

27. Mercy Hospital

27.1 Introduction

The Mercy Hospital site is approximately 4ha in area and is located at 72 Newington Avenue, Maori Hill, Dunedin. The hospital was originally established in 1936 and relocated to the current Maori Hill site in 1969. Mercy Hospital provides a unique service to the South Canterbury, Otago and Southland regions, providing a comprehensive range of specialist assessment, diagnostic and treatment services. The Mercy Hospital Zone has been designed to enable the services offered by Mercy Hospital to be provided for, and to provide greater certainty to the community regarding what land use activities can be expected to occur on the Mercy Hospital site.

The site is surrounded by the General Residential 1 Zone, with predominantly residential use interspersed with commercial activities such as private dentists and medical specialists. There is a high level of residential amenity, with extensive established vegetation in the neighbouring area.

Residents are exposed to very low levels of non-residential noise. While the buildings on the Mercy Hospital site are generally large in scale, they are contained within an extensive site with well established stands of trees and open space. The values of the vegetated area on the eastern part of the site is recognised via its inclusion within the **urban conservation biodiversity mapped area** (UCMA UBMA) **{NatEnv 958.60}**. Marinoto House, which forms part of Mercy Hospital, is listed in the Heritage New Zealand List and Schedule Appendix A1.1 - Schedule of Protected Heritage Items and Sites **{Her cl.16}** of this Plan.

Mercy Hospital and its associated activities have the potential to generate effects, including traffic, noise, landscape and visual effects, which may impact on surrounding land uses. The Mercy Hospital Development Plan (Appendix 27A) identifies development anticipated over the next 10 years. Other development is provided for, subject to meeting standards relating to height and setback. The type and mix of activities appropriate within the zone, and the ability of the site to absorb change, have been important factors in determining how the Mercy Hospital site will develop over time. The Mercy Hospital Zone recognises the existing and foreseeable future use of the Mercy Hospital site and, at the same time appropriately manages any adverse effects on the surrounding residential zone.

27.2 Objectives and Policies

Objective 27.2.1	
Mercy Hospital is able to operate efficiently and effectively as a hospital.	
Policy 27.2.1.1	Enable hospital activity in the Mercy Hospital Zone.
Policy 27.2.1.2	Provide for activities that are ancillary to hospital activity where they are designed and operated in line with Objective 27.2.2 and its policies.
Policy 27.2.1.3	Only allow activities that are not ancillary to hospital activity where all of the following apply: <ol style="list-style-type: none"> the activities are related to or support Mercy Hospital, or have other operational requirements that mean they need to locate in the zone; they will support the efficient and effective operation of Mercy Hospital; they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and they are designed and operated in line with Objective 27.2.2 and its policies.
Policy 27.2.1.4	Enable land that is surplus to the needs of Mercy Hospital to transition to the General Residential 1 Zone <u>(for land outside the urban biodiversity mapped area) or the Recreation Zone (for land within the urban biodiversity mapped area) {Mer cl.16}</u> , so that future development that is not related to hospital activity can <u>will</u> {PO cl.16} be managed in accordance with the objectives and policies of that zone.
Policy 27.2.1.5	Only allow subdivision activities where: <ol style="list-style-type: none"> they are in accordance with the provisions of the General Residential 1 Zone; and the subdivision does not adversely affect the efficient and effective operation of Mercy Hospital.

¹ **Mer cl.16:** This policy was amended to align with Rule 27.3.6.

Objective 27.2.2	
Land use activities and development necessary for Mercy Hospital to meet the reasonably foreseeable health needs of the community is enabled, while ensuring development: <ol style="list-style-type: none"> achieves a good standard of on-site amenity for patients, staff and visitors; and maintains or enhances the amenity of surrounding residential sites and areas, as far as practicable. 	
Policy 27.2.2.1	Require <u>Only allow</u> {Mer 928.7} buildings and structures to be that are {Mer 928.7} either: <ol style="list-style-type: none"> in accordance with the Mercy Hospital Development Plan; or of a height, setback from boundaries, <u>purpose</u> {Mer 928.7} and size that ensures: <ol style="list-style-type: none"> there are no more than minor effects on the sunlight access and privacy of current and potential future residential buildings and their outdoor living spaces; and any adverse effects on neighbourhood amenity are avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, are no more than minor.
Policy 27.2.2.2	Require development to maintain or enhance neighbourhood amenity by ensuring service areas are not visible from ground level outside the site.

Objective 27.2.2

Policy 27.2.2.3	Require landscaping of the boundary of parking areas where adjacent to a road frontage to screen or soften these areas and ensure a high standard of visual amenity where viewed from the road.
Policy 27.2.2.4	Require fences on road boundaries to be of a height and design that contributes positively to neighbourhood amenity.
Policy 27.2.2.5	Require ancillary signs visible from 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. {Mer 241.18}
Policy 27.2.2.6	Require ancillary commercial activities to be designed, located and operated to primarily serve staff, patients and visitors to Mercy Hospital.
Policy 27.2.2.7 {Mer 928.2 and 928.10}	<u>Require the maintenance of the Amenity Planting Area as shown on the Mercy Hospital Development Plan, unless any changes to this area will have no more than minor effects on the visual amenity from surrounding residential sites and areas.</u> {Mer 928.2 and 928.10}

EW cl.16: As a clause 16 amendment, Objective 27.2.3 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 27.3 Activity Status

27.3.1 Rule location

The activity status tables in rules 27.3.3 to 27.3.5 specify the activity status of land use activities, development activities and subdivision activities in the Mercy Hospital 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 **{PO cl.16}** (Section 8)
7. Earthworks (Section 8A) **{EW cl.16}**

27.3.2 Activity status introduction

1. The activity status **{MF cl.16}** tables in rules 27.3.3 - 27.3.5 show the activity status of activities in the Mercy Hospital Zone 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.

Performance Standards

6. Performance standards are listed in the far right column of the activity status tables.
7. Performance standards apply to permitted, controlled, and restricted discretionary activities.
8. 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}**.
9. 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.

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

27.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Electrical interference b. Light spill c. Noise
Major facility activities		Activity status	Performance standards
2.	Hospital	P	a. Minimum car parking
3.	All other activities in the major facility activities category	NC	
Community activities		Activity status	Performance standards
4.	Community and leisure - small scale	P	
5.	Community and leisure - large scale	D	
6.	Conservation	P	
7.	All other activities in the community activities category	D	
Commercial activities		Activity status	Performance standards
8.	Commercial activities ancillary to hospital activity	P	a. Location
9.	Registered health practitioners	P	
10.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
11.	All activities in the residential activities category	D	
Industrial activities		Activity status	Performance standards
12.	All activities in the industrial activities category	NC	
Rural activities		Activity status	Performance standards
13.	All activities in the rural activities category	NC	

27.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. Maximum building site coverage and impermeable surfaces {Mer 928} b. Setback from scheduled tree c. <u>Amenity planting area {Mer 928.10 and 928.2}</u>
Building and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 5-9)		Activity status	Performance standards
3.	Fences	P	a. Fence height and design
2.	All building and structures activities in accordance with the Mercy Hospital Development Plan (Appendix 27A)	P	a. Number, location and design of ancillary signs
4.	All other building and structures activities <u>not in accordance with the Mercy Hospital Development Plan (Appendix 27A) {Mer 928.7}</u>	P	a. Boundary setbacks Small scale buildings and structures {Mer 928.7} b. Height in relation to boundary {Mer 928.7} c. Maximum height {Mer 928.7} d. Number, location and design of ancillary signs e. Footprint of building {Mer 928.7}
Building and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		Activity status	Performance standards
5.	Repairs and maintenance or restoration {Her 547.91}	P	a. Materials and design
Z.	<u>Restoration of all scheduled heritage buildings and structures {Her 547.91}</u>	P C	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.	Earthworks – small scale {EW cl.16}	P	a. Earthworks standards
11.	Earthworks – large scale {EW cl.16}	RD	a. Earthworks standards

12.	Service areas	P	a. Location and screening of service areas
13.	Parking, loading and access	P	a. Parking, loading and access standards b. Boundary treatments and other landscaping <u>Screening of parking areas</u> {Mer 241.46}
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	a. Boundary treatments and other landscaping <u>Screening of parking areas</u> {Mer 241.46} b. Parking, loading and access standards
15.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements
16.	Vegetation clearance	P	a. Maximum area of vegetation clearance (UBMA) {NatEnv cl.16}
17.	All other site development activities	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.

Note 27.3.4A - 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. **{Mer cl.16}**

¹ **Mer cl.16:** Not within an archaeological alert layer.

27.3.5 Activity status table - subdivision activities

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

Note 27.3.5A - 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.

27.3.6 Transition to General Residential 1 Zone or Recreation Zone {Mer cl. 16}

On receipt of written notice from both the owner and operator (if different) of Mercy Hospital to Dunedin City Council in relation to all or part of the land within the Mercy Hospital Zone, the provisions of the Mercy Hospital Zone will no longer apply to that parcel of land and the provisions of the General Residential 1 Zone (for land outside the **urban conservation biodiversity mapped area**) {*NatEnv 958.60*} or Recreation Zone (for land within the **urban conservation biodiversity mapped area**) {*NatEnv 958.60*}, will apply in full.

Rule 27.4 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 performance standard 13.3.2 'Materials and design' where the building or structure is not listed by Heritage New Zealand.~~ **{Her cl.16}**
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 241.43}**
5. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 27.5 Land Use Performance Standards

27.5.1 Electrical Interference

Land use activities must comply with Rule 9.3.2.

27.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

27.5.3 Location

- For ancillary commercial activities, customer access must only be available from within the facility.
- Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

27.5.4 Minimum Car Parking

- Hospital activity must provide 1.9 parking spaces per 100m² of gross floor area. This minimum car parking requirement is cumulative for all hospital activities on the site, except that if a resource consent is held for an exemption to this rule, the gross floor area provided for by this resource consent is excluded from future calculations.
- The following areas ~~within the building~~ **{MF cl.16}** will be excluded from the assessment of gross floor area for the purpose of calculating the minimum car parking requirement:
 - any parking area and associated manoeuvring space, including parking **{MF cl.16}** aisle; and
 - any loading area and associated manoeuvring space.
- Where additional gross floor area is proposed, any additional parking spaces required to comply with this standard must be provided and operational before construction commences on the additional gross floor area, unless resource consent is obtained to exempt or reduce the minimum car parking requirement for the extension or activity.
- Hospital activities 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

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

Note 27.5.4A - 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.

27.5.5 Noise

Land use activities must comply with Rule 9.3.6.

Rule 27.6 Development Performance Standards

27.6.1 Screening of parking areas {Was "Boundary Treatments and Other Landscaping" - Mer 241.46}

1. Where any part of {Mer 241.46} a parking area is built within 5m of a road frontage, a landscaping area with a minimum 1.5m width must be provided along the full length of between that part of the parking area and {Mer 241.46} the road frontage (except for where vehicle access is provided), with an average of one tree for every 5m of frontage: {Mer cl.16}
2. Landscaping areas required by 27.6.1.1 {Mer cl. 16} must:
 - a. have an average of one tree for every 5m of frontage;
 - b. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - c. be designed to allow surface water run-off from surrounding areas to enter;
 - d. be protected by a physical barrier that prevents cars from accidentally driving into or {PO 360.213} damaging plants;
 - e. be planted prior to occupation or completion of any relevant building(s) or upon completion of site development activities {MF cl.16}; and
 - f. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

27.6.2 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.

27.6.3 Fence Height and Design

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

Location {Res cl.16}		Maximum height {Res cl.16}
a: {Res cl.16}	Along all road boundaries {Res cl.16}	1.4m {Res cl.16}
b: {Res 394.80 and 1051.2}	Along a side or rear boundary with a residential zone {Res 394.80 and 1051.2}	1.4m {Res 394.80 and 1051.2}
c: {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 27.6.12.1. **{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 100mm, spacing minimum width 5mm) or 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}

¹ **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.

27.6.3.1 Maximum Height {Res cl.16¹}

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

¹ **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.

27.6.3.2 Visual Permeability {Res cl.16¹}

- a. Fences along road boundaries 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.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 performance standard has been restructured from the notified version to provide clarity. This is not a substantive change.

27.6.4 Small scale buildings and structures {Was "Footprint of building" Mer 928.7}

1. ~~The footprint of buildings, structures and additions and alterations not in accordance with the Mercy Hospital Development Plan must not exceed 100m². {Mer 928.7}~~
2. ~~Contravention of this performance standard is a discretionary activity. {Mer 928.7}~~
1. Buildings and structures, and additions and alterations, that are not in accordance with the Mercy Hospital Development Plan must: {Mer 928.7}
 - a. not exceed 100m² 40m² footprint; {Mer 928.7}
 - b. not exceed {Mer cl.16¹} 9m 5m {Mer 928.7} in height; {Mer cl.16¹}
 - c. not be used for clinical services; {Mer 928.7}
 - d. be set back from zone boundaries a minimum of 4.5m, except for fences and ancillary signs; {Mer cl.16²} are exempt from the performance standard. {Mer cl.16}
 - e. all have any public entrances to buildings must be located at least 10m from a boundary with the adjoining a residential zone; and {Mer cl.16²}
 - f. not protrude through a plane rising at an angle of 45 degrees measured from a starting point of 2.5m vertically above ground level at the zone boundary (see Figure 15.6F), except: {Mer cl. 16¹}
 - i. a gable end or dormer may project beyond the plane where it is; {Mer cl.16¹}
 1. no greater than 1m in height measured parallel to the nearest adjacent boundary; and/or {Mer cl.16¹}
 2. no greater than 1m in depth measured horizontally at 90 degrees to the nearest adjacent boundary. {Mer cl.16¹}
2. Activities that contravene this performance standard are restricted discretionary activities, except

contravention of rules 27.6.4.1.a and c are restricted discretionary activities.{PO cl.16}

¹ **Mer cl.16:** Content moved from 'Height' standards – Rule 27.6.6

² **Mer cl.16:** Content moved from 'Boundary setbacks' standard - Rule 27.6.12.1

27.6.5 Hazardous Substances Quantity Limits and Storage Requirements

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

27.6.6 Height {Confirmed for deletion - Mer cl.16}¹

¹ **Mer cl.16:** Content moved to new standard 27.6.4 'Small scale buildings and structures', substantive amendments to rule shown in new location.

27.6.6.1 Height in relation to boundary {Mer cl.16}

~~Buildings and structures adjoining the residential zone must not protrude through a plane rising at an angle of 45 degrees measured from a starting point of 2.5m vertically above ground level at the zone boundary (see Figure 15.6F), except:~~ **{Mer cl.16}**

- a. ~~a gable end or dormer may project beyond the plane where it is:~~ **{Mer cl.16}**
 - i. ~~no greater than 1m in height measured parallel to the nearest adjacent boundary; and/or~~ **{Mer cl.16}**
 - ii. ~~no greater than 1m in depth measured horizontally at 90 degrees to the nearest adjacent boundary.~~ **{Mer cl.16}**

27.6.6.2 Maximum Height {Mer cl.16}

- a. ~~The maximum height of new buildings and structures, and additions and alterations that are not in accordance with the Mercy Hospital Development Plan must not exceed 9m above ground level.~~ **{Mer cl.16}**
- b. ~~Rooftop structures are exempt from the performance standard for maximum height provided they do not exceed the maximum height by more than one third of that limit.~~ **{Mer cl.16}**

27.6.7 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}

27.6.8 Materials and Design

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

27.6.9 Maximum Area of Vegetation Clearance (UBMA) {Was "Maximum Area of Vegetation Clearance" - NatEnv cl.16}

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

27.6.9 Maximum Building Site Coverage and Impermeable Surfaces {Confirmed for deletion - Mer 928}

1. ~~The site coverage of buildings must not exceed 40%; and~~ **{Mer 928}**
2. ~~Impermeable surfaces and buildings must not exceed 70% total site coverage.~~ **{Mer 928}**

27.6.10 Number, Location and Design of Ancillary Signs

27.6.10.1 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 Mercy Hospital 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 related to ancillary retail and ancillary restaurants activities **{PO cl.16}** must be designed so as to {Mer 241.56} not be visible outside the Mercy Hospital Zone **{Mer cl.16}**.
- c. Signs must comply with Rule 6.7.3 where visible from a road.
- d. ~~Signs other than those specified in rules 27.6.9.2 and 27.6.9.3 are not allowed.~~ **{Mer cl.16}**
- e. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.**{PO cl.16}**

27.6.10.2 Freestanding signs

- a. The maximum number of freestanding signs is one per 50m of frontage accessway to a maximum of four signs. **{Mer 928.18}**
- b. The maximum dimensions of freestanding signs are:
 - i. maximum height of 4m;
 - ii. maximum area of 4m²;
 - iii. maximum width of 2 4m; and **{Mer 241.57}**
 - iv. maximum depth of 400mm. **{Mer 241.57}**
- 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 site boundaries. **{PO cl.16}**

27.6.10.3 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 one sign per 30m of road frontage;
 - ii. have a maximum area per display face of 2m²;
 - iii. have a maximum of two 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.

Note 27.6A- 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 27.6.10B - 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 Roadway Bylaw.
 - d. Dunedin City Council Traffic and Parking Bylaw.

27.6.11 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

27.6.12 Setback from scheduled tree {Was "Setbacks" - Mer cl.16}

27.6.12.1 Boundary setbacks {Mer cl.16}¹

- a. New buildings and structures and additions and alterations that are not in accordance with the Mercy Hospital Development Plan must be set back from zone boundaries a minimum of 4.5m. {Mer cl.16}
- b. Except, fences and ancillary signs are exempt from the performance standard. {Mer cl.16}
- c. All public entrances to buildings must be located at least 10m from a boundary with the residential zone. {Mer cl.16}

¹ Mer cl.16: Content moved to new standard 27.6.4 'Small scale buildings and structures'

27.6.12.2 Setback from scheduled tree {Mer cl.16}

New buildings and structures, additions and alterations, earthworks, {EW cl.16¹} and any site development activities that involve the installation of impermeable surfacing must comply with Rule 7.5.2.

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

27.6.X Amenity planting area {Confirmed for addition - Mer 928.2 and 928.10}

1. The Amenity Planting Area shown on the Mercy Hospital Development Plan must be maintained to provide visual screening from the neighbouring residential zone, including by replanting, if required, to maintain a similar level of screening (as was present on 26.9.15) and limiting vegetation clearance to: {Mer 928.10 and 928.2}
 - a. the pruning of any tree for the maintenance of its health; {Mer 928.10 and 928.2}
 - b. the clearance of any defined pest species, dead vegetation, vegetation that is in terminal decline or vegetation with extreme failure; {Mer 928.10 and 928.2}
 - c. the clearance of vegetation for the construction, maintenance or alteration of fences, gates, drainage,

utilities or access; and {Mer 928.10 and 928.2}

d. the clearance of vegetation for the safety of persons or property. {Mer 928.10 and 928.2}

2. Activities that contravene Rule 27.6.X are a discretionary activity. {Mer 928.10 and 928.2}

Rule 27.7 Subdivision Performance Standards

1. For the subdivision activities of land outside of the **urban biodiversity mapped area**, subdivision activities {Mer cl.16¹} must comply with performance standards for the General Residential 1 Zone in Rule 15.7.
2. For the subdivision of land within the **urban biodiversity mapped area**, subdivision activities must comply with performance standards for the Recreation Zone in Rule 20.7. {Mer cl.16¹}

¹ **Mer cl.16:** This rule was amended to align with Rule 27.3.6.

Rule 27.8 Assessment of Controlled Activities

Rule 27.8.1 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 27.8.2:
 - 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 27.9; 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 27.11; 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 27.12; and
 - iii. the assessment guidance in this section will also be considered.

27.8.2 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"> • 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> 	<p>a. Effects on heritage values</p>	<p>See Rule 13.4</p>

Rule 27.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 27.9.1 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 27.9.2 - 27.9.5:
 - 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 27.9.2 - 27.9.5 apply as follows: {Mer cl.16}
 - a. Rule 27.9.2 applies to all performance standard contraventions;
 - b. Rule 27.9.3 applies to land use performance standard contraventions;
 - c. Rule 27.9.4 applies to development performance standard contraventions; and
 - d. Rule 27.9.5 applies to subdivision performance standard contraventions. {Mer cl.16}

27.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards or site specific factors, 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. <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> 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 and those related to general amenity, greater weight will usually be placed on heritage policies.

27.9.3 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.	Location (ancillary commercial activities)	a. Effects on the vibrancy, and social and economic success of the CBD and centres hierarchy	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 27.2.2 ii. Ancillary commercial activities are designed, located {Mer cl.16} and operated to primarily serve staff, patients and visitors to the <u>Mercy</u> {Mer cl.16} Hospital (Policy 27.2.2.6). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The location of customer access is unlikely to attract external customers and become a stand-alone activity.
		b. Effects on neighbourhood amenity	
3.	Minimum car parking	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
		b. Effects on accessibility	

27.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	<u>Small scale buildings and structures: {Mer 928.7 and Mer cl.16²³}</u> <ul style="list-style-type: none"> Boundary setbacks (<u>rules 27.6.4.1.d and e</u>) {Mer cl.16} Height in relation to boundary (<u>Rule 27.6.4.f</u>) {Mer cl.16} Maximum height (<u>Rule 27.6.4.1.b</u>) {Mer cl.16} 	a. Effects on the amenity of surrounding sites	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 27.2.2 ii. Buildings and structures are of a height, setback from boundaries, <u>purpose {Mer 928.7}</u> and size that ensures there are no more than minor effects on the sunlight access and privacy of current and potential future residential buildings and their outdoor living spaces (Policy 27.2.2.1.b.i). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Residential buildings on neighbouring sites receive adequate natural light and privacy. <p><i>In assessing the application Council will consider:</i></p> <ul style="list-style-type: none"> iv. Existing sunlight access to neighbouring properties. v. Cumulative effects from incremental development.
		b. Effects on neighbourhood amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 27.2.2 ii. Buildings and structures are of a height, and setback from boundaries, <u>purpose {Mer 929.7}</u> and size such <u>{Mer cl.16}</u> that ensures <u>{Mer cl.16}</u> any adverse effects on neighbouring amenity are avoided or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, are no more than minor (Policy 27.2.2.1.b.ii).
2.	<u>Boundary treatments and other landscaping Screening of parking areas {Mer 241.46}</u>	a. Effects on neighbourhood residential amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 27.2.2 ii. Landscaping of the boundary of parking areas <u>adjacent to a road frontage {Mer cl.16}</u> screens or softens these areas and ensure a high standard of visual amenity where viewed from the road (Policy 27.2.2.3).

27.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	Earthworks standards: <ul style="list-style-type: none"> Batter gradient {EW cl.16}¹ 	a. Effects on the stability of land; buildings and structures	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 27.2.3 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 27.2.3.1.b). <p><i>Conditions that may be imposed include, but are not limited to:</i></p> <ul style="list-style-type: none"> iii. Maximum slopes of cut and fill batters. iv. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. v. Temporary shoring requirements to maintain stability before a wall is constructed. vi. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
4.	Earthworks standards: <ul style="list-style-type: none"> Setback from property boundary; buildings; structures and cliffs {EW cl.16}¹ 	a. Effects on the stability of land; buildings and structures	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 27.2.3 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 27.2.3.1.a).
5.	Earthworks standards: <ul style="list-style-type: none"> 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

27.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Earthworks standards: • Sediment control {EW cl.16} ¹	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 27.2.3 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 27.2.3.2.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.	Fence height and design	a. Effects on health and safety	See Rule 9.4
		b. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 27.2.2 ii. Fences on road boundaries {Mer cl.16} are of a height and design that contributes positively to the neighbourhood amenity (Policy 27.2.2.4). <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.
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}

27.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
9.	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"> i. Objective 27.2.2 ii. Development maintains or enhances neighbourhood amenity by ensuring service areas are not visible from ground level outside the site (Policy 27.2.2.2). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Screening would unduly restrict the usability of the service area. iv. The site layout prevents the service area from being visible from any public place without additional screening being required.
10.	<p><u>Affecting a scheduled heritage building or scheduled heritage structure {Her cl.16}</u></p> <ul style="list-style-type: none"> • Materials and design 	a. Effects on heritage values (work on scheduled heritage buildings or structures) {Her cl.16}	See Rule 13.5
12.	Maximum building site coverage and impermeable surfaces {Mer 928}	a. Effects on the efficiency and/or affordability of infrastructure {Mer 928}	See Rule 9.4 {Mer 928}
13.	Number, location and design of ancillary signs	a. Effects on neighbourhood amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 27.2.2 ii. Ancillary signs <u>visible from outside the zone {Mer cl.16}</u> are located and designed to maintain or enhance {Mer cl.16} 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 {Mer 241.18} (Policy 27.2.2.5).
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
14.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

27.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
15.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
11.	<p>In an urban biodiversity mapped area: {NatEnv cl.16}</p> <ul style="list-style-type: none"> Maximum area of vegetation clearance (UCMA UBMA) {NatEnv 958.60} 	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 **Mer cl.16:** Content from the height performance standard (Rule 27.6.6) and boundary setback performance standard (27.6.12.1) has moved to the new small scale buildings and structures performance standard.

27.9.5 Assessment of subdivision performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Subdivision performance standards	See Rule 15.9

Rule 27.10 Assessment of Restricted Discretionary Activities

Rule 27.10.1 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 27.10.2 - 27.10.3:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rules 27.10.2 - 27.10.3 apply as follows: {Mer cl.16}
 - a. Rule 27.10.2 applies to restricted discretionary activities; and
 - b. Rule 27.10.3 applies to restricted discretionary subdivision activities. {Mer 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 27.89; 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 27.40~~11~~¹²; 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 27.44~~12~~¹²; and
 - iii. the assessment guidance in this section will also be considered.

27.10.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>1. <u>Activities affecting a scheduled heritage building or scheduled heritage structure: {Her cl.16}</u></p> <ul style="list-style-type: none"> • All other Additions and alterations that affects a protected part of a scheduled heritage building or scheduled heritage structure • Removal for relocation 	<p>a. Effects on heritage values</p>	<p>See Rule 13.6</p>

27.10.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. Earthworks – large scale (that exceed the scale thresholds for the Mercy Hospital 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"> i. Objective 27.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 27.2.3.3.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 27.2.3.3.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> 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 effects existing vegetation or landscaping. <p><i>Conditions that may be imposed include, but are not limited to:</i></p> <ul style="list-style-type: none"> 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.

27.10.2 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	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 27.2.3: ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 27.2.3.3.c): <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> 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 27.13.1): iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards
3. Earthworks – large scale (that exceed scale thresholds for a UCA) {EW cl.16}	a. Effects on biodiversity	See Rule 10.5
4. <u>High trip generators: {Trans cl.16}</u> • <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 {Trans cl.16}</u>	<p>a. Effects on the safety and efficiency of the transport network</p> <p>b. <u>Effects on accessibility {Trans cl.16}</u></p>	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.

27.10.3 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 Mercy Hospital	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 2.3.1 ii. Objective 27.2.1 iii. Subdivision activities do not adversely affect the efficient and effective operation of Mercy Hospital (Policy 27.2.1.5.b).
	See Rule 15.10	

Rule 27.11 Assessment of Discretionary Activities

Rule 27.11.1 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 27.11.2 - 27.11.4 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.
3. Rules 27.11.2 - 27.11.3 apply as follows: {Mer cl.16}
 - a. Rule 27.11.2 applies to discretionary activities; and
 - b. Rule 27.11.3 applies to discretionary performance standard contraventions. {Mer 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.

27.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
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<p>1. All discretionary <u>land use</u> activities including listed below: {PO cl.16}</p> <ul style="list-style-type: none"> • all activities in the community activities category except conservation and community and leisure - small scale • all activities in the residential activities category • activities listed below {Mer cl.16} 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> Objective 2.3.1 Objective 27.2.1 Activities that are ancillary to hospital activity are designed and operated in line with Objective 27.2.2 and its policies (Policy 27.2.1.2). Activities that are not ancillary to hospital activity: <ol style="list-style-type: none"> are related to or support Mercy Hospital, or have other operational requirements that mean they need to locate in the zone; support the efficient and effective operation of Mercy Hospital; are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and are designed and operated in line with Objective 27.2.2 and its policies (Policy 27.2.1.3). <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> 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. All relevant land use performance standards are met, including noise and light spill standards. <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> In assessing the significance of effects, consideration will be given to: <ol style="list-style-type: none"> short to long term effects, including effects in combination with other activities; and 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. 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. {MF cl.16²} <p><i>Relevant guidance from other sections (priority considerations):</i></p> <ol style="list-style-type: none"> <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.</u> {Trans cl.16¹} <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>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}
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¹ **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.

² **MF cl.16:** Rule 27.11.2.1.h 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 site.

27.11.3 Assessment of discretionary performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
1.	<p><u>Footprint of building Small scale buildings and structures</u></p> <ul style="list-style-type: none"> • <u>Footprint greater than 40m² (Rule 27.6.4.1.a)</u> • <u>Used for clinical services (Rule 27.6.4.1.c) {Mer 928.7 and Mer cl.16}</u> 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> Objective 27.2.2 <u>Buildings and structures are of a height, set back from buildings, purpose and size that ensures: {Mer 928.7}</u> <ol style="list-style-type: none"> there are no more than minor effects on the sunlight access and privacy of current and potential future residential buildings and their outdoor living spaces (Policy 27.2.2.a); and {Mer cl.16} any adverse effects on neighbourhood amenity are avoided or, if avoidance is not possible practicable {PO 908.3 and others}, are no more than minor (Policy 27.2.2.1-b {Mer cl.16}). <u>Development provides adequate permeable areas to enable a reasonable level of rain water ground absorption (Policy 9.2.1.2). {Mer 928.7}</u> <p><i>General assessment guidance: {Mer 928.7}</i></p> <ol style="list-style-type: none"> <u>In considering the effects on the amenity of surrounding properties, Council will consider the following effects: {Mer 928.7}</u> <ol style="list-style-type: none"> the visual effects of buildings and car parks; {Mer 928.7} loss of existing vegetation; {Mer 928.7} any proposed lighting and signage; and {Mer 928.7} any cumulative effects. {Mer 928.7}
2.	<p><u>Amenity planting area {Mer 928.10 and 928.2}</u></p>	<p><i>Relevant objectives and policies (priority considerations): {Mer 928.10 and 928.2}</i></p> <ol style="list-style-type: none"> Objective 27.2.2 {Mer 928.10 and 928.2} <u>Maintain the amenity planting area on the Mercy Hospital Development Plan, unless any changes to the amenity planting area have no more than minor effects on the visual amenity from surrounding residential sites and areas (Policy 27.2.2.7). {Mer 928.10 and 928.2}</u>
X.	<p>Noise - where the limit is exceeded by up to less than {PHS cl.16} 5dB LAeq (15min)</p>	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <ol style="list-style-type: none"> 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.

27.11.4 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
<p>1. Noise – where the limit is exceeded by up to 5dB LAeq (15min)</p>	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>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. {Mer cl.16’}</p>

¹ **Mer cl.16:** The content of this section has moved to Section 27.11.3.

Rule 27.12 Assessment of Non-complying Activities

Rule 27.12.1 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 27.12.2 - 27.12.5 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 27.12.2 - 27.12.5 apply as follows: {Mer cl.16}
 - a. Rule 27.12.2 applies to assessment of non-complying land use activities. {Mer cl.16}
 - b. Rule 27.12.4 applies to assessment of non-complying development activities. {Mer cl.16}
 - c. Rule 27.12.5 applies to assessment of non-complying subdivision activities. {Mer 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.

27.12.2 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. All non-complying land use activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 2.3.1 b. Objective 27.2.1 c. Activities <u>that are</u> {Mer cl.16} not ancillary to hospital activity: <ul style="list-style-type: none"> i. are related to, or support, Mercy Hospital, or have other operational requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Mercy Hospital; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. they are designed and operated in line with Objective 27.2.2 and its policies (Policy 27.2.1.3). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> d. In assessing the significance of effects consideration will be given to: <ul style="list-style-type: none"> 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. e. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. <p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> 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>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. <u>Commercial advertising {Mer cl.16²³}</u>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. <u>Objective 2.4.1</u> b. <u>Policy 2.4.1.6.c {Mer cl.16²³}</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.

² **Mer cl.16:** As a clause 16 amendment this content has been moved from Rule 27.12.3. This is not a substantive change to provisions.

27.12.3 Assessment of non-complying land use activities	
Activity	Guidance on the assessment of resource consents
4. Commercial advertising {Mer cl.16¹}	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 2.4.1</p> <p>b. Policy 2.4.1.6.e {Mer cl.16¹}</p>

¹ **Mer cl.16:** As a clause 16 amendment this content has been moved to Rule 27.12.2. This is not a substantive change to provisions.

27.12.4 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 structures	<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 related to heritage values.</p>

27.12.5 Assessment of non-complying subdivision activities	
Performance standard	Guidance on the assessment of resource consents
<p>1.</p> <ul style="list-style-type: none"> • 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) 	<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>

Rule 27.13 Special Information Requirements

EW cl.16: As a clause 16 amendment, Rule 27.13.1 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.

Appendices

Appendix 27A. Mercy Hospital Development Plan

Mer 928.10 and 928.2: This image has been changed from the Notified Plan





