BEFORE THE HEARINGS PANEL

UNDER THE	the Resource Management Act 1991
AND	
IN THE MATTER OF	Plan Change 1 to the Partially Operative Second Generation Dunedin City District Plan 2024
IN THE MATTER OF	Submission 252 of Health New Zealand Te Whatu Ora

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EVIDENCE OF MAURICE DALE ON BEHALF OF HEALTH NEW ZEALAND TE WHATU ORA

Submitter #252 on Plan Change 1

Planning

Dated: 1 August 2025

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1 SUMMARY OF EVIDENCE

1.1 Health New Zealand Te Whatu Ora (**Health NZ**) seeks the rejection of the construction site investigation vibration rule 4.5.4.X (the **Proposed Rule**) proposed as part of Plan Change 1 (**PC1**) to the Partially Operative Dunedin City Second Generation District Plan (**2GP**) due to the impact of the restrictive vibration limits (including the discretionary and non-complying activity status for contravention of the limits) on its ability to develop, use, and upgrade hospitals and health care facilities.

1.2 Based on the evidence of Mr Shanks (on behalf of Health NZ) I consider the Proposed Rule is inefficient as it:

(a) Results in more restrictive limits being applied than necessary to address amenity effects and the risk of cosmetic building damage.

(b) Results in more resource consents being required for construction and site investigation activities than is necessary.

(c) Applies a discretionary or non-complying activity status for contravention of the relevant limits which is inappropriate given the unavoidable and temporary nature of construction activities, and given that construction vibration can be more difficult to mitigate.

1.3 Mr Shanks recommends the Proposed Rule be replaced with the rule included at Appendix A of his evidence (the **Replacement Rule**). I consider the Replacement Rule proposed by Mr Shanks will be a more efficient, effective, and appropriate way of achieving the objectives of PC1 and the 2GP as it will better align with appropriate technical standards, ensure limits are applied at a level that is appropriate to the onset of potential effects, and result in consent only being required where necessary to ensure protection of amenity and to address the risk of cosmetic building damage.

1.4 As such, it will avoid prescribing vibration limits for construction and site investigation activity, and an activity status for contravention of those limits under the Proposed Rule, which are disproportionate to the risks and potential effects of vibration. It will also avoid the requirement for additional resource consents that would have economic costs for no consequential environmental, social, or cultural benefit.

1.5 Restricted discretionary activity status (for contravention of the limits), coupled with relevant maters of discretion, will provide Dunedin City Council (**DCC**) with the ability to appropriately manage vibration from construction and site investigation activity.

2 INTRODUCTION

Qualifications and Expertise

2.1 My name is Maurice Richard Dale. I hold the position of Senior Principal and Planner with the environmental consultancy firm Boffa Miskell Limited, based in the firm's Christchurch office. I have been employed by Boffa Miskell since 2010.

2.2 I hold a Bachelor of Resource and Environmental Planning from Massey University (1998) and have completed the Ministry for the Environment's Making Good Decisions programme. I am also a full member of the New Zealand Planning Institute (NZPI). I have 26 years' experience in planning and resource management, gained at local authorities and consultancies in New Zealand and the United Kingdom.

2.3 As a consultant, I have acted on a broad range of resource management issues and developments for local and central government, and private clients, a number involving presenting evidence before Councils and the Environment Court. I have extensive experience in the preparation of district plans and other planning documents under the Resource Management Act 1991 (**RMA**).

2.4 I have been engaged by Health NZ in respect of its submission on PC1 to the 2GP. I reviewed that submission before it was lodged on behalf of Health NZ.

3 HEALTH NZ

3.1 Health NZ is responsible for the provision and improvement of health care services and outcomes across the health system to meet the needs of all people in New Zealand. Health NZ manages all health services, including hospital and specialist services, and primary and community care. The services it provides are essential and directly enable people and communities to provide for their social and cultural wellbeing, and health and safety in a way that contributes to the sustainable management purpose of the RMA.

3.2 Within Ōtepoti Dunedin, Health NZ operates Dunedin Hospital located at 201 Great King Street and Wakari Hospital located at 371 Taieri Road. Dunedin Hospital is the tertiary hospital for the lower part of the South Island and provides a range of services for a catchment of approximately 289,000 people. Dunedin Hospital is also a University teaching hospital with links to the University of Otago and the Otago Polytechnic Schools of Nursing, Midwifery and Health Sciences. Wakari hospital provides psychiatric hospital services and services for people with intellectual or physical disabilities.

3.3 Health NZ is also leading the delivery of Project Whakatuputupu, the New Dunedin Hospital (**NDH**). The project involves the construction of new tertiary inpatient and outpatient facilities across three blocks located at 280 and 360 Cumberland Street, and 81 Castle Street, Dunedin.

3.4 A number of changes proposed as part of PC1 have the potential to impact on the development, use, and upgrading of hospitals and healthcare facilities in Dunedin, and on Health NZ's ability to deliver cost effective and efficient health care services. Consequently, Health NZ made a submission on PC1 which, among other matters:

(a) Opposed the proposed listing of the Dunedin Hospital Administration Block (former) located at 255 Great King Street as a scheduled heritage building (reference BX055) on the 2GP Planning Maps and at Appendix A1.1 (Schedule of Protected Heritage Items and Sites).

(b) Sought to amend Change TA3 (the addition of construction and site investigation vibration rule 4.5.4.X).[1]

[1] Health NZ's original submission expressed that it was neutral on all changes all other changes proposed in PC1 that related to the development, use, and upgrading of hospitals and health care facilities. Following lodgement of its submission, and prior to notification of the summary of submissions, Health NZ clarified its position on various changes and confirmed that it sought to amend Change TA3.

3.5 Following a review of other parties' submissions on PC1, Health NZ also lodged a further submission on PC1 in support of the submissions of Port Otago Limited (S248.007) and Marshall Day Acoustics (S302.001) which sought, as primary relief, that Change TA3 be rejected.

3.6 The Marshall Day Acoustics Submission (lodged by Brendon Shanks on behalf of Marshall Day) is discussed in more detail in the Acoustic evidence of Mr Shanks, lodged on behalf of Health NZ (**MD Submission**). Given the alignment between Health NZ's submission and the MD Submission, Mr Shanks has been commissioned to provide acoustic expertise on behalf of Health NZ.

4 CODE OF CONDUCT

4.1 While this is not an Environment Court proceeding, I confirm that I have read the Code of Conduct for Expert Witnesses set out in the Environment Court Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and will continue to comply with it while giving oral evidence. Except where I state that I am relying on the expertise of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

5 SCOPE OF EVIDENCE

5.1 This evidence is presented on behalf of Health NZ and relates to planning matters associated with Health NZ's interest in construction vibration limits as is proposed to be amended by PC1. In summary, it:

(a) Provides background to Health NZ's submission on PC1;

(b) Addresses the relief sought by Health NZ;

(c) Addresses the matters to be addressed as part of a section 32AA evaluation, as they pertain to Health NZ's interest in PC1; and

(d) Addresses the section 42A report (**S42A Report**) as it relates to Health NZ's interest in PC1.

5.2 In preparing my evidence, I have reviewed:

(a) PC1 as it relates to changes to the management of construction vibration and noise, including relating to the Proposed Rule.

(b) The section 32 report for PC1, dated 20 November 2024 (**S32 Report**).

(c) The Styles Group report, included as part of the S32 Report, dated 5 May 2023 (**Styles Report**).[2]

(d) The higher order directions of the National Policy Statement on Urban Development 2020 (**NPS-UD**), Otago Regional Policy Statement 2019 (**ORPS**), and Proposed Otago Regional Policy Statement (**PORPS**).

6 PC1 - CONSTRUCTION VIBRATION RULE

6.1 The Proposed Rule in PC1 is:

4.5.4.X

a. Construction and site investigation received at buildings or scheduled heritage structures in any zone must not exceed the following vibration limits:

Location	***Time period***	***Vibration limit (mm/s PPV)***
A building housing a noise sensitive activity	*i. 7.00am - 10.00pm*	*2.0*
	ii. 10.00pm - 7.00am	*0.3*
All other buildings and scheduled heritage structures	*iii. At all times*	*2.0*

...

c. Activities that contravene this performance standard by less than 3.0mm/s PPV are discretionary activities.

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2 Styles Group, *Dunedin City Council Second Generation District Plan – Variation 3 – Evidence on Construction Noise and Vibration,* 5 May 2023, S32 Report, at Appendix C.6 (**Styles Report**).

d. *Activities that contravene this performance standard by 3.0mm/s PPV or more are non-complying activities.*

7 RELIEF SOUGHT

7.1 Through its further submission, Health NZ agreed that the Proposed Rule should be rejected on the basis that it is more restrictive than the current 2GP vibration rule and that increase in restriction is not justified in terms of the requirements of section 32 of the RMA. Health NZ's particular concern relates to the potential impact of the increased restriction (including the discretionary and non-complying activity status for contravention of those limits) on Health NZ's ability to develop, use, and upgrade hospitals and healthcare facilities in Dunedin.

7.2 Recognising that concern, the evidence of Mr Shanks considers the Proposed Rule is neither reasonable or appropriate, because it:

(a) Removes the distinction between the protection of amenity and the risk of cosmetic building damage by applying the amenity limits recommended by Styles Group to building damage, rather than applying the building damage limits derived from German Standard DIN 4150-3:2016 (the **German Standard**).[3] That results in a rule which is unnecessarily restrictive in addressing the effects of vibration on buildings.

(b) Does not provide sufficient flexibility to manage vibration effects, including enabling adoption of the best practicable option (**BPO**) approach, as required by section 16 of the RMA. This will invariably increase the number of resource consents that will be required, as it is highly likely that the proposed limits would be regularly exceeded.

(c) Results in amenity limits being applied to buildings which are not or are very rarely occupied, e.g. at a pump house, or a residential garage etc. Given the purpose of an amenity restriction is to manage the effects on people, this outcome is inappropriate.

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3 Styles Report, at [3.3.1] - [3.3.4].

7.3 Mr Shanks therefore recommends the Proposed Rule be replaced with the Replacement Rule (contained in Appendix A of his evidence) which is based on Option 2 in the Styles Report. In summary that Rule:

(a) Distinguishes between vibration amenity limits and building damage limits, noting that vibration amenity should only be assessed in occupied buildings on another site;

(b) Provides flexibility to exceed amenity limits for a short duration;

(c) Adopts the building damage guidance values and associated measurement and assessment methods contained in the German Standard (including different limits for different building types); and

(d) Sets appropriate calculation and measurement locations for assessing effects of vibration on amenity.

7.4 The Proposed Rule applies a discretionary activity status where the vibration limits are contravened by less than 3.0mm/s PPV, and a non-complying status where they are contravened by more than 3.0mm/s PPV. I consider that a discretionary or non-complying activity status is not reasonable or appropriate. I address this further below.

7.5 The Replacement Rule instead provides that contravention of the amenity and building damage limits is a restricted discretionary activity, with resource consents being assessed against limited matters of discretion.[4] Those matters of discretion are the same as those that are intended to apply to the assessment of resource consents to contravene the vibration limits as a discretionary activity or non-complying activity under the Proposed Rule (as recommended to be amended by the S42A Report).[5]

7.6 I consider that the changes described above should be made so that Rule 4.5.4.X is an efficient, effective, and appropriate way of achieving the objectives of PC1 and the 2GP under section 32 of the RMA. I evaluate the Proposed Rule and Replacement Rule against the RMA statutory requirements below.

[4] Rule 4.8.2 Assessment of restricted discretionary activities.

[5] Rule 4.9.2.1 Assessment of all discretionary performance standard contraventions, and Rule 4.10.2 Assessment of non-complying activity performance standard contraventions.

8 PLANNING ANALYSIS OF RELIEF

Assessment of the higher order documents

8.1 PC1 must give effect to the relevant provisions of the relevant higher order documents.[6] The S32 Report does not evaluate the Proposed Rule against those documents.

8.2 I have reviewed the objectives, policies, and methods of the NPS-UD, ORPS, and PORPS to the extent these address noise, vibration, amenity, and historic heritage. I consider there are no relevant provisions in those documents that provide specific direction for management of construction vibration.

8.3 The ORPS and PORPS include objectives, policies, and methods for the protection and management of historic heritage. Those objectives and policies are set out in **Appendix A** to my evidence. These provisions collectively seek that historic heritage is protected from inappropriate subdivision, use, and development, while encouraging adaptive reuse.[7]

8.4 Both the Proposed and Replacement Rules include limits aimed at protecting scheduled heritage buildings from vibration. The Replacement Rule proposes building damage limits that are less stringent than those in the Proposed Rule, but which align with the limits in the German Standard for sensitive structures that are of great intrinsic value (being terminology used in the German Standard). I therefore consider that the Replacement Rule will provide an appropriate level of protection for historic heritage to give effect to the relevant provisions of the ORPS and PORPS.

Evaluation of efficiency

8.5 In assessing the provisions of PC1, consideration must be given to whether those provisions are most efficient, effective, and appropriate way to achieve the objectives of PC1.[8] The existing objectives and policies of the 2GP are also relevant to the overall assessment of PC1.[9]

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6 Resource Management Act 1991, section 75(3).
7 ORPS Policy 5.2.3, and PORPS policies HCV-HH-P5 and P6A.
8 Resource Management Act 1991, section 32(1)(b).
9 Resource Management Act 1991, section 32(3).

8.6 The most efficient rule is the rule which results in the greatest environmental, economic, social, and cultural benefits with the least costs. Recognising Mr Shanks evidence, I consider the Proposed Rule is inefficient as it:

(a) Fails to adopt commonly adopted building damage limits in the German Standard (as recommended in the Styles Report) and therefore results in more restrictive limits being applied than is necessary to address the risk of cosmetic building damage, including for scheduled heritage buildings.

(b) Does not adopt BPO approaches to manage amenity effects from vibration, including allowing higher levels of vibration over a shorter timeframe, and providing exemptions where buildings are unoccupied. It therefore results in more restrictive limits being applied than are appropriate to address amenity effects.

(c) Would result in typical construction and site investigation activities on many sites requiring resource consent because of more restrictive building damage limits being applied than are necessary. This will carry economic costs for those having to apply for and obtain consent.

(d) Applies a discretionary or non-complying activity status for contravention of the vibration limits which is inappropriate given the unavoidable and temporary nature of construction and site investigation activities, and given vibration from construction activities can be more difficult to mitigate than operational vibration sources.

8.7 In my experience discretionary or non-complying status is most appropriately applied to activities:

(a) Which are generally not explicitly provided for in planning documents;

(b) Where an (unrestricted) assessment of all the effects of the activity is desirable due to its broad range of adverse effects; or

(c) (In the case of non-complying activities) to signal that consent will only be granted in exceptional circumstances.

8.8 I consider such an activity status should not be applied to temporary construction and site investigation activities which are an unavoidable consequence of enabling people and communities to provide for their social and cultural wellbeing. There is no justification for contravention of vibration limits to trigger a broad (unrestricted) assessment of all effects of the activity, when the effects of any such exceedance would be confined to only matters relating to amenity and cosmetic building damage.

8.9 In my experience, restricted discretionary status is most commonly applied to contravention of rules managing construction activities, and I note such a status has been applied to the contravention of construction vibration limits in the Auckland Unitary Plan,[10] and to earthworks vibration limits in the Christchurch District Plan.[11]

8.10 I consider a restricted discretionary status, coupled with relevant matters of discretion for the assessment of resource consents would provide DCC with the ability to appropriately manage vibration from construction and site investigation activities, including the ability to decline consents where any adverse effects are unable to be avoided, remedied, or mitigated, for example, where vibration would result in significant damage to a scheduled heritage building following adoption of BPO measures.

8.11 Overall, I consider the Proposed Rule results in limits and an activity status for contravention of the limits which is disproportionate to the risks and potential effects. As described by Mr Shanks, the Proposed Rule is likely to result in the generation of significant numbers of additional resource consents for construction and site investigation activity that will have detrimental economic effects for those having to apply for and obtain consents, for no consequential environmental, social, or cultural benefit.

8.12 By contrast I consider the Replacement Rule is more efficient as it:

(a) Provides separate limits for amenity and building damage (as recommended in the Styles Report), which ensures limits will be

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[10] Auckland Unitary Plan rules E25.4.1(A2), and E25.6.3.
[11] Christchurch District Plan rules 8.9.2.1-P1, and 8.9.2.3-RD1.

applied at a level that is appropriate to the onset of these potential effects.

(b) Adopts BPO approaches to managing amenity effects from vibration, including to allow higher levels of vibration over a shorter timeframe, and applying limits only to occupied buildings, recognising that those limits are intended to address effects on people.

(c) Would result in resource consent only being required for construction and site investigation activity where necessary to ensure protection of amenity and to address the risk of cosmetic building damage.

(d) Applies a restricted discretionary activity status for contravention of the vibration limits, with the assessment of resource consents being restricted to relevant specific matters of discretion.

8.13 The S32 Report describes that the Proposed Rule adopts Option 4 outlined in the Styles Report to avoid unnecessary technical complexity, ensure the rule is clear to plan users, and to support effective implementation.[12] The S32 Report notes the simplification was made primarily because the wording of the building damage limits in Option 4 (based on the German Standard) would not be sufficiently certain or clear to be understood by plan users.

8.14 I acknowledge the issue raised in the S32 Report. In my experience, providing clarity and certainty is more challenging where technical standards are adopted within District Plan rules. The same can be said for noise rules, hazardous substances limits and the like, all of which commonly require a degree of expert interpretation and assessment.

8.15 I consider it is preferable for rules to align with relevant and appropriate technical standards, rather than simplifying them. Otherwise, limits may be set which are disproportionate to the risks and potential effects, or result in practical implementation issues. For example, misalignment with a parent technical standard can create a situation where resource consent is required for contravention of the rule, but the technical standard enables that effect to occur, as would be the case under the

[12] Section 2.2.11 Section 32 Report.

Proposed Rule in terms of cosmetic building damage. Requiring resource consent in that situation would be inefficient.

8.16 An alternative and common way of ensuring alignment with the technical standard, and clear and certain rules, is for the rule to simply require compliance with the technical standard, rather than replicating the detailed standard in the rule. This is essentially the approach taken in Option 2 to the Styles Report which simply references the German Standard. That approach is reflected in the Replacement Rule recommended by Mr Shanks.

8.17 As outlined above, I consider that a restricted discretionary status, together with relevant matters of discretion for the assessment of resource consents, would provide DCC with the ability to appropriately manage vibration from construction and site investigation activities. I note that a restricted discretionary status is applied to other 'temporary activities' in the 2GP including 'filming – large scale', 'temporary events – large scale', and non-compliance with various temporary activity performance standards.

8.18 Mr Shanks considers that an amenity threshold that triggers management measures but does not require a resource consent is the BPO for managing effects. The difficulty with that approach from a planning perspective is that it does not provide the consenting authority with the ability to review the appropriateness of those measures or enforce them. I consider that triggering the requirement for resource consent will therefore result in more efficient administration of the 2GP.

Evaluation of effectiveness

8.19 The most effective rule is the rule which best achieves the objectives of PC1 and the 2GP. The relevant objectives of those documents are included at **Appendix A**. In short, I consider the objectives detailed therein collectively seek to ensure:

(a) The risk to people's health and safety from high levels of noise or emissions is minimised.[13]

[13] Strategic Objective 2.2.6.

(b) Land, facilities and infrastructure important for economic productivity and social-wellbeing, are able to be operated, maintained, upgraded and, where appropriate, developed efficiently and effectively.[14]

(c) Dunedin's heritage is protected and celebrated as a core value of the city, through the heritage conservation and retention of important heritage items, and the maintenance and active use of built heritage.[15]

(d) Temporary activities (which includes construction and site investigation activities) are enabled while minimising, as far as practicable, any adverse effects on the amenity of the zone; and ensuring any adverse effects on people's health and safety are minimised as far as practicable.[16]

(e) Earthworks are enabled, while avoiding, or adequately mitigating, any adverse effects on the stability of land, buildings, and structures; and surrounding properties.[17]

(f) Land use, development and subdivision activities maintain or enhance people's health and safety.[18]

(g) Scheduled heritage buildings and structures are protected.[19]

8.20 I consider the vibration limits in both the Proposed and Replacement Rules would broadly achieve most of these objectives. Unlike the Proposed Rule however, the Replacement Rule proposes different limits for amenity and building damage, which are appropriate to the onset of these potential effects, including adoption of BPO approaches to managing vibration amenity effects. Accordingly, I consider the limits in the Replacement Rule are better aligned to the potential risks to people's health and safety, the stability of buildings and surrounding properties and protection of historic heritage in the objectives of PC1 and the 2GP.

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14 Strategic Objective 2.3.1.
15 Strategic Objective 2.4.2.
16 Objective 4.2.1.
17 Objective 8A2.1.
18 Objective 9.2.2.
19 Objective 13.2.1.

8.21 In addition, unlike the Proposed Rule, the Replacement Rule will result in resource consent being required only where necessary to ensure protection of amenity and addressing the risk of cosmetic building damage. Those consents will be a restricted discretionary activity and assessed only against relevant specific matters of discretion. I therefore consider that the Replacement Rule will better enable maintenance, upgrading, and development of land, facilities and infrastructure important for economic productivity and social-wellbeing under the objectives of PC1 and the 2GP.

Overall section 32AA evaluation

8.22 Given my assessment above, I consider the Replacement Rule will be a more efficient, effective, and appropriate way of achieving the objectives of PC1 and 2GP in accordance with section 32(1)(b) of the RMA.

9 RESPONSE TO SECTION 42A REPORT AND EVIDENCE

9.1 I have reviewed the relevant sections of the S42A Report and the associated Acoustic and Vibration Evidence provided by Mr Exeter of Styles Group, including with respect to the recommended changes to the Proposed Rule.

9.2 In response, the evidence of Mr Shanks:

(a) Agrees with the recommendation to include separate vibration limits for amenity and building damage in the rule.

(b) Agrees with the recommendation to introduce an allowance to exceed the amenity limits for up to three days.

(c) Considers an exemption may be required from compliance with the amenity limits for night-time works in the road corridor.

(d) Agrees that the German Standard is the most appropriate standard for protecting against cosmetic building damage.

(e) Disagrees with the recommended simplification of the German Standard in the Proposed Rule as it would create greater uncertainty, set a lower threshold than necessary for short term vibration sources above 10Hz, and result in activities which comply with the guideline levels in the German Standard triggering an unnecessary resource consent process.

(f) Disagrees that the recommended changes to the Proposed Rule would not protect buildings from damage from long-term vibration and that even lower limits may be required for larger longer duration projects.

9.3 Overall, Mr Shanks considers the German Standard should be referenced in the Proposed Rule without modification. As noted earlier in my evidence, simplification of the German Standard in the Proposed Rule would result in more restrictive limits being applied than is necessary to address the risk of cosmetic damage. That would be inefficient, as it would carry economic costs for those having to apply for and obtain resource consent for no consequential environmental, social, or cultural benefit.

9.4 I reiterate that it is preferable for rules to align with the technical standard so that it is proportionate to the risks and potential effects. This avoids the situation where misalignment results in resource consent being required for contravention of the rule, but where the technical standard enables that effect to occur, as would remain the case with the amendments to the Proposed Rule as recommended in the S42A Report. Accordingly, I continue to support the Replacement Rule recommended by Mr Shanks.

9.5 Mr Shanks considers an exemption may be required from compliance with the amenity vibration limits for night-time works in the road corridor. I consider the inclusion of such an exemption in the Replacement Rule would be efficient and effective, recognising that some essential works within the road corridor can only be practically undertaken at night when traffic volumes are lower or can be more readily managed.

9.6 The recommended changes to the Proposed Rule in the S42A Report continue to propose a discretionary and non-complying status for contravention of the vibration limits. As noted earlier in my evidence, I consider such an activity status should not be applied to temporary construction and site investigation activities which are an unavoidable consequence of enabling people and communities to provide for their social and cultural wellbeing. Restricted discretionary activity status will provide DCC with the ability to appropriately manage construction vibration, and I continue to support that status in the Replacement Rule recommended by Shanks.

Maurice Dale

1 August 2025

APPENDIX 1 – RELEVANT PROVISIONS OF THE PLANNING DOCUMENTS

OTAGO REGIONAL POLICY STATEMENT 2019 (ORPS)

Objective 5.2

Historic heritage resources are recognised and contribute to the region’s character and sense of identity.

Policy 5.2.3 Managing historic heritage

Protect and enhance places and areas of historic heritage, by all of the following:

a) Recognising that some places or areas are known or may contain archaeological sites, wāhi tapu or wāhi taoka which could be of significant historic or cultural value;

b) Applying these provisions immediately upon discovery of such previously unidentified archaeological sites or areas, wāhi tapu or wāhi taoka;

c) Avoiding adverse effects on those values that contribute to the area or place being of regional or national significance;

d) Minimising significant adverse effects on other values of areas and places of historic heritage;

e) Remedying when adverse effects on other values cannot be avoided;

f) Mitigating when adverse effects on other values cannot be avoided or remedied;

g) Encouraging the integration of historic heritage values into new activities;

h) Enabling adaptive reuse or upgrade of historic heritage places and areas where historic heritage values can be maintained.

PROPOSED OTAGO REGIONAL POLICY STATEMENT (PORPS)

HCV-HH-O3 – Historic heritage resources

Otago’s unique historic heritage contributes to the region’s character, sense of identity, and social, cultural and economic well-being, and people’s understanding and appreciation of it is enhanced, and it is protected for future generations against inappropriate subdivision, use and development.

HCV-HH-P5 – Managing historic heritage

Except as provided for in EIT-INF-P13, protect historic heritage from inappropriate subdivision, use and development by:

(1) requiring the use of accidental discovery protocols in accordance with APP11,

(2) avoiding adverse effects on areas or places which have been identified as having special or outstanding historic heritage or qualities, except that in circumstances (a) to (f) below, they are remedied or mitigated to the extent practicable:

  (a) where HCV-HH-P6 applies, or

  (b) a project has significant public benefit that outweighs the loss of historic heritage; or

  (c) the activity has functional or locational constraints and has a significant public benefit

  (d) the area or place is already impacted by an existing, lawfully established activity; or

  (e) there is significant risk to safety or property; or

  (f) any adverse effects are minor and relate to work necessary to adapt a historic heritage building to modern use.

(3) avoiding, remedying or mitigating adverse effects on other areas or places with historic heritage values or qualities

HCV-HH-P6A – Maintenance and enhancement of historic heritage

Encourage the ongoing use and adaptive re-use of historic heritage in a way that, as far as practicable, maintains and enhances the identified heritage values.

PARTIALLY OPERATIVE DUNEDIN CITY SECOND GENERATION DISTRICT PLAN (2GP)

Objective 2.2.6 Public Health and Safety

The risk to people's health and safety from contaminated sites, hazardous substances, and high levels of noise or emissions is minimised.

Objective 2.3.1 Land and Facilities Important for Economic Productivity and Social Well-being

Land, facilities and infrastructure that are important for economic productivity and social well-being, which include industrial areas, major facilities, key transportation routes, network utilities, and productive rural land:

(a) are protected from less productive competing uses or incompatible uses, including activities that may give rise to reverse sensitivity; and

(b) in the case of facilities and infrastructure, are able to be operated, maintained, upgraded and, where appropriate, developed efficiently and effectively.

Objective 2.4.2 Heritage

Dunedin's heritage is central to its identity and is protected and celebrated as a core value of the city, through the heritage conservation and retention of important heritage items, and the maintenance and active use of built heritage.

Objective 4.2.1

Temporary activities are enabled while:

(a) minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and

(b) ensuring any adverse effects on people's health and safety are minimised as far as practicable.

Objective 8A.2.1

Earthworks necessary for permitted or approved land use and development are enabled, while avoiding, or adequately mitigating, any adverse effects on:

(a) visual amenity and character;

(b) the stability of land, buildings, and structures; and

(c) surrounding properties.

Objective 9.2.2

Land use, development and subdivision activities maintain or enhance people's health and safety.

Objective 13.2.1

Scheduled heritage buildings and structures are protected.