

## **31. Schools**

### **31.1 Introduction**

Dunedin's schools are a crucial educational resource for Dunedin. The Schools Zone encompasses all primary and secondary schools within the city, including state schools, state-integrated schools and private schools. The total number of schools managed under the Schools Zone is 72, located across the city.

School sites have traditionally also been used for community use, such as evening activities in school halls. This dual role is likely to increase in the future, as nationally schools are considered as community hubs and may, particularly in more remote communities, be used for services such as libraries, community health provision, social services and community produce markets. School facilities can also be used for conferences, theatre and concert performances, adult education and as community sports facilities. Early childhood education is often associated with schools and has similar environmental effects. The Schools Zone provides for these multiple uses.

Generally, Dunedin's schools are located within or close to residential environments, but can also be found adjacent to recreation and rural zoned land, and within close proximity to commercial areas. Activities on schools sites have the potential to generate effects which may adversely affect surrounding land uses, particularly residential areas. The provisions of the Schools Zone have been designed to enable education and community activities, and provide certainty regarding what land use activities can be expected to occur on school sites, while appropriately managing any adverse effects on surrounding land use activities and the transport network.

Several schools have scheduled heritage buildings or structures. These are listed in Appendix A1.1.

State schools are also designated within the Plan (see Appendix A1.4). The conditions on the individual designations may differ from the rules contained within the Schools Zone. Where this is the case, the schools can choose to rely on their designations in relation to new development rather than the provisions within this section.

## 31.2 Objectives and Policies

Objective 31.2.1	
Dunedin's schools are able to operate efficiently and effectively and provide opportunities for local communities to use school facilities.	
Policy 31.2.1.1	Enable schools activity <b>{PO cl.16}</b> , early childhood education - small scale, training and education activity and student hostels on school sites.
Policy 31.2.1.2	Provide for community use of school facilities and activities that are ancillary to schools activity <b>{PO cl.16}</b> where they are designed and operated in line with Objective 31.2.2 and its policies.
Policy 31.2.1.3	Only allow activities that are not ancillary to school activity where all of the following apply: <ol style="list-style-type: none"> <li>the activities are related to or support the school, or have other operational requirements that mean they need to locate in the zone;</li> <li>they will support the efficient and effective operation of the school;</li> <li>they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and</li> <li>they are designed and operated in line with Objective 31.2.2 and its policies.</li> </ol>
Policy 31.2.1.4	Enable land that is surplus to the needs of the school to transition to the default zone listed in Appendix A9, so that future development that is not related to schools activity <b>{PO cl.16}</b> can <u>will</u> <b>{PO cl.16}</b> be managed in accordance with the objectives and policies of that zone.
Policy 31.2.1.5	Only allow subdivision <u>activities</u> <b>{PO cl.16}</b> where: <ol style="list-style-type: none"> <li>it is <u>they are</u> <b>{PO cl.16}</b> in accordance with the provisions of the default zone listed in Appendix A9; and</li> <li>the subdivision does not adversely affect the efficient and effective operation of the school.</li> </ol>

### Objective 31.2.2

Land use activities and development necessary for schools to meet the reasonably foreseeable needs of students and staff is enabled, while ensuring development:

- a. achieves a good standard of on-site amenity for students and staff;
- b. maintains or enhances the amenity of the surrounding residential areas, as far as practicable; and
- c. maintains or enhances the residential amenity of surrounding sites.

Policy 31.2.2.1	Require buildings and structures to be of a height and setback from boundaries that ensures: <ol style="list-style-type: none"> <li>a. there are no more than minor effects on the sunlight access of current and potential future residential buildings and their outdoor living spaces; and</li> <li>b. any adverse effects on neighbourhood amenity are avoided or, if avoidance is not possible practicable <b>{PO 908.3 and others}</b>, are no more than minor.</li> </ol>
Policy 31.2.2.2	Require development to maintain or enhance on-site and neighbourhood amenity by ensuring service areas are not visible from ground level outside the site.
Policy 31.2.2.3	Require fences adjoining roads or public places to be of a height and design that contributes positively to neighbourhood amenity.
Policy 31.2.2.4	Require ancillary signs visible outside the zone to be located and designed to maintain streetscape 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 31.2.2.5 <b>{MF cl.16}</b>	<del>Require ancillary commercial activities to be designed, located and operated to primarily serve staff, students and visitors to the school.</del>
Policy 31.2.2.6	Only allow early childhood education - large scale and community and leisure - large scale where it is <del>they are</del> <b>{MF cl.16}</b> designed to avoid or, if avoidance is not possible practicable <b>{PO 908.3 and others}</b> , adequately mitigate adverse effects on the amenity of surrounding residential properties.
Policy 31.2.2.7	Require conference, <del>and meeting</del> <u>and function</u> activity <b>{MF cl.16}</b> and use of schools' sports fields to be restricted in hours of operation in order to avoid or, if avoidance is not possible practicable <b>{PO 908.3 and others}</b> , adequately mitigate, noise and other adverse effects on the amenity of surrounding residential properties.

<sup>1</sup> **MF cl.16:** There are no ancillary commercial activities in the School Zone and the definition of schools covers these activities.

**EW cl.16:** As a clause 16 amendment, Objective 31.2.3 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 31.3 Activity Status

#### 31.3.1 Rule location

The activity status tables in rules 31.3.3 to 31.3.5 in ~~Rule 31.3.2~~ specify the activity status of land use activities, development activities, and subdivision activities in the Schools Zone, 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}**

#### 31.3.2 Activity status introduction

1. The activity status **{MF cl.16}** tables in rules 31.3.3-31.3.5 show the activity status of activities in the Schools 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 1.3 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 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) **{NH cl.16}** Overlay Zone, the activity statuses in Rule 31.3.6 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 60m<sup>2</sup> of new

ground floor area {NH. cl.16}

8. Where the activity status in Rule 31.3.6 differs from that in rules 31.3.3 - 31.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 31.3.6, performance standards for development activities within hazard overlay zones are included in rules 31.3.3 - 31.3.5.
10. Activities in a hazard overlay zone must comply with all of the rules in 31.3.3 - 31.3.6.

*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.

<sup>1</sup> **NH cl.16:** The content from Table 31.3.6 has been moved to Table 31.3.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 Schools Zone. 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**

<b>Acronym</b>	<b>Activity-status Meaning {PO cl.16}</b>
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones

### 31.3.3 Activity status table - land use activities

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 nNational gGrid (National Grid sensitive activities only) <b>{NH cl.16}</b> f. Hours of operation	
Major facility activities		Activity status	Performance standards
2.	Schools	P	a. Minimum car parking
3.	All other activities in the major facility activities category	NC	
Community activities		Activity status	Performance standards
4.	Early childhood education - small scale	P	a. Minimum car parking <b>{MF cl.16'}</b>
5.	Early childhood education - large scale	RD	
6.	Community and leisure - small scale	P	
7.	Community and leisure - large scale	RD	
8.	Sport and recreation not involving the use of motorised vehicles	P	
9.	Sport and recreation involving the use of motorised vehicles	D	
10.	Conservation	P	
Commercial activities		Activity status	Performance standards
11.	Training and education	P	
12.	Conference, meeting and function	P	
13.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
14.	Student hostels	P	a. Minimum car parking
15.	All other activities in the residential activities category	NC	
Industrial activities		Activity status	Performance standards
16.	All activities in the industrial activities category	NC	
Rural activities		Activity status	Performance standards
17.	All activities in the rural activities category	NC	

**MF cl.16:** As a clause 16 amendment there is no minimum car parking performance standard for early childhood education - small scale.

**Note 31.3G.3A - General advice**

1. The Ministry of Education holds designations for a large number of schools and early childhood education centres within Dunedin. Details of the designations can be found in Appendix A1.4.

**31.3.4 Activity status table - development activities**

1.	Performance standards that apply to all development activities		<ol style="list-style-type: none"> <li>a. Maximum <u>building</u> <b>{MF cl.16}</b> site coverage and impermeable surfaces</li> <li>b. <u>Setback from coast and water bodies</u> <b>{NatEnv cl.16}</b></li> <li>c. <u>Setback from national grid</u> <b>{NU cl.16}</b></li> <li>d. Setback from scheduled tree</li> </ol>
2.	Performance standards that apply to all buildings and structures activities		<ol style="list-style-type: none"> <li>a. Boundary setbacks</li> <li>b. Height in relation to boundary</li> <li>c. Maximum height</li> <li>d. Number, location and design of ancillary signs</li> <li>e. <u>Natural hazards performance standards</u> Hazard overlay zones development standards <b>{NH cl.16}</b></li> <li>f. <u>Setback from coast and water bodies</u> <b>{NatEnv cl.16}</b></li> <li>g. <u>Setback from National Grid</u> <b>{NU cl.16}</b></li> </ol>
Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building <b>or</b> scheduled heritage structure. See rows 5-9)		Activity status	Performance standards
3.	Fences	P	a. Fence height and design
4.	All other buildings and structures activities	P	
Buildings and structures activities that affect a protected part of a scheduled heritage building <b>or</b> scheduled heritage structure		Activity status	Performance standards
5.	Repairs and maintenance <del>or restoration</del> <b>{Her 547.91}</b>	P	a. 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 {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
6.	Earthquake strengthening where external features only are protected	C	a. Materials and design
AA.	<u>Signs attached to buildings or structures {Her cl. 16}</u>	P	
7.	All other additions and alterations	RD	
8.	Demolition	NC	
9.	Removal for relocation	RD	
Site development activities		Activity status	Performance standards
10.	<u>Earthworks – small scale {EW cl.16<sup>2</sup>}</u>	P	a. Earthworks standards
11.	<u>Earthworks – large scale {EW cl.16<sup>2</sup>}</u>	RD	a. Earthworks standards
12.	Service areas	P	a. Location and screening of service areas
13.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements b. <u>Setback from coast and water bodies {NatEnv cl.16}</u>
14.	Parking, loading and access	P	a. Parking, loading and access standards
Z.	<u>Vegetation clearance {NatEnv cl.16<sup>3</sup>}</u>	P	a. <u>Maximum area of vegetation clearance (UBMA) {NatEnv cl.16}</u>
15.	All other site development <u>activities</u> {MF cl.16}	P	

<sup>1</sup> **MF cl.16:** Amendment to make provision consistent with rest of plan.

<sup>2</sup> **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.

<sup>3</sup> **NatEnv cl.16:** As the Schools Major Facility Zone is partly covered by an Urban Biodiversity Mapped Area, this has been added as a clause 16 amendment to clarify that the vegetation clearance performance standard (Rule 10.3.2.1) applies in the UBMA.

<sup>4</sup> **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 31.3B.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. ~~All buildings and structures activities associated with existing major facilities are advised to undertake an assessment of risk from natural hazards and implement any recommended risk mitigation measures. {MF cl.16}~~

<sup>1</sup> **MF cl.16:** As a clause 16 amendment, this note is not necessary as the sections contain natural hazard performance standards.

### 31.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status	Performance standards
1.	Subdivision activities	RD	a. Subdivision performance standards

### Note 31.3.5A - 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.

### 31.3.6 Change to activity status in Hazard 1, Hazard 2 and Hazard 3 Overlay Zones {NH cl.16<sup>1</sup>}

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 Schools Zone {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}	— {NH cl.16}
2- {NH cl.16}	Potentially sensitive activities not permitted in the Schools Zone {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 1m<sup>2</sup> 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 60m<sup>2</sup> of new ground floor area</i> {NH cl.16}	— {NH cl.16}	RD {NH cl.16}	— {NH cl.16}

<sup>1</sup> **NH cl. 16:** The content from Table 31.3.6 has been moved to Table 31.3.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 Schools Zone. 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.

### 31.3.X Activity status in the Hazard 2 (flood) Overlay Zone {NH 637.74 and others<sup>1</sup>}

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 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, <i>which create more than 1m<sup>2</sup> of new ground floor area</i> {NH 73.4 and others}	— {NH 73.4}
5.	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 <sup>2</sup> of new ground floor area	RD

<sup>1</sup> **NH 634.74:** Note that "potentially sensitive activities permitted in Schools 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 Schools Zone" (which was notified as a discretionary activity) was removed and both activities were

changed to restricted discretionary in response to this submission.

**Note 31.3.6A - Guidance on existing use rights applying to land use activities in hazard overlay zones**  
**Other RMA considerations {MF 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 25m<sup>2</sup> 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 31.3.6. {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 31.2.7 31.3.7 {MF cl.16} Transition to default zone**

On receipt of written notice from both the owner and operator (if different) of the school to Dunedin City Council in relation to all or part of the land within the part of the Schools Zone in which the school is located, the provisions of the Schools Zone will no longer apply to that parcel of land and the provisions of the relevant default zone, as indicated in Appendix 34A A9 {MF cl.16}, will apply in full.

## Rule 31.4 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, {MF 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 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; and
  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.
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. ~~In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons: {PO cl.16}~~
5. 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: {MW 1071.2}
  1. all restricted discretionary activities that list 'effect on cultural values of Manawhenua' as a matter for discretion; and {MW 1071.2}
  2. discretionary and non-complying activities in a wāhi tūpuna mapped area where the activity is identified as a threat in Appendix A4. {MW 1071.2}
6. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

<sup>1</sup> **PO cl.16:** Clause removed as superfluous.

## Rule 31.5 Land Use Performance Standards

### 31.5.1 Acoustic Insulation

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

1. within 20m of an industrial zone; and
2. within 70m of a railway line.

### 31.5.2 Electrical Interference

Land use activities must comply with Rule 9.3.2.

### 31.5.3 Hours of Operation

1. Conference, meeting and function activity **{MF cl.16}** and use of school sports fields must ~~not take place outside take place within~~ **{MF cl.16}** the following hours:

Days of week		Hours of operation
a.	Sunday - Thursday	7.00am - 10.30pm
b.	Friday - Saturday	7.00am - 12.00am (midnight)

2. Flood lighting and sportsfield lighting on sites adjoining a residential zone boundary must not operate from 10.00pm - 6.00am.
3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

### 31.5.4 Light Spill

Land use activities must comply with Rule 9.3.5.

### 31.5.5 Minimum Car Parking

Activity	Minimum number of parking spaces
1. Schools	<p>a. For the following schools, the minimum number of parking spaces is the number of parking spaces (including any parking spaces reserved for the dropping off and/or picking up of pupils) that were in place on the site on 26th September 2015:</p> <ol style="list-style-type: none"> <li>i. Arthur Street School</li> <li>ii. Columba College</li> <li>iii. George Street Normal School</li> <li>iv. Kaikorai Primary School</li> <li>v. Kavanagh College</li> <li>vi. Otago Boys High School</li> <li>vii. Otago Girls High School</li> <li>viii. St Hilda's Collegiate</li> <li>ix. St Joseph's Cathedral School</li> </ol> <p>b. For the schools identified in 31.5.5.1.a, one parking space must be provided for each new classroom added after 26th September 2015.</p> <p>c. For all other schools there is no minimum parking standard.</p>

Activity	Minimum number of parking spaces
2. Student hostels	a. hostels with 1 - 10 residents: 1 parking space b. hostels with 11 - 20 residents: 2 parking spaces c. hostels with 21 - 30 residents: 3 parking spaces d. hostels with greater than 30 residents: 3 parking spaces plus 1 additional space for every 10 additional residents (or part thereof)

3. Schools and student hostels 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

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

#### **Note 31.5.5A - Other relevant District Plan provisions**

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

### **31.5.6 Noise**

Land use activities must comply with Rule 9.3.6.

### **31.5.7 Setback from National Grid**

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

## Rule 31.6 Development Performance Standards

### 31.6.1 Earthworks Standards {Confirmed to be replaced by 8A.5 - EW cl.16<sup>1</sup>}

<sup>1</sup> **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.

### 31.6.2 Fence Height and Design

1. Fences must not exceed the following height limits, except as provided for below: **{Res cl.16<sup>1</sup>}**

Location <b>{Res cl.16}</b>		Maximum height <b>{Res cl.16}</b>
a. <b>{Res cl.16}</b>	Along the road boundary with a state highway <b>{Res cl.16}</b>	2m <b>{Res cl.16}</b>
b. <b>{Res cl.16}</b>	Along all other road boundaries <b>{Res cl.16}</b>	1.4m <b>{Res cl.16}</b>
c. <b>{Res 394.80 and 1051.2}</b>	Along a side or rear boundary with a residential zone <b>{Res 394.80 and 1051.2}</b>	1.4m <b>{Res 394.80 and 1051.2}</b>
e. <b>{Res cl.16}</b>	Along all other side and rear boundaries <b>{Res cl.16}</b>	2m <b>{Res cl.16}</b>

2. Fences along boundaries include fences that are not exactly on the boundary but are within the boundary setbacks required by Rule 31.6.11.1. **{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 100mm, 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. The maximum height of a fence on side and rear boundaries (except where adjacent to the recreation zone, or public place), is 2m. **{Res cl.16}**
5. 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}**

<sup>1</sup> **Res cl.16:** As a clause 16 amendment this performance standard has been restructured from the notified version to provide clarity. This is not a substantive change.

#### 31.6.2.1 Maximum Height {Res cl.16<sup>1</sup>}

- a. The maximum height of fences along boundaries (including within the boundary setbacks required by Rule 31.6.11.1) is 2m. **{Res cl.16<sup>1</sup>}**
- 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<sup>1</sup>}**
- c. Fences that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

<sup>1</sup> **Res cl.16:** As a clause 16 amendment this performance standard has been restructured from the notified version to



provide clarity. This is not a substantive change.

#### 31.6.2.2 Visual Permeability {Res cl.16<sup>1</sup>}

- a. Fences along road boundaries (or within the boundary setbacks required by Rule 31.6.11.1) 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 15.6.D). {Res 190.1 and others}
- b. Fences along the road boundary of a state highway are exempt from this requirement. {Res cl.16<sup>1</sup>}
- c. Fences that contravene this performance standard are restricted discretionary activities. {PO cl.16}

<sup>1</sup> **Res cl.16:** As a clause 16 amendment this performance standard has been restructured from the notified version to provide clarity. This is not a substantive change.

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

#### 31.6.3.1 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.~~

#### 31.6.3.2 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}~~

#### 31.6.3.3 Maximum area of vegetation clearance in the hazard overlay zones

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

### 31.6.4 Hazardous Substances Quantity Limits and Storage Requirements

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

### 31.6.5 Height

#### 31.6.5.1 Height in relation to boundary

~~New buildings and additions and or alterations to buildings must not protrude through a plane (see Figure 15.6F) raising at an angle of 45 degrees measured from a point 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}~~

- a. ~~1.3m above ground level at side and rear boundaries, where the neighbouring zone is the Inner City Residential Zone or General Residential 2 Zone; {Res cl.16<sup>1</sup>}~~
- b. ~~2.5m above ground level at the side and rear boundaries where the neighbouring zone is any other residential zone; {Res cl.16<sup>1</sup>}~~
- c. ~~except: {Res cl.16<sup>1</sup>}~~
  - i. ~~where the neighbouring zone is the Inner City Residential Zone, for any new buildings and additions or alterations to buildings within 13m 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); {Res cl.16<sup>1</sup>}~~
  - ii. ~~on boundaries adjacent to non-residential zones, the height in relation to boundary of the adjacent zone~~

applies; **{Res cl.16'}**

- iii. 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; and **{Res cl.16'}**
- iv. gable ends and dormers may protrude through the height in relation to boundary plane by a maximum of 1m (see Figure 15.6H). **{Res cl.16'}**

d. Rooftop structures are exempt from the performance standard for height in relation to boundary. **{Res cl.16'}**

<sup>1</sup> **Res cl.16:** There is no substantive change to the rule, it simply refers back to rule in other section to avoid repeating rule wording.

### 31.6.5.2 Maximum height

- a. The maximum height for new buildings and structures, and additions and alterations, must not exceed 12m above ground level.
- b. Rooftop structures are exempt from the performance standard for maximum height provided they do not exceed the maximum height limit by more than one third of that limit.
- c. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

### 31.6.6 Location and Screening of Service Areas

- 1. 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.
- 2. Service areas must not encroach into required parking, loading or manoeuvring areas.
- 3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

### 31.6.7 Materials and Design

Repairs and maintenance, and restoration and earthquake strengthening in a heritage precinct that are visible from an adjoining public place **{Her cl.16'}** must comply with Rule 13.3.2.

<sup>1</sup> **Her cl.16:** wording of rule amended as a minor change to be consistent across the plan and reflect Rule 13.3.2.

### 31.6.8 Maximum Building Site Coverage and Impermeable Surfaces **{was 'Maximum Site Coverage and Impermeable Surfaces' - MF cl.16<sup>1</sup>}**

- 1. The maximum building **{MF cl.16}** site coverage of buildings and impermeable surfaces is:

Default zone of the school, as indicated in Appendix A9		Maximum <u>building</u> <b>{MF cl.16}</b> site coverage by buildings (% of site)	Maximum total impermeable site coverage (buildings and impermeable surfaces % of site)
a.	General Residential 2 Zone or Inner City Residential Zone	60%	80%
b.	All other zones	40%	70%

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

<sup>1</sup> **MF cl.16:** Amendment to make provision consistent with rest of plan

### 31.6.9 Number, Location and Design of Ancillary Signs

#### 31.6.9.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
  - i. signs that are not visible from outside the Schools Zone;
  - ii. ~~'regulatory signs' (requiring or prohibiting specified actions), 'warning signs' (informing of hazards or of other features requiring a safe response), or 'directional signs' (identifying the location of, or direction to destinations, routes, building entrances and vehicle accesses) signs and;~~ **{CMU 271.18 and others}**
  - iii. building names (excluding sponsorship names).
- b. Signs must comply with Rule 6.7.3 where visible from a road.
- c. Signs must not be illuminated or digital.
- d. ~~Signs other than those specified in rules 31.6.9.2 and 31.6.9.3 are not allowed.~~ **{MF cl.16}**
- e. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities. **{PO cl.16}**

#### 31.6.9.2 Signs attached to buildings

- a. The height above ground level at the highest point of any sign attached to a building is 4m.
- 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 to a building must:
  - i. not exceed 1 sign per 30m of road frontage;
  - ii. have a maximum area per display face of 2m<sup>2</sup>;
  - iii. have a maximum of 2 display faces per sign;
  - iv. where attached to the façade of a building, must not project more than 1m from the façade to which it is attached; and
  - v. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

#### 31.6.9.3 Freestanding signs

- a. The maximum number of freestanding signs is 2 per 50m of frontage.
- b. The maximum dimensions of freestanding signs are:
  - i. maximum height of 4m;
  - ii. maximum area of 4m<sup>2</sup>;
  - iii. maximum width of 2m; and
  - iv. maximum depth of 400mm **{PO cl.16}**.
- c. Freestanding signs must:
  - i. ~~not obstruct driveways, parking or loading areas parking, loading and access areas; and~~ **{PO cl.16}**
  - ii. Freestanding signs must be located within the site and cannot be located on the road reserve be positioned entirely within the site boundaries. **{PO cl.16}**

**Note 31.6A – Other relevant District Plan provisions {PO cl.16<sup>1</sup>}**

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}

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

**Note 31.6.9B - 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

**31.6.10 Parking, Loading and Access Standards**

Parking, loading and access must comply with Rule 6.6.

**31.6.11 Setbacks**

**31.6.11.1 Boundary setbacks**

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

Building or structure		Setback from road boundary where default zone is General Residential 2 or Inner City Residential	Setback from road boundary where default zone is any other zone	Setback from other boundaries
i.	Buildings	3m	4.5m	4.5m
ii.	Structures greater than 3m tall or 10m <sup>2</sup> floor area footprint {PO cl.16 <sup>1</sup> }	3m	4.5m	4.5m

- iii. Except:
  1. fences and ancillary signs are exempt from the performance standard;
  2. St. Hilda's Collegiate School adjoining Cobden Street and Heriot Row is exempt from the performance standard; and
  3. Kavanagh College adjoining York Place, Tennyson Street, Smith Street, or the north side of Rattray Street, is exempt from the performance standard.

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

<sup>1</sup> PO cl.16: Floor area is replaced by footprint (which is now defined) to improve plan clarity as a minor and inconsequential amendment.

#### 31.6.11.2 Setback from coast and water bodies

New buildings and structures, additions and alterations, ~~earthworks—large-scale,~~ **{EW cl.16<sup>1</sup>}** and storage and use of hazardous substances must comply with Rule 10.3.3.

<sup>1</sup> **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.

#### 31.6.11.3 Setback from National Grid ~~national-grid~~ **{NH cl.16}**

New buildings and structures, and additions and alterations, ~~and earthworks~~ **{EW cl.16<sup>1</sup>}** must comply with Rules 5.6.1.1. ~~and 5.6.1.2~~ **{EW cl.16<sup>1</sup>}**

<sup>1</sup> **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.

#### 31.6.11.4 Setback from scheduled tree

New buildings and structures, additions and alterations, ~~earthworks,~~ **{EW cl.16<sup>1</sup>}** and any site development activities that involve the installation of impermeable surfacing must comply with Rule 7.5.2.

<sup>1</sup> **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.

#### **31.6.12 Maximum Area of Vegetation Clearance (UBMA) {Confirmed for addition - NatEnv cl.16<sup>1</sup>}**

Vegetation clearance in an urban biodiversity mapped area (UBMA) must comply with Rule 10.3.2.1. {NatEnv cl.16<sup>1</sup>}

<sup>1</sup> **NatEnv cl.16:** As the Schools Major Facility Zone is partly covered by an Urban Biodiversity Mapped Area, this has been added as a clause 16 amendment to clarify that the vegetation clearance performance standard (Rule 10.3.2.1) applies in the UBMA.

## **Rule 31.7 Subdivision Performance Standards**

Subdivision activities must comply with the subdivision performance standards of the default zone (the default zones are listed in Appendix A9).

## **Rule 31.8 Assessment of Controlled Activities**

### **Rule 31.8.1 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 31.8.2:
  - 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 31.9; 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 31.11; 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 31.12; and
    - iii. the assessment guidance in this section will also be considered.

### 31.8.2 Assessment of all controlled activities

Development activity	Matters of control	Guidance on the assessment of the resource consents
<p>1. <u>Affecting a scheduled heritage building or a scheduled heritage structure: {Her cl.16}</u></p> <ul style="list-style-type: none"> <li>• Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected.</li> <li>• <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></li> </ul>	<p>a. Effects on heritage values</p>	<p>See Rule 13.4</p>



## **Rule 31.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)**

### **Rule 31.9.1 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 31.9.2 - 31.9.56 **{MW 1071.16}**:
  - a. list the matters Council will restrict its discretion to; and
  - b. provide guidance on how consent applications will be assessed, including:
    - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
    - ii. potential circumstances that may support a consent application;
    - iii. general assessment guidance; and
    - iv. conditions that may be imposed.
3. Rules 31.9.2 - 31.9.6 apply as follows: **{MF cl.16}**
  - a. Rule 31.9.2 applies to all performance standard contraventions;
  - b. Rule 31.9.3 applies to land use performance standard contraventions;
  - c. Rule 31.9.4 applies to development performance standard contraventions;
  - d. Rule 31.9.5 applies to subdivision performance standard contraventions; and
  - e. Rule 31.9.6 applies to performance standard contraventions in a mapped area. {MF cl.16}

### **31.9.2 Assessment of all performance standard contraventions**

Performance standard	Guidance on the assessment of resource consents
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<p>1. All performance standard contraventions</p>	<p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>a. The degree of non-compliance with the the performance standard is minor.</li> <li>b. The need to meet other performance standards, or other site specific factors, make meeting the standard impracticable.</li> <li>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.</li> <li>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.</li> <li>e. The schools are able to operate efficiently and effectively.</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>f. Where more than one standard is contravened, the combined effects of the contraventions should be considered.</li> <li>g. In balancing consideration of the objectives and policies related to the maintenance of heritage values and those related to general amenity, greater weight will usually be placed on heritage policies</li> </ul>
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### 31.9.3 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 surrounding sites' residential amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 31.2.2</li> <li>ii. Conference, and meeting and function activity <b>{MF cl.16}</b> and use of schools' sports fields avoid or, if avoidance is not possible practicable <b>{PO 908.3 and others}</b>, adequately mitigate, noise and other adverse effects on the amenity of surrounding residential properties (Policy 31.2.2.7).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The extension of hours will not result in unreasonable nuisance from vehicle movements or other noise.</li> </ul>
3. Minimum car parking	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility	See Rule 6.9

### 31.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resources consents
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1.	<ul style="list-style-type: none"> <li>Boundary setbacks</li> <li>Height in relation to boundary</li> <li>Maximum height</li> </ul>	a. Effects on amenity of surrounding sites	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 31.2.2</li> <li>ii. Buildings and structures are of a height and setback from boundaries that ensures there are no more than minor effects on the sunlight access of current and potential future residential buildings and their outdoor living spaces (Policy 31.2.2.1.a).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Residential buildings on neighbouring sites receive adequate natural light and privacy.</li> </ul>
		b. Effects on neighbourhood amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 31.2.2</li> <li>ii. <u>Buildings and structures are of a height and setback from boundaries that ensures {MF cl.16} adverse effects on neighbourhood amenity are avoided or if avoidance is not possible practicable {PO 908.3 and others}, are mitigated so that they are no more than minor (Policy 31.2.2.1.b).</u></li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The boundary setback is consistent with the setbacks of adjoining properties.</li> <li>iv. Landscaping or fences screen or soften the visual effects of buildings.</li> </ul>
2.	<p>Earthworks standards:</p> <ul style="list-style-type: none"> <li>Batter gradient <b>{EW cl.16}</b> <sup>1</sup></li> </ul>	a. Effects on the stability of land, buildings and structures	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 31.2.3</li> <li>ii. <del>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 31.2.3.1.b).</del></li> </ul> <p><i>Conditions that may be imposed include, but are not limited to:</i></p> <ul style="list-style-type: none"> <li>iii. <del>Maximum slopes of cut and fill batters.</del></li> <li>iv. <del>Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period.</del></li> <li>v. <del>Temporary shoring requirements to maintain stability before a wall is constructed.</del></li> <li>vi. <del>Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.</del></li> </ul>

### 31.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resources consents
3-	Earthworks standards: <ul style="list-style-type: none"> <li>Setback from property boundary, buildings, structures and cliffs <b>{EW cl.16}</b> <sup>1</sup></li> </ul>	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 31.2.3 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 31.2.3.1.a).
4-	Earthworks standards: <ul style="list-style-type: none"> <li>Setback from national grid</li> <li>Setback from network utilities <b>{EW cl.16}</b> <sup>1</sup></li> </ul>	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7
5-	Earthworks standards: <ul style="list-style-type: none"> <li>Sediment control <b>{EW cl.16}</b> <sup>1</sup></li> </ul>	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 31.2.3 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, <u>or the coastal marine area {EW 1071.106}</u> (Policy 31.2.3.2.b). See Rule 10.4 See Rule 9.4

#### 31.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resources consents
6.	Fence height and design	a. Effects on neighbourhood amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 31.2.2</li> <li>ii. Fences <u>adjoining roads or public places</u> <b>{MF cl.16}</b> are of a height and design that contribute positively to neighbourhood amenity (Policy 31.2.2.3).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The increased height or reduced visual permeability is necessary to meet protection requirements, to provide security, minimise noise effects from a busy road or activity, or for public well-being.</li> <li>iv. The fence design maintains an attractive interface with the street.</li> <li>v. The fence will be screened by landscaping.</li> </ul>
		b. Effects on health and safety	See Rule 9.4
7.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards <b>{PO cl.16}</b>	See Rule 11.4 <b>{PO cl.16}</b>
8.	Location and screening of service areas	a. Effects on neighbourhood amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 31.2.2</li> <li>ii. Development maintains or enhances neighbourhood amenity by ensuring service areas are not visible from ground level outside the site (Policy 31.2.2.2).</li> </ul>
9.	<p><u>Affecting a scheduled heritage building or scheduled heritage structure</u> <b>{Her cl.16}</b></p> <ul style="list-style-type: none"> <li>• Materials and design</li> </ul>	a. Effects on heritage values	See Rule 13.5
10.	Maximum building site coverage and impermeable surfaces	a. Effects on efficiency and affordability of infrastructure	See Rule 9.4

#### 31.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resources consents
11.	<p>Hazard overlay zones development standards: <b>{MF cl.16<sup>3</sup>}</b></p> <ul style="list-style-type: none"> <li>Minimum floor level <b>{NH 917.27, NH 947.53 and others}</b></li> <li>Relocatable buildings <b>{MF cl.16<sup>3</sup>}</b></li> <li>Maximum area of vegetation clearance in the hazard overlay zones <b>{MF cl.16<sup>3</sup>}</b></li> </ul>	a. Risk from natural hazards <b>{MF cl.16<sup>3</sup>}</b>	See Rule 11.4 <b>{MF cl.16<sup>3</sup>}</b>
12.	Number, location and design of ancillary signs	a. Effects on neighbourhood amenity	<p><i>Relevant objectives and policies:</i></p> <p>i. Objective 31.2.2</p> <p>ii. Ancillary signs <u>visible outside the zone</u> <b>{MF cl.16<sup>3</sup>}</b> are located and designed to maintain or enhance <b>{MF cl.16<sup>3</sup>}</b> streetscape 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 31.2.2.4).</p>
		b. 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 the coast and riparian margins <u>and the coast</u> <b>{MF cl.16}</b>	See Rule 10.4
		b. Effects on public access	See Rule 10.4
		c. Risk from natural hazards	See Rule 11.4



#### 31.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resources consents
14.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
15.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

<sup>1</sup> **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.

<sup>2</sup> **MF cl.16:** As a clause 16 amendment, the text has been corrected to align with policy wording. This is not a substantive change.

<sup>3</sup> **MF cl.16:** As a clause 16 amendment this content has been moved to Rule 31.9.6. This is not a substantive change to provisions.

### 31.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Subdivision performance standards	See the subdivision standards of the default zone (the default zones are listed in Appendix A9).

### 31.9.6 Assessment of restricted discretionary performance standard contraventions in a mapped area {MW 1071.16}

Performance standard {MW 1071.16}	Matters of discretion {MW 1071.16}	Guidance on the assessment of resource consents {MW 1071.16}
1. In a <b>wāhi tūpuna mapped area</b> : {MW 1071.16} <ul style="list-style-type: none"> <li>Setback from coast and water bodies {MW 1071.16}</li> </ul>	a. Effects on cultural values of Manawhenua {MW 1071.16}	See Rule 14.3 {MW 1071.16}
X. In an <b>urban biodiversity mapped area</b> : <ul style="list-style-type: none"> <li>Maximum area of vegetation clearance (UBMA) {NatEnv cl.16}</li> </ul>	a. Effects on biodiversity values {NatEnv cl.16}	See Rule 10.4 {NatEnv cl.16}
Y. {MF cl.16} Hazard overlay zones development standards In a hazard overlay zone {NH cl.16}: <ul style="list-style-type: none"> <li>Minimum floor level {NH 917.27, NH 947.53 and others}</li> <li>Relocatable buildings (Hazard 3 (coastal) Overlay Zone) {NH cl.16}</li> <li>Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) overlay zones) {NH cl.16}</li> <li>Hazardous substances quantity limits and storage requirements {PO cl.16}</li> </ul>	a. Risk from natural hazards	See Rule 11.4

<sup>1</sup> **NatEnv cl.16:** As the Schools Major Facility Zone is partly covered by an Urban Biodiversity Mapped Area, this has been added as a clause 16 amendment to clarify that the vegetation clearance performance standard (Rule 10.3.2.1) applies in the UBMA.

<sup>2</sup> **MF cl.16:** As a clause 16 amendment this content has been moved from Rule 31.9.4. This is not a substantive change to provisions.

## **Rule 31.10 Assessment of Restricted Discretionary Activities**

### **Rule 31.10.1 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 31.10.2 - 31.10.4:
  - a. list the matters Council will restrict its discretion to; and
  - b. provide guidance on how a consent application will be assessed, including:
    - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
    - ii. potential circumstances that may support a consent application;
    - iii. general assessment guidance; and
    - iv. conditions that may be imposed.
3. Rules 31.10.2 - 31.10.4 apply as follows: {MF cl.16}
  - a. Rule 31.10.2 applies to restricted discretionary land use activities;
  - b. Rule 31.10.3 applies to restricted discretionary development activities; and
  - c. Rule 31.10.4 applies to restricted discretionary subdivision activities. {MF 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 31.9; 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 31.11; 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 31.12; and
    - iii. the assessment guidance in this section will also be considered.

### 31.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>A. <u>All high trip generators:</u> <b>{Trans cl.16}</b><sup>1</sup></p> <ul style="list-style-type: none"> <li>any activities that generate 250 or more vehicle movements a day <b>{Trans cl.16}</b></li> </ul>	<p>a. Effects on accessibility <b>{Trans cl.16}</b></p> <p>b. Effects on the safety and efficiency of the transport network <b>{Trans cl.16}</b></p>	<p>See Rule 6.10 <b>{Trans cl.16}</b></p>
<p>1. • Community and leisure - large scale</p> <p>• Early childhood education - large scale</p>	<p>a. Effects on the safety and efficiency of the transport network</p> <p>b. Effects on accessibility</p> <p>c. Effects on surrounding sites' residential amenity</p>	<p>See Rule 6.10</p> <p><i>Relevant objectives and policies:</i></p> <p>i. Objective 31.2.2</p> <p>ii. Early childhood education - large scale and community and leisure - large scale is designed to avoid or, if avoidance is not possible practicable <b>{PO 908.3 and others}</b>, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 31.2.2.6).</p>

<sup>1</sup> **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 31 assessment rules. The correction of this error, via the addition of Rule 31.10.2.A, does not result in a substantive change to the effect of provisions.

### 31.10.3 Assessment of restricted discretionary development activities

		Matters of discretion	Guidance on the assessment of resource consents
1.	<p>In a <b>Hazard 1 (land instability) Overlay Zone</b> (see Rule 31.3.6):</p> <ul style="list-style-type: none"> <li>New buildings, and additions and alterations to buildings, which create more than 1m<sup>2</sup> of new ground floor area <b>{NH 73.4 and others}</b></li> </ul>	<p>a. Risk from natural hazards <b>{NH 73.4 and others}</b></p>	<p>See Rule 11.5 <b>{NH 73.4 and others}</b></p>

### 31.10.3 Assessment of restricted discretionary development activities

		Matters of discretion	Guidance on the assessment of resource consents
2.	<p>In a <del>the</del> <b>Hazard 1 or {NH cl.16<sup>3</sup>} 2 (flood) {NH 73.4 and others} Overlay Zone</b> other than the hazard 1 (land instability) Overlay Zone <b>{NH 73.4 and others}</b> (see Rule 31.3.6):</p> <ul style="list-style-type: none"> <li>• New buildings, and additions and alterations to buildings, which create more than 60m<sup>2</sup> of new ground floor area</li> <li>• <u>Natural hazards {NH cl.16} sensitive activities {NH 634.74}</u></li> <li>• <u>Natural hazards {NH cl.16} potentially sensitive activities {NH 634.74}</u></li> </ul>	a. Risk from natural hazards	See Rule 11.5

### 31.10.3 Assessment of restricted discretionary development activities

		Matters of discretion	Guidance on the assessment of resource consents
3.	<p><u>Activities affecting a scheduled heritage building or scheduled heritage structure: {Her cl.16}</u></p> <ul style="list-style-type: none"> <li>• All other Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure</li> <li>• Removal for relocation of a scheduled heritage building or scheduled heritage structure <i>{Her cl.16}</i></li> </ul>	a. Effects on heritage values	See Rule 13.6



### 31.10.3 Assessment of restricted discretionary development activities

		Matters of discretion	Guidance on the assessment of resource consents
4.	Earthworks – large scale (that exceed the scale thresholds for the Schools Zone) {EW cl.16'}	<p>a. Effects on visual amenity and character</p> <p>b. Effects on the amenity of surrounding properties</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 31.2.3</li> <li>ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 31.2.3.3.a).</li> <li>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 31.2.3.3.b).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. There is no, or only minimal, alteration to the natural landform.</li> <li>v. Any cut or fill will be restored or treated to resemble natural landforms.</li> <li>vi. The earthworks will not remove or effect existing vegetation or landscaping.</li> </ul> <p><i>Conditions that may be imposed include, but are not limited to:</i></p> <ul style="list-style-type: none"> <li>vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping.</li> <li>viii. Maximum slopes of cut and fill batters.</li> <li>ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth.</li> <li>x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties.</li> <li>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.</li> </ul>

### 31.10.3 Assessment of restricted discretionary development activities

		Matters of discretion	Guidance on the assessment of resource consents
		<p>c. Effects on the stability of land, buildings, and structures</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 31.2.3</li> <li>ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 31.2.3.3.c).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>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 31.13.1).</li> <li>iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards.</li> </ul>
		<p>d. Where in a <b>wāhi tūpuna mapped area</b>, effects on cultural values of <del>m</del>Manawhenua <b>{MW 1071.19}</b></p>	<p>See Rule 14.4</p>
5.	Earthworks – large scale (that exceed scale thresholds for a SNL) <b>{EW cl.16'}</b>	<p>a. Effects on landscape values</p>	<p>See Rule 16.10</p>
6.	Earthworks – large scale (that exceed scale thresholds within 5m of a water body or MHWS) <b>{EW cl.16'}</b>	<p>a. Effects on biodiversity and natural character of riparian margins and the coast</p> <p>b. Effects on public access</p>	<p>See Rule 10.5</p>

### 31.10.3 Assessment of restricted discretionary development activities

		Matters of discretion	Guidance on the assessment of resource consents
7.	<ul style="list-style-type: none"> <li>Earthworks – large scale (that exceed scale thresholds for a hazard (land instability) overlay zone)</li> <li>Earthworks – large scale (that exceed scale thresholds for a hazard (flood) overlay zone) <b>{EW cl.16}</b></li> </ul>	a. Risk from natural hazards	See Rule 11.5
8. <b>{NH cl.16}</b>	<p>In a <b>geologically sensitive mapped area (GSA)</b>: <b>{NH cl.16}</b></p> <ul style="list-style-type: none"> <li>Earthworks – large scale (that exceed underlying zone scale thresholds) <b>{NH cl.16}</b></li> </ul>	a. Risk from natural hazards <b>{NH cl.16}</b>	See Rule 11.5 <b>{NH cl.16}</b>

<sup>1</sup> **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.

<sup>2</sup> **NH cl.16:** Geologically sensitive areas are not part of this 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.

<sup>3</sup> **NH cl.16:** As a clause 16 amendment, there is no intersect between the Schools Zone and the Hazard 1 (flood) Overlay Zone.

### 31.10.4 Assessment of restricted discretionary subdivision activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	All subdivision activities	a. Effects on the efficient and effective operation of the school	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objectives 31.2.1, 2.3.1</li> <li>ii. Subdivision does not adversely affect the efficient and effective operation of the school (Policy 31.2.1.5.b).</li> </ul>
		See the subdivision <u>activities</u> <b>{PO cl.16}</b> restricted discretionary assessment rule of the default zone (default zones are listed in Appendix A9).	

## **Rule 31.11 Assessment of Discretionary Activities**

### **Rule 31.11.1 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 31.11.2 - 31.11.43 **{NH 634.74}** provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
  - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
  - b. potential circumstances that may support a consent application;
  - c. general assessment guidance, including any effects that will be considered as a priority; and
  - d. conditions that may be imposed.
3. Rules 31.11.2 - 31.11.4 apply as follows: **{MF cl.16}**
  - a. Rule 31.11.2 applies to all discretionary land use activities; and
  - b. Rule 31.11.4 applies to discretionary performance standard contraventions. **{MF 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.

### 31.11.2 Assessment of discretionary land use {**MF cl.16**} activities

Activity	Guidance on the assessment of resource consents
<p>1. All discretionary <u>land use</u> activities including listed below: {<b>PO cl.16</b>}</p> <ul style="list-style-type: none"> <li>• sport and recreation involving the use of motorised vehicles</li> <li>• activities listed below {<b>PO cl.16</b>}</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>Objectives 2.3.1, 31.2.1</li> <li>Activities that are not ancillary to schools activity {<b>MF cl.16</b>}: <ol style="list-style-type: none"> <li>are related to or support the school, or have other operation requirements that mean they need to locate in the zone;</li> <li>support the efficient and effective operation of school;</li> <li>are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and</li> <li>are designed and operated in line with Objective 31.2.2 and its policies (Policy 31.2.1.3).</li> </ol> </li> </ol> <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>For discretionary land use activities, whether any associated development activities meet relevant development performance standards, or are otherwise consistent with relevant objectives and policies for development.</li> <li>All relevant land use performance standards are met, including noise and light spill standards.</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>In assessing the significance of effects, consideration will be given to: <ol style="list-style-type: none"> <li>short to long term effects, including effects in combination with other activities; and</li> <li>the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent.</li> </ol> </li> <li>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: {<b>MF cl.16</b>}</li> </ol> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <ol style="list-style-type: none"> <li>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. {<b>Trans cl.16</b>'}</li> <li>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 {<b>PHS cl.16</b>}</li> <li>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 {<b>MW 1071.3</b>}</li> </ol>

<sup>1</sup> **Trans cl.16:** This amendment adds a cross-reference to relevant assessment rules in the transportation section,

for all discretionary activities. This does not change the effect of provisions.

<b>31.11.3 Assessment of discretionary land use activities {NH634.74}</b>	
<b>Activity {NH634.74}</b>	<b>Guidance on the assessment of resource consents {NH634.74}</b>
1. In the <b>hazard 1 overlay zones</b> (see Rule 31.3.6): <b>{NH cl.16<sup>1</sup>}</b> <ul style="list-style-type: none"> <li>Potentially sensitive activities permitted in the Schools Zone <b>{NH cl.16<sup>1</sup>}</b></li> </ul>	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: <b>{NH cl.16<sup>1</sup>}</b>
2. In the <b>hazard 2 overlay zones</b> (see Rule 31.3.6): <b>{NH634.74}</b> <ul style="list-style-type: none"> <li>Potentially sensitive activities not permitted in the Schools Zone <b>{NH634.74}</b></li> <li>Sensitive activities <b>{NH634.74}</b></li> </ul>	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: <b>{NH634.74}</b>

<sup>1</sup> **NH cl.16:** This content has been deleted because it was included in error.

<b>31.11.4 Assessment of discretionary performance standard contraventions</b>	
<b>Performance standard</b>	<b>Guidance on the assessment of resource consents</b>
1. <ul style="list-style-type: none"> <li>Acoustic insulation</li> <li>Noise - where the limit is exceeded by up to <u>less than</u> <b>{PHS cl.16}</b> 5dB LAeq (15min)</li> <li>Light spill - where the limit is exceeded by 25% or less</li> </ul>	<i>Relevant guidance from other sections (priority considerations):</i> <ol style="list-style-type: none"> <li>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.</li> </ol>

## **Rule 31.12 Assessment of Non-complying Activities**

### **Rule 31.12.1 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 31.12.2 - 31.12.5 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 31.12.2 - 31.12.5 apply as follows: {MF cl.16}
  - a. Rule 31.12.2 applies to all non-complying activities;
  - b. Rule 31.12.3 applies to non-complying land use activities;
  - c. Rule 31.12.4 applies to non-complying development activities; and
  - d. Rule 31.12.5 applies to non-complying performance standard contraventions. {MF 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.

### **31.12.2 Assessment of non-complying land use activities**

Activity	Guidance on the assessment of resources consents
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<p>1. All non-complying activities</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objectives 2.3.1, 14.2.1, 31.2.1</li> <li>b. Activities not ancillary to schools activity <b>{PO cl.16}</b>: <ul style="list-style-type: none"> <li>i. are related to or support the school, or have other operation requirements that mean they need to locate in the zone;</li> <li>ii. support the efficient and effective operation of the school;</li> <li>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and</li> <li>iv. they are designed and operated in line with Objective 31.2.2 and its policies (Policy 31.2.1.3).</li> </ul> </li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>c. In assessing the significance of effects consideration will be given to: <ul style="list-style-type: none"> <li>i. both short and long term effects, including effects in combination with other activities; and</li> <li>ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent.</li> </ul> </li> <li>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.</li> </ul> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> <li>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. <b>{Trans cl.16}</b></u></li> <li>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 <b>{PHS cl.16}</b></u></li> <li>g. <u>See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua <b>{MW 1071.3}</b></u></li> </ul>
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<sup>1</sup> **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.

### 31.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> <li>• Cemeteries</li> <li>• Crematoriums</li> <li>• Landfills</li> </ul>	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>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.</p>
2. Commercial advertising in all zones <b>{PO cl.16}</b>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 2.4.1</p> <p>b. Policy 2.4.1.6.c</p>
3. In the <b>hazard 1 overlay zones</b> (see Rule 31.3.6): <b>{NH 73.4 and others}</b> <ul style="list-style-type: none"> <li>• Potentially sensitive activities not permitted in the Schools Zone <b>{NH 73.4 and others}</b></li> <li>• Sensitive activities <b>{NH 73.4 and others}</b></li> </ul>	<p>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: <b>{NH 73.4 and others}</b></p>

### 31.12.4 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	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>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.</p>

<b>31.12.5 Assessment of non-complying performance standard contraventions</b>	
Performance standard	Guidance on the assessment of resource consents
1. Archaeological sites (earthworks) <b>{EW cl.16<sup>1</sup>}</b>	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.
2. <ul style="list-style-type: none"> <li>• Light spill - where the limit is exceeded by greater than 25%</li> <li>• Noise - where the limit is exceeded by 5dB LAeq (15 min) or more</li> <li>• Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)</li> </ul>	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>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.</p>
3. Setback from National Grid	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.4 5.2.2 <b>{NU 918.29}</b> and effects related to the efficient and effective operation of network utilities and public health and safety.</p>

<sup>1</sup> **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 31.13 Special Information Requirements**

**EW cl.16:** As a clause 16 amendment, Rule 31.13.1 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.

