74}	In the hazard 2 overlay zones (see Rule 16.3.6): - Potentially sensitive activities not permitted in rural zones - Sensitive activities {NH634.74}	See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. {NH634.74}
8.	In a General Residential 1 Residential Transition Overlay Zone (RTZ) {ULS cl.16}: - Factory Farming <u>Intensive farming</u> {RU 1090.3} - Forestry	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 12.3 for guidance on the assessment of resource consents in relation to Objective 12.2.1 and effects related to future use of land for residential activity.

16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
9. {CP 634.40} <u>Service stations on a strategic road or arterial road {CP 634.40}</u>	<u>Relevant objectives and policies (priority considerations): {CP 634.40}</u> a. <u>Objectives 16.2.1, 16.2.2, 16.2.3 {CP 634.40}</u> b. <u>Provide for service stations on a strategic road or arterial road only where it is not practicable, due to a lack of site availability and/or special locational requirements, to locate in the PPH, TR, CEC, industrial or centres zones (Policy 16.2.1.11) {CP 634.40}</u> c. <u>Service stations are designed and located to avoid, or, if avoidance is not practicable, adequately mitigate adverse effects on the amenity of residential activities on surrounding properties (Policy 16.2.2.5) {CP 634.40}</u> d. <u>Service stations are designed and located to avoid, or, if avoidance is not practicable, ensure adverse effects of development on rural character and visual amenity are no more than minor (Policy 16.2.3.6). {CP 634.40}</u> <u>General assessment guidance: {CP 634.40}</u> e. <u>In assessing the effects on the amenity of surrounding residential properties and the streetscape amenity, Council will consider the: {CP 634.40}</u> i. <u>design and location of buildings, forecourts/yards and signs: {CP 634.40}</u> ii. <u>location of access/egress points: {CP 634.40}</u> iii. <u>effects of vehicle movements on the site; and {CP 634.40}</u> iv. <u>the hours of operation, light spill, noise and location or service station development in relation to site boundaries. {CP 634.40}</u> <u>Conditions that may be imposed include: {CP 634.40}</u> f. <u>Requirements for fencing, landscaping and/or setbacks of buildings, forecourts/yards, signs and access/egress points to minimise adverse visual or nuisance effects from noise, lighting and/or vehicle headlights on surrounding properties. {CP 634.40}</u> g. <u>Restrictions on hours of operation {CP 634.40}</u> h. <u>Restrictions on on-site lighting {CP 634.40}</u> i. <u>Requirements for screening of storage areas {CP 634.40}</u> j. <u>Requirement to control dust {CP 634.40}</u> k. <u>Conditions related to building design, scale and bulk including roof lines, height, façade articulation, colour and materials to ensure compatibility with surrounding rural amenity. {CP 634.40}</u> l. <u>Restrictions on signage {CP 634.40}</u> <u>Relevant guidance from other sections (priority considerations): {CP 634.40}</u>

16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
	m. <u>See Rule 6.11.2.2 for guidance on the assessment of the effects on the safety and efficiency of the transportation network, and other transportation effects. {CP 634.40}</u>

¹ **RU cl.16:** Rule 16.11.2.1.b has been removed as a clause 16 amendment because it is a duplication of Rule 16.11.1.5.

² **RU cl.16:** Rule 16.11.2.1.i is unnecessary because there are no activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent.

16.11.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. - Acoustic insulation - Noise - where the limit is exceeded by up to <u>less than</u> {PHS cl.16} 5dB LAeq (15min)	<i>Relevant guidance from other sections (priority considerations):</i> a. See Rule 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety
2. Density (Papakāika)	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 16.2.3 b. Any buildings and structures maintain the rural character values and visual amenity of the rural zones (Policy 16.2.3.1). <i>Relevant guidance from other sections (priority considerations):</i> c. See Section 9.6 for guidance on the assessment of resource consents in relation to objectives 9.2.1 and 9.2.2 and effects related to efficiency and affordability of infrastructure and public health and safety. d. See Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.

16.11.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
3. Light spill - where rules 16.5.4.1 or 16.5.4.2 are contravened, or where the light spill limit in Rule 16.5.4.3 is exceeded by 25% or less	<i>Relevant objectives and policies:</i> a. Objective 16.2.3. b. Activities are designed and operated to ensure that <u>any {RU 919.55 and 1088.59}</u> adverse effects from light spill on rural character and amenity, and the ability of people to view the night sky, are insignificant <u>no more than minor {RU 919.55 and 1088.59}</u> (Policy 16.2.3.9). <i>Potential circumstances that may support a consent application include:</i> c. It is proposed to use filtering to prevent blue or ultraviolet light <i>General assessment guidance:</i> d. Duration, time and frequency of the proposed illumination <i>Relevant guidance from other sections (priority considerations):</i> e. See Rule 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
4. <u>Blasting (mineral exploration) {CP 458.1 and others}</u>	<i>Relevant objectives and policies (priority considerations): {CP 458.1 and others}</i> a. <u>Objective 16.2.2 {CP 458.1 and others}</u> b. <u>Mineral exploration operates in a way that avoids or, if avoidance is not practicable, adequately mitigates noise or other adverse effects on the amenity of sensitive activities on surrounding properties (Policy 16.2.2.4). {CP 458.1 and others}</u> <i>Relevant guidance from other sections (priority considerations): {CP 458.1 and others}</i> c. <u>See Rule 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. {CP 458.1 and others}</u>

16.11.4 Assessment of discretionary subdivision activities {RU 490.29}

Activity {RU 490.29}	Guidance on the assessment of resource consents {RU 490.29}
1. {RU 490.29} <u>Cross lease, company lease and unit title subdivision {RU 490.29}</u>	<i>Relevant objectives and policies (priority considerations): {RU 490.29}</i> a. <u>Objective 16.2.1 {RU 490.29}</u> b. <u>Cross lease, company lease and unit title subdivision do not result in an increase in residential development potential beyond that which might be achieved through a general subdivision (Policy 16.2.1.9). {RU 490.29}</u>

Rule 16.12 Assessment of Non-complying Activities

Rule 16.12.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 16.12.2 - 16.12.6 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. Rules 16.12.2 – 16.12.6 apply as follows:
 - a. Rule 16.12.2 applies to all non-complying activities;
 - b. Rule 16.12.3 applies to non-complying land use activities;
 - c. Rule 16.12.4 applies to non-complying development activities; and
 - d. Rule 16.12.6 applies to non-complying performance standard contraventions. {RU cl.16}
4. With respect to section 104(2) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural zones.
5. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

16.12.2 Assessment of all non-complying activities

Activities	Guidance on the assessment of resource consents
1. All non-complying <u>land use</u> activities <u>listed below</u> {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 16.2.1, 16.2.2, 16.2.3, 16.2.4 b. The activity does not detract from, or preferably contributes to, the strategic direction objectives, including, but not limited to, those related to: i. Objectives 2.2.2, 2.2.3, 2.2.4, and 2.3.1 <i>General assessment guidance:</i> c. In assessing the significance of effects, consideration will be given to: i. short to long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent; and iii. ~~Manawhenua values and the relationship between manawhenua and the natural environment is maintained, including cultural values and traditions associated with:~~ {MW cl.16} 1. ~~wāhi-tūpuna;~~ and {MW cl.16} 2. ~~the customary use of mahika kai (Objective 14.2.1).~~ {MW cl.16} iv. ~~If located outside a wāhi-tūpuna mapped area,~~ Kai Tahu may

16.12.2 Assessment of all non-complying activities

Activities	Guidance on the assessment of resource consents
	advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi tūpuna is located, or the linkages between wāhi tūpuna: {MW 1071.109} d. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. <i>Relevant guidance from other sections (priority considerations):</i> e. <u>For activities taking place within the radio transmitters mapped area, see Section 5.10 for guidance on the assessment of resource consents in relation to management of reverse sensitivity effects on Radio New Zealand's facilities at 740 Highcliff Road and 35 Karetai Road. {NU 918.25}</u> f. <u>See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public. {Trans cl.16}</u> g. <u>See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety {PHS cl.16}</u> h. <u>For activities that may have effects on biodiversity values, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1. {NatEnv 900.35}</u> i. <u>For activities adjacent to water bodies and the coast, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.2. {NatEnv 900.38}</u> j. <u>See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua {MW cl.16}</u>

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

16.12.3 Assessment of non-complying land use activities

Activity		Guidance on the assessment of resource consents
1.	Commercial advertising	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c. c. Where in a Scheduled ASCV – see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity. {RU cl.16}
2.	• <u>Supported living facilities</u> {RU cl.16³} • Commercial activities (other than those provided for) • Industrial activities (other than rural industry and rural contractor and transport depots {RU 911.5}) • Major facilities <u>facility</u> {MF cl.16} activities (other than cemeteries, and crematoriums. {RU cl.16} emergency services {CP 945.39} and the New Zealand Marine Studies Centre in the <u>Portobello Marine Science mapped area</u>) {MF 308.283}	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.2 b. Objective 16.2.1 c. <u>Supported living facilities</u>. ~~G~~commercial {RU cl.16³} activities, industrial activities and major facilities <u>facility activities</u> {MF cl.16} are avoided, unless otherwise provided for, in the rural zones (Policy 16.2.1.8). d. Where in a Scheduled ASCV – see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity {RU cl.16}
3.	• Landfills • Cemeteries • Crematoriums	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and the effects related to ~~on~~ cultural values of Manawhenua. {RU cl.16}
X. {NH 908.37}	In the hazard 1A (flood) overlay zone: • <u>Natural hazards</u> {NH cl.16} potentially sensitive activities {NH 908.37}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. {NH 908.37}
4.	In the hazard 1 (flood) {NH 73.4 and others} overlay zones (see Rule 16.3.6): • <u>Natural hazards</u> ~~P~~potentially {NH cl.16} sensitive activities ~~not~~ permitted in rural zones. {NH 634.74} • <u>Natural hazards</u> ~~S~~sensitive {NH cl.16} activities	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards.

16.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
5. In a General Residential 4 {ULS cl.16} Transition overlay zone: • Mining • Landfills	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 12.3 for guidance on the assessment of resource consents in relation to Objective 12.2.1 and effects related to future use of land for residential activity.
6. In an ~~an~~ scheduled ASCV ASBV {NatEnv 958.60}: • Cemeteries {RU cl.16'} • <u>Commercial activities (except for restaurants or retail activities ancillary to sport and recreation and stand-alone car parking)</u> {RU cl.16'} • Crematorium {RU cl.16'} • Domestic animal boarding and breeding {RU cl.16'} • Early childhood education • Factory farming {RU cl.16} • Farming {RU cl.16'} • Forestry {RU cl.16'} • Grazing {RU cl.16'} • <u>Industrial activities</u> {RU cl.16'} • Landfills {RU cl.16'} • <u>Major facility activities</u> {RU cl.16'} • Mineral exploration and mineral prospecting {RU cl.16'} • Mining {RU cl.16'} • Residential activities (<u>except for working from home</u>) {RU cl.16'} • <u>Rural activities (except for rural ancillary retail, rural tourism and rural research)</u> {RU cl.16} • Rural industry {RU cl.16'} • Veterinary services – large animal practice {RU cl.16'} • Visitor accommodation {RU cl.16'}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity <u>values</u>. {Nat Env 958.60}

16.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
7. In the ONF, ONCC, or HNCC overlay zones: • Cemeteries {NatEnv 447.77} • Crematorium {NatEnv 447.77} • <u>Commercial activities (except for restaurants or retail activities ancillary to sport and recreation and stand-alone car parking)</u> {RU cl.16²} • <u>Major facility activities</u> {NatEnv 447.77} • Domestic animal boarding and breeding {RU cl.16²} • Factory farming {RU cl.16} • Forestry {RU cl.16²} • Landfills {NatEnv 447.75} • <u>Industrial activities</u> {RU cl.16²} • Mineral exploration and mineral prospecting {RU cl.16²} • Mining not in a GR1TZ {NatEnv 447.76} • Residential activities (<u>except working from home</u>) {RU cl.16²} • Rural industry {RU cl.16²} • <u>Rural activities (except for farming, grazing, landfills, mining, scheduled mining activity, rural ancillary retail, rural tourism and rural research - small scale)</u> {RU cl.16²} • Rural research – large scale outside the Invermay Farm mapped area {RU cl.16} • Veterinary services – large animal practice {RU cl.16²} • ~~Visitor accommodation~~ {RU cl.16²}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to objectives 10.2.3 and 10.2.5 and the effects related to natural character of the coast and landscape values.

16.12.3 Assessment of non-complying land use activities

Activity		Guidance on the assessment of resource consents
Y.	In the ONL Overlay Zone: {NatEnv 447.75 and others} • <u>Landfills</u> {NatEnv 447.75} • <u>Mineral exploration that involves blasting</u> {NatEnv 447.76} • <u>Mining</u> {NatEnv 447.76} • <u>Major facility activities (other than cemeteries, crematoriums and the New Zealand Marine Studies Centre in the Portobello Marine Science mapped area)</u> {NatEnv 447.79}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and effects related to <u>landscape values</u>. {NatEnv 447.75 and others}
Z.	In the NCC and SNL overlay zones: {NatEnv 447.79} • <u>Major facility activities (other than cemeteries, crematoriums and the New Zealand Marine Studies Centre in the Portobello Marine Science mapped area)</u> {NatEnv 447.79}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to objectives 10.2.3 and 10.2.5 and the effects related to <u>natural character of the coast and landscape values</u>. {NatEnv 447.79}.
8.	In a wāhi tūpuna mapped area: • Forestry • Mining	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and the effects related to <u>on</u> cultural values of Manawhenua.

¹ **RU cl.16:** These clause 16 amendments have been made to group activities in their activity categories to align with the listing of activities in Policy 10.2.1.Y.

² **RU cl.16:** These clause 16 amendments have been made to group activities in their activity categories to align with the listing of activities in Policy 10.2.3.2 and Policy 10.2.5.4.

³ **RU cl.16:** As a clause 16 amendment this activity has been added because it was not separately listed in the notified plan.

⁴ **RU cl.16:** As a clause 16 amendment this rule has been deleted as these activities are not non-complying except in overlays. For landfills, see guidance on the assessment of resource consents for landfills in a Residential Transition overlay zone and the ONL overlay zone, and for rural activities in an ASBV; for cemeteries and crematoriums, see guidance on the assessment of resource consents for major facility activities in an ASBV and in the ONF, ONCC, or HNCC overlay zones. Also note that as a clause 16 amendment, reference to the guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua has been added to 16.12.2.1 (assessment of all non-complying activities).

16.12.4 Assessment of non-complying development activities

Activity	Guidance on the assessment of resource consents
1. Demolition of a protected part of a scheduled heritage building or scheduled heritage structure.	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects on heritage values
2. In the ONF, ONCC, HNCC overlay zones: • New building or structure • Additions and alterations • <u>Indigenous vegetation clearance – large scale (ONCC, HNCC overlay zones) {NatEnv 958.106}</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 objectives 10.2.3 and 10.2.5 and the effects related to natural character of the coast and landscape values.
3. In a wāhi tūpuna mapped area: • New buildings and structures • ~~Earthworks ancillary to forestry~~ {EW cl.16} ¹	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua
4. In an ASBV: • <u>Indigenous vegetation clearance – large scale {NatEnv 949.13}</u>	<i>Relevant guidance from other sections (priority considerations):</i> a. <u>See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values. {NatEnv 949.13}</u>

¹ **EW cl.16:** As a clause 16 amendment, all earthworks provisions in management and major facility zones have been moved to new city-wide section (Section 8A). The guidance on earthworks ancillary to forestry (Rule 16.12.4.3 second bullet point) was included here in error, and therefore has not been consolidated into the Earthworks Section (Section 8A). Any other amendments to provisions as a result of submissions are shown there.

16.12.5 Assessment of non-complying subdivision activities {RU 490.29}

Activity {RU 490.29}		Guidance on the assessment of resource consents {RU 490.29}
1. {RU 490.29}	Cross lease, company lease and unit title subdivision {RU 490.29}	<i>Relevant objectives and policies (priority considerations):</i> {RU 490.29} a. Objective 16.2.1 {RU 490.29} b. The rural zones are protected from cross lease, company lease and unit title subdivision unless it does not result in an increase in development potential than would be provided for through a general subdivision (Policy 16.2.1.9). {RU 490.29}

16.12.6 Assessment of non-complying performance standard contravention

Performance standard		Guidance on the assessment of resource consents
1.	Density	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 16.2.1, 16.2.3, 16.2.4. b. Policies 16.2.1.7, 16.2.3.2, 16.2.4.4 c. Strategic Directions: objectives 2.2.2, 2.3.1, policies 2.2.2.1, 2.3.1.2, 2.4.6.2 <i>Relevant guidance from other sections (priority considerations):</i> d. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.
2.	In a dune system mapped area or swale mapped area : Hazard overlay zones development standards {NH cl.16} Hazard exclusion areas	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards
3.	Light spill - where the limit is exceeded by greater than 25%	<i>Relevant objectives and policies:</i> a. Objective 16.2.3 b. Activities are designed and operated to ensure that <u>any</u> {RU 919.55 and 1088.59} adverse effects from light spill on rural character and amenity, and the ability of people to view the night sky, are insignificant <u>no more than minor</u> {RU 919.55 and 1088.59} (Policy 16.2.3.9). <i>Potential circumstances that may support a consent application include:</i> c. It is proposed to use filtering to prevent blue or ultraviolet light <i>General assessment guidance:</i> d. Duration, time and frequency of the proposed illumination <i>Relevant guidance from other sections (priority considerations):</i> e. See Rule 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

16.12.6 Assessment of non-complying performance standard contravention

Performance standard		Guidance on the assessment of resource consents
4.	- Noise - where the limit is exceeded by 5bD LAeq (15 min) or more - Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety
5.	Setback from National Grid	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5-2-1 5.2.2 {NU 918.29} and effects related to the efficient and effective operation of network utilities and public health and safety.
6.	Minimum site size	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.2.2, 2.2.4, 2.3.1, 2.4.6 b. Objectives 16.2.3, 16.2.4 c. Areas important for food production are protected from subdivision activities that may diminish food production capacity (Policy 2.2.2.1). d. Subdivision activities that provide for residential activity at a rural residential or ~~suburban~~ <u>urban</u> {RU cl.16} scale are avoided (Policy 2.2.4.4). e. The productivity of farming and other activities that support the rural economy is maintained or enhanced through restricting subdivision activities that may lead to land fragmentation and create pressure for residential-oriented development (Policy 2.3.1.2). f. The identified character values of the rural zones are maintained (Policy 2.4.6.2). g. Subdivisions are designed to ensure any associated future land use and development maintain or enhance the rural character and visual amenity of the rural zones (Policy 16.2.3.8). h. Subdivisions are designed to ensure any future land use and development will: - maintain or enhance the productivity of rural activities; - maintain ~~high class soils~~ <u>highly productive land</u> {RU 1090.13} for farming activity, or ensure any loss is <u>insignificant on any high class soils mapped area and</u> {RU 1090.13} no more than minor <u>on other areas of highly productive land</u> {RU 1090.13}; - maintain land in a rural rather than rural residential use; and - not increase the potential for reverse sensitivity ~~from residential activities in the rural zones~~ {PO 1046.5} (Policy 16.2.4.3). <i>Potential circumstances that may support a consent application include:</i>

16.12.6 Assessment of non-complying performance standard contravention

Performance standard		Guidance on the assessment of resource consents
		i. A legal mechanism is proposed that will ensure that any proposed undersized allotment can not be used for a residential activity, and overall there is no net increase in residential development potential. <u>General assessment guidance: {RU 1090.13}</u> j. In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/) {RU 1090.13} <u>Relevant guidance from other sections (priority considerations):</u> k. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.
7.	Archaeological sites (earthworks) {EW cl.16}	See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.4 and effects related to the inappropriate development and use in Dunedin's archaeological sites.
8.	Family Flats - Tenancy {PO 207.1 and 394.63}	<u>Relevant objectives and policies (priority considerations): {PO 207.1 and 394.63}</u> a. Strategic Directions: objectives 2.3.1, 2.4.6, 2.6.1, policies 2.3.1.2, 2.4.6.2, 2.6.1.2 {PO 207.1 and 394.63} b. Objective 16.2.1 {PO 207.1 and 394.63} c. The tenancy of family flats avoids, as far as practicable, the risk they will be used for a separate, non-ancillary residential activity and future pressure to subdivide off family flats (Policy 16.2.1.6) {PO 207.1 and 394.63}.
9. {NU 806.11}	Shape (Rule 16.7.5.2.d) - setback of building platforms from National Grid {NU 806.11}	<u>Relevant guidance from other sections (priority considerations):</u> a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.2 and effects related to the efficient and effective operation of network utilities, and reverse sensitivity. {NU 806.11}
10. {NatEnv 900.77}	In an ASBV: • Tree species {NatEnv 900.77}	<u>Relevant guidance from other sections (priority considerations):</u> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values. {NatEnv 900.77}

16.12.6 Assessment of non-complying performance standard contravention

Performance standard		Guidance on the assessment of resource consents
11. {NatEnv 900.77}	In the ONF and ONL overlay zones: Tree species {NatEnv 900.77}	<u>Relevant guidance from other sections (priority considerations):</u> See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and the effects related to landscape values. {NatEnv 900.77}
12. {NatEnv 900.77}	In the ONCC, HNCC and NCC overlay zones: Tree species {NatEnv 900.77}	<u>Relevant guidance from other sections (priority considerations):</u> See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and the effects related to natural character of the coast. {NatEnv 900.77}

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

Rule 16.13 Special Information Requirements

16.13.1 Papakāika - ownership and occupation

For papakāika activity, proof that both the owner and occupier of the land fall into one of the classes listed in the definition of papakāika is required. Proof can be obtained from the Māori Land Court or the Ngāi Tahu Whakapapa Unit.

EW cl.16: As a clause 16 amendment, Rule 16.13.2 Geotechnical investigation report has been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

17. Rural Residential Zones

17.1 Introduction

A number of people seek to live in a rural setting and undertake rural activities at a small scale, such as the keeping of livestock. These small-scale rural activities are commonly known as lifestyle farming or hobby farming, and the properties on which they are undertaken are commonly known as lifestyle blocks.

Lifestyle blocks can have an adverse effect on sustainable management by removing rural land from productive use; by inflating rural land values to the detriment of more productive rural activities; or by generating reverse sensitivity effects in the rural environment resulting from people living on smaller blocks of land in proximity to productive rural activities such as farming or forestry; and by resulting in pressure to extend urban public {PO 881.167} infrastructure and services into rural areas. A further issue is that there are a large number of small sites across Dunedin's rural environment which can sometimes be difficult to manage and use.

The rural residential zones have been established in response to these issues, to provide specifically for lifestyle or hobby farming activities **{PO cl.16}** in appropriately located parts of Dunedin's wider rural environment.

Rural residential zones allow for residential activity at a scale consistent with lifestyle or hobby farming, along with those rural and community activities that are consistent with the level of amenity expected by people living in these areas. Non-compatible activities in rural residential zones are discouraged or carefully managed in recognition that these can adversely affect the liveability and amenity of the zones.

Rural residential zones are sometimes located in areas with good quality land and versatile soils, and can contain productive rural activities such as small-scale farming. In order to sustainably manage natural and physical resources, it is important that the productive potential of these areas is maintained.

Some rural residential zones are located in areas of high landscape values, or coastal areas where retention or enhancement of the natural character values of the coast is important. These areas are covered by overlay zones with different rules applying for certain activities, such as buildings, structures and forestry.

Even where not located in landscape or coastal overlays, rural residential zones have their own level of rural or semi-rural character and amenity. Land use activities and development that detract from this character and amenity should be avoided. Rural residential zones can also contain areas of indigenous vegetation and habitat for indigenous species, and are subject to rules managing the clearance of indigenous vegetation. {RR 588.16}

17.1.1 Zone Descriptions

17.1.1.1 Rural Residential 1 Zone

The Rural Residential 1 Zone occurs in a variety of locations, often in proximity to urban areas, that cater for demand for rural residential activity in different parts of Dunedin. The Rural Residential 1 Zone is elevated in some locations and provides a highly visible rural context for nearby residential and urban areas. This applies, in particular, to the Rural Residential 1 Zone at Waitati, Sawyers Bay, Blanket Bay, St Leonards, Chain Hills, Saddle Hill, Blackhead and Scroggs Hill.

In other locations the Rural Residential 1 Zone is less elevated but still provides a rural or semi-rural context to adjacent residential areas, including at Waikouaiti, Abbotsford, Waldronville, Ocean View and Brighton.

The Rural Residential 1 Zone sometimes occurs on river plains, such as at Wingatui, Tirohanga Rd and Middlemarch. In these cases, the zone has a character that reflects the productive land on which it occurs, with an open pastoral setting. At Wingatui the Rural Residential 1 Zone has a settled and mature character, with mature trees and shelter plantings, and a diverse range of rural uses including hobby farming, horse grazing and horticultural uses.

17.1.1.2 Rural Residential 2 Zone

The Rural Residential 2 Zone typically occurs in coastal locations, or on hill slopes in proximity to urban areas. The Rural Residential 2 Zone recognises existing semi-developed clusters of small rural sites where there is already some rural residential activity, and provides for one residential activity per existing site.

17.2 Objectives and Policies

Objective 17.2.1	
The rural residential zones enable lifestyle blocks, hobby farms and associated residential activities as the appropriate place in the rural environment for these to occur, and provide for a limited range of other compatible activities.	
Policy 17.2.1.1 {RR cl.16¹}	Require residential activity in the rural residential zones to be at a density enables lifestyle and hobby farms. <u>Enable farming, grazing and conservation in the rural residential zones.</u> {RR cl.16}
Policy 17.2.1.2 {RR cl.16¹}	Enable farming, grazing and conservation in the rural residential zones. <u>Require residential activity in the rural residential zones to be at a density that enables lifestyle blocks and hobby farms.</u> {RR cl.16}
Policy 17.2.1.3	Require rural ancillary retail and working from home to be at a scale that: - is ancillary to, and supportive of, productive rural activities or conservation activity on the same property, and - supports objectives 2.3.2 and 2.4.3 and their policies.
Policy 17.2.1.4	Provide for forestry, domestic animal boarding and breeding (not including dogs), community and leisure - small scale, <u>emergency services.</u> {CP 945.40} and veterinary services <u>(large animal practice)</u> {RR cl.16} where the effects can <u>will</u> {PO cl.16} be adequately mitigated in line with objectives 17.2.2, 17.2.3 and 17.2.4 and their policies, and the objectives and policies of any relevant overlay zones.
Policy 17.2.1.5	Only allow rural tourism, rural research, community and leisure - large scale, early childhood education, sport and recreation, and visitor accommodation where the effects can <u>will</u> {PO cl.16} be adequately managed in line with objectives 17.2.2, 17.2.3 and 17.2.4 and their policies, and the objectives and policies of any relevant overlay zones.
Policy 17.2.1.6	Avoid cross lease, company lease and unit title subdivision in the rural residential zones unless it does not result in an increase in development potential beyond that which might be achieved through a general subdivision.
Policy 17.2.1.7 {PO 207.1 and 394.63}	<u>Restrict the tenancy and design of family flats to:</u> {PO 207.1 and 394.63} <u>avoid, as far as practicable, the risk they will be used for a separate, non-ancillary, residential activity; and</u> {PO 207.1 and 394.63} <u>avoid, as far as practicable, future pressure to subdivide off family flats.</u> {PO 207.1 and 394.63}

¹ **RR cl.16:** Policy order switched for consistency, to better reflect the 2GP policy hierarchy. The word “blocks” added to Policy 17.2.1.2 to improve clarity and consistency with Objective 17.2.1. These amendments do not change the effect of provisions.

Objective 17.2.2

The potential for conflict between activities within the rural residential zones, and between activities within the rural residential zones and adjoining residential zones, is minimised through measures that ensure: Activities in rural residential zones maintain **{RR 908.3 and 807.35}**

- a. the potential for reverse sensitivity is minimised; and {RR 908.3 and 807.35}
- b. a good level of amenity on surrounding rural residential properties, residential zoned properties and public spaces.

Policy 17.2.2.1	Require residential buildings to be set back an adequate distance from site boundaries to {RR cl.16} minimise, as far as practicable, {PO 906.34 and 308.497} the potential for reverse sensitivity by being set back an adequate distance from effects from {RU 1090.32 and PO 1046.5} : a. rural activities such as farming (for example, from noise, dust or odour) site boundaries; {RU 1090.32 and PO 1046.5} and b. existing {PO 1046.5} forestry, factory farming intensive farming {RU 1090.3}, domestic animal boarding and breeding (that includes including {RR cl.16} dogs), mining, and landfills and wind generators – large scale {RR cl.16}¹.
Policy 17.2.2.2	Require buildings that house animals to be set back from site boundaries an adequate distance so that any adverse effects on adjoining residential activities are avoided or, if avoidance is not possible practicable {PO 908.3 and others} , are no more than minor.
Policy 17.2.2.3	Require all new buildings to be located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites.
Policy 17.2.2.4	Require rural ancillary retail and working from home to operate in a way (including hours of operations) that avoids or, if avoidance is not possible practicable {PO 908.3 and others} , adequately mitigates noise or adverse effects on the amenity of surrounding properties.
Policy 17.2.2.5	Only allow rural tourism, rural research, community and leisure - large scale, early childhood education, sport and recreation, veterinary services and visitor accommodation where any adverse effects on the amenity of surrounding rural residential properties are avoided or, if avoidance is not possible practicable {PO 908.3 and others} , adequately mitigated.
Policy 17.2.2.6	Require forestry and tree planting shelterbelts and small woodlots {RU cl.16} to be set back an adequate distance to avoid or minimise, as far as practicable, {PO 308.497} significant effects from shading on residential buildings on surrounding properties.
Policy 17.2.2.7	Only allow forestry where it can will {PO cl. 16} be located and designed to avoid or, if avoidance is not possible practicable {PO 908.3 and others} , adequately mitigate shading, noise, traffic, and other nuisance effects on sensitive activities on surrounding properties.
Policy 17.2.2.8	Require subdivisions to deliver resultant sites that can will {PO cl. 16} achieve a high quality of on-site amenity through being large enough and of a shape that is capable of supporting rural residential development.

¹ **RR cl.16:** As a clause 16 amendment, 'wind generators – large scale' has been added because the activity was omitted in error from the notified policy.

Objective 17.2.3

The character and amenity of the rural residential zones are maintained, elements of which include:

- a. a high presence of natural features such as trees, bush, gully systems and water bodies;
- b. a semi-rural level of development, with a higher proportion of open space and lower density of buildings than in urban areas; and
- c. land maintained and managed for farming, grazing, conservation and rural residential activities.

Policy 17.2.3.1	Require buildings and structures to be set back from boundaries and of a height that maintains the character and visual amenity of the rural residential zones.
Policy 17.2.3.2	Only allow forestry where it will be located, designed, and managed to avoid or, if avoidance is not possible practicable {PO 908.3 and others} , adequately mitigate adverse effects on the character and visual amenity of the rural residential zones.
Policy 17.2.3.3	Only allow rural tourism, rural research –large scale {RR cl.16} , community and leisure - large scale, early childhood education, sport and recreation, veterinary services and visitor accommodation activities where any adverse effects from development on rural residential character and visual amenity will be avoided or, if avoidance is not possible practicable {PO 908.3 and others} , adequately mitigated.
Policy 17.2.3.4	Require ancillary signs to be located and designed to maintain the character of the rural residential zones, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on site to passing pedestrians and vehicles and not being oversized or too numerous for that purpose.
Policy 17.2.3.5	Only allow general subdivision where the subdivision is designed to ensure any associated future land use and development will maintain or enhance the character and amenity of the rural residential zones.

Objective 17.2.4

The productive potential of the rural residential zones for lifestyle blocks or hobby farms is maintained.

Policy 17.2.4.1	Require earthworks in a high class soils mapped area to retain soils on the site.
Policy 17.2.4.2	Only allow land use, development, or subdivision activities that may lead to land use and development in a high class soils mapped area where any adverse effects on high class soils are avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , are no more than minor.
Policy 17.2.4.3	Only allow general subdivision where resultant sites are of a shape and size that will enable lifestyle blocks or hobby farms, including the keeping of livestock, and avoid use purely as large lot residential living.
Policy 17.2.4.4	Avoid ~~further~~ general subdivision ~~of sites~~ in the Rural Residential 2 Zone ~~to maintain these sites for larger lifestyle blocks or hobby farms (small holdings) unless it does not result in an increase in residential development potential~~ {RR 307.1 and PO 919.1} .

EW cl.16: As a clause 16 amendment, Objective 17.2.5 and its policies have been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

Rules

Rule 17.3 Activity Status

17.3.1 Rule location

The activity status tables in rules 17.3.3 to 17.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the rural residential zones and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

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

17.3.2 Activity status introduction

1. The activity status tables in rules 17.3.3 - 17.3.5 show the activity status of activities in the rural residential zones and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.6 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested tables in Section 1.6 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

Additional activity status rules in hazard overlay zones

6. For the purpose of the hazards provisions, activities are categorised as natural hazards **{NH cl.16}** sensitive activities, natural hazards **{NH cl.16}** potentially sensitive activities or natural hazards **{NH cl.16}** least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
7. In the Hazard 1 (flood) Overlay Zone or the Hazard 2 (flood) Overlay Zone, the activity statuses in Rule 17.3.6 apply for the following activities:
 - a. new **{NH 908.3}** natural hazards **{NH cl.16}** sensitive activities;
 - b. natural hazards **{NH cl.16}** potentially sensitive activities, and
 - c. some new buildings, and additions and alterations to buildings, which create more than 60m² of new

ground floor area {NH. cl.16}

8. Where the activity status in Rule 17.3.6 differs from that in rules 17.3.3 - 17.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 17.3.6, performance standards for development activities within hazard overlay zones are included in rules 17.3.3 - 17.3.5.
10. Activities in a hazard overlay zone must comply with all of the rules in 17.3.3 - 17.3.6.

Performance Standards

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

¹ **NH cl.16:** The content from Table 17.3.6 has been moved to Table 17.3.X, with the exception that column c has been removed, pursuant to clause 16. This was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are show in the new location.

Legend

Acronym	Activity-status Meaning {PO cl.16}
±	<u>Additional provisions apply (assessment criteria for activities in the overlay need to be viewed) {PO 490.1 and others}</u>
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
RR	Rural Residential Zones
ONF	Outstanding Natural Feature Overlay Zone
SNL	Significant Natural Landscape Overlay Zone
HNCC	High Natural Coastal Character Overlay Zone
NCC	Natural Coastal Character Overlay Zone
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones
<u>ASBV {NatEnv cl.16}</u>	<u>Areas of Significant Biodiversity Value {Nat Env cl.16}</u>

17.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities					a. Acoustic insulation b. Electrical interference c. Light spill d. Noise e. Setback from ~~n~~ National gGrid (National Grid sensitive activities only) {NH cl.16}
Rural activities		Activity status ¹				Performance standards
		a. RR	b. ONF/ HNCC	c. SNL/ NCC	d. ASBV {NatEnv cl.16²}	
2.	Domestic animal boarding and breeding (not including dogs)	P	NC	P	NC {NatEnv cl.16}	i. Location ii. Minimum car parking {RR cl.16}
3.	Farming	P	P	P	NC {NatEnv cl.16}	
4.	Forestry	RD	NC	RD+	NC {NatEnv cl.16}	i. Forestry and tree planting shelterbelts and small woodlots {RU cl.16} setbacks ii. Tree species
5.	Grazing	P	P	P	NC {NatEnv cl.16}	
6.	Rural ancillary retail	P	P	P	P {NatEnv cl.16}	i. Hours of operation ii. Location iii. Maximum gross floor area iv. Minimum car parking
7.	Rural tourism	D	D	D	D+ {NatEnv cl.16}	
8.	Rural research	D	D	D	D+ {NatEnv cl.16}	
A.	<u>Landfills</u> {NatEnv 900.109}	NC	NC Pr {NatEnv 900.109}	NC	NC+ {NatEnv cl.16}	

B.	Mining { <i>NatEnv</i> 900.109}	NC	NC Pr { <i>NatEnv</i> 900.109}	NC	NC+ { <i>NatEnv</i> cl.16}	
9.	All other activities in the rural activities category	NC	NC	NC	NC+ { <i>NatEnv</i> cl.16}	
Residential activities		a. RR	b. ONF/ HNCC	c. SNL/ NCC	d. ASBV { <i>NatEnv</i> cl.16 ² }	Performance standards
10.	Standard residential	P	NC	P	NC { <i>NatEnv</i> cl.16}	i. Density ii. Minimum car parking {RR cl.16} iii. Separation distances iv. Family flats {PO 876.1, 207.1 and others}
11.	Working from home	P	P	P	P { <i>NatEnv</i> cl.16}	i. Hours of operation ii. Maximum gross floor area
12.	All other activities in the residential activities category	NC	NC	NC	NC+ { <i>NatEnv</i> cl.16}	
Community activities		a. RR	b. ONF/ HNCC	c. SNL/ NCC	d. ASBV { <i>NatEnv</i> cl.16 ² }	Performance standards
13.	Community and leisure - small scale	P	P	P	P { <i>NatEnv</i> cl.16}	i. Minimum car parking
14.	Community and leisure - large scale	D	D	D	D+ { <i>NatEnv</i> cl.16}	
15.	Conservation	P	P	P	P { <i>NatEnv</i> cl.16}	
16.	Early childhood education	D	D	D	NC { <i>NatEnv</i> cl.16}	
17.	Sport and recreation	D	D	D	D+ { <i>NatEnv</i> cl.16}	
Commercial activities		a. RR	b. ONF/ HNCC	c. SNL/ NCC	d. ASBV { <i>NatEnv</i> cl.16 ² }	Performance standards
18.	Ancillary licensed premises	Same status as underlying activity	Same status as underlying activity	Same status as underlying activity	Same status as underlying activity { <i>NatEnv</i> cl.16}	

19.	Stand-alone car parking	P	P	P	<u>P</u> {NatEnv cl.16}	
20.	Veterinary services (large animal practice)	RD	NC	RD	<u>NC</u> {NatEnv cl.16}	
21.	Visitor accommodation	D	NC	D	<u>NC</u> {NatEnv cl.16}	
22.	All other activities in the commercial activities category	NC	NC	NC	<u>NC+</u> {NatEnv cl.16}	
Industrial activities		a. RR	b. ONF/ HNCC	c. SNL/ NCC	<u>d. ASBV</u> {NatEnv cl.16 ² }	Performance standards
23.	All activities in the industrial activities category	NC	NC	NC	<u>NC+</u> {NatEnv cl.16}	
Major facility activities		a. RR	b. ONF/ HNCC	c. SNL/ NCC	<u>d. ASBV</u> {NatEnv cl.16 ² }	Performance standards
X.	<u>Emergency services</u> {CP 945.40}	<u>NC</u> <u>P</u> {CP 945.40}	NC	NC	<u>NC</u> {NatEnv cl.16}	i. <u>Minimum car parking</u> {CP 945.40}
24.	All other activities in the major facility activities category	NC	NC	NC	<u>NC+</u> {NatEnv cl.16}	

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

² **NatEnv cl.16:** Areas of Significant Biodiversity Value (ASBVs) intersect with the rural residential zones, but the notified Plan omitted providing a link to the relevant rules for ASBVs. They were included correctly in the rural zones for reference. These rules have been added to clarify the rules that apply in ASBVs where these intersect with rural residential zones. This amendment is considered of minor consequence and made under Clause 16 of the RMA.

17.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities	a. <u>Natural Hazards Performance Standards</u> Hazard overlay zones development standards {NH cl.16} b. Setback from coast and water bodies {NatEnv cl.16} c. Setback from national grid {NU cl.16} d. Setback from scheduled tree

2.	Performance standards that apply to all buildings and structures activities					a. Boundary setbacks b. Maximum height c. Number, location and design of ancillary signs d. Reflectivity (landscape and natural {NatEnv cl.16} coastal character overlays) e. <u>Setback from coast and water bodies</u> {NatEnv cl.16} f. <u>Setback from National Grid</u> {NU cl.16}
Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 8-12)		Activity status ^s				Performance standards
		a. RR	b. ONF/ HNCC	c. SNL/ NCC	d. ASBV {NatEnv cl.16⁶}	
3.	New buildings greater than 60m ² <u>footprint</u> {PO cl.16'} on a landscape building platform	P	NC	C	<u>RD</u> {NatEnv cl.16}	i. Fire fighting
4.	New buildings or structures less than or equal to 60m ² <u>footprint</u> {PO cl.16'} or additions and alterations that result in a building or structure that is less than or equal to 60m ² <u>footprint</u> {PO cl.16'}	P	NC	P	<u>P</u> {NatEnv cl.16}	i. Fire fighting

5.	New buildings or structures greater than 60m ² footprint {PO cl.16} or additions and alterations that result in a building or structure that is greater than 60m ² footprint {PO cl.16}	P	NC	RD	RD {NatEnv cl.16}	i. Fire fighting
6.	Fences	P	P	P	P {NatEnv cl.16}	
7.	All other buildings and structures activities	P	RD P {NatEnv 360.138}	RD P {NatEnv 360.138}	P {NatEnv cl.16}	
Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		a. RR	b. ONF/ HNCC	c. SNL/ NCC	d. ASBV {NatEnv cl.16}	Performance standards
8.	Repairs and maintenance or restoration {Her 547.91}	P	P	P	P {NatEnv cl.16}	i. Materials and design
X.	Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1 {Her 547.91}	P C {Her 547.91}	P C {Her 547.91}	P C {Her 547.91}	C {NatEnv cl.16}	i. Materials and design
Y.	Restoration of all other scheduled heritage buildings and structures {Her 547.91}	P	P	P	P {NatEnv cl.16}	i. Materials and design
9.	Earthquake strengthening where external features only are protected	C	C	C	C {NatEnv cl.16}	i. Materials and design
Z.	Signs attached to buildings or structures {Her cl.16}	P	P	P	P {NatEnv cl.16}	
10.	All other additions and alterations	RD	RD	RD	RD {NatEnv cl.16}	
11.	Demolition	NC	NC	NC	NC {NatEnv cl.16}	
12.	Removal for relocation	RD	RD	RD	RD {NatEnv cl.16}	
Site development activities		a. RR	b. ONF/ HNCC	c. SNL / NCC	d. ASBV {NatEnv cl.16}	Performance standards
13.	Earthworks – small scale {EW cl.16}	P	P	P		i. Earthworks standards

14.	Earthworks – <i>large scale {EW cl.16³}</i>	RD	RD+	RD+		i. Earthworks standards
15.	Outdoor storage	P	P	P	<u>P</u> { <i>NatEnv cl.16</i> }	
16.	Parking, loading and access	P	P	P	<u>P</u> { <i>NatEnv cl.16</i> }	i. Parking, loading and access standards
17.	New <u>or additions to</u> parking areas, ~~or extensions to existing parking areas~~ that result in the creation of <i>{Trans cl.16}</i> 50 or more new parking spaces.	RD	RD	RD	<u>RD</u> { <i>NatEnv cl.16</i> }	i. Parking, loading and access standards
18.	Indigenous vegetation clearance - <u>small scale {<i>NatEnv cl.16³}</i></u>	P	P in ONF RD in HNCC <i>{NatEnv cl.16}</i>	P in SNL RD in NCC <i>{NatEnv cl.16}</i>	<u>P</u> { <i>NatEnv cl.16</i> }	i. Vegetation clearance standards
<u>18A.</u>	Indigenous vegetation clearance - <u>large scale {<i>NatEnv cl.16³}</i></u>	RD	RD+ <i>{NatEnv 958.106}</i> in ONF RD <u>NC</u> <i>{NatEnv 958.106}</i> in HNCC	RD in SNL RD+ in NCC	<u>NC</u> { <i>NatEnv cl.16</i> }	i. Vegetation clearance standards
19.	All other vegetation clearance	P	P	P	<u>P</u> { <i>NatEnv cl.16</i> }	i. Vegetation clearance standards
20.	Storage and use of hazardous substances	P	P	P	<u>P</u> { <i>NatEnv cl.16</i> }	i. Hazardous substances quantity limits and storage requirements ii. <u>Setback from coast and water bodies</u> <i>{NatEnv cl.16}</i>

21.	Free-planting <u>Shelterbelts and small woodlots</u> {RU cl.16}	P	RD	P	RD {NatEnv cl.16}	i. Forestry and tree-planting <u>shelterbelts and small woodlots</u> {RU cl.16} setbacks ii. Tree species
22.	All other site development activities	P	P	P	RD {NatEnv cl.16}	

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

² **EW cl.16:** As a clause 16 amendment, all earthworks provisions in management and major facility zones have been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

³ **NatEnv cl.16:** Indigenous vegetation clearance rules have been reformatted. Indigenous vegetation clearance that was exempt from the notified definition of “indigenous vegetation clearance”, or that was permitted under notified Rule 10.3.2.2 Maximum area of indigenous vegetation clearance, is now provided for as Indigenous Vegetation Clearance – Small Scale. Other indigenous vegetation clearance is now provided for as Indigenous Vegetation Clearance – Large Scale. This does not change the effect of provisions.

⁴ **PO 490.1:** Em-dashes are no longer used, and activity status is shown for all overlays (not just those that have additional provisions applying), except where two areas (zones, overlays, mapped areas etc.) do not intersect, in which case N/A is used. A plus symbol has been added to activity statuses that are the same as in the underlying zone but where additional assessment matters apply. See amended legend.

⁵ **NatEnv cl.16:** Areas of Significant Biodiversity Value (ASBVs) intersect with the rural residential zones, but the notified Plan omitted providing a link to the relevant rules for ASBVs. They were included correctly in the rural zones for reference. These rules have been added to clarify the rules that apply in ASBVs where these intersect with rural residential zones. This amendment is considered of minor consequence and made under Clause 16 of the RMA.

⁷ **Her cl.16:** Rule restructured as a result of change to definition of additions and alterations and new definition of signs attached to buildings and structures. No substantive change to provisions.

Note 17.3B.4A - General advice

- Under the Heritage New Zealand Pouhere Taonga Act 2014 it is an offence to modify or destroy an archaeological site without obtaining an archaeological authority from Heritage New Zealand (HNZ). An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand {Her 547.80}. This is the case regardless of whether the land on which the site is located is **{Her 547.80}** designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
- An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
- Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
- The **archaeological alert layer mapped area** identifies sites and areas that have a strong likelihood of containing archaeological remains, however remains may be present anywhere within the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.

17.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status ¹				Performance standards
		a. RR	b. ONF/HNCC	c. SNL/NCC	d. ASBV {NatEnv cl.16 ² }	
1.	General subdivision creating resultant sites used solely for the purposes of a Scheduled ASCV ASBV {NatEnv 958.60} or QEII covenant; or reserve; or access; or network utilities; or road.	RD	RD	RD	RD+ {NatEnv cl.16}	i. Access ii. Esplanade reserves and strips
2.	All other general subdivision in the Rural Residential 1 Zone	RD	RD+	RD+	RD+ {NatEnv cl.16}	i. Access ii. Esplanade reserves and strips iii. Fire fighting iv. Minimum site size v. Service connections vi. Shape
3.	All other general subdivision in the Rural Residential 2 Zone	NC	NC	NC	NC+ {NatEnv cl.16}	
4.	Cross lease, company lease and unit title subdivision	NC	NC	NC	NC+ {NatEnv cl.16}	

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

² **NatEnv cl.16:** Areas of Significant Biodiversity Value (ASBVs) intersect with the rural residential zones, but the notified Plan omitted providing a link to the relevant rules for ASBVs. They were included correctly in the rural zones for reference. These rules have been added to clarify the rules that apply in ASBVs where these intersect with rural residential zones. This amendment is considered of minor consequence and made under Clause 16 of the RMA.

Note 17.3.5A - Other RMA considerations {PO 490.4}

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

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

Activity {NH cl.16}		a. Haz1 {NH cl.16}	b. Haz2 {NH cl.16}	c. Haz3 {NH cl.16}
1- {NH cl.16}	Potentially sensitive activities permitted in rural residential zones {NH cl.16}	⌀ {NH cl.16}	⌀ {NH cl.16}	⌀ {NH cl.16}
2- {NH cl.16}	Potentially sensitive activities not permitted in rural residential zones {NH cl.16}	NC {NH cl.16}	⌀ {NH cl.16}	⌀ {NH cl.16}
3- {NH cl.16}	Sensitive activities {NH cl.16}	NC {NH cl.16}	⌀ {NH cl.16}	⌀ {NH cl.16}
4- {NH cl.16}	In a hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, <i>which create more than 1m² of new ground floor area</i> {NH cl.16}	RD {NH cl.16}	RD {NH cl.16}	RD {NH cl.16}
5- {NH cl.16}	In a hazard 1 or 2 overlay zone, other than the hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, <i>which create more than 36m² of new ground floor area</i> {NH cl.16}	RD {NH cl.16}	RD+ {NH cl.16}	RD+ {NH cl.16}

¹ **NH cl.16:** The content from Table 17.3.6 has been moved to Table 17.3.X, with the exception that column c has been removed, pursuant to clause 16. This was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are show in the new location.

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

		Activity status	
Activity		a. Haz1 (flood) {NH 73.4 and others}	b. Haz2 (flood) {NH 73.4 and others}
X.	Natural hazards sensitive activities {NH 634.74}	NC	⌀ RD {NH 634.74 ¹ }
Y.	Natural hazards potentially sensitive activities {NH 634.74}	⌀ NC {NH 634.74 ¹ }	⌀ RD {NH 634.74 ¹ }
4.	In a hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, which create more than 1m ² of new ground floor area {NH 73.4 and others}	RD {NH 73.4 and others}	— {NH 73.4 and others}
5.	In a hazard 1 or 2 overlay zone, other than the hazard 1 (land instability) Overlay Zone, {NH 73.4 and others} New buildings, and additions and alterations to buildings, which create more than 60m ² of new ground floor area	RD	RD

¹ **NH 634.74:** Note that "potentially sensitive activities permitted in rural residential zones" had no additional rules

(shown as an em-dash) under the notified Plan but the distinction between this activity and "potentially sensitive activities not permitted in rural residential zones" which was notified as a discretionary activity) was removed and both activities were changed to restricted discretionary in response to this submission.

Note 17.3.6A - Guidance on existing use rights applying to land use activities in hazard overlay zones
Other RMA considerations {RR cl.16}

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

Accordingly, these activities will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 17.3.6. {NH 634.81} However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of the land use activity.

Rule 17.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with sections 95A or 95B of the RMA, unless Council considers special circumstances exist in relation to the application that require public notification:
 1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
 2. contravention of the materials and design **{Her cl.16}** performance standard (Rule 13.3.2) 'Materials and design' **{Her cl.16}** where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications for the following activities, **{RR cl.16}** Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided with respect to applications for resource consent for the following:
 1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand;
 2. contraventions of the materials and design **{Her cl.16}** performance standard (Rule 13.3.2) 'Materials and design' **{Her cl.16}** where the building or structure is listed by Heritage New Zealand; and
 3. contraventions of the archaeological sites **{Her cl.16}** performance standard (Rule 13.3.3) 'Archaeological sites' **{Her cl.16}**.
3. ~~Applications for resource consent for the following activities will be publicly notified in accordance with section 95A(2) of the RMA: **{Her 308.362}**~~
 1. ~~demolition of a protected part of a scheduled heritage building or scheduled heritage structure: **{Her 308.362}**~~
4. With respect to resource consent applications for the following activities, **{RR cl.16}** Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided with respect to resource consents applications for the following:
 1. all restricted discretionary activities that list 'effect on cultural values of Manawhenua as a matter for discretion; and
 2. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4.
5. With respect to resource consent applications for the following activities, the Department of Conservation will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided: **{RU 958.109}**
 1. indigenous vegetation clearance - large scale in a scheduled Area of Significant Biodiversity Value; or **{Nat Env cl.16}**
 2. indigenous vegetation clearance - large scale or any discretionary or non-complying activity in a Natural Coastal Character or High Natural Coastal Character overlay zone. **{RU 958.109}**
6. With respect to resource consent applications for the following activities within the **radio transmitters mapped area**, Radio New Zealand Limited will be considered an affected person in accordance with section 95B of the RMA, unless their written approval is provided or discretion is restricted and excludes consideration of reverse sensitivity effects: **{NU 918.25}**
 1. any activities that may be sensitive to electromagnetic interference, noise or visual effects from Radio New Zealand's facilities at 740 Highcliff Road and 35 Karetai Road; and **{NU 918.25}**

2. subdivision that could result in activities of this kind. **{NU 918.25}**
7. With respect to sections 95D(b) and 95E(2)(a) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural residential zones.
8. ~~In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons.~~ **{PO cl.16¹}**
9. With respect to resource consent applications for the following activities, the Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. activities in the Hazard 1 or 1A **{NH 908.37}** (flood) overlay zones; and
 2. activities in **swale mapped areas.** **{NH cl.16³}**
10. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

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

² **NatEnv cl.16:** Areas of Significant Biodiversity Value (ASBVs) intersect with the rural residential zones, but the notified Plan omitted providing a link to the relevant rules for ASBVs. They were included correctly in the rural zones for reference. These rules have been added to clarify the rules that apply in ASBVs where these intersect with rural residential zones. This amendment is considered of minor consequence and made under Clause 16 of the RMA.

³ **NH cl.16:** This rule was notified as Rule 11.8.3 in the Natural Hazards Section but has been transferred to this section for clarify. This does not result in a substantive change to the effect of provisions.

Rule 17.5 Land Use Performance Standards

17.5.1 Acoustic Insulation

Noise sensitive activities in the following areas must comply with Rule 9.3.1.

- a. **port noise controlled {PO cl.16} mapped area;**
- b. within 40m of the Taieri Aerodrome Zone;
- c. within 40m of a state highway;
- d. within 20m of an industrial zone; and
- e. within 70m of a railway line.

17.5.2 Density

1. The maximum density of standard residential activities ~~activity~~ **{PO cl.16}** is as follows:
 - a. In the Rural Residential 1 Zone, the minimum site size per residential activity is 2ha, except:
 - i. ~~a single residential activity is permitted unit may be erected~~ **{RR cl.16}** on an existing site between 1ha and 2ha created before 26 September 2015 as long as all other performance standards can be met; and
 - ii. ~~a single residential activity is permitted unit may be erected~~ **{RR cl.16}** on a site created by Rule 17.7.5.2 as long as all other performance standards can be met.
 - b. In the Rural Residential 1 Zone, multiple standard residential activities are only allowed on a single site where all primary residential buildings (houses) are able to meet all the relevant performance standards if they were ever subdivided into separate sites.
 - c. In the Rural Residential 2 Zone, a maximum of one residential activity per site ~~over of at least~~ 1ha. **{RR 997.35}**
 - d. In all rural residential zones, one family flat is allowed per site in association with a standard residential activity that meets this performance standard for density, ~~provided:~~ **{PO 447.113}**
 - i. ~~the family flat is either attached to or located in the same residential building as the primary residential unit, or is located within 30m of the primary residential building (house), as measured as the closest distance between any wall of the primary residential building and any wall of the family flat; and~~ **{PO cl.16}**
 - ii. ~~the family flat has a maximum gross floor area of 60m².~~ **{PO cl.16}**
2. Standard residential activity that contravenes this performance standard is a non-complying activity, ~~except:~~
~~standard residential activity (family flat) that contravenes Rule 17.5.2.1.d.i or is a restricted discretionary activity.~~ **{PO cl.16}**

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

17.5.3 Electrical Interference

Land use activities must comply with Rule 9.3.2.

17.5.4 Hours of Operation

1. For rural ancillary retail, customers must not arrive before 7am or depart after 7pm.
2. For working from home, customers and deliveries must not arrive before 7am or depart after 7pm. This standard does not apply to homestays.
3. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

17.5.5 Light Spill

Land use activities must comply with Rule 9.3.5.

17.5.6 Location

1. Domestic animal boarding and breeding (not including dogs) and rural ancillary retail must not be accessed directly from a state highway with a speed limit of 80kmh or over.
2. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

17.5.7 Maximum Gross Floor Area

Activity	Maximum gross floor area
1. Rural ancillary retail	60m ²
2. Working from home	100m ² (applies only to area used within buildings)

3. The retailing of plants grown on a site is exempt from the performance standard for maximum gross floor area.
4. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Note 17.5.7A - Other requirements outside of the District Plan

1. Registration must be obtained from DCC Environmental Health Department for any working from home activities activity **{PO cl.16}** which involves food products, hairdressing, beauty therapy or tattooing. Please contact the DCC's Environmental Health Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
2. A licence from DCC's Alcohol Licensing Department may be required for any working from home activities activity **{PO cl.16}** involving the sale or distribution of alcohol. Please contact the DCC on 03 477 4000 or visit the DCC website at www.dunedin.govt.nz for more information.

17.5.8 Minimum Car Parking

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

Activity	Minimum number of on-site parking spaces
a. Community and leisure – small scale	1 parking space for every 5 persons the facility can accommodate at any one time
b. Rural ancillary retail	1 on-site parking space per roadside produce stall
c. <u>Emergency services {CP 945.40}</u>	i. <u>For fire stations: 5 parking spaces per fire engine bay. {CP 945.40}</u> ii. <u>For all other activities: 1 parking space per 100m² gross floor area. {CP 945.40}</u>

2. Activities other than standard residential {RR cl.16} must provide mobility parking spaces as follows:

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

3. For the purpose of calculating minimum car parking:

- where the minimum parking performance standard results in the requirement for a fractional space, any fraction under one half will be disregarded and any fraction of one half or greater will be counted as one space.
- the same parking spaces may be counted for more than one land use activity (i.e. parking spaces may be shared between land use activities), as long as the hours of operation of the land use activities do not overlap.

4. For activities where the minimum car parking performance standard is based on the gross floor area, the following areas will be excluded from the assessment of gross floor area:

- any parking area and associated manoeuvring space, including aisle; and
- any loading area and associated manoeuvring space. {RR cl.16}

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

¹ **RR cl.16:** Rule 17.5.8.4 has been added to clarify how 'gross floor area' is to be interpreted, for the purposes of the minimum car parking performance standard in this zone. This does not change the effect of provisions.

Note 17.5B.8A - Other relevant District Plan provisions

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

17.5.9 Noise

Land use activities must comply with Rule 9.3.6.

17.5.10 Separation Distances **{RU cl.16¹}**

1. New residential buildings must be located at least:
 - a. ~~30m from an existing, lawfully established forestry activity on a separate site;~~
 - b. ~~100m from an existing, lawfully established factory farming activity on a separate site;~~
 - c. ~~100m from an existing, lawfully established domestic animal boarding and breeding activity that includes dogs on a separate site;~~
 - d. ~~100m from an existing, lawfully established mining activity on a separate site;~~
 - e. ~~100m from an existing, lawfully established landfill activity on a separate site; and~~
 - f. ~~100m from existing, lawfully established wind generators – community scale and wind generators – regional scale on a separate site. **{RR cl.16’}**~~
 - a. 30m from an existing, lawfully established forestry activity on a separate site;
 - b. 100m from:
 - i. an existing, lawfully established ~~factory farming~~ intensive farming activity **{RU 1090.3}** on a separate site; and
 - ii. an existing, lawfully established domestic animal boarding and breeding including dogs activity **{RR cl.16}** on a separate site;
 - c. ~~100m~~ 150m **{RU 796.8}** from existing, lawfully established landfills ~~activity **{PO cl.16}**~~ on a separate site;
 - d. ~~100m~~ 250m **{RU 702.4}** from existing, lawfully established ~~wind generators – community scale and wind generators – regional scale~~ wind generators - large scale **{NU 308.122}** on a separate site;
 - e. ~~100m~~ 200m **{CP 458.43 and others}** from an existing, lawfully established mining activity, that does not involve blasting. **{CP458.43 and others}** on a separate site; and
 - f. 500m from an existing, lawfully established mining activity, that involves blasting, on a separate site. **{CP 458.43 and others}**
2. For the purpose of this standard, separation distance is measured from the closest wall of the new residential building to the closest edge of any active **{CP 458.43 and others}** operational area or part of the site being used for one of the activities listed.
3. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

¹ **RR cl.16:** This rule has been reformatted to reduce repetition and to re-order the list of existing activities according to the length of the separation distance (except that the two mining-related separation distances are listed consecutively) . This does not change the effect of the rule.

17.5.11 Setback from National Grid

National Grid Sensitive {NH cl.16} activities must comply with Rule 5.6.1.1.

17.5.12 Tree Species

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

17.5.13 Family Flats {confirmed for addition - 207.1, 876.1 and others}

Rule 17.5.13.1 Family Flats - Tenancy {PO 207.1, 394.63 and others}

- a. Family flats must:
 - i. only be occupied by:
 1. a person or persons related to or dependent on the household that lives in the primary residential unit on the same site; or {PO cl.16}
 2. employed {PO cl.16} on-site, in a paid or voluntary capacity, as a domestic, child-care, farm or conservation worker by the household that lives in the primary residential unit on the same site. {PO 539.3 and 708.2}
 - ii. not be on a different tenancy agreement to the primary residential unit. {PO 207.1 and 394.63}
- b. Standard Residential activity that contravenes this performance standard is a non-complying activity. {PO 207.1 and 394.63}

Rule 17.5.13.2 Family Flat - Design {PO 876.1 and others}

- a. Family flats must:
 - i. not exceed a maximum gross floor area of 60m²; {PO 372.1 and 207.2};
 - ii. be on the same available water and waste infrastructure connection, or the same non-reticulated wastewater disposal system as the primary residential unit; {PO 876.1}
 - iii. be on the same household electricity account; {PO 876.1}
 - iv. share the same vehicle access as the primary residential unit; and {PO cl.16}
 - v. be attached to or located in the same residential building as the primary residential unit, or located within 30m of the primary residential building (house), as measured as the closest distance between any wall of the primary residential building and any wall of the family flat. {PO cl.16}
- b. Standard Residential activity that contravenes this performance standard is a restricted discretionary activity. {PO 876.1}

¹ **PO cl.16:** As a clause 16 amendment this has been moved from the density performance standard

² **PO cl.16:** As a clause 16 amendment this has been moved here from the definition of family flats

Rule 17.6 Development Performance Standards

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

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

17.6.2 Fire Fighting

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

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

17.6.3.1 Hazard exclusion areas

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

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

17.6.3.2 Maximum area of vegetation clearance in the hazard overlay zones

Vegetation clearance in the Hazard 1 or 2 (land instability) overlay zones must comply with Rule 11.3.2.

~~17.6.3.3 Minimum floor level {NH 917.27, NH 947.53 and others}~~

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

17.6.3.4 Relocatable buildings

~~New buildings (including residential buildings) to be used for sensitive activities~~ containing residential activity on the ground floor **{NH 360.239 and NH 961.1}** in the Hazard 3 (coastal) Overlay Zone must comply with Rule 11.3.4.

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

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

17.6.4 Hazardous Substances Quantity Limits and Storage Requirements

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

17.6.5 Materials and Design

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

17.6.6 Maximum Height

1. New buildings and structures, and additions and alterations, must not exceed a maximum height above ground level as follows:

Activity		i. Rural residential zone	ii. Landscape and natural {NatEnv cl.16} coastal character overlay zones
a.	Roadside produce stall	3.5m	3.5m
b.	All other buildings and structures	10m	5m

- c. Rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more than one third of that limit.
 - d. Buildings or structures must not protrude through the height restriction for the Taieri Aerodrome approach and take-off fans shown on the **Taieri Aerodrome flight fan mapped area**.
2. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

17.6.7 Number, Location and Design of Ancillary Signs

17.6.7.1 General

- a. A maximum of one sign attached to a building and one freestanding sign is allowed per site, except:
 - i. only one sign may be located in any part of a site in an ONF, SNL, HNCC or NCC overlay zone.
- b. Signs visible from a public place must meet all of the following performance standards, except that regulatory signs, directional signs and warning signs that do not exceed 0.25m² are exempt from these standards. {CMU 271.18}.
- c. ~~Signs must be ancillary signs.~~ {PO cl.16}
- d. Signs must comply with Rule 6.7.3 where visible from a road.
- e. Signs must not be illuminated or digital.
- f. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.{PO cl.16}

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

17.6.7.2 Signs attached to buildings

- a. The maximum height above ground level, at the highest point of any sign, is 4m, except:
 - i. the maximum height is 2m in an ONF, SNL, HNCC or NCC overlay zone.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except as mounted flat against a parapet or gable end.
- d. The maximum area of signs, per display face, is 1m², except:
 - i. the maximum area of signs, per display face, is 0.6m² in an ONF or HNCC overlay zone.
- e. In an ONF or HNCC overlay zone the sign must only provide information about the values of the overlay zone (refer Appendices A3 and A5).

17.6.7.3 Freestanding signs

- a. The maximum dimensions of freestanding signs are:
 - i. maximum height of 4m, except:
 1. 2m in an ONF, SNL, HNCC or NCC overlay zone;
 - ii. maximum area of 2m² per display face, except:
 1. 0.6m² per display face in an ONF or HNCC overlay zone; and
 2. 1m² per display face in an SNL or NCC overlay zone;
 - iii. maximum of 2 display faces per sign;
 - iv. maximum width of 2m, except:
 1. 1m in an ONF, SNL, HNCC or NCC overlay zone; and
 - v. maximum depth of 400mm.
- b. Freestanding signs must:
 - i. not obstruct parking, loading or access areas; and
 - ii. be positioned entirely within site boundaries.
- c. In an ONF or HNCC overlay zone the sign must only provide information about the values of the overlay zone (refer Appendices A3 and A5).

Note 17.6A - Other relevant District Plan provisions {PO cl.16¹}

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

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

Note 17.6B.7A - Other requirements outside of the District Plan

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

17.6.8 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

17.6.9 Reflectivity

New buildings and structures (except fences), and additions and alterations, in any landscape or ~~natural~~ coastal **{NatEnv cl.16}** character overlay zone must comply with Rule 10.3.6.

17.6.10 Setbacks

17.6.10.1 Boundary setbacks

- a. Buildings New buildings **{RR cl.16}** and structures, and additions and alterations, must be set back from boundaries as follows:

Activity		1. Minimum setback from road boundary	2. Minimum setback from side and rear boundaries with sites held in separate ownership
i.	<u>Residential buildings</u> <u>Building used for residential activity</u> {RR cl.16} (See Figure 17.6A) {RR cl.16}	12m	10m
ii.	<u>Non-residential buildings</u> <u>Other building</u> {RR cl.16} housing animals (See Figure 17.6B) {RR cl.16}	12m	1. <u>Buildings with a maximum height of up to 7m above ground level:</u> {RR 312.10} 15m 2. <u>Buildings with a maximum height that is over 7m above ground level:</u> The greater of either 15m or twice the maximum height of the building {RR 312.10}
iii.	<u>Non-residential buildings</u> <u>Other building</u> {RR cl.16} not housing animals (See Figure 17.6C) {RR cl.16}	12m	1. <u>Buildings with a maximum height of up to 7m above ground level:</u> {RR 312.10} 6m 2. <u>Buildings with a maximum height that is over 7m above ground level:</u> Twice the maximum height of the building {RR 312.10}
iv.	Roadside produce stall	No requirement	6m
v.	All other structures	No requirement	No requirement

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

Figure 17.6A Setbacks for residential buildings {RU cl.16}

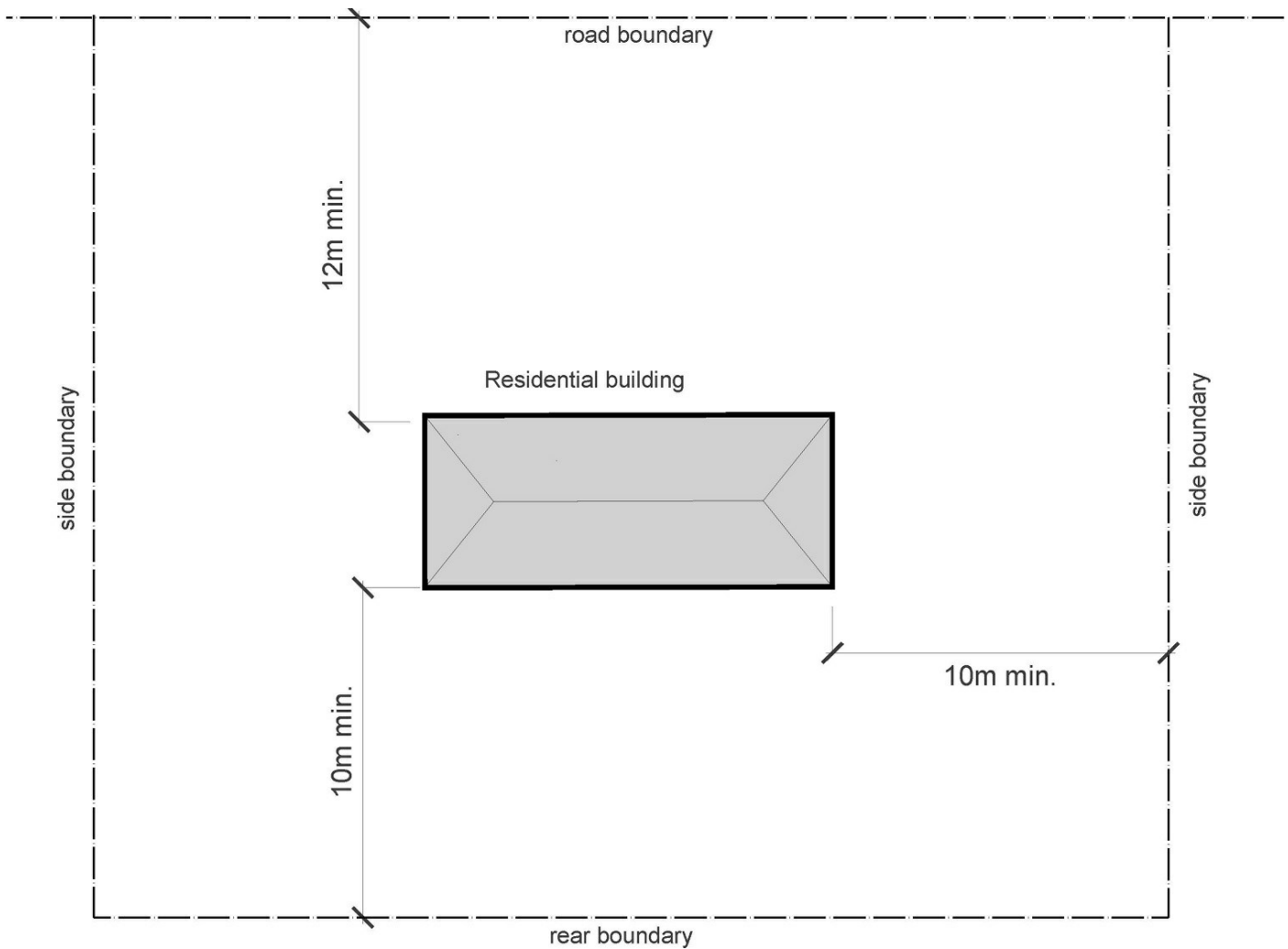


Figure 17.6B Setbacks for non-residential buildings housing animals {RU cl.16}

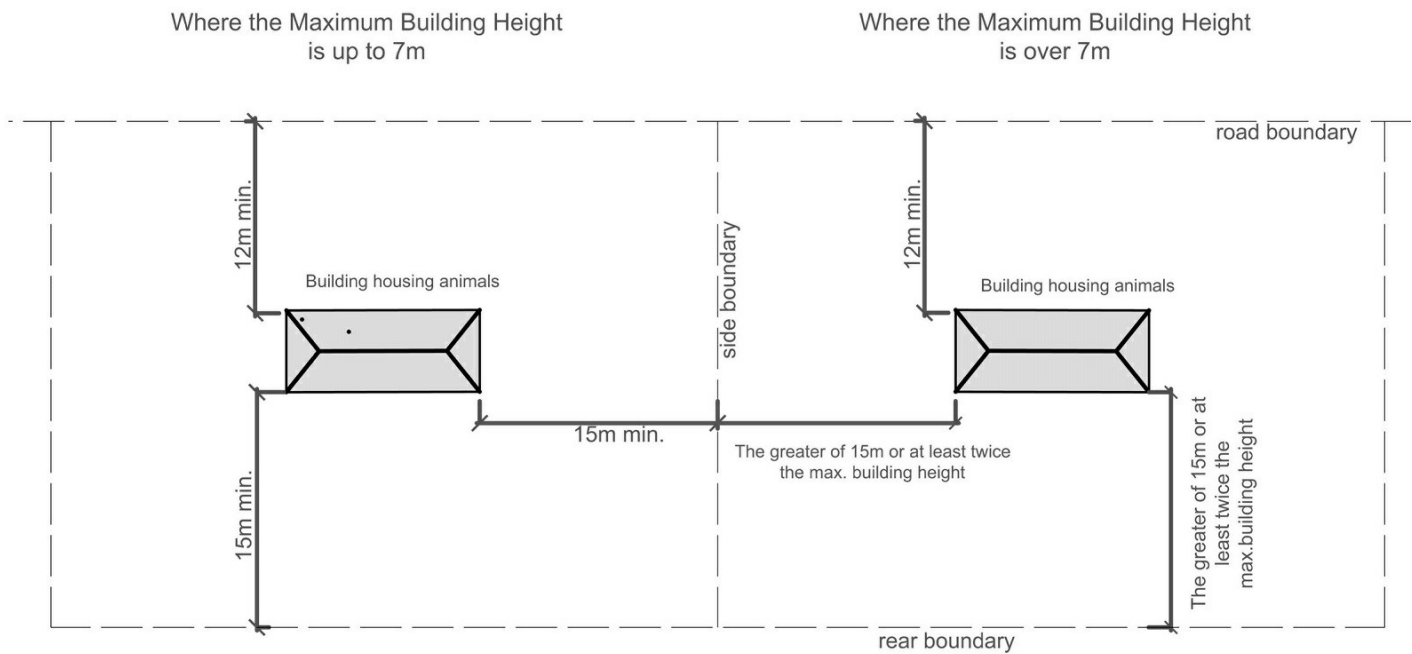
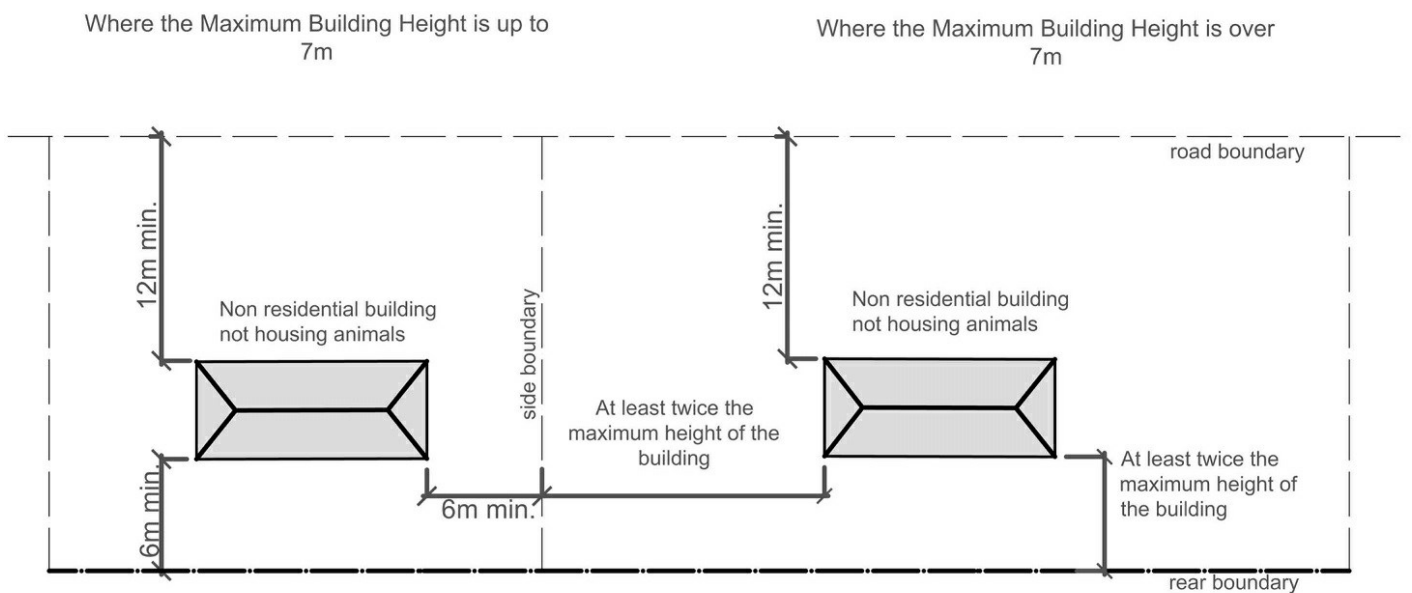


Figure 17.6C Setbacks for non-residential buildings not housing animals {RU cl.16}



17.6.10.2 Forestry and ~~tree-planting shelterbelts and small woodlots~~ **{RU cl.16}** setbacks

- a. Trees associated with forestry activity:
 - i. must not be planted within 30m of the boundary of any residential zone;
 - ii. must not be planted within 40m of a residential building where the building exists at the time of planting;
 - iii. must not shade a motorway or a strategic, arterial or collector road between 10am and 2pm on the shortest day of the year; and
 - iv. must not be planted within 10m of the boundary of the designated rail corridor. **{Trans 322.42}**
- b. Trees associated with ~~tree-planting shelterbelts and small woodlots~~ **{RU cl.16}**:
 - i. must be set back, or managed so that they maintain, a minimum distance of their own height from any residential building on an adjoining site, where the building exists at the time of planting;
 - ii. must not shade a motorway or a strategic, arterial or collector road between 10am and 2pm on the shortest day of the year; and
 - iii. must not be planted within 10m of the boundary of the designated rail corridor. **{Trans 322.42}**
- c. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

17.6.10.4 Setback from scheduled tree

New buildings and structures, additions and alterations, ~~earthworks,~~ **{EW cl.16}**¹ and any site development activities that involve the installation of impermeable surfacing must comply with Rule 7.5.2

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

17.6.10.5 Setback from ~~n~~National ~~g~~Grid

New buildings and structures, and additions and alterations, ~~and earthworks~~ **{EW cl.16}**¹ must comply with Rules 5.6.1.1. ~~and 5.6.1.2~~ **{EW cl.16}**¹

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

17.6.10.6 Setback from coast and water bodies

New buildings and structures, additions and alterations, ~~earthworks—large scale,~~ **{EW cl.16}**¹ and storage and use of hazardous substances must comply with Rule 10.3.3.

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

17.6.11 Vegetation Clearance Standards

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

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

~~17.6.11.2 Maximum area of indigenous vegetation clearance~~ **{NatEnv cl.16¹}**

~~Indigenous vegetation clearance must comply with Rule 10.3.2.2:~~ **{NatEnv cl.16}**¹

17.6.11.2 Indigenous vegetation clearance – small scale thresholds {*NatEnv cl.16*}

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

¹ **NatEnv cl.16:** Indigenous vegetation clearance rules have been reformatted. As a result, notified Rule 10.3.2.2 has been replaced by new Rule 10.3.2.A. Therefore, a consequential amendment is needed here to delete Rule 17.6.11.2 and add new Rule 17.6.11.2, in order to link to the reformatted provisions. This does not change the effect of provisions.

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

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

17.6.11.4 Protected species (indigenous vegetation clearance)

Indigenous vegetation clearance must comply with Rule 10.3.2.4.

17.6.11.5 Maximum area of vegetation clearance in the hazard overlay zones

Vegetation clearance in the hazard 1 (land instability) overlay zone and hazard 2 (land instability) overlay zone must comply with Rule 11.3.2.

Rule 17.7 Subdivision Performance Standards

17.7.1 Access

General subdivision must comply with Rule 6.8.1.

17.7.2 Esplanade Reserves and Strips

General subdivision must comply with Rule 10.3.1.

17.7.3 Fire Fighting

General subdivision must comply with Rule 9.3.3.

17.7.4 Service Connections

General subdivision must comply with Rule 9.3.7.

17.7.5 Minimum Site Size

1. The minimum site size for new resultant sites in the Rural Residential 1 Zone is 2ha.
2. Subdivisions activities **{PO cl.16}** that contravene ~~do not comply with~~ **{Trans cl.16}** this standard are non-complying, except in the following circumstances where the subdivision is discretionary:
 - a. all resultant sites are at least 75% of the minimum site size; and
 - b. a minimum of 50% of the resultant sites are not less than the minimum site size; and
 - c. the average area of the resultant sites is not less than the minimum site size.

17.7.6 Shape

1. Each resultant site that is intended to be developed must be of a size and shape that is large enough to contain a building platform of at least 8m by 15m that meets the performance standards of this Plan including but not limited to:
 - a. minimum car parking;
 - b. all setbacks from boundaries, water bodies, and **{NU 806.11}** scheduled trees, ~~and national grid~~ **{NU 806.11}**.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must ~~not contain~~ **{NU 806.11}**:
 - a. not contain **{NU 806.11}** esplanade reserves or strips;
 - b. not contain **{NU 806.11}** scheduled heritage buildings or structures; or
 - c. not contain **{NU 806.11}** right-of-way easements.
 - d. be located at least 12m from the outer edge of a National Grid support structure or centreline of an overhead National Grid transmission line. **{NU806.11}**
3. For unreticulated areas, resultant sites must provide for a waste disposal area to be located at least 50m from any water body and Mean High Water Springs. **{PHS 1071.56}**
4. Sites created and used solely for the following purposes are exempt from the shape standard:
 - a. Scheduled ASCV ASBV **{NatEnv 958.60}** or QEII covenant;
 - b. reserve;
 - c. access;
 - d. network utility; or
 - e. road.

5. Subdivision activities that do not meet this standard are restricted discretionary activities, except that subdivision activities that do not meet Rule 17.7.6.2.d are non-complying activities. {NU806.11}

Rule 17.8 Assessment of Controlled Activities

Rule 17.8.1 Introduction

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rule 17.8.2:
 - a. lists the matters over which Council has reserved its control; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
 - ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 17.9; and
 - iv. the matters of control become matters of discretion and will be assessed as indicated in this section.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 17.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 17.12; and
 - iii. the assessment guidance in this section will also be considered.

17.8.2 Assessment of controlled activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. <u>Affecting a scheduled heritage building or a scheduled heritage structure: {Her cl.16}</u> • Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected. • <u>Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) {Her 547.91}</u>	a. Effects on heritage values	See Rule 13.4
2. In the NCC Overlay Zone: • New buildings greater than 60m² footprint {PO cl.16¹} on a landscape building platform	a. Size, design and appearance of buildings	See Rule 10.3A
3. In the SNL Overlay Zone: • New buildings greater than 60m² footprint {PO cl.16¹} on a landscape building platform	a. Size, design and appearance of buildings	See Rule 10.3A

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

Rule 17.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 17.9.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 17.9.2 - 17.9.6:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rules 17.9.2 - 17.9.5 17.9.6 apply as follows: to performance standards in the Rural Residential Zones; Rule 17.9.6 contains additional provisions that apply to performance standards in overlay zones and mapped areas.
{RR cl.16}
 - a. Rule 17.9.2 applies to all performance standard contraventions;
 - b. Rule 17.9.3 applies to land use performance standard contraventions;
 - c. Rule 17.9.4 applies to development performance standard contraventions;
 - d. Rule 17.9.5 applies to subdivision performance standard contraventions; and
 - e. Rule 17.9.6 applies to performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item. {RR cl.16}

17.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Performance standard contraventions	<i>Potential circumstances ~~or mitigation measures~~ {RR cl.16} that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards, or site specific factors including topography, make meeting the standard impracticable. c. The nature of activities on surrounding sites, topography of the site and/or surrounding sites, or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. d. In any landscape overlay zone, the development incorporates key design elements as set out in Appendix A3. e. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. <i>General assessment guidance:</i> f. Where more than one standard is contravened, the combined effects of the contraventions should be considered g. In any landscape overlay zone, the assessment will consider the landscape values outlined in Appendix A3. h. In any natural {NatEnv cl.16} coastal character overlay zone, the assessment will consider the natural character values outlined in Appendix A5.

17.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Density (family flats - design) {PO 207.1 and 394.63}	a. Effects on rural residential character and visual amenity	<i>Relevant objectives and policies:</i> i. Objectives 17.2.1, and {PO 207.1 and others} 17.2.3 ii. The character and visual amenity of the rural residential zones is maintained (Policy 17.2.3.1). iii. <u>The design of family flats avoids, as far as practicable, the risk they will be used for a separate, non-ancillary, residential activity and future pressure to subdivide off family flats.</u> (Policy 17.2.1.7) {PO 207.1 and 394.63} <i>Potential circumstances or mitigation measures {RR cl.16} that may support a consent application include:</i> iv. For contravention of maximum gross floor area, the family flat shares the same residential building as the primary residential unit. v. <u>The For family flats in separate buildings to the primary dwelling, the {PO cl.16} design of the family flat matches the design of the primary residential unit.</u> vi. <u>Landscaping For family flats in separate buildings to the primary dwelling, landscaping {PO cl.16} or other forms of screening will be used to reduce the visibility of the family flat.</u> vii. <u>The For family flats in separate buildings to the primary dwelling, the {PO cl.16} family flat will not be easily viewed from outside the site.</u> viii. The size of the residential unit will not create future pressure or expectation for it to be subdivided or be consented to operate as a second residential activity on site
2. Electrical interference	a. Effects on health and safety	See Rule 9.4
3. Hours of operation	a. Effects on amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 17.2.2 ii. Rural ancillary retail and working from home operate in a way (including hours of operations) that avoids or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigates noise or adverse effects on the amenity of surrounding properties (Policy 17.2.2.4).
4. Location	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

17.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
5. Maximum gross floor area	a. Effects on <u>the vibrancy and economic and social success of the CBD and centres/retail distribution</u> {RR cl.16}	<i>Relevant objectives and policies:</i> i. Objectives 2.3.2, 2.4.3, policies 2.3.2.2 and 2.4.3.4 ii. Objective 17.2.1 iii. Rural ancillary retail and working from home are at a scale that is ancillary to and supportive of productive rural activities or conservation on the same property (Policy 17.2.1.3.a).
6. Minimum car parking	a. Effects on the safety and efficiency of the transport network b. Effects on <u>accessibility</u> {Trans cl.16¹}	See Rule 6.9
7. Separation distances	a. Reverse sensitivity effects	<i>Relevant objectives and policies:</i> i. Objective 17.2.2 ii. Residential buildings are set back an adequate distance from {RR cl.16} existing {PO 1046.5} minimise, as far as practicable, {PO 906.34 and 308.497} the potential for reverse sensitivity {PO 1046.5} by being set back an adequate distance from {RR cl.16} forestry, factory farming intensive farming {RU 1090.3} , domestic animal boarding and breeding (including dogs), mining, and landfills and wind generators - large scale {RR cl.16} to minimise the potential for reverse sensitivity effects {PO 1046.5} (Policy 17.2.2.1.b). <i>Potential circumstances or mitigation measures {RR cl.16} that may support a consent application include:</i> iii. For non-compliance with separation distance from forestry, the new residential activity is located to the north of the forestry activity.
8. Tree species	a. Effects on biodiversity values {NatEnv 958.60} b. Effects on natural character of the coast {NatEnv 900.144} c. Effects on landscape values {NatEnv 900.144}	See Rule 10.4

¹ **Trans cl.16:** Under Transportation section assessment rules (Rule 6.9.3.6.a), 'effects on accessibility' is a matter of discretion for contraventions of minimum car parking performance standards. However, this matter of discretion was inadvertently omitted from notified Section 17 assessment rules. The correction of this error, via the addition of

Rule 17.9.3.6.b, does not result in a substantive change to the effect of provisions.

17.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Boundary setbacks	a. Effects on on-site amenity, effects ~~{RR cl.16}~~ on amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 17.2.2 ii. Buildings that house animals are set back from site boundaries an adequate distance to ensure adverse effects on adjoining residential activities are avoided or, if avoidance is not possible practicable {PO 908.3 and others}, are no more than minor (Policy 17.2.2.2). iii. New buildings are located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites (Policy 17.2.2.3). <i>Potential circumstances or mitigation measures {RR cl.16} that may support a consent application include:</i> iv. Screening or landscaping will be used in the development to ensure a good level of amenity for residential activities on adjoining sites. v. Where a building used to house animals contravenes the boundary setback standard, the type and/or number of animals or the frequency of housing them mean that the potential for adverse effects from noise, odour or dust on sensitive activities on adjoining sites will be avoided or minimised.
	b. Reverse sensitivity effects	<i>Relevant objectives and policies:</i> i. Objective 17.2.2 ii. Residential buildings are set back an adequate distance from site boundaries to {RR cl.16} minimise, as far as practicable, {PO 906.34 and 308.497} the potential for reverse sensitivity effects from rural activities {RU 1090.32 and PO 1046.5} by being set back an adequate distance from site boundaries {RR cl.16} (Policy 17.2.2.1.a). <i>Potential circumstances that may support a consent application include:</i> iii. Screening or landscaping will ensure potential for reverse sensitivity effects {PO 1046.5} is minimised as far as practicable {PO 906.34 and 308.497}.

17.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
		c. Effects on rural residential character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 17.2.3 ii. Buildings and structures are set back from site boundaries to maintain the character and visual amenity of the rural residential zones (Policy 17.2.3.1). <i>Potential circumstances or mitigation measures {RR cl.16} that may support a consent application include:</i> iii. Landscaping or other forms of screening will be used to reduce the visibility of buildings or structures. iv. Colours and materials used in the development will blend in with the character of the surrounding rural residential environment, with natural finishes and low levels of reflectivity. v. The proposed building or structure will not obstruct any important views from public viewpoints, or cause significant obstruction of views from dwellings on surrounding sites. vi. The proposed building platform is low lying in relation to surrounding sites and roads and the proposed building will not be easily viewed from outside the site. vii. There are already existing buildings on the site in breach of the same setback. viii. There would be positive effects from maintaining open space through the clustering of buildings on the site.
2.	Earthworks standards: • Batter gradient {EW cl.16²}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 17.2.6 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 17.2.6.1.b).
3.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs {EW cl.16²}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 17.2.6 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 17.2.6.1.a).

17.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
4.	Earthworks standards: - Setback from national grid - Setback from network utilities {EW cl.16}	a. Effects on efficient and effective operation of network utilities	See Rule 5.7
		b. Effects on health and safety	
5.	Earthworks standards: Sediment control {EW cl.16}	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 17.2.6 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by avoiding sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems, or the coastal marine area {EW 1071.106} (Policy 17.2.6.2.b).
		b. Effects on biodiversity values and natural character of riparian margins and the coast	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
6.	Earthworks standards: NZ Environmental Code of Practice for Plantation Forestry {EW cl.16}	a. Degree of compliance with New Zealand Code of Practice for Plantation Forestry	<i>Relevant objectives and policies:</i> i. Objective 17.2.6 ii. Earthworks ancillary to forestry are carried out in accordance with industry best practice guidelines (Policy 17.2.6.4).
7.	Fire fighting	a. Effects on health and safety	See Rule 9.4
8.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards: {PO cl.16}	See Rule 11.4 {PO cl.16}

17.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
9.	Forestry and tree planting shelterbelts and small woodlots {RU cl.16} setbacks	a. Effects on amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 17.2.2 ii. Forestry and tree planting shelterbelts and small woodlots {RU cl.16} are set back an adequate distance to avoid or minimise, as far as practicable, {PO 308.497} significant effects from shading on residential buildings on surrounding properties (Policy 17.2.2.6). iii. Forestry is located and designed to avoid or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigate shading, noise, traffic and other nuisance effects on surrounding properties (Policy 17.2.2.7). <i>Potential circumstances or mitigation measures {RR cl.16} that may support a consent application include:</i> iv. The area to be planted is to the south of any adjoining residential zone or residential buildings on an adjoining site. v. Slope or orientation or other topographical aspects of the sites involved mean that there will be no shading of residential buildings on an adjoining site.
		b. Effects on health and safety	See Rule 9.4
		c. Effects on the safety and efficiency of the transport network	See Rule 6.9
10.	Maximum height	a. Effects on rural residential character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 17.2.3 ii. Buildings and structures are of a height that maintains the character and visual amenity of the rural residential zones (Policy 17.2.3.1). <i>Potential circumstances or mitigation measures {RU cl.16} that may support a consent application include:</i> iii. As for Rule 17.9.4.1.c.iii-vi iv. The terrain provides an adequate backdrop to the proposed building or structure and mitigates any adverse visual effects from the building or structure.

17.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
11.	Number, location and design of ancillary signs	a. Effects on rural residential character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 17.2.3 ii. Ancillary signs are located and designed to maintain the character of the rural residential zones, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on site to passing pedestrians and vehicles and not being oversized or too numerous for that purpose (Pol 17.2.3.4).
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
12.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
13.	Setback from coast and water bodies	a. Effects on biodiversity values and natural character of riparian margins and the coast	See Rule 10.4
		b. Effects on public access	
		c. Risk from natural hazards	See Rule 11.4
14.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
15.	Vegetation clearance standards: - Maximum area of indigenous vegetation clearance {<i>NatEnv cl.16³</i>} - Protected species (<u>indigenous vegetation clearance</u>) {<i>NatEnv cl.16</i>}	a. Effects on biodiversity <u>values</u> { <i>NatEnv 958.60</i> }	See Rule 10.4

17.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
16. Vegetation clearance standards: Protected areas (<u>vegetation clearance</u>) {NatEnv cl.16}	a. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4

¹ **RR cl.16:** Matter of discretion removed as not relevant to assessment of this performance standard.

² **EW cl.16:** As a clause 16 amendment, all earthworks provisions in management and major facility zones have been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

³ **NatEnv cl.16:** Indigenous vegetation clearance rules have been reformatted. Indigenous vegetation clearance that would contravene notified Rule 10.3.2.2 Maximum area of indigenous vegetation clearance is now provided for as Indigenous Vegetation Clearance – Large Scale. This does not change the effect of provisions.

17.9.5 Assessment of subdivision performance standard contraventions

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

17.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
5. Shape	<i>Relevant objectives and policies:</i> a. Objective 2.4.1 b. Subdivision is designed to ensure any future land use or development is able to meet the performance standards in the zone, <u>or where in a structure plan mapped area, reflects the requirements of the structure plan mapped area performance standards {ULS cl.16}</u>, unless: i. a resource consent is approved for a development that does not meet the performance standard and the subdivision is intended for and capable of providing for that approved development; or ii. the resultant site is required for: 1. Scheduled ASCV ASBV or {NatEnv 958.60} QEII covenant; or 2. reserve; or 3. access; or 4. utility; or 5. road (Policy 2.4.1.8). <i>General assessment guidance:</i> c. Non-compliance with the performance standard for shape will be assessed based on which performance standard(s) the shape of the resultant site does not provide for compliance with. See matters of discretion and assessment rules in relation to performance standard contraventions for: i. minimum car parking; ii. boundary setbacks; iii. setbacks from water bodies; iv. setback from scheduled tree; and v. setback from nNational gGrid. vi. ~~earthworks standards (building platform slope).~~ {RR cl.16} d. <u>For contravention of the building platform slope part of the shape performance standard (Rule 17.7.6.2), see the matters of discretion and assessment rules in relation to earthworks - large scale (Rule 8A.7.2.1). {RR cl.16}</u> <i>Conditions that may be imposed include:</i> e. A building platform registered against the certificate of title by way of a consent notice. f. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site. g. A building platform may be required to be registered against the title by way of consent notice.	

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	In a hazard overlay zone or swale mapped area {NH cl.16}: • Hazard overlay zones development standards • <u>Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) overlay zones)</u> • <u>Relocatable buildings (Hazard 3 (coastal) Overlay Zone)</u> • <u>Outdoor Storage (Hazard 1 (flood) Overlay Zone) {NH cl.16}</u> • <u>Hazardous substances quantity limits and storage requirements {PO cl.16}</u>	a. Risk from natural hazards	See Rule 11.4
2.	In the SNL Overlay Zone: • Maximum height • Reflectivity	a. Effects on landscape values	See Rule 10.4
3.	In the SNL or ONF overlay zones: • Number, location and design of ancillary signs	a. Effects on landscape values	See Rule 10.4
4.	In the NCC or HNCC overlay zones: • Number, location and design of ancillary signs	a. Effects on natural character of the coast	See Rule 10.4
5.	In the NCC Overlay Zone: • Maximum height • Reflectivity	a. Effects on natural character of the coast	See Rule 10.4
6.	In an urban conservation biodiversity mapped area: {NatEnv 958.60} • Vegetation clearance standards: Maximum area of vegetation clearance (<u>UBMA</u>) {NatEnv cl.16}	a. Effects on biodiversity <u>values</u> {NatEnv 958.60}	See Rule 10.4

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
7.	In the Taieri Aerodrome flight fan mapped area : Maximum height (Rule 17.6.6.4 17.6.5.1.d {RR cl.16})	a. Effects on <u>health and safety</u> operation of Taieri Aerodrome {PHS cl.16}	See Rule 9.4
8.	In a high class soils mapped area : Earthworks standards (removal of high class soils) {EW cl.16}	a. Maintenance of high class soils resource	<i>Relevant objectives and policies:</i> i. Objective 17.2.4 ii. Earthworks in a high class soils mapped area retain soils on the site (Policy 17.2.4.1): <i>Potential circumstances that may support a consent application include:</i> iii. The development will involve a productive rural activity. iv. The site design will minimise the effect of the activity on the high class soils contained on the site. v. The soils are being removed to enhance the productivity of another site.
9.	Affecting a scheduled heritage item building or scheduled heritage structure {Her cl.16}: Materials and design	a. Effects on heritage values (work on scheduled heritage buildings/structures){RR cl.16}	See Rule 13.5
10. {MW 1071.16}	In a wāhi tūpuna mapped area : {MW 1071.16} - Maximum height {MW 1071.3} - Setback from coast and water bodies {MW 1071.16} - Esplanade reserves and strips {MW 1071.16} - Vegetation clearance standards: Protected areas (vegetation clearance), Protected species (indigenous vegetation clearance) {MW 1071.3}	a. Effects on cultural values of Manawhenua {MW 1071.16}	See Rule 14.3 {MW 1071.16}

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

² **EW cl.16:** As a clause 16 amendment, all earthworks provisions in management and major facility zones have been

moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

Rule 17.10 Assessment of Restricted Discretionary Activities

Rule 17.10.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 17.10.2 - 17.10.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. ~~Rules 17.10.2 - 17.10.5 apply as follows: 17.10.4 apply to activities in the Rural Residential Zones; Rule 17.10.5 contains additional provisions that apply to activities in overlay zones, mapped areas, and on scheduled items. {RR cl.16}~~
 - a. Rule 17.10.2 applies to restricted discretionary land use activities;
 - b. Rule 17.10.3 applies to restricted discretionary development activities;
 - c. Rule 17.10.4 applies to restricted discretionary subdivision activities; and
 - d. Rule 17.10.5 applies to restricted discretionary activities in an overlay zone, mapped area or affecting a scheduled item. {RR cl.16}
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
5. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard) {PO cl.16}~~ then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 17.9; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 17.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 17.12; and
 - iii. the assessment guidance in this section will also be considered.

6. With respect to section 104(2) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural residential zones.

17.10.2 Assessment of restricted discretionary land use activities

Land use activities	Matters of discretion	Guidance on the assessment of resource consents
3. Development associated with restricted discretionary land use activities <u>All restricted discretionary land use activities in the rural residential zones that also involve development activities {RR cl.16}</u>	a. Effects on rural residential character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 17.2.3 ii. Any adverse effects from development on rural residential character and visual amenity will be avoided or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, adequately mitigated (Policy 17.2.3.3). <i>Potential circumstances that may support a consent application include:</i> iii. Landscaping or other forms of screening will be used to reduce the visibility of development from surrounding properties and public viewpoints. iv. Signage and entranceways are in character with the surrounding environment.
A. <u>All high trip generators, which include: {Trans cl.16}</u>	a. Effects on accessibility {Trans cl.16}	See Rule 6.10 {Trans cl.16}
• <u>any activities that generate 250 or more vehicle movements a day {Trans cl.16}</u>	b. Effects on the safety and efficiency of the transport network {Trans cl.16}	

17.10.2 Assessment of restricted discretionary land use activities

Land use activities		Matters of discretion	Guidance on the assessment of resource consents
1.	Forestry	a. Effects on amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 17.2.2 ii. Forestry is located and designed to avoid or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigate shading, noise, traffic and other nuisance effects on surrounding properties (Policy 17.2.2.7).
		b. Effects on rural residential character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 17.2.3 ii. Forestry is located, designed and managed to avoid or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigate adverse effects on the character and visual amenity of the rural residential zones (Policy 17.2.3.2). <i>Potential circumstances that may support a consent application include:</i> iii. The forestry is located on land that is not visually prominent. iv. The forestry is of a size and on-site location that will lessen visual effects. v. Screen planting with other species will be used to reduce visual effects.
		c. Effects on the safety and efficiency of the transport network	See Rule 6.10
2.	Veterinary services (large animal practice)	a. Effects on amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 17.2.2 ii. Any adverse effects on the amenity of surrounding rural residential properties are avoided or, if avoidance is not possible practicable {PO 908.3 and others}, are adequately mitigated (Policy 17.2.2.5). <i>Potential circumstances that may support a consent application include:</i> iii. The activity is set back a sufficient distance from its own boundaries to mitigate adverse effects on surrounding residential activities.
		b. Effects on the safety and efficiency of the transport network	See Rule 6.10

¹ **Trans cl.16:** Under Transportation section assessment rules (Rule 6.10.2.7a&b), 'effects on accessibility' and 'effects on safety and efficiency of the transport network' are matters of discretion for high trip generators, which include land use activities that generate 250 or more vehicle movements a day. However, the rule necessary to link to Rule 6.10.2.7 was inadvertently omitted from notified Section 17 assessment rules. The correction of this error,

via the addition of Rule 17.10.2.A, does not result in a substantive change to the effect of provisions.

17.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
4. Earthworks – large-scale (that exceed the scale thresholds for the rural residential zones) {EW cl.16} ¹	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 17.2.5 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 17.2.5.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 17.2.5.3.b). <i>Potential circumstances that may support a consent application include:</i> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or effect existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to include:</i> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished.

17.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 17.2.5 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 17.2.6.5.c). <i>Potential circumstances that may support a consent application include:</i> iii. A geotechnical report confirms the existing ground is suitably stable for the proposed works, and proposed works will not create instability risks for surrounding land, buildings, or structures (see Special Information Requirements – Rule 17.13.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards. <i>Conditions that may be imposed include, but are not limited to:</i> v. Maximum slopes of cut and fill batters. vi. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. vii. Temporary shoring requirements to maintain stability before a wall is constructed. viii. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
2. Earthworks – large scale (that exceed scale thresholds within 5m of a water body or MHWS) {EW cl.16} ¹	a. Effects on biodiversity and natural character of riparian margins and the coast b. Effects on public access	See Rule 10.5

17.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. <u>High trip generators:</u> {Trans cl.16³} • New <u>or additions to parking areas</u>, or extensions to existing parking areas that result in the creation of 50 or more new parking spaces {Trans cl.16}	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility	See Rule 6.10
4. <u>Indigenous vegetation clearance – large scale</u> {NatEnv cl.16²}	a. Effects on biodiversity values {NatEnv cl.16}	See Rule 10.5 {NatEnv cl.16}

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

² **NatEnv cl.16:** Indigenous vegetation clearance rules have been reformatted. Indigenous vegetation clearance that would contravene notified Rule 10.3.2.2 Maximum area of indigenous vegetation clearance is now provided for as Indigenous Vegetation Clearance – Large Scale. This does not change the effect of provisions.

³ **Trans cl.16:** A reference to 'high trip generators' has been added here, to clarify that this activity is assessed as a high trip generator under Transportation section rules. This does not result in a substantive change to the effect of provisions.

17.10.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. General subdivision	a. Effects on on-site amenity	<i>Relevant objectives and policies:</i> i. Objective 17.2.2 ii. Subdivisions deliver sites that achieve a high quality of on-site amenity through being large enough and of a shape that is capable of supporting rural residential development (Policy 17.2.2.8).
	b. Effects on rural residential character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 17.2.3 ii. Subdivisions are designed to ensure any associated future land use and development will maintain or enhance the character and visual amenity of the rural residential zones (Policy 17.2.3.5). <i>Potential circumstances that may support a consent application include:</i> iii. Sites are designed to respond to the topography and characteristics of the land and surrounding environment; iv. Building platforms are located to respond to land form and avoid significant visual effects; v. Driveways, network utilities and services are designed and located to minimise the need for significant earthworks.
	c. Effects on long term maintenance of rural land for productive rural activities	<i>Relevant objectives and policies:</i> i. Objective 17.2.4 ii. Subdivisions are designed to ensure sites are of shape and size that enable lifestyle blocks or hobby farms, including the keeping of livestock, and avoid sites that will be used <u>purely</u> {RR cl.16} as large lot residential living (Policy 17.2.4.3).
	d. Effects on biodiversity values and natural character of riparian margins and the coast	See Rule 10.5
	e. Effects on areas of indigenous vegetation and the habitats of indigenous fauna {NatEnv 958.60}	
	f. Effects on public access	

17.10.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	g. Effects on health and safety	See Rule 9.5
	h. Effects on affordability/ <u>and</u> {RR cl.16} efficiency of infrastructure	
	i. Effects on the safety and efficiency of the transport network	See Rule 6.10
	j. Risk from natural hazards	See Rule 11.5

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. In the ONF Overlay Zone : • ~~All other buildings and structures activities {NatEnv 360.138}~~ • <u>Indigenous vegetation clearance - large scale {NatEnv 958.106}</u> • <u>Tree planting Shelterbelts and small woodlots {RU cl.16}</u> • ~~Earthworks – large scale (that exceed scale thresholds for an ONF) {EW cl.16'}~~ • General subdivision	a. Effects on landscape values	See Rule 10.5
2. In the SNL Overlay Zone : • Forestry • New buildings or structures greater than 60m² footprint, or additions and alterations that result in a building or structure that is greater than 60m² <u>footprint {PO cl.16'}</u> • ~~All other buildings and structures activities {NatEnv 360.138}~~ • ~~Earthworks – large scale (that exceed the scale thresholds for an SNL) {EW cl.16'}~~ • General subdivision	a. Effects on landscape values	See Rule 10.5

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. In the HNCC Overlay Zone: • All other buildings and structures activities {NatEnv 360.138} • Indigenous vegetation clearance {NatEnv 958.106} • Tree planting Shelterbelts and small woodlots {RU cl.16} • Earthworks – large scale (that exceed scale thresholds for an HNCC) {EW cl.16'} • General subdivision	a. Effects on natural character of the coast	See Rule 10.5
4. In the NCC Overlay Zone: • Forestry • New buildings or {RR cl.16} structures greater than 60m² footprint, {RR cl.16} or additions and alterations that result in a building or structure that is greater than {RR cl.16} 60m² footprint {PO cl.16'} and over {RR cl.16} • All other buildings and structures activities {NatEnv 360.138} • Indigenous vegetation clearance - large scale {NatEnv cl.16} • Earthworks – large scale (that exceed scale thresholds for an NCC) {EW cl.16'} • General subdivision	a. Effects on natural character of the coast	See Rule 10.5
5. In a wāhi tūpuna mapped area where activity is identified as a threat: • New buildings and structures • Earthworks – large scale {EW cl.16'} • General subdivision • Forestry • Indigenous vegetation clearance - large scale {NatEnv cl.16} • Tree planting Shelterbelts and small woodlots {RU cl.16}	a. Effects on cultural values of Manawhenua	See Rule 14.4

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
6. Activities that affect affecting a scheduled heritage building, or scheduled heritage structure or scheduled heritage site {Her cl.16}: • All other {Her cl.16} Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure • Removal for relocation • General <u>All subdivision activities on sites containing a scheduled heritage building or scheduled heritage structure</u> {Her cl.16}	a. Effects {PHS cl.16} on heritage values	See Rule 13.6
7. In a hazard overlay zone all hazard overlay zones, swale mapped areas and dune system mapped areas {NH949.25, NH634.69 and NH cl.16}: • General subdivision in a hazard 3 (coastal) overlay zone {NH949.25, NH634.69 and NH cl.16} • Earthworks – large scale (that exceed the scale threshold for a hazard overlay zone or swale mapped area) {EW cl.16}	a. Risk from natural hazards	See Rule 11.5
10. In a Hazard 1 (land instability) Overlay Zone (see Rule 17.3.6): • New buildings, and additions and alterations to buildings, which create more than 1m² of new ground floor area {NH 73.4 and others}	a. Risk from natural hazards {NH 73.4 and others}	See Rule 11.5 {NH 73.4 and others}
9. In a hazard 1 or 2 (flood) {NH 73.4 and others} overlay zone other than the hazard 4 (land instability) Overlay Zone {NH 73.4 and others} (see Rule 17.3.6): • New buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area	a. Risk from natural hazards	See Rule 11.5
8. {NH cl.16} In a geologically sensitive mapped area {GSA}: {NH cl.16} • Earthworks – large scale (that exceed underlying zone scale thresholds) {NH cl.16}	a. Risk from natural hazards {NH cl.16}	See Rule 11.5 {NH cl.16}

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
11.	In a GPA : Earthworks – large scale (that exceed scale thresholds for a GPA) {EW cl.16'}	a. Effects on health and safety	See Rule 9.5
12.	In an UCMA : Earthworks – large scale (that exceed scale thresholds for a UCMA) {EW cl.16'}	a. Effects on biodiversity	See Rule 10.5
13.	In the Hazard 2 (flood) Overlay Zone : {NH 634.74} - Natural hazards {NH cl.16} sensitive activities {NH 634.74} - Natural hazards {NH cl.16} potentially sensitive activities {NH 634.74}	a. Risk from natural hazards {NH 634.74}	See Rule 11.5 {NH 634.74}
14. {NU 806.11}	In the National Grid Corridor mapped area : {NU806.11} All subdivision activities {NU 806.11}	a. Effects on health and safety {NU806.11} b. Reverse sensitivity effects {NU806.11} c. Effects on efficient and effective operation of network utilities {NU806.11}	See Rule 5.8 {NU 806.11}
15.	In an ASBV : {NatEnv cl.16³} - New buildings or structures greater than 60m² footprint, or additions and alterations that result in a building or structure that is greater than 60m² footprint {NatEnv cl.16} - General subdivision {NatEnv cl.16} - Shelterbelts and small woodlots {NatEnv cl.16} - Site development activities (except for outdoor storage, parking, loading and access, vegetation clearance, storage and use of hazardous substances) {NatEnv cl.16}	a. Effects on biodiversity values {NatEnv cl.16}	See Rule 10.5 {NatEnv cl.16}

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
16.	<u>In the radio transmitters mapped area:</u> {NU 918.25} • <u>General subdivision</u> {NU 918.25}	<u>a. Reverse sensitivity effects</u> {NU 918.25}	<u>See Rule 5.8</u> {NU 918.25}

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

² **PO cl.16:** Footprint is included in the rule to improve plan clarity as a minor and inconsequential amendment.

³ **NatEnv cl.16:** Areas of Significant Biodiversity Value (ASBVs) intersect with the rural residential zones, but the notified Plan omitted providing a link to the relevant rules for ASBVs. They were included correctly in the rural zones for reference. These rules have been added to clarify the rules that apply in ASBVs where these intersect with rural residential zones. This amendment is considered of minor consequence and made under Clause 16 of the RMA.

⁴ **NH cl.16:** As a clause 16 amendment, geologically sensitive areas are not part of this Plan, and are included in the data map for information purposes only.

Rule 17.11 Assessment of Discretionary Activities

Rule 17.11.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 17.11.2 - 17.11.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. Rules 17.11.2 - 17.11.3 apply as follows: {RR cl.16}
 - a. Rule 17.11.2 applies to discretionary land use activities; and {RR cl.16}
 - b. Rule 17.11.3 applies to discretionary performance standard contraventions. {RR cl.16}
4. With respect to section 104(2) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural residential zones.
5. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

17.11.2 Assessment of discretionary land use activities {was 'Assessment of discretionary activities' - RR cl.16}

Activity	Guidance on the assessment of resource consents
1. ~~All discretionary activities {RR cl.16}~~	~~a. In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. {RR cl.16}~~
2. • Rural tourism • Rural research • Community and leisure - large scale • Early childhood education • Sport and recreation • Visitor accommodation	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 17.2.2, 17.2.3, 17.2.4 b. Any adverse effects on the amenity of surrounding rural residential properties are avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, are adequately mitigated (Policy 17.2.2.5). c. Any adverse effects on rural residential character and visual amenity are avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, are adequately mitigated (Policy 17.2.3.3). d. Where in a high class soils mapped area, adverse effects on high class soils are avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adverse effects are no more than minor (Policy 17.2.4.2). <i>General assessment guidance:</i> e. In assessing effects on amenity, Council will consider the effects of

17.11.2 Assessment of discretionary land use activities {was 'Assessment of discretionary activities' - RR cl.16}

Activity	Guidance on the assessment of resource consents
	vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road. f. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects. {RR cl.16³} <i>Potential circumstances or mitigation measures {RR cl.16} that may support a consent application include:</i> g. The activity is set back a sufficient distance from its own boundaries and existing sensitive activities on surrounding sites. h. Development activities meet relevant performance standards. i. Development is not situated on visually prominent land. j. The form, scale and materials used in buildings and structures are compatible with the character and visual amenity of the rural residential zones. k. Colours and materials used in development are chosen to blend in with the rural residential setting and minimise reflectivity. l. Landscaping or other forms of screening are used to reduce the visibility of development from surrounding properties and public viewpoints. <i>Conditions that may be imposed include:</i> m. Restriction on hours of operation n. Controls on on-site lighting o. A requirement for screening of storage areas p. A requirement to control dust q. Provision of car parking areas <i>Relevant guidance from other sections (priority considerations):</i> r. See Section 6.11 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transportation network <u>and its affordability to the public</u> {Trans 881.63}. s. <u>In an ASBV, see section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity values.</u> {Nat Env cl.16³} t. <u>See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety</u> {PHS cl.16} u. <u>For activities that may have effects on biodiversity values, see Section</u>

17.11.2 Assessment of discretionary land use activities {was 'Assessment of discretionary activities' - RR cl.16}

Activity	Guidance on the assessment of resource consents
	<u>10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1. {NatEnv 900.35}</u> v. <u>For activities adjacent to water bodies and the coast, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.2. {NatEnv 900.38}</u> w. <u>For activities taking place within the radio transmitters mapped area, see Section 5.9 for guidance on the assessment of resource consents in relation to management of reverse sensitivity effects on Radio New Zealand's facilities at 740 Highcliff Road and 35 Karetai Road. {NU 918.25}</u> x. <u>See Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua {MW 1071.3}</u>
3. In the hazard 1 overlay zones (see Rule 17.3.6): {NH634.74} Potentially sensitive activities permitted in rural residential zones {NH634.74}	See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH634.74}
4. In the hazard 2 overlay zones (see Rule 17.3.6): {NH634.74} - Potentially sensitive activities not permitted in rural residential zones {NH634.74} - Sensitive activities {NH634.74}	See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH634.74}

¹ **NatEnv cl.16:** Areas of Significant Biodiversity Value (ASBVs) intersect with the rural residential zones, but the notified Plan omitted providing a link to the relevant rules for ASBVs. They were included correctly in the rural zones for reference. These rules have been added to clarify the rules that apply in ASBVs where these intersect with rural residential zones. This amendment is considered of minor consequence and made under Clause 16 of the RMA.

² **RR cl.16:** Rule 17.11.2.1 removed as unnecessary because there are no activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item.

³ **RR cl.16:** Rule 17.11.2.2.f duplicates Rule 17.11.1.5 and therefore is unnecessary.

17.11.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • Acoustic insulation • Noise - where the limit is exceeded by ~~up to~~ less than {PHS cl.16} 5dB LAeq (15min) • Light spill - where the limit is exceeded by 25% or less	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
2. Minimum site size (Rule 17.7.5.2)	<i>Potential circumstances ~~or mitigation measures~~ {RR cl.16} that may support a consent application:</i> a. The parent site contains significant topographical features such as water bodies or human-made features such as roads or rail corridors which make meeting the minimum site size impractical. <i>Relevant guidance from other sections (priority considerations):</i> b. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.

Rule 17.12 Assessment of Non-complying Activities

Rule 17.12.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 17.12.2 - 17.12.6 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. Rules 17.12.2 - 17.12.6 apply as follows: {RR cl.16}
 - a. Rule 17.12.2 applies to all non-complying activities;
 - b. Rule 17.12.3 applies to non-complying land use activities;
 - c. Rule 17.12.4 applies to non-complying development activities;
 - d. Rule 17.12.5 applies to non-complying subdivision activities; and
 - e. Rule 17.12.6 applies to non-complying performance standard contraventions. {RR cl.16}
4. With respect to section 104(2) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural residential zones.
5. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

17.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities, including but not limited to the activities listed below {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 17.2.1, 17.2.2, 17.2.3, 17.2.4 b. The activity is consistent with the strategic directions. including but not limited to: i. Objective 2.2.4 ii. Objective 2.7.1 <i>General assessment guidance:</i> c. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. <i>Relevant guidance from other sections (priority considerations):</i> d. <u>For activities taking place within the radio transmitters mapped area, see Section 5.10 for guidance on the assessment of resource consents in relation to management of reverse sensitivity effects on Radio New Zealand's facilities at 740 Highcliff Road and 35 Karetai Road. {NU 918.25}</u> e. <u>See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public. {Trans cl.16'}</u> f. <u>See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety {PHS cl.16}</u> g. <u>For activities that may have effects on biodiversity values, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1. {NatEnv 900.35}</u> h. <u>For activities adjacent to water bodies and the coast, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.2. {NatEnv 900.38}</u>

17.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. Commercial advertising	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c
2. • Cemeteries • Crematoriums • Landfills	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.
3. In the ONF or HNCC overlay zones : • Domestic animal boarding and breeding (not including dogs) • Forestry • Standard residential • Veterinary services - large animal practice • Visitor accommodation • <u>Emergency services</u> {CP 945.40}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to objectives 10.2.3 and 10.2.5 and effects related to natural character of the coast and landscape values.
4. In the hazard 1 (flood) {NH 73.4 and others} overlay zones (see Rule 17.3.6): • <u>Natural hazards</u> Potentially {NH cl.16} sensitive activities not permitted in rural residential zones. {NH 634.74} • <u>Natural hazards</u> Sensitive {NH cl.16} activities	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards.
5. In a wāhi tūpuna mapped area : • Forestry • Mining	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.

17.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
6. In an ASBV: <i>{NatEnv cl.16}</i>¹ • <u>Rural activities (except for rural ancillary retail, rural tourism and rural research)</u> <i>{NatEnv cl.16}</i> • <u>Residential activities (except for working from home)</u> <i>{NatEnv cl.16}</i> • <u>Early childhood education</u> <i>{NatEnv cl.16}</i> • <u>Commercial activities (except for stand-alone car parking)</u> <i>{NatEnv cl.16}</i> • <u>Industrial activities</u> <i>{NatEnv cl.16}</i> • <u>Major facility activities</u> <i>{NatEnv cl.16}</i>	<i>Relevant guidance from other sections (priority considerations):</i> a. <u>See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values.</u> <i>{NatEnv cl.16}</i>
7. In the SNL or NCC overlay zones: • <u>Emergency services</u> <i>{RR cl.16}</i>	<i>Relevant guidance from other sections (priority considerations):</i> a. <u>See Section 10.7 for guidance on the assessment of resource consents in relation to Objectives 10.2.3 and 10.2.5 and effects related to natural character of the coast and landscape values.</u> <i>{RR cl.16}</i>

¹ **NatEnv cl.16:** Areas of Significant Biodiversity Value (ASBVs) intersect with the rural residential zones, but the notified Plan omitted providing a link to the relevant rules for ASBVs. They were included correctly in the rural zones for reference. These rules have been added to clarify the rules that apply in ASBVs where these intersect with rural residential zones. This amendment is considered of minor consequence and made under Clause 16 of the RMA.

17.12.4 Assessment of non-complying development activities

Activity	Guidance on the assessment of resource consents
1. Demolition of a protected part of a scheduled heritage building or scheduled heritage structure	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects on heritage values.
2. In the ONF or HNCC overlay zones: - New buildings or structures - Additions and alterations <u>Indigenous vegetation clearance – large scale (HNCC overlay zone)</u> {NatEnv 958.106}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objectives 10.2.3 and 10.2.5 and effects related to natural character of the coast and landscape values.
3. In a wāhi tūpuna mapped area: - New buildings or structures ~~Earthworks ancillary to forestry~~ {EW cl.16¹} <u>Additions and alterations</u> {MW 1071.3}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua.
4. In an ASBV: {NatEnv cl.16²} <u>Indigenous vegetation clearance – large scale</u> {NatEnv cl.16}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values. {NatEnv cl.16}
5. In a dune system mapped area: <u>Hazard exclusion areas</u> {NH cl.16}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. {NH cl.16}

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

² **NatEnv cl.16:** Areas of Significant Biodiversity Value (ASBVs) intersect with the rural residential zones, but the notified Plan omitted providing a link to the relevant rules for ASBVs. They were included correctly in the rural zones for reference. These rules have been added to clarify the rules that apply in ASBVs where these intersect with rural residential zones. This amendment is considered of minor consequence and made under Clause 16 of the RMA.

17.12.5 Assessment of non-complying subdivision activities

Activity	Guidance on the assessment of resource consents
1. All other general subdivision in the Rural Residential 2 Zone	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 17.2.2 17.2.4 {RR cl.16} b. Further {RR cl.16} General subdivision of sites in the Rural Residential 2 Zone is avoided to maintain these sites for larger lifestyle blocks or hobby farms (small holdings) <u>unless it does not result in an increase in residential development potential</u> (Policy 17.2.4.4). {RR 301.1 and PO 919.1}
2. Cross lease, company lease and unit title subdivision	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 17.2.1 b. Cross lease, company lease and unit title subdivision is avoided in the rural residential zones unless it does not result in an increase in development potential beyond that which might be achieved through a general subdivision (Policy 17.2.1.6).
3. <u>In an ASBV: {NatEnv cl.16}</u> <u>All other general subdivision in the Rural Residential 2 Zone {NatEnv cl.16}</u> <u>Cross lease, company lease and unit title subdivision {NatEnv cl.16}</u>	<i>Relevant guidance from other sections (priority considerations):</i> a. <u>See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values. {NatEnv cl.16}</u>

¹ **NatEnv cl.16:** Areas of Significant Biodiversity Value (ASBVs) intersect with the rural residential zones, but the notified Plan omitted providing a link to the relevant rules for ASBVs. They were included correctly in the rural zones for reference. These rules have been added to clarify the rules that apply in ASBVs where these intersect with rural residential zones. This amendment is considered of minor consequence and made under Clause 16 of the RMA.

17.12.6 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Density	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.6.1, Policy 2.6.1.4 b. Objective 17.2.1 c. Residential activity in the rural residential zone is at a density that enables lifestyle blocks {RR cl.16} and hobby farms (Policy 17.2.1.1 Policy 17.2.1.2 {RR cl.16}). <i>Relevant guidance from other sections (priority considerations):</i> d. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.

17.12.6 Assessment of non-complying performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
2.	Setback from National Grid	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.4 <u>5.2.2 {NU 918.29}</u> and effects related to the efficient and effective operation of network utilities, and public health and safety
3.	• Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5bD LAeq (15 min) or more • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
4.	Hazard exclusion areas (hazard overlays)	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards.
5.	Minimum site size	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.2.4 and 2.6.1 b. Policies 2.2.4.4 and 2.6.1.4 c. Objectives 17.2.2, 17.2.3, 17.2.4 d. Policies 17.2.2.8, 17.2.3.5, 17.2.4.2, 17.2.4.3 <i>Relevant guidance from other sections (priority considerations):</i> e. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.
6.	Archaeological sites (earthworks) {EW cl.16} ¹	See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.4 and effects related to the inappropriate development and use in Dunedin's archaeological sites.
7. {PO 447.113 and others}	<u>Family flats - Tenancy {PO 207.1 and 394.63}</u>	<i>Relevant objectives and policies (priority considerations): {PO 207.1 and 394.63}</i> a. <u>Strategic Directions: Objective 2.6.1, Policy 2.6.1.2 {PO207.1 and 394.63}</u> b. <u>Objective 17.2.1 {PO 207.1 and 394.63}</u> c. <u>The tenancy of family flats avoids, as far as practicable, the risk they will be used for a separate, non-ancillary residential activity and future pressure to subdivide off family flats (Policy 17.2.1.7) {PO 207.1 and 394.63}</u>

17.12.6 Assessment of non-complying performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
8. {NU 806.11}	<u>Shape (Rule 17.7.6.2.d) - setback of building platforms from National Grid {NU 806.11}</u>	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.2 and effects related to the <u>efficient and effective operation of network utilities, and reverse sensitivity.</u> {NU 806.11}
9. {NatEnv 900.77}	<u>In an ASBV:</u> • <u>Tree species {NatEnv 900.77}</u>	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to <u>biodiversity values.</u> {NatEnv 900.77}
10. {NatEnv 900.77}	<u>In the ONF Zone:</u> • <u>Tree species {NatEnv 900.77}</u>	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and the effects related to <u>landscape values.</u> {NatEnv 900.77}
11. {NatEnv 900.77}	<u>In the HNCC and NCC overlay zones:</u> • <u>Tree species {NatEnv 900.77}</u>	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and the effects related to <u>natural character of the coast.</u> {NatEnv 900.77}

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

Rule 17.13 Special Information Requirements

EW cl.16: As a clause 16 amendment, Rule 17.13.1 Geotechnical investigation report has been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

18. Commercial and Mixed Use Zones

18.1 Introduction

It is important for the economic and social success of Dunedin that it is a vibrant and exciting city. A vibrant city is lively and full of activity, due to a high level of pedestrian activity in the central city and centres and a wide range of activities occurring in these places. Key qualities that contribute to the success of the central city and centres are that there are attractions to encourage people to go there, that they are accessible (easy to get to and around) and that they are safe and enjoyable places to be.

To achieve a vibrant city it is important that Dunedin has an urban form that is accessible, clusters activities into walkable centres and a built form which supports pedestrian activity.

The key resource management issues that are being experienced or are anticipated in the commercial and mixed use zoned areas of Dunedin are:

- The retention and enhancement of the vitality and viability of the Central Business District and Centres is a key resource management issue for Dunedin City. There is a need to provide for a wide range of commercial, community, industrial and residential activities, at high densities in the CBD and centres in order to realise the social and economic agglomeration benefits that derive from the co-location of different activities.
- A need to provide a sufficient supply for the projected demand for retail and office space while avoiding an oversupply and decentralisation of activities, which could have adverse effects on the economic viability and vitality of the CBD.
- Different types of retail activity have different effects on the economic viability and vitality of the CBD and centres. For instance, having trade related and yard based retail in different parts of the city (including some areas currently zoned as Industrial) does not affect the vibrancy of centres in the same manner as general retail does. As such, a highly specific zoning response is necessary.
- While streetscape amenity values vary within the commercial and mixed use zones, land uses and development can have adverse effects on streetscape amenity values and it is important to maintain and enhance the existing amenity of all commercial areas, albeit to different levels.

There is the potential for conflicts to arise between different activities provided for within the commercial and mixed use zones as well as at the edges of the commercial and mixed use **{CMU cl.16}** zones (for instance between residential and noisier activities) and these need to be well managed.

In response to the issues, the ~~Second Generation Plan (2GP) Plan~~ **{PO cl.16}** ~~proposes to establish~~ a group of commercial and mixed use zone, which is the umbrella term used to refer to all **{CMU cl.16}** thirteen commercial and mixed use zones in the city. These zones provide for a hierarchy of centres, anchored around one Central Business District (CBD), which provides a focus for economic and employment growth, driven by:

- attraction of businesses to these areas based on density of activity in the area and higher visitation;
- opportunities for social interaction, exchange of ideas and business cooperation;
- public investment in public amenities and other infrastructure in the CBD; and
- opportunities for agglomeration benefits from the co-location of activities.

The CBD Zone is supported by six different types of commercial centres within the suburban and rural parts of the city. These zones are collectively known as the Central Business District and centres zones. In order to make sure these areas are attractive places to visit, a wide range of commercial, community and residential activities are provided for in the CBD and centres, with design controls on buildings and structures to ensure a safe and good quality streetscape environment, for people to spend time in, which has a high level of pedestrian amenity.

The centres hierarchy is supported by a group of other commercial and mixed use **{CMU cl.16}** zones which either surround the Central Business District or are more separated from the CBD. There are four zones within the CBD edge mixed use zone group, which are the Warehouse Precinct Zone (WP), Princes, Parry and Harrow Street **{CMU cl.16}** Zone (PPH), Smith Street and York Place Zone (SSYP) and Harbourside Edge Zone (HE). There are also two zones within the other commercial group of zones, which are the Trade Related Zone (TR) and CBD Edge Commercial zones (CEC).

These zones have characteristics (including built form, site size, land use activities and location) which make them distinct from each other and from the CBD and centres. A tailored range of land use activities and performance standards are applied to each zone. As such, the range of activities, the types of controls that are applied to development activities (including new buildings and site development activities) **{CMU cl.16}** and the expected level of amenity vary between the zones.

Where any of the commercial and mixed use zones adjoin residential or recreation zoned areas, performance standards are applied to these commercial zones to ensure the character and amenity of these more sensitive adjoining environments will be protected.

18.1.1 Zone descriptions

18.1.1.1 Central Business District (CBD) Zone

The Central Business District (CBD) Zone encompasses the central part of the city and extends northwards along George Street to Albany Street. It includes the Octagon and Moray Place, extends south along upper Princes Street to Hope Street, east to include the Dunedin Railway Station and Toitū Otago Settlers Museum and west to the Smith Street and York Place (SSYP) Zone. The CBD is the focus for employment, retail, entertainment, leisure, visitor accommodation and art and culture activities.

Most of the CBD also has a **primary pedestrian street frontage mapped area** or **secondary pedestrian street frontage mapped area** overlay **{CMU cl.16}** applied to it, to ensure the best possible streetscape environment for users, and is covered by a heritage precinct overlay to protect the distinctive character of the area. Performance standards are applied to protect the heritage **{CMU cl.16}** streetscape amenity character **{CMU cl.16}** and heritage **{CMU cl.16}** streetscape character, respectively, of these areas.

18.1.1.2 Centres Zones **{CMU cl.16}**

A range of different sized commercial centres are spread throughout the urban area of Dunedin and within outlying towns of the wider district. Principal, suburban and rural centre zones **{CMU cl.16}** provide hubs for social and economic activity for suburban and rural communities. The Principal Centre Zone includes are often **{CMU cl.16}** former pre-amalgamation town centres and is located at Green Island, Mosgiel, Port Chalmers and South Dunedin. The Suburban Centre Zone includes are located at **{CMU cl.16}** Caversham, Gardens, Mornington and Roslyn, and the Rural Centre Zone includes are located at **{CMU cl.16}** Outram, Middlemarch, Waikouaiti and Waitati.

There are also Neighbourhood Centre zones **{CMU cl.16}**, which provide for the day to day needs of individual neighbourhoods, with the Neighbourhood Destination Centre Zone **{CMU cl.16}** also servicing visitor needs, and the Neighbourhood Convenience Centre Zone **{CMU cl.16}** also servicing the needs of passing motorists. The Neighbourhood Centre Zone includes are located at **{CMU cl.16}** Andersons Bay Terminus, Brighton, Brockville, Corstorphine, Forbury, Helensburgh, Hillside, Larnach, Macandrew Bay, Maori Hill, Musselburgh, the southern part of Andersons Bay Road, the area adjoining the University and Wakari. The Neighbourhood Convenience Centre Zone includes are located at **{CMU cl.16}** Kaikorai North, Kaikorai South, North Dunedin and South Mosgiel; and the Neighbourhood Destination Centre Zone includes are located at **{CMU cl.16}** St Clair and Portobello.

Primary pedestrian street frontage mapped area and **secondary pedestrian street frontage mapped area** overlays **{CMU cl.16}** are applied within these centres and the Port Chalmers Chalmers Principal **{CMU cl.16}**

Centre Zone **{CMU cl.16}** also contains a heritage precinct protecting part of the centre.

18.1.1.3 Warehouse Precinct Zone (WP)

The Warehouse Precinct Zone adjoins the southern part of the CBD Zone and is bounded by Queens Gardens, Bond Street, Police Street and Cumberland Street. The zone provides for a mix of inner city living, visitor accommodation, conference, meeting and function, entertainment and exhibition, light industrial, restaurant and bulky goods and trade related and yard-based **{CMU cl.16}** retail activity. General retail and office activity is also provided for, if it occurs in scheduled heritage buildings, in order to encourage their restoration.

The entire zone is within a heritage precinct and has a **secondary pedestrian street frontage mapped area** applied to it.

18.1.1.4 Princes, Parry and Harrow Street Zone (PPH)

The Princes, Parry and Harrow Street Zone encompasses the lower southern **{CMU cl.16}** part of Princes Street and an area around Parry and Harrow Streets. The PPH Zone provides for a mix of inner-city residential living, training and education, visitor accommodation, industrial, trade and yard based retail activities.

Performance standards applied to this zone reflect the lower expectations for pedestrian amenity.

18.1.1.5 Smith Street and York Place Zone (SSYP)

The Smith Street and York Place Zone is a small zone adjoining the CBD. The SSYP Zone provides for visitor accommodation, training and education and residential activity in keeping with its existing character. Offices are also provided for where undertaken within scheduled buildings, to encourage their restoration.

Performance standards applied to this zone reflect the residential and commercial character of this zone.

18.1.1.6 Harbourside Edge Zone (HE)

The Harbourside Edge Zone encompasses an area adjoining Birch Street and Kitchener Street and extends to the waterfront. The zone provides for the continuation of the existing ~~industrial activity~~ industry **{Ind cl.16}**, while allowing for a transition toward a more mixed use environment by also providing for conference, meeting and function, entertainment and exhibition, restaurant, training and education, visitor accommodation, and residential activities and a limited amount of office activity. **{CMU 908.102}** In order to ensure an attractive place to live, work, and visit, new buildings within the HE Zone will be required, through a restricted discretionary resource consent process, to be designed and located to provide a high level of amenity. In addition, a performance standard requires the provision of public pedestrian access to and along the coast.

18.1.1.7 Trade Related Zone (TR)

The Trade Related Zone is an area around Andersons Bay Road which provides for large format food and beverage retail, trade related, and yard based retail as well as other specific categories of activities which generate high traffic volumes and require larger sites than are available within the CBD and centres. These characteristics mean that such retail types are likely to be incompatible with the amenity expectations of the CBD and centres. Performance standards applied to this zone reflect the more car-focused characteristics and the lower expectations for pedestrian amenity of this environment.

18.1.1.8 CBD Edge Commercial Zones **{CMU 551.13} (CEC)**

The ~~There are two~~ CBD Edge Commercial Zones: **{CMU 652.8 and 551.13}** Maclaggan, is an area around Cumberland and Crawford Streets which provides for specific categories of high traffic generating activities, large format general and food and beverage retail, bulky goods, trade related and yard based retail and visitor accommodation activities which are likely to be incompatible with the pedestrian amenity expectations of the CBD and may require larger sites than those available in the CBD. **{CMU 652.8 and 551.13}**

- an area south of the CBD (CEC – South Zone) around Cumberland Street that provides for large format food and beverage, bulky goods, trade related and yard based retail, as well as industry; and {CMU 652.8 and 551.13}
- an area to the north-east of the CBD (CEC – North Zone) between Hanover Street and Stuart Street. This area provides for all the activities in the CEC - South Zone, as well as additional activities, including hospital and office activity. The additional activities are provided due to its closer proximity to the main retail area and Dunedin Hospital. {CMU 652.8 and 551.13}

18.2 Objectives and Policies

Objective 18.2.1

Dunedin has a well-structured and economically and socially successful range of commercial and mixed use environments based on:

- a. the CBD, which is the focus for employment, retail, entertainment, leisure, visitor accommodation, and arts and culture activities;
- b. vibrant and viable principal centre **{CMU cl.16}**, suburban and rural centre zones **{CMU cl.16}**, which provide hubs for social and economic activity for rural, suburban and principal communities;
- c. Neighbourhood Centre Zone **{CMU cl.16}**, which provides for the day to day needs of local areas, with the Neighbourhood **{CMU cl.16}** Destination Centre Zone **{CMU cl.16}** also servicing visitor needs, and the Neighbourhood **{CMU cl.16}** Convenience Centre Zone **{CMU cl.16}** also servicing the needs of passing motorists;
- d. a range of mixed use zones (WP, PPH, SSYP and HE zones) around the edge of the CBD, which provide for a compatible mix of inner-city living, commercial, and light industrial activities;
- e. an area south of the CBD (CEC – South Zone), which provides for high trip generators, large format general retail and bulky goods retail which are likely to be incompatible with the amenity expectations of the CBD and which may require larger sites than available in the CBD; {CMU 551.13 and 652.8}
- f. an area to the north-east of the CBD (CEC – North Zone), similar to the CEC - South but also containing a mix of activities which support the adjoining CBD and Hospital zones; {CMU 551.13 and 652.8}
- g. an area around Andersons Bay Road (TR Zone), which provides for trade related retail and specific categories of high traffic trip **{CMU cl.16}** generators, which are likely to be incompatible with the amenity expectations of the CBD; and
- h. ~~an area around Maclaggan, Cumberland and Crawford Streets (CEC Zone), which provides for specific categories of high traffic generators, large format general retail and bulky goods retail which are likely to be incompatible with the amenity expectations of the CBD and may require larger sites than available in the CBD; and {CMU 551.13}~~
- i. an area around Birch and Kitchener Streets and the coast (HE Zone) which provides for the continuation of the existing environment characterised by industrial activity, while allowing for a transition toward a vibrant and attractive place to live, work and visit by also providing for conference, meeting and function, entertainment and exhibition, restaurant, visitor accommodation, training and education {CMU 308.292} and residential activities.

Policy 18.2.1.1	Provide for a wide range of commercial, residential and community activities in the CBD and all centres {CMU cl.16} zones in order to encourage economically and socially {CMU 317.25} vibrant and viable centres.

Policy 18.2.1.2	~~Enable Limit general retail and office activities in to the CBD and centres zones Zone and principal, suburban, neighbourhood and rural centres and restrict their establishment in other commercial and mixed use zones {CMU 908.102}~~ in order to maintain the vibrancy of existing centres, unless as provided for by Policy 18.2.1.3 or Policy 13.2.1.9. {CMU 908.102}

Objective 18.2.1

Policy 18.2.1.3	Avoid retail and office activities <u>in areas outside of the commercial areas</u> where they are <u>not</u> provided for unless: {CMU 308.294} a. it is an ancillary and secondary component of a retail or office activity that is undertaken in a scheduled heritage building as provided for by Policy 13.2.1.9 on the same or adjacent site; or b. there is a significant and sustained increase in the amount of retail activity across the city and it <u>can be has been</u> {PO cl.16} demonstrated that as a result there is a medium to longer term under-supply of retail land across all the areas where general retail is provided for; or c. in the HE Zone, it is associated with port, industrial or marine related activities operating in the area; or d. in the PPH Zone it is associated with campus <u>activities activity</u> {PO cl.16}; ~~or~~ e. ~~e. in the CEC Zone it is associated with campus or hospital activities.~~ {CMU 652.8}
Policy 18.2.1.4	Provide for food and beverage retail: a. in the CBD and centres; and b. where 1500m² or more in gross floor area, in the CEC and TR zones.
Policy 18.2.1.5	Provide for bulky goods <u>retail</u> {CMU cl.16} and large format retail in the CEC and WP zones in recognition that often these activities require larger sites than are available in the CBD and centres.
Policy 18.2.1.6	Provide for trade related <u>retail</u> {CMU cl.16} and yard based retail to locate in the TR, PPH and CEC zones in recognition that often these activities require a built form that cannot meet the requirements within the CBD and centres, and their location in these areas is unlikely to detract from the vibrancy and vitality of the CBD and centres.
Policy 18.2.1.7	Limit the scale of retail ancillary to industry to a size that: a. is clearly subordinate to and part of the operation of the primary industrial <u>industry</u> {Ind cl.16} activity; b. does not conflict with objectives 2.3.2 and 2.4.3; and c. does not create adverse effects on other industrial <u>industry</u> {Ind cl.16} activities, for example from traffic, parking, or reverse sensitivity effects {PO 1046.5}.
Policy 18.2.1.8	Limit the scale of activities in neighbourhood and rural centres to ensure activities: a. are not a destination retail activity designed to attract customers from across suburbs, which are more appropriately located in the CBD or other central city commercial <u>and mixed use</u> {CMU cl.16} zones; and b. do not dominate the centre and reduce the diversity of different activities that are able to establish there.
Policy 18.2.1.9	Provide for licensed premises where these are ancillary to activities that are provided for in the zone, including: a. bottle shops where food and beverage retail or dairies are provided for; and b. taverns and bars where restaurants are provided for; except in neighbourhood centres (see Policy ~~18.2.1.10~~ <u>18.2.2.9</u> {CMU cl.16}).
Policy ~~18.2.1.10~~ {CMU cl.16}	~~Only allow ancillary licensed premises in neighborhood centres, where adverse effects on the character and amenity of adjacent residential activities and the surrounding neighbourhood, can be avoided or, if avoidance is not possible, adequately mitigated.~~ {CMU cl.16}

Objective 18.2.1

Policy 18.2.1.11	Provide for hospital activity in the ~~Cumberland Street part of the CEC - North Zone~~ , to allow for the extension <u>relocation</u> of Dunedin Hospital into this zone. {CMU 551.13 and others}
Policy 18.2.1.12	Limit the gross floor area of dairies in the ~~WP, SSYP, HE, and PPH zones~~ {CMU cl.16} to a size that reflects these activities operating as a local convenience store rather than a destination supermarket.
Policy 18.2.1.13	Only allow food and beverage retail in the WP and PPH zones where the activity is of a size, and designed in a manner, to service the local area and not operate as a destination retailer for other parts of the city.
Policy 18.2.1.14	Avoid industrial activities in the SSYP Zone due to its residential character.
Policy 18.2.1.15	Avoid service stations, restaurant - drive through and yard based retail in the CBD, SSYP, HE and WP zones unless: a. they are designed and located to meet the built form expectations of the zone, as set out in the development activities performance standards; b. any drive-through components will not be accessed or visible from the primary pedestrian street frontage mapped area (see Policy 18.2.3.11) {CMU 634.35}; and c. there are no, or only insignificant, adverse effects on streetscape and pedestrian amenity from vehicle movements.
Policy 18.2.1.16	~~Provide for Enable~~ training and education in the CBD, all centres, <u>CEC North Zone</u> , {CMU 652.8} and WP, PPH, SSYP and HE zones to enable tertiary (including <u>campus institutions the University of Otago and Otago Polytechnic</u>) {Trans cl.16} and specialist education providers.
Policy 18.2.1.17	Avoid conference, meeting and function or entertainment and exhibition ~~outside the CBD, WP, HE and main centres (principal, suburban or rural centre) in the NEC, NECC, SSYP, PPH and CEC zones~~ {CMU cl.16} unless: a. it is ancillary to visitor accommodation; or b. it has specific operational requirements that require it to locate ~~outside the CBD, WP, HE or a main centre in these zones~~ {CMU cl.16}.
Policy 18.2.1.18	Only allow restaurants outside the CBD, WP, HE and centres where the activity is not of a scale or nature that is more appropriate to locate in the CBD, centres, WP or HE because: a. it is unlikely to contribute to the vibrancy and vitality of those zones; and b. it has specific operational requirements that do not fit with those locations.
Policy 18.2.1.19 {CMU 713.6}	~~Provide for restaurants ancillary to trade related retail or food and beverage retail where they are designed to only service people engaged in the primary activity and are unlikely to attract significant patronage outside this purpose.~~ {CMU 713.6}

¹ **CMU cl.16:** Removed as it duplicates Policy 18.2.2.9

Objective 18.2.2

The potential for conflict between activities within the commercial and mixed use zones and in adjoining zones, including ~~between residential activity and noisier activities, and between activities within the commercial and mixed use zones and sensitive land uses in adjoining residential and recreation zones~~ **{CMU 1024.4}** is minimised, as far as practicable, **{PO 906.34 and 308.497}** through adequate separation distances and other mitigation measures which ensure:

- a. the amenity of adjoining residential and recreation zoned sites is maintained; and
- b. the potential for reverse sensitivity effects ~~from more sensitive land uses (for example residential activities) on other permitted activities in the commercial and mixed use zones~~ **{PO 1046.5}** is minimised as far as practicable **{PO 906.34 and 308.497}**.

Policy 18.2.2.1	Require fencing along property boundaries that adjoin residential or school zoned ~~sites~~ properties {CMU cl.16} to be of an adequate height and design to provide screening for the purposes of privacy and security.
Policy 18.2.2.2	Only allow ~~restaurants, and~~ {CMU cl.16} conference, meeting and function, ~~restaurants~~ {CMU cl.16} and entertainment and exhibition ancillary to visitor accommodation in the PPH and SSYP zones where: a. the activities are secondary to the visitor accommodation activity; and b. any adverse effects on the amenity of surrounding residential activities, from noise, anti-social behaviour, or other effects ~~can~~ <u>will</u> {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated; and c. the potential for reverse sensitivity ~~on any activities that are provided for, such as industrial activities,~~ {PO 1046.5} ~~can~~ <u>will</u> {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated.
Policy 18.2.2.3	Require ~~development to maintain the amenity of adjoining residential, school and recreation zoned sites by:~~ <u>buildings to be of a height in relation to boundary, and setback from side and rear boundaries, that maintains a reasonable level of sunlight access for:</u> {CMU cl.16} a. ~~requiring buildings to be of a height in relation to boundaries and set back from side boundaries that maintains a reasonable level of sunlight access to current and future residential buildings and their outdoor living spaces in~~ {CMU cl.16} adjoining residential and recreation zoned sites <u>zones;</u> {CMU cl.16} and b. ~~require fencing along property boundaries which adjoin residential or school zoned properties to provide screening for the purposes of privacy and security:~~ <u>sites in the recreation and school zones</u> {CMU cl.16}
Policy 18.2.2.4	Only allow restaurants - drive through and service stations in <u>commercial and mixed use</u> {CMU 634.36} zones that provide for residential activity or on sites adjoining a residential zone; {CMU 634.36} where any <u>significant</u> {CMU 634.36} adverse effects on the amenity of <u>existing</u> {CMU 634.36} residential activities ~~can be~~ <u>are</u> avoided or, if avoidance is not possible, adequately mitigated <u>mitigated as far as practicable</u> . {CMU 634.36}
Policy 18.2.2.5	Avoid crematoriums in all commercial and mixed use zones that provide for residential activity, because of the potential adverse social and cultural effects on activities that are provided for in these zones.

Objective 18.2.2

Policy 18.2.2.6	Avoid early childhood education and residential <u>activities</u> in the CEC <u>South Zone</u> {CMU 997.68 and 997.69} and TR zones, and visitor accommodation in the TR Zone; <u>unless the because of the overall low amenity of these zones and the potential for</u> {CMU 997.68 and 997.69} reverse sensitivity effects on the operation of activities that are provided for in these zones <u>is insignificant</u> {CMU 997.68 and 997.69} .
Policy 18.2.2.7	Only allow community and leisure - large scale and visitor accommodation in neighbourhood centre <u>zones</u> {CMU cl.16} (other than the Neighbourhood Destination Centre <u>Zone</u> {CMU cl.16}) where the adverse effects on the amenity of surrounding residential activities <u>can will</u> {PO cl.16} be avoided or, if avoidance is not <u>possible practicable</u> {PO 908.3 and others} , adequately mitigated.
Policy 18.2.2.8	Only allow early childhood education <u>and residential activity</u> in the CBD, centres, CEC - North <u>and CBD edge mixed use zones</u> {CMU 997.69} in locations where their establishment will not constrain (have reverse sensitivity effects on) activities that are provided for in the commercial and mixed use zone
Policy 18.2.2.9	Only allow ancillary licensed premises in the NECC and NEC <u>zones</u> {CMU cl.16} where the adverse effects on the amenity of adjacent residential activities and the surrounding neighbourhood <u>can will</u> {PO cl.16} be avoided or, if avoidance is not <u>possible practicable</u> {PO 908.3 and others} , adequately mitigated.
Policy 18.2.2.10 {CMU 899.10}	<u>Only allow visitor accommodation in the CEC - South Zone where the potential for reverse sensitivity will be avoided or, if avoidance is not practicable, adequately mitigated.</u> {CMU 899.10}
Policy 18.2.2.11 {CMU 1024.4}	<u>Only allow residential activity in the Speights buffer mapped area where the potential for reverse sensitivity will be avoided or, if avoidance is not practicable, adequately mitigated.</u> {CMU 1024.4}

¹ **CMU cl.16:** Aspects of this policy that relate to fencing are deleted as they duplicate 18.2.2.1

Objective 18.2.3

Land use and development maintains or enhances the amenity of the streetscape, including the visual and environmental amenity for pedestrians along identified **pedestrian street frontage mapped areas**.

Policy 18.2.3.1	Require development to maintain or enhance streetscape amenity in all commercial and mixed use zones, by ensuring: a. an attractive street interface is maintained through landscaping where buildings are not built to the street frontage; b. large parking areas which are visible from the street are visually broken up with internal landscaping, which also provides for rainwater absorption; c. service areas and outdoor storage areas associated with industrial or other activities are not visible from ground level of a public place; and d. ~~building height reflects the general heights of the block;~~ and {CMU 417.10} e. an architecturally interesting façade through building modulation and use of glazing.

Objective 18.2.3

Land use and development maintains or enhances the amenity of the streetscape, including the visual and environmental amenity for pedestrians along identified **pedestrian street frontage mapped areas**.

Policy 18.2.3.2	Require buildings along a primary pedestrian street frontage mapped area to be located, designed and operated to provide a high level of pedestrian amenity by: - providing a continual frontage of buildings along the street, apart from pedestrian alleyways; - providing a clear and direct visual connection between the street and the building interior; - providing a direct physical connection to the building interior through clearly identified pedestrian entrances on the highest order pedestrian street frontage mapped area; - providing shelter for pedestrians on footpaths, in the form of a verandah; - being of a height that maintains existing sunlight access to footpaths and public open spaces; - providing an architecturally interesting façade and human scale design, through building modulation and consistent alignment of windows; - being designed to have commercial activities at the ground floor, with an adequate ground floor to ceiling height to accommodate these activities; and - providing customer-facing activities on the ground floor.
Policy 18.2.3.3	Require buildings in a secondary pedestrian street frontage mapped area to provide a good level of pedestrian amenity by: - providing a regular frontage of buildings along the street, with limited interruptions for vehicle accesses; - providing a clear and direct visual connection between the street and the building interior; - providing an architecturally interesting façade and human scale design, through building modulation and consistent alignment of windows; and - providing shelter for pedestrians at pedestrian entrances.
Policy 18.2.3.4	Require new buildings and additions and alterations to buildings in the Harbourside Edge Zone to be designed and located to provide a high level of amenity by: - being built to the street frontage along the entire length of Birch Street, and for no less than 60% of the street frontage on Kitchener Street, <u>except for:</u> {CMU 908.101} <u>any setbacks required to allow pedestrian entrances; and</u> {CMU 908.101} <u>the provision of amenity space for customers or residents at the front of buildings:</u> {CMU 908.101} - including appropriate building modulation, window alignment, use of glazing, floor height, colour, architectural detail to provide visual interest and a human-scale design; - being of a design that is coherent, appropriate to the setting and history of the area, and providing a positive relationship to both the street and the harbour; and - having active edges with strong visual and physical connections from the street to the inside of buildings.

Objective 18.2.3

Land use and development maintains or enhances the amenity of the streetscape, including the visual and environmental amenity for pedestrians along identified **pedestrian street frontage mapped areas**.

Policy 18.2.3.5	Require development in the Harbourside Edge Zone to be designed and located to provide a high level of amenity by: a. requiring public pedestrian access to and along the coast that is attractive, safe, durable, and readily accessible to the public; b. ensuring the design and location of on-site car parking does not compromise streetscape or harbour amenity; and {CMU 908.101} c. ensuring building and site development activities {CMU cl.16} incorporate the principles of CPTED; and {CMU 908.101} d. <u>maintaining viewshafts from Roberts Street and Kitchener Street to and across the Steamer Basin.</u> {CMU 908.101}
Policy 18.2.3.6	Require fences visible from public places to be designed to maintain or enhance streetscape amenity.
Policy 18.2.3.7	Limit the size and number of ancillary signs to ensure they are able to convey information about the name, location and nature of the business to passing pedestrians and vehicles while not being oversized or too numerous for that purpose.
Policy 18.2.3.8	Require car parking (including stand-alone car parking) in a primary pedestrian street frontage mapped area to be located behind or within buildings with a customer-facing function (for example retail) adjoining the street.
Policy 18.2.3.9	Avoid land use activities (including stand-alone car parking) that require buildings or site design that is incompatible with: a. the high level of pedestrian streetscape amenity expected for the location in a primary pedestrian street frontage and secondary pedestrian street frontage; and b. the higher level of urban neighbourhood amenity anticipated in the HE, SSYP and WP zones.
Policy 18.2.3.10	Require industrial activities to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigate any adverse effects on streetscape amenity, by locating any part of the industrial operation that involves machinery or metal work within a part of a building that does not include any doors or windows that open to a primary pedestrian street frontage mapped area or secondary pedestrian street frontage mapped area .
Policy 18.2.3.11 {CMU 634.35}	Only allow restaurant – drive through and service stations alongside a primary pedestrian street frontage or secondary pedestrian street frontage, where the drive-through component will not be visible or accessed from these pedestrian street frontages: {CMU 634.35}
Policy 18.2.3.12 {CMU 417.10}	Require buildings and structures to be of a height that: {CMU 417.10} a. <u>reflects the general heights of the block;</u> and CMU 417.10} b. <u>minimises as far as practicable adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula, including through the use of quality and contextually appropriate architectural design.</u> {CMU 417.10}

Objective 18.2.3

Land use and development maintains or enhances the amenity of the streetscape, including the visual and environmental amenity for pedestrians along identified **pedestrian street frontage mapped areas**.

Policy 18.2.3.13 { NU cl.16 }	Require network utility structures – small scale to be of a design, location and scale that maintains a high level of pedestrian amenity in pedestrian street frontage mapped areas . { NU cl.16 }
Policy 18.2.3.X { CMU 551.13 }	Require buildings and additions and alterations, as part of the Dunedin Hospital redevelopment to maintain or enhance streetscape amenity by ensuring: { CMU 551.13 } a. the use of verandahs where appropriate; and CMU 551.13 b. buildings and structures above 20m minimise as far as practicable adverse effects of shading and wind on pedestrian amenity. { CMU 551.13 }

¹ **NU cl.16:** As a clause 16 amendment, the maximum volume of network utility structures - small scale in **pedestrian street frontage mapped areas** is now managed via a new Policy 18.2.3.13. In the notified provisions, this was managed via Policy 5.2.1.5. This does not result in a substantive change to provisions.

EW cl.16: As a clause 16 amendment, Objective 18.2.4 and its policies have been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

Rules

18.3 Activity Status

18.3.1: Rule location

The activity status tables in rules **{CMU cl.16}** 18.3.3 to 18.3.7 specify the activity status of land use activities, development activities, and subdivision activities in the commercial and mixed use zones and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

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

18.3.2 Activity status introduction

1. The activity status tables in rules 18.3.3 to 18.3.7 show the activity status of activities in the commercial and mixed use zones and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

Additional activity status rules in hazard overlay zones

6. For the purpose of the hazards provisions, activities are categorised as natural hazards **{NH cl.16}** sensitive activities, natural hazards **{NH cl.16}** potentially sensitive activities or natural hazards **{NH cl.16}** least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
7. In ~~hazard 1 or the Hazard 2 (flood)~~ **{NH cl.16}** Overlay Zones, the activity statuses in Rule 18.3.8 apply to the following activities:
 - a. ~~new~~ **{NH 908.3}** natural hazards **{NH cl.16}** sensitive activities;
 - b. natural hazards potentially sensitive activities; and **{NH cl.16}**
 - c. some new buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area. **{NH. cl.16}**

8. Where the activity status in Rule 18.3.8 differs from that in rules 18.3.3 - 18.3.7, the most restrictive activity status always applies.
9. In addition to the rules in Rule 18.3.8, performance standards for development activities within hazard overlay zones are included in rules 18.3.3 - 18.3.7.
10. Activities in a hazard overlay zone must comply with all of the rules in 18.3.3 - 18.3.7.

Performance Standards

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

¹ **NH cl.16::** The content from Table 18.3.6 has been moved to Table 18.3.X, with the exception that columns a and c have been removed, pursuant to clause 16. Column a was removed as there is no intersect between the Hazard 1 (flood) Overlay Zone and the commercial and mixed use zones. Column c was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are show in the new location.

Legend

Acronym	Activity-status Meaning {PO cl.16}
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
Central Business District and Centres Zones (Centres Hierarchy)	
CBD	Central Business District Zone
PC	Principal Centre Zone
SC	Suburban Centre Zone
RC	Rural Centre Zone
NEC	Neighbourhood Centre Zone
NECC	Neighbourhood Convenience Centre Zone
NEDC	Neighbourhood Destination Centre Zone
CBD Edge Mixed Use Zones	
WP	Warehouse Precinct Zone
PPH	Princes, Parry and Harrow Street Zone
SSYP	Smith Street and York Place Zone
HE	Harbourside Edge Zone
Other Commercial Zones	
TR	Trade Related Zone
~~CEC~~ {CMU cl.16}	~~CBD Edge Commercial zones~~ {CMU cl.16}
~~CEC-N~~ {CMU cl.16}	~~CBD Edge Commercial North Zone~~ {CMU cl.16}
~~CEC-S~~ {CMU cl.16}	~~CBD Edge Commercial South Zone~~ {CMU cl.16}
Pedestrian Street Frontage Mapped Areas	
PPF	Primary Pedestrian Street Frontage Mapped Area
SPF	Secondary Pedestrian Street Frontage Mapped Area
Hazard Overlay Zones	
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones

18.3.3 Activity status table - land use activities (Central Business District and Centres)

1.	Performance standards that apply to all land use activities	a. Acoustic insulation (noise sensitive activities) b. Electrical interference c. Light spill d. Location e. Noise f. Maximum gross area floor of centre {CMU cl.16} (NEC, NECC, NEDC and RC only) g. Setback from National Grid (<u>National Grid</u> sensitive activities only) {NH cl.16}			
Commercial activities		Activity status			Performance standards
		a. CBD	b. PC/SC/RC/NEDC	c. NECC/NEC	
2.	Ancillary licensed premises	Same activity status as underlying activity		D	
3.	Conference, meeting and function	P	P	NC	i. Minimum car parking
4.	Commercial advertising	NC	NC	NC	
5.	Entertainment and exhibition	P	P	NC	i. Minimum car parking
6.	Office	P	P	P	i. Minimum car parking (registered health practitioners)
7.	Retail (except yard based retail)	P	P	P	i. Minimum car parking ii. Minimum vehicle loading
X.	<u>Retail ancillary to industry {CMU cl.16²}</u>	P	P	P	i. <u>Maximum gross floor area of retail ancillary to industry {CMU cl.16}</u>
8.	Yard based retail	NC	P	P	i. Minimum car parking ii. Minimum vehicle loading (centres)
9.	Restaurants	P	P	P	
10.	Restaurant - drive through	NC	D	D	
11.	Service stations	NC	Ø <u>RD {CP 634.109}</u>	Ø <u>RD {CP 634.109}</u>	i. Service station standards ii. <u>Minimum car parking {Trans 634.107}</u>
12.	Stand-alone car parking	P	P	P	
13.	Visitor accommodation	P	P	RD	i. Minimum car parking ii. Minimum vehicle loading
Community activities		a. CBD	b. PC/SC/RC/NEDC	c. NECC/NEC	Performance standards

14.	Community and leisure - small scale	P	P	P	i. Minimum car parking
15.	Community and leisure - large scale	P	P	RD	i. Minimum car parking
16.	Conservation	P	P	P	
17.	Early childhood education	RD	RD	RD	i. Minimum car parking
18.	Sport and Recreation	P	P	P	i. Minimum car parking
Residential activities		a. CBD	b. PC/SC/RC/NEDC	c. NECC/NEC	Performance standards
19.	All activities in the residential activities category	P	P	P	i. Minimum car parking ii. Location
Industrial activities		a. CBD	b. PC/SC/RC/NEDC	c. NECC/NEC	Performance standards
20.	All activities in the industrial activities category	P	P	P	i. Location of industrial activities
Major facility activities		a. CBD	b. PC/SC/RC/NEDC	c. NECC/NEC	Performance standards
21.	Emergency services	~~RD~~ <u>P</u> {CP 945.49}	~~RD~~ <u>P</u> {CP 945.49}	~~RD~~ <u>P</u> {CP 945.49}	i. <u>Minimum car parking</u> {CP 945.49}
22.	All other activities in the major facility activities category	NC	NC	NC	
Rural activities		a. CBD	b. PC/SC/RC/NEDC	c. NECC/NEC	Performance standards
23.	All activities in the rural activities category	NC	NC	NC	

¹ **CMU cl.16:** This performance standard applies to the activity. A link has been added to the activity status table as a cl.16 amendment.

² **CMU cl.16:** This activity has been separated from 'Retail' for plan clarity. No substantive change.

18.3.4 Activity status table - land use activities (CBD edge mixed use zones)

1.	Performance standards that apply to all land use activities					a. Acoustic insulation (noise sensitive activities) b. Electrical interference c. Light spill d. Location e. Noise f. Setback from nNational gGrid (National Grid sensitive activities only) {NH cl.16}
Commercial activities		Activity status				Performance standards
		a. WP	b. PPH	c. SSYP	d. HE	
2.	Ancillary licensed premises	Same activity status as underlying activity				
3.	Bulky goods retail	P	NC	NC	NC	i. <u>Minimum car parking</u> {CMU cl.16} ii. Minimum vehicle loading (WP) {CMU cl.16}
4.	Conference, meeting and function	P	NC	NC	P	i. Minimum car parking (HE) {CMU cl.16}
5.	Commercial advertising	NC	NC	NC	NC	
6.	Dairies	P	P	P	P	i. Maximum gross floor area of dairies {CMU cl.16}
7.	Entertainment and exhibition	P	NC	NC	P	i. Minimum car parking (HE) {CMU cl.16}
8.	Food and beverage retail	D	D	NC	NC	
9.	General retail in a scheduled heritage building	P	NC	NC	NC	i. Minimum car parking (WP) {CMU cl.16} ii. Minimum vehicle loading (WP) {CMU cl.16}
10.	General retail not in a scheduled building and less than 1500m² in gross floor area	NC	NC	NC	NC	
11.	General retail not in a scheduled building and 1500m² or more in gross floor area	P	NC	NC	NC	i. Minimum car parking ii. Minimum vehicle loading (WP-only) {CMU cl.16}
12.	Training and education	P	P	P	P	

13.	Office in a scheduled heritage building	P	NC	P	NC P { CMU 908.102 }	i. <u>Maximum gross floor area of office activity in HE Zone {CMU 908.102}</u>	
14.	Office not in a scheduled heritage building	NC	NC	NC	NC P { CMU 908.102 }	i. <u>Maximum gross floor area of office activity in HE Zone {CMU 908.102}</u>	
15.	Restaurants	P	D	D	P	i. Minimum car parking (HE) { CMU cl.16 }	
16.	Restaurant - drive through	NC	D	NC	NC		
17.	Retail ancillary to industry	P	P	NC	P	i. <u>Maximum gross floor area of retail ancillary to industry {CMU cl.16}</u>	
18.	Service stations	NC	Ø RD { CP 634.38 }	NC	NC	i. Service station standards ii. <u>Minimum car parking {Trans 634.107}</u>	
19.	Stand-alone car parking	P	P	P	P		
20.	Trade related retail	P	P	NC	NC	i. Minimum car parking (PPH) { CMU cl.16 }	ii. Minimum vehicle loading (WP & PPH) { CMU cl.16 }
21.	Visitor accommodation	P	P	P	P	i. Minimum car parking ii. ~~Acoustic insulation (new visitor accommodation activities in the WP and PPH zones only)~~ { CMU cl.16 }	iii. ~~Minimum vehicle loading (WP & HE)~~ { CMU cl.16 }
22.	Conference, meeting and function and entertainment and exhibition ancillary to visitor accommodation	P	RD	RD	P	i. Minimum car parking	
23.	Yard based retail	NC	P	NC	NC	i. Minimum car parking (PPH) { CMU cl.16 }	ii. Minimum vehicle loading (PPH) { CMU cl.16 }
Community activities		a. WP	b. PPH	c. SSYP	d. HE	Performance standards	
24.	Community and leisure - small scale	P	P	P	P	i. Minimum car parking	

25.	Community and leisure - large scale	P	P	P	P	i. Minimum car parking
26.	Conservation	P	P	P	P	
27	Early childhood education	RD	RD	RD	RD	i. Minimum car parking (SSYP) {CMU cl.16}
28	Sport and recreation	P	P	P	P	i. Minimum car parking
Residential activities		a. WP	b. PPH	c. SSYP	d. HE	Performance standards
29	All activities in the residential activities category	P	P	P	P	i. Minimum car parking ii. Location {CMU cl.16} ¹
Industrial activities		a. WP	b. PPH	c. SSYP	d. HE	Performance standards
30	All activities in the industrial activities category	P	P	NC	P	i. Minimum car parking (PPH & HE) {CMU cl.16} ii. Minimum vehicle loading (PPH & HE) {CMU cl.16}
Major facility activities		a. WP	b. PPH	c. SSYP	d. HE	Performance standards
31	Emergency services	~~RD P~~ {CP 945.49}	~~RD P~~ {CP 945.49}	~~RD P~~ {CP 945.49}	~~RD P~~ {CP 945.49}	i. <u>Minimum car parking</u> {CP 945.49}
32	All other activities in the major facility activities category	NC	NC	NC	NC	
Rural activities		a. WP	b. PPH	c. SSYP	d. HE	Performance standards
33	All activities in the rural activities category	NC	NC	NC	NC	

¹ **CMU cl 16:** Link to performance standard not necessary

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

18.3.5 Activity status table - land use activities (Trade Related Zone and CBD Edge Commercial Zones)

1.	Performance standards that apply to all land use activities				a. Acoustic insulation (noise sensitive activities) b. Electrical interference c. Light spill d. Noise e. Setback from a National Grid (National Grid sensitive activities only) {NH cl.16}
Commercial activities		Activity status			Performance standards
		a. CEC - North {CMU 551.13 and 652.8}	X. CEC - South {CMU 551.13 and 652.8}	b. TR	
2.	Ancillary licensed premises	Same activity status as underlying activity			
3.	Bulky goods retail	P	P	NC	i. Minimum car parking (CEC) {CMU cl.16} ii. Minimum vehicle loading (CEC) {CMU cl.16}
4.	Conference, meeting and function	NC	NC	NC	
5.	Commercial advertising	NC	NC	NC	
6.	Dairies	P	P	P	i. <u>Maximum gross floor area of dairies</u> {CMU cl.16}
7.	Entertainment and exhibition	NC	NC	NC	
8.	Food and beverage retail less than 1500m ² in gross floor area	NC	NC	NC	
9.	Food and beverage retail 1500m ² or more in gross floor area	P	P	P	i. Minimum car parking ii. Minimum vehicle loading
10.	Office	NC P {CMU 652.8}	NC	NC	
11.	General retail less than 1500m ² 750m ² {CMU 211.6} in gross floor area	NC	NC	NC	

12.	General retail 1500m ² <u>750m² {CMU 211.6}</u> or more in gross floor area	P	P	NC	i. Minimum car parking (CEG) {CMU cl.16} ii. Minimum vehicle loading (CEG) {CMU cl.16}
13.	Restaurants ancillary to trade related retail {CMU 713.6}	D	D	Ø P {CMU 713.6}	i. <u>Maximum gross floor area</u> <u>of restaurants in the Trade</u> <u>Related Zone</u> {CMU 713.6} ii. <u>Location of ancillary</u> <u>restaurants in the Trade</u> <u>Related Zone</u> {CMU 713.6}
Z.	Restaurants ancillary to food and beverage retail 1,500m ² or more in gross floor area {CMU 713.6}	D	D	Ø P {CMU 713.6}	i. <u>Maximum gross floor area</u> <u>of restaurants in the Trade</u> <u>Related Zone</u> {CMU 713.6} ii. <u>Location of ancillary</u> <u>restaurants in the Trade</u> <u>Related Zone</u> {CMU 713.6}
X.	All other restaurants {CMU 713.6}	D	D	D	
14.	Restaurant - drive through	RD	RD	RD	
15.	Retail ancillary to industry	P	P	P	i. Maximum gross floor area <u>of retail ancillary to industry</u> {CMU cl.16}
16.	Service stations	RD	RD	RD	i. Service station standards ii. <u>Minimum car parking</u> {Trans 634.107}
17.	Stand-alone car parking	P	P	P	
18.	Trade related retail	P	P	P	i. Minimum car parking (TR) {CMU cl.16} ii. Minimum vehicle loading
19.	Visitor accommodation	P	P D {CMU 899.10}	NC	i. Minimum car parking (CEG) {CMU cl.16} ii. Minimum vehicle loading (CEG) {CMU cl.16}
20.	Yard based retail	P	P	P	i. Minimum car parking
Community activities		a. CEC - North {CMU 551.13 and 652.8}	X. CEC - South {CMU 551.13 and 652.8}	b. TR	Performance standards
21.	Early childhood education	NC D {CMU 997.68}	NC	NC	

22.	Community and leisure - small scale	P	P	P	i. Minimum car parking
23.	Community and leisure - large scale	P	P	P	i. Minimum car parking
24.	Conservation	P	P	P	
25.	Sport and recreation	P	P	P	i. Minimum car parking
Residential activities		a. CEC - <u>North {CMU 551.13 and 652.8}</u>	b. CEC - <u>South {CMU 551.13 and 652.8}</u>	b. TR	Performance standards
26.	All activities in the residential activities category	~~NC~~ <u>D {CMU 997.69}</u>	NC	NC	
Industrial activities		a. CEC - <u>North {CMU 551.13 and 652.8}</u>	b. CEC - <u>South {CMU 551.13 and 652.8}</u>	~~b. c.~~ TR	Performance standards
27.	All activities in the industrial activities category	P	<u>P</u>	P	i. Minimum car parking ii. Minimum vehicle loading
Major facility activities		a. CEC - <u>North {CMU 551.13 and 652.8}</u>	b. CEC - <u>South {CMU 551.13 and 652.8}</u>	~~b. c.~~ TR	Performance standards
28.	Emergency services	~~RD~~ <u>P {CP 945.49}</u>	~~RD~~ <u>P {CP 945.49}</u>	~~RD~~ <u>P {CP 945.49}</u>	i. <u>Minimum car parking {CP 945.49}</u>
<u>Y.</u>	<u>Hospital {CMU 551.13}</u>	~~NC~~ <u>RD {CMU 551.13}</u>	NC	NC	
29.	All other activities in the major facility activities category	NC	NC	NC	
Rural activities		a. CEC - <u>North {CMU 551.13 and 652.8}</u>	b. CEC - <u>South {CMU 551.13 and 652.8}</u>	~~b. c.~~ TR	Performance standards
30.	All activities in the rural activities category	NC	<u>NC</u>	NC	

¹ **CMU 551.13:** Was part of 'all other activities in the major facilities category' in notified plan

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

18.3.6 Activity status table - development activities

1.	Performance standards that apply to all development activities	a. Boundary treatments and other landscaping b. <u>Natural Hazards Performance Standards</u> ~~Hazard overlay zones development standards~~ {NH cl.16} c. ~~Setback from coast and water bodies~~ {NatEnv cl.16} d. ~~Setback from national grid~~ {NU cl.16} e. Setback from scheduled tree f. ~~Standards~~ Harbourside Edge Zone <u>Standards</u> (HE Zone only) {CMU cl.16}	
2.	Performance standards that apply to all buildings and structures activities	a. Fire fighting b. Height in relation to boundary c. ~~Maximum~~ {CMU cl.16} Height d. Number, location and design of ancillary signs e. <u>Setback from coast and water bodies</u> {NatEnv cl.16} f. <u>Setback from National Grid</u> {NU cl.16}	
3.	Performance standards that apply to all new buildings and additions and alterations to buildings	a. Minimum glazing and building modulation b. Minimum ground floor to ceiling height c. Pedestrian entrances d. Verandahs e. <u>Setback from road boundaries</u> {CMU cl.16'} f. <u>Setback from boundaries of residential or recreation zoned sites</u> {CMU cl.16'} g. <u>Parking, loading and access standards</u> (buildings that contain car parks only) {CMU cl.16'}	
New buildings and additions and alterations to buildings within the Harbourside Edge Zone		Activity status	Performance standards
4.	New buildings and additions and alternations to buildings not visible from an adjoining public place or the harbour	P	
5.	New buildings and additions and alterations to buildings that are visible from an adjoining public place, or the harbour	RD	

Buildings and structures activities not in a heritage precinct, or in a heritage precinct but not visible from an adjoining public place excluding activities affecting a protected part of a scheduled heritage building or a scheduled heritage structure - see rows 20-25		Activity status	Performance standards
X.	<u>New buildings and additions and alterations to buildings as part of the Dunedin Hospital redevelopment {CMU 551.13}</u>	P RD {CMU 551.13}	
6.	New <u>All other new {CMU 551.13}</u> buildings and additions and alterations to buildings	P	a. ~~Parking, loading and access standards (buildings that contain car parks only)~~ {CMU cl.16}
7.	Fences	P	a. Fence height and design
8.	All other <u>new {PO cl.16}</u> structures	P	
Buildings and structures activities in a heritage precinct that are visible from an adjoining public place		Activity status	Performance standards
9.	New buildings	RD	a. Parking, loading and access standards (buildings that contain car parks only) b. Building colour
10.	Repair and maintenance of a non character-contributing building	P	
11.	Repair and maintenance of a character-contributing building or non-protected part of a scheduled heritage building	P	a. Materials and design b. Building colour
12.	Earthquake strengthening or restoration of a character-contributing building or non-protected parts of a scheduled heritage building	P	a. Materials and design b. Building colour
13.	Demolition or removal for relocation of: a. a character-contributing building b. a non-protected part of a scheduled heritage building; or c. a non character-contributing building that adjoins the road frontage.	RD	
14.	Additions and alterations to a character-contributing building or non-protected part of a scheduled heritage building other than earthquake strengthening or restoration	RD	a. Building colour
AA.	<u>Signs attached to buildings or structures {Her cl. 16}</u>	P	

15.	All other {Her cl.16} additions and alterations to a non character-contributing building that involve: • an increase in the footprint of 10m² or more {Her cl.16}; or • an increase in the height of the building by more than 2m.	RD C {Her 308.358}	a. <u>Building colour</u> {CMU cl.16}
16.	All other additions and alterations to non character-contributing buildings	P	a. Building colour
17.	Fences	P	a. Fence height and design
18.	All other <u>new</u> {PO cl.16} structures up to 2.5m tall and 2m ² floor-area footprint {PO cl.16}	P	
19.	<u>New</u> {PO cl.16} structures greater than 2.5m tall and 2m ² floor-area footprint {PO cl.16}	RD	
Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		Activity status	Performance standards
20.	Repairs and maintenance	P	a. Materials and design
21.	Restoration 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}	a. Materials and design
<u>Y.</u>	<u>Restoration of all other scheduled heritage buildings and structures</u> {Her 547.91}	P	a. Materials and design
22.	Earthquake strengthening where external features only are protected	C	a. Materials and design
<u>Z.</u>	<u>Signs attached to buildings or structures</u> {Her cl. 16}	P	
23.	All other additions and alterations	RD	
24.	Demolition	NC	
25.	Removal for relocation	RD	
Development activities on a scheduled heritage site, where visible from an adjoining public place or a public place within the heritage site		Activity status	Performance standards
26.	<u>New</u> {Her cl.16} structures no more than 2.5m high or 2m ² footprint	P	
27.	All other <u>new</u> {PO cl.16} structures	RD	
28.	New buildings	RD	

29.	Parking, loading and access	RD	a. Parking, loading and access standards
Site development activities in all areas (except as covered by rows 26-29 above)		Activity status	Performance standards
30.	Earthworks – <i>small-scale</i> {EW cl.16 ³ }	P	a. Earthworks standards
31.	Earthworks – <i>large-scale</i> {EW cl.16 ³ }	RD	a. Earthworks standards
32.	Parking, loading and access	P	a. Parking, loading and access standards b. <u>Location and screening of car parking</u> {CMU cl 16 ¹ }
33.	New <u>or additions</u> to parking areas, ~~or extensions to existing parking areas~~ that result in the ~~creation of~~ {Trans cl.16} 50 or more new parking spaces.	RD	a. Location and screening of <u>car</u> {CMU cl.16} parking b. Parking, loading and access standards
34.	Outdoor storage	P	a. Location and screening of outdoor storage
35.	Vegetation clearance	P	
36.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements b. <u>Setback from coast and water bodies</u> {NatEnv cl.16}
37.	All other site development activities	P	a. ~~Location and screening of car parking~~ {CMU cl 16 ¹ }

¹ **CMU cl.16:** This performance standard applies to the activity. A link has been added to the activity status table as a cl. 16 amendment.

² **CMU cl.16:** This performance standard cross-reference has been moved to apply to all new buildings and additions and alterations to buildings as the performance standard also applies to car parking within buildings

³ **EW cl.16:** As a clause 16 amendment, all earthworks provisions in management and major facility zones have been moved to a new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

⁴ **CMU cl.16:** The link to the performance standard has been moved to Rule 18.3.6.32

⁵ **PO cl.16:** Floor area is replaced by footprint (which is now defined) to improve plan clarity as a minor and inconsequential amendment.

⁶ **Her cl.16:** Added for plan clarity.

⁷ **Her cl.16:** Rule restructured as a result of change to definition of additions and alterations and new definition of signs attached to buildings and structures. No substantive change to provisions.

Note 18.3B.6A - General advice

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

18.3.7 Activity status table - subdivision activities

Subdivision activities		Activity status (all CMU zones)	Performance standards
1.	Subdivision activities	RD	a. Access b. Esplanade reserves and strips c. Fire fighting d. Service connections e. Shape

Note 18.3.7A - Other RMA considerations **{PO 490.4}**

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

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

Activity {NH cl.16}		a. Haz1 {NH cl.16}	b. Haz2 {NH cl.16}	c. Haz3 {NH cl.16}
1- {NH cl.16}	Potentially sensitive activities permitted in commercial and mixed-use zones {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}	— {NH cl.16}
2- {NH cl.16}	Potentially sensitive activities not permitted in commercial and mixed-use zones {NH cl.16}	NG {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}
3- {NH cl.16}	Sensitive activities {NH cl.16}	NG {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}
4- {NH cl.16}	In a hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, <i>which create more than 1m² of new ground floor area</i> {NH cl.16}	RD {NH cl.16}	— {NH cl.16}	— {NH cl.16}
5- {NH cl.16}	In a hazard 1 or 2 overlay zone, other than the hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, <i>which create more than 60m² of new ground floor area</i> {NH cl.16}	— {NH cl.16}	RD {NH cl.16}	— {NH cl.16}

¹ **NH cl. 16:** The content from Table 18.3.8 has been moved to Table 18.3.X, with the exception that column c has been removed, pursuant to clause 16. This was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are shown in the new location.

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

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

Note 18.3.8A - ~~Guidance on existing use rights applying to land use activities in hazard overlay zones~~
Other RMA considerations {CMU cl.16}

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

Accordingly, these activities will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 18.3.X. **{NH 634.81}** However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of the land use activity.

18.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or section 95B of the Act RMA, **{CMU cl.16}** unless Council considers special circumstances exist in relation to the application that require public notification:
 1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
 2. contravention of the materials and design **{Her cl.16}** performance standard (Rule 13.3.2) 'Materials and design' **{Her cl.16}** where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided for the following:
 1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand; and
 2. contraventions of the materials and design **{Her cl.16}** performance standard (Rule 13.3.2) 'Materials and design' **{Her cl.16}** where the building or structure is listed by Heritage New Zealand.
3. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A(2) **{PO cl.16}** of the RMA:
 1. ~~demolition of a protected part of a scheduled heritage building or scheduled heritage structure;~~ **{Her 308.362}**
 2. ~~new driveways from vehicle accesses onto a road with~~ **{CMU cl.16}** a **primary pedestrian street frontage mapped area** (PPF);
 3. ~~contraventions of the Harbourside Edge Zone Standards~~ **{CMU cl.16}** performance standard '(Rule 18.6.18.3) to 18.6.18.6 'Standards Harbourside Edge' **{CMU 908.101}**; and
 4. It is likely that applications for the following performance standard contraventions will be publicly notified:
 1. acoustic insulation;
 2. light spill;
 3. noise; and
 4. setback from National Grid.
4. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. all restricted discretionary activities that list 'effect on cultural values of Manawhenua as a matter for discretion; and
 2. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4.
5. With respect to sections 95D(b) and 95E(2)(a) of the RMA, Council will not consider retail as a permitted activity in scheduled heritage buildings as part of the permitted baseline in considering the effects of discretionary or non-complying activities in the Warehouse Precinct Zone.
6. ~~In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons:~~ **{PO cl.16}**
7. With respect to resource consent applications for the following activities, the Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where their written approval is not

provided:

1. activities in the Hazard 1 or 1A **{NH 908.37}** (flood) overlay zones; and
 2. activities in **swale mapped areas**. **{NH cl.16³}**
8. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

¹ **PO cl.16:** Resource Legislation Amendment Act 2017.

² **PO cl.16:** Clause removed as superfluous.

³ **NH cl.16:** This rule was notified as Rule 11.8.3 in the Natural Hazards Section but has been transferred to this section for clarity. This does not result in a substantive change to the effect of provisions.

18.5 Land Use Performance Standards

18.5.1 Acoustic Insulation

Noise sensitive activities in the following areas must comply with Rule 9.3.1:

1. within 20m of an industrial zone;
2. within 70m of a railway line;
3. within 40m of a state highway;
4. Central Business District (CBD) Zone;
5. Warehouse Precinct (WP) Zone;
6. Harbourside Edge (HE) Zone; and
7. Princes, Parry and Harrow Street (PPH) Zone; and
8. CEC – North Zone. {CMU 551.13}

18.5.2 Electrical Interference

Land use activities must comply with Rule 9.3.2.

18.5.3 Light Spill

Land use activities must comply with Rule 9.3.5.

18.5.4 Location

18.5.4.1 Location of activities within pedestrian street frontage mapped areas

- a. In a **primary pedestrian street frontage mapped area**, activities on the ground floor facing the street frontage, must be retail, restaurants, or entertainment and exhibition, except for entrances, lobbies and accessways that service activities on upper floors.
- b. In a **secondary pedestrian street frontage mapped area**, residential activities must not occupy the ground floor of buildings facing the street frontage.
- c. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

18.5.4.2 Location of industrial activities

- a. Within all commercial and mixed use zones, except trade related and CBD edge commercial zones, any part of an industrial industry {Ind cl.16} activity that involves machinery or metal work must be located within a part of a building that does not include any doors or windows that open to a **primary pedestrian street frontage mapped area** or **secondary pedestrian street frontage mapped area**.
- b. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

18.5.4.3 Location of restaurant drive-through and service stations

- a. Restaurant - drive through and service stations must not have vehicle access from a **primary pedestrian street frontage mapped area**.
- b. Activities that contravene this performance standard are a non-complying activity.

18.5.4.4 Location of ancillary restaurants in the Trade Related Zone {CMU 713.6}

- a. For restaurants ancillary to food and beverage retail 1,500m² or more in gross floor area, or to trade related retail, all customer access must be internal to a building, except for emergency-only access/egress. {CMU 713.6}

- b. Activities that contravene this performance standard are discretionary activities. {CMU 713.6}

18.5.4.5 Location of residential activities {CMU 1024.4}

- a. New residential activities or residential buildings must not be located within the **Speights buffer mapped area.** {CMU 1024.4}
- b. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

18.5.4.6 Location (hazard facility mapped area) {PHS 906.1}

Activities must comply with Rule 9.3.8. {PHS 906.1}

18.5.5 Maximum Gross Floor Area

18.5.5.1 Maximum gross area of centre {CMU cl.16}

- a. An individual land use activity must not occupy more than 50% of the gross area of a neighbourhood or rural centre.
- b. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

18.5.5.2 Maximum gross floor area of dairies

- a. The maximum gross floor area for dairies is 200m² (includes any area occupied for storage) {PO cl.16¹}.
- b. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

¹ **PO cl.16:** Qualifier deleted as this is included in the new definition of gross floor area.

18.5.5.3 Maximum gross floor area of retail ancillary to industry

- a. Retail ancillary to industry must not occupy more than 10% of the gross floor area of the industrial industry {Ind cl.16} activity.
- b. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

18.5.5.4 Maximum gross floor area of office activity in the Harbourside Edge Zone {CMU 908.102}

- a. The cumulative gross floor area of office activity in the Harbourside Edge Zone must not exceed 6,000m². {CMU 908.102}
- b. No more than 3,000m² of gross floor area of office activity may be located outside the area covered by designation D214, unless the Otago Regional Council designation allowing office activity on this site is uplifted. {CMU 908.102}
- c. Office activity that is ancillary to port, industry or marine-related activity is exempt from this standard. {CMU 908.102}
- d. Office activity that contravenes this performance standard is a non-complying activity. {CMU 908.102}

18.5.5.5 Maximum gross floor area of restaurants in the Trade Related Zone {CMU 713.6}

- a. The maximum gross floor area of restaurants ancillary to food and beverage retail 1,500m² or more in gross floor area, or to trade related retail, in the Trade Related Zone is 100m² {CMU 713.6}
- b. Activities that contravene this performance standard are discretionary activities. {CMU 713.6}

18.5.6 Minimum Car Parking

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

Activity {Trans cl.16}		Minimum parking rate {Trans cl.16}
Commercial activities {Trans cl.16}		
1-	All Retail (1500m ² or more in gross public floor area) {Trans cl.16}	In CBD and CEC zones: 1 parking space per 25m ² of gross public floor area {Trans cl.16}
2- {Trans cl.16}	All Retail (500m ² or more in gross public floor area) {Trans cl.16}	In centres and WP zones: 1 parking space per 25m ² of gross public floor area {Trans cl.16}
3- {Trans cl.16}	Bulky goods retail {Trans cl.16}	In CEC: 1 parking space per 50m ² gross public floor area {Trans cl.16}
4- {Trans cl.16}	Conference, meeting and function {Trans cl.16}	In centres zones and HE zone: 1 parking space for every 5 persons the facility can accommodate at any one time {Trans cl.16}
5- {Trans cl.16}	Entertainment and exhibition (capacity for greater than 20 persons at any one time) {Trans cl.16}	In centres zones and HE zone: 1 parking space for every 5 persons the facility can accommodate at any one time {Trans cl.16}
6- {Trans cl.16}	Food and beverage retail (1500m ² or more in gross public floor area) {Trans cl.16}	In TR zone: 1 parking space per 20m ² gross public floor area {Trans cl.16}
7- {Trans cl.16}	Registered health practitioners {Trans cl.16}	In centres zones: 2 parking spaces for every registered health practitioner {Trans cl.16}
8- {Trans cl.16}	Restaurants {Trans cl.16}	In HE zone: 1 parking space per 30m ² of gross public floor area {Trans cl.16}
9- {Trans cl.16}	Trade related retail {Trans cl.16}	In PPH and TR zones: 1 parking space per 75m ² of gross floor area {Trans cl.16}
10- {Trans cl.16}	Yard based retail {Trans cl.16}	In PPH and TR zones: {Trans cl.16} a. 1 parking space per 100m ² gross public floor area (inside buildings) {Trans cl.16} b. 1 parking space per 400m ² of outdoor display area {Trans cl.16}

Activity {Trans cl.16'}		Minimum parking rate {Trans cl.16}
11. {Trans cl.16}	Visitor accommodation {Trans cl.16}	a. In CBD, centres, WP, PPH, SSYP, CEC and HE zones: 1 parking space per 6 visitor accommodation units, where the activity is based on guest rooms (e.g. hotels) {Trans cl.16} b. In CBD, centres, WP, PPH, SSYP, CEC and HE zones: 1 parking space per 3 visitor accommodation units, where the activity is based upon units (e.g. motels) {Trans cl.16}
Community activities {Trans cl.16}		
12. {Trans cl.16}	Community and leisure {Trans cl.16}	In centres, PPH, SSYP, CEC, TRZ and HE zones: 1 parking space for every 5 persons the facility can accommodate at any one time {Trans cl.16}
13. {Trans cl.16}	Early childhood education – small scale {Trans cl.16}	In CBD, centres and SSYP zones: {Trans cl.16} a. 1 parking space per 5 full time equivalent staff members, and; {Trans cl.16} b. 1 parking space for parent/guardian use per 6 children the activity is licensed for {Trans cl.16}
14. {Trans cl.16}	Sport and recreation (with capacity for greater than 20 persons at any one time) {Trans cl.16}	In centres, PPH, SSYP, CEC, TRZ and HE zones: 1 parking space for every 5 persons the facility can accommodate at one time {Trans cl.16}
Residential activities {Trans cl.16}		
15. {Trans cl.16}	Rest homes {Trans cl.16}	In centres, SSYP, PPH and HE zones: 1 parking space for every 3 beds {Trans cl.16}
16. {Trans cl.16}	Retirement villages {Trans cl.16}	In centres, SSYP, PPH and HE zones: 1 parking space for every residential unit {Trans cl.16}

Activity {Trans cl.16¹}		Minimum parking rate {Trans cl.16}
47- {Trans cl.16}	Standard residential {Trans cl.16}	In centres, HE, PPH and SSYP zones: {Trans cl.16} a. 1–5 habitable rooms on a site: 1 parking space {Trans cl.16} b. 6–8 habitable rooms on a site: 1 ~~2~~ {Trans 360.2} parking space {Trans cl.16} c. Greater than 8 habitable rooms on a site: 2 parking spaces plus 1 space for every 4 habitable rooms (or part thereof) {Trans cl.16} d. Except: {Trans cl.16} i. where sites with less than 5 habitable rooms have no existing parking, no additional parking is required for additions that increase the number of habitable rooms to 5 (or fewer), provided no additional residential units are created; and {Trans cl.16} ii. where the provision of an on-site parking space for sites with 1-5 habitable rooms would result in the loss of an on-street parking space, no parking space is required: {Trans cl.16}
48- {Trans cl.16}	Student hostels {Trans cl.16}	In centres, HE, PPH and SSYP zones: {Trans cl.16} a. hostels with 1 – 10 residents: 1 parking space {Trans cl.16} b. hostels with 11 – 20 residents: 2 parking spaces {Trans cl.16} c. hostels with 21 – 30 residents: 3 parking spaces {Trans cl.16} d. hostels with greater than 30 residents: 3 parking spaces plus 1 additional space for every 10 additional residents (or part thereof) {Trans cl.16}
Industrial activities {Trans cl.16}		
49- {Trans cl.16}	Industry {Trans cl.16}	a. In HE, CEC and PPH zones: 1 parking space per 100m² gross floor area for activities {Trans cl.16} b. In TR zone: 1 parking space per 75m² gross floor area {Trans cl.16}

¹ **Trans cl 16:** Rule reformatted into a new table.

Activity	Zone	Minimum parking rate
Commercial activities		

Activity		Zone	Minimum parking rate
a.	Conference, meeting and function	i. PC/SC/RC/NEDC/HE	1 parking space for every 5 persons the facility can accommodate at any one time
b.	Entertainment and exhibition (capacity for greater than 20 persons at any one time)	i. PC/SC/RC/NEDC/HE	1 parking space for every 5 persons the facility can accommodate at any one time
c.	Registered health practitioners	i. PC/SC/RC/NEDC/NECC/NEC	2 parking spaces for every registered health practitioner
d.	Restaurants	i. HE	1 parking space per 30m ² of gross public floor area
e.	Bulky goods retail	i. <u>CBD/ {Trans 211.3}</u> CEC – North/CEC - South	1 parking space per 50m ² of gross public floor area
		ii. Centres/WP (500m ² or more in gross public floor area)	1 parking space per 25m ² of gross public floor area
f.	Food and beverage retail	i. CBD/ CEC – North/ CEC – South (1500m ² or more in gross public floor area)	1 parking space per 25m ² of gross public floor area
		ii. Centres (500m ² or more in gross public floor area)	
		iii. TR (1500m ² or more in gross public floor area)	1 parking space per 20m ² of gross public floor area
g.	<u>Service Stations {Trans 634.107}</u>	i. Centres/PPH/TR/CEC – North/CEC - South {Trans 634.107}	<u>1 parking space per 40m² of gross public floor area {Trans 634.107}</u>
h.	Trade related retail	i. CBD (1500m ² or more in gross public floor area)	1 parking space per 25m ² of gross public floor area
		ii. Centres (500m ² or more in gross public floor area)	
		iii. <u>WP/CEC – North/ CEC – South {Trans 489.8}</u> /PPH/TR	1 parking space per 75m ² of gross public floor area

Activity		Zone	Minimum parking rate
i.	Yard based retail	i. Centres (500m ² or more in gross public floor area) ii. CEC – North/ CEC - South (1500m ² or more in gross public floor area) iii. PPH/TR	1 parking space per 25m ² of gross public floor area 1. 1 parking space per 100m ² gross public floor area (inside buildings) 2. 1 parking space per 400m ² of outdoor display area
j.	General Retail	i. CBD (1500m ² or more in gross public floor area) ii. WP/Centres (500m ² or more in gross public floor area) iii. CEC – North/ CEC- South (~~1500m²~~ <u>750m²</u> {CMU 211.6} or more in gross public floor area)	1 parking space per 25m ² of gross public floor area
m.	Visitor accommodation	i. CBD/Centres/WP/PPH/SSYP and HE zones ii. ~~CEC – South~~ <u>CEC – North</u> {CMU 899.10} (1500m ² or more in gross public floor area)	1. 1 parking space per 6 visitor accommodation units, where the activity is based on guest rooms (e.g. hotels) 2. 1 parking space per 3 visitor accommodation units, where the activity is based upon units (e.g. motels)
Community Activities			
n.	Community and leisure	i. Centres/PPH/SSYP/CEC/TR and HE	1 parking space for every 5 persons the facility can accommodate at any one time
o.	Early childhood education - small scale	i. CBD/Centres and SSYP	1. 1 parking space per 5 full time equivalent staff members, and 2. 1 parking space for parent/guardian use per 6 children the activity is licensed for
p.	Sport and recreation (with capacity for greater than 20 persons at any one time)	i. Centres/PPH/SSYP/CEC/TR and HE	1 parking space for every 5 persons the facility can accommodate at one time
Residential activities			
q.	Rest homes	i. Centres/SSYP/PPH and HE	1 parking space for every 3 beds
r.	Retirement villages	i. Centres/SSYP/PPH and HE	1 parking space for every residential unit

Activity		Zone	Minimum parking rate
s.	Student hostels	i. Centres/HE/PPH and SSYP	1. hostels with 1 – 10 residents: 1 parking space {Trans cl.16} 2. hostels with 11 – 20 residents: 2 parking spaces {Trans cl.16} 3. hostels with 21 – 30 residents: 3 parking spaces {Trans cl.16} 4. hostels with greater than 30 residents: 3 parking spaces plus 1 additional space for every 10 additional residents (or part thereof) {Trans cl.16} <u>1 parking space for every 10 residents (or part thereof) {Trans cl.16}</u> <u>except student hostels within 500m of the Campus Zone which are managed as part of the overall campus parking requirements. {Trans 308.296}</u>
t.	Standard residential	i. Centres/HE/PPH and SSYP	1. 1 - 5 habitable rooms on a site: 1 parking space 2. 6 - 8 habitable rooms on a site: 4 parking spaces {Trans 360.2} 3. Greater than 8 habitable rooms on a site: 2 parking spaces plus 1 space for every 4 habitable rooms (or part thereof) 4. Except: 1. where sites with less than 5 habitable rooms have no existing parking, no additional parking is required for additions that increase the number of habitable rooms to 5 (or fewer), provided no additional residential units are created; and {Trans 927.6} 2. where the provision of an on-site parking space for sites with 1-5 habitable rooms would result in the loss of an on-street parking space, no parking space is required; and 3. <u>in centres, no parking space is required where an existing building is converted to residential activity with fewer than five habitable rooms. {Trans 927.6}</u>
Industrial Activities			

Activity		Zone	Minimum parking rate
u.	Industry	i. HE/CEC/PPH	1 parking space per 100m ² gross floor area
		ii. TR	1 parking space per 75m ² gross floor area
Major Facility Activities {CP 945.49}			
v.	Emergency Services {CP 945.49}	i. All zones {CP 945.49}	1. For fire stations: 5 parking spaces per fire engine bay. {CP 945.49} 2. For all other activities: 1 parking space per 100m ² gross floor area. {CP 945.49}

2. Activities other than standard residential must provide mobility parking spaces as follows:

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

3. Car parking must be provided on the same property as the activity except in the Harbourside Edge Zone where parking spaces must be provided within 200m walking distance of the activity, with all parking not on the same property as the activity provided as dedicated off-street parking for the activity through a lease agreement. {Trans 737.20}
4. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces.
5. Residential and office activities (excluding registered health practitioners) undertaken entirely within a scheduled heritage building do not need to provide any additional car parking other than what is already on site and may remove any car parking that does not meet the performance standard for location of car parking.
6. Parking spaces may be shared between land use activities (i.e. the same parking spaces may be used to fulfil the minimum parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap.
7. Where the minimum car parking performance standard results in the requirement for a fractional space, any fraction under one half will be disregarded and any fraction of one half or greater will be counted as one space.
8. For activities where the minimum car parking performance standard is based on the gross floor area of a building {CMU cl.16}, the following areas within the building {CMU cl.16} will be excluded from the assessment of gross floor area. , for the purpose of calculating the minimum car parking requirement {CMU cl.16}:
- any parking area and associated manoeuvring space, including parking {CMU cl.16} aisle; and
 - any loading area and associated manoeuvring space {CMU cl.16}.
9. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

Note 18.5.6A - Other relevant District Plan provisions

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

18.5.7 Minimum Vehicle Loading

1. Land use activities must provide the **{Trans cl.16}** on-site vehicle loading and manoeuvring as follows:

Zone		Activities	Minimum vehicle loading rate {Trans cl.16}
a.	CBD and centres zones	i. Retail activity (except yard based retail)	1. On sites which gain direct vehicular access to a {Trans cl.16} strategic road, arterial road and or {Trans cl.16} urban high density corridor or have a gross floor area of 500m ² or more: 1 loading space; {Trans cl.16} to accommodate an 8m rigid truck (See Rule 6.14 Appendix 6B {Trans cl.16} , Figure 6.14J 6B.10 {Trans cl.16})
		ii. Visitor accommodation	1. Visitor accommodation based on guest rooms (eg hotels) for 50 or more guest rooms: 1 loading space; {Trans cl.16} to accommodate the turning circle of {Trans cl.16} a coach (See Rule 6.14 Appendix 6B {Trans cl.16} , Figure 6.14J 6B.12 {Trans cl.16})
b.	Centres zones	i. Yard based retail	1. On sites which gain direct vehicular access to a {Trans cl.16} strategic road, arterial road and or {Trans cl.16} urban high density corridor, or have a gross floor area of 500m ² or more: 1 loading space; {Trans cl.16} to accommodate an 8m rigid truck (See Rule 6.14 Appendix 6B {Trans cl.16} , Figure 6.14J 6B.10 {Trans cl.16}).



Zone		Activities	Minimum vehicle loading rate <i>{Trans cl.16}</i>
c.	Warehouse Precinct <i>Zone {CMU cl.16}</i>	i. General retail (in a scheduled heritage building)	1. On sites which gain direct vehicular access to a <i>{Trans cl.16}</i> strategic road, arterial road and or <i>{Trans cl.16}</i> urban high density corridor or have a gross floor area of 500m ² or more: 1 loading space; <i>{Trans cl.16}</i> to accommodate an 8m rigid truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.10 <i>{Trans cl.16}</i>)
		ii. General retail (not in a scheduled heritage building and 1500m ² or more in gross floor area)	
		iii. Trade related retail	
		iv. Food and beverage retail <i>{CMU cl.16}</i>	
		v. Visitor accommodation	1. Visitor accommodation based on guest rooms (e.g. hotels) for 50 or more guest rooms: 1 loading space; <i>{Trans cl.16}</i> to accommodate the turning circle of <i>{Trans cl.16}</i> a coach (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.12 <i>{Trans cl.16}</i>)
		vi. Bulky goods retail	1. Activities with a gross floor area of less than 1000m ² : 1 loading space; <i>{Trans cl.16}</i> to accommodate an 8m rigid truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.10 <i>{Trans cl.16}</i>); 2. Activities with a gross floor area of 1000m ² or more: 1 loading space; <i>{Trans cl.16}</i> to accommodate a B Train Truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.11 <i>{Trans cl.16}</i>).

Zone		Activities	Minimum vehicle loading rate <i>{Trans cl.16}</i>
d.	CBD edge commercial zones <i>{CMU cl.16}</i>	i. General retail (1500m ² 750m ² <i>{CMU 211.6}</i> or more in gross floor area)	1. On sites which gain direct vehicular access to a <i>{Trans cl.16}</i> strategic road, arterial road and or <i>{Trans cl.16}</i> urban high density corridor: 1 loading space; <i>{Trans cl.16}</i> to accommodate an 8m rigid truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.10 <i>{Trans cl.16}</i>)
		ii. Trade related retail	
		iii. Industry	
		iv. Food and beverage retail (1500m ² or more in gross floor area).	
		v. Visitor accommodation (CEC - North) <i>{CMU cl.16}</i>	1. Visitor accommodation based on guest rooms (e.g. hotels) for 50 or more guest rooms: 1 loading space; <i>{Trans cl.16}</i> to accommodate the turning circle of <i>{Trans cl.16}</i> a coach (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.12 <i>{Trans cl.16}</i>)
		vi. Bulky goods retail	1. Activities with a gross floor area of less than 1000m ² : 1 loading space; <i>{Trans cl.16}</i> to accommodate an 8m rigid truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.10 <i>{Trans cl.16}</i>); 2. Activities with a gross floor area of 1000m ² or more: 1 loading space; <i>{Trans cl.16}</i> to accommodate a B Train Truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.11 <i>{Trans cl.16}</i>).
e.	Princes, Parry and Harrow Street Zone	i. Trade related retail	1. On sites which gain direct vehicular access to a <i>{Trans cl.16}</i> strategic road, arterial road and or <i>{Trans cl.16}</i> urban high density corridor, or have a gross floor area of 500m ² or more: 1 loading space; <i>{Trans cl.16}</i> to accommodate an 8m rigid truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.10 <i>{Trans cl.16}</i>).
		ii. Yard based retail	
		iii. Industry	
f.	Harbourside Edge Zone	i. Industry	1. 1 loading space; <i>{Trans cl.16}</i> to accommodate an 8m rigid truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.10 <i>{Trans cl.16}</i>).
		ii. Visitor accommodation	1. Visitor accommodation based on guest rooms (e.g. hotels) for 50 or more guest rooms: 1 loading space; <i>{Trans cl.16}</i> to accommodate the turning circle of <i>{Trans cl.16}</i> a coach (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.12 <i>{Trans cl.16}</i>)

Zone		Activities	Minimum vehicle loading rate <i>{Trans cl.16}</i>
g.	Trade Related Zone	i. Trade related retail	- On sites which gain direct vehicular access to a <i>{Trans cl.16}</i> strategic road, arterial road and or <i>{Trans cl.16}</i> urban high density corridor, with a gross floor area of 500m² or more: 1 loading space; <i>{Trans cl.16}</i> to accommodate an 8m rigid truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i>, Figure 6.14J 6B.10 <i>{Trans cl.16}</i>) - Activities with a gross floor area of less than 1000m²: 1 loading space; <i>{Trans cl.16}</i> to accommodate an 8m rigid truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i>, Figure 6.14J 6B.10 <i>{Trans cl.16}</i>) - Activities with a gross floor area of 1000m² or more: 1 loading space; <i>{Trans cl.16}</i> to accommodate an B Train Truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i>, Figure 6.14J 6B.11 <i>{Trans cl.16}</i>)
		ii. Food and beverage retail (1500m ² or more in gross floor area)	
		iii. Industry	

- Required vehicle loading must be designed and constructed to comply with Rule 6.6.2.
- Activities that contravene this performance standard are restricted discretionary activities. *{PO cl.16}*

18.5.8 Noise

Land use activities must comply with Rule 9.3.6.

18.5.9 Service Station Standards

Service stations must comply with Rule 6.7.1.

18.5.10 Setback from National Grid

National Grid Sensitive *{NH cl.16}* activities must comply with Rule 5.6.1.1.

18.6 Development Performance Standards

18.6.1 Boundary Treatments and Other Landscaping

1. A landscaping area with a minimum width of 1.5m must be provided along the full length of any street frontage road **{CMU cl.16}** boundary that does not have a building within 1.5m of that boundary (except for where vehicle access is provided).
2. Landscaping areas must:
 - a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
 - b. have an average of one tree for every 5m of frontage;
 - c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - d. be designed to allow surface water run-off from surrounding areas to enter;
 - e. be protected by a physical barrier that prevents cars from accidentally driving into or **{PO 360.213}** damaging plants;
 - f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a minimum **{PO 360.213}** height of 5m within 10 years of planting;
 - g. be planted prior to occupation ~~or completion~~ of any relevant building(s) or upon completion of site development activities **{CMU cl.16}**; and
 - h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any required road frontage landscaping required by this rule **{PO 360.213}**.
4. Within any parking areas greater than 200m² (excluding loading areas), a minimum of 1m² of additional landscaped area must be provided for every parking space, with an average of one tree per 10m² of landscaping. This standard does not apply to sites used for yard based retail or sites with a street frontage of 12m or less.
5. Fencing must be provided along any boundaries which adjoin a residential or school zoned property (excluding roads). Fencing must:
 - a. be constructed from solid timber paling; and
 - b. have vertical palings which are butted together; and
 - c. only have palings visible from the residential zone; and
 - d. be a minimum of 1.8m high.
6. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

Note 18.6.1A - Other requirements outside of the District Plan

1. The Dunedin City Council Commercial Use of Footpaths Policy applies to all objects placed on the footpath or suspended over it up to a height of 2.6m. Contact customer services on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.

18.6.2 Building Colour

New buildings, additions and ~~or~~ alterations to buildings, repairs and maintenance and earthquake strengthening in a commercial heritage precinct **{CMU cl.16}** must comply with Rule 13.3.1.

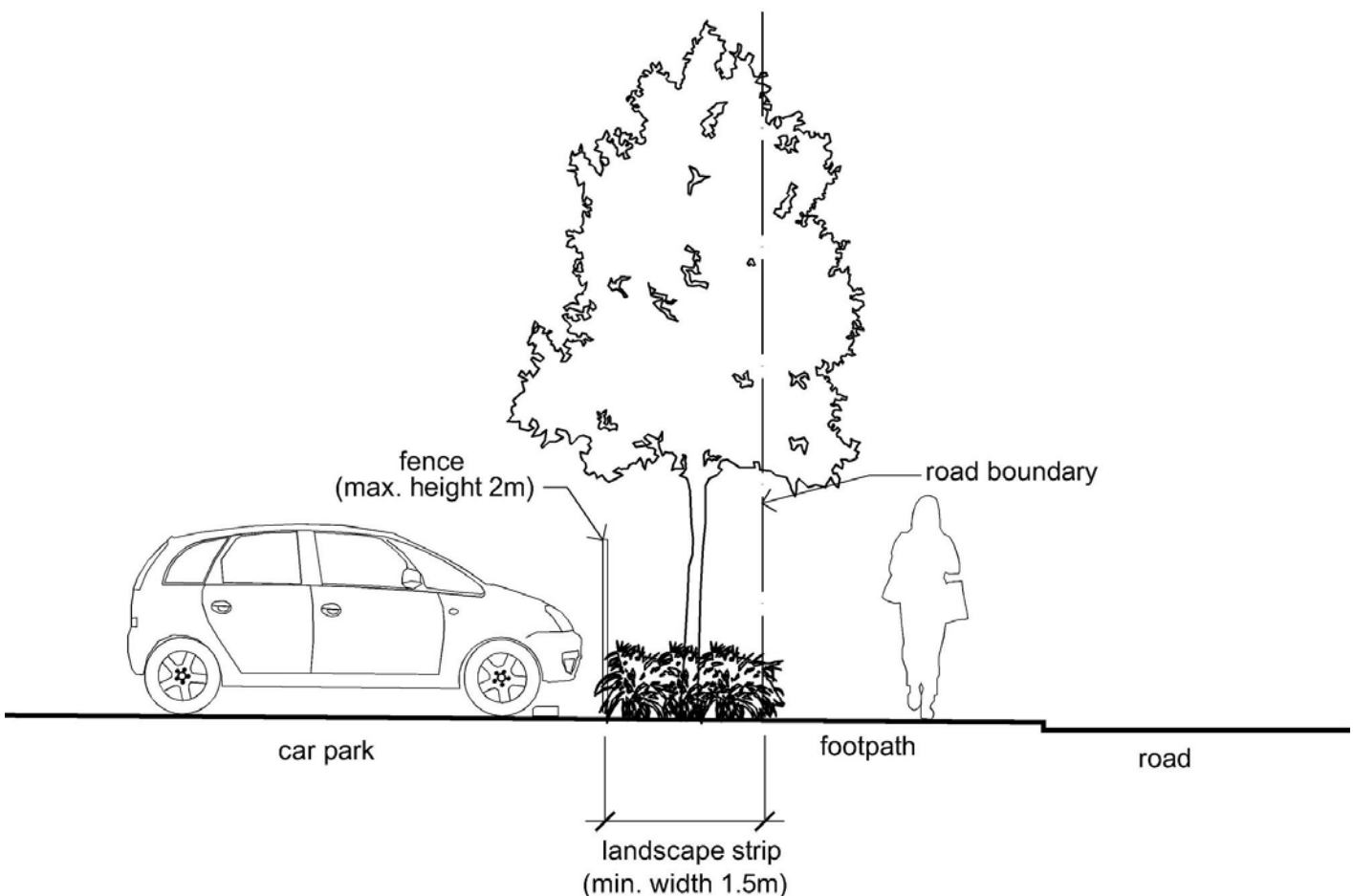
18.6.3 Earthworks Standards {Confirmed to be replaced by 8A.5 - EW cl.16¹}

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

18.6.4 Fence Height and Design

1. The maximum height of a fence, free-standing wall, or gate is 2m along any side boundary or within 10m of the front boundary, unless completely screened from public view by buildings or established landscaping. For the purposes of calculating maximum height, where a fence or wall is erected atop a retaining wall, the height will be calculated as the combined height measured from ground level to the top of the fence, from the external side of the boundary.
2. Where landscaping is required by Rule 18.6.1, fences must be set back from the road an adequate distance to allow the landscaping to be located between the fence and the road (see Figure 18.6GA {**CMU cl.16**}).
3. Activities that contravene this performance standard are restricted discretionary activities.{**PO cl.16**}

Figure 18.6GA {**CMU cl.16**} Street frontage landscaping and fencing



18.6.5 Fire Fighting

New residential buildings and subdivision activities **{CMU cl.16}** must comply with Rule 9.3.3.

18.6.6 Height

18.6.6.1 Height in relation to boundary

- a. New buildings and additions and alterations to buildings on sites which adjoin a residential zone along their side or rear boundary must comply with the height in relation to boundary performance standard of that residential zone, along the adjoining boundary (see Rule 15.6.7.1); must not protrude through a plane (see Figure 18.6D) raising at an angle of 45 degrees measured from a point: **{CMU cl.16}**¹
 - i. 3m above ground level at the side or rear boundary with a Inner City Residential or General Residential 2-zone;**{CMU cl. 16}**
 - ii. 2.5m above ground level at the side or rear boundary with all other residential zones or the Recreation Zone;**{CMU cl. 16}**
 - iii. except:**{CMU cl. 16}**
 1. where new buildings or additions and alterations are built to a common wall, any part of a building where the height and angle of the roofline are the same as the adjoining building, may protrude through the height in relation to boundary plane.**{CMU cl.16}**
 2. gable ends and dormers may protrude through the height in relation to boundary plane by a maximum of 1m (see Figure 18.6E).**{CMU cl.16}**
 - iv. Rooftop structures are exempt from the performance standard for height in relation to boundary.**{CMU cl.16}**
- b. New buildings and additions and alterations to buildings on sites which adjoin the Recreation Zone along their side or rear boundary must comply with the height in relation to boundary performance standard of the Recreation Zone, along the adjoining boundary (see Rule 20.6.4.1); **{CMU cl.16}**¹
- c. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

¹ **CMU cl.16:** There is no substantive change to Rule 18.6.6.1. The changes refer the user to the same rules in the Residential and Recreation sections.

Figure 18.6D: Height in relation to boundary {Figure has been deleted - CMU cl.16}

¹ **CMU cl.16:** There is no substantive change to Rule 18.6.6.1. The changes refer the user to the same rules in the Residential and Recreation sections.

Figure 18.6E: Height in relation to boundary **{Figure has been deleted - CMU cl.16}**

¹ **CMU cl.16:** There is no substantive change to Rule 18.6.6.1. The changes refer the user to the same rules in the Residential and Recreation sections.

18.6.6.2 Maximum and minimum {CMU cl.16} height

- a. New buildings and structures, and additions and alterations must comply with the following:

Zone/Centre		1. Minimum height of buildings (above ground level)	2. Minimum number of storeys for buildings (above ground level)	3. Maximum height of buildings and structures (above ground level)	4. Maximum number of storeys for buildings (above ground)
i.	Central Business District Zone (CBD)				
	1. On sites which adjoin George Street	8m	2 storeys	12m	3 storeys
	2. On sites which do not adjoin George Street	8m	2 storeys	16m	4 storeys
ii.	Warehouse Precinct Zone	8m	2 storeys	16m	4 storeys
iii.	Princes, Parry and Harrow Street Zone				
	1. On sites located in the PPH Zone height mapped area (see Figure XX) {CMU cl.16}	6m	1 storey	20m	—
	2. On sites located outside the PPH Zone height mapped area	6m	1 storey	12m	—
X.	<u>CBD Edge Commercial North Zone</u> {CMU 551.15}	6m	1 storey	~~16m~~ 20m {CMU 551.15}	—
iv.	CBD Edge Commercial <u>South</u> {CMU 551.15} Zone	6m	1 storey	16m	—
v.	Smith Street and York Place Zone	8m	2 storeys	12m	3 storeys
vi.	Trade Related Zone	—	—	16m	—
vii.	Centres	6m	1 storey	12m	3 storeys

- viii. Except:

1. Additions to scheduled heritage buildings and character-contributing buildings may exceed the maximum height limit within the Central Business District and centres zones **{CMU cl.16}** and CBD Edge Mixed Use zones, as long as that addition is:
 1. set back a minimum of 6m from the street frontage façade of the building;
 2. set back a minimum of 6m from the façade of the building which adjoins a residential or recreation zoned site; and
 3. a maximum height of 4m above the maximum height of an existing building.

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

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

Figure X: {CMU cl.16} PPH Zone Height Mapped Area



Note 18.6.6.2A - Other relevant District Plan provisions {CMU 308.297}

1. The performance standard for Height for the Harbourside Edge Zone is included in Rule 18.6.18.1. **{CMU 308.297}**

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

18.6.7.1 Hazard exclusion areas (swale mapped area)

Development activities New buildings and structures and additions and alterations **{NH cl.16}** in the Rural Centre Zone located in a **swale mapped area** must comply with Rule 11.3.1.1.

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

18.6.7.2 Maximum area of vegetation clearance in the hazard overlay zones

Vegetation clearance in the Hazard 1 (land instability) Overlay Zone or Hazard 2 (land instability) Overlay Zone must comply with Rule 11.3.2.

18.6.7.3 Minimum floor level {NH 917.27, NH 947.53 and others}

New buildings (including residential buildings) to be used for sensitive activities in the Hazard 2 (flood), Hazard 3

(flood) or Hazard 3 (coastal) Overlay Zones must comply with Rule 11.3.3: **{NH 917.27, NH 947.53 and others}**

18.6.7.4 Relocatable buildings

New buildings (including residential buildings) to be used for sensitive activities containing residential activity on the ground floor **{NH 360.239 and NH 961.1}** in the Hazard 3 (coastal) Overlay Zone must comply with Rule 11.3.4.

18.6.8 Hazardous Substances Quantity Limits and Storage Requirements

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

18.6.9 Location and Screening of Car Parking

1. Any parking areas (including stand-alone car parking) on a site **{CMU cl.16}** Within a heritage precinct (except View Street Heritage Precinct) or on sites that contains adjoin **{CMU cl.16}** a **primary pedestrian street frontage mapped area**, new extensions to parking areas **{CMU cl.16}** must be located **{CMU cl.16}** behind or within a building. that meets Rule 18.5.4.1: **{CMU cl.16}**
2. In all other locations, any parking areas (including stand-alone car parking) **{CMU cl.16}** on a site must be either located behind or within a building, or separated from the street frontage by a minimum 1.5m wide landscaping strip that meets Rule 18.6.1. (Boundary treatments and other landscaping) **{CMU cl.16}**
3. Parking areas that contravene this performance standard are a non-complying activity.

Note 18.6.9A Other relevant District Plan provisions **{CMU cl.16}**

Car parking that is provided within a building is subject to the performance standards for new buildings. Within a primary pedestrian street frontage there are also restrictions on the activities that can occupy the ground floor facing the primary pedestrian street frontage (Rule 18.5.4.1) **{CMU cl.16}**

18.6.10 Location and Screening of Outdoor Storage

1. Outdoor storage of raw materials associated with industrial activities must be located or screened so it is not visible from ground level of a public place or a residential or recreation zoned property.
2. Service areas must be located or screened so that they are not visible at ground level from adjacent: residential activities, residential zoned properties, or public places.
3. Outdoor storage, including service areas, must not encroach into required parking, loading or landscaping areas.
4. Materials stored outside must be stored in a way that prevents them contaminating any off-site area.
5. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

18.6.11 Materials and Design

Repairs and maintenance, restoration, and earthquake strengthening that affect the protected part of a scheduled heritage building or structure, or if in a heritage precinct that are visible from an adjoining public place, **{CMU cl.16}** must comply with Rule 13.3.2.

18.6.12 Minimum Glazing and Building Modulation

Buildings which face street frontage **{CMU cl.16}**

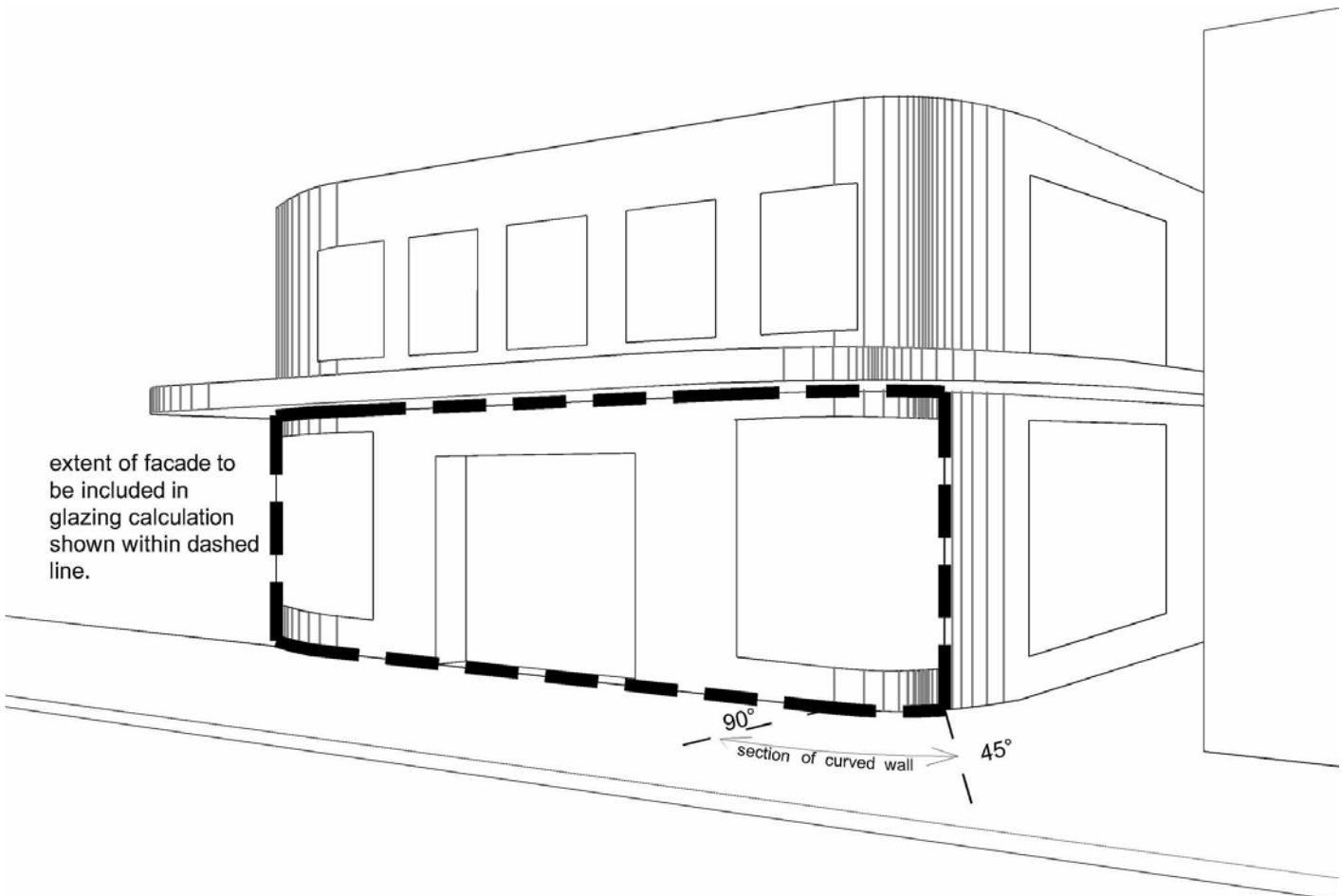
1. The minimum building modulation and minimum glazing requirements for any parts of a new building or additions and alterations to a building which face, and are visible from, the following street frontages, is as follows:

Street frontage		i. Floor level	ii. Maximum distance between building modulation elements	iii. Minimum glazing
a.	Primary pedestrian street frontage mapped area	i. Ground floor	10m	60%
		ii. Upper floors	10m	30%
b.	Secondary pedestrian street frontage mapped area	i. Ground floor	15m	30%
		ii. Upper floors	15m	20%
c.	Other street frontage	i. All floors	20m, or	20%

2. Buildings must meet both the building modulation and minimum glazing standards in **pedestrian street frontage mapped areas**; in all other street frontages, they must only meet one of the standards. **{CMU cl.16¹}**
3. The required glazing will be calculated as a percentage of the total wall area (from floor to ceiling) that faces the street frontage and that includes clear glass. In the case of curved walls, the wall area will be calculated as the part of the wall which is 45° either side of a point directly facing (parallel to) the street frontage (see Figure 18.6F).
4. Ground floor glazing within the **primary pedestrian street frontage mapped area** must be clear (unobstructed from signage, glass frosting or other materials attached to the glazing that prevents glazing being visually permeable) for a minimum of 50% of the glazed area.
5. This standard does not apply to scheduled heritage buildings or within the Trade Related Zone.
6. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

¹ **CMU cl.16:** Clause added to assist in interpreting the rule.

Figure 18.6F: Extent of building façade included in minimum glazing calculation



18.6.13 Minimum Ground Floor to Ceiling Height

1. New buildings, and additions and alterations adjacent to a **primary pedestrian street frontage mapped area** must have a minimum ground floor to ceiling height of 4m for a minimum depth of 6m from the front of the building along the **primary pedestrian street frontage mapped area**.
2. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

18.6.14 Number, Location and Design of Ancillary Signs

18.6.14.1 General

- a. Signs visible from a public place must meet all of the following performance standards, except that regulatory signs, directional signs and warning signs that do not exceed 0.25m² are exempt from these standards. **{CMU 271.18}**
- b. Signs located on or above the footpath **{CMU cl.16}** must also **{PO cl.16}** comply with:
 - i. Rule 6.7.2 where located on or above the footpath; and
 - ii. Rule 6.7.3 where visible from a road.
- c. ~~Signs must be ancillary signs.~~ **{PO cl.16}**
- d. Signs must not be flashing within pedestrian street frontage mapped areas, heritage precincts and the Harbourside Edge Zone and must not be illuminated or digital within pedestrian street frontages, heritage precincts and the Harbourside Edge Zone. **{CMU 271.16}**

- e. Signs higher than 4m above ground level must only display the business name.
- f. Signs related to restaurants ancillary to food and beverage retail 1,500m² or more in gross floor area, or trade related retail, in the Trade Related Zone must not be externally facing (i.e. must not be visible from a public place). **{CMU 713.6}**
- g. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities. **{PO cl.16}**

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

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

18.6.14.2 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign, attached to a building is:
 - i. 4m within **pedestrian street frontage mapped areas**, heritage precincts and the Harbourside Edge Zone; and
 - ii. 8m in all other locations.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs must be made of a solid material and may not be in the form of a flag, banner or other type of fabric sign in the **pedestrian street frontage mapped areas**, heritage precincts and the Harbourside Edge Zone.

18.6.14.3 Signs attached flat against buildings (including verandah fascia)

- a. The maximum area of walls facing the street that signs may occupy (excluding signs in windows) is:
 - i. 50% of the area up to 4m or the bottom of a verandah, whichever is the lesser, in **pedestrian street frontage mapped areas**, heritage precincts and the Harbourside Edge Zone (see Figure 18.6G) **{CMU cl.16}**; and
 - ii. 15% or 8m², whichever is the lesser, in all other locations.
- b. Signs attached to a verandah fascia must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

18.6.14.4 Signs attached at a right angle to the façade of a building (including attached to the underside of a verandah)

- a. Signs must not exceed:
 - i. a maximum of 1 per 5m of street frontage, in **pedestrian street frontage mapped areas**, heritage precinct or in the Harbourside Edge Zone (see Figure 18.6G) **{CMU cl.16}**;
 - ii. a maximum of 1 per 15m of street frontage, for a site with a single premise, or 1 per 7.5m, for a site with multiple premises; and
 - iii. in all locations, a total of 3 signs per building.
- b. Signs must have a maximum of 2 display faces.
- c. Signs must have a maximum area per display face of:
 - i. 1.5m² in **pedestrian street frontage mapped areas**, heritage precinct or in the Harbourside Edge Zone; and
 - ii. 2m² in all other locations.
- d. Signs must not protrude from a façade more than:

- i. 1m in **pedestrian street frontage mapped areas**, heritage precinct or in the Harbourside Edge Zone; and
- ii. 1.5m in all other locations.

18.6.14.5 Portable freestanding signs on footpaths

- a. Portable freestanding signs on footpaths are only allowed for premises that have no ground floor street frontage (other than entranceways) in:
 - i. **pedestrian street frontage mapped areas**, heritage precinct or in the Harbourside Edge Zone; and
 - ii. CBD and centres zones **{CMU cl.16}** (outside **pedestrian street frontage mapped areas** and heritage precincts) and the PPH and CEC zones.
- b. Portable freestanding signs on footpaths must not exceed:
 - i. a maximum height of 900mm above ground level; and
 - ii. a maximum width of 600mm.
- c. Portable freestanding signs on footpaths must be spaced at least 5m from any other portable sign.
- d. Portable freestanding signs on footpaths must not exceed 1 sign per site, except where a site has a street frontage of 30m or more, then a maximum of 1 sign per 15m of street frontage is allowed **{CMU cl.16}**.
- e. In the Trade Related Zone, portable signs on footpaths are not allowed.

18.6.14.6 Freestanding signs

- a. The maximum number of freestanding signs is:
 - i. 1 per site in **pedestrian street frontage mapped areas**, heritage precincts or the Harbourside Edge Zone; and
 - ii. 2 per site or 1 per 50m of street frontage, whichever is the lesser, for permanently fixed freestanding signs, and ~~1 per 15m of street frontage for portable freestanding signs~~ **{CMU cl.16}** in all other locations.
- b. The maximum dimensions of freestanding signs are:
 - i. In **pedestrian street frontage mapped areas**, heritage precincts or the Harbourside Edge Zone **{CMU cl.16}**:
 - 1. maximum height of 4m;
 - 2. maximum area of 3m² per display face;
 - 3. maximum width of 2m; and
 - 4. maximum depth of 400mm **{PO cl.16}**.
 - ii. In Trade Related Zone (see Figure 18.6.I) **{CMU cl.16}**:
 - 1. maximum height of 8m for permanently fixed freestanding signs;
 - 2. maximum height of 4m for portable freestanding signs;
 - 3. maximum area of 16m² per display face for permanently fixed freestanding signs;
 - 4. maximum area of 8m² per display face for portable freestanding signs;
 - 5. maximum width of 2m; and
 - 6. maximum depth of 400mm.
 - iii. In all other locations (see Figure 18.6.H) **{CMU cl.16}**:
 - 1. maximum height of 6m for permanently fixed freestanding signs;

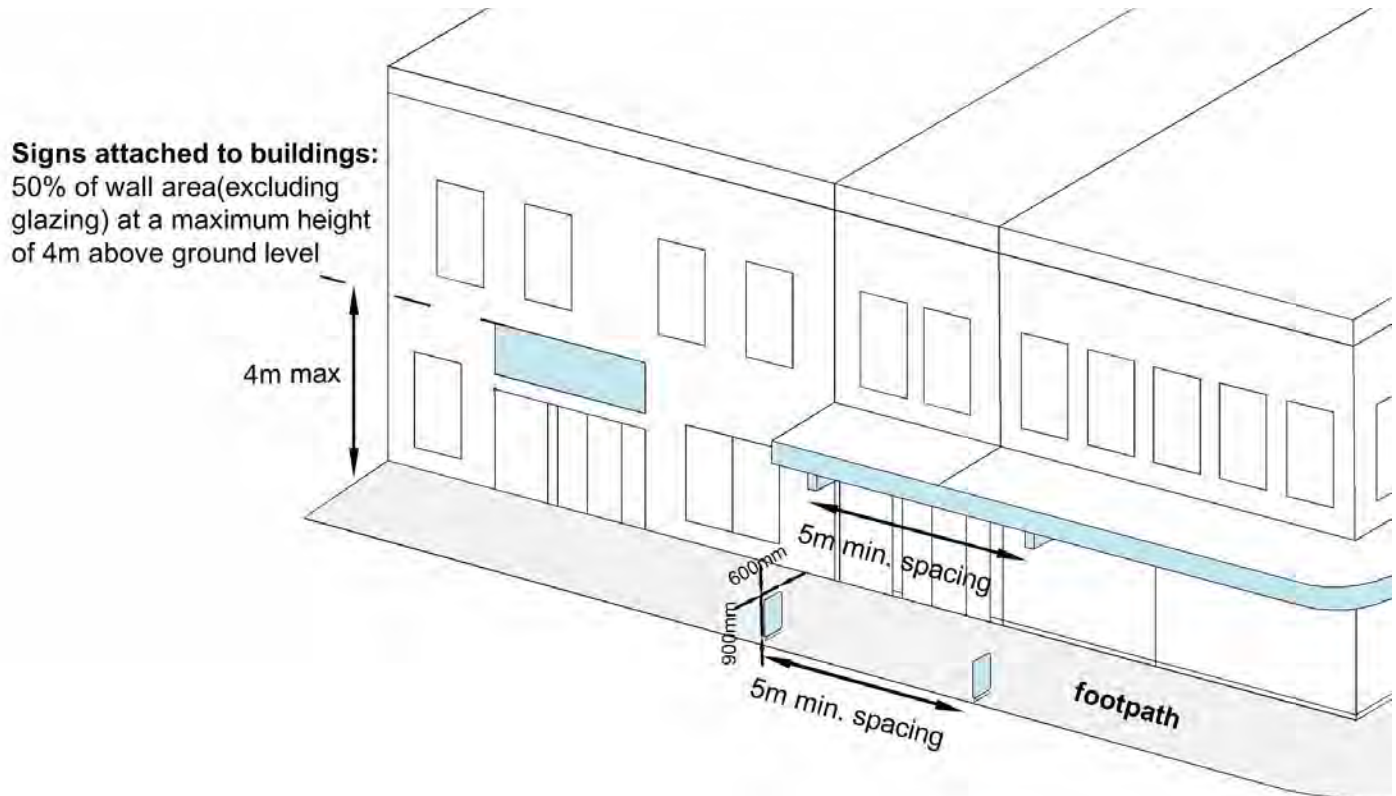


2. maximum height of 4m for portable freestanding signs;
3. maximum area of 12m² per display face for permanently fixed freestanding signs;
4. maximum area of 8m² per display face for portable freestanding signs;
5. maximum width of 2m; and
6. maximum depth of 400mm.

c. Freestanding signs must:

- i. ~~not obstruct parking or manoeuvring areas; and not obstruct parking, loading and access areas; and~~
{PO cl.16}
- ii. be positioned entirely within site boundaries, except:
 1. flag signs within the CBD and centres zones (outside **pedestrian street frontage mapped areas** and heritage precincts) and within PPH, CEC and TR zones may project a maximum of 1.5m over a footpath if the flag sign is located at least 2.5m, at its lowest point, above the footpath; and
 2. portable freestanding signs on footpaths provided for in Rule 18.6.14.5 {CMU cl.16}

Figure 18.6G: Signs in **pedestrian street frontage mapped areas**, heritage precincts and Harbourside Edge Zone



Signs attached to buildings:
15% of wall area (excluding glazing) at a maximum height of 8m above ground level

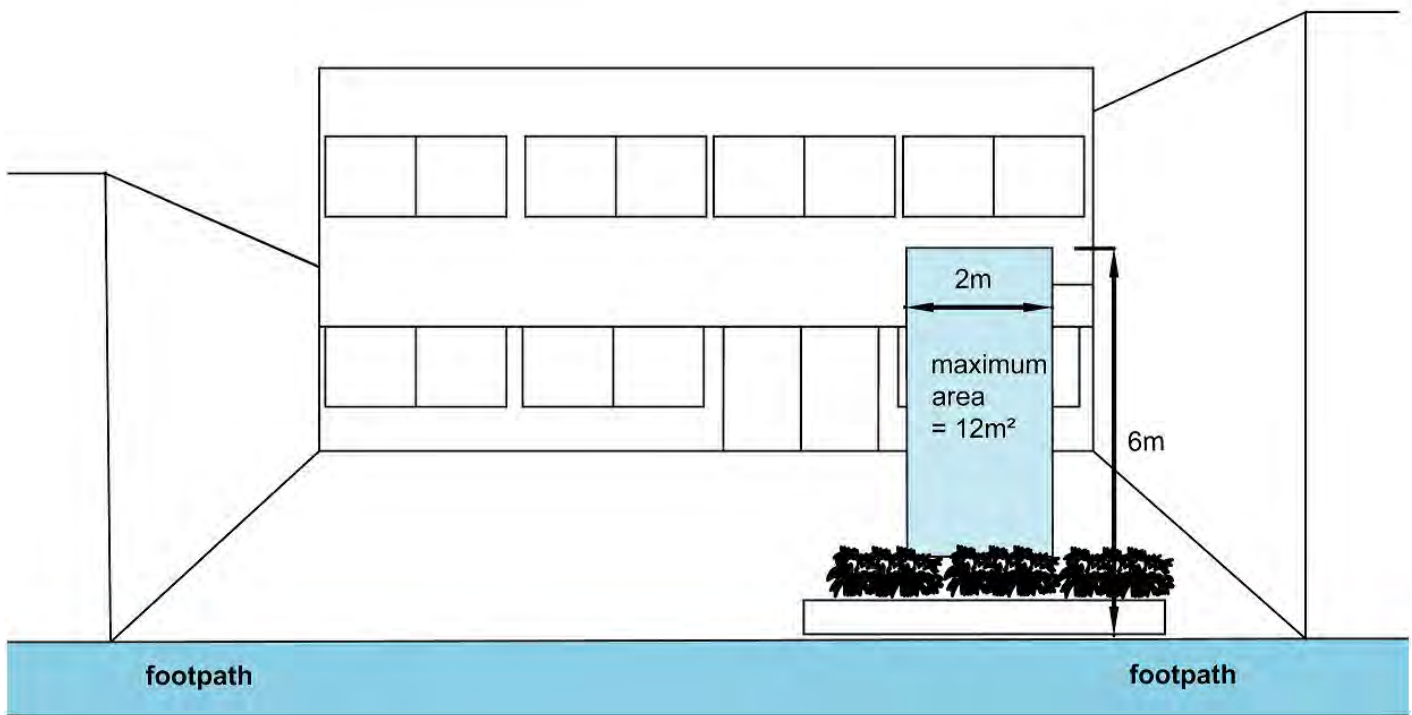
8m

2m

15m min. spacing

footpath

Figure 18.6H: Signs in ~~pedestrian-street frontage mapped areas~~, heritage precincts and Harbourside Edge Zone all other locations **{CMU cl.16}**



Note 18.6B.14A - Other relevant District Plan provisions

1. Commercial advertising is a non-complying land use activity in all zones, except for the Airport Zone.
2. See Section 3 Public Amenities for the rules related to public noticeboards.
3. See Section 4 Temporary Activities for the rules related to temporary signs.
4. Illuminated signs must comply with the standards in Rule 6.7.3. **{CMU 271.16}**

Note 18.6G.14B - Other requirements outside of the District Plan

1. For additional restrictions that may apply to signs, see also:
 - a. New Zealand **NZ {Trans 881.17}** Transport Agency *Traffic Control Devices Manual, Part 3, Advertising Signs and Signs on State Highways Bylaw {Trans 881.137}*.
 - b. Dunedin City Council Commercial Use of Footpaths Policy
 - c. Dunedin City Council Roadway Bylaw
 - d. Dunedin City Council Traffic and Parking Bylaw
2. ~~Contact customer services on 477 4000 or go to www.dunedin.govt.nz for further information.~~ **{PO cl.16}**

18.6.15 Parking, Loading and Access Standards

1. Parking, loading and access must comply with Rule 6.6.
2. New vehicle accesses are not allowed on any **primary pedestrian street frontage mapped area**.
3. Contravention of Vehicle accesses that contravene the {CMU cl.16} performance standard in Rule {CMU cl.16} 18.6.15.2 are a non-complying activity.

18.6.16 Pedestrian Entrances

1. For new buildings and additions and alterations to buildings built adjacent to a **primary pedestrian street frontage mapped area** or **secondary pedestrian street frontage mapped area**:
 - a. the principal pedestrian entrance must be located on the **pedestrian street frontage mapped area**; and
 - b. if a building is adjacent to both a **primary pedestrian street frontage mapped area** and a **secondary pedestrian street frontage mapped area**, the principal pedestrian entrance must be located on the primary pedestrian street frontage.
 - c. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

18.6.17 Setbacks

18.6.17.1 Setback from road boundaries

- a. New buildings and additions and alterations to buildings must be built within 400mm of any road boundary that is a **primary pedestrian street frontage mapped area** (i.e. they must occupy the full width of the site, parallel to the road boundary) **{CMU cl.16}**, for the entire length of the **primary pedestrian street frontage mapped area**, except:
 - i. a setback of up to 1.5m for a maximum width of 3m may be provided to allow for a recessed pedestrian entrance; and **{CMU cl.16}**
 - ii. a gap adjacent to the side boundary of up to 3m may be provided to allow for a publicly-accessible pedestrian connection from the street, to an existing or proposed public walkway, road, reserve or other public place (see Figure 18.6J); and **{CMU 740.7}**
 - iii. on any part of a site that adjoins a residential or recreation zone and where Rule 18.6.17.2 (setback from boundaries of residential or recreation zone) applies. {CMU 740.7}
- b. New buildings or additions and alterations to buildings must be built within 400mm of any road boundary that is a **secondary pedestrian street frontage mapped area** for 60% of the length of the **secondary pedestrian street frontage mapped area**, except a setback of up to 1.5m for a maximum width of 3m may be provided to allow for a recessed pedestrian entrance.
- c. On a **secondary pedestrian street frontage mapped area**, any part of a building that is not built within 400mm of the street frontage, must be set back a minimum of 1.5m from the street frontage in order to meet Rule 18.6.1.
- d. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

18.6.17.2: Setback from boundaries of residential or recreation zoned sites

- a. Along any boundaries that adjoin a residential or recreation zone, all new buildings or additions and alterations to buildings must have a minimum boundary setback of 3m.
- b. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

18.6.17.3: Setback from scheduled tree

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

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

18.6.17.4: Setback from coast and water bodies

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

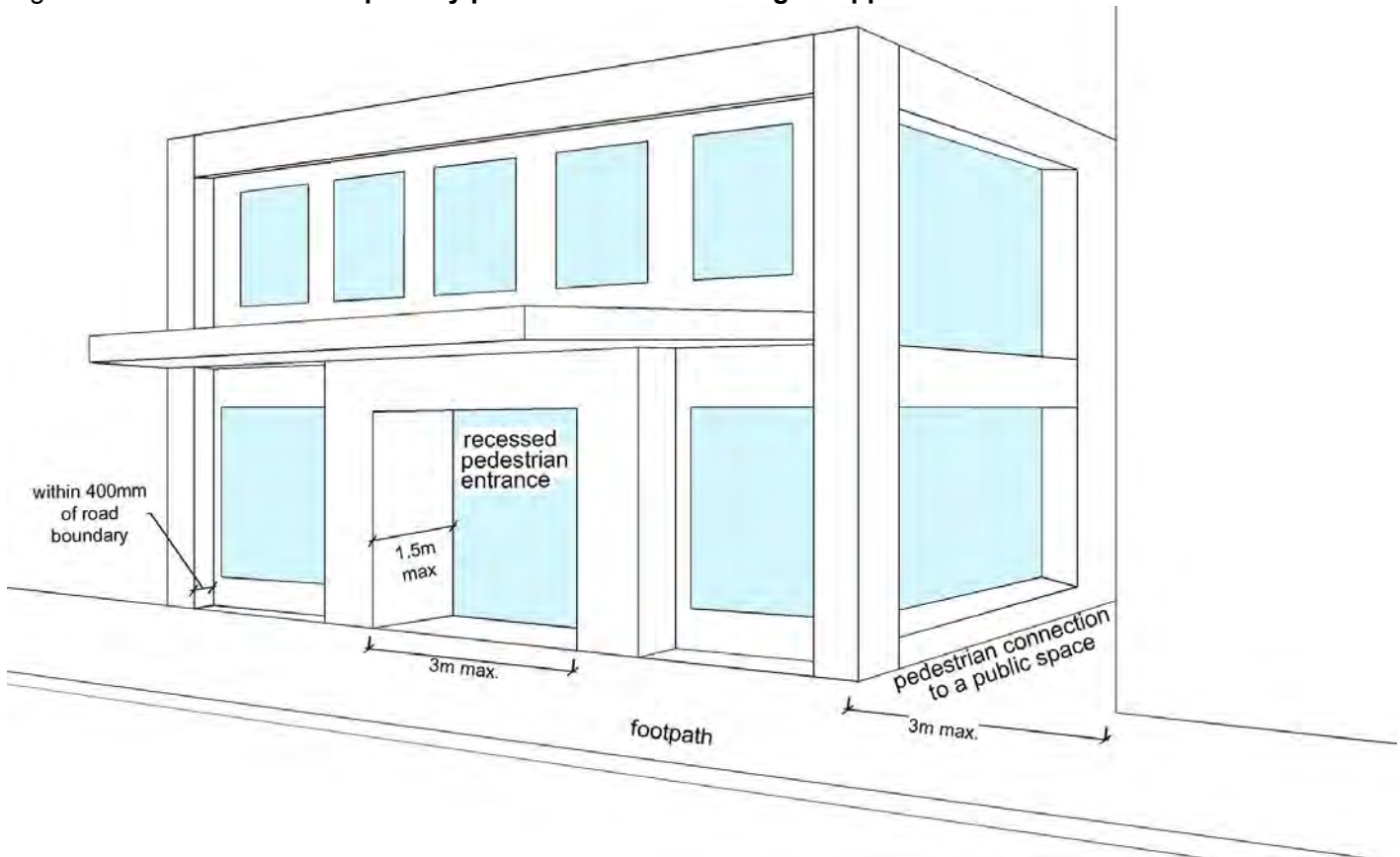
¹ **EW cl.16:** As a clause 16 amendment, reference to earthworks in the setback from coast and water bodies standards in all management and major facility zones have been moved to setback standards in the new city-wide section (Rule 8A.5.10). Any amendments to provisions as a result of submissions are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

18.6.17.5 Setback from National Grid

New buildings and structures, and additions and alterations, ~~and earthworks~~ **{EW cl.16'}** must comply with Rules 5.6.1.1. ~~and 5.6.1.2~~ **{EW cl.16'}**

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

Figure 18.6J: Setback from a **primary pedestrian street frontage mapped area**



18.6.18 Harbourside Edge Zone Standards {Was "Standards Harbourside Edge" - CMU cl.16}

The following standards apply only within the Harbourside Edge Zone. {CMU cl.16}

1. Buildings must be built to within 400mm of the road boundary along Birch and Kitchener streets, except for any setbacks required to allow pedestrian entrances. {CMU 908.101}
2. Buildings must: {CMU cl.16}
 - a. along Birch Street, have a minimum height of 6m and maximum height of 20m {CMU cl.16}
 - b. along Kitchener Street have a minimum height of 6m and a maximum height of 16m {CMU cl.16}

1. New buildings must comply with the following: {CMU cl.16}

Area {CMU cl.16}	Minimum Height {CMU cl.16}	Maximum Height {CMU cl.16}
Harbourside edge height mapped area {CMU cl.16}	6m {CMU cl.16}	20m {CMU cl.16}
Harbourside Edge Zone outside the harbourside edge height mapped area {CMU cl.16}	6m {CMU cl.16}	16m {CMU cl.16}
Harbourside Edge Transition Overlay Zone (when it is released) {CMU cl.16}	6m {CMU cl.16}	16m {CMU cl.16}

2. New Buildings and structures and additions and alterations {CMU 908.100} must be designed to provide free and unfettered public enable public pedestrian {CMU 908.100} access (via pedestrian accessways) through

sites **{CMU 908.100}** from Birch and Kitchener streets to the public walkway required in Rule 18.6.18.35, **{CMU 908.100}** at a minimum of three locations, as follows:– The public accessways: **{CMU 908.100}**

- a. one accessway must be located within 5m of the 'Roberts Street public accessway' locations shown on Figure 18.6.18.B; and green in the harbourside edge public walkway and access mapped area: **{CMU 908.100}**
 - b. two further accessways must be located in the general area of the 'other public accessways' shown on Figure 18.6.18.B; and **{CMU 908.100}**
 - c. the accessways **{CMU 908.100}** must be available; **{CMU cl.16}** for public use at a minimum; **{CMU cl.16}** between the hours of 8am and 10pm; and
 - d. the accessways **{CMU 908.100}** may be either **{CMU cl.16}** external to or internal to (through) buildings. **{CMU 908.100}**
3. ~~Buildings must be setback from the harbour edge an adequate distance to provide for the public walkway required by Rule 18.6.18.5: **{CMU 908.101}**~~
 4. ~~Before~~ Prior to the occupation of **{CMU cl.16}** any new building on a site is occupied, **{CMU cl.16}** a public walkway of a minimum width of 5m must be constructed either must be provided along the full length of the seaward side of the site in the general location of the harbourside edge public walkway mapped area (see also Figure 18.6.18.B). The public walkway must be either: **{CMU cl.16}**
 - a. along the wharf, if it is upgraded to a safe standard; or
 - b. along the land between the external seaward wall of the building and mean high water springs immediately adjacent to the harbour; or **{CMU cl.16}**
 - c. partly along the wharf and partly on the land between the external seaward wall of the building and mean high water springs. **{CMU cl.16}**
 5. The public walkway required by Rule 18.6.18.35 **{CMU cl.16}** must:
 - a. have a minimum width of 5m; **{CMU cl.16}**
 - b. be designed and located to enable the continuation of the walkway into any adjacent site where it is required by this plan; **{CMU 908.101}**
 - c. be for the length shown red in the harbourside edge public walkway and access mapped area; **{CMU 908.101}**
 - d. be free of all obstructions to pedestrian movement buildings or structures; **{CMU 908.101}**
 - e. not be used by vehicles, except for using or accessing the slipway, or vehicles being used for maintenance of the wharf, the walkway or any adjacent structure or building; **{CMU 908.101}**
 - f. be constructed with an asphalt a non-slip finish or of the same materials as with materials complementary in colour to the materials used for **{CMU 908.101}** the adjoining sections of walkway, if already constructed; and
 - g. be lit to the Lighting **{CMU cl.16}** for roads and public spaces Roads and Public Spaces **{CMU cl.16}** AS/NZS 1158.3.1:2005, P4 Standard.
 6. Activities that contravene rules 18.6.18.1, and 18.6.18.2, or 18.6.18.5 are a restricted **{CMU 908.101}** discretionary activity.
 7. Activities that contravene Rule 18.6.18.34 to 18.6.18.6 **{CMU 908.101}** are a non-complying activity.

¹ **CMU cl. 16:** As a minor amendment under cl. 16 this rule has been re-ordered and minor wording changes made for clarification purposes

Figure 18.6.18.A Harbourside Edge Height Mapped Area {CMU cl.16¹}



¹ **CMU cl16:** This figure is added under cl.16 to assist in interpreting Rule 18.6.18.1

Figure 18.6.18.B Harbourside edge public walkway and Access mapped area and location of accessways {CMU 908.100¹}





¹ **CMU cl 16:** Minor amendments have been made to this figure to reflect changes to Rule 18.6.18

18.6.19 Verandahs

1. Buildings along a **primary pedestrian street frontage mapped area**, except within the St Clair Neighbourhood Destination Centre, {CMU 826.16} must have a verandah that:
 - a. extends the full length of building frontage along the **primary pedestrian street frontage mapped area {CMU cl.16}** and adjoins its neighbours (except across any existing vehicle access) to provide continuous pedestrian cover of the footpath;
 - b. has a maximum depth of 3m or is no closer than 500mm from the adjacent kerb (whichever is the lesser);
 - c. the bottom of which is between 3m and 4m above the footpath;
 - d. has a fascia that is no higher than 500mm;
 - e. provides under lighting unless the building provides lighting of the footpath under the verandah; and
 - f. on corner sites, continues around the corner for the full length of the **primary pedestrian street frontage mapped area**.
2. Along a **secondary pedestrian street frontage mapped area**, except within the Warehouse Industrial Commercial Heritage Precinct, buildings must have a verandah that covers the full width of the main pedestrian entrance.
3. Scheduled heritage buildings that do not have an existing verandah are exempt from this standard.
4. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

18.7 Subdivision Performance Standards

18.7.1 Access

Subdivision activities must comply with Rule 6.8.1.

18.7.2 Esplanade Reserves and Strips

Subdivision activities must comply with Rule 10.3.1.

18.7.3 Fire Fighting

Subdivision activities must comply with Rule 9.3.3.

18.7.4 Service Connections

Subdivision activities must comply with Rule 9.3.7.

18.7.5 Shape

1. Each resultant site that is intended to be developed must be of a size and shape that is large enough to contain a building platform of at least 100m² that meets the performance standards of this Plan including, but not limited to:
 - a. minimum car parking;
 - b. setbacks from boundaries, water bodies, scheduled trees, ~~national grid~~ **{NU 806.11}**; and
 - c. esplanade reserves or strips.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must ~~not contain~~ **{NU 806.11}**:
 - a. ~~not contain~~ **{NU 806.11}** scheduled heritage buildings or structures; or
 - b. ~~not contain~~ **{NU 806.11}** right-of-way easements.
 - c. be located at least 12m from the outer edge of a National Grid support structure or centreline of an overhead National Grid transmission line. **{NU806.11}**
3. For unreticulated areas, resultant sites must provide for a waste disposal area to be located at least 50m from any water body and Mean High Water Springs. **{PHS 1071.56}**
4. Sites created and used solely for the following purposes are exempt from the shape standard:
 - a. Scheduled ASCV ASBV **{NatEnv 958.60}** or QEII covenant;
 - b. reserve;
 - c. access;
 - d. network utility; or
 - e. road.
5. Subdivision activities that do not meet this standard are restricted discretionary activities, except that subdivision activities that do not meet Rule 18.7.5.2.c are non-complying activities. **{NU806.11}**

Rule 18.8 Assessment of Controlled Activities

Rule 18.8.1 Introduction

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rule 18.8.2:
 - a. lists the matters over which Council has reserved its control; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
 - ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 18.9; and
 - iv. the matters of control become matters of discretion and will be assessed as indicated in this section.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 18.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 18.12; and
 - iii. the assessment guidance in this section will also be considered.

18.8.2 Assessment of controlled development activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. <u>Affecting a scheduled heritage building or a scheduled heritage structure: {Her cl.16}</u> • Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected; or • Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1). {Her 547.91}	a. Effects on heritage values	See Rule 13.4
2. <u>In a heritage precinct, additions and alterations to a non character-contributing building that involve: {Her 308.358}</u> • <u>an increase in the footprint of 10m² or more; or {Her 308.358}</u> • <u>an increase in the height of the building by more than 2m. {Her 308.358}</u>	a. Effect on heritage streetscape character {Her 308.358}	See Rule 13.4 {Her 308.358}

Rule 18.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 18.9.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 18.9.2 - 18.9.6:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rules 18.9.2 - ~~18.9.6~~ apply as follows: ~~18.9.5~~ apply to performance standards in the commercial and mixed use zones; ~~Rule 18.9.6~~ contains additional provisions that apply to performance standards in **pedestrian street frontage mapped areas**, overlay zones, heritage precincts, and affecting a scheduled item. **{CMU cl.16}**
 - a. Rule 18.9.2 applies to all performance standard contraventions;
 - b. Rule 18.9.3 applies to land use performance standard contraventions;
 - c. Rule 18.9.4 applies to development performance standard contraventions;
 - d. Rule 18.9.5 applies to subdivision performance standard contraventions; and
 - e. Rule 18.9.6 applies to restricted discretionary performance standard contraventions in a pedestrian street frontage, overlay zone, mapped area, heritage precinct, or affecting a scheduled item. **{CMU cl.16}**

18.9.2 Assessment of all performance standard contraventions

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

18.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Electrical Interference	a. Effects on health and safety	See Rule 9.4
2. Maximum gross floor area of centre {CMU cl.16} (Rule 18.5.5.1)	a. Effects on the vibrancy, and economic and social success of CBD and centres	<i>Relevant objectives and policies:</i> i. Objective 18.2.1 ii. Activities in neighbourhood and rural centres: 1. are not a destination retail activities activity {PO cl.16} designed to attract customers from across suburbs, which are more appropriately located in the CBD or other central city commercial and mixed use {CMU cl.16} zones; and 2. do not dominate the centre and reduce the diversity of different activities that are able to establish within the centre (Policy 18.2.1.8).

18.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
3. Maximum gross floor area of dairies	a. Effects on the vibrancy, and economic and social success of CBD and centres	<i>Relevant objectives and policies:</i> i. Objective 18.2.1 ii. Dairies in the WP, SSYP, HE, and PPH zones {CMU cl.16} are of a size that ensures they operate as a convenience store rather than a destination supermarket (Policy 18.2.1.12). <i>Potential circumstances that may support a consent application include:</i> iii. The dairy serves the local neighbourhood and primarily sells day-to-day convenience food, beverage and house consumables, for example milk and bread.
4. Maximum gross floor area of retail ancillary to industry	a. Effects on the vibrancy, and economic and social success of CBD and centres b. Effects on ability of other commercial and industrial activities to operate	<i>Relevant objectives and policies:</i> i. Objective 18.2.1 ii. The <u>scale size</u> {CMU cl.16} of retail ancillary to industry: 1. is clearly subordinate to and part of the operation of the primary <u>industrial industry</u> {Ind cl.16} activity; 2. does not conflict with objectives 2.3.2 and 2.4.3; and 3. does not create adverse effects on other industrial activities, for example from traffic, parking, or reverse sensitivity effects {PO 1046.5} (Policy 18.2.1.7).
5. Minimum car parking	a. Effects on accessibility b. Effects on the safety and efficiency of the transport network	See Rule 6.9
6. • Minimum vehicle loading • Service station standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
7. <u>Location of residential activities</u> {CMU 1024.4}	a. <u>Reverse sensitivity effects</u> {CMU 1024.4}	<i>Relevant objectives and policies:</i> {CMU 1024.4} i. <u>Objective 18.2.2</u> {CMU 1024.4} ii. <u>The potential for reverse sensitivity is avoided or, if avoidance is not practicable, adequately mitigated</u> (Policy 18.2.2.11). {CMU 1024.4}

18.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Boundary treatments and other landscaping	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 18.2.3 ii. Development maintains or enhances streetscape amenity by ensuring: 1. an attractive street interface is maintained through landscaping where buildings are not built to the street frontage (Policy 18.2.3.1.a); and 2. large parking areas which are visible from the street are visually broken up with internal landscaping, which also provides for rainwater absorption (Policy 18.2.3.1.b).
2.	• Boundary treatments and other landscaping • Height in relation to boundary • Setback from boundaries of {CMU cl.16} residential and recreation zoned sites	a. Effects on amenity of sites in adjoining residential or recreation zones	<i>Relevant objectives and policies:</i> i. Objective 18.2.2 ii. ~~Development maintains the amenity of adjoining residential, schools and recreation zoned sites by having: Buildings are of a height in relation to boundary and setback from side and rear boundaries that maintains a reasonable level of sunlight access for: {CMU cl.16}~~ 1. ~~buildings of a height in relation to boundaries and setback from side boundaries that maintains to maintain a reasonable level of sunlight access to adjoining residential and recreation zoned sites current and future residential buildings and their outdoor living spaces in adjoining residential zones {CMU cl.16} ; and~~ 2. ~~fencing along property boundaries which adjoin residential or school zoned properties to provide screening for the purposes of privacy and security sites in the Recreation and School zones {CMU cl.16} (Policy 18.2.2.3).~~ iii. ~~Fencing along property boundaries which adjoin residential or school zoned sites are of an adequate height and design to provide screening for the purposes of privacy and security (Policy 18.2.2.1). {CMU cl.16}~~ <i>Potential circumstances that may support a consent application include:</i> iv. Access to sunlight to the outdoor living space(s) and windows of bedrooms and living areas of nearby residential buildings is maintained or any reduction is minor. v. Access to sunlight on surrounding recreation areas is maintained or any reduction is minor. vi. A reasonable level of privacy is maintained for the windows, doors, and decks of any residential and visitor accommodation on surrounding residential zoned sites.

18.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	Earthworks standards: • Batter gradient {EW cl.16} ¹	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 18.2.4 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 18.2.4.1.b).
4.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs {EW cl.16} ¹	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 18.2.4 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings, structures and cliffs (Policy 18.2.4.1.a).
5.	Earthworks standards: • Setback from national grid • Setback from network utilities {EW cl.16} ¹	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7
6.	Earthworks standards: • Sediment control {EW cl.16} ¹	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 18.2.4 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems, or the coastal marine area {EW 1071.106} (Policy 18.2.4.2.b).
		b. Effects on biodiversity values and natural character of riparian margins and the coast	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4

18.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
7.	Fence height and design	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 18.2.3 ii. Fences visible from public places are designed to maintain or enhance streetscape amenity (Policy 18.2.3.6).
8.	Fire fighting	a. Effects on health and safety	See Rule 9.4
9.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards {PO cl.16}	See Rule 11.4 {PO cl.16}
10.	<u>Height (Rule 18.6.6.2) - maximum and minimum {CMU cl.16}</u> height	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 2.4.3 ii. Objective 18.2.3 iii. <u>Development Buildings and structures maintains or enhances streetscape amenity by ensuring building height reflects the general heights of the block (Policy 18.2.3.12.da). {CMU 417.10}</u> iv. <u>Buildings and additions and alterations as part of the Dunedin Hospital redevelopment maintain or enhance streetscape amenity by ensuring buildings and structures above 20m minimise as far as practicable adverse effects of shading and wind on pedestrian amenity (Policy 18.2.3.X.b) {CMU 551.13}</u>
		b. <u>Effects on views across Otago harbour {CMU 417.10}</u>	<i>Relevant objectives and policies: {CMU 417.10}</i> i. <u>Objective 2.4.3 {CMU 417.10}</u> ii. <u>Objective 18.2.3 {CMU 417.10}</u> iii. <u>Buildings and structures minimise as far as practicable adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the harbour towards the Otago Peninsula, including through the use of quality and contextually appropriate architectural design (Policy 18.2.3.12.b). {CMU 417.10}</u>
11.	Location and screening of outdoor storage	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 18.2.3 ii. Development maintains or enhances streetscape amenity by ensuring service areas and outdoor storage areas associated with industrial or other activities are not visible from ground level of a public place (Policy 18.2.3.1.c).

18.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
12.	Minimum glazing and building modulation	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 18.2.3 ii. Development maintains or enhances streetscape amenity by ensuring an architecturally interesting façade through building modulation and use of glazing (Policy 18.2.3.1.e).
13.	Number, location and design of ancillary signs	a. Effects on streetscape amenity b. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 18.2.3 ii. Ancillary signs convey information about the name, location and nature of the business to passing pedestrians and vehicles while not being oversized or too numerous for that purpose (Policy 18.2.3.7). <i>Potential circumstances that may support a consent application include:</i> iii. An attractive streetscape is maintained. iv. The visual cohesion of the street is not reduced by the increase in size or number of signs. <i>General assessment guidance: {CMU 713.6}</i> v. <u>For signs that do not comply with Rule 18.6.14.1.f (the restriction on signs for restaurants ancillary to trade related retail or food and beverage retail), Council will also consider the effects in terms of Policy 18.2.1.18 and Policy 18.2.1.19. {CMU 713.6}</u>
14.	Parking, loading and access standards	a. Effects on accessibility {Trans cl.16³} b. Effects on the safety and efficiency of the transport network c. <u>Effects on the safety of parking and loading areas {CMU cl.16⁴}</u>	See Rule 6.9

18.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
15. Setback from coast and water bodies	a. Effects on biodiversity values and natural character of riparian margins and the coast	See Rule 10.4
	b. Effects on public access	
	c. Risk from natural hazards	See Rule 11.4
16. Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
17. Harbourside Edge Zone Standards (18.6.18.1) - height { CMU 908.101 }	a. Effects on views across Otago Harbour {CMU 908.101} b. Effects on amenity and character of zone {CMU 908.101}	<i>Relevant objectives and policies: {CMU 908.101}</i> i. Objectives 2.4.1, 18.2.3, Policy 2.4.1.4. {CMU 908.101} ii. Buildings and structures: {CMU cl.16} - reflects the general heights of the block; and {CMU cl.16} - minimises, as far as practicable, adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the upper harbour toward Otago Peninsula, including through the use of quality and contextually appropriate design (Policy 18.2.3.12). {CMU cl.16} iii. Buildings and additions and alterations to buildings provide a high level of amenity by being of a design that is coherent, appropriate to the setting and history of the area, and providing a positive relationship to both the street and the harbour (Policy 18.2.3.4.c). {CMU 908.101}
18. Harbourside Edge Zone Standards (18.6.18.2) - access { CMU 908.101 }	a. Effects on amenity and character of zone { CMU 908.101 }	<i>Relevant objectives and policies: {CMU 908.101}</i> i. Objectives 2.4.1, 18.2.3 {CMU 908.101} ii. Development in the Harbourside Edge Zone is designed and located to provide a high level of amenity by: {CMU 908.101} - requiring public pedestrian access to and along the coast that is attractive, safe, durable, and readily accessible to the public (Policy 18.2.3.5.a); and {CMU 908.101} - maintaining viewshafts from Roberts Street and Kitchener Street to and across the Steamer Basin (Policy 18.2.3.5.d). {CMU 908.101}

18.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
19. Harbourside Edge Zone Standards (18.6.18.5) - walkway design { CMU 908.101 }	a. Effects on amenity and character of zone { CMU 908.101 }	Relevant objectives and policies: {CMU 908.101} i. Objectives 2.4.1, 18.2.3 {CMU 908.101} ii. Development in the Harbourside Edge Zone is designed and located to provide a high level of amenity by requiring public pedestrian access to and along the coast that is attractive, safe, durable, and readily accessible to the public (Policy 18.2.3.5.a). {CMU 908.101}

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

² **CMU cl.16:** Policy 18.2.3.12 is added as a cl. 16 change as it is a relevant consideration for this activity.

³ **Trans cl.16:** Under Transportation section assessment rules (Rule 6.9.5.1), 'effects on accessibility' is not a matter of discretion for contraventions of contraventions of parking, loading and access standards. However, this matter of discretion was inadvertently included in notified Section 18 assessment rules. The correction of this error, via the deletion of Rule 18.9.4.14.a, does not result in a substantive change to the effect of provisions.

⁴ **CMU cl.16:** Matters of discretion corrected to reflect those in Rule 6.9.

18.9.5 Assessment of subdivision performance standard contraventions

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

18.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
5. Shape	<i>Relevant objectives and policies:</i> a. Objective 2.4.1 b. Subdivisions are designed to ensure any future land use or development of the resultant site is able to meet the performance standards in the zone, or where in a structure plan mapped {ULS cl.16} area, reflects the requirements of the structure plan mapped area performance standards {ULS cl.16}, unless: i. a resource consent is approved for a development that does not meet the performance standard and the subdivision is intended for and capable of providing for that approved development; or ii. the resultant site is required for: 1. <u>a</u> Scheduled ASCV ASBV {NatEnv 958.60}; or 2. <u>a</u> QEII covenant; or 3. <u>a</u> reserve; or 4. <u>an</u> access; or 5. <u>a</u> utility; or 6. <u>a</u> road (Policy 2.4.1.8). <i>General assessment guidance:</i> c. Non-compliance with the performance standard for shape will be assessed based on which performance standard(s) the shape of the resultant site does not provide for compliance with. See matters of discretion and assessment rules in relation to performance standard contraventions for: i. minimum car parking; ii. boundary setbacks; iii. setback from scheduled tree; iv. ~~earthworks standards (building platform slope);~~ {CMU cl.16} v. setbacks from water bodies; and vi. setback from National Grid. d. <u>For contravention of the building platform slope part of the shape performance standard (Rule 18.7.5.2), see the matters of discretion and assessment rules in relation to earthworks - large scale (Rule 8A.7.2.1). {CMU cl.16}</u> <i>Conditions that may be imposed:</i> e. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site. f. A building platform may be required to be registered against the title by way of consent notice.	

18.9.6 Assessment of restricted discretionary performance standard contraventions in a pedestrian street frontage mapped area, overlay zone, mapped area, heritage precinct, or affecting a scheduled item

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Affecting a scheduled heritage item building or scheduled heritage structure {Her cl.16} : Materials and design	a. Effects on heritage values	See Rule 13.5
2. In a hazard overlay zone or swale mapped area : - Hazard overlay zones development standards {NH cl.16} - Hazard exclusion areas (Rule 11.3.1.1) – Swale mapped area (Rural Centre Zone only) - Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) overlay zones) - Relocatable buildings (Hazard 3 (coastal) Overlay Zone) {NH cl.16} - Hazardous substances quantity limits and storage requirements {PO cl.16}	a. Risk from natural hazards	See Rule 11.4
3. In a heritage precinct : - Boundary setbacks - Building colour - Fence height and design - Materials and design - Height - Location and screening of car parking {CMU cl.16} - Number, location and design of ancillary signs	a. Effects on heritage streetscape character	See Rule 13.5

18.9.6 Assessment of restricted discretionary performance standard contraventions in a pedestrian street frontage mapped area, overlay zone, mapped area, heritage precinct, or affecting a scheduled item

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
4. ~~In~~ <u>Along or adjacent to</u> {CMU cl.16} a pedestrian street frontage mapped area: • Location of industrial activities	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> - Objective 18.2.3 - Industrial activities avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate any adverse effects on streetscape amenity by locating any part of the industrial operation that involves machinery or metal work within a part of a building that does not include any doors or windows that open to a primary pedestrian street frontage mapped area or secondary pedestrian street frontage mapped area (Policy 18.2.3.10).

18.9.6 Assessment of restricted discretionary performance standard contraventions in a pedestrian street frontage mapped area, overlay zone, mapped area, heritage precinct, or affecting a scheduled item

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
5. ~~In~~ <u>Along or adjacent to {CMU cl.16}</u> a primary pedestrian street frontage mapped area: • Location of activities within pedestrian street frontage mapped areas • Height • Minimum glazing and building modulation • Minimum ground floor to ceiling height • Pedestrian entrances • Setback from road boundaries • Verandahs	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> - Objective 18.2.3 - Buildings along a primary pedestrian street frontage mapped area are located, designed and operated to provide a high level of pedestrian amenity by: - providing a continual frontage of buildings along the street, apart from pedestrian alleyways; - providing a clear and direct visual connection between the street and the building interior; - providing a direct physical connection to the building interior through clearly identified pedestrian entrances on the highest order pedestrian street frontage; - providing shelter for pedestrians on footpaths, in the form of a verandah; - being of a height that maintains existing sunlight access to footpaths and public open spaces; - providing an architecturally interesting façade and human scale design, through building modulation and consistent alignment of windows; - being designed to have commercial activities at the ground floor, with an adequate ground floor to ceiling height to accommodate these activities; and - providing customer-facing activities on the ground floor (Policy 18.2.3.2). <i>Potential circumstances that may support a consent application include:</i> - The length of the total building frontage that will not meet this standard is short and the context of the building means any effects on streetscape amenity will be no more than minor. - It is proposed to only lease the space for a limited period of time, and the consent will be time-limited. <u>In neighbourhood centres the setback area between the road boundary and the building is used for outdoor seating for a restaurant. {CMU 826.7}</u> <i>Conditions that may be imposed include:</i> - Time limit on consent. <u>A condition that prevents the setback area from being used for carparking or outdoor storage. {CMU 826.7}</u>

18.9.6 Assessment of restricted discretionary performance standard contraventions in a pedestrian street frontage mapped area, overlay zone, mapped area, heritage precinct, or affecting a scheduled item

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
6. ~~In~~ Along or adjacent to {CMU cl.16} a secondary pedestrian street frontage mapped area: • Location of activities within pedestrian street frontage mapped areas • Pedestrian entrances • Minimum glazing and building modulation • Setback from road boundaries • Verandahs	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> - Objective 18.2.3 - Buildings provide a good level of pedestrian amenity by: - providing a regular frontage of buildings along the street, with limited interruptions for vehicle accesses; - providing a clear and direct visual connection between the street and the building interior; - providing an architecturally interesting façade and human scale design, through building modulation and consistent alignment of windows; and - providing shelter for pedestrians at pedestrian entrances (Policy 18.2.3.3). <i>Potential circumstances that may support a consent application include:</i> - The design and size of the verandah still allows for the shelter of pedestrians from the weather. - The activities proposed at ground floor have a customer-facing function. - The length of the total building frontage that will not meet this standard is short and the context of the building means any effects on streetscape amenity will be no more than minor. - It is proposed to only lease the space for a limited period of time, and the consent will be time-limited. <i>Conditions that may be imposed include:</i> - Time limit on consent.

18.9.6 Assessment of restricted discretionary performance standard contraventions in a pedestrian street frontage mapped area, overlay zone, mapped area, heritage precinct, or affecting a scheduled item

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
7. <u>On a primary or secondary pedestrian street frontage mapped area: {NU 457.20}</u> • <u>Location (network utility activities) (Rule 5.5.6.1) {NU 457.20}</u> • <u>Maximum volume in pedestrian street frontage mapped areas, heritage precincts and scheduled heritage sites (network utility activities) (Rule 5.5.B) {NU 457.20}</u>	a. <u>Effects on pedestrian amenity {NU 457.20}</u>	<u>Relevant objectives and policies: {NU 457.20}</u> i. <u>Objectives 18.2.3 and 5.2.1 {NU 457.20}</u> ii. <u>Network utility structures – small scale are of a design, location and scale that maintains a high level of pedestrian amenity in pedestrian street frontage mapped areas (Policy 18.2.3.13). {NU 457.20}</u>
8. <u>In a wāhi tūpuna mapped area: {MW 1071.16}</u> • <u>Setback from coast and water bodies {MW 1071.16}</u> • <u>Esplanade reserves and strips {MW 1071.16}</u>	a. <u>Effects on cultural values of Manawhenua {MW 1071.16}</u>	<u>See Rule 14.3 {MW 1071.16}</u>

¹ NH cl.16: Name of individual standards that apply used for clarity, instead of the collective name for Natural Hazards performance standards.

² **CMU cl.16**: Location and screening of car parking removed as contravention of this rule is a non-complying activity (Rule 18.12.5.3)

Rule 18.10 Assessment of Restricted Discretionary Activities

Rule 18.10.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 18.10.2 - 18.10.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. ~~Rules 18.10.2 - 18.10.5 apply as follows: 18.10.4 apply to activities in the commercial and mixed use zones; Rule 18.10.5 contains additional provisions that apply to activities in an overlay zone, mapped area, heritage precinct, and affecting a scheduled item. {CMU cl.16}~~
 - a. Rule 18.10.2 applies to restricted discretionary land use activities;
 - b. Rule 18.10.3 applies to assessment of restricted discretionary development activities;
 - c. Rule 18.10.4 applies to restricted discretionary subdivision activities; and
 - d. Rule 18.10.5 applies to restricted discretionary activities in an overlay zone, mapped area, heritage precinct or affecting a scheduled item. {CMU cl.16}
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
5. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard) {PO cl.16}~~ then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 18.9; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 18.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 18.12; and
 - iii. the assessment guidance in this section will also be considered.

18.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All high trip generating activities, including: <u>All high trip generators, which include:</u> {Trans cl.16} - any activities that generate 250 or more vehicle movements a day {Trans 458.4 and others} - Restaurants drive-through (CEC, TR) {Trans cl.16} - Service stations (CEC, TR) {Trans cl.16} - Emergency services (CEC, TR, CBD, centres, WP, PPH, SSYP, HE) {CP 945.49} - Early childhood education – large scale (CBD, centres, WP, PPH, SSYP, HE) {Trans cl.16}	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility	See Rule 6.10

18.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
X. • <u>Restaurants drive-through (CEC - North, CEC - South, TR) {CMU 634.36}</u> • <u>Service stations (CEC - North, CEC - South, TR, Centres, PPH) {CP 634.109 and CP 634.38}</u>	a. <u>Effects on residential amenity {CMU 634.36}</u>	<u>Relevant objectives and policies: {CMU 634.36}</u> i. <u>Objective 18.2.2 {CMU 634.36}</u> ii. <u>Significant adverse effects on the amenity of existing residential activities are avoided or mitigated as far as practicable (Policy 18.2.2.4). {CMU 634.36}</u>
	b. <u>Effects on the safety and efficiency of the transport network {Trans 458.4 and others}</u>	<u>See Rule 6.10 {Trans 458.4 and others}</u>
2. • <u>Early childhood education (CBD, centres, WP, PPH, SSYP, HE)</u>	a. <u>Effects on ability of commercial activities to operate Reverse sensitivity effects {PO cl.16}</u>	<u>Relevant objectives and policies:</u> i. <u>Objective 18.2.2</u> ii. <u>Early childhood education and residential activities in the CBD, centres and CBD edge mixed use zones {CMU 997.69}</u> are located where they will not constrain (have reverse sensitivity effects on) activities which are provided for in the commercial and mixed use zone (Policy 18.2.2.8). <u>Potential circumstances that may support a consent application include:</u> iii. <u>Performance standards for development activities are met.</u> iv. <u>Outdoor play areas of early childhood centres are protected from external noise through acoustic fencing or other building design measures that reduce the noise received in play areas.</u>
	b. <u>Effects on the safety and efficiency of the transport network {Trans 458.4 and others}</u>	<u>See Rule 6.10 {Trans 458.4 and others}</u>

18.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. - Conference, meeting and function ancillary to visitor accommodation {CMU cl.16} (PPH, SSYP) - Entertainment and exhibition ancillary to visitor accommodation (PPH, SSYP)	a. Effects on the vibrancy and economic and social success of the CBD and centres.	<i>Relevant objectives and policies (priority considerations) {CMU cl.16}:</i> - Objective 18.2.2 - The activities are secondary to the visitor accommodation activity (Policy 18.2.2.2.a).
	b. Effects on residential amenity	<i>Relevant objectives and policies (priority considerations) {CMU cl.16}:</i> - Objective 18.2.2 - Any adverse effects on the amenity of surrounding residential activities, from noise, anti-social behaviour, or other effects can <u>will</u> {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated (Policy 18.2.2.2.b). <i>Potential circumstances that may support a consent application</i> - Performance standards for development activities are met. - The scale and nature of the activity including the number of people involved in the activity, hours of operation means that effects can <u>will</u> {CMU cl.16} be avoided, or if avoidance is not possible, adequately mitigated.
	c. Potential for Reverse sensitivity effects {PO 1046.5}	<i>Relevant objectives and policies (priority considerations) {CMU cl.16}:</i> - Objective 18.2.2 - The potential for reverse sensitivity on any activities that are provided for, such as industrial activities, {PO 1046.5} can <u>will</u> {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated (Policy 18.2.2.2.c).
	d. Effects on the safety and efficiency of the transport network	See Rule 6.10

18.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
4. • Visitor accommodation (NEC and NECC) • Community and leisure - large scale (NEC and NECC)	a. Effects on residential amenity	<i>Relevant objectives and policies:</i> i. Objective 18.2.2 ii. Any adverse activities effects {CMU cl.16} on the amenity of surrounding residential activities are avoided or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigated (Policy 18.2.2.7). <i>Potential circumstances that may support a consent application include:</i> iii. Communal outdoor living / gathering areas are located or screened from surrounding properties. iv. Performance standards for development activities are met.
5. Hospital (CEC - North) {CMU 551.13}	a. Effects on accessibility {CMU 551.13} b. Effects on the safety and efficiency of the transport network {CMU 551.13}	See Rule 6.10 {CMU 551.13}

¹ **PO cl.16:** Wording of matter of discretion changed to standard phrasing.

18.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. New buildings and additions and alterations to buildings in the Harbourside Edge Zone, <u>that are visible from an adjoining public place or the harbour</u> {CMU cl.16}	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 18.2.3 ii. New buildings and additions and alterations to buildings in the Harbourside Edge Zone are designed and located to provide a high level of amenity by: 1. being built to the street frontage along the entire length of Birch Street, and for no less than 60% of the street frontage on Kitchener Street, <u>except for: {CMU 908.101}</u> 1. <u>any setbacks required to allow pedestrian entrances; and {CMU 908.101}</u> 2. <u>the provision of amenity space for customers or residents at the front of buildings. {CMU 908.101}</u> 2. including appropriate building modulation, window alignment, use of glazing, floor height, colour, architectural detail to provide visual interest and a human-scale design; 3. being of a design that is coherent, appropriate to the setting and history of the area, and provides a positive relationship to both the street and the harbour; ~~and~~ 4. having active edges with strong visual and physical connections from the street to the inside of buildings (Policy 18.2.3.4). iii. <u>Development is designed and located to provide a high level of amenity by: {CMU 908.101}</u> 1. <u>ensuring the design and location of on-site car parking does not compromise streetscape or harbour amenity (Policy 18.2.3.5.b); and {CMU cl.16}</u> 2. <u>ensuring development activities incorporate the principles of CPTED (Policy 18.2.3.5.c) {CMU cl.16}</u> <i>Conditions that may be imposed include:</i> iv. Council may place condition on aspects of building design including: 1. entry and exit points for pedestrians; 2. building materials; 3. architectural detail; 4. building modulation; 5. colour; and 6. window type and placement.

18.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
X. <u>New buildings and structures, and additions and alterations as part of the Dunedin Hospital redevelopment</u> {CMU 551.13}	a. <u>Effects on streetscape and pedestrian amenity</u> {CMU 551.13}	<i><u>Relevant objectives and policies:</u> {CMU 551.13}</i> i. <u>Objective 18.2.3</u> {CMU 551.13} ii. <u>Development maintains or enhances streetscape amenity by ensuring:</u> {CMU 551.13} <u>an attractive street interface is maintained through landscaping where buildings are not built to the street frontage:</u> {CMU 551.13} <u>large parking areas which are visible from the street are visually broken up with internal landscaping, which also provides for rainwater absorption:</u> {CMU 551.13} <u>service areas and outdoor storage areas associated with industrial or other activities are not visible from ground level of a public place; and</u> {CMU 551.13} <u>an architecturally interesting façade through building modulation and use of glazing (Policy 18.2.3.1)</u> {CMU 551.13} iii. <u>Buildings and additions and alterations maintain or enhance streetscape amenity by ensuring the use of verandahs where appropriate (Policy 18.2.3.X.a)</u> {CMU 551.13}
2. <u>High trip generators:</u> {Trans cl.16³} <u>New or additions to parking areas, or extensions to existing parking areas that result in the creation of 50 or more new parking spaces</u> {Trans cl.16}	a. <u>Effects on the safety and efficiency of the transport network</u> b. <u>Effects on accessibility</u> {Trans cl.16⁴}	See Rule 6.10

18.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Earthworks – large-scale (that exceed the scale thresholds for the commercial and mixed use {CMU cl.16} zones) {EW cl.16} ²	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 18.2.4 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 18.2.4.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 18.2.4.3.b). <i>Potential circumstances that may support a consent application include:</i> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or impact upon existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to:</i> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished.

18.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 18.2.4 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 18.2.4.3.c). <i>Potential circumstances that may support a consent application include:</i> iii. A geotechnical report confirms the existing ground is suitably stable for the proposed works, and proposed works will not create instability risks for surrounding land, buildings, or structures (see Special Information Requirements – Rule 18.13.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards. <i>Conditions that may be imposed include, but are not limited to:</i> v. Maximum slopes of cut and fill batters. vi. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. vii. Temporary shoring requirements to maintain stability before a wall is constructed. viii. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
4. Earthworks – large scale (that exceed scale thresholds within 5m of a water body or MHWS) {EW cl.16} ²	a. Effects on biodiversity and natural character of riparian margins and the coast b. Effects on public access	See Rule 10.5

¹ **CMU cl. 16:** Policy 18.2.3.5 is added as a cl.16 change as it is a relevant consideration for this activity.

² **EW cl.16:** As a clause 16 amendment, all earthworks provisions in management and major facility zones have been moved to a new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

³ **Trans cl.16:** A reference to 'high trip generators' has been added here, to clarify that this activity is assessed as a high trip generator under Transportation section rules. This does not result in a substantive change to the effect of provisions.

⁴ **Trans cl.16:** Under Transportation section rules, 'effects on accessibility' as well as 'effects on safety and efficiency of the transport network' are matters of discretion for high trip generators. However, 'effects on accessibility' was inadvertently omitted from notified Section 18 assessment rules. The correction of this error does not result in a substantive change to the effect of provisions.

18.10.4 Assessment of restricted discretionary subdivision activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	Subdivision activities	a. Effects on the safety and efficiency of the transport network	See Rule 6.10
		b. Risk from natural hazards	See Rule 11.5

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	In a heritage precinct : All RD activities due to being in a heritage precinct	a. Effects on heritage streetscape character	See Rule 13.6
2.	Activities affecting a scheduled heritage item building or scheduled heritage structure <i>{Her cl.16}</i> : - All RD activities due to affecting a scheduled heritage building, scheduled heritage structure, or scheduled heritage site <i>{Her cl.16}</i> - Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure <i>{Her cl.16}</i> - Removal for relocation <i>{Her cl.16}</i> - Earthworks – large scale (that exceed scale thresholds for a SHS) <i>{EW cl.16²}</i> - All subdivision activities on sites containing a scheduled heritage building or scheduled heritage structure <i>{Her cl.16}</i>	a. Effects on heritage values	See Rule 13.6

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. In a ~~hazard overlay zone~~ all hazard overlay zones, swale mapped areas and dune system mapped areas {NH949.25, NH634.69 and NH cl.16}: • Earthworks – large scale (that exceed scale thresholds for a hazard (land instability) overlay zone) {EW cl.16²} • Earthworks – large scale (that exceed scale thresholds for a hazard (flood) overlay zone) {EW cl.16³} • Earthworks – large scale (that exceed scale thresholds for a swale mapped area) {EW cl.16³} • Subdivision activities in a hazard 3 (Coastal) Overlay Zone {NH949.25, NH634.69 and NH cl.16}	a. Risk from natural hazards	See Rule 11.5
4. In a Hazard 1 (land instability) Overlay Zone (see Rule 18.3.8): • New buildings, and additions and alterations to buildings, which create more than 1m² of new ground floor area {NH 73.4 and others}	a. Risk from natural hazards {NH 73.4 and others}	See Rule 11.5 {NH 73.4 and others}
5. In the Hazard 1 or {NH cl.16³} 2 (flood) {NH 73.4 and others} Overlay Zone other than the hazard 1 (land instability) Overlay Zone {NH 73.4 and others} (see Rule 18.3.8): • New buildings, and additions and alteration to buildings, which create more than 60m² of new ground floor area	a. Risk from natural hazards	See Rule 11.5
6. {NH cl.16¹} In a geologically sensitive mapped area (GSA) {NH cl.16} • Earthworks – large scale (that exceed underlying zone scale thresholds) {NH cl.16}	a. Risk from natural hazards {NH cl.16}	See Rule 11.5 {NH cl.16}

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
7.	In a wāhi tūpuna mapped area: Earthworks – large scale (that exceed the scale thresholds for the commercial and mixed use zones) {EW cl.16²}	a. Effects on cultural values of manawhenua	See Rule 14.4
8.	In the Hazard 2 (flood) Overlay Zone: {NH 634.74} - Natural hazards {NH cl.16} sensitive activities {NH 634.74} - Natural hazards {NH cl.16} potentially sensitive activities {NH 634.74}	a. Risk from natural hazards {NH 634.74}	See Rule 11.5 {NH 634.74}
9. {NU 806.11}	In the National Grid Corridor mapped area: {NU806.11} All subdivision activities {NU 806.11}	a. Effects on health and safety {NU806.11}	See Rule 5.8 {NU 806.11}
		b. Reverse sensitivity effects {NU806.11}	
		c. Effects on efficient and effective operation of network utilities {NU806.11}	
X.	Activities affecting a scheduled heritage site: {Her cl.16⁴} - New buildings and structures on a scheduled heritage site, where visible from an adjoining public place or a publicly accessible place within the site {Her cl.16} - Parking, loading and access on a scheduled heritage site, where visible from an adjoining public place or a public place within the site {Her cl.16} - All subdivision activities {Her cl.16}	a. Effects on heritage values {Her cl.16}	See Rule 13.6 {Her cl.16}

¹ **NH cl.16**: As a clause 16 amendment, geologically sensitive areas are not part of this Plan, and are included in the data map for information purposes only.

² **EW cl.16**: As a clause 16 amendment, all earthworks provisions in management and major facility zones have been moved to a new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

³ **NH cl.16**: Removed as a clause 16 amendment, as there is no intersect between the Commercial and Mixed Use Zones and the Hazard 1 (flood) Overlay Zone.

⁴ **Her cl.16**: Assessment rule separated out from rule 18.10.5.2 for clarity. There is no substantive change to the

provisions.

Rule 18.11 Assessment of Discretionary Activities

Rule 18.11.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. With respect to section 104(2) of the RMA, Council will not consider retail as a permitted activity in scheduled heritage buildings as part of the permitted baseline in considering the effects of discretionary activities in the Warehouse Precinct Zone.
3. Rules 18.11.2 - 18.11.5 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
4. Rules 18.11.2 - 18.11.4 apply as follows: to activities in the commercial and mixed use zones; Rule 18.11.5 contains additional provisions that apply to activities in an overlay zone. {CMU cl.16}
 - a. Rule 18.11.2 applies to all discretionary land use activities;
 - b. Rule 18.11.3 applies to discretionary land use activities; and
 - c. Rule 18.11.4 applies to discretionary performance standard contraventions. {CMU cl.16}
5. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

18.11.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary <u>land use</u> activities <u>listed below</u> {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to, those related to: i. Objective 2.3.2, policies 2.3.2.1 - 2.3.2.4 ii. Objective 2.4.3, policies 2.4.3.1 - 2.4.3.4 b. Objective 14.2.1 {CMU cl.16} c. Objective 18.2.3 d. Avoid land use activities (including stand-alone car parking) that require buildings or site design that is incompatible with: i. the <u>high</u> {CMU cl.16} level of pedestrian streetscape amenity expected for the location in a primary pedestrian street frontage mapped area and secondary pedestrian street frontage mapped area; and ii. the higher level of urban neighbourhood amenity anticipated in the HE, SSYP and WP zones (18.2.3.9). <i>Potential circumstances that may support a consent application:</i> e. For discretionary land use activities, whether any associated buildings or structures meet relevant development performance standards, or otherwise achieve the relevant policies for development (see rules ~~18.8~~ 18.9 and 18.12.5 {CMU cl.16} for performance standard contraventions). f. All relevant land use performance standards are met, including noise and light spill standards. <i>General assessment guidance:</i> g. In assessing the significance of effects, consideration will be given to: i. both short and long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. h. ~~For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.~~ {CMU cl.16} i. ~~In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying~~

18.11.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
	activity status will also be considered. {CMU cl.16¹} <i>Relevant guidance from other sections (priority considerations):</i> j. <u>See Section 6.11 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network {CMU 899.10} and its affordability to the public. {Trans 881.63}</u> k. <u>See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety {PHS cl.16}</u>

¹ **CMU cl.16:** CMU Deleted as replicates Rule 18.11.1.5.

² **CMU cl.16:** Deleted as not relevant.

18.11.3 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
1. Ancillary licensed premises (NEC/NECC)	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.1 b. Adverse effects on the character and amenity of adjacent residential activities and the surrounding neighbourhood are will be {PO cl.16} avoided or, if avoidance is not possible practicable, {PO 908.3 and others} adequately mitigated (Policy 18.2.1.10 <u>18.2.2.9</u>). {CMU cl.16¹} <i>Potential circumstances that may support a consent application:</i> c. The scale and nature of the activity, including hours of operation, and whether the activity has an on and/or off license, is appropriate for a neighbourhood centre and will reduce the potential for any adverse effects.
2. Restaurants (PPH, SSYP, CEC, TR)	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.1 b. The activity is not of a scale or nature that is more appropriate to locate in the CBD, centres, WP or HE because: - it is unlikely to contribute to the vibrancy and vitality of those zones; and - it has specific operational requirements that do not fit with those locations (Policy 18.2.1.18). <i>Potential circumstances that may support a consent application include:</i> c. The restaurant is a take-away only restaurant that requires easily accessible short term parking.

18.11.3 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
3. Food and beverage retail (WP and PPH)	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.1 b. Food and beverage retail in the WP and PPH zones is of a size, and designed in a manner, to serve the local area and not operate as a destination retailer for other parts of the city (Policy 18.2.1.13).
4. Restaurant - drive through and service stations {CP 634.38 and 634.109} (PPH and Centres)	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.2 b. Objective 18.2.3 c. ~~Adverse~~ <u>Significant adverse</u> effects on the amenity of <u>existing</u> residential activities <u>are will be avoided or, if avoidance is not possible, adequately mitigated as far as practicable</u> {CMU 634.36} (Policy 18.2.2.4). d. The drive-through component of restaurant - drive through and service stations {CP 634.38} will not be visible or accessed from a <u>primary</u> {CMU 634.35} pedestrian street frontage mapped area (Policy ~~18.2.3.14~~ <u>18.2.1.15.b</u> {CMU 634.35}).
5. Development associated with discretionary land use activities	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.3 b. Policies 18.2.3.1 - 18.2.3.7
6. <u>Visitor accommodation (CEC-South)</u> {CMU 899.10}	<i>Relevant objectives and policies (priority considerations):</i> {CMU 899.10} a. <u>Objective 18.2.2</u> {CMU 899.10} b. <u>The potential for reverse sensitivity will be avoided or, if avoidance is not practicable, adequately mitigated</u> (Policy 18.2.2.10) {CMU 899.10}
7. • <u>Early childhood education (CEC-North)</u> {CMU 997.68} • <u>Residential activities (CEC - North)</u> {CMU 997.69}	<i>Relevant objectives and policies:</i> a. <u>Objective 18.2.2</u> b. <u>Early childhood education and residential activities are located where their establishment will not constrain (have reverse sensitivity effects on) activities that are provided for in the commercial and mixed use zone</u> (Policy 18.2.2.8). {CMU 977.69} <i>Potential circumstances that may support a consent application include:</i> c. <u>Outdoor play areas of early childhood centres are protected from external noise through acoustic fencing or other building design measures that reduce the noise received in play areas.</u> {CMU 977.68 and 977.69}

¹ **CMU cl.16:** Policy reference amended as a result of deletion of Policy 18.2.1.10.

18.11.4 Assessment of discretionary performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Acoustic insulation	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
2.	- Noise - where the limit is exceeded by less than 5dB LAeq (15min) - Light spill - where the limit is exceeded by 25% or less	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
3. {CMU 908.101}	~~Standards Harbourside Edge {CMU 908.101}~~ ~~Rule 18.6.18.1 {CMU 908.101}~~ ~~Rule 18.6.18.2 {CMU 908.101}~~	<i>Relevant objectives and policies (priority considerations):</i> {CMU 908.101} a. Objective 18.2.3 {CMU 908.101} b. New buildings and additions and alterations to buildings in the Harbourside Edge Zone are designed and located to provide a high level of amenity by: {CMU 908.101} i. being built to the street frontage along the entire length of Birch Street, and for no less than 60% of the street frontage on Kitchener Street {CMU 908.101} ii. including appropriate building modulation, window alignment, use of glazing, floor height, colour, architectural detail to provide visual interest and a human-scale design; {CMU 908.101} iii. being of a design that is coherent, appropriate to the setting and history of the area, and provides a positive relationship to both the street and the harbour; and {CMU 908.101} iv. having active edges with strong visual and physical connections from the street to the inside of buildings (Policy 18.2.3.4). {CMU 908.101}
4.	<u>Location (hazard facility mapped area)</u> {PHS 906.1}	See Rule 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to <u>people's health and safety</u>. {PHS 906.1}

18.11.4 Assessment of discretionary performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
5.	<u>Restaurants ancillary to trade related retail or food and beverage retail activity 1,500m² or more in gross floor area</u> <u>Location of ancillary restaurants</u> <u>Maximum gross floor area of restaurants {CMU 713.6}</u>	<u>Relevant objectives and policies:</u> <u>Objective 18.2.1</u> <u>Restaurants service people engaged in the primary activity and are unlikely to attract significant patronage outside this purpose (Policy 18.2.1.19).</u> <u>The activity is not of a scale or nature that is more appropriate to locate in the CBD, centres, WP or HE because:</u> <u>it is unlikely to contribute to the vibrancy and vitality of those zones; and</u> <u>it has specific operational requirements that do not fit with those locations (Policy 18.2.1.18). {CMU 713.6}</u>

18.11.5 Assessment of discretionary activities in an overlay zone {NH634.74}

Activity {NH634.74}		Guidance on the assessment of resource consents {NH634.74}
1.	In the hazard 1 overlay zones (see Rule 18.3.8): {NH cl.16} Potentially sensitive activities permitted in commercial and mixed use zones {NH cl.16}	See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH cl.16}
2.	In the hazard 2 overlay zones (see Rule 18.3.8): {NH634.74} - Potentially sensitive activities not permitted in commercial and mixed use zones {NH634.74} - Sensitive activities {NH634.74}	See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH634.74}

¹ **NH cl.16:** This content has been deleted because it was included in error.

Rule 18.12 Assessment of Non-complying Activities

Rule 18.12.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. With respect to section 104(2), Council will not consider retail as a permitted activity in scheduled heritage buildings as part of the permitted baseline in considering the effects of non-complying activities in the Warehouse Precinct Zone.
3. Rules 18.12.2 - 18.12.5 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
4. Rules 18.12.2 - 18.12.5 apply as follows: {CMU cl.16}
 - a. Rule 18.12.2 applies to all non-complying activities;
 - b. Rule 18.12.3 applies to non-complying land use activities;
 - c. Rule 18.12.4 applies to non-complying development activities; and
 - d. Rule 18.12.5 applies to non-complying performance standard contraventions. {CMU cl.16}
5. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

18.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities, <u>including but not limited to the activities listed below</u> {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to, those related to: i. Objective 2.3.2, policies 2.3.2.1 - 2.3.2.4 ii. Objective 2.4.3, policies 2.4.3.1 - 2.4.3.4 b. ~~The relationship between manawhenua and the natural environment is maintained, including the cultural values and traditions associated with:~~ {MW cl.16} i. ~~wāhi-tūpuna; and~~ {MW cl.16} ii. ~~the customary use of mahika kai (Objective 14.2.1)~~ {MW cl.16} c. The activity supports the purpose of the zone as outlined in Objective 2.3.2 and Objective 18.2.1. d. The proposed activities will achieve objectives 18.2.1, 18.2.2. and 18.2.3 & ~~18.2.4~~ {EW cl.16}. <i>General assessment guidance:</i> e. In assessing the significance of effects, consideration will be given to: i. both short and long term effects, including effects in combination with other activities. ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. f. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. <i>Relevant guidance from other sections (priority considerations):</i> g. <u>See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public.</u> {Trans cl.16} h. <u>See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety</u> {PHS cl.16} i. <u>See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua</u> {MW cl.16}

¹ **MW cl.16:** For consistency, assessment Rule 18.12.2.1.b has been replaced with 18.12.2.1.i, which uses standard wording used elsewhere in the plan

² **Trans cl.16:** This amendment adds a cross-reference to relevant assessment rules in the transportation section, for all non-complying activities. This does not change the effect of provisions.

18.12.3 Assessment of non-complying land use activities		
Activity		Guidance on the assessment of resource consents
1.	Commercial advertising	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c
2.	Crematoriums	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.2, Policy 18.2.2.5 <i>Relevant guidance from other sections (priority considerations):</i> b. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.
3.	Office and retail outside of CBD and centres, where non-complying	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.2 b. Objective 18.2.1, Policy 18.2.1.3
4.	Industry in SSYP	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.1, Policy 18.2.1.14
5.	Service stations, restaurant drive-through, yard-based retail in CBD, WP, SSYP and HE zones.	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.1, Policy 18.2.1.15 b. <u>Objective 18.2.2, Policy 18.2.2.4 {CMU 634.35}</u> c. Objective 18.2.3, Policy 18.2.3.11 <u>9 (along pedestrian frontages) {CMU 634.35}</u>
6.	Conference, meeting and function, entertainment and exhibition ~~outside of CBD and centres~~ (PPH, SSYP, CEC, TR) {CMU cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.1, Policy 18.2.1.17
7.	- Early childhood education and residential activities (CEC - ~~South~~ and TR) {CMU 977.68 and 977.69} - Visitor accommodation (TR)	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.2, Policy 18.2.2.6
8.	- Cemeteries - Landfills	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.
9.	Yard-based retail (CBD, SSYP, HE, <u>WP</u> {CMU cl.16})	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.1, Policy 18.2.1.3

18.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
10. In a hazard facility mapped area: - Major facility activities (except emergency services) - Entertainment and exhibition - Registered health practitioners {PHS 906.1}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and Policy 9.2.2.15 and the risks to people from an emergency event occurring at a hazard facility. {PHS 906.1}

18.12.4 Assessment of non-complying development activities

Activity	Guidance on the assessment of resource consents
1. Demolition of a protected part of a scheduled heritage building or scheduled heritage structure.	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects on heritage values.
2. ~~{CMU cl.16}~~¹ New driveways from a primary pedestrian street frontage (PPF). See Rule 18.6.15.	~~<i>Relevant objectives and policies (priority considerations):</i>~~ a. ~~Objective 18.2.3~~ b. ~~Policy 18.2.3.2 and 18.2.3.9~~
3. In the ~~hazard 1 overlay zones~~ (see Rule 18.3.8): ~~Potentially sensitive activities not permitted in commercial and mixed use zones~~ ~~Sensitive activities {CMU cl.16}~~²	~~<i>Relevant guidance from other sections (priority considerations):</i>~~ a. ~~See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. {CMU cl.16}~~

¹ **CMU cl.16**: Rule 18.12.4.2 moved to Rule 18.12.5.10.

² **CMU cl.16**: Rule not relevant as no hazard 1 (flood) overlay zones in CMU zones.

18.12.5 Assessment of non-complying performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	• Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5bD LAeq (15 min) or more • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2, and effects related to public health and safety.
2.	Setback from National Grid	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.1 5.2.2 {NU 918.29} and effects related to the efficient and effective operation of network utilities and public health and safety.
3.	Location and screening of car parking	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.3 b. Policies 18.2.3.8 and 18.2.3.9 <i>Relevant guidance from other sections (priority considerations):</i> c. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.3 and effects on heritage streetscape character {CMU cl.16}
4.	Standards {CMU cl.16} Harbourside Edge Zone Standards {CMU cl.16} (Rule 18.6.18.34 to Rule 18.6.18.6) - <u>walkway location</u> {CMU 908.101}	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.3 b. Policy 18.2.3.5.a {CMU cl.16}
5.	Archaeological sites (earthworks) {EW cl.16} ³	See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.4 and effects related to the inappropriate development and use in Dunedin's archaeological sites.
6.	Location of restaurant drive-through and service stations (Rule 18.5.4.3)	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.1 b. Policy 18.2.1.15
7.	In <u>Along</u> {CMU cl.16} a primary pedestrian street frontage mapped area: • Access to loading areas (Rule 6.6.2.5.b)	<i>Relevant guidance from other sections (priority considerations):</i> a. See Rule 6.12 for guidance on the assessment of resource consents in relation to Objective 6.2.4 and effects on the safety and efficient operation of the transport network. {CMU cl.16}

18.12.5 Assessment of non-complying performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
8.	<u>Maximum gross floor area of office activity in the Harbourside Edge Zone {CMU 908.102}</u>	<u>Relevant objectives and policies (priority considerations): {CMU 908.102}</u> a. <u>Objective 2.3.2 {CMU 908.102}</u> b. <u>Objective 18.2.1, policies 18.2.1.2, 18.2.1.3 {CMU 908.102}</u>
9. {NU 806.11}	<u>Shape (Rule 18.7.5.2.c) - setback of building platforms from National Grid {NU 806.11}</u>	<u>Relevant guidance from other sections (priority considerations):</u> a. <u>See Section 5.10 for guidance on the assessment of resource consents in relation to {NU 806.11} Objective 5.2.2 {NU 918.29} and effects related to the efficient and effective operation of network utilities, and reverse sensitivity. {NU 806.11}</u>
10. {CMU cl.16} ⁴	<u>Parking, loading and access standards (Rule 18.6.15.2) - new vehicle accesses on a primary pedestrian street frontage mapped area</u>	<u>Relevant objectives and policies (priority considerations):</u> a. <u>Objective 18.2.3</u> b. <u>Policies 18.2.3.2</u>
11.	<u>In a dune system mapped area or swale mapped area: {NH cl.16}</u> • <u>Hazard exclusion areas (except Rural Centre Zone in a swale mapped area) {NH cl.16}</u>	<u>Relevant guidance from other sections (priority considerations): {NH cl.16}</u> a. <u>See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. {NH cl.16}</u>

² **CMU cl.16:** Reference to Section 13 added as a minor amendment to assist plan usability.

³ **EW cl.16:** As a clause 16 amendment, all earthworks provisions in management and major facility zones have been moved to a new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

⁴ **CMU cl.16:** Rule 18.12.5.10 moved from Rule 18.12.4.2.

Rule 18.13 Special Information Requirements

EW cl.16: As a clause 16 amendment, Rule 18.13.1 Geotechnical investigation report has been moved to a new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

19. Industrial Zones

19.1 Introduction

Industrial activities make an important contribution to the economic well-being of Dunedin. In order to be able to operate effectively, industrial activities have particular requirements including adequate land and access to raw materials and markets. However, these activities can create off-site effects such as noise, smell, and heavy traffic movements that need to be managed under the RMA.

Industrial zoned land is spread throughout the City, including in the following areas:

- Ravensbourne Road;
- State Highway 88;
- Dunedin Wharf (inner city Port);
- Strathallan Street, Portobello Road, Portsmouth Drive;
- Hillside Road;
- Kaikorai Valley Road and Donald Street;
- Burnside Corner;
- Fairfield;
- Abbotsford; and
- Mosgiel.

The inner city Port area, like Port Chalmers, is recognised as an important city gateway. As a key transportation route, the inner city Port is important for both economic and social prosperity. The inner city Port area {Ind 634.92} has been included as an industrial zone in the Industrial Port Zone. This reflects the decision to zone the Port at Port Chalmers as a Major Facility, and the mix of industrial and port activities in the inner city Port area. The intent of the Industrial Port Zone is to specifically recognise and provide for the needs of the inner city Port and its associated activities. {Ind 634.92}

The key resource management issues that are being experienced or are anticipated in industrial zones are:

- Reverse sensitivity due to off-site effects such as noise, odour (managed by Otago Regional Council), heavy traffic movements, and the interaction between industrial activities and adjacent activities also needs to be managed under the RMA. Often the extent of these effects is such that physical separation is required between industrial activities and more sensitive activities.
- Threats to the availability and affordability of industrial land from the encroachment of non industrial activities (particularly retail and residential activities) into industrial zoned land. An example of this is the development of the former industrial zoned land adjoining Andersons Bay Road into large format retail, car yards and other commercial activities. The use of industrial zoned land for retail and residential activities reduces the availability, and increases the value, of industrial zoned land and consequently reduces the potential for industrial activities to be able to successfully operate in these locations. Such encroachment also exacerbates potential reverse sensitivity issues. For this reason, one of the primary focusses of the Industrial Zone is the protection of industrial zoned land for industrial activities.

In response to these issues, the ~~Second Generation Plan (2GP) Plan~~ **{PO cl.16}** provisions propose to protect the existing clusters of industrial zoning, including areas near the centre city in order to take advantage of economies of scale and connectivity, while identifying new industrial land in strategic locations.

The ~~2GP Plan~~ **{PO cl.16}** provides for all industrial activities to occur in the Industrial Zone and Industrial Port Zone

{PO cl.16}, including industry, industrial ancillary tourism, rural contractor and transport depots **{RU 911.5}** and rural industry. A range of activities that are unlikely to create reverse sensitivity issues or compete with industrial activities for land are also provided for in the Industrial Zone. These activities include port, yard based retail, retail ancillary to industry (with maximum gross floor area requirement), and stand-alone car **{Ind cl.16}** parking activities. Industry is also broadly defined and includes service activity (repairs and maintenance), transport depots, and laboratories.

Lastly, land that is currently zoned rural but is suitable for future industrial development has been identified ~~in the 2GP~~ and ~~the inclusion of a rule~~ and a rule included **{Ind cl.16}** that will trigger a change from rural to industrial applied to this land.

19.2 Objectives and Policies

Objective 19.2.1	
The industrial zones enable and protect the ability of {Ind 893.26} industrial and port activities to establish and operate {Ind 893.26} by: a. only providing for a very limited range of specified non-industrial or non-port activities; <u>and to establish and operate {Ind 893.26}</u> b. ensuring the potential for reverse sensitivity effects on industrial and port activities, from activities that are provided for within the industrial zones, is minimised {PO 1046.5} is insignificant {Ind 906.34}'.	
Policy 19.2.1.1	Provide for the establishment and operation of {Ind 893.27} industrial and port <u>activities</u> , activity, industrial ancillary tourism activity {Ind cl.16} and <u>retail industrial ancillary to retail industry activity {Ind cl.16}</u> in the industrial zones.
Policy 19.2.1.2	Enable farming and grazing in the Dukes Road North mapped area industrial area {Ind cl.16} .
Policy 19.2.1.3	Avoid the establishment of non-industrial or non-port activities, other than those expressly provided for in the industrial zones, unless they would have significant positive effects on the successful operation of surrounding industrial or port activities.
Policy 19.2.1.4	Provide for yard based retail activity {Ind cl.16} , service stations and emergency services to locate in the industrial zones in recognition that: a. these activities often require a built form that cannot meet the requirements within the CBD and centres; and b. they are unlikely to be incompatible with industrial or port activities due to reverse sensitivity; and c. they are unlikely to be significant competing uses of land in an Industrial and <u>Industrial {Ind cl.16}</u> Port zoned area.
Policy 19.2.1.5	Only allow retail ancillary to industry where it is of a size that: a. is clearly subordinate to and part of the operation of the primary industrial <u>industry {Ind cl.16}</u> activity; and b. does not conflict with objectives 2.3.1, 2.3.2 and 2.4.3; and c. does not create adverse effects on other industrial activities, for example from traffic, parking or reverse sensitivity effects {PO 1046.5}.
Policy 19.2.1.6	Only allow restaurants and ancillary licensed premises which are designed and operated to service the workers engaged in or associated with industrial or port activities in the area, and are unlikely to attract significant patronage outside of this purpose.
Policy 19.2.1.7	Only allow community and leisure, and sport and recreation, to locate in the industrial zones where these activities have specific operational requirements that mean it is not practical to locate in a recreation, residential or commercial <u>and mixed use {Ind cl.16}</u> zone.
Policy 19.2.1.8	Provide for crematoriums to locate in the industrial zones due to the high degree of cultural and social sensitivity to their operation, and the lack of residential activity in <u>this these zones</u> .
Policy 19.2.1.9 {Ind cl.16}	Avoid residential activity due to its high potential for reverse sensitivity to industrial or port activities, <u>unless it would have significant positive effects on the successful operation of surrounding industrial or port activities. {Ind cl.16}</u>

Objective 19.2.1

The industrial zones enable and protect the ability of ~~{Ind 893.26}~~ industrial and port activities to establish and operate ~~{Ind 893.26}~~ by:

- only providing for a very limited range of specified non-industrial or non-port activities; ~~and to establish and operate {Ind 893.26}~~
- ensuring the potential for reverse sensitivity effects on industrial and port activities, from activities that are provided for within the industrial zones, is minimised ~~{PO 1046.5} is insignificant {Ind 906.34}~~.

Policy 19.2.1.10	Avoid retail activity (excluding retail ancillary to industrial activities ~~industry {Ind cl.16}~~ and yard based retail activities) due to its high potential to be a significant competing use of land primarily zoned for industrial or port uses, unless it would have significant positive effects on the successful operation of surrounding industrial or port activities.
Policy 19.2.1.X ~~{Ind cl.16}~~	Only allow industrial ancillary tourism and activities other than industrial activities in the industrial zones where:— ~~a. the potential for reverse sensitivity is insignificant, that may affect the ability of industrial activities to operate, will be avoided or, if avoidance is not possible, will be no more than minor. {Ind 906.38 and others}~~

¹ **Ind 906.34:** Part b of Objective 19.2.1 has been moved from Objective 19.2.2.

² **Ind cl.16:** This Policy has moved from Objective 19.2.2 where it was originally numbered 19.2.2.8.

³ **Ind cl.16:** Policy 19.2.1.9 is not referenced in assessment rules and duplicates Policy 19.2.1.3 and therefore is unnecessary.

Objective 19.2.2

~~Development and activities~~ Activities ~~{PO cl.16}~~ are designed and operated so that:

- a reasonable level of amenity is maintained within the industrial zones;
- ~~any {PO cl.16}~~ adverse effects on the amenity of adjoining residential, school or recreation zones are minimised as far as practicable; ~~{Ind 906.34}~~
- a high standard of amenity along identified an ~~{Ind cl.16}~~ **amenity route mapped areas** ~~{Ind cl.16}~~ is maintained; ~~and~~
- ~~the potential for reverse sensitivity effects on industrial and port activities, from activities that are provided for within the industrial zones, is minimised {Ind 906.34}~~

Policy 19.2.2.1	Require buildings to be set back an adequate distance from boundaries which adjoin residential, ~~school {Ind cl.16}~~ or recreation zoned sites to maintain adequate sunlight access to these sites.
Policy 19.2.2.2	Require development along an amenity route mapped area to provide a high level of streetscape amenity by: - providing landscaping of a height and density adequate to maintain or enhance the amenity of the route and to ~~screen~~ <u>mitigate the visual impact of</u> ~~{Ind 895.5}~~ industrial activities and development; and - setting back buildings an adequate distance to allow this landscaping.
Policy 19.2.2.3	Require fencing along boundaries that adjoin residential or school zoned sites to be of an adequate height and design to provide screening and security.
Policy 19.2.2.4	Require materials stored outside, including those which may become airborne due to wind, to be stored in a way that prevents materials escaping and contaminating any off-site area.

Objective 19.2.2

Policy 19.2.2.5	Require buildings and structures to be of a height that: a. is similar to the existing height of buildings of the industrial and industrial port zones; {Ind 906.36} b. ~~a. avoids significant~~ avoids or minimises, as far as practicable, significant {Ind 906.36 and PO 908.3 and 308.497} adverse effects on views from the central city and Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula; and c. ~~b. minimises;~~ avoids or, if avoidance is not practicable, ensures adverse effects from as far as practicable, {Ind 906.36} shading and wind tunnelling effects on school, residential, and recreation zoned sites <u>are no more than minor.</u> {Ind 906.36 and PO 908.3}
Policy 19.2.2.6	Only allow buildings and structures to exceed the maximum height limit where: a. the height is essential to the operation of an industrial ~~the industry~~ {Ind cl.16} activity; and b. ~~all practicable measures have been taken to avoid or minimise~~ {Ind 906.37} the visual effects of the height limit exceedance <u>have been minimised as far as practicable.</u> {Ind 906.37}
Policy 19.2.2.7	Require ancillary signs to be of an appropriate size and number to convey information about the name, location and nature of the business to passing vehicles or pedestrians, and not oversized or too numerous for that purpose.
Policy 19.2.2.8 {Ind cl.16²}	Only allow activities other than industrial activities in the industrial zones where: {Ind cl.16³} a. ~~the potential for reverse sensitivity, that may affect the ability of industrial activities to operate,~~ will be avoided or, if avoidance is not possible, will be no more than minor. {Ind cl.16³}
Policy 19.2.2.9	Only allow crematoriums where they are located to avoid <u>or minimise, as far as practicable,</u> {PO 308.497} significant adverse effects on the amenity of surrounding residential, school and recreation zoned sites.

¹ **Ind 906.34:** Part d of Objective 19.2.2 has been moved to Objective 19.2.1.

² **Ind cl.16:** This Policy has moved to be under Objective 19.2.1.

³ **Ind cl.16:** To align with the boundary setbacks rule.

EW cl.16: As a clause 16 amendment, Objective 19.2.3 and its policies have been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

Rules

Rule 19.3 Activity Status

19.3.1 Rule location

The activity status tables in rules 19.3.3 to 19.3.6 specify the activity status of land use activities, development activities, and subdivision activities in the industrial zones and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

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

19.3.2 Activity status introduction

1. The tables in rules 19.3.3 to 19.3.5 show the activity status of activities in the industrial zones and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 4-6 1.3 **{Ind cl.16}** outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested tables in Section 4-6 1.3 **{Ind cl.16}** are intended to be a complete list of activities and categories of activities. For any activity that is not covered by any of the defined activities in the nested tables, the activity status will be non-complying if the activity status of "all" or "all other" activities in the most closely related category is non-complying, otherwise it will be discretionary.

Additional activity status rules in hazard overlay zones

6. For the purpose of the hazards provisions, activities are categorised as natural hazards **{NH cl.16}** sensitive activities, natural hazards **{NH cl.16}** potentially sensitive activities or natural hazards **{NH cl.16}** least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
7. In the ~~hazard 1~~ or Hazard 2 (flood) Overlay Zone **{NH cl.16}**, the activity statuses in Rule 19.3.6 apply to the following activities:
 - a. ~~new~~ **{NH 908.3}** natural hazards **{NH cl.16}** sensitive activities;
 - b. natural hazards **{NH cl.16}** potentially sensitive activities, and
 - c. some new buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area **{NH. cl.16}**

8. Where the activity status in Rule 19.3.6 differs from that in rules 19.3.3 - 19.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 19.3.6, performance standards for development activities within hazard overlay zones are included in rules 19.3.3 - 19.3.5.
10. Activities in a hazard overlay zone must comply with all of the rules in 19.3.3 - 19.3.6.

Performance Standards

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

¹ **NH cl.16:** The content from Table 19.3.6 has been moved to Table 19.3.X, with the exception that columns a and c have been removed, pursuant to clause 16. Column a was removed as there is no intersect between the Hazard 1 (flood) Overlay Zone and the Industrial Zones. Column c was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are show in the new location.

Legend

Acronym	Activity-status Meaning {PO cl.16}
N/A	~~No additional provisions apply or not relevant~~ <u>Not Applicable {PO 490.1 and others}</u>
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
Ind	Industrial Zone
IP <u>IndPort {Ind cl.16}</u>	Industrial Port Zone
Acronym {Ind cl.16}	Hazard overlay zones names {Ind cl.16}
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones

19.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities			a. Acoustic insulation b. Electrical interference c. Light spill d. Noise e. Setback from a National Grid (National Grid sensitive activities only) {NH cl.16}
Industrial activities		Activity status ²		Performance standards
		a. Ind	b. IP IndPort {Ind cl.16}	
3.	Industrial ancillary tourism	P RD {Ind 634.33}	P RD {Ind 634.33}	i. Minimum car parking ii. Minimum vehicle loading
2.	All other activities in the Industrial activities category {Ind cl.16³}	P	P	i. Minimum car parking ii. Minimum vehicle loading
4.	Rural industry {Ind cl.16⁴}	P {Ind cl.16}	P {Ind cl.16}	i. Minimum car parking {Ind cl.16}
Major facility activities		a. Ind	b. IP IndPort {Ind cl.16}	Performance standards
5.	Crematoriums	RD	RD	i. Minimum car parking
6.	Emergency services	RD P {CP 945.36}	RD P {CP 945.36}	i. Minimum car parking {CP 945.36}
7.	Port	P	P	
8.	All other activities in the major facility activities category	NC	NC	
Commercial activities		a. Ind	b. IP IndPort {Ind cl.16}	Performance standards
9.	Ancillary licensed premises	RD	RD	i. Minimum car parking {Ind cl.16⁵}
10.	Yard based retail	P	P	i. Minimum car parking
11.	Retail ancillary to industry	P	P	i. Maximum gross floor area ii. Minimum car parking
12.	Service stations other than self-service fuel stations {CP 634.32}	RD	RD	i. Service station design standards {Ind cl.16} ii. Minimum car parking {Trans 634.107}

13.	<u>Self-service fuel stations</u> { CP 634.32 }	RD P { CP 634.32 }	RD P { CP 634.32 }	i. Service station standards ii. <u>Minimum car parking</u> { Trans 634.107 }
13.	Restaurants	P	P	i. Hours of operation ii. Maximum gross floor area iii. Minimum car parking
14.	Stand-alone car parking	P	P	
15.	Commercial advertising	NC	NC	
16.	All other activities in the commercial activities category	NC	NC	
Community activities		a. Ind	b. ~~IP~~ IndPort { Ind cl.16 }	Performance standards
17.	Community and leisure – small-scale { Ind 634.34 }	RD NC { Ind 634.34 }	RD NC { Ind 634.34 }	
18.	Community and leisure – large-scale { Ind 634.34 }	RD	RD	
19.	Sport and recreation	RD	RD	
20.	Conservation	P	P	
21.	Early childhood education	NC	NC	
Rural activities		a. Ind	b. ~~IP~~ IndPort { Ind cl.16 }	Performance standards
22.	Farming in Dukes Road North mapped area { PO cl.16 }	P	N/A	
23.	Farming in all other areas	NC	NC	
24.	Grazing in Dukes Road North mapped area { PO cl.16 }	P	N/A	
25.	All other activities in the rural activities category	NC	NC	
Residential activities		a. Ind	b. ~~IP~~ IndPort { Ind cl.16 }	Performance standards
26.	All other activities in the residential activities category	NC	NC	

¹ **Ind cl.16:** As per Rule 19.5.6 this standard does not apply to this activity

² **PO 490.1:** Em-dashes are no longer used, and activity status is shown for all overlays (not just those that have additional provisions applying), except where two areas (zones, overlays, mapped areas etc.) do not intersect, in which case N/A is used. A plus symbol has been added to activity statuses that are the same as in the underlying zone but where additional assessment matters apply. See amended legend.

³ **Ind cl.16:** Amended as Industrial ancillary tourism is a sub-activity of Industry, no substantive change to rules.

⁴ **Ind cl.16:** Removed as already covered under definition of Industry (Rural Industry is a sub-activity of Industry)

19.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities	a. Boundary treatments b. <u>Setback from coast and water bodies</u> {NatEnv cl.16} c. <u>Setback from national grid</u> {NU cl.16} d. Setback from scheduled tree e. <u>Natural Hazards Performance Standards</u> <u>Hazard overlay zones development standards</u> {NH cl.16}		
2.	Performance standards that apply to all new {Ind cl.16} buildings and structures activities	a. Boundary setbacks b. Fire fighting {Ind cl.16} c. Maximum height d. <u>Height in relation to boundary</u> {Ind cl.16} e. Number, location and design of ancillary signs f. <u>Setback from coast and water bodies</u> {NatEnv cl.16} g. <u>Setback from National Grid</u> {NU cl.16}		
Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure - See rows 4 - 8)		Activity status		Performance standards
		a. Ind	b. ~~IP~~ <u>IndPort</u> {Ind cl.16}	
3.	Buildings and structures activities	P	P	
Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		a. Ind	b. ~~IP~~ <u>IndPort</u> {Ind cl.16}	Performance standards
4.	Repairs and maintenance ~~or restoration~~ {Her 547.91}	P	P	i. Materials and design
X.	<u>Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1</u> {Her 547.91}	P C {Her 547.91}	P C {Her 547.91}	i. <u>Materials and design</u> {Her 547.91}
Y.	<u>Restoration of all other scheduled heritage buildings and structures</u> {Her 547.91}	P	P	i. Materials and design
5.	Earthquake strengthening where external features only are protected	C	C	i. Materials and design

Z.	<u>Signs attached to buildings or structures</u> {Her cl.16²}	P	P	
6.	All other additions and alterations	RD	RD	
7.	Demolition	NC	NC	
8.	Removal for relocation	RD	RD	
Development activities on a scheduled heritage site, where visible from an adjoining public place or a public place within the heritage site		a. Ind	b. ~~IP~~ <u>IndPort</u> {Ind cl.16}	Performance standards {Ind cl.16}
9.	New {Her cl.16} structures no more than 2.5m high or 2m ² footprint	P	P	
10.	All other <u>new</u> {PO cl.16} structures	RD	RD	
11.	New buildings	RD	RD	
12.	Parking, loading and access	RD	RD	i. Parking, loading and access standards
Site development activities in all areas (except as covered by rows 9 - 12 above)		a. Ind	b. ~~IP~~ <u>IndPort</u> {Ind cl.16}	Performance standards
13.	Parking, loading and access	P	P	i. Parking, loading and access standards ii. Boundary treatments
14.	New or additions to parking areas, or extensions to existing parking areas that result in the creation of {Trans cl.16} 50 or more new parking spaces.	RD	RD	i. Parking, loading and access standards ii. Boundary treatments
15.	Outdoor storage	P	P	i. Maximum height ii. Securing of outdoor storage
16.	Storage and use of hazardous substances	P	P	i. Hazardous substances quantity limits and storage requirements ii. <u>Setback from coast and water bodies</u> {NatEnv cl.16²}
17.	Vegetation clearance	P	P	i. Vegetation clearance standards
~~18.~~	~~Earthworks – small-scale {EW cl.16¹}~~	~~P~~	~~P~~	~~i. Earthworks standards~~
~~19.~~	~~Earthworks – large-scale {EW cl.16¹}~~	~~RD~~	~~RD~~	~~i. Earthworks standards~~
20.	All other site development activities	P	P	

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

² **Her cl.16:** Rule restructured as a result of change to definition of additions and alterations and new definition of

signs attached to buildings and structures. No substantive change to provisions.

³ **Ind cl.16:** The firefighting performance standard applies to residential activities. Residential activity is non-complying in this zone and so the performance standard is not relevant and has been removed under cl.16.

⁴ **NatEnv cl.16:** This performance standard applies to the activity. A link has been added to the activity status table as a cl. 16 amendment to aid plan usability.

Note 19.3B.4A - General advice

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

19.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status		Performance standards
		a. Ind	b. ~~IP~~ <u>IndPort</u> ~~{Ind~~ cl.16}	
1.	Subdivision activities	RD	RD	i. Access ii. Esplanade reserves and strips iii. Fire fighting iv. Service connections v. Shape

Note 19.3.5A - Other RMA considerations {PO 490.4}

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

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

Activity {NH cl.16}		a. Haz1 {NH cl.16}	b. Haz2 {NH cl.16}	c. Haz3 {NH cl.16}
1. {NH cl.16}	Potentially sensitive activities permitted in the industrial zones {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}	— {NH cl.16}
2. {NH cl.16}	Potentially sensitive activities not permitted in the industrial zones {NH cl.16}	NC {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}
3. {NH cl.16}	Sensitive activities {NH cl.16}	NC {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}
4. {NH cl.16}	In a hazard 1 or 2 overlay zone, other than the hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, <i>which create more than 60m² of new ground floor area</i> {NH cl.16}	RD {NH cl.16}	RD {NH cl.16}	— {NH cl.16}

¹ **NH cl. 16:** The content from Table 19.3.6 has been moved to Table 19.3.X, with the exception that column c has been removed, pursuant to clause 16. This was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are shown in the new location.

19.3.X Activity status in the Hazard 2 (flood) Overlay Zone {NH 637.74 and others¹}

Activity		Activity status
X.	Natural hazards sensitive activities {NH 634.74}	⌀ RD {NH 634.74}
Y.	Natural hazards potentially sensitive activities {NH 634.74}	⌀ RD {NH 634.74}
4.	In a hazard 1 or 2 overlay zone, other than the hazard 1 (land instability) Overlay Zone, new {NH 73.4 and others} New buildings, and additions and alterations to buildings, which create more than 60m ² of new ground floor area	RD

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

Note 19.3.6A - ~~Guidance on existing use rights applying to land use activities in hazard overlay zones~~
Other RMA considerations {Ind cl.16}

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

Accordingly, these activities will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 19.3.6. {NH 634.81} However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of the land use activity.

Rule 19.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or section 95B of the Act RMA, **{Ind cl.16}** unless Council considers special circumstances exist in relation to the application that require public notification:
 1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
 2. contravention of the materials and design **{Her cl.16}** performance standard (Rule 13.3.2) 'Materials and design' **{Her cl.16}** where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided for the following:
 1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand;
 2. contraventions of the materials and design **{Her cl.16}** performance standard (Rule 13.3.2) 'Materials and design' **{Her cl.16}** where the building or structure is listed by Heritage New Zealand; and
 3. contravention of the archaeological sites **{Her cl.16}** performance standard (Rule 13.3.3) 'Archaeological sites' **{Her cl.16}**.
3. ~~Applications for resource consent for the following activities will be publicly notified in accordance with section 95A(2) of the RMA, unless Council considers special circumstances exist in relation to the application: **{Her 308.362}**~~
 1. ~~demolition of a protected part of a scheduled heritage building or scheduled heritage structure: **{Her 308.362}**~~
4. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. crematoriums;
 2. all restricted discretionary activities that list 'effect on cultural values of Manawhenua as a matter for discretion; and
 3. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4.
5. With respect to sections 95D(b) and 95E(2)(a), Council will not use the performance standard for maximum height as a permitted baseline in considering the effects of any development activity associated with a discretionary or non-complying activity in the industrial zones.
6. ~~In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons: **{PO cl.16}**~~
7. With respect to resource consent applications for activities in swale mapped areas, the Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided. **{NH cl.16}**
 1. ~~activities in the Hazard 1 (flood) overlay zones; and {NH cl.16}~~
 2. ~~activities in swale mapped areas.~~
8. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

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

³ **NH cl.16:** This rule was notified as Rule 11.8.3 in the Natural Hazards Section but has been transferred to this section for clarify. This does not result in a substantive change to the effect of provisions.

³ **NH cl.16:** Deleted because there is no Hazard 1 (flood) overlay zone in industrial zones

Rule 19.5 Land Use Performance Standards

19.5.1 Acoustic Insulation

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

19.5.2 Electrical Interference

Land use activities must comply with Rule 9.3.2.

19.5.3 Hours of Operation

1. Restaurants must not be open before 6am or after 6pm.
2. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

19.5.4 Light Spill

Land use activities must comply with Rule 9.3.5.

19.5.5 Maximum Gross Floor Area

1. The gross floor area used for retail ancillary to industry activity must not exceed 10% of the ~~total floor space~~ gross floor area **{PO cl.16}** of the premises.
2. The maximum gross floor area ~~of a for~~ restaurants **{PO cl.16}** is 50m².
3. Any retail ancillary to an industry activity that contravenes the performance standard for maximum gross floor area is a non-complying activity.
4. Any restaurants that contravene the performance standard for maximum gross floor area are a restricted discretionary activity. **{Ind cl.16}**.

19.5.6 Minimum Car Parking

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

Activity		Minimum car parking rate
a.	Industry (~~excluding industrial ancillary tourism including rural industry~~ {Ind cl.16})	1 parking space per 100m ² gross floor area.
b.	Industrial ancillary tourism	i. 1 parking space for every 5 persons the facility can accommodate at any one time, and ii. 1 coach parking space for facilities that can accommodate more than 50 people at one time (see Figure 6.14L ~~6B.12~~ {Trans cl.16})
c.	Retail ancillary to industry	1 parking space per 35m ² of retail floor area
d.	Yard based retail	1 parking space per 100m ² of gross floor area and 1 per 400m ² of yard display area.
e.	Restaurants	1 parking space per 35m ² of gross floor area.

Activity		Minimum car parking rate
f.	Crematoriums	1 parking space per 75m ² gross floor area.
g.	<u>Emergency services {CP 945.36}</u>	i. <u>For fire stations: 5 parking spaces per fire engine bay. {CP 945.36}</u> ii. <u>For all other activities: 1 parking space per 100m² gross floor area. {CP 945.36}</u>
h.	<u>Service stations {Trans 634.107}</u>	<u>1 parking space per 40m² of gross public floor area {Trans 634.107}</u>

2. Activities other than standard residential **{Ind cl.16}** must provide mobility parking spaces as follows:

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

3. Required parking spaces must be designed and constructed to comply with Rule 6.6.1.
4. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces.
5. Parking spaces may be shared between land use activities (i.e. the same parking spaces may be used to fulfil the minimum parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap.
6. Where the minimum parking performance standard results in the requirement for a fractional space, any fraction under one half will be disregarded and any fraction of one half or greater will be counted as one space.
7. For activities where the minimum car parking performance standard is based on the gross floor area, the following areas will be excluded from the assessment of gross floor area:
- any parking area and associated manoeuvring space, including aisle;
 - any loading area and associated manoeuvring space {Ind cl.16}
8. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

¹ **Ind cl.16:** Rule 19.5.6.7 has been added to clarify how 'gross floor area' is to be interpreted, for the purposes of the minimum car parking performance standard in this zone. This does not change the effect of provisions.

Note 19.5B.6A - Other relevant District Plan provisions

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

19.5.7 Minimum Vehicle Loading

1. Land use activities must provide the **{Trans cl.16}** on-site vehicle loading and manoeuvring **{PO cl.16}** as follows:

Activity		Minimum vehicle loading rate {Trans cl.16}
a.	Industry	1 loading space to accommodate an 8m rigid truck (see Figure 6.14J 6B.10 {Trans cl.16}).
b.	Industrial ancillary tourism	1 loading space to accommodate a coach on any site greater than 400m ² which has a vehicle crossing onto a rural highway or urban connector (see Figure 6.14L 6B.12 {Trans cl.16}).

2. Required vehicle loading must be designed and constructed to comply with Rule 6.6.2.
3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

19.5.8 Noise

Land use activities must comply with Rule 9.3.6.

19.5.9 Service Station Standards

Service stations must comply with Rule 6.7.1.

19.5.10 Setback from National Grid

National Grid Sensitive **{NH cl.16}** activities must comply with Rule 5.6.1.1.

Rule 19.6 Development Performance Standards

19.6.1 Boundary Treatments

1. ~~Where a building is not built to the street frontage, a~~ A landscaping area with a minimum width of 4.53m **{Ind 930.14}** must be provided along the full length of any road frontage that is identified as an **amenity route mapped area** (except for where existing or permitted **{Ind 930.14}** vehicle access is provided). Landscaping areas must:
 - a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
 - b. have an average of one tree for every 5m of frontage;
 - c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - d. be designed to allow surface water run-off from surrounding areas to enter;
 - e. be protected by a physical barrier that prevents cars ~~from accidentally driving into or~~ **{PO 360.213}** damaging plants;
 - f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a minimum **{PO 360.213}** height of 5m within 10 years of planting;
 - g. be planted prior to occupation ~~or completion~~ of any relevant building(s) or upon completion of site development activities **{Ind cl.16}**; and
 - h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
2. Any road boundary fences provided must be placed on the property side of any required road frontage landscaping required by this rule **{PO 360.213}**.
3. Fencing must be provided along any boundaries which adjoin a residential or school zoned property. Fencing must:
 - a. be constructed from solid timber paling;
 - b. have vertical palings which are butted together;
 - c. only have palings visible from the residential zone (have posts and rails on the Industrial Zone side) **{Ind cl.16}**; and
 - d. be a minimum of 1.8m high.
4. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

Note 19.6.1A - Other requirements outside of the District Plan

1. The Dunedin City Council Commercial Use of Footpaths Policy applies to all objects placed on the footpath or suspended over it up to a height of 2.6m. Contact customer services on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.

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

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

19.6.3 Fire Fighting {Confirmed for deletion - Ind cl.16}

New residential buildings and subdivision activities must comply with Rule 9.3.3. ~~{Ind cl.16}~~

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

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

19.6.4.1 Hazard exclusion areas

Development activities New buildings and structures and additions and alterations ~~{NH cl.16}~~ located in a **swale mapped area** must comply with Rule 11.3.1.1.

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

19.6.4.2 Maximum area of vegetation clearance in the hazard overlay zones

Vegetation clearance in the Hazard 2 (land instability) Overlay Zone must comply with Rule 11.3.2.

19.6.4.3 Minimum floor level ~~{NH 917.27, NH 947.53 and others}~~

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

19.6.4.4 Relocatable buildings

New buildings ~~(including residential buildings)~~ to be used for sensitive activities containing residential activity on the ground floor ~~{NH 360.239 and NH 961.1}~~ in the Hazard 3 (coastal) Overlay Zone must comply with Rule 11.3.4.

19.6.5 Hazardous Substances Quantity Limits and Storage Requirements

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

19.6.6 Height

19.6.6.1 Height in relation to boundary

- a. ~~New buildings and additions or alterations to buildings must not protrude through a plane (see Figure 19.6C) raising at an angle of 45 degrees measured from a point: New buildings and additions and alterations to buildings on sites adjoining a residential zone must comply with the height in relation to boundary performance standard of that residential zone, along the adjoining boundary (see Rule 15.6.7.1): {Res cl.16}~~
 - i. ~~3m above ground level at the side or rear boundary with an Inner City Residential Zone or General Residential 2 Zone; {Res cl.16}~~
 - ii. ~~2.5m above ground level at the side or rear boundary with all other residential zones or a recreation zone; {Res cl.16}~~
 - iii. ~~except, gable ends and dormers may protrude through the height in relation to boundary plane by a maximum of 1m (see Figure 19.6D): {Res cl.16}~~
- b. New buildings and additions and alterations to buildings on sites adjoining the Recreation Zone must comply with the height in relation to boundary performance standard of the Recreation Zone, along the adjoining boundary (see Rule 20.6.6.1): {Rec cl.16}
- c. New buildings and additions and alterations to buildings along the amenity route mapped area on Burns Street must not protrude through a plane raising at an angle of 40 degrees measured from ground level at the centreline of the road (see Figure 19.6E) {Ind 930.14}

- d. New buildings and additions ~~and~~ or alterations to buildings along the **amenity route mapped area** in all other locations must not protrude through a plane raising at an angle of 60 degrees measured from ground level along the road boundary (see Figure 19.6F) **{Ind 930.14}**
- e. Rooftop structures are exempt from the performance standard for height in relation to boundary.
- f. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

¹ **Res cl.16:** There is no substantive change to the rule, it simply refers back to the rule in the residential section to avoid repeating rule wording.

19.6.6.2 Maximum height

- a. The maximum height of new buildings and structures, additions and alterations, and outdoor storage, including the temporary storage of shipping containers must not exceed the following above ground level:

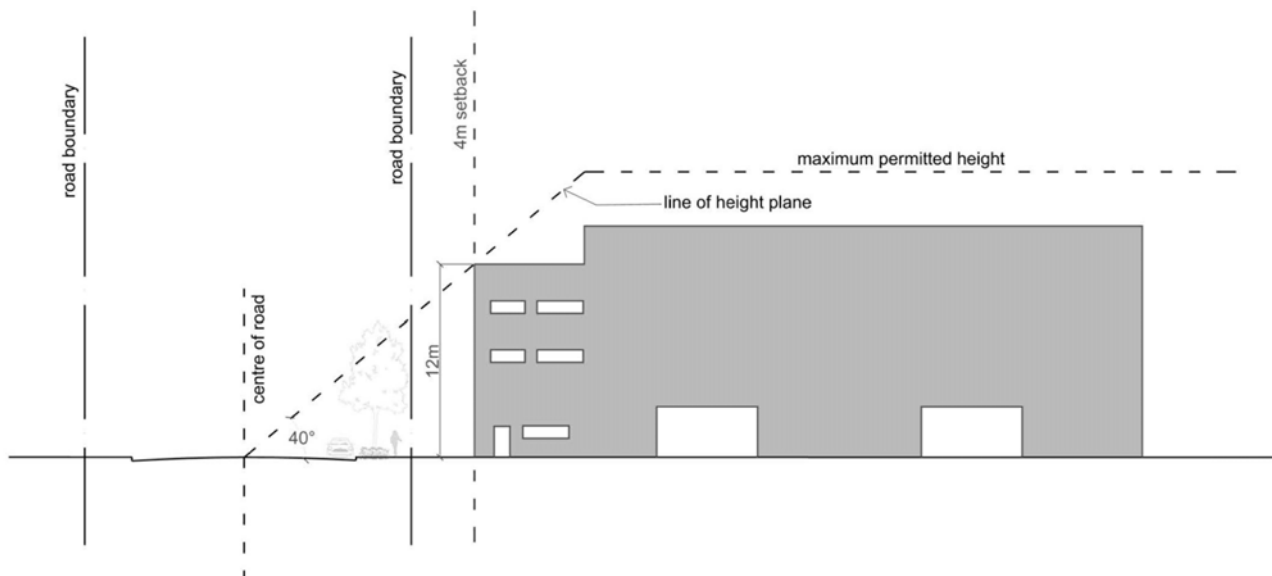
Height area		Maximum height
i.	Industrial Port Zone	25m
b.	Gadbury height mapped area {CMU 317.62}	28m {CMU 317.62}
ii.	Ravensbourne height mapped area	20m
iii.	Cerebos Greggs height mapped area {Ind 54.3}	33m {Ind 54.3}
iv.	Parry Street East height mapped area {Ind 922.1}	25m {Ind 922.1}
dv.	All other areas in the Industrial Zone	18m

- vi. Except, rooftop structures and free standing chimneys as part of industry activity {Ind 893.4} are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other building and structures by 5m.
- vii. Buildings or structures must not protrude through the height restriction for the Taieri Aerodrome approach and take-off fans shown on the **Taieri Aerodrome flight fan mapped area**.
- b. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Figure 19.6C: Height in relation to boundary {Res cl.16}

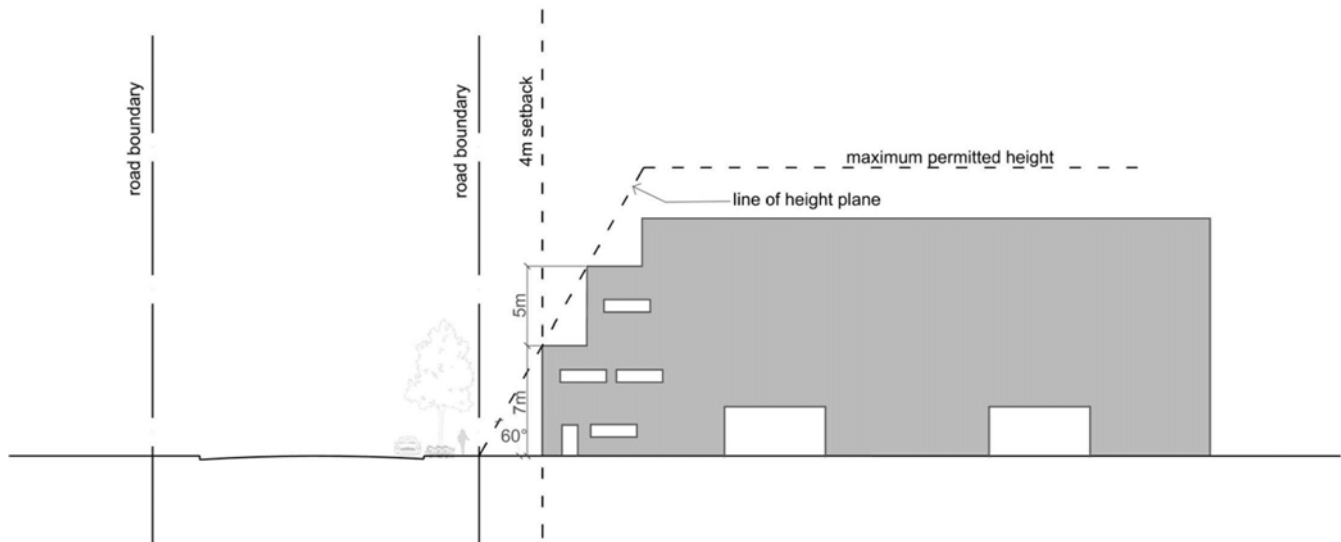
Figure 19.6D: Height in relation to boundary {Res cl.16}

Figure 19.6E: Height in relation to boundary {Ind 930.14}



Example 1. 40 degree height plane measured from the road centre.

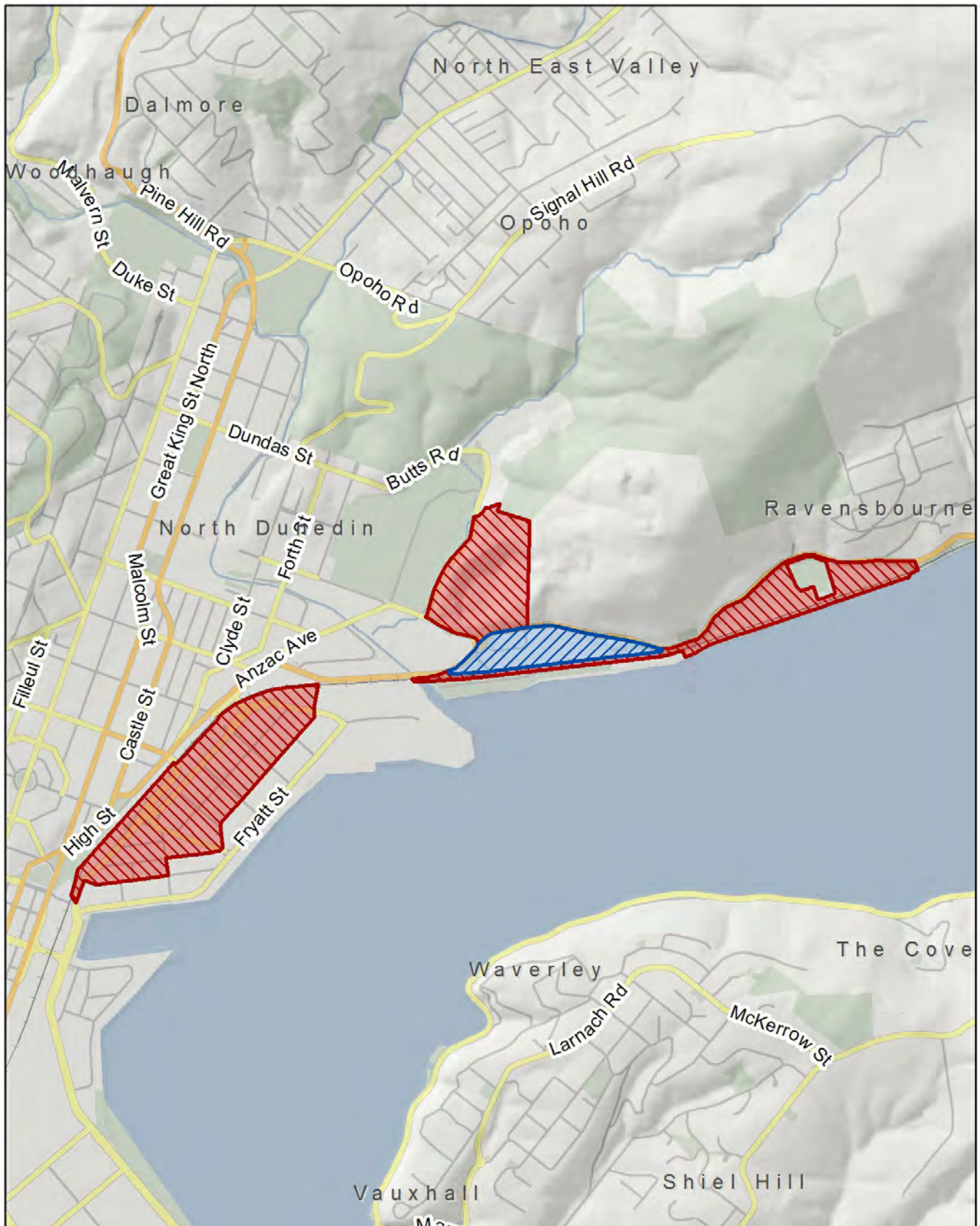
Figure 19.6F: Height in relation to boundary {Ind 930.14}



Example 2. 60 degree height plane measured from the property road boundary.

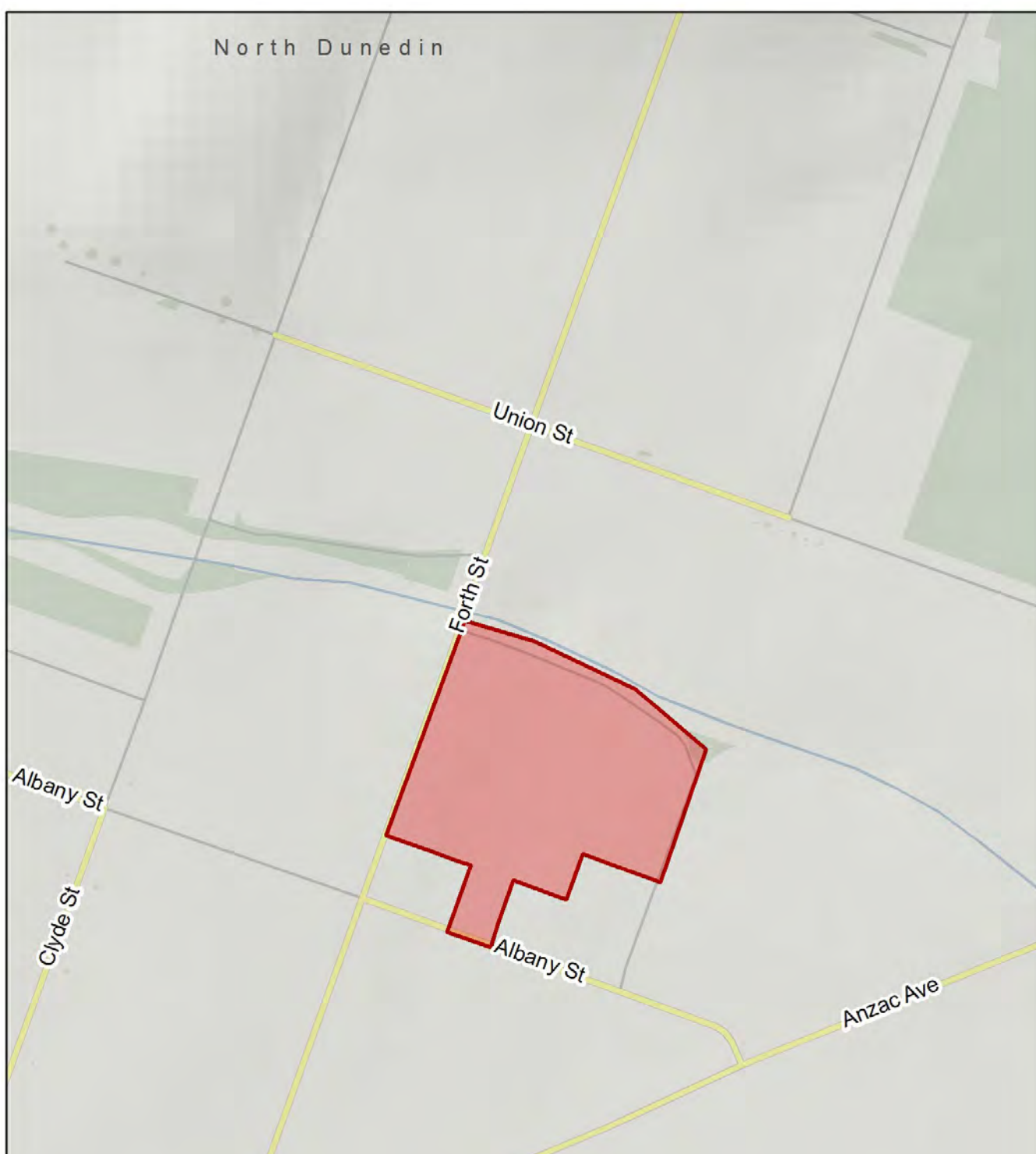
Gadbury Height Mapped Area {CMU 317.62}

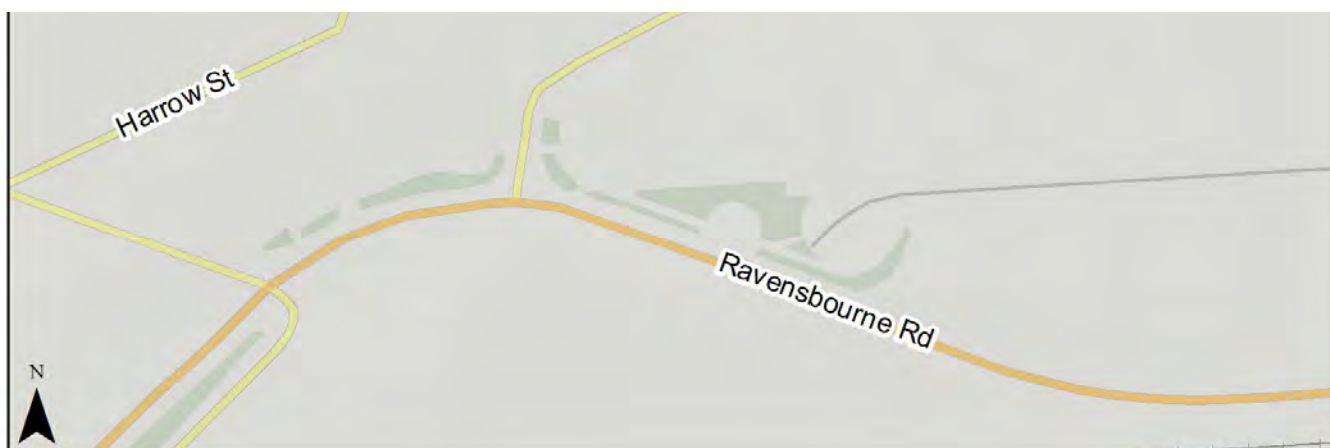
Parry Street East and {Ind 922.1} Ravensbourne Height Mapped Area {Ind 360.25 and 360.26}





Cerebos Gregg's Height Mapped Area {Ind 54.3}





19.6.7 Materials and Design

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

19.6.8 Number, Location and Design of Ancillary Signs

19.6.8.1 General

- a. Signs visible from a public place must meet all of the following performance standards, except that regulatory signs, directional signs and warning signs that do not exceed 0.25m² are exempt from these standards. **{CMU 271.18}**
- b. Signs must also comply with:
 - i. Rule 6.7.2 where located on or **{PO cl.16}** above the footpath; and
 - ii. Rule 6.7.3 where visible from a road.
- c. ~~Signs must be ancillary signs.~~ **{PO cl.16}**
- d. Signs higher than 4m above ground level must only display the business name.
- e. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities. **{PO cl.16}**

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

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

19.6.8.2 Signs attached to buildings

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

- iii. have a maximum of 2 display faces;
- iv. not exceed 1 sign per 15m of street frontage, for a site with a single premise, or 1 per 7.5m, for a site with multiple premises; and
- v. not exceed a total of 3 signs per building.

19.6.8.3 Freestanding signs

- a. The maximum number of freestanding signs is:
 - i. 2 per site or 1 per 50m of street frontage, whichever is the lesser, for permanently fixed freestanding signs; and
 - ii. 1 per 15m of street frontage for portable freestanding signs.
- b. The maximum dimensions of freestanding signs are:
 - i. maximum height of 8m for permanently fixed freestanding signs;
 - ii. maximum height of 4m for portable freestanding signs;
 - iii. maximum area of 16m² per display face for permanently fixed freestanding signs;
 - iv. maximum area of 8m² per display face for portable freestanding signs;
 - v. maximum width of 2m; and
 - vi. maximum depth of 400mm **{PO cl.16}**.
- c. Portable freestanding signs must not be located on the road reserve.
- d. Freestanding signs must:
 - i. not obstruct driveways, parking or loading areas; and
 - ii. be positioned entirely within site boundaries, except:
 - 1. a flag sign may project a maximum of 1.5m over a footpath if the flag sign is located at least 2.5m, at its lowest point, above the footpath.

Note 19.6B- Other relevant District Plan provisions {PO cl.16¹}

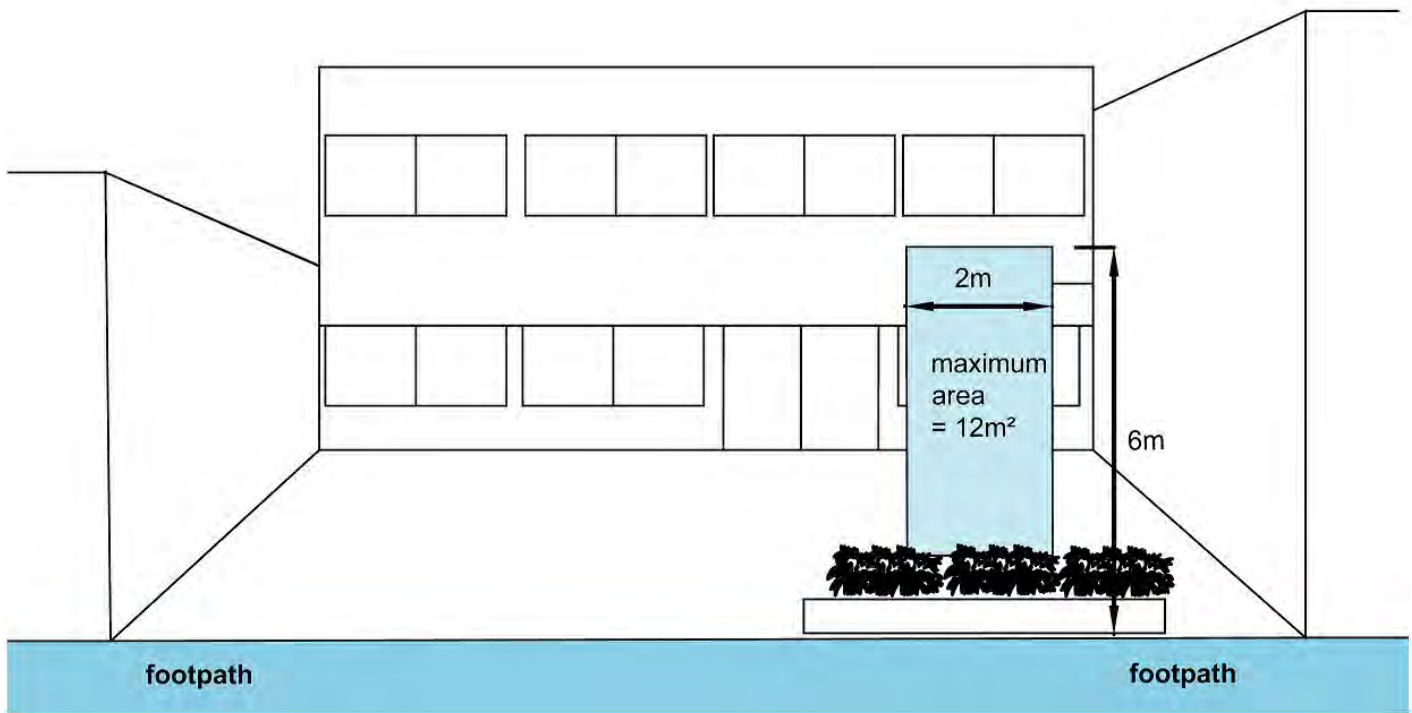
- 1. Commercial advertising is a non-complying land use activity in all zones except the Airport Zone: **{PO cl.16}**
- 2. See Section 3 Public Amenities for the rules related to public noticeboards: **{PO cl.16}**
- 3. See Section 4 Temporary Activities for the rules related to temporary signs: **{PO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

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

Note 19.6G.8A - Other requirements outside of the District Plan

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

Image 19.6E Figure 19.6G: Signs in industrial zones



19.6.9 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

19.6.10 Location of Outdoor Storage {was "Securing of Outdoor Storage" - Ind cl.16}

1. Materials stored outside must be stored in a way that prevents them contaminating any off-site area.
2. Outdoor storage must not encroach into required parking, loading or landscaping areas.
3. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

19.6.11 Setbacks

19.6.11.1 Boundary setbacks

- a. New buildings and structures, and additions and alterations to buildings and structures must have a minimum setback as follows:

Location		Setback distance
i.	From a <u>site boundary which that {Ind 930.14} adjoins a residential, school {Ind cl.16} or recreation zone</u>	5m
ii.	<u>From a boundary along the Burns Street amenity route mapped area {Ind 930.14}</u>	<u>3m {Ind 930.14}</u>
b. iii.	<u>From any a boundary along an all other amenity route mapped areas {Ind 930.14}</u>	<u>10.5m 4m {Ind 930.14}</u>

iv. Except, fences and ancillary signs are exempt from this standard.

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

19.6.11.2 Setback from scheduled tree

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

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

19.6.11.3 Setback from ~~n~~National ~~g~~Grid

New buildings and structures, ~~and~~ additions and alterations, ~~and earthworks~~ **{EW cl.16}** must comply with Rules 5.6.1.1. ~~and 5.6.1.2~~ **{EW cl.16}**

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

19.6.11.4 Setback from coast and water bodies

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

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

19.6.12 Vegetation Clearance Standards

19.6.12.1 - Maximum area of vegetation clearance (UBMA) **{NatEnv cl.16}**

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

19.6.12.2 - Maximum area of vegetation clearance in a hazard overlay zone **{NatEnv cl.16}**

Vegetation clearance in the ~~Hazard 1 (land instability)~~ ~~and~~ **{NatEnv cl.16}** Hazard 2 (land instability) Overlay Zones must comply with Rule 11.3.2.

Rule 19.7 Subdivision Performance Standards

19.7.1 Access

Subdivision activities must comply with Rule 6.8.1.

19.7.2 Esplanade Reserves and Strips

Subdivision activities must comply with Rule 10.3.1.

19.7.3 Fire Fighting

Subdivision activities must comply with Rule 9.3.3.

19.7.4 Service Connections

Subdivision activities must comply with Rule 9.3.7.

19.7.5 Shape

1. Each resultant site must be of a size that is large enough to ensure the following performance standards can be met:
 - a. minimum car parking;
 - b. setbacks from boundaries, water bodies, scheduled trees, ~~national grid~~ **{NU 806.11}**; and
 - c. esplanade reserves or strips.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must ~~not contain~~ **{NU 806.11}**:
 - a. ~~not contain~~ **{NU 806.11}** scheduled heritage buildings or structures; or
 - b. ~~not contain~~ **{NU 806.11}** right-of-way easements.
 - c. be located at least 12m from the outer edge of a National Grid support structure or centreline of an overhead National Grid transmission line. **{NU806.11}**
3. For unreticulated areas, resultant sites must provide for a waste disposal area to be located at least 50m from any water body and mean high water springs. **{PHS 1071.56}**
4. Sites created and used solely for the following purposes are exempt from the shape standard:
 - a. Scheduled ASGV ASBV **{NatEnv 958.60}** or QEII covenant;
 - b. reserve;
 - c. access;
 - d. network utility; or
 - e. road.
5. Subdivision activities that do not meet this standard are restricted discretionary activities, except that subdivision activities that do not meet Rule 19.7.5.2.c are non-complying activities. **{NU806.11}**

Rule 19.8 Assessment of Controlled Activities

Rule 19.8.1 Introduction

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rule 19.8.2:
 - a. lists the matters over which Council has reserved its control; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
 - ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 19.9; and
 - iv. the matters of control become matters of discretion and will be assessed as indicated in this section.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 19.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 19.12; and
 - iii. the assessment guidance in this section will also be considered.

19.8.2 Assessment of controlled development activities

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

Rule 19.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 19.9.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 19.9.2 - 19.9.6:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rules 19.9.2 - 19.9.6 apply as follows: ~~19.9.5 apply to performance standards in the industrial zones; Rule 19.9.6 contains additional provisions that apply to performance standards in mapped areas and scheduled items.~~ **{Ind cl.16}**
 - a. Rule 19.9.2 applies to all performance standard contraventions;
 - b. Rule 19.9.3 applies to land use performance standards;
 - c. Rule 19.9.4 applies to development performance standards;
 - d. Rule 19.9.5 applies to subdivision performance standard contraventions; and
 - e. Rule 19.9.6 applies to performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item. **{Ind cl.16}**

19.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor. b. Compliance with the performance standard would be impracticable or create health and safety issues. c. The need to meet other performance standards, or other site specific factors including topography, make meeting the standard impracticable. d. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. e. Non-compliance with the development performance standard would improve the design of the development in a way that would result in positive effects and better achieve identified objectives and policies of the Plan. f. The contravention is necessary for the ~~industrial~~ <u>industry</u> {Ind cl.16} activity to operate or would have significant positive effects on its operation. <i>General assessment criteria:</i> g. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

19.9.3 Assessment of land use performance standards

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Electrical interference	a. Effects on health and safety	See Rule 9.4
2. - Hours of operation - Maximum gross floor area (restaurants)	a. ~~Effects on the ability of industrial activities to operate~~ Reverse sensitivity effects {PO cl.16¹}	<i>Relevant objectives and policies:</i> i. Objective 19.2.1 ii. The restaurant is designed and operated to service workers engaged in or associated with industrial activities in the area, and is unlikely to attract significant patronage outside of this purpose (Policy 19.2.1.6).
3. ~~Minimum car parking~~ {Trans cl.16²} - Minimum vehicle loading - Service station standards	a. Effects on the <u>safety and efficiency of the</u> {Ind cl.16²} transport network	See Rule 6.9
4. <u>Minimum car parking</u> {Trans cl.16²}	a. Effects on the <u>safety and efficiency of the transport network</u> {Trans cl.16²} b. Effects on <u>accessibility</u> {Trans cl.16²}	See Rule 6.9 {Trans cl.16²}

¹ **PO cl.16:** Wording of matter of discretion changed to standard phrasing.

² **Trans cl.16:** Under Transportation section assessment rules (Rule 6.9.3.6.a), 'effects on accessibility'; is a matter of discretion for contraventions of minimum car parking performance standards. However, this matter of discretion was inadvertently omitted from notified Section 19 assessment rules. The correction of this error, via the deletion of 'minimum car parking' from Rule 19.9.3.3, and the addition of Rule 19.9.3.4., does not result in a substantive change to the effect of provisions.

19.9.4 Assessment of development performance standards

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Boundary setbacks (boundaries adjoining residential, school {Ind cl.16} or recreation zoned sites)	a. Effects on the character and amenity of sensitive surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 19.2.2 ii. Buildings are set back an adequate distance from boundaries which adjoin residential, school {Ind cl.16} or recreation zoned sites to maintain adequate sunlight access to these sites (Policy 19.2.2.1). <i>Potential circumstances that may support a consent application include:</i> iii. The topography of the area means adequate sunlight access will be maintained to the adjacent sites. iv. The affected part of the adjacent site is not utilised by, and will not be used in the future for, a sensitive use.
2.	Boundary treatments (fencing)	a. Effects on the character and amenity of sensitive surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 19.2.2 ii. Fencing along the boundaries that adjoin residential sites in the residential zones or sites in the Schools Zone is of an adequate height and design so that it provides screening and security (Policy 19.2.2.3).
3.	Earthworks standards: • Batter gradient {EW cl.16'}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 19.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 19.2.3.1.b).
4.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs {EW cl.16'}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 19.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 19.2.3.1.a).
5.	Earthworks standards: • Setback from national grid • Setback from network utilities {EW cl.16'}	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7

19.9.4 Assessment of development performance standards

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Earthworks standards: • Sediment control {EW cl.16'}	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 19.2.3 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems, or the coastal marine area {EW 1071.106} (Policy 19.2.3.2.b).
		b. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
7.	Fire fighting {Ind cl.16'}	a. Effects on health and safety {Ind cl.16}	See Rule 9.4 {Ind cl.16}
8.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards {PO cl.16}	See Rule 11.4 {PO cl.16}

19.9.4 Assessment of development performance standards

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
9. • Maximum <i>{Ind cl.16³}</i> Height	a. Effects on heightscape of industrial zones <i>{Ind 906.36}</i>	<i>Relevant objectives and policies: {Ind 906.36}</i> i. Objective 19.2.2 <i>{Ind 906.36}</i> ii. Buildings and structures reflect the existing heightscape of the industrial zones (Policy 19.2.2.5a) <i>{Ind 906.36}</i>
	b a. <i>{Ind 906.36}</i> . Effects on important views <u>shafts across Otago Harbour</u> <i>{PO cl.16³}</i>	<i>Relevant objectives and policies:</i> i. Objective 2.4.1, Policy 2.4.1.4 ii. Objective 19.2.2 iii. Buildings and structures are of a height that avoids <u>or minimises, as far as practicable,</u> <i>{Ind 906.36 and PO 308.497}</i> significant adverse effects on views from the central city and Dunedin's inner hill suburbs, across the upper harbour toward the Otago Peninsula (Policy 19.2.2.5.b <i>{Ind 906.36}</i>). <i>Potential circumstances that may support a consent application include:</i> iv. Adverse effects are adequately mitigated by: 1. natural landforms and features (e.g. cliffs, tall trees on adjacent reserves) that provide a backdrop to the building; 2. the topography of the site; 3. building design; or 4. other neighbouring buildings.
	c. b. <i>{Ind 906.36}</i> Wind tunnelling and shading <u>Effects on neighbourhood amenity</u> <i>{PO cl.16³}</i>	<i>Relevant objectives and policies:</i> i. Objective 19.2.2 ii. Buildings and structures are of a height that <u>minimises, avoids or, if avoidance is not practicable, ensures adverse effects from</u> as far as practicable <i>{Ind 906.36}</i> shading and wind tunnelling effects on school, residential, and recreation zoned sites <u>are no more than minor</u> <i>{Ind 906.36}</i> (Policy 19.2.2.5.eb <i>{Ind 906.36}</i>).
	d. Effects on industrial activities <u>Reverse sensitivity effects</u> <i>{PO cl.16³}</i>	<i>Relevant objectives and policies:</i> i. Objective 19.2.2 ii. The height is essential to the operation of an industrial <u>the industry</u> <i>{Ind cl.16}</i> activity; and <u>all practicable measures have been taken to avoid or minimise</u> <i>{Ind 906.37}</i> the visual effects of the height limit exceedance <u>have been minimised as far as practicable.</u> <i>{Ind 906.37}</i> (Policy 19.2.2.6).
	e. Effects on operation of Taieri Aerodrome	See Rule 33.9 <i>{Ind cl.16⁵}</i>

19.9.4 Assessment of development performance standards

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
10.	Number, location and design of ancillary signs	a. Effects on character and streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 19.2.2 ii. Signs are of an appropriate size and number to convey information about the name, location and nature of the business to passing vehicles or pedestrians, and are not oversized or too numerous for that purpose (Policy 19.2.2.7). <i>Potential circumstances that may support a consent application include:</i> iii. Signs will not be visible from outside the zone.
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
11.	Parking, loading and access standards	a. Effects on the <u>safety and efficiency of the {PO cl.16²}</u> transport network	See Rule 6.9
12.	Securing of outdoor storage	a. Effects on amenity of surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 19.2.2 ii. Materials stored outside, including those which may become airborne due to wind, are stored in way that prevents materials escaping and contaminating any off-site area (Policy 19.2.2.4).
13.	Setback from coast and water bodies	a. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		b. Effects on public access	See Rule 6.9 Rule 10.4 { <i>NatEnv cl.16</i> }
		c. Risk from natural hazards	See Rule 11.4
14.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6

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

² **PO cl.16:** Wording of matter of discretion changed to standard phrasing.

³ **Ind cl.16:** Corrects the name of this standard, because it should not just refer to the sub-component of maximum height as the entire standard defaults to restricted discretionary

⁴ **Ind cl.16:** The firefighting performance standard applies to residential activities. Residential activity is non-complying in this zone and so the performance standard is not relevant and has been removed under cl. 16.

⁵ **Ind cl.16:** incorrectly repeats 19.9.6.4

19.9.5 Assessment of subdivision performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Access	a. Effects on the ~~safety and efficiency of the transport network~~ <u>accessibility</u> {Ind cl.16'}	See Rule 6.9
2.	Esplanade reserves and strips	a. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		b. Effects on public access	
3.	Fire fighting	a. Effects on health and safety	See Rule 9.4
4.	Service connections	~~1. a.~~ <u>a.</u> Effects on efficiency and affordability of infrastructure	See Rule 9.4

19.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
5. Shape	<i>Relevant objectives and policies:</i> a. Objectives 2.4.1 b. Subdivisions are designed to ensure any future land use or development is able to meet the performance standards in the zone, or where in a structure plan mapped {ULS cl.16} area, reflects the requirements of the structure plan mapped area performance standards {ULS cl.16}, unless: i. a resource consent is approved for a development that does not meet the performance standard and the subdivision is intended for and capable of providing for that approved development; or ii. the resultant site is required for: 1. Scheduled ASCV ASBV {NatEnv 958.60}; QEII covenant; or 2. reserve; or 3. access; or 4. utility; or 5. road (Policy 2.4.1.8). <i>General assessment guidance:</i> c. Non-compliance with the performance standard for shape will be assessed based on which performance standard(s) the shape of the resultant site does not provide for compliance with. See matters of discretion and assessment rules in relation to performance standard contraventions for: i. boundary setbacks; ii. setbacks from water bodies; iii. setback from scheduled tree; and iv. setback from nNational gGrid. v. ~~earthworks standards (building platform slope):~~ {Ind cl.16} d. <u>For contravention of the building platform slope part of the shape performance standard (Rule 19.7.5.2), see the matters of discretion and assessment rules in relation to earthworks - large scale (Rule 8A.7.2.1). {Ind cl.16}</u> <i>Conditions that may be imposed:</i> e. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site. f. A building platform may be required to be registered against the title by way of consent notice.	

¹ **Ind cl.16:** Changed to align with wording in Rule 6.9.3.1.

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

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. In an amenity route mapped area: • Boundary setbacks • Boundary treatments - landscaping	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> - Objective 19.2.2 - Development along an amenity route mapped area to provides {Ind cl.16} a high level of streetscape amenity by: - providing landscaping of a height and density adequate to maintain or enhance the amenity of the route and to {Ind cl.16} mitigate the visual impact of {Ind 895.5} industrial activities and development; and {Ind cl.16} - setting back buildings an adequate distance to allow this landscaping {Ind cl.16} (Policy 19.2.2.2). <i>Potential circumstances that may support a consent application include:</i> - There are positive effects on streetscape amenity related to from {Ind 930.14} better building or site design outcomes achieved through not meeting the performance standard. <u>These include the use of building treatments such as murals, green walls, or activation treatments. {Ind 930.14}</u> - The alternative boundary treatment proposed is necessary to address traffic safety issues that could arise if the standard was complied with; and is necessary to achieve Objective 6.2.3. {Ind 895.5}

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

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
2. In a hazard overlay zone or swale mapped area {NH cl.16}: - Hazard overlay zones development standards - Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) overlay zones) - Relocatable buildings (Hazard 3 (coastal) Overlay Zone) {NH cl.16} - Hazardous substances quantity limits and storage requirements {PO cl.16}	a. Risk from natural hazards	See Rule 11.4
3. Affecting a scheduled heritage item building or scheduled heritage structure {Her cl.16}: Materials and design	a. Effects on heritage values	See Rule 13.5

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

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
4. In the Taieri Aerodrome flight fan mapped area : Maximum height (Rule 19.6.6.2.fa.vii) {Ind cl.16}	a. Effects on <u>health and safety</u> operation of Taieri Aerodrome {Ind cl.16}	See Rule 9.4
5. In a wāhi tūpuna mapped area : {MW 1071.16} <u>Setback from coast and water bodies</u> {MW 1071.16} <u>Esplanade reserves and strips</u> {MW 1071.16}	a. Effects on cultural values of <u>Manawhenua</u> {MW 1071.16}	See Rule 14.3 {MW 1071.16}
6. In an urban biodiversity mapped area : <u>Vegetation clearance standards</u>: Maximum area of <u>vegetation clearance</u> (UBMA) {NatEnv cl.16²}	a. Effects on <u>biodiversity values</u> {NatEnv cl.16²}	See Rule 10.4 {NatEnv cl.16²}

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

² **NatEnv cl.16**: Rule 19.9.6.6, which cross-references to Rule 10.4.3.2, was inadvertently omitted from the notified Plan. The addition of this rule does not result in a substantive change to provisions.

Rule 19.10 Assessment of Restricted Discretionary Activities

Rule 19.10.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 19.10.2 - 19.10.6:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rules 19.10.2 - 19.10.6 apply as follows: ~~19.10.5 apply to activities in the industrial zones; Rule 19.10.6 contains additional provisions that apply to activities in overlay zones, mapped areas, and on-scheduled items.~~
{Ind cl.16}
 - a. Rule 19.10.2 applies to all restricted discretionary activities;
 - b. Rule 19.10.3 applies to restricted discretionary land use activities;
 - c. Rule 19.10.4 applies to restricted discretionary development activities;
 - d. Rule 19.10.5 applies to restricted discretionary subdivision activities; and
 - e. Rule 19.10.6 applies to restricted discretionary activities in an overlay zone, mapped area, or affecting a scheduled item. **{Ind cl.16}**
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to ~~minimize~~ minimise **{PO cl.16}** any adverse effects from the land use activity or create mitigating positive effects.
5. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 19.9; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 19.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 19.12; and

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

19.10.2 Assessment of all restricted discretionary activities

Activity	Guidance on the assessment of resource consents
1. All restricted discretionary activities <u>listed below</u> {<i>Ind cl.16</i>}	<i>Potential circumstances that may support a consent application include:</i> a. For restricted discretionary land use activities, whether any associated buildings or structures meet relevant development performance standards. <i>General assessment guidance:</i> b. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

19.10.3 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
A. <u>All high trip generators, which include:</u> {Trans cl.16} any activities that generate 250 or more vehicle movements a day {Trans cl.16}	a. Effects on <u>accessibility</u> {Trans cl.16} b. Effects on the <u>safety and efficiency of the transport network</u> {Trans cl.16}	See Rule 6.10 {Trans cl.16}
1. Emergency services {CP 945.36} Service stations (except self-service fuel stations) {CP 634.32}	a. Effects on the safety and efficiency of the transport network	See Rule 6.10
2. Crematoriums	a. Effects on cultural values of Manawhenua b. Effects on industrial activities <u>Reverse sensitivity effects</u> {PO cl.16} c. Effects on amenity of surrounding sites	See Rule 14.4 <i>Relevant objectives and policies:</i> i. Objective 19.2.2 <u>Objective 19.2.1</u> {Ind 906.38 and others} ii. The potential for reverse sensitivity is insignificant, that may affect the ability of industrial activities to operate, will be avoided or, if avoidance is not possible, will be no more than minor {Ind 906.38 and others} (Policy 19.2.2.8 <u>Policy 19.2.1.X</u> {Ind 906.38}). <i>Relevant objectives and policies:</i> i. Objective 19.2.2 ii. Crematoriums are located to avoid or minimise, as far as practicable, {PO 308.497} significant adverse effects on the amenity of surrounding residential, school and recreation zoned sites (Policy 19.2.2.9).

19.10.3 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. - Community and leisure – small scale {Ind 634.34} - Community and leisure – large scale {Ind 634.34} - Sport and recreation - Industrial ancillary tourism {Ind 634.33}	a. Effects on industrial activities <u>Reverse sensitivity effects</u> {Ind 906.38 and others}	<i>Relevant objectives and policies:</i> i. Objective 19.2.2 <u>Objective 19.2.1</u> {Ind 906.38 and others} ii. The potential for reverse sensitivity is insignificant, that may affect the ability of industrial activities to operate, will be avoided or, if avoidance is not possible, will be no more than minor {Ind 906.38 and others} (Policy 19.2.2.8 <u>Policy 19.2.1.X</u> {Ind 906.38}). iii. Community and leisure, and s Sport {Ind 634.34} and recreation activities have specific operational requirements when located in the industrial zones that mean it is not practical to locate in a recreation, residential or commercial <u>and</u> {Ind cl.16} mixed use zone (Policy 19.2.1.7). <i>Potential circumstances that may support a consent application include:</i> iv. The scale of the activity is such that it will not result in a more than minor long term loss of land for industrial or port activities within a particular area, either on its own, or cumulatively with other non-industrial or port activities in that area. v. The number of people involved in the activity, hours of operation, and noise is such that the activity will not have significant adverse effects on the amenity of surrounding residential, school and recreation zones.

19.10.3 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
4. Ancillary licensed premises	a. ~~Effects on industrial activities~~ <u>Reverse sensitivity effects</u> {PO cl.16²}	<i>Relevant objectives and policies:</i> i. Objective 19.2.1 ii. ~~Restaurants and ancillary~~ <u>Ancillary</u> {Ind cl.16} licensed premises are designed and operated to service the workers engaged in or associated with industrial or port activities in the area, and are unlikely to attract significant patronage outside of this purpose (Policy 19.2.1.6). iii. <u>The potential for reverse sensitivity is insignificant</u> (Policy 19.2.1.X) {Ind 906.38 and others} iv. <u>Retail ancillary to industry is of a size that it:</u> {Ind cl.16} i. ~~is clearly subordinate to and part of the operation of the primary industrial activity;~~ and {Ind cl.16} ii. ~~does not conflict with objectives 2.3.1, 2.3.2 and 2.4.3;~~ and {Ind cl.16} iii. ~~does not create adverse effects on other industrial activities, for example from traffic, parking or reverse sensitivity effects~~ (Policy 19.2.1.5): {Ind cl.16} <i>Potential circumstances that may support a consent application include:</i> v. The number of people involved in the activity, hours of operation <u>and</u> noise is such that the activity will not have significant adverse effects on the amenity of surrounding residential, school and recreation zones.

¹ **Trans cl.16:** Under Transportation section assessment rules (Rule 6.10.2.7a&b), 'effects on accessibility' and 'effects on safety and efficiency of the transport network' are matters of discretion for high trip generators, which include land use activities that generate 250 or more vehicle movements a day. However, the rule necessary to link to Rule 6.10.2.7 was inadvertently omitted from notified Section 19 assessment rules. The correction of this error, via the addition of Rule 19.10.3.A, does not result in a substantive change to the effect of provisions.

² **PO cl.16:** Wording of matter of discretion changed to standard phrasing.

19.10.4 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Earthworks – large-scale (that exceed the scale thresholds for the industrial zones) {EW cl.16’}	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 19.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 19.2.3.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 19.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or effect existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to:</i> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished.

19.10.4 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 19.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 19.2.3.3.c). <i>Potential circumstances that may support a consent application:</i> iii. A geotechnical report confirms the existing ground is suitably stable for the proposed works, and proposed works will not create instability risks for surrounding land, buildings, or structures (see Special Information Requirements – Rule 19.13.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards. <i>Conditions that may be imposed include, but are not limited to:</i> v. Maximum slopes of cut and fill batters. vi. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. vii. Temporary shoring requirements to maintain stability before a wall is constructed. viii. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
2. Earthworks – large scale (that exceed scale thresholds within 5m of a water body or MHWS) {EW cl.16}	a. Effects on biodiversity and natural character of riparian margins and the coast b. Effects on public access	See Rule 10.5

19.10.4 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. <u>High trip generators:</u> {Trans cl.16³} • New <u>or additions to parking areas, or extensions to existing parking areas that result in the creation of 50 or more new parking spaces</u> {Trans cl.16}	a. Effects on the safety and efficiency of the transport network b. <u>Effects on accessibility</u> {Trans cl.16³}	See Rule 6.11

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

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

³ **Trans cl.16:** Under Transportation section rules, 'effects on accessibility' as well as 'effects on safety and efficiency of the transport network' are matters of discretion for high trip generators. However, 'effects on accessibility' was inadvertently omitted from notified Section 19 assessment rules. The correction of this error does not result in a substantive change to the effect of provisions.

19.10.5 Assessment of restricted discretionary subdivision activities

Subdivision activities		Matters of discretion	Guidance on the assessment of resource consents
1.	Subdivision activities	a. Effects on the safety and efficiency of the transport network	See Rule 6.10
		b. Effects on health and safety	See Rule 9.5
		c. Effects on efficiency and affordability of infrastructure	
		d. Risk from natural hazards	See Rule 11.5

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	In the ~~hazard overlay zones~~ all hazard overlay zones, swale mapped areas and dune system mapped areas {<i>NH 949.25, NH 634.69 and NH cl.16</i>}: • Earthworks – large scale (that exceed scale thresholds for a ~~hazard (land instability) overlay zone~~) {<i>EW cl.16</i>} • Earthworks – large scale (that exceed scale thresholds for a ~~hazard (flood) overlay zone~~) {<i>EW cl.16</i>} • Earthworks – large scale (that exceed scale thresholds for a swale mapped area) {<i>EW cl.16</i>} • Subdivision activities in a ~~hazard 3 (Coastal) Overlay Zone~~ {<i>NH 949.25, NH 634.69 and NH cl.16</i>}	a. Risk from natural hazards	See Rule 11.5
2.	In the ~~hazard 1 or~~ {<i>NH cl.16</i>} Hazard 2 (flood) {<i>NH 73.4 and others</i>} Overlay Zone other than the ~~hazard 1 (land instability) Overlay Zone~~ {<i>NH 73.4 and others</i>} (see Rule 19.3.6): • New buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area	a. Risk from natural hazards	See Rule 11.5

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Affecting a ~~scheduled heritage item~~: {Her cl.16} • All other additions and alterations, and removal for relocation that affect a protected part of a scheduled heritage building or a scheduled heritage structure: {Her cl.16} • New buildings, all other structures, driveways, and parking, loading and access on a scheduled heritage site, where visible from an adjoining public place or a public place within a heritage site: {Her cl.16} • Earthworks – large scale (that exceed scale thresholds for a SHS) {EW cl.16} • Subdivision activities in a scheduled heritage site: {Her cl.16} <u>Activities affecting a scheduled heritage building or scheduled heritage structure: {Her cl.16}</u> • <u>Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure {Her cl.16}</u> • <u>Removal for relocation {Her cl.16}</u> • <u>All subdivision activities on sites containing a scheduled heritage building or scheduled heritage structure {Her cl.16}</u>	a. Effects on heritage values	See Rule 13.6
X. {Her cl.16} <u>Activities affecting a scheduled heritage site: {Her cl.16}</u> • <u>New buildings and structures on a scheduled heritage site, where visible from an adjoining public place or a publicly accessible place within the site {Her cl.16}</u> • <u>Parking, loading and access on a scheduled heritage site, where visible from an adjoining public place or a public place within the site {Her cl.16}</u> • <u>All subdivision activities {Her cl.16}</u>	a. Effects on heritage values {Her cl.16}	See Rule 13.6 {Her cl.16}
4. {NH cl.16} In a geologically sensitive mapped area (GSA): {NH cl.16} • Earthworks – large scale (that exceed underlying zone scale thresholds) {NH cl.16}	a. Risk from natural hazards {NH cl.16}	See Rule 11.5 {NH cl.16}

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
5.	In a GPA: Earthworks – large scale (that exceed scale thresholds for a GPA) {EW cl.16}	a. Effects on health and safety	See Rule 9.5
6.	In the Hazard 2 (flood) Overlay Zone: {NH 634.74} - Natural hazards {NH cl.16} sensitive activities {NH 634.74} - Natural hazards {NH cl.16} potentially sensitive activities {NH 634.74}	a. Risk from natural hazards {NH 634.74}	See Rule 11.5 {NH 634.74}
7. {NU 806.11}	In the National Grid Corridor mapped area: {NU806.11} All subdivision activities {NU 806.11}	a. Effects on health and safety {NU806.11} b. Reverse sensitivity effects {NU806.11} c. Effects on efficient and effective operation of network utilities {NU806.11}	See Rule 5.8 {NU 806.11}

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

² **NH cl.16**: As a clause 16 amendment, geologically sensitive areas are not part of this Plan, and are included in the data map for information purposes only.

³ **NH cl.16**: Made as a clause 16 amendment, as there is no intersect between the Industrial Zones and the Hazard 1 (flood) Overlay Zone.

Rule 19.11 Assessment of Discretionary Activities

Rule 19.11.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. With respect to section 104(2) of the RMA, Council will not consider the performance standard for maximum height in the industrial zones as part of the permitted baseline in considering the effects of discretionary activities.
3. Rules 19.11.2 - 19.11.4 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
4. Rules 19.11.2 and 19.11.4 apply as follows: **{Ind cl.16}**
 - a. Rule 19.11.2 applies to all discretionary activities; and
 - b. Rule 19.11.4 applies to discretionary performance standard contraventions. **{Ind cl.16}**
5. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

19.11.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities	<i>Potential circumstances that may support a consent application include::</i> {PO cl.16¹} a. For discretionary land use activities, whether any associated buildings or structures meet relevant development performance standards, or otherwise achieve the relevant policies for development (see Rule 19.9 for performance standard contraventions): {PO cl.16} b. All relevant land use performance standards are met, including noise and light spill standards: {PO cl.16} <i>General assessment guidance:</i> c. In assessing the significance of effects, consideration will be given to: i. both short and long term effects, including effects in combination with other activities ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. d. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects: {Ind cl.16²} e. In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered: {Ind cl.16³}

¹ **PO cl.16:** Rule 19.11.2.1.a&b is unnecessary because there are no discretionary land use activities in the industrial zones.

² **Ind cl.16:** Rule 19.11.2.1.d duplicates Rule 19.11.1.4 and therefore is unnecessary.

³ **Ind cl.16:** Rule 19.11.2.1.e is unnecessary because there are no activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item.

19.11.3 Assessment of discretionary activities in an overlay zone, mapped area or affecting a scheduled item {NH634.74}

Activity {NH634.74}	Guidance on the assessment of resource consents {NH634.74}
~~1. In the hazard 1 overlay zones (see rule 19.3.6): {NH cl.16}~~ ~~Potentially sensitive activities permitted in Industrial Zone {NH cl.16}~~	~~See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH cl.16}~~
~~2. In the hazard 2 overlay zones (see rule 19.3.6): {NH634.74}~~ ~~Potentially sensitive activities not permitted in Industrial Zone {NH634.74}~~ ~~Sensitive activities {NH634.74}~~	~~See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH634.74}~~

¹ **NH cl.16:** The assessment rule related to the Hazard 1 overlay zone has been deleted as there is no Hazard 1 overlay over the Industrial Zone, so this rule was included in the notified plan in error.

19.11.4 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
~~1. • Acoustic insulation~~ ~~• Noise - where the limit is exceeded by <u>less than</u> up to {Ind cl.16} 5dB LAeq (15min)~~ ~~• Light spill - where the limit is exceeded by 25% or less~~	~~<i>Relevant guidance from other sections (priority considerations):</i>~~ ~~a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and the effects on public health and safety.~~

Rule 19.12 Assessment of Non-complying Activities

Rule 19.12.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. With respect to section 104(2) of the RMA, Council will not consider the maximum height performance standard in the industrial zones as part of the permitted baseline in considering the effects of non-complying activities.
3. Rules 19.12.2 - 19.12.5 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
4. Rules 19.12.2 - 19.12.4 apply as follows: **{Ind cl.16}**
 - a. Rule 19.12.2 applies to non-complying land use activities;
 - b. Rule 19.12.3 applies to non-complying development activities; and
 - c. Rule 19.12.4 applies to non-complying performance standard contraventions. **{Ind cl.16}**
5. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

19.12.2 Assessment of non-complying land use activities *{Ind cl.16}*

Activity	Assessment Matters
1. All non-complying <u>land use</u> activities, <u>including but not limited to the activities listed below</u> <i>{PO cl.16}</i>	<i>Relevant objectives and policies (priority considerations):</i> a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to, those related to: i. <u>land and facilities</u> <i>{NU 918.22}</i> that <u>is are</u> <i>{NU 918.22}</i> important for economic <u>productivity</u> <i>{NU 918.22}</i> and social <u>prosperity wellbeing</u> <i>{NU 918.22}</i>, <u>including which include</u> <i>{NU 918.22}</i> industrial areas, major facilities, and key transportation routes, <u>network utilities</u>, <i>{NU 918.22}</i> and <u>highly productive rural</u> <i>{RU 1090.13}</i> land, <u>is are</u> <i>{NU 918.22}</i> protected from less productive competing uses or incompatible uses, <u>including activities that may give rise to reverse sensitivity effects</u>, and in the case of facilities, <u>able to operate efficiently and effectively</u> <i>{NU 918.22}</i> (Objective 2.3.1). b. The activity supports the purpose of the zone as outlined in (objectives 2.3.1 and 19.2.1) c. ~~The establishment of non-industrial or non-port activities in the industrial zones, other than those expressly provided for, is avoided, unless they~~ <u>The activity</u> <i>{Ind cl.16}</i> would have significant positive effects on the successful operation of surrounding industrial or port activities (Policy 19.2.1.3). d. <u>The potential for reverse sensitivity is insignificant</u> (Policy 19.2.1.X) <i>{Ind 906.38 and 749.32}</i> <i>Potential circumstances that may support a consent application should include:</i> <i>{Ind cl.16}</i> e. There are significant positive effects on the operation of industrial or port activities: <i>{Ind cl.16}</i> <i>General assessment guidance:</i> f. In assessing the significance of effects, consideration will be given to: i. both short and long term effects, including effects in combination with other activities. ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. g. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. <i>Conditions that may be imposed:</i> h. <u>A requirement for noise sensitive activity establishing in an industrial zone to comply, at a minimum with the acoustic insulation requirements in Rule 9.3.1</u> <i>{Ind 749.32}</i>

19.12.2 Assessment of non-complying land use activities {Ind cl.16'}

Activity	Assessment Matters
	<i>Relevant guidance from other sections (priority considerations):</i> i. <u>See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public. {Trans cl.16'}</u> j. <u>See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety {PHS cl.16}</u> k. <u>See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua {MW 1071.3}</u>
2. Commercial advertising	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c
X. <u>Community and leisure {Ind 634.34}</u>	<i>Relevant objectives and policies (priority considerations): {Ind 634.34 and 906.38}</i> a. <u>The activity has specific operational requirements that mean it is not practical to locate in a recreation, residential or commercial and mixed use zone (Policy 19.2.1.7) {Ind 634.34}</u> b. <u>The potential for reverse sensitivity is insignificant (Policy 19.2.1.X) {Ind 634.34 and Ind 906.38}</u>
3. • Cemeteries • Landfills	<i>Relevant guidance from other sections (priority considerations):</i> a. <u>See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.</u>
6. <u>Retail (excluding retail ancillary to industry and yard based retail) {Ind cl.16}</u>	<i>Relevant objectives and policies (priority considerations):</i> a. <u>Retail activity (excluding retail ancillary to industry and yard based retail activities), is avoided, due to its high potential to be a significant competing use of land primarily zoned for industrial or port uses, unless it has significant positive effects on the successful operation of surrounding industrial or port activities (Policy 19.2.1.10). {Ind cl.16}</u>

19.12.2 Assessment of non-complying land use activities {Ind cl.16¹}

Activity	Assessment Matters
2. In the hazard 1 (flood) {NH 73.4 and others} overlay zones (see Rule 19.3.6): • ~~Natural hazards~~ Potentially {NH cl.16} sensitive activities not permitted in Industrial Zone. {NH 634.74} • ~~Natural hazards~~ Sensitive {NH cl.16} activities	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and the effects related to the risk from natural hazards.
5. In a hazard facility mapped area: • <u>Community and leisure - large scale</u> • <u>Early childhood education</u> • <u>Entertainment and exhibition</u> • <u>Major facility activities</u> • <u>Registered health practitioners</u> • <u>Residential activities</u> • <u>Training and education</u> • <u>Visitor accommodation</u> {PHS 906.1}	<i>Relevant guidance from other sections (priority considerations):</i> a. 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 **Ind cl.16:** Table 19.12.3 was changed to only include development activities and land use activities were moved into this table to improve readability.

² **Trans cl.16:** This amendment adds a cross-reference to relevant assessment rules in the transportation section, for all non-complying activities. This does not change the effect of provisions.

19.12.3 Assessment of non-complying land-use and {Ind cl.16¹} development activities

Activity	Guidance on the assessment of resource consents
4. Demolition of a protected part of a scheduled heritage building or scheduled heritage structure.	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects on heritage values.

¹ **Ind cl.16:** Table 19.12.3 was changed to only include development activities and land use activities were moved into table 19.12.2 to improve readability.

19.12.45 {Ind cl.16} Assessment of non-complying performance standard contraventions

Performance standard		Assessment matters
1.	- Light spill - where the limit is exceeded by greater than 25% - Noise - where the limit is exceeded by 5dB LAeq (15 min) or more - Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and the effects related to public health and safety.
2.	Setback from National Grid	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.1 5.2.2 {NU 918.29} and effects related to the efficient and effective operation of network utilities and public health and safety.
3.	~~Hazard overlay development standards: {NH cl.16}~~ Hazard exclusion areas	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards.
4.	Maximum gross floor area (retail ancillary to industrial industry {Ind cl.16})	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.3.1 and 19.2.1 b. Retail ancillary to industry is of a size that is clearly subordinate to and part of the operation of the primary industrial industry {Ind cl.16} activity; and does not conflict with objectives 2.3.1, 2.3.2 and 2.4.3; and does not create adverse effects on other industrial activities, for example from traffic, parking or reverse sensitivity effects {PO 1046.5} (Policy 19.2.1.5).
5.	~~Archaeological sites (earthworks)~~	See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.4 and effects related to the inappropriate development and use in Dunedin's archaeological sites: {EW cl.16} ¹
6. {NU 806.11}	<u>Shape (Rule 19.7.5.2.c) - setback of building platforms from National Grid {NU 806.11}</u>	<i>Relevant guidance from other sections (priority considerations):</i> a. <u>See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.2 and effects related to the efficient and effective operation of network utilities, and reverse sensitivity. {NU 806.11}</u>

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

Rule 19.13 Special Information Requirements

EW cl.16: As a clause 16 amendment, Rule 19.13.1 Geotechnical investigation report has been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

20. Recreation Zone

20.1 Introduction

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

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

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

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

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

Other recreation areas not incorporated in this zone are:

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

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

20.2 Objectives and Policies

Objective 20.2.1	
The Recreation Zone provides opportunities for a wide range of recreational, sporting, community, and cultural activities.	
Policy 20.2.1.1	Enable sport and recreation, community and leisure activities {Rec cl.16} , and restaurant and retail ancillary to sport and recreation.
Policy 20.2.1.2	Enable rural activities in the form of grazing and forestry.
Policy 20.2.1.3	Provide for a wide range of community activities, cemeteries, and campgrounds, where these activities are designed and operated to meet Objective 20.2.2 and its policies.
Policy 20.2.1.4	Avoid industrial, residential, commercial, rural, and major facilities facility {MF cl.16} activities, unless otherwise provided for in the Recreation Zone.
Objective 20.2.2	
Land use, development and subdivision activities: support the efficient and effective operation of the recreation area; maintain a high standard of on-site amenity for users of the recreation area; and maintain or enhance neighbourhood amenity and the amenity of any surrounding residential properties.	
Policy 20.2.2.1	Require development to maintain or enhance on-site amenity for recreation area users, neighbourhood amenity, and the amenity of any surrounding residential properties by ensuring: a. there are adequate areas free from buildings or hard surfacing; b. the height, boundary setbacks, height in relation to boundary, and scale of buildings and structures is appropriate to the recreation area and in keeping with the scale of buildings in surrounding residential environments; c. service areas for campgrounds or restaurants ancillary to sport and recreation, are not visible from ground level from outside the site; d. communal outdoor gathering areas are designed and located to avoid overlooking and disturbing surrounding residential properties; e. parking areas are designed or located to minimise, as far as practicable, {PO 906.34 and 308.497} light spill from vehicles <u>using the parking area {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: - any surrounding residential properties; and - other recreation area users.
Policy 20.2.2.7	Only allow campgrounds where any adverse effects, including from noise, dust or loss of privacy, on surrounding residential properties and other recreation area users, ~~can will~~ {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , are adequately mitigated.
Policy 20.2.2.8	Only allow cemeteries, where they are designed and located: - to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate adverse effects on the amenity of surrounding residential properties; and - to 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: - 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 - any adverse effects, including from noise or dust, on surrounding residential properties or other recreation area users ~~can will~~ {PO cl.16} be avoided, or if avoidance is not possible <u>practicable</u>, {PO 908.3 and others} adequately mitigated.
Policy 20.2.2.10	Only allow new buildings or additions and alterations to buildings that will result in gross floor area greater than 350m ² and/ or have any wall longer than 20m, where any adverse effects on on-site amenity, surrounding properties, and neighbourhood amenity, ~~can will~~ {PO cl.16} be avoided, or if avoidance <u>is not possible practicable</u> {PO 908.3 and others} , adequately mitigated.
Policy 20.2.2.11	Only allow subdivision activities where the subdivision does not adversely affect the efficient and effective operation of the recreation area.
Policy 20.2.2.12	Only allow early childhood education <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: - the amenity of surrounding residential properties; and - other recreation area users.

Objective 20.2.2

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

Policy 20.2.2.13	Only allow stand-alone car parking where it is the secondary use of a car parking area required for an activity provided for in the recreation area, at times when that parking is not needed for that activity or otherwise needed to facilitate public use of the recreation area.

EW cl.16: As a clause 16 amendment, Objective 20.2.3 and its policies have been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

Rules

Rule 20.3 Activity Status

20.3.1 Rule location

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

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

20.3.2 Activity status introduction

1. The activity status tables in rules 20.3.3 - 20.3.6 **{Rec cl.16}** show the activity status of activities in the Recreation Zone and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.6 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested tables in Section 1.6 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

Additional activity status rules in hazard overlay zones

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

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

Performance Standards

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

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

Legend

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

20.3.3 Activity status table - land use activities

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

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

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

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

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

Note 20.3.3A – Other requirements outside of the District Plan

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

20.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities	a. <u>Natural Hazards Performance Standards Hazard overlay zones development standards {NH cl.16}</u> b. <u>Setback from coast and water bodies {NatEnv cl.16}</u> c. <u>Setback from national grid {NU cl.16}</u> d. <u>Setback from scheduled tree</u>

2.	Performance standards that apply to all buildings and structures activities				a. Boundary setbacks b. Fire-fighting {Rec cl.16} c. Height in relation to boundary d. Maximum height e. Number, location and design of ancillary signs f. <u>Setback from coast and water bodies</u> {NatEnv cl.16} g. <u>Setback from National Grid</u> {NU cl.16}
Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or a scheduled heritage structure. See Rows 8 - 12)		Activity status:			Performance standards
		a. Rec	b. NCC	c. ASCV ASBV {NatEnv 958.60}	
3.	New buildings or additions and alterations that result in a building that is less than or equal to 60m ²	P	P	P	
4.	New buildings or additions and alterations that result in a building that is greater than 60m ² and less than or equal to 350m ² <u>and/or has any wall longer than 20m 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 <u>or restoration</u> {Her 547.91}	P	P	P	i. Materials and design

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

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

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

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

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

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

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

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

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

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

Note 20.3B.4A - General advice

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

20.3.5 Activity status table - subdivision activities

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

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

Note 20.3.5A - Other RMA considerations {PO 490.4}

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

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

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

5- {NH cl.16}	In a hazard 1 or 2 overlay zone, other than the hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, ~~which create more than 60m² of new ground floor area~~ {NH cl.16}	RD {NH cl.16}	RD {NH cl.16}	— {NH cl.16}

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

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

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

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

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

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

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

Rule 20.4 Notification

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

2. activities in **swale mapped areas**. *{NH cl.16²}*
 8. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.
- ¹ **PO cl.16:** Clause removed as superfluous.
- ² **NH cl.16:** Rule 20.4.7 was notified as Rule 11.8.3 in the Natural Hazards Section but has been transferred to this section for clarify. This does not result in a substantive change to the effect of provisions.

Rules 20.5 Land Use Performance Standards

20.5.1 Acoustic Insulation

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

20.5.2 Electrical Interference

Land use activities must comply with Rule 9.3.2.

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

20.5.3.1 Hours of operation {Rec 557.1}

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

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

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

20.5.3.2 Scale of activities {Rec 557.1}

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

Note 20.5.3A - Other requirements outside of the District Plan

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

20.5.4 Light Spill

Land use activities must comply with Rule 9.3.5.

20.5.5 Minimum Car Parking

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

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

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

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

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

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

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

Note 20.5.B5A - Other relevant District Plan provisions

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

20.5.6 Noise

Land use activities must comply with Rule 9.3.6.

20.5.7 Setback from National Grid

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

20.5.8 Tree Species

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

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

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

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

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

Rule 20.5.10.3 Operating Limits {CP 874.2 and others}

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

Rule 20.5.10.4 Noise {CP 874.2 and others}

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

Rule 20.5.10.5 Landscaping and rehabilitation {CP 874.2 and others}

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

Rule 20.6 Development Performance Standards

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

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

20.6.2 Fence Height and Design

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

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

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

20.6.2.1 Maximum Height {Res cl.16¹}

- a. The maximum height of fences along boundaries (including within the boundary setbacks required by Rule 20.6.12) is 2m. **{Res cl.16}**
- 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.16}**
- c. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

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

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

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

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

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

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

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

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

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

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

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

20.6.4.1 Hazard exclusion areas

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

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

20.6.4.2 Maximum area of vegetation clearance in the hazard overlay zones

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

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

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

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

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

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

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

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

20.6.5 Hazardous Substances Quantity Limits and Storage Requirements

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

20.6.6 Height

20.6.6.1 Height in relation to boundary

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

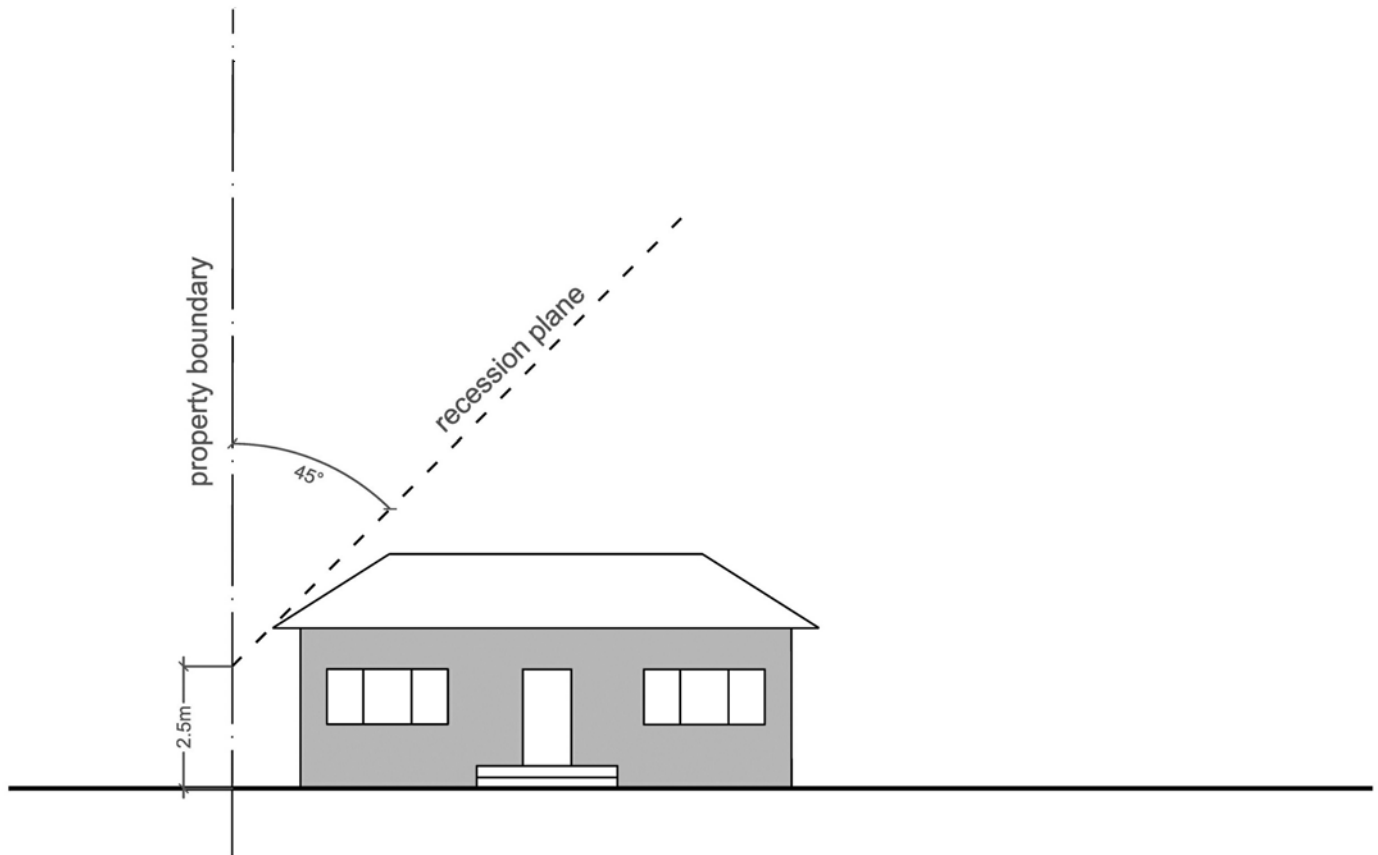
20.6.6.2 Maximum Height

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

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

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

Figure 20.6E: Height in relation to boundary



20.6.7 Location and Screening of Car Parking

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

20.6.8 Location and Screening of Outdoor Storage

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

20.6.9 Materials and Design

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

20.6.10 Number, Location and Design of Ancillary Signs

20.6.10.1 General

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

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

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

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

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

20.6.10.3 Signs attached to buildings

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

20.6.10.4 Freestanding signs

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

20.6.10.5 Portable freestanding signs

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

Note 20.6.A – Other relevant District Plan provisions

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

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

Note 20.6.10B - Other requirements outside of the District Plan

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

20.6.11 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

20.6.12 Setbacks

20.6.12.1 Boundary Setbacks

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

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

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

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

20.6.12.3 Setback from coast and water bodies

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

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

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

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

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

20.6.12.5 Setback from scheduled tree

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

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

20.6.13 Vegetation Clearance Standards

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

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

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

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

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

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

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

20.6.13.3 Protected species (indigenous vegetation clearance)

Indigenous vegetation clearance must comply with Rule 10.3.2.4.

20.6.13.4 Maximum area of vegetation clearance in the hazard overlay zones

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

Rule 20.7 Subdivision Performance Standards

20.7.1 Access

General subdivision must comply with Rule 6.8.1.

20.7.2 Esplanade Reserves and Strips

General subdivision must comply with Rule 10.3.1.

20.7.3 Fire Fighting

General subdivision must comply with Rule 9.3.3.

20.7.4 Service Connections

General subdivision must comply with Rule 9.3.7.

20.7.5 Shape

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

Rule 20.8 Assessment of Controlled Activities

Rule 20.8.1 Introduction

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

20.8.2 Assessment of controlled activities

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

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

Rule 20.9.1 Introduction

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

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

20.9.3 Assessment of land use performance standard contraventions

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

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

20.9.4 Assessment of development performance standard contraventions

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

20.9.4 Assessment of development performance standard contraventions

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

20.9.4 Assessment of development performance standard contraventions

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

20.9.4 Assessment of development performance standard contraventions

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

20.9.4 Assessment of development performance standard contraventions

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

20.9.4 Assessment of development performance standard contraventions

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

20.9.4 Assessment of development performance standard contraventions

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

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

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

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

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

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

20.9.5 Assessment of subdivision performance standard contraventions

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

20.9.5 Assessment of subdivision performance standard contraventions

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

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

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

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

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

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

Rule 20.10 Assessment of Restricted Discretionary Activities

Rule 20.10.1 Introduction

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

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

20.10.2 Assessment of restricted discretionary land use activities

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

20.10.2 Assessment of restricted discretionary land use activities

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

20.10.2 Assessment of restricted discretionary land use activities

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

20.10.2 Assessment of restricted discretionary land use activities

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

20.10.2 Assessment of restricted discretionary land use activities

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

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

20.10.3 Assessment of restricted discretionary development activities

Development activities	Matters of discretion	Guidance on the assessment of resource consents
1. New buildings or additions and alterations that result in a building that is {Rec cl.16} greater than 350m ² GFA and/or has any wall longer than 20m.	a. Effects on on-site amenity b. Effects on <u>amenity of surrounding sites</u>’ amenity {Rec cl.16} c. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. New buildings or additions and alterations to buildings avoid adverse effects on on-site amenity, or if avoidance is not possible <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} • Restaurants and retail ancillary to sport and recreation. {Rec cl.16}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity values. {Nat Env 958.60}
6. In the ~~hazard 1 overlay zones~~ (see Rule 16.3.6): {NH634.74} • Potentially sensitive activities permitted in recreation zone {NH634.74}	See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH634.74}
7. In the ~~hazard 2 overlay zones~~ (see Rule 16.3.6): {NH634.74} • Potentially sensitive activities not permitted in recreation zone {NH634.74} • Sensitive activities {NH634.74}	See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH634.74}

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

20.11.3 Assessment of discretionary performance standard contraventions

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

Rule 20.12 Assessment of Non-complying Activities

Rule 20.12.1 Introduction

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

20.12.2 Assessment of all non-complying activities

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

20.12.2 Assessment of all non-complying activities

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

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

20.12.3 Assessment of non-complying land use activities

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

20.12.3 Assessment of non-complying land use activities

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

20.12.3 Assessment of non-complying land use activities

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

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

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

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

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

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

20.12.4 Assessment of non-complying development and subdivision {Rec cl.16} activities

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

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

20.12.X Assessment of non-complying subdivision activities {Rec cl.16}

Activity	Guidance on the assessment of resource consents
1. Cross lease, company lease and unit title subdivision	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 20.2.2 b. Policy 20.2.2.11

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

20.12.5 Assessment of non-complying performance standard contraventions

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

20.12.5 Assessment of non-complying performance standard contraventions

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

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

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

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