# E. Major Facility Zones

# Introduction

The major facilities are key facilities throughout the city which contribute to the economic, social and cultural well-being of the community. The facilities identified in the District Plan enable people in Dunedin to access essential services such as education, health care, transport, and recreation. Including these facilities in separate zones, with provisions tailored specifically to them, ensures that their contributions to economic and social prosperity can be maintained and encouraged. Providing for major facilities also ensures greater certainty for the community regarding the activities, and the effects, which can be expected to occur.

Several major facilities (Campus, Dunedin Botanic Garden, Airport, Hospital, Invermay/Hercus, major recreation facilities (Moana Pool and Stadium), Port, Schools, and Taieri Aerodrome) have a unique activity that provides for all the primary activities of the major facility. These activities are included in the Major Facility Activities Category of the Nested Table. However, some major facilities rely on standard activities that are provided for in a range of zones (for example the Otago Museum’s primary activities are provided for through enabling training and education, campus-affiliated office, conference, meeting and function, entertainment and exhibition). In addition, some of the facilities in the Major Facility Activities Category do not have a special major facility zone (for example the New Zealand Marine Studies Centre). In addition to the major facilities, the Major Facility Activities Category also contains important community facilities that occur in a range of locations, for example cemeteries and emergency services.

The focus for the major facility zones is on providing for the operation of the major facility. Permitted activities within each zone include:

- activities that support the operation of the major facility, including ancillary activities; and
- related activities that may make use of the facilities' buildings or grounds, and are unlikely to have any effects on neighbouring communities.

Activities that are not part of, or ancillary to, the major facility or are incompatible with the major facility or the surrounding zone, require consent.

Major facilities operate in a different manner to activities in the surrounding zones and will have effects that differ from those that typically occur in the surrounding area. It is therefore appropriate to manage them in a different way to allow them to operate effectively. While some adverse effects are to be expected, the provisions require the operation and development of the facility in a manner that does not result in unacceptable effects on the amenity of neighbours and the local community.

To further encourage efficient operation, most major facilities have been assigned a 'default zone'. The provisions allow land that is surplus to the requirements of the major facility to be used in a manner consistent with the default zone. The default zone is usually the surrounding zone, but may also be a zone that is considered a 'best fit' for the likely future use of the facility buildings. These provisions allow a facility to dispose of surplus land without the need for a resource consent or plan change.

# 21. Ashburn Clinic

## 21.1 Introduction

The Ashburn Clinic is located at 496 Taieri Road, Halfway Bush, Dunedin. The hospital occupies an area of approximately eight hectares and is owned and operated by the Ashburn Hall Charitable Trust. Ashburn Clinic provides in-patient and out-patient mental health care.

The Ashburn Clinic was originally established in Dunedin in 1882, then known as Ashburn Hall, and provided an alternative to public asylums of that time. The clinic is a private trust which provides a range of essential mental health services to the region. With this in mind, the Ashburn Clinic Zone has been designed to enable the services which are offered by Ashburn Clinic to be provided for, while providing greater certainty to the community regarding what land use activities can be expected to occur on the Ashburn Clinic site.

The site itself is surrounded by the Rural Residential 1 Zone, which is characterised by relatively low density residential development, and is also in close proximity to the General Residential 1 Zone and the Recreation Zone. There is a high level of residential amenity in the area, and the site and wider area has a high level of established vegetation. While the buildings on the Ashburn Clinic site are generally larger than would otherwise be expected in the surrounding residential environments, these are contained within a largesite which is extensively bordered by trees and vegetation.

The Ashburn Clinic Zone recognises the existing and foreseeable future use of Ashburn Clinic site and, at the same time, appropriately manages any adverse effects of development on the surrounding Rural Residential 1 Zone.

# 21.2 Objectives and Policies

| Objective 21.2.1 | |
|---|---|
| Ashburn Clinic is able to operate efficiently and effectively as a hospital and medical training and research facility. | |
| Policy 21.2.1.1 | Enable hospital and healthcare activities in the Ashburn Clinic Zone. |
| Policy 21.2.1.2 | Enable land that is surplus to the needs of Ashburn Clinic to transition to the Rural Residential 1 Zone, so that future development that is not related to hospital activity will be managed in accordance with the objectives and policies of that zone. |
| Policy 21.2.1.3 | Provide for activities that are ancillary to hospital activity where they are designed and operated in line with Objective 21.2.2 and its policies. |
| Policy 21.2.1.4 | Only allow activities that are not ancillary to hospital activity where all of the following apply:<br>a. the activities are related to or support Ashburn Clinic, or have other operational requirements that mean they need to locate in the zone;<br>b. they will support the efficient and effective operation of Ashburn Clinic;<br>c. they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>d. they are designed and operated in line with Objective 21.2.2 and its policies. |
| Policy 21.2.1.5 | Only allow general subdivision in the Ashburn Clinic Zone where:<br>a. it is in accordance with the provisions of the Rural Residential Zone 1; and<br>b. it does not adversely affect the efficient and effective operation of Ashburn Clinic. |

| Objective 21.2.2 | |
|---|---|
| Land use activities and development necessary for Ashburn Clinic to meet the reasonably foreseeable health needs of the community are enabled, while ensuring development:<br>a. achieves a reasonable standard of on-site amenity for patients, staff and visitors; and<br>b. maintains or enhances the residential amenity of surrounding sites. | |
| Policy 21.2.2.1 | Require development to provide a reasonable standard of on-site amenity by retaining open spaces uncluttered by buildings. |
| Policy 21.2.2.2 | Require buildings and structures to be of a height and setback from boundaries that ensures there are no more than minor effects on the sunlight access and privacy of current and potential future residential buildings and their outdoor living spaces. |
| Policy 21.2.2.3 | Require development to maintain or enhance the visual amenity of the surrounding Rural Residential 1 Zone by ensuring all the following are met:<br>a. buildings and structures are of a height and setback that reduces their visual impact and preserves open space values; and<br>b. service areas are not visible from ground level outside the site. |
| Policy 21.2.2.4 | Require landscaping of the boundary of parking areas, where adjacent to the road frontage, to screen or soften these areas and ensure a high standard of visual amenity when viewed from the road. |

| **Objective 21.2.2** | |
|---|---|
| Land use activities and development necessary for Ashburn Clinic to meet the reasonably foreseeable health needs of the community are enabled, while ensuring development:<br>a. achieves a reasonable standard of on-site amenity for patients, staff and visitors; and<br>b. maintains or enhances the residential amenity of surrounding sites. | |
| Policy 21.2.2.5 | 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. |
| Policy 21.2.2.6 | Require ancillary commercial activities to be designed, located and operated to primarily serve staff, patients and visitors of Ashburn Clinic. |
| Policy 21.2.2.7 | Require shelterbelts and small woodlots to be set back an adequate distance to avoid or minimise, as far as practicable, significant effects from shading on residential dwellings on surrounding properties. |

# Rules

## Rule 21.3 Activity Status

### 21.3.1 Rule location

The activity status tables in rules 21.3.3 to 21.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Ashburn Clinic 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 and site investigation
3. Network Utilities (Section 5)
4. Transportation (Section 6)
5. Scheduled Trees (Section 7)
6. Natural Hazard Mitigation Activities (Section 8)
7. Earthworks (Section 8A)

### 21.3.2 Activity status introduction

1. The activity status tables in rules 21.3.3 - 21.3.5 show the activity status of activities in the Ashburn Clinic Zone and the mapped area indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. Development activities that are lawfully present at the time any relevant rules in this Plan have legal effect are not managed by those rules (the rules do not apply to existing lawfully established development activities).
6. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying..

*Performance Standards*

7. Performance standards are listed in the far right column of the activity status tables.
8. Performance standards apply to permitted, controlled, and restricted discretionary activities.
9. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.
10. 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 | Meaning |
|---|---|
| P | Permitted Activity |
| C | Controlled Activity |
| RD | Restricted Discretionary Activity |
| D | Discretionary Activity |
| NC | Non-complying Activity |

### 21.3.3 Activity status table - land use activities

| | | | |
|---|---|---|---|
| 1. | Performance standards that apply to all land use activities | | a. NA<br>b. Light spill<br>c. Noise |
| All land use activities | | Activity status | Performance standards |
| X. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | RD | |
| Major facility activities | | Activity status | Performance standards |
| 2. | Hospital | P | a. Minimum mobility 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. | Conservation | P | |
| Y. | Healthcare | P | |
| 6. | All other activities in the community activities category | D | |
| Commercial activities | | Activity status | Performance standards |
| 7. | Commercial activities ancillary to hospital activity | P | a. Location |
| 8. | NA | NA | |
| 9. | All other activities in the commercial activities category | NC | |
| Residential activities | | Activity status | Performance standards |
| 10. | Rest homes | P | |
| 11. | All other 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. | Grazing | P | |
| 14. | Farming | D | |
| 15. | Forestry | D | |
| 16. | All other activities in the rural activities category | NC | |

**Note 21.3.3X- Other requirements outside of the District Plan**

1. Any electrical equipment used for an activity must be designed to meet the New Zealand electromagnetic compatibility (EMC) standards, to ensure there are no effects from electrical interference on surrounding sites. The Radio Spectrum Management (RSM) is the governing body which regulates EMC products in New Zealand and investigates interference to safety services, radiocommunication systems and broadcast services such as radio and television reception.

**Note 21.3.3A – Other requirements outside of the District Plan**

Commercial forestry and associated activities in the Ashburn Clinic Zone are addressed by the NESCF rather than Rule 21.3.3.15. The NESCF does not apply to vegetation clearance prior to afforestation and the rules in Section 10 Natural Environment apply.

## 21.3.4 Activity status table - development activities

| 1. | Performance standards that apply to all development activities | | a. Setback from scheduled tree |
|---|---|---|---|
| **Buildings and structures activities** | | **Activity status** | **Performance standards** |
| 2. | All buildings and structures activities | P | a. Boundary setbacks<br>b. Maximum height<br>c. Number, location and design of ancillary signs<br>d. Setback from coast and water bodies |
| **Site development activities** | | **Activity status** | **Performance standards** |
| 3. | Service areas | P | a. Location and screening of service areas |
| 4. | Parking, loading and access | P | a. Parking, loading and access standards<br>b. Boundary treatments and other landscaping |
| 5. | New, or additions to, parking areas that result in 50 or more new parking spaces. | RD | a. Boundary treatments and other landscaping<br>b. Parking, loading and access standards |

| | | | |
|---|---|---|---|
| 6. | Storage and use of hazardous substances | P | a. Hazardous Substances quantity limits and storage requirements<br>b. Setback from coast and water bodies |
| 7. | Shelterbelts and small woodlots | P | a. Forestry and shelterbelts and small woodlots setbacks<br>b. Tree species |
| 8. | Vegetation clearance | P | a. Protected areas |
| 9. | All other site development activities | P | |

### 21.3.5 Activity status table - subdivision activities

| Subdivision activities | | Activity status | Performance standards |
|---|---|---|---|
| 1. | General subdivision | RD | a. Subdivision performance standards |
| 2. | Cross lease, company lease and unit title subdivision | NC | |

**Note 21.3.5A - Other RMA considerations**

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.

### 21.3.6 Transition to Rural Residential 1 Zone

On receipt of written notice from both the landowner and operator of Ashburn Clinic (if different) to Dunedin City Council in relation to all or part of the land within the Ashburn Clinic Zone, the provisions of the Ashburn Clinic Zone will no longer apply to that parcel of land and the provisions of the Rural Residential 1 Zone will apply in full.

**Note 21.3.4A - General advice**

1. 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. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
2. An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
4. The **archaeological alert layer mapped area** identifies sites and areas that have a strong likelihood of containing archaeological remains, however remains may be present anywhere within the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.

## Rule 21.4 Notification

1. Activities are subject to the normal tests for notification in accordance with sections 95A - 95G of the RMA.

# Rule 21.5 Land Use Performance Standards

## 21.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

## 21.5.3 Location

1. For commercial activities ancillary to hospital activity, customer access must only be available from inside hospital buildings.
2. Activities that contravene this performance standard are restricted discretionary activities.

## 21.5.4 Minimum Mobility Car Parking

1. Hospital activity must provide a minimum of two mobility parking spaces.
2. NA.
3. Activities that contravene this performance standard are restricted discretionary activities.

### Note 21.5.4A - Other relevant District Plan provisions

1. Parking areas must comply with the standards in Section 6.6: Parking, Loading and Access Standards.

## 21.5.5 Noise

Land use activities must comply with Rule 9.3.6.

# Rule 21.6 Development Performance Standards

## 21.6.1 Boundary Treatments and Other Landscaping

1. Where a parking area is built within 5m of a street frontage, a landscaping area with a minimum 1.5m width must be provided along the full length of the road frontage (except for where vehicle access is provided).
2. Landscaping areas must:
    a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
    b. have an average of one tree for every 5m of frontage;
    c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
    d. be designed to allow surface water run-off from surrounding areas to enter;
    e. be protected by a physical barrier that prevents cars from damaging plants;
    f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a minimum height of 5m within 10 years of planting;
    g. be planted prior to occupation of any relevant building(s) or upon completion of site development activities; and
    h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any road frontage landscaping required by this rule.
4. Activities that contravene this performance standard are restricted discretionary activities.

## 21.6.2 Hazardous Substances Quantity Limits and Storage Requirements

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

## 21.6.3 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.

## 21.6.4 Maximum Height

1. The maximum height of new buildings and structures, and additions and alterations, must not exceed 12m above ground level.
2. Rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more than one third of that limit.
3. Activities that contravene this performance standard are restricted discretionary activities.

## 21.6.5 Number, Location and Design of Ancillary Signs

### 21.6.5.1 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 Ashburn Clinic Zone;
   ii. regulatory signs, warning signs, or directional signs; and
   iii. building names (excluding sponsorship names).

b. Signs related to ancillary retail and ancillary restaurants must not be visible outside the Ashburn Clinic Zone.

c. Signs must comply with Rule 6.7.3 where visible from a road.

d. Signs must not be illuminated or digital.

e. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.

### 21.6.5.2 Freestanding signs

a. The maximum number of permanently fixed freestanding signs is one per 50m of frontage.

b. The maximum number of portable freestanding signs is one per 50m of frontage.

c. The maximum dimensions of freestanding signs are:
   i. maximum height of 4m;
   ii. maximum area of 8m²;
   iii. maximum width of 2m; and
   iv. maximum depth of 400mm

d. Freestanding signs must:
   i. not obstruct parking, loading and access areas; and
   ii. be positioned entirely within the site boundaries.

### 21.6.5.3 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 21.6.5A - Other requirements outside of the District Plan**

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

### 21.6.6 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

### 21.6.7 Protected Areas (vegetation clearance)

Vegetation clearance must comply with Rule 10.3.2.2

### 21.6.8 Setbacks

21.6.8.1 Boundary setbacks

a. New buildings and structures, and additions and alterations must have a minimum setback from boundaries of 10m; except:
   i. structures less than 10m² in footprint and less than 2m in height, and any water and other storage tanks 10m² or greater in footprint and less than 2m in height, may be located within the side or rear boundary setbacks where the total length of the buildings or structures facing a boundary and within the setback does not exceed 7m in length and there are no windows or openings along the wall facing the boundary;
   ii. fences, structures or parts of structures that are underground, and ancillary signs are exempt from the performance standard;
   X. structures, other than water and other storage tanks, less than 2m² in footprint and 2m in height are exempt from the minimum setbacks from road boundaries; and
   Y. structures that are not visible from the street are exempt from the minimum setbacks from road boundaries.
b. Public entrances to buildings must be located at least 10m from a boundary with any rural residential zone.
c. Activities that contravene this performance standard are restricted discretionary activities.

21.6.8.2 Setback from coast and water bodies

New buildings and structures, additions and alterations, and storage and use of hazardous substances must comply with Rule 10.3.3.

21.6.8.3 Setback from scheduled tree

New buildings, structures, additions and alterations, and any site development activities, if they involve ground excavation or the installation of impermeable surfaces on the ground, must comply with Rule 7.5.2.

21.6.8.4 Forestry and shelterbelts and small woodlots setbacks

Shelterbelts and small woodlots must comply with Rule 17.6.9.2.

### 21.6.9 Tree Species

Shelterbelts and small woodlots must comply with Rule 10.3.4.

## Rule 21.7 Subdivision Performance Standards

General subdivision must comply with the performance standards for the Rural Residential 1 Zone within Rule 17.7.

# Rule 21.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

## Rule 21.8.1 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 21.8.2 - 21.8.5:
   a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Rules 21.8.2 - 21.8.5 apply as follows:
   a. Rule 21.8.2 applies to all performance standard contraventions;
   b. Rule 21.8.3 applies to land use performance standard contraventions;
   c. Rule 21.8.4 applies to development performance standard contraventions; and
   d. Rule 21.8.5 applies to subdivision performance standard contraventions.

| **21.8.2 Assessment of all performance standard contraventions** | |
|---|---|
| Performance standard | Guidance on the assessment of resource consents |

| | | |
|---|---|---|
| 1. | All performance standard contraventions | *Relevant objectives and policies:*<br>a. Objective 21.2.1<br>*Potential circumstances that may support a consent application include:*<br>b. The degree of non-compliance with the performance standard is minor.<br>c. The need to meet other performance standards or site specific factors makes meeting the standard impracticable.<br>d. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur.<br>e. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan.<br>*General assessment guidance:*<br>f. Where more than one standard is contravened, the combined effects of the contraventions should be considered.<br>g. In balancing consideration of the objectives and policies related to the maintenance of heritage values and those related to general amenity, greater weight will usually be placed on heritage policies. |

| **21.8.3 Assessment of land use performance standard contraventions** | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 2. | Location (ancillary commercial activities) | a. Effects on rural residential character and visual amenity<br>b. Effects on the vibrancy, and economic and social success of the CBD and centres | *Relevant objectives and policies:*<br>i. Objective 21.2.2<br>ii. Ancillary commercial activities are designed, located and operated to primarily serve staff, patients and visitors of Ashburn Clinic (Policy 21.2.2.6).<br>*Potential circumstances that may support a consent application include:*<br>iii. The ancillary activity is unlikely to attract external customers and become a stand-alone activity. |
| 3. | Minimum mobility car parking | NA<br>b. Effects on accessibility | See Rule 6.10 |

| **21.8.4 Assessment of development performance standard contraventions** | | |
|---|---|---|
| Performance standard | Matters of discretion | Guidance on the assessment of resource consents |

| | | | |
|---|---|---|---|
| 1. | Boundary treatments and other landscaping | a. Effects on rural residential character and visual amenity | *Relevant objectives and policies:*<br>i. Objective 21.2.2<br>ii. The boundary of parking areas, where adjacent to the road frontage is landscaped to screen or soften these areas and ensure a high standard of visual amenity when viewed from the road (Policy 21.2.2.4).<br>*Potential circumstances that may support a consent application include:*<br>iii. The parking areas are small and/or surrounded by mature vegetation such that the effects on visual amenity are minor.<br>iv. Alternative landscaping or screening is effective in visually softening large areas of hard surfaces, when viewed from the road. |
| 2. | • Boundary setbacks<br>• Maximum height | a. Effects on the amenity of surrounding sites | *Relevant objectives and policies:*<br>i. Objective 21.2.2<br>ii. Buildings and structures are of a height and setback from boundaries that ensures there are no more than minor effects on the sunlight access and privacy of current and potential future residential buildings and their outdoor living spaces (Policy 21.2.2.2).<br>*Potential circumstances that may support a consent application include:*<br>iii. There is consistency with the setbacks of surrounding properties.<br>*In assessing the application Council will consider:*<br>iv. Existing sunlight access to neighbouring properties<br>v. Cumulative effects from incremental development. |
| | | b. Effects on rural residential character and visual amenity | *Relevant objectives and policies:*<br>i. Objective 21.2.2<br>ii. Buildings and structures are of a height and setback that reduces their visual effect and preserves open space values (Policy 21.2.2.3.a).<br>*Potential circumstances that may support a consent application include:*<br>iii. There is consistency with the setbacks of surrounding properties.<br>*Conditions that may be imposed include:*<br>iv. Landscaping requirements to screen or soften the effect of buildings or fences. |

| 21.8.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 3. | Forestry and shelterbelts and small woodlots setbacks | a. Effects on amenity of surrounding properties | *Relevant objectives and policies:*<br>i. Objective 21.2.2<br>ii. Shelterbelts and small woodlots are set back an adequate distance to avoid or minimise, as far as practicable, significant effects from shading on residential dwellings on surrounding properties (Policy 21.2.2.7).<br>*Potential circumstances that may support a consent application include:*<br>iii. The area to be planted is to the south of any adjoining residential zone or residential buildings on an adjoining site.<br>iv. Slope or orientation or other topographical aspects of the sites involved mean that there will be no shading of residential buildings on an adjoining site. |
| | | b. Effects on health and safety | See Rule 9.5 |
| | | c. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 4. | Hazardous substances quantity limits and storage requirements | a. Effects on health and safety | See Rule 9.5 |
| 5. | Location and screening of service areas | a. Effects on rural residential character and visual amenity | *Relevant objectives and policies:*<br>i. Objective 21.2.2<br>ii. The visual amenity of the surrounding Rural Residential 1 Zone is maintained or enhanced by ensuring service areas are not visible from ground level outside the site (Policy 21.2.2.3.b).<br>*Potential circumstances that may support a consent application include:*<br>iii. Screening would unduly restrict the usability of the service area.<br>iv. The site layout prevents the service area from being visible from any public place without additional screening being required. |

| 21.8.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 6. | Number, location and design of ancillary signs | a. Effects on rural residential character and visual amenity | *Relevant objectives and policies:*<br>i. Objective 21.2.2<br>ii. Ancillary signs visible outside the zone are located and designed to maintain or enhance streetscape amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose (Policy 21.2.2.5). |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 7. | Parking, loading and access standards | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 8. | Protected areas (vegetation clearance) | a. Effects on biodiversity values and the natural character of riparian margins and the coast | See Rule 10.5 |
| 9. | Setback from coast and water bodies (rules 10.3.3.1 – 10.3.3.5) | a. Effects on biodiversity values and natural character of riparian margins and the coast | See Rule 10.5 |
| | | b. Effects on public access | |
| | | c. Risk from natural hazards | See Rule 11.4 |
| 10. | Setback from scheduled tree | a. Effects on long term health of tree | See Rule 7.6 |
| 11. | Tree species | a. Effects on biodiversity values | See Rule 10.5 |

| 21.8.5 Assessment of subdivision performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | Subdivision performance standards | See Rule 17.9 |

# Rule 21.9 Assessment of Restricted Discretionary Activities

## Rule 21.9.1 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 21.9.2 - 21.9.3:
   a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provide guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Rules 21.9.2 - 21.9.3 apply as follows:
   a. Rule 21.9.2 applies to restricted discretionary development activities; and
   b. Rule 21.9.3 applies to restricted discretionary subdivision activities.
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** 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 21.8; 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 21.10; 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 21.11; and
      iii. the assessment guidance in this section will also be considered.

| 21.9.X Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | b. Effects on accessibility | |

| 21.9.2 Assessment of restricted discretionary development activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | High trip generators:<br>• New, or additions to, parking areas that result in 50 or more new parking spaces | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | b. Effects on accessibility | |

| 21.9.3 Assessment of restricted discretionary subdivision activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | General subdivision | a. Effect on the efficient and effective operation of Ashburn Clinic | *Relevant objectives and policies:*<br>i. Objectives 21.2.1, 2.3.1.<br>ii. General subdivision does not adversely affect the efficient and effective operation of Ashburn Clinic (Policy 21.2.1.5.b). |
| | | See Rule 17.10. | |

# Rule 21.10 Assessment of Discretionary Activities

## Rule 21.10.1 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 21.10.2 - 21.10.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', 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. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
   c. general assessment guidance, including any effects that will be considered as a priority; and
   d. conditions that may be imposed.
3. Rules 21.10.2 - 21.10.3 apply as follows:
   a. Rule 21.10.2 applies to all discretionary activities;
   b. Rule 21.10.3 applies to discretionary performance standard contraventions.
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.

| 21.10.2 Assessment of all discretionary activities | |
|---|---|
| Activity | Guidance on the assessment of resource consents |
| 1. All discretionary land use activities listed below:<br>• all activities in the community activities category except community and leisure - small scale and conservation<br>• all activities in the residential activities category except rest homes<br>• farming<br>• forestry | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.3.1<br>b. Objective 21.2.1<br>c. The activity does not detract from, or preferably contributes to, the strategic directions objectives.<br>d. Activities that are not ancillary to hospital activity:<br>i. are related to or support the Ashburn Clinic, or have other operational requirements that mean they need to locate in the zone;<br>ii. support the efficient and effective operation of Ashburn Clinic;<br>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>iv. are designed and operated in line with Objective 21.2.2 and its policies (Policy 21.2.1.4).<br>*Potential circumstances that may support a consent application include:*<br>e. The activity is in accordance with relevant objectives, policies and performance standards of the rural residential zone.<br>f. 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.<br>g. All relevant land use performance standards are met, including noise and light spill standards.<br>*General assessment guidance:*<br>h. In assessing the significance of effects, consideration will be given to:<br>i. short to long term effects, including effects in combination with other activities; and<br>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.<br>*Relevant guidance from other sections (priority considerations):*<br>i. 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.<br>j. 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.<br>k. 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. |

| 21.10.3 Assessment of discretionary performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Noise - where the limit is exceeded by less than 5dB LAeq (15min)<br>• Light spill - where the limit is exceeded by 25% or less | *Relevant guidance from other sections (priority considerations):*<br>a. See Rule 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. |

# Rule 21.11 Assessment of Non-complying Activities

## Rule 21.11.1 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 21.11.2 - 21.11.4 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 21.11.2 - 21.11.4 apply as follows:
   a. Rule 21.11.2 applies to all non-complying activities;
   b. Rule 21.11.3 applies to non-complying land use activities; and
   c. Rule 21.11.4 applies to all non-complying performance standard contraventions.
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.

| 21.11.2 Assessment of all non-complying activities | | |
|---|---|---|
| Activity | | Guidance of the assessment of resource consents |
| 1. | All non-complying land use activities | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.3.1<br>b. Objective 2.3.2 and Policy 2.3.2.2<br>c. Objective 2.4.3 and Policy 2.4.3.4<br>d. Objective 21.2.1<br>e. Activities that are not ancillary to hospital activity:<br>i. are related to or support Ashburn Clinic, or have other operational requirements that mean they need to locate in the zone;<br>ii. support the efficient and effective operation of Ashburn Clinic;<br>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>iv. are designed and operated in line with Objective 21.2.2 and its policies (Policy 21.2.1.4).<br>*General assessment guidance:*<br>f. In assessing the significance of effects consideration will be given to:<br>i. both short and long term effects, including effects in combination with other activities;<br>ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent; and<br>iii. any effects otherwise managed through performance standards and consistent with all relevant objectives and policies for the zone.<br>g. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.<br>*Relevant guidance from other sections (priority considerations):*<br>h. See Section 6.13 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.<br>i. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety<br>j. 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 |

| 21.11.3 Assessment of non-complying land use activities | |
|---|---|
| Activity | Guidance of the assessment of resource consents |

| | | |
|---|---|---|
| 1. | Commercial advertising | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.4.1<br>b. Policy 2.4.1.6.c |

| **21.11.4 Assessment of all non-complying performance standard contraventions** | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Light spill - where the limit is exceeded by greater than 25%<br>• Noise - where the limit is exceeded by 5dB LAeq (15 min) or more<br>• Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |

# 22. Dunedin Botanic Garden

## 22.1 Introduction

The Dunedin Botanic Garden is located in North Dunedin, on an extensively landscaped site of approximately 30 hectares. The Garden is owned and operated by the Dunedin City Council.

The Garden was New Zealand's first botanic garden, opening in 1863, and has since developed to provide a wide range of recreational opportunities and significant amenity, horticultural and conservation plant collections. The Garden has an information centre, café and aviary, and provides volunteer activities, education programmes and regular entertainment events in the lower garden band rotunda.

The Garden is managed as one of Dunedin's reserves, under a broad reserve management plan administered by the Dunedin City Council. Future development at the Dunedin Botanic Garden is guided by its Strategic Development Plan which was launched in 2006 and sets the framework for managing the garden for a 30-40 year period. The Development Plan includes proposals to relocate buildings, enhance existing projects and develop a suite of new projects. Development within the next 10 years may include a visitor information and education facility in the upper garden, additions to the Lister Garden, a model vegetable/fruit garden, extensions to the water garden and a children's adventure playground. Ongoing development involves renewal and redevelopment of plantings within the garden. The lower garden contains three scheduled heritage buildings and structures: the Wolf Harris fountain, the Bandstand soundshell and the Winter Garden.

The Garden is surrounded by several zones, which provide for a range of different land use activities. To the east of the Garden is Recreation Zone which includes sports grounds and the Northern Cemetery. To the north, south and west are residential zones with varying densities of residential development. At the north-western edge of the Garden is a further recreation sports field, the 'Gardens Ground', and also the North East Valley suburban centre, which includes a mix of commercial and community activities.

The Dunedin Botanic Garden Zone has been designed to enable the activities necessary for the continued functioning of the Garden, while providing certainty to the community regarding what land use activities can be expected to occur on the Dunedin Botanic Garden site. The types and mix of activities appropriate within the zone, and the potential future uses of the site, have been important factors in determining the extent of, and rules for, the Dunedin Botanic Garden Zone. The zone recognises the existing and foreseeable future uses of the Garden site and, at the same time, appropriately manages potential adverse effects while ensuring compatibility with the wide variety of surrounding environments.

# 22.2 Objectives and Policies

| **Objective 22.2.1** | |
|---|---|
| The Dunedin Botanic Garden is able to operate efficiently and effectively. | |
| Policy 22.2.1.1 | Enable Dunedin Botanic Garden activity. |
| Policy 22.2.1.2 | Provide for activities that are ancillary to Dunedin Botanic Garden activity where they are designed and operated in line with Objective 22.2.2 and its policies. |
| Policy 22.2.1.3 | Only allow activities that are not ancillary to Dunedin Botanic Garden activity where:<br>a. they are related to or support the Dunedin Botanic Garden, or have other operational requirements that mean they need to locate in the zone;<br>b. they will support the efficient and effective operation of the Dunedin Botanic Garden;<br>c. they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>d. they are designed and operated in line with Objective 22.2.2 and its policies. |
| Policy 22.2.1.4 | Only allow subdivision activities where they do not adversely affect the efficient and effective operation of Dunedin Botanic Garden. |

| **Objective 22.2.2** | |
|---|---|
| Land use activities and development necessary for the continued operation of the Dunedin Botanic Garden are enabled, while ensuring development and land use activities:<br>a. achieve a good standard of on-site amenity for staff and visitors; and<br>b. maintain or enhance the amenity of the surrounding residential areas. | |
| Policy 22.2.2.1 | Require buildings and structures to be of a height and setback from boundaries that ensures:<br>a. 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<br>b. any adverse effects on neighbourhood amenity are avoided or, if avoidance is not practicable, are no more than minor. |
| Policy 22.2.2.2 | Require development to maintain or enhance on-site and neighbourhood amenity by ensuring service areas are not visible from ground level within or outside the site. |
| Policy 22.2.2.3 | 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 when viewed from the road. |
| Policy 22.2.2.4 | Require fences on road boundaries to be of a height and design that contributes positively to neighbourhood amenity. |
| Policy 22.2.2.5 | 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. |
| Policy 22.2.2.6 | Require ancillary restaurants and retail activities to be designed, located and operated to primarily serve visitors to the Dunedin Botanic Garden. |

# Rules

## Rule 22.3 Activity Status

### 22.3.1 Rule location

The activity status tables in rules 22.3.3 to 22.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Dunedin Botanic Garden Zone and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

1. Public Amenities (Section 3)
2. Temporary Activities (Section 4) - note that this section includes provisions that apply to construction and site investigation
3. Network Utilities (Section 5)
4. Transportation (Section 6)
5. Scheduled Trees (Section 7)
6. Natural Hazard Mitigation Activities (Section 8)
7. Earthworks (Section 8A)

### 22.3.2 Activity status introduction

1. The activity status tables in rules 22.3.3 - 22.3.5 show the activity status of activities in the Dunedin Botanic Garden Zone and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. Development activities that are lawfully present at the time any relevant rules in this Plan have legal effect are not managed by those rules (the rules do not apply to existing lawfully established development activities).
6. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

*Additional activity status rules in hazard overlay zones*

7. For the purpose of the hazards provisions, activities are categorised as natural hazards sensitive activities, natural hazards potentially sensitive activities or natural hazards least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
8. In the Hazard 2 (flood) Overlay Zone, the activity statuses in Rule 22.3.6 apply to the following activities:
   a. natural hazards sensitive activities;
   b. natural hazards potentially sensitive activities; and
   c. new buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m² of new ground floor area.

9. Where the activity status in Rule 22.3.6 differs from that in rules 22.3.3 - 22.3.5, the most restrictive activity status always applies.
10. In addition to the rules in Rule 22.3.6, performance standards for development activities within hazard overlay zones are included in rules 22.3.3 - 22.3.5.
11. Activities in a hazard overlay zone must comply with all of the rules in 22.3.3 - 22.3.6.

*Performance Standards*

12. Performance standards are listed in the far right column of the activity status tables.
13. Performance standards apply to permitted, controlled, and restricted discretionary activities.
14. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.
15. 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 | Meaning |
|---|---|
| P | Permitted Activity |
| C | Controlled Activity |
| RD | Restricted Discretionary Activity |
| D | Discretionary Activity |
| NC | Non-complying Activity |
| Haz2 | Hazard 2 Overlay Zones |
| Haz3 | Hazard 3 Overlay Zones |

### 22.3.3 Activity status table - land use activities

| | | |
|---|---|---|
| 1. | Performance standards that apply to all land use activities | a. NA<br>b. Light spill<br>c. Noise |
| All land use activities | Activity status | Performance standards |
| X. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | RD | |
| Major facility activities | Activity status | Performance standards |
| 2. | Dunedin Botanic Garden | P | a. Minimum mobility car parking |
| 3. | All other activities in the major facility activities category | NC | |
| Community activities | Activity status | Performance standards |

| | | | |
|---|---|---|---|
| 4. | Community and leisure | P | |
| 5. | Conservation | P | |
| 6. | Sport and recreation not involving a motor vehicle | P | |
| 7. | All other activities in the community activities category | D | |
| Commercial activities | | Activity status | Performance standards |
| 8. | Commercial activities that are ancillary to Dunedin Botanic Garden | P | a. Location |
| 9. | All other activities in the commercial activities category | NC | |
| Residential activities | | Activity status | Performance standards |
| 10. | All activities in the residential activities category | D | |
| Industrial activities | | Activity status | Performance standards |
| 11. | All activities in the industrial activities category | NC | |
| Rural activities | | Activity status | Performance standards |
| 12. | All activities in the rural activities category | NC | |

**Note 22.3.3X- Other requirements outside of the District Plan**

1. Any electrical equipment used for an activity must be designed to meet the New Zealand electromagnetic compatibility (EMC) standards, to ensure there are no effects from electrical interference on surrounding sites. The Radio Spectrum Management (RSM) is the governing body which regulates EMC products in New Zealand and investigates interference to safety services, radiocommunication systems and broadcast services such as radio and television reception.

## 22.3.4 Activity status tables - development activities

| | | | |
|---|---|---|---|
| 1. | Performance standards that apply to all buildings and structures activities | | a. Boundary setbacks<br>b. Height in relation to boundary<br>c. Maximum height<br>d. Number, location and design of ancillary signs<br>e. Setback from coast and water bodies |
| Building and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 4 - 11) | | Activity status | Performance standards |
| 2. | Fences | P | a. Fence height and design |
| 3. | All other buildings and structures activities | P | |
| Building and structures activities that affect a protected part of a scheduled heritage building **or** scheduled heritage structure | | Activity status | Performance standards |

| | | | |
|---|---|---|---|
| 4. | Repairs and maintenance | P | |
| 5. | Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1 | C | |
| 6. | Restoration of all other scheduled heritage buildings and scheduled heritage structures | P | |
| 7. | Earthquake strengthening where external features only are protected | C | a. Materials and design |
| 8. | Signs attached to buildings or structures | P | |
| 9. | All other additions and alterations | RD | |
| 10. | Demolition | NC | |
| 11. | Removal for relocation | RD | |
| Site development activities | | Activity status | Performance standards |
| 12. | Service areas | P | a. Location and screening of service area |
| 13. | Parking, loading and access | P | a. Boundary treatments and other landscaping<br>b. Parking, loading and access standards |
| 14. | New, or additions to, parking areas that result in 50 or more new parking spaces. | RD | a. Boundary treatments and other landscaping<br>b. Parking, loading and access standards |
| 15. | Storage and use of hazardous substances | P | a. Hazardous substances quantity limits and storage requirements<br>b. Setback from coast and water bodies |
| 16. | Vegetation clearance | P | a. Maximum area of vegetation clearance (UBMA) |
| 17. | All other site development activities | P | |

### Note 22.3.4A - General advice

1. 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. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
2. An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.

4. The **archaeological alert layer mapped area** identifies sites and areas that have a strong likelihood of containing archaeological remains, however remains may be present anywhere within the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.

### 22.3.5 Activity status - subdivision activities

| Subdivision activities | | Activity Status | Performance standards |
|---|---|---|---|
| 1. | General subdivision | RD | a. Subdivision performance standards |
| 2. | Cross lease, company lease and unit title subdivision | NC | |

### Note 22.3.5A - Other RMA considerations

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.

## 22.3.6 Activity status in the Hazard 2 (flood) Overlay Zone

| Activity | | Activity status |
|---|---|---|
| Land Use Activities | | |
| 1. | Natural hazards sensitive activities | RD |
| 2. | Natural hazards potentially sensitive activities | RD |
| Development Activities | | |
| 3. | New buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m² of new ground floor area | RD |

### Note 22.3.6A - Other RMA considerations

X Section 10 of the RMA (existing use rights) provides for land to be used in a manner that contravenes a rule in a district plan if the use was lawfully established before the rule became operative or the proposed plan was notified, and the effects of the use are the same or similar in character, intensity and scale to those which existed before the rule became operative or the proposed plan was notified.

2. Accordingly, activities that are shown to have effects that are the same or similar in character, intensity and scale to those which existed before the rule became operative or the proposed plan was notified will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 22.3.6. However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of effects from the land use activity.

**Note 22.3.6B - Other requirements outside the District Plan**

1. Clause E1 – Surface water of the New Zealand Building Code (Building Regulations 1992, Schedule 1) contains requirements regarding buildings and sitework (including earthworks) in relation to managing surface water and effects on other property.
2. Buildings and structures that will divert water may require resource consent under the Otago Regional Plan: Water.
3. If buildings and structures affect the flow of water, this effect is also subject to the common law principle of natural servitude.

## Rule 22.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or section 95B of the RMA, unless Council considers special circumstances exist in relation to the application that require public notification:
    1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
    2. contravention of the materials and design performance standard Rule 13.3.2 where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided for the following:
    1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand; and
    2. contravention of the materials and design performance standard Rule 13.3.2 where the building or structure is not listed by Heritage New Zealand.
3. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

# Rule 22.5 Land Use Performance Standards

## 22.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

## 22.5.3 Location

1. Ancillary retail and restaurants must not be located adjacent to a road frontage.
2. Activities that contravene this performance standard are restricted discretionary activities.

## 22.5.4 Minimum Mobility Car Parking

1. Dunedin Botanic Garden activity must provide a minimum of three mobility parking spaces.
2. NA.
3. Activities that contravene this performance standard are restricted discretionary activities.

### Note 22.5.4A - Other relevant District Plan provisions

1. Parking areas must comply with the standards in Section 6.6: Parking, Loading and Access Standards.

## 22.5.5 Noise

Land use activities must comply with Rule 9.3.6.

# Rule 22.6 Development Performance Standards

## 22.6.1 Boundary Treatments and Other Landscaping

1. Where 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 the road frontage (except for where vehicle access is provided).
2. Landscaping areas must:
    a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
    b. have an average of one tree for every 5m of frontage;
    c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
    d. be designed to allow surface water run-off from surrounding areas to enter;
    e. be protected by a physical barrier that prevents cars from damaging plants;
    f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a minimum height of 5m within 10 years of planting;
    g. be planted prior to occupation of any relevant building(s) or upon completion of site development activities; and
    h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any road frontage landscaping required by this rule.
4. Activities that contravene this performance standard are restricted discretionary activities.

## 22.6.2 Fence Height and Design

### 22.6.2.1 Maximum Height

a. The maximum height of fences along boundaries (including within the boundary setbacks required by Rule 22.6.9) is 2m.
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.
c. Fences that contravene this performance standard are restricted discretionary activities.

### 22.6.2.2 Visual Permeability

a. Fences along road boundaries (or within the boundary setbacks required by Rule 22.6.9), or along a side or rear boundary with a residential zone, must be constructed to a length and/or height that maintains visual permeability for 50% of the length of the boundary measured at a height of 1.4m above ground level (see Figure 15.6.2.2A).
b. Fences along the road boundary of a state highway are exempt from this requirement.
c. Fences that contravene this performance standard are restricted discretionary activities.

## 22.6.3 Hazardous Substances Quantity Limits and Storage Requirements

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

### 22.6.4 Height

22.6.4.1 Height in relation to boundary

New buildings and additions and alterations to buildings adjoining a residential zone must comply with the height in relation to boundary performance standard of that residential zone along the adjoining boundary (see Rule 15.6.6.1).

22.6.4.2 Maximum height

a. The maximum height of new buildings and structures, and additions and alterations, must not exceed 12m above ground level.

b. Rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit by more than 4m.

c. Activities that contravene this performance standard are restricted discretionary activities.

### 22.6.5 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.

### 22.6.6 Materials and Design

Earthquake strengthening must comply with Rule 13.3.2.

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

22.6.7.1 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 Dunedin Botanic Garden Zone;
   ii. regulatory signs, warning signs, or directional signs; and
   iii. building names (excluding commercial sponsorship names).

b. Signs related to ancillary retail and ancillary restaurants must not be visible outside the Dunedin Botanic Garden Zone.

c. Signs must comply with Rule 6.7.3 where visible from a road.

d. Signs must not be illuminated or digital.

e. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.

22.6.7.2 Signs attached to buildings

a. The height above ground level at the highest point of any sign attached to a building is 4m.

b. Signs must not be attached to roofs.

c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.

d. Signs attached to a building must:
   i. not exceed one sign per 30m of building façade;
   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.

22.6.7.3 Freestanding signs

a. The maximum number of freestanding signs is one per entrance to the Dunedin Botanic Garden plus one per 100m of road frontage.

b. The maximum dimensions of freestanding signs are:
   i. maximum height of 3m;
   ii. maximum area of 2m²;
   iii. maximum width of 2m; and
   iv. maximum depth of 400mm.

c. Freestanding signs must:
   i. not obstruct parking, loading and access areas; and
   ii. be positioned entirely within the site boundaries.

**Note 22.6.7B - Other requirements outside of the District Plan**

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

## 22.6.8 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

## 22.6.9 Setbacks

22.6.9.1 Boundary setbacks

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

| Building | | Setback from road boundary or other zone boundary |
|---|---|---|
| i. | New buildings and structures, and additions and alterations not exceeding 9m in height or 250m² gross floor area | 4.5m |
| ii. | All other new buildings and structures, and additions and alterations | 10m |

   iii. Except fences and ancillary signs are exempt from the performance standard.

b. New buildings and structures, and additions and alterations must be designed to have all public entrances located at least 10 metres from a boundary with a residential zone.

c. Activities that contravene this performance standard are restricted discretionary activities.

22.6.9.2 Setback from coast and water bodies

New buildings and structures, additions and alterations, and storage and use of hazardous substances must comply with Rule 10.3.3.

### 22.6.10 Maximum Area of Vegetation Clearance (UBMA)

Vegetation clearance in an **urban biodiversity mapped area** (UBMA) must comply with Rule 10.3.2.4.

## Rule 22.7 Subdivision Performance Standards

General subdivision must comply with Rule 20.7.

# Rule 22.8 Assessment of Controlled Activities

## Rule 22.8.1 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 22.8.2:
   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** 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 22.9; 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 22.11; 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 22.12; and
      iii. the assessment guidance in this section will also be considered.

| **22.8.2 Assessment of controlled activities** | | | |
|---|---|---|---|
| Activity | | Matters of control | Guidance on the assessment of resource consents |
| 1. | Affecting a scheduled heritage building or a scheduled heritage structure:<br>• Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected.<br>• 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) | a. Effects on heritage values | See Rule 13.4 |

# Rule 22.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

## Rule 22.9.1 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 22.9.2 - 22.9.6:
    a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.
3. Rules 22.9.2 - 22.9.6 apply as follows:
    a. Rule 22.9.2 applies to all performance standard contraventions;
    b. Rule 22.9.3 applies to land use performance standard contraventions;
    c. Rule 22.9.4 applies to development performance standard contraventions;
    d. Rule 22.9.5 applies to subdivision performance standard contraventions; and
    e. Rule 22.9.6 applies to performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item.

| 22.9.2 Assessment of all performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | All performance standard contraventions | *Potential circumstances that may support a consent application include:*<br>a. The degree of non-compliance with the performance standard is minor.<br>b. The need to meet other performance standards, or site specific factors including topography, make meeting the standard impracticable.<br>c. The nature of activities on surrounding sites, topography of the site and/or surrounding sites, or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur.<br>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.<br>*General assessment guidance:*<br>e. Where more than one standard is contravened, the combined effects of the contraventions should be considered.<br>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. |

| 22.9.3 Assessment of land use performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 2. | Location | a. Effects on the vibrancy, and economic and social success of the CBD and centres | *Relevant objectives and policies:*<br>i. Objective 22.2.2<br>ii. Ancillary restaurants and retail are designed, located and operated to primarily serve visitors to the Dunedin Botanic Garden (Policy 22.2.2.6). |
| 3. | Minimum mobility car parking | NA<br>b. Effects on accessibility | See Rule 6.10 |

| 22.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | • Boundary setbacks<br>• Height in relation to boundary<br>• Maximum height | a. Effects on neighbourhood amenity | *Relevant objectives and policies:*<br>i. Objective 22.2.2<br>ii. Buildings and structures are of a height and setback from boundaries that ensures:<br>1. 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 22.2.2.1.a); and<br>2. any adverse effects on neighbourhood amenity are avoided or, if avoidance is not practicable, are no more than minor (Policy 22.2.2.1.b). |
| 2. | Boundary treatments and other landscaping | a. Effects on neighbourhood amenity | *Relevant objectives and policies:*<br>i. Objective 22.2.2<br>ii. Landscaping of the boundary of parking areas adjacent to a road frontage screens or softens these areas and ensures a high standard of visual amenity when viewed from the road (Policy 22.2.2.3). |
| 3. | Fence height and design | a. Effects on neighbourhood amenity | *Relevant objectives and policies:*<br>i. Objective 22.2.2<br>ii. Fences on road boundaries are of a height and design that contributes positively to neighbourhood amenity (Policy 22.2.2.4).<br>*Potential circumstances that may support a consent application include:*<br>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.<br>iv. An attractive interface with the streetscape is achieved.<br>v. The fence will be screened by landscaping. |
| | | b. Effects on health and safety | See Rule 9.5 |
| 4. | Hazardous substances quantity limits and storage requirements | a. Effects on health and safety | See Rule 9.5 |

| 22.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 5. | Location and screening of service areas | a. Effects on on-site amenity | *Relevant objectives and policies:*<br>i. Objective 22.2.2<br>ii. Development maintains or enhances on-site and neighbourhood amenity by ensuring service areas are not visible from ground level within or outside the site (Policy 22.2.2.2). |
| | | b. Effects on neighbourhood amenity | |
| 6. | Number, location and design of ancillary signs | a. Effects on neighbourhood amenity | *Relevant objectives and policies:*<br>i. Objective 22.2.2<br>ii. Ancillary signs visible from outside the zone are located and designed to maintain streetscape amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose (Policy 22.2.2.5). |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 7. | Setback from coast and water bodies (rules 10.3.3.1 – 10.3.3.5) | a. Effects on biodiversity values and natural character of the coast and riparian margins | See Rule 10.5 |
| | | b. Effects on public access | |
| | | c. Risk from natural hazards | See Rule 11.4 |
| 8. | Parking, loading and access standards | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |

| 22.9.5 Assessment of subdivision performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | Subdivision performance standards | See Rule 20.9 |

| 22.9.6 Assessment of performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | In a hazard overlay zone:<br>• Hazardous substances quantity limits and storage requirements | a. Risk from natural hazards | See Rule 11.4 |
| 2. | Affecting a **scheduled heritage building** or **scheduled heritage structure**<br>• Materials and design | a. Effects on heritage values | See Rule 13.5 |
| 3. | In an **urban biodiversity mapped area:**<br>• Maximum area of vegetation clearance (UBMA) | a. Effects on biodiversity values | See Rule 10.5 |

# Rule 22.10 Assessment of Restricted Discretionary Activities

## Rule 22.10.1 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 22.10.2 and 22.10.3:
    a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provide guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.
3. Rules 22.10.2 and 22.10.3 apply as follows:
    a. Rule 22.10.2 applies to restricted discretionary development activities; and
    b. Rule 22.10.3 applies to restricted discretionary subdivision activities.
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** 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 22.9; and
        iv. the matters of discretion in this section will be assessed as indicated.
    b. if the contravention of the performance standard defaults to **discretionary** then:
        i. the activity, as a whole, will be treated as **discretionary**; and
        ii. the performance standard contravention will be assessed as indicated in Section 22.11; 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 22.12; and
        iii. the assessment guidance in this section will also be considered.

| 22.10.X Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | b. Effects on accessibility | |

| 22.10.2 Assessment of restricted discretionary development activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Activities affecting a **scheduled heritage building** or **scheduled heritage structure**:<br>• Additions and alterations that affect a protected part of a **scheduled heritage building** or **scheduled heritage structure**<br>• Removal for relocation | a. Effects on heritage values | See Rule 13.6 |
| 2. | In the **Hazard 2 (flood) Overlay Zone** (see Rule 22.3.6):<br>• New buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m² of new ground floor area | a. Risk from natural hazards | See Rule 11.5 |
| 3. | High trip generators:<br>• New, or additions to, parking areas that result in 50 or more new parking spaces | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | b. Effects on accessibility | |
| 4. | In the **Hazard 2 (flood) Overlay Zone**:<br>• Natural hazards sensitive activities<br>• Natural hazards potentially sensitive activities | a. Risk from natural hazards | See Rule 11.5 |

| 22.10.3 Assessment of restricted discretionary subdivision activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | General subdivision | a. Effects on the efficient and effective operation of Dunedin Botanic Garden | *Relevant objective and policies:*<br>i. Objective 22.2.1<br>ii. Subdivision activities do not adversely affect the efficient and effective operation of Dunedin Botanic Garden (Policy 22.2.1.4). |
| | | See Rule 20.10 | |

# Rule 22.11 Assessment of Discretionary Activities

## Rule 22.11.1 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 22.11.2 - 22.11.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', 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. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
    c. general assessment guidance, including any effects that will be considered as a priority; and
    d. conditions that may be imposed.
3. Rules 22.11.2 - 22.11.3 apply as follows:
    a. Rule 22.11.2 applies to all discretionary activities; and
    b. Rule 22.11.3 applies to discretionary performance standard contraventions.
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.

| 22.11.2 Assessment of all discretionary activities | |
|---|---|
| Activity | Guidance on the assessment of resource consents |
| 1. All discretionary land use activities listed below:<br>• all residential activities<br>• all activities in the community activities category except community and leisure, sport and recreation not involving a motor vehicle and conservation | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 2.3.1, 2.3.3<br>b. Objective 22.2.1<br>c. The activity does not detract from, or preferably contributes to, the strategic directions objectives.<br>d. Activities that are ancillary to Dunedin Botanic Garden activity are designed and operated in line with Objective 22.2.2 and its policies (Policy 22.2.1.2).<br>e. Activities that are not ancillary to Dunedin Botanic Garden activity:<br>i. are related to or support the Dunedin Botanic Garden, or have other operational requirements that mean they need to locate in the zone;<br>ii. support the efficient and effective operation of Dunedin Botanic Garden;<br>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>iv. are designed and operated in line with Objective 22.2.2 and its policies (Policy 22.2.1.3).<br>*Potential circumstances that may support a consent application include:*<br>f. 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.<br>g. All relevant land use performance standards are met, including noise and light spill standards.<br>*General assessment guidance:*<br>h. In assessing the significance of effects, consideration will be given to:<br>i. short to long term effects, including effects in combination with other activities; and<br>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.<br>*Relevant guidance from other sections (priority considerations):*<br>i. 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.<br>j. 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.<br>k. 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. |

| 22.11.3 Assessment of discretionary performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Noise - where the limit is exceeded by less than 5dB LAeq (15min)<br>• Light spill - where the limit is exceeded by 25% or less | 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. |

# Rule 22.12 Assessment of Non-complying Activities

## Rule 22.12.1 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 22.12.2 - 22.12.4 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 22.12.2 - 22.12.4 apply as follows:
   a. Rule 22.12.2 applies to non-complying land use activities;
   b. Rule 22.12.3 applies to non-complying development activities; and
   c. Rule 22.12.4 applies to non-complying performance standard contraventions.
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.

| 22.12.2 Assessment of non-complying land use activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | All non-complying land use activities | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 2.3.1, 2.3.3<br>b. Objective 2.3.2 and Policy 2.3.2.2<br>c. Objective 2.4.3 and Policy 2.4.3.4<br>d. Objective 22.2.1<br>e. Activities that are not ancillary to Dunedin Botanic Garden activity:<br>i. are related to or support Dunedin Botanic Garden, or have other operational requirements that mean they need to locate in the zone;<br>ii. support the efficient and effective operation of Dunedin Botanic Garden;<br>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>iv. are designed and operated in line with Objective 22.2.2 and its policies (Policy 22.2.1.3).<br>*General assessment guidance:*<br>f. In assessing the significance of effects consideration will be given to:<br>i. short and long term effects, including effects in combination with other activities; and<br>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.<br>g. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.<br>*Relevant guidance from other sections (priority considerations):*<br>h. See Section 6.13 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.<br>i. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety<br>j. 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 |
| 2. | Commercial advertising | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.4.1<br>b. Policy 2.4.1.6.c |

| 22.12.3 Assessment of non-complying development activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | Demolition that affects a protected part of a scheduled heritage building or scheduled heritage structure | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects on heritage values. |

| 22.12.4 Assessment of non-complying performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Light spill - where the limit is exceeded by greater than 25%<br>• Noise - where the limit is exceeded by 5dB LAeq (15 min) or more<br>• Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |

# 23. Dunedin Hospital

## 23.1 Introduction

Dunedin Hospital is the primary medical facility for the Otago and Southland regions, and is situated on Great King Street in Dunedin's central city. The hospital spans two blocks, covering an area of approximately 3 hectares. The hospital is operated by the Southern District Health Board.

The hospital has been at its present site since 1865 and provides 388 beds across a number of wards. It includes a helipad which enables emergency medical services to be provided across the region. The hospital employs over 3,000 staff, providing medical services across all specialties and a broad array of sub-specialties. The hospital also serves as a teaching hospital, with strong links to both the University of Otago and Otago Polytechnic. Ancillary activities associated within the hospital include cafés, a gift shop and a childcare facility.

Significant re-development of the hospital site is anticipated within the next ten years, allowing facilities to be upgraded. This may involve the construction of new buildings and re-development of existing ones.

The site is surrounded by a number of zones, providing for a wide range of different land use activities. To the north and east is the Campus Zone, which provides for activities essential to the functioning of the University of Otago and Otago Polytechnic. To the west is the General Residential 2 Zone. To the west and the south are commercial and mixed use zones, which provide for a range of commercial activities.

The Dunedin Hospital and its associated activities have the potential to generate effects, particularly on the amenity of the central city. The zone recognises the existing and foreseeable future uses of the Dunedin Hospital site, provides certainty to the community regarding what land use activities can be expected to occur, while appropriately managing potential adverse effects and ensuring compatibility with the surrounding environments.

# 23.2 Objectives and Policies

| Objective 23.2.1 | |
|---|---|
| Dunedin Hospital is able to operate efficiently as a medical training and research facility. | |
| Policy 23.2.1.1 | Enable hospital and community activities in the Dunedin Hospital Zone. |
| Policy 23.2.1.2 | Provide for activities ancillary to hospital activity where they are designed and operated in line with Objective 23.2.2 and its policies. |
| Policy 23.2.1.3 | Only allow activities that are not ancillary to hospital activity where all the following apply:<br>a. the activities are related to or support Dunedin Hospital, or have other operational requirements that mean they need to locate in the zone;<br>b. they will support the efficient and effective operation of Dunedin Hospital;<br>c. they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>d. they are designed and operated in line with Objective 23.2.2 and its policies. |
| Policy 23.2.1.4 | Enable land that is surplus to the needs of Dunedin Hospital to transition to the Campus Zone, so that future development that is not related to hospital activity will be managed in accordance with the objectives and policies of that zone. |
| Policy 23.2.1.5 | Only allow subdivision activities where:<br>a. they are in accordance with the provisions of the Campus Zone; and<br>b. the subdivision does not adversely affect the efficient and effective operation of Dunedin Hospital. |

| Objective 23.2.2 | |
|---|---|
| Land use activities and development necessary for Dunedin Hospital to meet the reasonably foreseeable health needs of the community is enabled, while ensuring development achieves:<br>a. a reasonable standard of on-site amenity for patients, staff and visitors; and<br>b. a reasonable level of streetscape amenity. | |
| Policy 23.2.2.1 | Require development to maintain or enhance streetscape amenity by ensuring:<br>a. an attractive street interface is maintained through landscaping where buildings are not built to the street frontage;<br>b. an architecturally interesting façade through building modulation and use of glazing; and<br>c. service areas to be located or screened so they are not visible from ground level of a public place. |
| Policy 23.2.2.2 | Only allow buildings above 20m in height where:<br>a. effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the harbour towards the Otago Peninsula, are minimised as far as practicable through the use of quality and contextually appropriate architectural design; and<br>b. they are designed to minimise as far as practicable adverse effects of shading and wind on pedestrian amenity. |

| Objective 23.2.2 | |
|---|---|
| Land use activities and development necessary for Dunedin Hospital to meet the reasonably foreseeable health needs of the community is enabled, while ensuring development achieves:<br>a. a reasonable standard of on-site amenity for patients, staff and visitors; and<br>b. a reasonable level of streetscape amenity. | |
| Policy 23.2.2.3 | Only allow buildings over 48m in height where:<br>a. the height is essential to the operation of hospital activities; and<br>b. the height exceedance is minimal. |
| Policy 23.2.2.4 | Only allow early childhood education - large scale where it will not constrain (have reverse sensitivity effects on) other neighbouring activities. |
| Policy 23.2.2.5 | Require buildings to provide a good level of pedestrian amenity by providing shelter over pedestrian entrances. |
| Policy 23.2.2.6 | 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. |

# Rules

## Rule 23.3 Activity Status

### 23.3.1 Rule location

The activity status tables in rules 23.3.3 to 23.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Dunedin 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 and site investigation
3. Network Utilities (Section 5)
4. Transportation (Section 6)
5. Scheduled Trees (Section 7)
6. Natural Hazard Mitigation Activities (Section 8)
7. Earthworks (Section 8A)

### 23.3.2 Activity status introduction

1. The activity status tables in rules 23.3.3 - 23.3.5 show the activity status of activities in the Dunedin 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. Development activities that are lawfully present at the time any relevant rules in this Plan have legal effect are not managed by those rules (the rules do not apply to existing lawfully established development activities).
6. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

*Performance Standards*

7. Performance standards are listed in the far right column of the activity status tables.
8. Performance standards apply to permitted, controlled, and restricted discretionary activities.
9. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.
10. 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 | Meaning |
|---|---|
| P | Permitted Activity |
| C | Controlled Activity |
| RD | Restricted Discretionary Activity |
| D | Discretionary Activity |
| NC | Non-complying Activity |

### 23.3.3 Activity status table - land use activities

| | | | |
|---|---|---|---|
| 1. | Performance standards that apply to all land use activities | | a. Acoustic insulation (noise sensitive activities)<br>b. NA<br>c. Light spill<br>d. Noise |
| All land use activities | | Activity status | Performance standards |
| X. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | RD | |
| Major facility activities | | Activity status | Performance standards |
| 2. | Hospital | P | a. Minimum mobility car parking |
| 3. | All other activities in the major facility activities category | NC | |
| Community activities | | Activity status | Performance standards |
| 4. | Early childhood education - small scale | P | a. NA |
| 5. | Early childhood education - large scale | RD | |
| 6. | Conservation | P | |
| Y. | Healthcare | P | |
| 7. | All other activities in the community activities category | D | |
| Commercial activities | | Activity status | Performance standards |
| 8. | Commercial activities ancillary to hospital | P | |
| 9. | NA | NA | |
| 10. | Training and education | P | |
| 11. | Campus-affiliated office | P | |

| | | | |
|---|---|---|---|
| 12. | All other activities in the commercial activities category | NC | |
| Residential activities | | Activity status | Performance standards |
| 13. | All activities in the residential activities category | NC | |
| Industrial activities | | Activity status | Performance standards |
| 14. | All activities in the industrial activities category | NC | |
| Rural activities | | Activity status | Performance standards |
| 15. | All activities in the rural activities category | NC | |

**Note 23.3.3X- Other requirements outside of the District Plan**

1. Any electrical equipment used for an activity must be designed to meet the New Zealand electromagnetic compatibility (EMC) standards, to ensure there are no effects from electrical interference on surrounding sites. The Radio Spectrum Management (RSM) is the governing body which regulates EMC products in New Zealand and investigates interference to safety services, radiocommunication systems and broadcast services such as radio and television reception.

### 23.3.4 Activity status table - development activities

| | | | |
|---|---|---|---|
| 1. | Performance standards that apply to all development activities | | a. Setback from scheduled tree |
| 2. | Performance standards that apply to all buildings and structures activities | | a. Number, location and design of ancillary signs<br>b. Maximum height |
| Buildings and structures activities | | Activity status | Performance standards |
| 3. | All new buildings and additions and alterations to buildings | P | a. Boundary treatments and other landscaping<br>b. Minimum glazing and building modulation<br>c. Verandahs |
| 4. | All other buildings and structures activities | P | |
| Site development activities | | Activity status | Performance standards |
| 5. | Service areas | P | a. Location and screening of service areas |
| 6. | Parking, loading and access | P | a. Boundary treatments and other landscaping<br>b. Parking, loading and access standards |
| 7. | New, or additions to, parking areas that result in 50 or more new parking spaces. | RD | a. Boundary treatments and other landscaping<br>b. Parking, loading and access standards |

| | | | |
|---|---|---|---|
| 8. | Storage and use of hazardous substances | P | a. Hazardous substances quantity limits and storage requirements |
| 9. | All other site development activities | P | a. Boundary treatments and other landscaping |

### Note 23.3.4A - General advice

1. 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. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
2. An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
4. The **archaeological alert layer mapped area** identifies sites and areas that have a strong likelihood of containing archaeological remains, however remains may be present anywhere within the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.

### 23.3.5 Activity status table - subdivision activities

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

### Note 23.3.5A - Other RMA considerations

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.

### 23.3.6 Transition to Campus Zone

On receipt of written notice from both the owner and operator (if different) of Dunedin Hospital to Dunedin City Council in relation to all or part of the land within the Dunedin Hospital Zone, the provisions of the Dunedin Hospital Zone will no longer apply to that parcel of land and the provisions of the Campus Zone will apply in full.

## Rule 23.4 Notification

1. Activities are subject to the normal tests for notification in accordance with sections 95A - 95G of the RMA.

# Rule 23.5 Land Use Performance Standards

## 23.5.1 Acoustic Insulation

In-patient areas must comply with Rule 9.3.1.

## 23.5.3 Light Spill

Land use activities must comply with Rule 9.3.5.

## 23.5.4 Minimum Mobility Car Parking

1. Hospital activity must provide a minimum of six mobility parking spaces.
2. NA.
3. NA.
4. Activities that contravene this performance standard are restricted discretionary activities.

### Note 23.5.4A - Other relevant District Plan provisions

1. Parking areas must comply with the standards in Section 6.6: Parking, Loading and Access Standards.

## 23.5.5 Noise

Land use activities must comply with Rule 9.3.6.

# Rule 23.6 Development Performance Standards

## 23.6.1 Boundary Treatments and Other Landscaping

1. Where a building is not built within 5m of a road frontage, a landscaping area with a minimum width of 1.5m must be provided along the full length of the road frontage (except for where vehicle access is provided).
2. Landscaping areas must:
    a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
    b. have an average of one tree for every 5m of frontage;
    c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
    d. be designed to allow surface water run-off from surrounding areas to enter;
    e. be protected by a physical barrier that prevents cars from damaging plants;
    f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a minimum height of 5m within 10 years of planting;
    g. be planted prior to occupation of any relevant building(s) or upon completion of site development activities; and
    h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any road frontage landscaping required by this rule.
4. Activities that contravene this performance standard are restricted discretionary activities.

## 23.6.2 Hazardous Substances Quantity Limits and Storage Requirements

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

## 23.6.3 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.

## 23.6.4 Maximum Height

1. The maximum height of new buildings and structures, and additions and alterations, must not exceed 20m above ground level.
2. Rooftop structures are exempt from the performance standard for maximum height, provided they do not exceed the maximum height limit by more than 5m.
3. Activities that contravene the performance standard for maximum height but are no greater than 48m in height are a restricted discretionary activity.
4. Activities that contravene the performance standard for maximum height and are over 48m in height are a discretionary activity.

### 23.6.5 Minimum Glazing and Building Modulation

1. New buildings and additions and alterations to buildings must be designed to provide the following minimum building modulation and minimum glazing requirements for any parts of buildings which face (are parallel to) and are visible from the road frontage is as follows:
   a. minimum distance between building modulation elements 20m; or
   b. minimum glazing of 20%.
2. The required glazing will be calculated as a percentage of the total wall area (from floor to ceiling) that faces the road frontage and that includes clear glass. In the case of curved walls, the wall area will be calculated as the part of the wall which is $45^{0}$ either side of a point directly facing (parallel to) the road frontage (see Figure 18.6.11A)
3. Except that the minimum glazing standard in Rule 23.6.5.1 does not apply to scheduled heritage buildings.
4. Activities that contravene this performance standard are restricted discretionary activities.

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

1. Signs must comply with the following standards, except the following signs are exempt from these standards:
   a. signs that are not visible from outside the Dunedin Hospital Zone**;**
   b. regulatory signs, warning signs, or directional signs; and
   c. building names (excluding sponsorship names).
2. Signs located on or above the footpath must comply with Rule 6.7.2.
3. Signs must comply with Rule 6.7.3 where visible from a road.
4. Signs related to ancillary retail and ancillary restaurants must not be visible outside the Dunedin Hospital Zone.
5. Signs higher than 4m above ground level must only display the business name or major facility name.
6. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.

#### 23.6.6.7 Signs attached to buildings

a. The height, above ground level, at the highest point of any sign, attached to a building is 8m.
b. Signs must not be attached to roofs.
c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
d. Signs attached flat against a building must:
   i. not cumulatively exceed 15% of the total wall area (excluding windows) that face the road frontage, or 8m², whichever is lesser; and
   ii. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.
e. If attached on the underside of a verandah or protruding from a building façade, must:
   i. where attached to the façade of a building, have a maximum area per display face of 2m²;
   ii. where attached to the façade of a building, must not project more than 1.5m from the façade to which it is attached;
   iii. have a maximum of 2 display faces per sign; and

iv. not exceed 1 sign per 15m of road frontage.

23.6.6.8 Freestanding signs

a. The maximum number of permanently fixed freestanding signs is 1 per 50m of road frontage.

b. The maximum number of portable freestanding signs within the zone is 2.

c. The maximum dimensions of freestanding signs are:
   i. maximum height of 6m for permanently fixed freestanding signs;
   ii. maximum height of 4m for portable freestanding signs;
   iii. maximum area of 12m² per display face for permanently fixed freestanding signs;
   iv. maximum area of 8m² per display face for portable freestanding signs;
   v. maximum width of 2m; and
   vi. maximum depth of 400mm.

d. Freestanding signs must:
   i. not obstruct parking, loading and access areas; and
   ii. be positioned entirely within the site boundaries.

**Note 23.6.6A - Other requirements outside of the District Plan**

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

### 23.6.7 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

### 23.6.8 Setback from Scheduled Tree

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

### 23.6.9 Verandahs

1. New buildings or additions and alterations to the façade of buildings must have a verandah that covers the full width of the main pedestrian entrance.
2. Activities that contravene this performance standard are restricted discretionary activities.

## Rule 23.7 Subdivision Performance Standards

Subdivision activities must comply with Rule 34.7.

# Rule 23.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

## Rule 23.8.1 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 23.8.2 - 23.8.5:
   a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Rules 23.8.2 - 23.8.5 apply as follows:
   a. Rule 23.8.2 applies to all performance standard contraventions;
   b. Rule 23.8.3 applies to land use performance standard contraventions;
   c. Rule 23.8.4 applies to development performance standard contraventions; and
   d. Rule 23.8.5 applies to subdivision performance standard contraventions.

| **23.8.2 Assessment of all performance standard contraventions** | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | All performance standard contraventions | *Relevant objectives and policies:*<br>a. Objective 23.2.1<br>*Potential circumstances that may support a consent application include:*<br>b. The degree of non-compliance with the performance standard is minor<br>c. The need to meet other performance standards, or site specific factors, make meeting the standard impracticable.<br>d. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur.<br>e. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan.<br>*General assessment guidance:*<br>f. Where more than one standard is contravened, the combined effects of the contraventions should be considered. |

| 23.8.3 Assessment of land use performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 2. | Minimum mobility car parking | a. NA | See Rule 6.10 |
| | | b. Effects on accessibility | |

| 23.8.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Boundary treatments and other landscaping | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 23.2.2<br>ii. Development maintains or enhances streetscape amenity by ensuringan attractive street interface through landscaping where buildings are not built to the street frontage (Policy 23.2.2.1.a). |
| 2. | Hazardous substances quantity limits and storage requirements | a. Effects on health and safety | See Rule 9.5 |
| 3. | Location and screening of service areas | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 23.2.2<br>ii. Development maintains or enhances streetscape amenity by ensuring service areas are located or screened so they are not visible from ground level of a public place (Policy 23.2.2.1.c).<br>*Potential circumstances that may support a consent application include:*<br>iii. Screening would unduly restrict the usability of the site. |
| 4. | Maximum height (buildings no greater than 48m in height) | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 23.2.2<br>ii. Buildings greater than 20m in height minimise as far as practicable adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the harbour towards the Otago Peninsula, through the use of quality and contextually appropriate architectural design (Policy 23.2.2.2.a). |
| | | b. Effects on pedestrian amenity | *Relevant objectives and policies:*<br>i. Objective 23.2.2<br>ii. Buildings are designed to minimise as far as practicable adverse effects of shading and wind on pedestrian amenity (Policy 23.2.2.2.b). |

| 23.8.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 5. | Minimum glazing and building modulation | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 23.2.2<br>ii. Development maintains or enhances streetscape amenity by ensuring an architecturally interesting façade through building modulation and use of glazing (Policy 23.2.2.1.b). |
| 6. | Number, location and design of ancillary signs | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 23.2.2<br>ii. Ancillary signs visible from outside the zone are located and designed to maintain streetscape amenity, by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose (Policy 23.2.2.6).<br>*Potential circumstances that may support a consent application include:*<br>iii. An attractive streetscape is maintained. |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 7. | Parking, loading and access standards | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 8. | Setback from scheduled tree | a. Effects on long term health of tree | See Rule 7.6 |
| 9. | Verandahs | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 23.2.2<br>ii. Buildings provide a good level of pedestrian amenity by providing shelter over pedestrian entrances (Policy 23.2.2.5).<br>*Potential circumstances that may support a consent application include:*<br>iii. The design and location of the building, and/or design of the verandah, allows for appropriate shelter of pedestrians from the weather. |

| 23.8.5 Assessment of subdivision performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | Subdivision performance standards | See Rule 34.9 |

# Rule 23.9 Assessment of Restricted Discretionary Activities

## Rule 23.9.1 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 23.9.2 - 23.9.4:
   a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provide guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Rules 23.9.2 - 23.9.4 apply as follows:
   a. Rule 23.9.2 applies to restricted discretionary land use activities;
   b. Rule 23.9.3 applies to restricted discretionary development activities; and
   c. Rule 23.9.4 applies to restricted discretionary subdivision activities.
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** 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 23.8; 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 23.10; 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 23.11; and
      iii. the assessment guidance in this section will also be considered.

| 23.9.2 Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | a. Effects on accessibility | See Rule 6.11 |
| | | b. Effects on the safety and efficiency of the transport network | |
| 2. | Early childhood education - large scale | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | b. Reverse sensitivity effects | *Relevant objectives and policies:*<br>i. Reverse sensitivity will be avoided as far as practicable (Policy 23.2.2.4). |

| 23.9.3 Assessment of restricted discretionary development activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | High trip generators:<br>• New, or additions to, parking areas that result in 50 or more new parking spaces | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | b. Effects on accessibility | |

| 23.9.4 Assessment of restricted discretionary subdivision activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Subdivision activities | a. Effects on the efficient and effective operation of Dunedin Hospital | *Relevant objectives and policies:*<br>i. Objective 2.3.1<br>ii. Objective 23.2.1<br>iii. Subdivision activities do not adversely affect the efficient and effective operation of Dunedin Hospital (Policy 23.2.1.5.b). |
| | | See Rule 34.10 | |

# Rule 23.10 Assessment of Discretionary Activities

## Rule 23.10.1 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 23.10.2 and 23.10.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', 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. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
   c. general assessment guidance, including any effects that will be considered as a priority; and
   d. conditions that may be imposed.
3. Rules 23.10.2 and 23.10.3 apply as follows:
   a. Rule 23.10.2 applies to all discretionary activities; and
   b. Rule 23.10.3 applies to discretionary performance standard contraventions.
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.

| 23.10.2 Assessment of all discretionary activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | All discretionary land use activities listed below:<br>• all activities in the community activities category except early childhood education and conservation | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.3.1<br>b. Objective 23.2.1<br>c. Activities that are ancillary to hospital activity are designed and operated in line with Objective 23.2.2 and its policies (Policy 23.2.1.2).<br>d. Activities that are not ancillary to hospital activity:<br>i. are related to or support the Dunedin Hospital, or have other operational requirements that mean they need to locate in the zone;<br>ii. support the efficient and effective operation of Dunedin Hospital;<br>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>iv. are designed and operated in line with Objective 23.2.2 and its policies (Policy 23.2.1.3).<br>*Potential circumstances that may support a consent application include:*<br>e. 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.<br>f. All relevant land use performance standards are met, including noise and light spill standards.<br>*General assessment guidance:*<br>g. In assessing the significance of effects, consideration will be given to:<br>i. short to long term effects, including effects in combination with other activities; and<br>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.<br>*Relevant guidance from other sections (priority considerations):*<br>h. 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.<br>i. 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.<br>j. 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. |

| 23.10.3 Assessment of discretionary performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Acoustic insulation<br>• Noise - where the limit is exceeded by less than 5dB LAeq (15min)<br>• Light spill - where the limit is exceeded by 25% or less | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |
| 2. | Maximum height (buildings over 48m in height) | *Relevant objectives and policies (priority considerations):*<br>a. Objective 23.2.2<br>b. Buildings over 48m in height are only allowed where:<br>i. the height is essential to the operation of hospital activities; and<br>ii. the height exceedance is minimal (Policy 23.2.2.3).<br>c. Buildings minimise, as far as practicable, adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the harbour towards the Otago Peninsula, through the use of quality and contextually appropriate architectural design (Policy 23.2.2.2.a).<br>d. Buildings are designed to minimise as far as practicable adverse effects of shading and wind on pedestrian amenity (Policy 23.2.2.2.b). |

# Rule 23.11 Assessment of Non-complying Activities

## Rule 23.11.1 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 23.11.2 - 23.11.3 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 23.11.2 and 23.11.3 apply as follows:
   a. Rule 23.11.2 applies to non-complying land use activities; and
   b. Rule 23.11.3 applies to non-complying performance standard contraventions
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.

| 23.11.2 Assessment of non-complying land use activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | All non-complying land use activities including but not limited to the activitieslisted below: | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.3.1<br>b. Objective 2.3.2 and Policy 2.3.2.2<br>c. Objective 2.4.3 and Policy 2.4.3.4<br>d. Objective 23.2.1<br>e. Activities not ancillary to hospital activity:<br>i. are related to or support Dunedin Hospital, or have other operational requirements that mean they need to locate in the zone;<br>ii. support the efficient and effective operation of Dunedin Hospital;<br>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>iv. are designed and operated in line with Objective 23.2.2 and its policies (Policy 23.2.1.3).<br>*General assessment guidance:*<br>f. In assessing the significance of effects consideration will be given to:<br>i. both short and long term effects, including effects in combination with other activities;<br>ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent; and<br>iii. any effects otherwise managed through performance standards and consistent with all relevant objectives and policies for the zone.<br>g. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.<br>*Relevant guidance from other sections (priority considerations):*<br>h. See Section 6.13 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.<br>i. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety.<br>j. 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. |
| 2. | Commercial advertising | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.4.1<br>b. Policy 2.4.1.6.c |

| 23.11.3 Assessment of non-complying performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Light spill - where the limit is exceeded by greater than 25%<br>• Noise - where the limit is exceeded by 5dB LAeq (15 min) or more<br>• Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |

# 24. Dunedin International Airport

## 24.1 Introduction

Dunedin International Airport is situated at Momona. It occupies an area of approximately 300 hectares and is owned and operated by Dunedin International Airport Limited (DIAL). The airport is surrounded by rural zoned land.

Dunedin International Airport is an integral part of the local and regional transport network, providing a link to national and international destinations for passengers, goods and freight. There has been steady growth in passenger numbers and freight volumes, both domestic and international, and a continuation of this growth is expected. The airport is a physical resource that provides for the economic and social well-being of the Dunedin area and beyond.

The operation of the airport is undertaken in accordance with two designations (D273 - Aerodrome and Runway Extension, and D274 - Flight Path Protection), which extend across the majority of the Dunedin International Airport Zone and beyond. The designations focus upon ensuring the safe and efficient operation of the airport activity, while securing a future runway extension and providing a limited range of associated activities.

The zone includes the airport and immediately adjacent rural land, together with the site occupied by Momona Garage. Momona village is zoned residential. The Dunedin International Airport Zone recognises the function of the Dunedin International Airport within the transport network, sustainable management of the resource and the need to manage effects of activities located at the airport. The zone enables an integrated approach to the management of the airport resource.

The intention is that development within the Dunedin International Airport Zone is clearly associated with the operation and functions of the airport. This will ensure land within the zone is retained for its primary operational functions. The provisions allow for the continued use and development of Dunedin International Airport and provide certainty for airport operators and the community, while managing effects on neighbouring land uses.

# 24.2 Objectives and Policies

| Objective 24.2.1 | |
|---|---|
| Dunedin International Airport is able to operate efficiently and effectively. | |
| Policy 24.2.1.1 | Enable airport activity at Dunedin International Airport. |
| Policy 24.2.1.2 | Provide for commercial activities ancillary to airport, office, service stations, and visitor accommodation where they are designed and operated in line with Objective 24.2.2 and its policies. |
| Policy 24.2.1.3 | Only allow activities that are not ancillary to airport activity where:<br>a. they are related to or support Dunedin International Airport, or have other operational requirements that mean they need to locate in the zone;<br>b. they will support the efficient and effective operation of Dunedin International Airport;<br>c. they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>d. they are designed and operated in line with Objective 24.2.2 and its policies. |
| Policy 24.2.1.4 | Only allow subdivision where the subdivision does not adversely affect the efficient and effective operation of Dunedin International Airport. |

| Objective 24.2.2 | |
|---|---|
| Land use activities and development necessary to meet the reasonably foreseeable needs of Dunedin International Airport is enabled, while ensuring it:<br>a. achieves a high standard of on-site amenity for airport users; and<br>b. minimises adverse effects on rural amenity as far as practicable. | |
| Policy 24.2.2.1 | Require buildings and structures to be of a height and setback that reduces their visual impact on the rural environment. |
| Policy 24.2.2.2 | Require landscaping of new buildings, parking areas and outdoor storage areas, to ensure a high standard of visual amenity is maintained adjacent to public roads and the rural zones. |
| Policy 24.2.2.3 | Require development to maintain on-site and rural amenity by ensuring service areas are not visible from publicly accessible areas within or outside the zone. |
| Policy 24.2.2.4 | Require ancillary signs to be located and designed to maintain visual amenity for airport users, including by being of an appropriate size and number to convey information about the name, location and nature of the activities on-site, and not being too numerous or oversized for that purpose. |
| Policy 24.2.2.5 | Require commercial activities ancillary to airport to be designed, located and operated to primarily serve staff and visitors to the Dunedin International Airport. |
| Policy 24.2.2.6 | Require tourism advertising signage and other commercial advertising in permitted locations to be of a size and number that:<br>a. will not detract from the amenity of the airport as an international gateway; and<br>b. ensures any adverse effects on the rural amenity outside the Dunedin International Airport Zone are no more than minor. |

| Objective 24.2.2 | |
|---|---|
| Land use activities and development necessary to meet the reasonably foreseeable needs of Dunedin International Airport is enabled, while ensuring it:<br>a. achieves a high standard of on-site amenity for airport users; and<br>b. minimises adverse effects on rural amenity as far as practicable. | |
| Policy 24.2.2.X | Avoid commercial advertising outside permitted locations unless:<br>a. considering the potential for cumulative adverse effects from future signage, it will not detract from the amenity of the airport as an international gateway; and<br>b. it will have no more than minor adverse effects on rural amenity outside the Dunedin International Airport Zone. |

# Rules

## Rule 24.3 Activity Status

### 24.3.1 Rule location

The activity status tables in rules 24.3.3 to 24.3.6 specify the activity status of land use activities, development activities, and subdivision activities in the Dunedin International Airport Zone and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

1. Public Amenities (Section 3)
2. Temporary Activities (Section 4) - note that this section includes provisions that apply to construction and site investigation
3. Network Utilities (Section 5)
4. Transportation (Section 6)
5. Scheduled Trees (Section 7)
6. Natural Hazard Mitigation Activities (Section 8)
7. Earthworks (Section 8A)

### 24.3.2 Activity status introduction

1. The activity status tables in rules 24.3.3 - 24.3.5 show the activity status of activities in the Dunedin International Airport Zone and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. Development activities that are lawfully present at the time any relevant rules in this Plan have legal effect are not managed by those rules (the rules do not apply to existing lawfully established development activities).
6. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

*Additional activity status rules in hazard overlay zones*

7. For the purpose of the hazards provisions, activities are categorised as natural hazards sensitive activities, natural hazards potentially sensitive activities or natural hazards least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
8. In the hazard 2 overlay zones, the activity statuses in Rule 24.3.6 apply to the following activities:
    i. natural hazards sensitive activities and natural hazards potentially sensitive activities; and
    ii. new buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m² of new ground floor area.
9. Where the activity status in Rule 24.3.6 differs from that in rules 24.3.3 - 24.3.5, the most restrictive activity

status always applies.

10. In addition to the rules in Rule 24.3.6, performance standards for development activities within hazard overlay zones are included in rules 24.3.3 - 24.3.5.
11. Activities in a hazard overlay zone must comply with all of the rules in 24.3.3 - 24.3.5.

*Performance Standards*

12. Performance standards are listed in the far right column of the activity status tables.
13. Performance standards apply to permitted, controlled, and restricted discretionary activities.
14. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.
15. 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 | Meaning |
|---|---|
| P | Permitted Activity |
| C | Controlled Activity |
| RD | Restricted Discretionary Activity |
| D | Discretionary Activity |
| NC | Non-complying Activity |
| Pr | Prohibited |
| DIA | Dunedin International Airport Zone |
| ANIC | **Airport Noise Inner Control Mapped Area** |
| Haz2 | Hazard 2 Overlay Zones |

## 24.3.3 Activity status table - land use activities

| | | | |
|---|---|---|---|
| 1. | Performance standards that apply to all land use activities | | a. Acoustic insulation (noise sensitive activities)<br>b. Light spill<br>c. Noise<br>d. Setback from Critical Electricity Distribution Infrastructure |
| All land use activities | | Activity status | Performance standards |
| X. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | RD | |
| Major facility activities | | Activity status | Performance standards |
| | | a. DIA / b. ANIC | |

| | | | | |
|---|---|---|---|---|
| 2. | Airport | P | P | i. Minimum mobility car parking |
| 3. | Emergency services | P | P | |
| 4. | All other activities in the major facility activities category | NC | NC | |
| Commercial activities | | a. DIA | b. ANIC | Performance standards |
| 5. | Commercial activities ancillary to airport activity | P | P | i. Location |
| 6. | Conference, meeting and function ancillary to visitor accommodation | P | P | |
| 7. | Office | D | D | |
| 8. | Service stations | RD | RD | i. Service station performance standards |
| 9. | Visitor accommodation | P | P | i. Minimum vehicle loading |
| 10. | Tourism advertising | P | P | i. Number and location of tourism signs |
| 11. | Other commercial advertising | P | P | i. Number and location of other commercial advertising signs |
| 12. | All other activities in the commercial activities category | NC | NC | |
| Residential activities | | a. DIA | b. ANIC | Performance standards |
| 13. | Standard residential | NC | Pr | |
| 14. | Working from home | P | Pr | |
| 15. | Supported living facilities | NC | Pr | |
| Community activities | | a. DIA | b. ANIC | Performance standards |
| 16. | Conservation | P | P | |
| Y. | Healthcare | D | D | |
| 17. | All other activities in the community activities category | NC | NC | |
| Rural activities | | a. DIA | b. ANIC | Performance standards |
| 18. | Farming | P | P | |
| 19. | Grazing | P | P | |
| 20. | All other activities in the rural activities category | NC | NC | |
| Industrial activities | | a. DIA | b. ANIC | Performance standards |
| 21. | All activities in the industrial activities category | D | D | |

### Note 24.3.3X- Other requirements outside of the District Plan

1. Any electrical equipment used for an activity must be designed to meet the New Zealand electromagnetic compatibility

(EMC) standards, to ensure there are no effects from electrical interference on surrounding sites. The Radio Spectrum Management (RSM) is the governing body which regulates EMC products in New Zealand and investigates interference to safety services, radiocommunication systems and broadcast services such as radio and television reception.

### 24.3.4 Activity status table - development activities

| Building and structures activities | | Activity status | Performance standards |
|---|---|---|---|
| 1. | All buildings and structures activities | P | a. Boundary setbacks<br>b. Maximum height<br>c. Number, location and design of ancillary signs |
| Site development activities | | Activity status | Performance standards |
| 2. | Outdoor storage | P | a. Boundary treatments and other landscaping |
| 3. | Service areas | P | a. Location and screening of service areas |
| 4. | Parking, loading and access | P | a. Boundary treatments and other landscaping<br>b. Parking, loading and access standards |
| 5. | Storage and use of hazardous substances | P | a. Hazardous substances quantity limits and storage requirements |
| X. | New or additions to parking areas that result in 50 or more new parking spaces | RD | a. Boundary treatments and other landscaping<br>b. Parking, loading and access standards |
| 6. | All other site development activities | P | |

#### Note 24.3.4A - General advice

1. 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. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
2. An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.

### 24.3.5 Activity status table - subdivision activities

| Subdivision activities | | Activity status | Performance standards |
|---|---|---|---|
| 1. | Subdivision activities | D | |

#### Note 24.3.5A - Other RMA considerations

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.

### 24.3.6 Activity status in Hazard 2 (flood) Overlay Zones

| Activity | | Activity Status |
|---|---|---|
| Land Use Activities | | |
| 1. | Natural hazards sensitive activities and natural hazards potentially sensitive activities | RD |
| Development Activities | | |
| 2. | New buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m² of new ground floor area | RD |

#### Note 24.3.6A - Other RMA considerations

X Section 10 of the RMA (existing use rights) provides for land to be used in a manner that contravenes a rule in a district plan if the use was lawfully established before the rule became operative or the proposed plan was notified, and the effects of the use are the same or similar in character, intensity and scale to those which existed before the rule became operative or the proposed plan was notified.

2. Accordingly, activities that are shown to have effects that are the same or similar in character, intensity and scale to those which existed before the rule became operative or the proposed plan was notified will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 24.3.6. However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of effects from the land use activity.

#### Note 24.3.6B - Other requirements outside the District Plan

1. Clause E1 – Surface water of the New Zealand Building Code (Building Regulations 1992, Schedule 1) contains requirements regarding buildings and sitework (including earthworks) in relation to managing surface water and effects on other property.
2. Buildings and structures that will divert water may require resource consent under the Otago Regional Plan: Water.
3. If buildings and structures affect the flow of water, this effect is also subject to the common law principle of natural servitude.

#### Note 24.3A - General advice

1. Dunedin International Airport Limited holds two designations, D273 (airport activities, operation and runway extension) and D274 (take-off and approach fan).
2. Airways Corporation of New Zealand Limited hold a number of designations for airport-related structures (D388 - D409).
3. Details of the designations can be found in Appendix A1.4.

## Rule 24.4 Notification

1. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
    1. all restricted discretionary activities that list 'effect on cultural values of Manawhenua' as a matter for

discretion.

2. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

# Rule 24.5 Land Use Performance Standards

## 24.5.1 Acoustic Insulation

Noise sensitive activities in the **airport noise outer control mapped area** and the **airport noise inner control mapped area** must comply with Rule 9.3.1.

## 24.5.3 Light Spill

1. On-site lighting (other than runway, navigational and other operational lighting) within the Dunedin International Airport Zone must be positioned, directed and maintained so that light spill outside of the zone does not exceed 16 Lux when measured:
   a. 10 metres outside the zone boundary;
   b. in both the horizontal and vertical planes; and
   c. with the runway, navigation and associated operational lighting turned off.
2. Rule 24.5.3.1 does not apply where the adjoining zone is a residential zone.
3. Light spill measured at any point of the vertical plane that marks the boundary of any site within a residential zone, or, in any other zone, the notional boundary of any residential building, must not exceed the following limits:

| Time | | Limit |
|---|---|---|
| a. | 7.00am - 10.00pm | 10 Lux |
| b. | 10.00pm - 7.00am | 3 Lux |

   c. except, this standard does not apply to headlights of motor vehicles, operating on roads or driveways/vehicle tracks or from street lighting, but it does apply to parking/loading areas with over 5 vehicles.
   d. any outdoor lighting must ensure that direct or indirect illumination does not exceed 3 lux at the windows of residential buildings within residential zones and the notional boundary of residential buildings in any other zone.
   e. Light spill must not be emitted in the angles above the horizontal.
   f. All outdoor lighting, except street lighting, must be shielded from or directed away from adjacent roads and site boundaries.
4. Activities that contravene the performance standard for light spill are non-complying activities.

## 24.5.4 Location

1. For office activity and commercial activities ancillary to airport activity (except vehicle rental facilities), customer access must only be available from inside terminal buildings.
2. Activities that contravene this performance standard are restricted discretionary activities.

## 24.5.5 Minimum Mobility Car Parking

1. Airport activity must provide a minimum of 20 mobility parking spaces.
2. NA.
3. Visitor accommodation must provide mobility parking spaces as follows:

| Total number of parking spaces provided | Minimum number of these that must be mobility parking spaces |
|---|---|

| | | |
|---|---|---|
| i. | 1 - 20 | 1 parking space |
| ii. | 21 - 50 | 2 parking spaces |
| iii. | For every additional 50 parking spaces | 1 additional parking space |

4. NA.
5. NA.
6. Activities that contravene this performance standard are restricted discretionary activities.

**Note 24.5.5A - Other relevant District Plan provisions**

1. Parking areas must comply with the standards in Section 6.6: Parking, Loading and Access Standards.

### 24.5.6 Minimum Vehicle Loading

1. Visitor accommodation units with greater than 50 individual rooms must provide one loading space to accommodate a coach with minimum dimensions (See Appendix 6B, Figure 6B.12).
2. Required vehicle loading must be designed and constructed to comply with Rule 6.6.2.

### 24.5.7 Noise

Land use activities must comply with Rule 9.3.6.

### 24.5.8 Service Station Standards

Service stations must comply with Rule 6.7.1.

### 24.5.9 Number and Location of Tourism Signs

1. Tourism advertising located outside terminal buildings must not:
   a. exceed a total maximum signage area of 200m²;
   b. be visible from a public place outside the Dunedin International Airport Zone;
   c. exceed 8m in height (as measured from finished ground level);
   d. exceed 400mm in depth;
   e. have any display face that exceeds 18m²; or
   f. obstruct parking, loading or access areas.
2. Activities that contravene this performance standard are restricted discretionary activities.

## 24.5.10 Number and Location of Other Commercial Advertising Signs

1. All commercial advertising (other than tourism advertising) must:
   a. be located in the permitted locations specified in Table 24.5.10A; and
   b. not exceed the maximum number of signs or the maximum dimensions of signs for that location in Table 24.5.10A.

**Table 24.5.10A**

| Permitted locations | | Maximum number of signs | Maximum dimensions of signs |
|---|---|---|---|
| Main airport area (Figure 24.5.10A) | | | |
| 2. | Area A | a. One double-sided freestanding sign | i. Maximum height of 8m<br>ii. Maximum depth of 400mm<br>iii. Maximum area of 18m² per display face |
| 3. | Area B | a. One single-sided freestanding sign | i. Maximum height of 8m<br>ii. Maximum depth of 400mm<br>iii. Maximum area of 18m² per display face |
| Airport parking areas (car parks) | | | |
| 4. | Airport parking areas for use by the travelling public (car parks) | a. No maximum number of signs | i. Maximum height of 8m<br>ii. Maximum depth of 400mm<br>iii. Maximum area of 18m² per display face<br>iv. Any signs in parking areas (car parks) in Area C of Figure 24.5.10A must be oriented:<br>1. to be viewed primarily by users of the car park; and<br>2. such that the display faces are not visible from Airport Road |
| Momona garage site (Figure 24.5.10B) | | | |
| 5. | Area A | a. No maximum number of signs<br>b. Signs must be attached to only one building facade of any building | i. Maximum area of 50% of the surface area of the building facade |
| 6. | Area B | a. One double-sided freestanding sign | i. Maximum area of 5.25m² per display face<br>ii. Maximum height of 1.1m |

7. For the purposes of this rule maximum height is height as measured from finished ground level.
8. Commercial advertising (other than tourism advertising) that contravenes the permitted locations in Table 24.5.10A is a non-complying activity.

9. Commercial advertising (other than tourism advertising) that contravenes the maximum number of signs or maximum dimensions of signs in Table 24.5.10A is a restricted discretionary activity.

10. Commercial advertising if illuminated or digital must also comply with Rule 6.7.3.3, including by not being flashing.

Figure 24.5.10A: Main airport area signage

Figure 24.5.10B: Momona garage site signage

# Rule 24.6 Development Performance Standards

## 24.6.1 Boundary Setbacks

1. New buildings and structures, and additions and alterations, must be set back 20m from any boundary with a rural zone or any road.
2. Except fences, ancillary signs and all buildings and structures in section 73 IV Maungatua Survey District (CT 15D/487) are exempt from the performance standard.
3. Activities that contravene this performance standard are restricted discretionary activities.

24.6.1.X Setback from Critical Electricity Distribution Infrastructure

New buildings, new structures and additions and alterations must comply with Rule 5.6.X.1.

## 24.6.2 Boundary Treatments and Other Landscaping

1. For all parking areas, new buildings and outdoor storage areas within 5m of Miller Road, Otokia Road, Centre Road or a rural zone, a landscaping area with a minimum width of 1.5m must be provided along the full length of the road frontage (except for where vehicle access is provided).
2. Landscaping areas must:
   a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
   b. have an average of one tree for every 5m of frontage;
   c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
   d. be designed to allow surface water run-off from surrounding areas to enter;
   e. be protected by a physical barrier that prevents cars from damaging plants;
   f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a minimum height of 5m within 10 years of planting;

g. be planted prior to occupation of any relevant building(s) or upon completion of site development activities; and

h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.

3. Any road boundary fences provided must be placed on the property side of any road frontage landscaping required by this rule.

4. Activities that contravene this performance standard are restricted discretionary activities.

### 24.6.3 Hazardous Substances Quantity Limits and Storage Requirements

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

### 24.6.4 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 publicly accessible places within or outside the zone.

2. Service areas must not encroach into required parking, loading or manoeuvring areas.

3. Activities that contravene this performance standard are restricted discretionary activities.

### 24.6.5 Maximum Height

1. The maximum height of new buildings and structures, and additions and alterations, must not exceed 20m above ground level.

2. Rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more than 5m.

3. Activities that contravene this performance standard are restricted discretionary activities.

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

#### 24.6.6.1 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 any public place outside the Dunedin International Airport Zone;
   ii. regulatory signs, warning signs, or directional signs; and
   iii. building names (excluding sponsorship names).

b. Signs located on or above the footpath must comply with Rule 6.7.2.

c. Signs must comply with Rule 6.7.3 where visible from a road.

d. Signs related to commercial activities, except service station activity, must not be visible from a public place outside the Dunedin International Airport Zone.

e. Signs higher than 4m above ground level must only display the business name or major facility name.

f. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.

#### 24.6.6.2 Signs attached to buildings

a. The height, above ground level, at the highest point of any sign, attached to a building is 8m.

b. Signs must not be attached to roofs.

c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.

d. Signs attached flat against a building must:
   i. not cumulatively exceed 15% of the total wall area (excluding windows) that face the road frontage, or 8m², whichever is lesser; and
   ii. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

e. If attached on the underside of a verandah or protruding from a building façade, signs must:
   i. where attached to the façade of a building, not protrude more than 1.5m from the façade;
   ii. have a maximum area per display face of 2m²;
   iii. have a maximum of 2 display faces per sign;
   iv. not exceed 1 sign per 15m of road frontage; and
   v. not exceed 3 signs per building, for buildings with a single premise.

24.6.6.3 Freestanding signs

a. The maximum number of freestanding signs is:
   i. 1 per 50m of road frontage (including private airport roads) for permanently fixed freestanding signs; and
   ii. 1 per 15m of road frontage (including private airport roads) for portable freestanding signs.

b. Freestanding signs must not exceed:
   i. 8m in height for permanently fixed freestanding signs;
   ii. 4m in height for portable freestanding signs;
   iii. an area of 16m² per display face for permanently fixed freestanding signs;
   iv. an area of 8m² per display face for portable freestanding signs;
   v. a width of 2m; and
   vi. a depth of 400mm.

c. Freestanding signs must:
   i. not obstruct parking, loading and access areas; and
   ii. be positioned entirely within the site boundaries.

**Note 24.6.6A - Other relevant District Plan provisions**

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

**Note 24.6.6B - Other requirements outside of the District Plan**

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

### 24.6.7 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

# Rule 24.7 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

## Rule 24.7.1 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 24.7.2 - 24.7.5:
   a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Rules 24.7.2 - 24.7.4 apply as follows:
   a. Rule 24.7.2 applies to all performance standard contraventions;
   b. Rule 24.7.3 applies to land use performance standard contraventions; and
   c. Rule 24.7.4 applies to development performance standard contraventions.

| **24.7.2 Assessment of all performance standard contraventions** | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | All performance standard contraventions | *Potential circumstances that may support a consent application include:*<br>a. The degree of non-compliance with the performance standard is minor.<br>b. The need to meet other performance standards or topography, or other site specific factors, make meeting the standard impracticable.<br>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.<br>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.<br>*General assessment guidance:*<br>e. Where more than one standard is contravened, the combined effects of the contraventions should be considered. |

| 24.7.3 Assessment of land use performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Location (commercial activities ancillary to airport) | a. Effects on the vibrancy, and economic and social success of the CBD and centres | *Relevant objectives and policies:*<br>i. Objective 24.2.2<br>ii. Commercial activities ancillary to airport are designed, located and operated to primarily service staff and visitors to the Dunedin International Airport (Policy 24.2.2.5). |
| 2. | Minimum mobility car parking | a. NA<br>b. Effects on accessibility | See Rule 6.10 |
| 3. | Minimum vehicle loading | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 4. | Number and location of tourism signs | a. Effects on rural amenity and amenity at Dunedin International Airport | *Relevant objectives and policies:*<br>i. Objective 24.2.1<br>ii. Tourism advertising signage in permitted locations is of a size and number that:<br>1. will not detract from the amenity of the airport as an international gateway, and<br>2. ensures any adverse effects on the rural amenity outside the Dunedin International Airport Zone are no more than minor (Policy 24.2.2.6). |
| 5. | Service station standards | a. Effects on the safety and efficiency of the transport network | See Rule 6.10. |
| X. | Number and location of other commercial advertising signs (maximum number of signs or maximum dimensions of signs) | a. Effects on amenity of the airport | *Relevant objectives and policies:*<br>i. Objective 24.2.2.<br>ii. Other commercial advertising in permitted locations is of a size and number that will not detract from the amenity of the airport as an international gateway (Policy 24.2.2.6.a). |
| | | b. Effects on rural amenity | *Relevant objectives and policies:*<br>i. Objective 24.2.2.<br>ii. Other commercial advertising in permitted locations is of a size and number that ensures any adverse effects on the rural amenity outside the Dunedin International Airport Zone are no more than minor (Policy 24.2.2.6.b). |

| 24.7.4 Assessment of development performance standard contraventions | | |
|---|---|---|
| Performance standard | Matters of discretion | Guidance on the assessment of resource consents |

| 24.7.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Boundary setbacks | a. Effects on rural amenity | *Relevant objectives and policies:*<br>i. Objective 24.2.2<br>ii. Buildings and structures are of a setback that reduces their visual impact on the rural environment (Policy 24.2.2.1). |
| 2. | Boundary treatments and other landscaping | a. Effects on on-site amenity<br>b. Effects on rural amenity | *Relevant objectives and policies:*<br>i. Objective 24.2.2<br>ii. Landscaping of new buildings, parking areas, and outdoor storage areas ensures a high standard of visual amenity is maintained adjacent to public roads and the rural zones (Policy 24.2.2.2). |
| 3. | Hazardous substances quantity limits and storage requirements | a. Effects on health and safety | See Rule 9.5 |
| 4. | Location and screening of service areas | a. Effects on on-site amenity<br>b. Effects on rural amenity | *Relevant objectives and policies:*<br>i. Objective 24.2.2<br>ii. Development maintains on-site and rural amenity by ensuring service areas are not visible from publicly accessible areas within or outside the zone (Policy 24.2.2.3). |
| 5. | Maximum height | a. Effects on rural amenity | *Relevant objectives and policies:*<br>i. Objective 24.2.2<br>ii. Buildings and structures are of a height that reduces their visual impact on the rural environment (Policy 24.2.2.1). |
| | | b. Effects on cultural values of Manawhenua | See Rule 14.3 |
| 6. | Number, location and design of ancillary signs | a. Effects on rural amenity | *Relevant objectives and policies:*<br>i. Objective 24.2.2<br>ii. Ancillary signs are located and designed to maintain visual amenity for airport users, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site, and not being oversized or too numerous for that purpose (Policy 24.2.2.4). |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.10 |

| 24.7.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 7. | Parking, loading and access standards | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |

| 24.7.5 Assessment of performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | In a hazard overlay zone:<br>• Hazardous substances quantity limits and storage requirements | a. Risk from natural hazards | See Rule 11.4 |
| X. | In the **Critical Electricity Distribution Infrastructure Corridor mapped area**:<br>• Setback from Critical Electricity Distribution Infrastructure (buildings, structures and city-wide activities | a. Effects on health and safety<br>b. Effects on efficient and effective operation of network utilities | See Rule 5.7. |

# Rule 24.8 Assessment of Restricted Discretionary Activities

## Rule 24.8.1 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 24.8.2 - 24.8.3:
   a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provide guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Rules 24.8.2 - 24.8.3 apply as follows:
   a. Rule 29.8.2 applies to restricted discretionary land use activities; and
   b. Rule 24.8.3 applies to restricted discretionary development activities.
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** 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 24.7; 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 24.9; 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 24.10; and
      iii. the assessment guidance in this section will also be considered.

| 24.8.2 Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | a. Effects on accessibility<br>b. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| 2. | Service stations | a. Effects on the safety and efficiency of the transport network<br>b. Effects on accessibility | See Rule 6.11 |

| 24.8.3 Assessment of restricted discretionary development activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | In the **hazard 2 (flood) overlay zones** (see Rule 24.3.6):<br>• New buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m² of new ground floor area<br>• Natural hazards sensitive activities<br>• Natural hazards potentially sensitive activities | a. Risk from natural hazards | See Rule 11.5 |
| 2. | High trip generators:<br>• New or additions to parking areas that result in 50 or more new parking spaces | a. Effects on accessibility<br>b. Effects on the safety and efficiency of the transport network | See Rule 6.11 |

# Rule 24.9 Assessment of Discretionary Activities

## Rule 24.9.1 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 24.9.2 - 24.9.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', 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. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
   c. general assessment guidance, including any effects that will be considered as a priority; and
   d. conditions that may be imposed.
3. Rules 24.9.2 - 24.9.3 apply as follows:
   a. Rule 24.9.2 applies to all discretionary activities; and
   b. Rule 24.9.3 applies to discretionary performance standard contraventions.
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.

| 24.9.2 Assessment of all discretionary activities | |
|---|---|
| Activity | Guidance on the assessment of resource consents |

| 24.9.2 Assessment of all discretionary activities | |
|---|---|
| Activity | Guidance on the assessment of resource consents |
| 1. • Healthcare<br>• Office<br>• All activities in the industrial activities category | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.3.1<br>b. Objective 2.3.2 and Policy 2.3.2.2<br>c. Objective 2.4.3 and Policy 2.4.3.4<br>d. Objective 24.2.1<br>e. Commercial activities ancillary to airport, office, service stations, and visitor accommodation are designed and operated in line with Objective 24.2.2 and its policies (Policy 24.2.1.2).<br>f. Activities that are not ancillary to airport:<br>i. are related to or support the Dunedin International Airport, or have other operational requirements that mean they need to locate in the zone;<br>ii. support the efficient and effective operation of Dunedin International Airport;<br>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>iv. are designed and operated in line with Objective 24.2.2 and its policies (Policy 24.2.1.3).<br>*Potential circumstances that may support a consent application include:*<br>g. 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.<br>h. All relevant land use performance standards are met, including noise and light spill standards.<br>*General assessment guidance:*<br>i. In assessing the significance of effects, consideration will be given to:<br>i. short to long term effects, including effects in combination with other activities; and<br>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.<br>*Relevant guidance from other sections (priority considerations):*<br>j. 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.<br>k. 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.<br>l. 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. |

| 24.9.2 Assessment of all discretionary activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 2. | Subdivision activities | *Relevant objectives and policies (priority considerations):*<br>a. Objective 24.2.1.<br>b. Subdivision activities do not adversely affect the efficient and effective operation of Dunedin International Airport (Policy 24.2.1.4)<br>*Relevant guidance from other sections (priority considerations):*<br>c. See Section 11.6. for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. |

| 24.9.3 Assessment of discretionary performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Acoustic insulation<br>• Noise - where the limit is exceeded by less than 5dB LAeq (15min) | *Relevant guidance from other sections (priority considerations):*<br>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. |

# Rule 24.10 Assessment of Non-complying Activities

## Rule 24.10.1 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 24.10.2 - 24.10.3 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 24.10.2 - 24.10.3 apply as follows:
   a. Rule 24.10.2 applies to non-complying land use activities; and
   b. Rule 24.10.3 applies to non-complying performance standard contraventions.
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.

| **24.10.2 Assessment of non-complying land use activities** | |
|---|---|
| Activity | Guidance on the assessment of resource consents |

| 24.10.2 Assessment of non-complying land use activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | All non-complying land use activities | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.3.1 and Policy 2.3.1.1<br>b. Objective 2.3.2 and Policy 2.3.2.2<br>c. Objective 2.4.3 and Policy 2.4.3.4<br>d. Objective 24.2.1 and Policy 24.2.1.3<br>*General assessment guidance:*<br>e. In assessing the significance of effects consideration will be given to:<br>i. both short and long term effects, including effects in combination with other activities; and<br>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.<br>f. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.<br>*Relevant guidance from other sections (priority considerations):*<br>g. See Section 6.13 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.<br>h. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety.<br>i. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua. |

| 24.10.3 Assessment of non-complying performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Light spill<br>• Noise - where the limit is exceeded by 5dB LAeq (15 min) or more<br>• Hazardous substances quantity limits and storage requirements (Rule 9.3.4) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |

| 24.10.3 Assessment of non-complying performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| X. | Number and location of other commercial advertising signs (permitted locations of commercial advertising signage) | *Relevant objectives and policies:*<br>a. Objective 2.4.1.<br>b. Policy 2.4.1.6.c.<br>c. Objective 24.2.2.<br>d. Avoid commercial advertising outside permitted locations unless:<br>i. considering the potential for cumulative adverse effects from future signage, it will not detract from the amenity of the airport as an international gateway; and<br>ii. it will have no more than minor adverse effects on rural amenity outside the Dunedin International Airport Zone (Policy 24.2.2.X). |

# 25. Edgar Centre

## 25.1 Introduction

The Edgar Centre is located at 116 Portsmouth Drive, Andersons Bay, and occupies a site of approximately three hectares in area. The site fronts onto the harbour, and is surrounded on the other three sides by industrially zoned land, which provides predominantly for industrial and large scale yard based retail activities.

The Edgar Centre is a large indoor venue and includes a number of arenas and meeting spaces that are used for social and competitive sport, functions, meetings, expos and concerts from local, national and international artists. A large car parking area services the Centre.

The key resource management issues are that land use activities on the Edgar Centre site have the potential to generate effects, particularly traffic, which may adversely affect the operation of surrounding industrial land uses or the safe and efficient operation of the transport network. Portsmouth Drive is classed as an 'industrial amenity route' and is managed to ensure the maintenance of views across the harbour and ensure a higher level of amenity for pedestrians and cyclists using it. The Edgar Centre Zone recognises the existing and foreseeable future uses of the site, providing certainty to the community and appropriately managing any adverse effects on the surrounding industrial zone and transport network.

## 25.2 Objectives and Policies

| Objective 25.2.1 | |
|---|---|
| The Edgar Centre is able to operate efficiently and effectively. | |
| Policy 25.2.1.1 | Enable major recreation facility activity in the Edgar Centre Zone. |
| Policy 25.2.1.2 | Provide for activities ancillary to a major recreation facility where they are designed and operated in line with Objective 25.2.2 and its policies. |
| Policy 25.2.1.3 | Only allow activities that are not ancillary to a major recreation facility where:<br>a. they are related to or support the Edgar Centre, or have other operational requirements that mean they need to locate in the zone;<br>b. they will support the efficient and effective operation of the Edgar Centre;<br>c. they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>d. they are designed and operated in line with Objective 25.2.2 and its policies. |
| Policy 25.2.1.4 | Enable land that is surplus to the needs of the Edgar Centre to transition to the Industrial Zone, so that future development that is not related to major recreation facility activity will be managed in accordance with the objectives and policies of that zone. |
| Policy 25.2.1.5 | Only allow subdivision activities where:<br>a. they are in accordance with the provisions of the Industrial Zone; and<br>b. the subdivision does not adversely affect the efficient and effective operation of the Edgar Centre. |

| Objective 25.2.2 | |
|---|---|
| Land use activities and development necessary for the Edgar Centre to meet the reasonably foreseeable needs of the community are enabled, while ensuring they:<br>1. achieve a reasonable standard of on-site amenity for facility users; and<br>2. maintain or enhance the amenity of surrounding areas as far as practicable. | |
| Policy 25.2.2.1 | Require buildings and structures to be of a height that:<br>a. is similar to the existing height of buildings of the surrounding Industrial Zone; and<br>b. avoids or minimises, as far as practicable, significant adverse effects on views from Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula. |
| Policy 25.2.2.2 | Only allow buildings and structures to exceed the maximum height limit where:<br>a. the height is essential to the operation of the Edgar Centre; and<br>b. all practicable measures have been taken to avoid or minimise the visual effects of the height limit exceedance. |
| Policy 25.2.2.3 | Require development along Portsmouth Drive (**amenity route mapped area**) to provide a high level of streetscape amenity by:<br>a. providing landscaping of a height and density adequate to maintain or enhance the amenity of the route; and<br>b. setting back buildings an adequate distance to allow this landscaping. |
| Policy 25.2.2.4 | 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. |
| Policy 25.2.2.5 | Require ancillary commercial activities to be designed, located and operated to primarily serve staff and visitors to the Edgar Centre. |

# Rules

## Rule 25.3 Activity Status

### 25.3.1 Rule location

The activity status tables in rules 25.3.3 to 25.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Edgar Centre 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 and site investigation
3. Network Utilities (Section 5)
4. Transportation (Section 6)
5. Scheduled Trees (Section 7)
6. Natural Hazard Mitigation Activities (Section 8)
7. Earthworks (Section 8A)

### 25.3.2 Activity status introduction

1. The activity status tables in rules 25.3.3 - 25.3.5 show the activity status of activities in the Edgar Centre 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. Development activities that are lawfully present at the time any relevant rules in this Plan have legal effect are not managed by those rules (the rules do not apply to existing lawfully established development activities).
6. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

*Performance Standards*

7. Performance standards are listed in the far right column of the activity status tables.
8. Performance standards apply to permitted, controlled, and restricted discretionary activities.
9. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.
10. 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 | Meaning |
|---|---|
| P | Permitted Activity |
| C | Controlled Activity |
| RD | Restricted Discretionary Activity |
| D | Discretionary Activity |
| NC | Non-complying Activity |

### 25.3.3 Activity status table - land use activities

| | | | |
|---|---|---|---|
| 1. | Performance standards that apply to all land use activities | | a. NA<br>b. Light spill<br>c. Noise |
| All land use activities | | Activity status | Performance standards |
| X. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | RD | |
| Major facility activities | | Activity status | Performance standards |
| 2. | Major recreation facility | P | a. Minimum mobility car parking |
| 3. | All other activities in the major facility activities category | NC | |
| Community activities | | Activity status | Performance standards |
| 4. | Early childhood education ancillary to major recreation facility | D | |
| 5. | Early childhood education not ancillary to major recreation facility | NC | |
| Y. | Healthcare | D | |
| 6. | All other activities in the community activities category | P | |
| Commercial activities | | Activity status | Performance standard |
| 7. | Commercial activities ancillary to major recreation facility | P | a. Location |
| 8. | All other activities in the commercial activities category | NC | |
| Residential activities | | Activity status | Performance standards |
| 9. | All activities in the residential activities category | NC | |
| Industrial activities | | Activity status | Performance standards |

| | | | |
|---|---|---|---|
| 10. | All activities in the industrial activities category | D | |
| Rural activities | | Activity status | Performance standards |
| 11. | All activities in the rural activities category | NC | |

**Note 25.3.3X- Other requirements outside of the District Plan**

1. Any electrical equipment used for an activity must be designed to meet the New Zealand electromagnetic compatibility (EMC) standards, to ensure there are no effects from electrical interference on surrounding sites. The Radio Spectrum Management (RSM) is the governing body which regulates EMC products in New Zealand and investigates interference to safety services, radiocommunication systems and broadcast services such as radio and television reception.

## 25.3.4 Activity status table - development activities

| | | | |
|---|---|---|---|
| 1. | Performance standards that apply to all development activities | | a. Boundary treatments and other landscaping |
| Buildings and structures activities | | Activity status | Performance standards |
| 2. | All buildings and structures activities | P | a. Maximum height<br>b. Number, location and design of ancillary signs<br>c. Boundary setbacks |
| Site development activities | | Activity status | Performance standards |
| 3. | Parking, loading and access | P | a. Parking, loading and access standards |
| 4. | New, or additions to, parking areas that result in 50 or more new parking spaces | RD | a. Parking, loading and access standards |
| 5. | Storage and use of hazardous substances | P | a. Hazardous substances quantity limits and storage requirements |
| 6. | All other site development activities | P | |

**Note 25.3.4A - General advice**

1. 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. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
2. An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
4. The **archaeological alert layer mapped area** identifies sites and areas that have a strong likelihood of containing archaeological remains, however remains may be present anywhere within the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.

### 25.3.5 Activity status table - subdivision activities

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

#### Note 25.3.5A - Other RMA considerations

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.

### 25.3.6 Transition to the Industrial Zone

On receipt of written notice from both the owner and operator (if different) of the Edgar Centre to Dunedin City Council confirming that all or part of the land within the Edgar Centre Zone is surplus to requirements, the provisions of the Edgar Centre Zone will no longer apply to that parcel of land and the provisions of the Industrial Zone will apply in full.

## Rule 25.4 Notification

1. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
    1. all discretionary activities that list 'effect on cultural values of Manawhenua' as a matter for discretion; and
    2. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4.
2. All other activities are subject to the normal tests for notification in accordance with sections 95A - 95G of the RMA.

## Rule 25.5 Land Use Performance Standards

### 25.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

### 25.5.3 Location

1. For ancillary commercial activities, customer access must only be available from inside the Edgar Centre buildings.
2. Activities that contravene this performance standard are restricted discretionary activities.

### 25.5.4 Minimum Mobility Car Parking

1. Major recreation facility activity must provide a minimum of nine mobility parking spaces within the Edgar Centre Zone.
2. NA.
3. Activities that contravene this performance standard are restricted discretionary activities.

**Note 25.5.4A - Other relevant District Plan provisions**

1. Parking areas must comply with the standards in Section 6.6: Parking, Loading and Access Standards.

### 25.5.5 Noise

Land use activities must comply with Rule 9.3.6.

# Rule 25.6 Development Performance Standards

## 25.6.1 Boundary Setbacks

1. New buildings and structures, and additions and alterations must have a minimum set back from Portsmouth Drive (**amenity route mapped area**) of 10.5m.
2. Except fences and ancillary signs are exempt from this standard.
3. Activities that contravene this performance standard are restricted discretionary activities.

## 25.6.2 Boundary Treatments and Other Landscaping

1. Along the Portsmouth Drive frontage, a landscaping area with a minimum width of 1.5m must be provided along the full length of the road frontage (except for where vehicle access is provided).
2. Landscaping areas must:
    a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
    b. have an average of one tree for every 5m of frontage;
    c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
    d. be designed to allow surface water run-off from surrounding areas to enter;
    e. be protected by a physical barrier that prevents cars from damaging plants;
    f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a minimum height of 5m within 10 years of planting;
    g. be planted prior to occupation of any relevant building(s) or upon completion of site development activities; and
    h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any road frontage landscaping required by this rule.
4. Activities that contravene this performance standard are restricted discretionary activities.

## 25.6.3 Hazardous Substances Quantity Limits and Storage Requirements

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

## 25.6.4 Maximum Height

1. The maximum height of new buildings and structures, and additions and alterations, must not exceed 18m above ground level.
2. Rooftop structures are exempt from the performance standard for maximum height, provided they do not exceed the maximum height limit for all other buildings and structures by more than 5m.
3. Activities that contravene this performance standard are restricted discretionary activities.

## 25.6.5 Number, Location and Design of Ancillary Signs

25.6.5.1 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 Edgar Centre Zone;
   ii. regulatory signs, warning signs, or directional signs; and
   iii. building names (excluding sponsorship names).

b. Signs related to activities ancillary to a major recreation facility must not be visible outside the Edgar Centre Zone.

c. Signs located on or above the footpath must comply with Rule 6.7.2.

d. Signs must comply with Rule 6.7.3 where visible from a road.

e. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.

25.6.5.2 Signs attached to buildings

a. The height above ground level of the highest point of any sign must not exceed 8m.

b. Signs must not be attached to roofs.

c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.

d. Signs must not exceed the following number and cumulative maximum area:

| Location | Number of signs | Cumulative maximum area |
|---|---|---|
| Façade facing Portsmouth Drive | 5 | 75m² |
| Façade facing Midland Street | 3 | 56m² |
| Façade facing Teviot Street | 2 | 26.5m² |

e. Signs attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

f. Signs attached on the underside of a verandah or protruding from a building façade must:
   i. where attached to the façade of a building, have a maximum area per display face of 2m²;
   ii. where attached to the façade of a building, must not project more than 1.5m from the façade to which it is attached;
   iii. have a maximum of two display faces per sign; and
   iv. not exceed one sign per 15m of building façade.

25.6.5.3 Freestanding signs

a. The maximum number of freestanding signs within the zone is two.

b. The maximum dimensions of freestanding signs are:
   i. maximum height of 4m;
   ii. maximum area of 8m² per display face;
   iii. maximum width of 2m; and
   iv. maximum depth of 400mm.

c. Freestanding signs must:
   i. not obstruct parking, loading and access areas; and
   ii. be positioned entirely within the site boundaries.

**Note 25.6.5A - Other requirements outside of the District Plan**

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

### 25.6.6 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

### 25.6.7 Setback from Coast and Water Bodies

New buildings and structures, and additions and alterations must comply with Rule 10.3.3.

## Rule 25.7 Subdivision Performance Standards

Subdivision activities must comply with Rule 19.7.

# Rule 25.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

## Rule 25.8.1 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 25.8.2 - 25.8.5:
   a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Rules 25.8.2 - 25.8.5 apply as follows:
   a. Rule 25.8.2 applies to all performance standard contraventions;
   b. Rule 25.8.3 applies to land use performance standard contraventions;
   c. Rule 25.8.4 applies to development performance standard contraventions; and
   d. Rule 25.8.5 applies to subdivision performance standard contraventions.

| **25.8.2 Assessment of all performance standard contraventions** | |
|---|---|
| Performance standard | Guidance on the assessment of resource consents |
| 1. All performance standard contraventions | *Potential circumstances that may support a consent application include:*<br>a. The degree of non-compliance with the performance standard is minor.<br>b. The need to meet other performance standards or site specific factors make meeting the standard impracticable.<br>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.<br>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.<br>*General assessment guidance:*<br>e. Where more than one standard is contravened, the combined effects of the contraventions should be considered. |

b. Effects on the safety and efficiency of the transport network

| 25.8.3 Assessment of land use performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 2. | Location | a. Effects on the vibrancy, and economic and social success of the CBD and centres | *Relevant objectives and policies:*<br>i. Objective 25.2.2<br>ii. Ancillary commercial activities are designed, located and operated to primarily serve staff and visitors to the Edgar Centre (Policy 25.2.2.5). |
| 3. | Minimum mobility car parking | a. Effects on accessibility<br>b. NA | See Rule 6.10 |

| 25.8.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance in the assessment of resource consents |
| 1. | Boundary setbacks | a. Effect on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 25.2.2<br>ii. Development along Portsmouth Drive (**amenity route mapped area**) provides a high level of streetscape amenity by setting back buildings an adequate distance to allow landscaping (Policy 25.2.2.3.b). |
| 2. | Boundary treatments and other landscaping | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 25.2.2<br>ii. Development along Portsmouth Drive (**amenity route mapped area**) provides a high level of streetscape amenity by providing landscaping of a height and density adequate to maintain or enhance the amenity of Portsmouth Drive (Policy 25.2.2.3.a).<br>*Potential circumstances that may support a consent application include:*<br>iii. The site is laid out in an alternative manner to achieve better outcomes for streetscape amenity. |
| 3. | Hazardous substances quantity limits and storage requirements | a. Effects on health and safety | See Rule 9.5 |

| 25.8.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance in the assessment of resource consents |
| 4. | Maximum height | a. Effects on heightscape of the industrial zones | *Relevant objectives and policies:*<br>i. Objective 25.2.2<br>ii. Buildings and structures are a similar height to existing buildings within the surrounding Industrial Zone (Policy 25.2.2.1.a).<br>iii. Buildings and structures only exceed the maximum height limit where:<br>1. the height is essential to the operation of the Edgar Centre; and<br>2. all practicable measures have been taken to avoid or minimise the visual effects of the height limit exceedance (Policy 25.2.2.2). |
| | | b. Effects on important view shafts | *Relevant objectives and policies:*<br>i. Objective 25.2.2<br>ii. Buildings and structures are a height that avoids or minimises, as far as practicable, significant adverse effects on views from Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula (Policy 25.2.2.1.b). |
| 5. | Number, location and design of ancillary signs | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 25.2.2<br>ii. Ancillary signs visible from outside the zone are located and designed to maintain streetscape amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose (Policy 25.2.2.4). |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 6. | Parking, loading and access standards | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 7. | Setback from coast and water bodies (rules 10.3.3.1 – 10.3.3.5) | a. In a **wāhi tupuna mapped area**, effects on cultural values of Manawhenua | See Rule 14.3 |

| 25.8.5 Assessment of subdivision performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | Subdivision performance standards | See Rule 19.9 |

# Rule 25.9 Assessment of Restricted Discretionary Activities

## Rule 25.9.1 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 25.9.2 - 25.9.3 list:
    a. the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provide guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.
3. Rules 25.9.2 - 25.9.3 apply as follows:
    a. Rule 25.9.2 applies to restricted discretionary development activities; and
    b. Rule 25.9.3 applies to restricted discretionary subdivision activities.
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** 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 25.8; 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 25.10; 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 25.11; and
        iii. the assessment guidance in this section will also be considered.

| 25.9.X Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | b. Effects on accessibility | |

| 25.9.2 Assessment of restricted discretionary development activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | High trip generators:<br>• New, or additions to, parking areas that result in 50 or more new parking spaces | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | b. Effects on accessibility | |

| 25.9.3 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 the Edgar Centre | *Relevant objectives and policies:*<br>i. Objectives 25.2.1, 6.2.3<br>ii. Subdivision activities do not adversely affect the efficient and effective operation of the Edgar Centre (Policy 25.2.1.5.b). |
| | | See Rule 19.10 | |

# Rule 25.10 Assessment of Discretionary Activities

## Rule 25.10.1 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. Rule 25.10.2 - 25.10.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', 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. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
    c. general assessment guidance, including any effects that will be considered as a priority; and
    d. conditions that may be imposed.
3. Rule 25.10.2 - 25.10.3 apply as follows:
    a. Rule 25.10.2 applies to all discretionary activities; and
    b. Rule 25.10.3 applies to discretionary performance standard contraventions.
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.

| 25.10.2 Assessment of all discretionary activities | |
|---|---|
| Activity | Guidance on the assessment of resource consents |
| 1. All discretionary land use activities listed below:<br>• early childhood education ancillary to major recreation facility<br>• all activities in the industrial activities category<br>• healthcare | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 2.3.1, 2.3.3<br>b. Objective 25.2.1<br>c. Activities that are ancillary to a major recreation facility are designed and operated in line with Objective 25.2.2 and its policies (Policy 25.2.1.2).<br>d. Activities that are not ancillary to a major recreation facility:<br>i. are related to or support the Edgar Centre, or have other operational requirements that mean they need to locate in the zone;<br>ii. support the efficient and effective operation of Edgar Centre;<br>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>iv. are designed and operated in line with Objective 25.2.2 and its policies (Policy 25.2.1.3).<br>*Potential circumstances that may support a consent application include:*<br>e. 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.<br>f. All relevant land use performance standards are met, including noise and light spill standards.<br>*General assessment guidance:*<br>g. In assessing the significance of effects, consideration will be given to:<br>i. short to long term effects, including effects in combination with other activities; and<br>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.<br>*Relevant guidance from other sections (priority considerations):*<br>h. 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.<br>i. 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.<br>j. 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. |

| 25.10.3 Assessment of discretionary performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Noise - where the limit is exceeded by less than 5dB LAeq (15min)<br>• Light spill - where the limit is exceeded by 25% or less | *Relevant guidance from other sections (priority considerations):*<br>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. |

# Rule 25.11 Assessment of Non-complying Activities

## Rule 25.11.1 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 25.11.2 and 25.11.3 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 25.11.2 and 25.11.3 apply as follows:
   a. Rule 25.11.2 applies to non-complying activities; and
   b. Rule 25.11.3 applies to non-complying performance standard contraventions.
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.

| 25.11.2 Assessment of non-complying activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | All non-complying activities | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.3.3 and Policy 2.3.3.2<br>b. Objective 2.3.2 and Policy 2.3.2.2<br>c. Objective 2.4.3 and Policy 2.4.3.4<br>d. Objective 25.2.1<br>e. Activities not ancillary to a major recreation facility:<br>i. are related to or support Edgar Centre, or have other operation requirements that mean they need to locate in the zone;<br>ii. support the efficient and effective operation of Edgar Centre;<br>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>iv. are designed and operated in line with Objective 25.2.2 and its policies (Policy 25.2.1.3).<br>*General assessment guidance:*<br>f. In assessing the significance of effects consideration will be given to:<br>i. both short and long term effects, including effects in combination with other activities; and<br>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.<br>g. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.<br>*Relevant guidance from other sections (priority considerations):*<br>h. See Section 6.13 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.<br>i. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety.<br>j. 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. |
| 2. | Commercial advertising | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.4.1<br>b. Policy 2.4.1.6.c |

| 25.11.3 Assessment of non-complying performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Light spill - where the limit is exceeded by greater than 25%<br>• Noise - where the limit is exceeded by 5dB LAeq (15 min) or more<br>• Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |

# 26. Invermay and Hercus

## 26.1 Introduction

Invermay Research Centre (Invermay) is owned by AgResearch Limited and is located near the eastern outskirts of Mosgiel. The main Invermay site is accessed from Puddle Alley and consists of a 23 hectare research hub. There is an adjacent research farm (approximately 495 hectares) and a second research farm (approximately 50 hectares) a short distance to the north of the main Invermay site, straddling Silverstream Valley Road . These farms are zoned rural, but additional research related activities are provided for within these areas.

The Invermay site is tenanted by a range of commercial organisations, which also have a rural research focus. They include an agricultural training provider, veterinary diagnostic services, food origin testing, food safety testing and veterinary services. The site is also used for veterinary nurse training by Otago Polytechnic. The site therefore acts as a hub for organisations with a similar rural focus.

The Hercus Taieri Resource Unit (Hercus), at 270 Factory Road, is a biomedical research and support facility. The site contains a scheduled heritage building 'Taieri House', which provides staff accommodation, and several outbuildings.

The Invermay and Hercus research and education facilities are of sufficient scale and importance to the rural economy to warrant special consideration in the District Plan as a major facility, to provide for their continued use, intensification and expansion. The buildings and types of activities undertaken at Invermay and Hercus are different in scale to those generally undertaken in the rural zones. There is opportunity to establish other research and education-related organisations and facilities on the site, which in turn will have economic benefits to Dunedin and surrounding areas. Accordingly, the Invermay and Hercus Zone provisions have been designed to facilitate ongoing research and education, and ancillary activities that complement this function.

# 26.2 Objectives and Policies

| Objective 26.2.1 | |
|---|---|
| Invermay and Hercus research facilities are able to operate and develop efficiently and effectively. | |
| Policy 26.2.1.1 | Enable Invermay/Hercus activity. |
| Policy 26.2.1.2 | Provide for retail and conference, meeting and function activity that is ancillary to Invermay/Hercus activity or rural activities where they are designed and operated in line with Objective 26.2.2 and its policies. |
| Policy 26.2.1.3 | Only allow activities that are not ancillary to Invermay/Hercus activity where:<br>a. they are related to or necessary to support the Invermay Research Centre and Hercus Taieri Resource Unit, or have other operational requirements that mean they need to locate in the zone;<br>b. they will support the efficient and effective operation of Invermay Research Centre and Hercus Taieri Resource Unit;<br>c. they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>d. they are designed and operated in line with Objective 26.2.2 and its policies. |
| Policy 26.2.1.4 | Enable land that is surplus to the needs of the Invermay Research Centre and Hercus Taieri Resource Unit to transition to the default zone listed in Appendix A9, so that future development that is not related to Invermay/Hercus activity will be managed in accordance with the objectives and policies of that zone. |
| Policy 26.2.1.5 | Only allow subdivision activities where:<br>a. they are in accordance with the provisions of the default zone listed in Appendix A9; and<br>b. the subdivision does not adversely affect the efficient and effective operation of the Invermay Research Centre and Hercus Taieri Resource Unit. |

| Objective 26.2.2 | |
|---|---|
| Land use activities and development necessary for the continued operation of the Invermay Research Centre and Hercus Taieri Resource Unit is enabled, while ensuring development maintains the amenity of adjacent rural areas as far as practicable. | |
| Policy 26.2.2.1 | Require buildings that house animals to be set back from site boundaries so that any adverse effects on sensitive activities on adjoining sites, such as residential activities are avoided or, if avoidance is not practicable, are no more than minor. |
| Policy 26.2.2.2 | Require buildings and structures to be of a height and setback from boundaries to minimise adverse effects on rural amenity. |
| Policy 26.2.2.3 | Require landscaping of parking areas to ensure a high standard of visual amenity is maintained from adjoining public roads. |
| Policy 26.2.2.4 | Require ancillary signs visible from outside the zone to be located and designed to maintain rural 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. |

# Rules

# Rule 26.3 Activity Status

## 26.3.1 Rule location

The activity status tables in rules 26.3.3 to 26.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Invermay and Hercus 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 and site investigation
3. Network Utilities (Section 5)
4. Transportation (Section 6)
5. Scheduled Trees (Section 7)
6. Natural Hazard Mitigation Activities (Section 8)
7. Earthworks (Section 8A)

## 26.3.2 Activity status introduction

1. The activity status tables in rules 26.3.3 - 26.3.5 show the activity status of activities in the Invermay and Hercus 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. Development activities that are lawfully present at the time any relevant rules in this Plan have legal effect are not managed by those rules (the rules do not apply to existing lawfully established development activities).
6. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

*Performance Standards*

7. Performance standards are listed in the far right column of the activity status tables.
8. Performance standards apply to permitted, controlled, and restricted discretionary activities.
9. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.
10. 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 | Meaning |
|---|---|
| P | Permitted Activity |
| C | Controlled Activity |
| RD | Restricted Discretionary Activity |
| D | Discretionary Activity |
| NC | Non-complying Activity |
| Haz3 | Hazard 3 Overlay Zones |

### 26.3.3 Activity status table - land use activities

| | | | |
|---|---|---|---|
| 1. | Performance standards that apply to all land use activities | | a. NA<br>b. Light spill<br>c. Noise |
| All land use activities | | Activity status | Performance standards |
| X. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | RD | |
| Major facility activities | | Activity status | Performance standards |
| 2. | Invermay/Hercus activity | P | |
| 3. | All other activities in the major facility activities category | NC | |
| Community activities | | Activity status | Performance standards |
| 4. | Community and leisure | P | |
| 5. | Conservation | P | |
| 6. | All other activities in the community activities category | D | |
| Commercial activities | | Activity status | Performance standards |
| 7. | Retail ancillary to Invermay/Hercus activity | P | |
| 8. | Conference, meeting and function ancillary to Invermay/Hercus activity | P | |
| 9. | Veterinary services | P | |
| 10. | Training and education | P | |
| 11. | All other office activity | D | |
| 12. | All other activities in the commercial activities category | NC | |

| Residential activities | | Activity status | Performance standards |
|---|---|---|---|
| 13. | All activities in the residential activities category | NC | |
| **Industrial activities** | | **Activity status** | **Performance standards** |
| 14. | All activities in the industrial activities category | D | |
| **Rural activities** | | **Activity status** | **Performance standards** |
| 15. | Farming | P | |
| 16. | Grazing | P | |
| 17. | Forestry | P | a. Forestry and shelterbelts and small woodlots setbacks |
| 18. | Landfills | NC | |
| 19. | All other activities in the rural activities category | D | |

**Note 26.3.3A – Other requirements outside of the District Plan**

Commercial forestry and associated activities in the Invermay and Hercus Zone are addressed by the NESCF rather than Rule 26.3.3.17. The NESCF does not apply to vegetation clearance prior to afforestation and the rules in Section 10 Natural Environment apply.

**Note 26.3.3X- Other requirements outside of the District Plan**

1. Any electrical equipment used for an activity must be designed to meet the New Zealand electromagnetic compatibility (EMC) standards, to ensure there are no effects from electrical interference on surrounding sites. The Radio Spectrum Management (RSM) is the governing body which regulates EMC products in New Zealand and investigates interference to safety services, radiocommunication systems and broadcast services such as radio and television reception.

## 26.3.4 Activity status table - development activities

| 1. | Performance standards that apply to all development activities | a. Setback from scheduled tree |
|---|---|---|
| 2. | Performance standards that apply to all buildings and structures activities | a. Boundary setbacks<br>b. Maximum height<br>c. Number, location and design of ancillary signs<br>d. Setback from coast and water bodies |

| Building and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 4 - 11) | | Activity status | Performance standards |
|---|---|---|---|
| 3. | All buildings and structures activities | P | |
| **Building and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure** | | **Activity status** | **Performance standards** |

| | | | |
|---|---|---|---|
| 4. | Repairs and maintenance | P | |
| 5. | Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1 | C | |
| 6. | Restoration of all other scheduled heritage buildings and structures | P | |
| 7. | Earthquake strengthening where external features only are protected | C | a. Materials and design |
| 8. | Signs attached to buildings or structures | P | |
| 9. | All other additions and alterations | RD | |
| 10. | Demolition | NC | |
| 11. | Removal for relocation | RD | |
| Site development activities | | Activity status | Performance standards |
| 12. | Parking, loading and access | P | a. Boundary treatments and other landscaping<br>b. Parking, loading and access standards |
| 13. | New, or additions to, parking areas that result in 50 or more new parking spaces. | RD | a. Boundary treatments and other landscaping<br>b. Parking, loading and access standards |
| 14. | Storage and use of hazardous substances | P | a. Hazardous substances quantity limits and storage requirements<br>b. Setback from coast and water bodies |
| 15. | Outdoor storage | P | |
| 16. | All other site development activities | P | |

### 26.3.5 Activity status table - subdivision activities

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

[1]*See Appendix A9 for a list of default zones*

**Note 26.3.5A - Other RMA considerations**

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.

### 26.3.6 Transition to default zone

On receipt of written notice from both the owner and operator (if different) of the Invermay Research Centre to Dunedin City Council confirming that all or part of the land contained within land parcel Lot 4 DP 23060 is no longer required for Invermay Research Centre requirements, the provisions of the Invermay and Hercus Zone will no longer apply to that piece of land and the provisions of the Industrial Zone will apply in full.

On receipt of written notice from both the owner and operator (if different) of the Hercus Taieri Resource Unit, to Dunedin City Council confirming that land parcel Lot 1 DP 6164 is no longer required for Hercus Taieri Resource Unit requirements, the provisions of the Invermay and Hercus Zone will no longer apply to that parcel of land and the provisions of the Taieri Plain Rural Zone will apply in full.

### Note 26.3.4A - General advice

1. 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. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
2. An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
4. The **archaeological alert layer mapped area** identifies sites and areas that have a strong likelihood of containing archaeological remains, however remains may be present anywhere within the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.

## Rule 26.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or section 95B of the RMA, unless Council considers special circumstances exist in relation to the application that require public notification:
    1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
    2. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided for the following:
    1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand; and
    2. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is not listed by Heritage New Zealand.
3. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
    1. all restricted discretionary activities that list 'effect on cultural values of Manawhenua' as a matter for discretion; and
    2. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4.
4. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

## Rule 26.5 Land Use Performance Standards

### 26.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

### 26.5.3 Noise

Land use activities must comply with Rule 9.3.6.

# Rule 26.6 Development Performance Standards

## 26.6.1 Boundary Treatments and Other Landscaping

1. Where 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 the road frontage (except for where vehicle access is provided).
2. Landscaping areas must:
    a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
    b. have an average of one tree for every 5m of frontage;
    c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
    d. be designed to allow surface water run-off from surrounding areas to enter;
    e. be protected by a physical barrier that prevents cars from damaging plants;
    f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a minimum height of 5m within 10 years of planting;
    g. be planted prior to occupation of any relevant building(s) or upon completion of site development activities; and
    h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any road frontage landscaping required by this rule.
4. Activities that contravene this performance standard are restricted discretionary activities.

## 26.6.2 Hazardous Substances Quantity Limits and Storage Requirements

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

## 26.6.3 Materials and Design

Earthquake strengthening must comply with Rule 13.3.2.

## 26.6.4 Maximum Height

1. The maximum height of new buildings and structures, and additions and alterations, must not exceed 20m above ground level.
2. Rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more 5m.
3. Activities that contravene this performance standard are restricted discretionary activities.

## 26.6.5 Number, Location and Design of Ancillary Signs

26.6.5.1 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 Invermay and Hercus Zone;
    ii. regulatory signs, warning signs (informing of hazards or of other features requiring a safe response), or directional signs; and
    iii. building names (excluding sponsorship names).
b. Signs must comply with Rule 6.7.3 where visible from a road.

c. Signs must not be illuminated or digital.

d. Signs related to ancillary retail and ancillary conference, meeting and function activity, and other commercial activities provided for, must not be visible outside the Invermay and Hercus Zone.

e. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.

#### 26.6.5.2 Signs attached to buildings

a. The height, above ground level, at the highest point of any sign, attached to a building is 4m.

b. Signs must not be attached to roofs.

c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.

d. Signs attached to a building must:
   i. not exceed 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.

#### 26.6.5.3 Freestanding signs

a. The maximum number of permanently fixed freestanding signs is one per 50m of frontage.

b. The maximum number of portable freestanding signs is one per 50m of frontage.

c. The maximum dimensions of freestanding signs are:
   i. maximum height of 4m;
   ii. maximum area of 8m²;
   iii. maximum width of 2m; and
   iv. maximum depth of 400mm.

d. Freestanding signs must:
   i. not obstruct parking, loading and access areas; and
   ii. be positioned entirely within the site boundaries.

**Note 26.6.5A - Other requirements outside of the District Plan**

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

## 26.6.6 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

## 26.6.7 Setbacks

### 26.6.7.1 Boundary setbacks

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

| Activity | | i. Setback from road zone | ii. Setback from other zone boundaries |
|---|---|---|---|
| i. | Residential buildings | 20m | 40m |
| ii. | Buildings not housing animals | 20m | 6m |
| iii. | Buildings housing animals | 20m | 12m |

iv. Except fences and ancillary signs are exempt from the performance standard.

b. Activities that contravene this performance standard are restricted discretionary activities.

### 26.6.7.2 Setback from scheduled tree

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

### 26.6.7.3 Setback from coast and water bodies

New buildings and structures, additions and alterations, and storage and use of hazardous substances must comply with Rule 10.3.3.

### 26.6.7.4 Forestry and shelterbelts and small woodlots setbacks

Forestry and shelterbelts and small woodlots must comply with Rule 16.6.10.2.

## Rule 26.7 Subdivision Performance Standards

1. For subdivision of land contained within land parcel Lot 4 DP 23060 (Invermay Research Centre), subdivision activities must comply with Rule 19.7.
2. For subdivision of land contained within land parcel Lot 1 DP 6164 (Hercus Taieri Resource Centre), subdivision activities must comply with performance standards for the Taieri Plain Rural Zone within Rule 16.7.

# Rule 26.8 Assessment of Controlled Activities

## Rule 26.8.1 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 26.8.2:
   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** then:
      i. the activity, as a whole, will be treated as **restricted discretionary**;
      ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard;
      iii. the performance standard contravention will be assessed as indicated in Section 26.9; 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**;
      ii. the performance standard contravention will be assessed as indicated in Section 26.11; 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**;
      ii. the performance standard contravention will be assessed as indicated in Section 26.12; and
      iii. the assessment guidance in this section will also be considered.

| 26.8.2 Assessment of all controlled activities | | | |
|---|---|---|---|
| Development activity | | Matters of control | Guidance on the assessment of the resource consents |
| 1. | Affecting a scheduled heritage building or a scheduled heritage structure:<br>• Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected.<br>• 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). | a. Effects on heritage values | See Rule 13.4 |

# Rule 26.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

## Rule 26.9.1 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 26.9.2 - 26.9.5:
    a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.
3. Rules 26.9.2 - 26.9.5 apply as follows:
    a. Rule 26.9.2 applies to all performance standard contraventions;
    b. Rule 26.9.3 applies to land use performance standard contraventions;
    c. Rule 26.9.4 applies to development performance standard contraventions; and
    d. Rule 26.9.5 applies to subdivision performance standard contraventions.

| 26.9.2 Assessment of all performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | All performance standard contraventions | *Potential circumstances that may support a consent application include:*<br>a. The degree of non-compliance with the performance standard is minor<br>b. The need to meet other performance standards or topography, or other site specific factors, make meeting the standard impracticable.<br>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.<br>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.<br>*General assessment guidance:*<br>e. Where more than one standard is contravened, the combined effects of the contraventions should be considered.<br>f. In balancing consideration of the objectives and policies related to the maintenance of heritage values or heritage precinct streetscape character and those related to general amenity, greater weight will usually be placed on heritage policies. |

| 26.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | • Boundary setbacks<br>• Maximum height | a. Effects on rural character | *Relevant objectives and policies:*<br>i. Objective 26.2.2<br>ii. Buildings and structures are of a height and setback from boundaries that minimises adverse effects on rural amenity (Policy 26.2.2.2).<br>*Potential circumstances that may support a consent application include:*<br>iii. Where there are already existing buildings on the site in breach of the same setback, a breach of the boundary setback standard may be considered acceptable where this would promote rural character and the maintenance of open space through the clustering of buildings on the site. |
| | | b. Effects on surrounding properties | *Relevant objectives and policies:*<br>i. Objective 26.2.2<br>ii. Buildings that house animals are set back from site boundaries so that any adverse effects on sensitive activities on adjoining sites, such as residential activities, are avoided or, if avoidance is not practicable, are no more than minor (Policy 26.2.2.1).<br>*Potential circumstances that may support a consent application include:*<br>iii. Where a building used to house animals contravenes the boundary setback standard, the type and/or number of animals or the frequency of housing them means that there will be no more adverse effects from noise, odour or dust on sensitive activities on adjoining sites. |
| 2. | Boundary treatments and other landscaping | a. Effects on rural character | *Relevant objectives and policies:*<br>i. Objective 26.2.2<br>ii. Parking areas are landscaped to ensure a high standard of visual amenity is maintained from adjoining public roads (Policy 26.2.2.3). |
| 3. | Forestry and shelterbelts and small woodlots setbacks | a. Effects on amenity of surrounding properties | See Rule 16.9 |
| | | b. Effects on health and safety | See Rule 9.5 |
| | | c. Effects on the safety and efficiency of the transport network | See Rule 6.10 |

| 26.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 4. | Hazardous substances quantity limits and storage requirements | a. Effects on health and safety | See Rule 9.5 |
| 5. | Affecting a **scheduled heritage building** or **scheduled heritage structure**<br>• Materials and design | a. Effects on heritage values | See Rule 13.5 |
| 6. | Number, location and design of ancillary signs | a. Effects on rural character | *Relevant objectives and policies:*<br>i. Objective 26.2.2<br>ii. Ancillary signs visible from outside the zone are located and designed to maintain rural amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose (Policy 26.2.2.4). |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 7. | Parking, loading and access standards | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 8. | Setback from coast and water bodies (rules 10.3.3.1 – 10.3.3.5) | a. Effects on biodiversity values and natural character of riparian margins and the coast | See Rule 10.5 |
| | | b. Effects on public access | |
| | | c. In a **wāhi tupuna mapped area**, effects on cultural values of Manawhenua | See Rule 14.3 |
| | | d. Risk from natural hazards | See Rule 11.4 |

| 26.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 9. | Setback from scheduled tree | a. Effect on long term health of tree | See Rule 7.6 |

| 26.9.5 Assessment of subdivision performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | Subdivision performance standards | a. For subdivision of land contained within land parcel Lot 4 DP 23060, see Rule 19.9.<br>b. For subdivision of land contained within land parcel Lot 1 DP 6164, see Rule 16.9. |

# Rule 26.10 Assessment of Restricted Discretionary Activities

## Rule 26.10.1 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 26.10.2 - 26.10.3:
    a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provide guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.
3. Rules 26.10.2 - 26.10.3 apply as follows:
    a. Rule 26.10.2 applies to restricted discretionary activities; and
    b. Rule 26.10.3 applies to restricted discretionary subdivision activities.
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** 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 26.9; and
        iv. the matters of discretion in this section will be assessed as indicated.
    b. if the contravention of the performance standard defaults to **discretionary** then:
        i. the activity, as a whole, will be treated as **discretionary**; and
        ii. the performance standard contravention will be assessed as indicated in Section 26.11; 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 26.12; and
        iii. the assessment guidance in this section will also be considered.

| 26.10.X Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | b. Effects on accessibility | |

| 26.10.2 Assessment of restricted discretionary activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | High trip generators:<br>• New, or additions to, parking areas that result in 50 or more new parking spaces | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | b. Effects on accessibility | |
| 2. | Activities affecting a **scheduled heritage building** or **scheduled heritage structure**:<br>• Additions and alterations and removal for relocation that affects a protected part of a **scheduled heritage building** or **scheduled heritage structure**<br>• Removal for relocation | a. Effects on heritage values | See Rule 13.6 |

| 26.10.3 Assessment of restricted discretionary subdivision activities |
|---|

| Activity | | Matters of discretion | Guidance on the assessment resource consents |
|---|---|---|---|
| 1. | All subdivision activities | a. Effects on the efficient and effective operation of Invermay Research Centre and Hercus Taieri Resource Unit | *Relevant objectives and policies:*<br>i. Objectives 26.2.1, 2.3.1<br>ii. Subdivision does not adversely affect the efficient and effective operation of the Invermay Research Centre and Hercus Taieri Resource Unit (Policy 26.2.1.5.b). |
| | | For subdivision of land contained within land parcel Lot 4 DP 23060 (Invermay Research Centre), see Rule 19.10. | |
| | | For subdivision of land contained within land parcel Lot 1 DP 6164 (Hercus Taieri Resource Centre), see Rule 16.10. | |

# Rule 26.11 Assessment of Discretionary Activities

## Rule 26.11.1 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 26.11.2 - 26.11.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', 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. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
    c. general assessment guidance, including any effects that will be considered as a priority; and
    d. conditions that may be imposed.
3. Rules 26.11.2 - 26.11.3 apply as follows:
    a. Rule 26.11.2 applies to all discretionary activities; and
    b. Rule 26.11.3 applies to discretionary performance standard contraventions.
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.

| 26.11.2 Assessment of all discretionary land use activities | |
|---|---|
| Activity | Guidance on the assessment of resource consents |
| 1. All discretionary land use activities listed below:<br>• all other activities in the community activities category and rural activities category<br>• all other office activity<br>• all activities in the industrial activities category | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.3.1<br>b. Objective 2.3.2 and Policy 2.3.2.2<br>c. Objective 2.4.3 and Policy 2.4.3.4<br>d. Objective 26.2.1<br>e. Activities that are not ancillary to Invermay/Hercus activity:<br>i. are related to or necessary to support the Invermay Research Centre and Hercus Taieri Resource Unit, or have other operation requirements that mean they need to locate in the zone;<br>ii. support the efficient and effective operation of Invermay Research Centre and Hercus Taieri Resource Unit;<br>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>iv. are designed and operated in line with Objective 26.2.2 and its policies (Policy 26.2.1.3).<br>*Potential circumstances that may support a consent application include:*<br>f. 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 (see Rule 26.9 for performance standard contraventions).<br>g. All relevant land use performance standards are met, including noise and light spill standards.<br>*General assessment guidance:*<br>h. In assessing the significance of effects, consideration will be given to:<br>i. short to long term effects, including effects in combination with other activities; and<br>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.<br>*Relevant guidance from other sections (priority considerations):*<br>i. 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.<br>j. 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.<br>k. 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. |

| 26.11.3 Assessment of discretionary performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Noise - where the limit is exceeded by less than 5dB LAeq (15min)<br>• Light spill - where the limit is exceeded by 25% or less | *Relevant guidance from other sections (priority considerations):*<br>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. |

# Rule 26.12 Assessment of Non-complying Activities

## Rule 26.12.1 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 26.12.2 - 26.12.5 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 26.12.2 - 26.12.5 apply as follows:
   a. Rule 26.12.2 applies to all non-complying activities;
   b. Rule 26.12.3 applies to non-complying land use activities;
   c. Rule 26.12.4 applies to non-complying development activities;
   d. Rule 26.12.5 applies to non-complying performance standard contraventions.
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.

| 26.12.2 Assessment of all non-complying activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | All non-complying activities | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.3.1<br>b. Objective 2.3.2 and Policy 2.3.2.2<br>c. Objective 2.4.3 and Policy 2.4.3.4<br>d. Objective 26.2.1<br>e. Activities that are not ancillary to Invermay/Hercus activity:<br>i. are related to or necessary to support Invermay Research Centre and Hercus Taieri Resource Unit, or have other operation requirements that mean they need to locate in the zone;<br>ii. support the efficient and effective operation of Invermay Research Centre and Hercus Taieri Resource Unit;<br>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>iv. they are designed and operated in line with Objective 26.2.2 and its policies (Policy 26.2.1.3).<br>*General assessment guidance:*<br>f. In assessing the significance of effects consideration will be given to:<br>i. both short and long term effects, including effects in combination with other activities; and<br>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.<br>g. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.<br>*Relevant guidance from other sections (priority considerations):*<br>h. See Section 6.13 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.<br>i. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety.<br>j. 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. |

| 26.12.3 Assessment of non-complying land use activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | Commercial advertising | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.4.1<br>b. Policy 2.4.1.6.c |

| 26.12.4 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 | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects on heritage values. |

| 26.12.5 Assessment of non-complying performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Light spill - where the limit is exceeded by greater than 25%<br>• Noise - where the limit is exceeded by 5dB LAeq (15 min) or more<br>• Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |

# 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 biodiversity mapped area** (UBMA). Marinoto House, which forms part of Mercy Hospital, is listed in the Heritage New Zealand List and Appendix A1.1 - Schedule of Protected Heritage Items and Sites 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 and healthcare activities 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:<br>a. the activities are related to or support Mercy Hospital, or have other operational requirements that mean they need to locate in the zone;<br>b. they will support the efficient and effective operation of Mercy Hospital;<br>c. they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>d. 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 (for land outside the **urban biodiversity mapped area**) or the Recreation Zone (for land within the **urban biodiversity mapped area**), so that future development that is not related to hospital activity will be managed in accordance with the objectives and policies of that zone. |
| Policy 27.2.1.5 | Only allow subdivision activities where:<br>a. they are in accordance with the provisions of the General Residential 1 Zone; and<br>b. the subdivision does not adversely affect the efficient and effective operation of Mercy Hospital. |

| 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:<br>a. achieves a good standard of on-site amenity for patients, staff and visitors; and<br>b. maintains or enhances the amenity of surrounding residential sites and areas, as far as practicable. | |
| Policy 27.2.2.1 | Only allow buildings and structures that are either:<br>a. in accordance with the Mercy Hospital Development Plan; or<br>b. of a height, setback from boundaries, purpose and size that ensures:<br>i. 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<br>ii. any adverse effects on neighbourhood amenity are avoided or, if avoidance is not practicable, 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. |
| 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. |
| 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 | 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. |

# 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 and site investigation
3. Network Utilities (Section 5)
4. Transportation (Section 6)
5. Scheduled Trees (Section 7)
6. Natural Hazard Mitigation Activities (Section 8)
7. Earthworks (Section 8A)

### 27.3.2 Activity status introduction

1. The activity status 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. Development activities that are lawfully present at the time any relevant rules in this Plan have legal effect are not managed by those rules (the rules do not apply to existing lawfully established development activities).
6. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

*Performance Standards*

7. Performance standards are listed in the far right column of the activity status tables.
8. Performance standards apply to permitted, controlled, and restricted discretionary activities.
9. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.
10. 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 | Meaning |
|---|---|
| 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. NA<br>b. Light spill<br>c. Noise |
| All land use activities | | Activity status | Performance standards |
| X. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded and that are not in accordance with the Mercy Hospital Development Plan (Appendix 27A) | RD | |
| Major facility activities | | Activity status | Performance standards |
| 2. | Hospital | P | a. Minimum mobility 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 | |
| Y. | Healthcare | 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. | NA | | |
| 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 | |

**Note 27.3.3X- Other requirements outside of the District Plan**

1. Any electrical equipment used for an activity must be designed to meet the New Zealand electromagnetic compatibility (EMC) standards, to ensure there are no effects from electrical interference on surrounding sites. The Radio Spectrum Management (RSM) is the governing body which regulates EMC products in New Zealand and investigates interference to safety services, radiocommunication systems and broadcast services such as radio and television reception.

## 27.3.4 Activity status table - development activities

| | | | |
|---|---|---|---|
| 1. | Performance standards that apply to all development activities | | a. Setback from scheduled tree<br>b. Amenity planting area |
| X. | Performance standards that apply to all buildings and structures activities | | a. Setback from coast and water bodies |
| Building and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 5 - 11) | | Activity status | Performance standards |
| 2. | Fences | P | a. Fence height and design |
| 3. | 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 not in accordance with the Mercy Hospital Development Plan (Appendix 27A) | P | a. Small scale buildings and structures<br>b. Number, location and design of ancillary signs |
| 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 | P | |
| 6. | Restoration of all scheduled heritage buildings and structures | C | |
| 7. | Earthquake strengthening where external features only are protected | C | |
| 8. | Signs attached to buildings or structures | P | |
| 9. | All other additions and alterations | RD | |
| 10. | Demolition | NC | |
| 11. | Removal for relocation | RD | |
| Site development activities | | Activity status | Performance standards |
| 12. | Service areas | P | a. Location and screening of service areas |
| 13. | Parking, loading and access | P | a. Parking, loading and access standards<br>b. Screening of parking areas |

| | | | |
|---|---|---|---|
| 14. | New or additions to parking areas that result in 50 or more new parking spaces. | RD | a. Screening of parking areas<br>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) |
| 17. | All other site development activities | P | |

**Note 27.3.4A - General advice**

1. 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. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
2. An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.

### 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**

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

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 biodiversity mapped area**) or Recreation Zone (for land within the **urban biodiversity mapped area**), 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 RMA, unless Council considers special circumstances exist in relation to the application that require public notification:
    1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand.

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 its 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. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is listed by Heritage New Zealand.

3. 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

## 27.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

## 27.5.3 Location

1. For ancillary commercial activities, customer access must only be available from within the facility.
2. Activities that contravene this performance standard are restricted discretionary activities.

## 27.5.4 Minimum Mobility Car Parking

1. NA.
2. NA.
3. NA.
4. 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 |

5. NA.
6. NA.
7. Activities that contravene this performance standard are restricted discretionary activities.

### Note 27.5.4A - Other relevant District Plan provisions

1. Parking areas must comply with the standards in Section 6.6: Parking, Loading and Access 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

1. Where any part of a parking area is built within 5m of a road frontage, a landscaping area with a minimum 1.5m width must be provided between that part of the parking area and the road frontage (except for where vehicle access is provided).
2. Landscaping areas required by 27.6.1.1 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 damaging plants;
   e. be planted prior to occupation of any relevant building(s) or upon completion of site development activities; 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.

### 27.6.2 Fence Height and Design

27.6.2.1 Maximum Height

a. The maximum height of fences along boundaries is 2m.

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.

c. Fences that contravene this performance standard are restricted discretionary activities.

27.6.2.2 Visual Permeability

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 15.6.2.2A).

b. Fences along the road boundary of a state highway are exempt from this requirement.

c. Fences that contravene this performance standard are restricted discretionary activities.

### 27.6.3 Small scale buildings and structures

1. New buildings and structures, and additions and alterations that are not in accordance with the Mercy Hospital Development Plan must:
   a. not exceed 40m² footprint;
   b. not exceed 5m in height;
   c. not be used for clinical services;
   d. be set back from zone boundaries a minimum of 4.5m, except for fences and ancillary signs;
   e. have any public entrances to buildings located at least 10m from a boundary adjoining a residential zone; and
   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 15.6.6.1C), except:
      i. a gable end or dormer may project beyond the plane where it is:
         1. no greater than 1m in height measured parallel to the nearest adjacent boundary; and
         2. no greater than 1m in depth measured horizontally at 90 degrees to the nearest adjacent boundary.

2. Activities that contravene this performance standard are restricted discretionary activities, except contravention of rules 27.6.3.1.a and c are discretionary activities.

### 27.6.4 Hazardous Substances Quantity Limits and Storage Requirements

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

### 27.6.5 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.

### 27.6.6 Materials and Design

Earthquake strengthening must comply with Rule 13.3.2.

### 27.6.7 Maximum Area of Vegetation Clearance (UBMA)

Vegetation clearance in an **urban biodiversity mapped area** (UBMA) must comply with Rule 10.3.2.4.

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

#### 27.6.8.1 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, warning signs, or directional signs; and
   iii. 'building names' (excluding sponsorship names).
b. Signs related to ancillary retail and ancillary restaurants must be designed so as to not be visible outside the Mercy Hospital Zone.
c. Signs must comply with Rule 6.7.3 where visible from a road.
d. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.

#### 27.6.8.2 Freestanding signs

a. The maximum number of freestanding signs is one per accessway to a maximum of four signs.
b. The maximum dimensions of freestanding signs are:
   i. maximum height of 4m;
   ii. maximum area of 4m²;
   iii. maximum width of 4m; and
   iv. maximum depth of 400mm.
c. Freestanding signs must:
   i. not obstruct parking, loading and access areas; and
   ii. be positioned entirely within site boundaries.

#### 27.6.8.3 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 27.6.8A - Other requirements outside of the District Plan**

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

### 27.6.9 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

### 27.6.X Setback from coast and water bodies

New buildings and structures, additions and alterations, and storage and use of hazardous substances must comply with Rule 10.3.3.

### 27.6.10 Setback from scheduled tree

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

### 27.6.11 Amenity planting area

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:
   a. the pruning of any tree for the maintenance of its health;
   b. the clearance of any defined pest species, dead vegetation, vegetation that is in terminal decline or vegetation with extreme failure;
   c. the clearance of vegetation for the construction, maintenance or alteration of fences, gates, drainage, utilities or access; and
   d. the clearance of vegetation for the safety of persons or property.
2. Activities that contravene Rule 27.6.11 are a discretionary activity.

## Rule 27.7 Subdivision Performance Standards

1. For the subdivision of land outside of the **urban biodiversity mapped area**, subdivision activities 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.

# 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** 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 |
| 1. | Affecting a scheduled heritage building or a scheduled heritage structure:<br>• Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected.<br>• 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) | a. Effects on heritage values | See Rule 13.4 |

# 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, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Rules 27.9.2 - 27.9.5 apply as follows:
   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.

| **27.9.2 Assessment of all performance standard contraventions** | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | All performance standard contraventions | *Potential circumstances that may support a consent application include:*<br>a. The degree of non-compliance with the performance standard is minor.<br>b. The need to meet other performance standards or site specific factors, make meeting the standard impracticable.<br>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.<br>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.<br>*General assessment guidance:*<br>e. Where more than one standard is contravened, the combined effects of the contraventions should be considered.<br>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 |
| 2. | Location (ancillary commercial activities) | a. Effects on the vibrancy, and economic and social success of the CBD and centres<br>b. Effects on neighbourhood amenity | *Relevant objectives and policies:*<br>i. Objective 27.2.2<br>ii. Ancillary commercial activities are designed, located and operated to primarily serve staff, patients and visitors to Mercy Hospital (Policy 27.2.2.6).<br>*Potential circumstances that may support a consent application include:*<br>iii. The location of customer access is unlikely to attract external customers and become a stand-alone activity. |
| 3. | Minimum mobility car parking | a. NA<br>b. Effects on accessibility | See Rule 6.10 |

| 27.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Small scale buildings and structures:<br>• Boundary setbacks (Rules 27.6.3.1.d and e)<br>• Height in relation to boundary (Rule 27.6.3.1.f)<br>• Maximum height (Rule 27.6.3.1.b) | a. Effects on the amenity of surrounding sites | *Relevant objectives and policies:*<br>i. Objective 27.2.2<br>ii. Buildings and structures are of a height, setback from boundaries, purpose 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).<br>*Potential circumstances that may support a consent application include:*<br>iii. Residential buildings on neighbouring sites receive adequate natural light and privacy.<br>*In assessing the application Council will consider:*<br>iv. Existing sunlight access to neighbouring properties.<br>v. Cumulative effects from incremental development. |
| | | b. Effects on neighbourhood amenity | *Relevant objectives and policies:*<br>i. Objective 27.2.2<br>ii. Buildings and structures are of a height, and setback from boundaries, purpose and size that ensures any adverse effects on neighbouring amenity are avoided or, if avoidance is not practicable, are no more than minor (Policy 27.2.2.1.b.ii). |

**27.9.4 Assessment of development performance standard contraventions**

| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
|---|---|---|---|
| 2. | Screening of parking areas | a. Effects on neighbourhood residential amenity | *Relevant objectives and policies:*<br>i. Objective 27.2.2<br>ii. Landscaping of the boundary of parking areas adjacent to a road frontage screens or softens these areas and ensure a high standard of visual amenity where viewed from the road (Policy 27.2.2.3). |
| 3. | Fence height and design | a. Effects on health and safety | See Rule 9.5 |
| | | b. Effects on neighbourhood amenity | *Relevant objectives and policies:*<br>i. Objective 27.2.2<br>ii. Fences on road boundaries are of a height and design that contributes positively to the neighbourhood amenity (Policy 27.2.2.4).<br>*Potential circumstances that may support a consent application include:*<br>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.<br>iv. An attractive interface with the street is achieved.<br>v. The fence will be screened by landscaping. |
| 4. | Hazardous substances quantity limits and storage requirements | a. Effects on health and safety | See Rule 9.5 |
| 5. | Location and screening of service areas | a. Effects on neighbourhood amenity | *Relevant objectives and policies:*<br>i. Objective 27.2.2<br>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).<br>*Potential circumstances that may support a consent application include:*<br>iii. Screening would unduly restrict the usability of the service area.<br>iv. The site layout prevents the service area from being visible from any public place without additional screening being required. |

| 27.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 6. | Affecting a **scheduled heritage building** or **scheduled heritage structure**<br>• Materials and design | a. Effects on heritage values | See Rule 13.5 |
| 7. | Number, location and design of ancillary signs | a. Effects on neighbourhood amenity | *Relevant objectives and policies:*<br>i. Objective 27.2.2<br>ii. Ancillary signs visible from outside the zone are located and designed to maintain streetscape amenity (Policy 27.2.2.5). |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 8. | Parking, loading and access standards | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| X. | Setback from coast and water bodies (rules 10.3.3.1 – 10.3.3.5) | a. Effects on biodiversity values and natural character of riparian margins and the coast | See Rule 10.5 |
| | | b. Effects on public access | |
| | | c. Risk from natural hazards | See Rule 11.4 |
| 9. | Setback from scheduled tree | a. Effects on long term health of tree | See Rule 7.6 |
| 10. | In an **urban biodiversity mapped area**:<br>• Maximum area of vegetation clearance (UBMA) | a. Effects on biodiversity values | See Rule 10.5 |

| 27.9.5 Assessment of subdivision performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | Subdivision performance standards | See Rule 15.10 |

# 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, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provide guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.
3. Rules 27.10.2 - 27.10.3 apply as follows:
    a. Rule 27.10.2 applies to restricted discretionary activities; and
    b. Rule 27.10.3 applies to restricted discretionary subdivision activities.
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** 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 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 27.11; 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.

| 27.10.X Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded and that are not in accordance with the Mercy Hospital Development Plan (Appendix 27A) | a. Effects on the safety and efficiency of the transport network<br>b. Effects on accessibility | See Rule 6.11 |

| 27.10.2 Assessment of restricted discretionary development activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Activities affecting a **scheduled heritage building** or **scheduled heritage structure**:<br>• Additions and alterations that affects a protected part of a **scheduled heritage building** or **scheduled heritage structure**<br>• Removal for relocation | a. Effects on heritage values | See Rule 13.6 |

| 27.10.2 Assessment of restricted discretionary development activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 2. | High trip generators:<br>• New or additions to parking areas that result in 50 or more new parking spaces | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | b. Effects on accessibility | |

| 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 | *Relevant objectives and policies:*<br>i. Objective 2.3.1<br>ii. Objective 27.2.1<br>iii. Subdivision activities do not adversely affect the efficient and effective operation of Mercy Hospital (Policy 27.2.1.5.b). |
| | | See Rule 15.11 | |

# 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 - 27.11.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', 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. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
    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:
    a. Rule 27.11.2 applies to discretionary activities; and
    b. Rule 27.11.3 applies to discretionary performance standard contraventions.
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 |
| 1. | All discretionary land use activities listed below:<br>• all activities in the community activities category except conservation and community and leisure - small scale<br>• all activities in the residential activities category | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.3.1<br>b. Objective 27.2.1<br>c. 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).<br>d. Activities that are not ancillary to hospital activity:<br>i. are related to or support Mercy Hospital, or have other operational requirements that mean they need to locate in the zone;<br>ii. support the efficient and effective operation of Mercy Hospital;<br>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>iv. are designed and operated in line with Objective 27.2.2 and its policies (Policy 27.2.1.3).<br>*Potential circumstances that may support a consent application include:*<br>e. 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.<br>f. All relevant land use performance standards are met, including noise and light spill standards.<br>*General assessment guidance:*<br>g. In assessing the significance of effects, consideration will be given to:<br>i. short to long term effects, including effects in combination with other activities; and<br>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.<br>*Relevant guidance from other sections (priority considerations):*<br>h. 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.<br>i. 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.<br>j. 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. |

| 27.11.3 Assessment of discretionary performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | Small scale buildings and structures:<br>• Footprint greater than 40m² (Rule 27.6.3.1.a)<br>• Used for clinical services (Rule 27.6.3.1.c) | *Relevant objectives and policies (priority considerations):*<br>a. Objective 27.2.2<br>b. Buildings and structures are of a height, set back from buildings, purpose and size that ensures:<br>i. 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<br>ii. any adverse effects on neighbourhood amenity are avoided or, if avoidance is not practicable, are no more than minor (Policy 27.2.2.1).<br>c. NA<br>*General assessment guidance:*<br>d. In considering the effects on the amenity of surrounding properties, Council will consider the following effects:<br>i. the visual effects of buildings and car parks;<br>ii. loss of existing vegetation;<br>iii. any proposed lighting and signage; and<br>iv. any cumulative effects. |
| 2. | Amenity planting area | *Relevant objectives and policies (priority considerations):*<br>a. Objective 27.2.2<br>b. 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). |
| 3. | Noise - where the limit is exceeded by less than 5dB LAeq (15min) | *Relevant guidance from other sections (priority considerations):*<br>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. |

# 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 - 27.12.4 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 - 27.12.4 apply as follows:
   a. Rule 27.12.2 applies to assessment of non-complying land use activities.
   b. Rule 27.12.3 applies to assessment of non-complying development activities.
   c. Rule 27.12.4 applies to assessment of non-complying subdivision activities.
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.

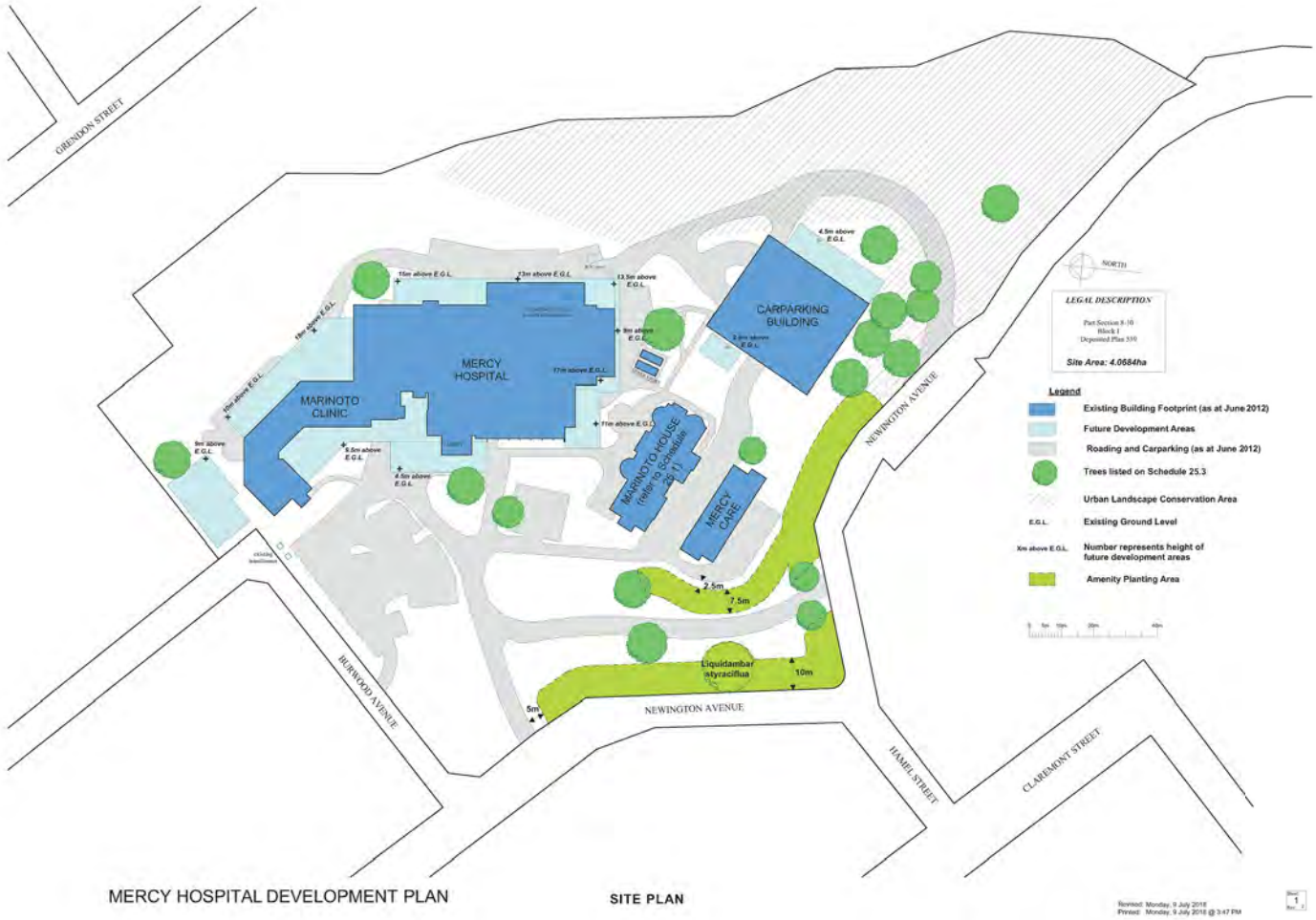
| 27.12.2 Assessment of non-complying land use activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | All non-complying land use activities | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.3.1<br>b. Objective 2.3.2 and Policy 2.3.2.2<br>c. Objective 2.4.3 and Policy 2.4.3.4<br>d. Objective 27.2.1<br>e. Activities that are not ancillary to hospital activity:<br>i. are related to, or support, Mercy Hospital, or have other operational requirements that mean they need to locate in the zone;<br>ii. support the efficient and effective operation of Mercy Hospital;<br>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>iv. they are designed and operated in line with Objective 27.2.2 and its policies (Policy 27.2.1.3).<br>*General assessment guidance:*<br>f. In assessing the significance of effects consideration will be given to:<br>i. both short and long term effects, including effects in combination with other activities; and<br>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.<br>g. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.<br>*Relevant guidance from other sections (priority considerations):*<br>h. See Section 6.13 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.<br>i. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety.<br>j. 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. |
| 2. | Commercial advertising | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.4.1<br>b. Policy 2.4.1.6.c |

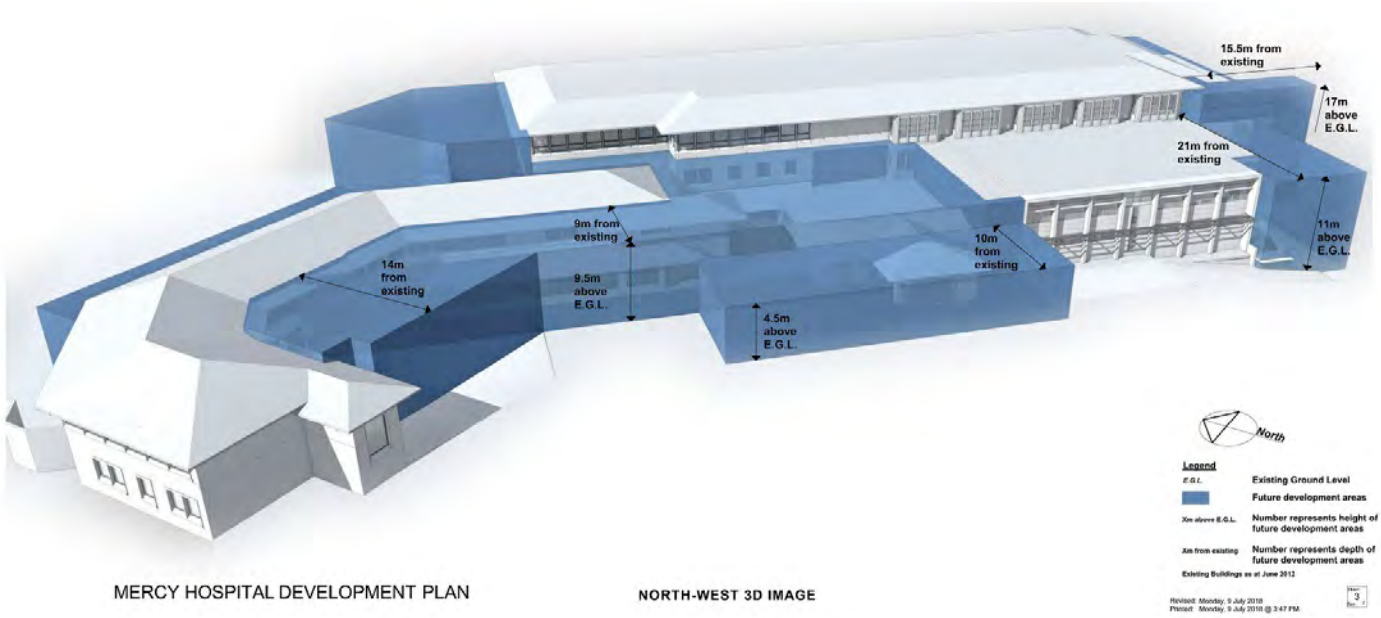
| 27.12.3 Assessment of non-complying development activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | Demolition of a protected part of a scheduled heritage building or scheduled heritage structures | *Relevant guidance from other sections (priority considerations):*<br>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. |

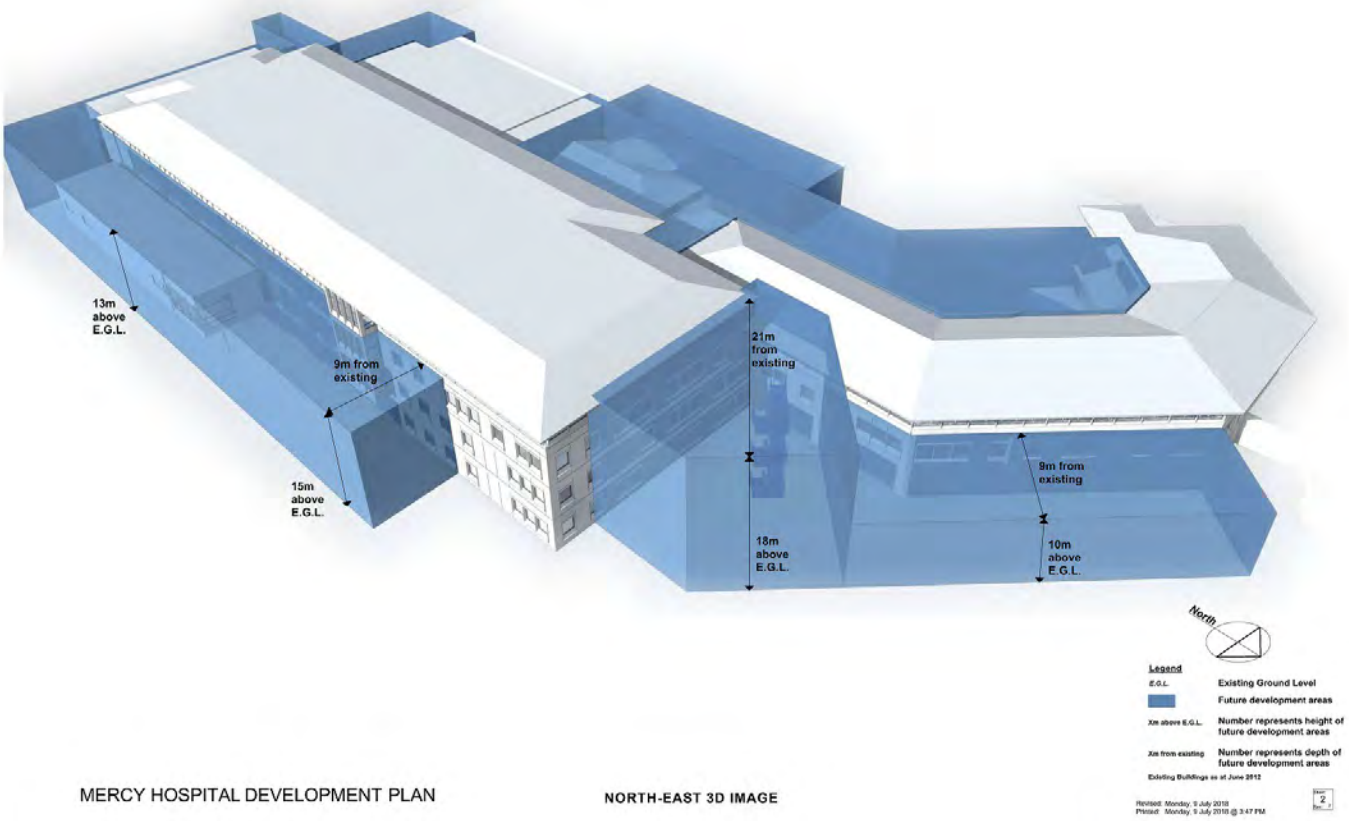
| 27.12.4 Assessment of non-complying subdivision activities | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Light spill - where the limit is exceeded by greater than 25%<br>• Noise - where the limit is exceeded by 5dB LAeq (15 min) or more<br>• Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |

# Appendices

## Appendix 27A. Mercy Hospital Development Plan






MERCY HOSPITAL DEVELOPMENT PLAN

NORTH-EAST 3D IMAGE

# 28. Moana Pool

## 28.1 Introduction

Moana Pool sits within the Town Belt, just below Dunedin's hill suburbs, at 60 Littlebourne Road. The pool is owned and operated by the Dunedin City Council and has occupied the site since 1964. It provides a range of recreation facilities, including an Olympic sized pool, a leisure pool, learner's pool, dive/lap pool, water slides, a gymnasium and various function and meeting rooms. There are massage and physiotherapy facilities on-site, as well as an early childhood centre. Expansion of the facility may occur within the next 10 years.

The site is bordered by land zoned recreation and residential. While the facility itself is considerably larger than surrounding properties, it backs onto a steep bush clad area and is an accepted part of the local environment. There is a high level of amenity in the area given its location within the Town Belt, and parts of the site are densely vegetated.

The zone recognises the existing uses of the Moana Pool site and provides certainty to the community regarding what land use activities can be expected to occur on the site, while appropriately managing any adverse effects that may occur, including effects on the Town Belt, residential zones and transport network.

## 28.2 Objectives and Policies

| Objective 28.2.1 | |
|---|---|
| Moana Pool is able to operate efficiently and effectively | |
| Policy 28.2.1.1 | Enable major recreation facility activity in the Moana Pool Zone. |
| Policy 28.2.1.2 | Provide for activities that are ancillary to major recreation facility activity where they are designed and operated in line with Objective 28.2.2 and its policies. |
| Policy 28.2.1.3 | Only allow activities that are not ancillary to major recreation facility activity where all of the following apply:<br>a. the activities are related to or support Moana Pool, or have other operational requirements that mean they need to locate in the zone;<br>b. they will support the efficient and effective operation of Moana Pool;<br>c. they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>d. they are designed and operated in line with Objective 28.2.2 and its policies. |
| Policy 28.2.1.4 | Enable land that is surplus to the needs of Moana Pool to transition to the Recreation Zone, so that future development will be managed in accordance with the objectives and policies of that zone. |
| Policy 28.2.1.5 | Only allow subdivision activities where:<br>a. they are in accordance with the provisions of the Recreation Zone; and<br>b. the subdivision does not adversely affect the efficient and effective operation of Moana Pool. |

| Objective 28.2.2 | |
|---|---|
| Land use activities and development necessary for Moana Pool to meet the reasonably foreseeable needs of the community is enabled, while ensuring development:<br>a. achieves a good standard of on-site amenity for staff and visitors; and<br>b. maintains or enhances the residential amenity of surrounding sites as far as practicable. | |
| Policy 28.2.2.1 | Require buildings and structures to be of a height and setback from boundaries that ensures there are no more than minor effects on the sunlight access of current and future residential buildings and their outdoor living spaces. |
| Policy 28.2.2.2 | Require development to maintain or enhance neighbourhood amenity by ensuring service areas are not visible from ground level outside the site. |
| Policy 28.2.2.3 | Require landscaping that provides a reasonable level of streetscape amenity along the boundary of parking areas. |
| Policy 28.2.2.4 | Require fences on road boundaries to be of a height and design that contributes positively to neighbourhood amenity. |
| Policy 28.2.2.5 | 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. |
| Policy 28.2.2.6 | Require ancillary commercial activities to be designed, located and operated to primarily serve staff and visitors of Moana Pool. |
| Policy 28.2.2.7 | Only allow early childhood education - large scale where it is designed and located to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties. |

# Rules

## Rule 28.3 Activity Status

### 28.3.1 Rule location

The activity status tables in rules 28.3.3 to 28.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Moana Pool 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 and site investigation
3. Network Utilities (Section 5)
4. Transportation (Section 6)
5. Scheduled Trees (Section 7)
6. Natural Hazard Mitigation Activities (Section 8)
7. Earthworks (Section 8A)

### 28.3.2 Activity status introduction

1. The activity status tables in rules 28.3.3 - 28.3.5 show the activity status of activities in the Moana Pool 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. Development activities that are lawfully present at the time any relevant rules in this Plan have legal effect are not managed by those rules (the rules do not apply to existing lawfully established development activities).
6. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

*Performance Standards*

7. Performance standards are listed in the far right column of the activity status tables.
8. Performance standards apply to permitted, controlled, and restricted discretionary activities.
9. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.
10. 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 | Meaning |
|---|---|
| P | Permitted Activity |
| C | Controlled Activity |
| RD | Restricted Discretionary Activity |
| D | Discretionary Activity |
| NC | Non-complying Activity |

### 28.3.3 Activity status table - land use activities

| | | | |
|---|---|---|---|
| 1. | Performance standards that apply to all land use activities | | a. NA<br>b. Light spill<br>c. Noise |
| All land use activities | | Activity status | Performance standards |
| X. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | RD | |
| Major facility activities | | Activity status | Performance standards |
| 2. | Major recreation facility | P | a. Minimum mobility car parking |
| 3. | All other activities in the major facility activities category | NC | |
| Community activities | | Activity status | Performance standards |
| 4. | Early childhood education - small scale | P | |
| 5. | Early childhood education - large scale | RD | |
| Y. | Healthcare | D | |
| 6. | All other activities in the community activities category | P | |
| Commercial activities | | Activity status | Performance standards |
| 7. | Activities ancillary to major recreation facility | P | a. Location |
| 8. | All other activities in the commercial activities category | NC | |
| Residential activities | | Activity status | Performance standards |
| 9. | All activities in the residential activities category | NC | |
| Industrial activities | | Activity status | Performance standards |
| 10. | All activities in the industrial activities category | NC | |
| Rural activities | | Activity status | Performance standards |

| | | | |
|---|---|---|---|
| 11. | All activities in the rural activities category | NC | |

### Note 28.3.3X- Other requirements outside of the District Plan

1. Any electrical equipment used for an activity must be designed to meet the New Zealand electromagnetic compatibility (EMC) standards, to ensure there are no effects from electrical interference on surrounding sites. The Radio Spectrum Management (RSM) is the governing body which regulates EMC products in New Zealand and investigates interference to safety services, radiocommunication systems and broadcast services such as radio and television reception.

### 28.3.4 Activity status table - development activities

| | | | |
|---|---|---|---|
| 1. | Performance standards that apply to all development activities | | a. Maximum building site coverage and impermeable surfaces |
| Buildings and structures activities | | Activity status | Performance standards |
| 2. | Fences | P | a. Fence height and design |
| 3. | All other buildings and structures activities | P | a. Boundary setbacks<br>b. Height in relation to boundary<br>c. Maximum height<br>d. Number, location and design of ancillary signs |
| Site development activities | | Activity status | Performance standards |
| 4. | Service areas | P | a. Location and screening of service areas |
| 5. | Parking, loading and access | P | a. Parking, loading and access standards<br>b. Boundary treatments and other landscaping |
| 6. | New, or additions to, parking areas that result in 50 or more new parking spaces. | RD | a. Boundary treatments and other landscaping<br>b. Parking, loading and access standards |
| 7. | Storage and use of hazardous substances | P | a. Hazardous substances quantity limits and storage requirements |
| 8. | Vegetation clearance | P | a. Maximum area of vegetation clearance (UBMA) |
| 9. | All other site development activities | P | |

### Note 28.3.4A - General advice

1. 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. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
2. An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.

## 28.3.5 Activity status table - subdivision activities

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

### Note 28.3.5A - Other RMA considerations

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.

## 28.3.6 Transition to Recreation Zone

On receipt of written notice from both the landowner and operator of Moana Pool (if different) to Dunedin City Council confirming that all or part of the land within the Moana Pool Zone is surplus to requirements, the provisions of the Moana Pool Zone will no longer apply to that parcel of land and the provisions of the Recreation Zone will apply in full.

## Rule 28.4 Notification

1. Activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

## Rule 28.5 Land Use Performance Standards

### 28.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

### 28.5.3 Location

1. For ancillary commercial activities, customer access must only be available from inside the Moana Pool buildings.
2. Activities that contravene this performance standard are restricted discretionary activities.

### 28.5.4 Minimum Mobility Car Parking

1. Major recreation facility activity must provide a minimum of four mobility parking spaces.
2. NA.
3. Activities that contravene this performance standard are restricted discretionary activities.

#### Note 28.5.4A - Other relevant District Plan provisions

1. Parking areas must comply with the standards in Section 6.6: Parking, Loading and Access Standards.

### 28.5.5 Noise

Land use activities must comply with Rule 9.3.6.

# Rule 28.6 Development Performance Standards

## 28.6.1 Boundary Setbacks

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

| Building | | Setback from road boundary or site boundary where site directly adjoins another zone |
|---|---|---|
| a. | Buildings not exceeding 12m in height **or** 250m² gross floor area | 4.5m |
| b. | Other buildings | 10m |

   c. Fences and ancillary signs are exempt from the performance standard.

   d. Public entrances to buildings must be located at least 10m from a boundary with the residential zone.

2. Activities that contravene this performance standard are restricted discretionary activities.

## 28.6.2 Boundary Treatments and Other Landscaping

1. Where 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 the road frontage (except for where vehicle access is provided).
2. Landscaping areas must:
   a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
   b. have an average of one tree for every 5m of frontage;
   c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
   d. be designed to allow surface water run-off from surrounding areas to enter;
   e. be protected by a physical barrier that prevents cars from damaging plants;
   f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a minimum height of 5m within 10 years of planting;
   g. be planted prior to occupation of any relevant building(s) or upon completion of site development activities; and
   h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any road frontage landscaping required by this rule.
4. Activities that contravene this performance standard are restricted discretionary activities.

### 28.6.3 Fence Height and Design

28.6.3.1 Maximum Height

a. The maximum height of fences along boundaries (including within the boundary setbacks required by Rule 28.6.1) is 2m.

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.

c. Fences that contravene this performance standard are restricted discretionary activities.

28.6.3.2 Visual Permeability

a. Fences along road boundaries (or within the boundary setbacks required by Rule 28.6.1) must be constructed to a length and/or height that maintains visual permeability for 50% of the length of the boundary measured at a height of 1.4m above ground level (see Figure 15.6.2.2A).

b. Fences along the road boundary of a state highway are exempt from this requirement.

c. Fences that contravene this performance standard are restricted discretionary activities.

### 28.6.4 Hazardous Substances Quantity Limits and Storage Requirements

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

### 28.6.5 Height

28.6.5.1 Height in Relation to Boundary

a. New buildings and additions and alterations to buildings on sites adjoining a residential zone must comply with the height in relation to boundary performance standard of that residential zone, along the adjoining boundary (see Rule 15.6.6.1).

28.6.5.2 Maximum height

a. The maximum height of new buildings and structures, and additions and alterations, must not exceed the following heights above ground level:
    i. Western side Queens Drive/Littlebourne Road: 18m;
    ii. Eastern side Queens Drive/Littlebourne Road: 12m;
    iii. Rooftop structures are exempt from the performance standard for maximum height, provided they do not exceed the maximum height limit by more than one third of that limit or 5m, whichever is the lesser.

b. Activities that contravene this performance standard are restricted discretionary activities.

### 28.6.6 Location and Screening of Service Areas

1. Service areas must be located or screened so that they are not visible at ground level from adjacent: residential activities, residential zoned properties, or public places.
2. Service areas must not encroach into required parking, loading or manoeuvring areas.
3. Activities that contravene this performance standard are restricted discretionary activities.

### 28.6.7 Maximum Building Site Coverage and Impermeable Surfaces

1. The maximum building site coverage of buildings (% of site) is 40%; and
2. The maximum total impermeable surface site coverage (buildings and impermeable surfaces % of site) is 70%.
3. Activities that contravene this performance standard are restricted discretionary activities.

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

#### 28.6.8.1 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 Moana Pool Zone;
   ii. regulatory signs, warning signs, or directional signs; and
   iii. building names (excluding commercial sponsorship names).
b. Signs related to ancillary retail and ancillary restaurants must not be visible outside the Moana Pool Zone.
c. Signs located on or above the footpath must comply with Rule 6.7.2.
d. Signs must comply with Rule 6.7.3 where visible from a road.
e. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.

#### 28.6.8.2 Signs attached to buildings

a. The height, above ground level, at the highest point of any sign, attached to a building is 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 15m 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.

#### 28.6.8.3 Freestanding signs

a. The maximum number of freestanding signs is two per 50m of frontage.
b. The maximum dimensions of freestanding signs are:
   i. maximum height of 3m;

ii. maximum area of 4m²;

iii. maximum width of 2m; and

iv. maximum depth of 400mm.

c. Freestanding signs must:

i. not obstruct parking, loading and access areas; and

ii. be positioned entirely within the site boundaries.

d. Freestanding signs must not exceed:

i. maximum height of 900mm above ground level; and

ii. a maximum width of 600mm.

**Note 28.6.8B - Other requirements outside of the District Plan**

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

### 28.6.9 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

### 28.6.10 Maximum Area of Vegetation Clearance (UBMA)

Vegetation clearance in an **urban biodiversity mapped area** (UBMA) must comply with Rule 10.3.2.4.

## Rule 28.7 Subdivision Performance Standards

Subdivision activities must comply with Rule 20.7.

## Rule 28.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

### Rule 28.8.1 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 28.8.2 - 28.8.5:
    a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.
3. Rules 28.8.2 - 28.8.5 apply as follows:
    a. Rule 28.8.2 applies to all performance standard contraventions;
    b. Rule 28.8.3 applies to land use performance standard contraventions;
    c. Rule 28.8.4 applies to development performance standard contraventions; and
    d. Rule 28.8.5 applies to subdivision performance standard contraventions.

| 28.8.2 Assessment of all performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of the resource consents |
| 1. | All performance standard contraventions | *Potential circumstances that may support a consent application include:*<br>a. The degree of non-compliance with the performance standard is minor.<br>b. The need to meet other performance standards, or site specific factors, make meeting the standard impracticable.<br>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.<br>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.<br>*General assessment guidance:*<br>e. Where more than one standard is contravened, the combined effects of the contraventions should be considered. |

| 28.8.3 Assessment of land use performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 2. | Location | a. Effects on the vibrancy, and economic and social success of the CBD and centres | *Relevant objectives and policies:*<br>i. Objective 28.2.2<br>ii. Ancillary commercial activities are designed, located and operated to primarily serve staff and visitors of Moana Pool (Policy 28.2.2.6). |
| 3. | Minimum mobility car parking | a. NA | See Rule 6.10 |
| | | b. Effects on accessibility | See Rule 6.10 |

| 28.8.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | • Boundary setbacks<br>• Height in relation to boundary<br>• Maximum height | a. Effects on surrounding sites | *Relevant objectives and policies:*<br>i. Objective 28.2.2<br>ii. Building and structures are of a height and set back from boundaries to ensure that there are no more than minor effects on sunlight access of current and future residential buildings and their outdoor living spaces (Policy 28.2.2.1). |
| 2. | Boundary treatments and other landscaping | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 28.2.2<br>ii. Landscaping provides a reasonable level of streetscape amenity along the boundary of parking areas (Policy 28.2.2.3). |
| 3. | Fence height and design | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 28.2.2<br>ii. Fences on road boundaries are of a height and design that contribute positively to neighbourhood amenity (Policy 28.2.2.4).<br>*Potential circumstances that may support a consent application include:*<br>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.<br>iv. An attractive interface with the street is achieved.<br>v. The fence will be screened by landscaping. |
| | | b. Effects on health and safety | See Rule 9.5 |
| 4. | Hazardous substances quantity limits and storage requirements | a. Effects on health and safety | See Rule 9.5 |
| 5. | Location and screening of service areas | a. Effects on neighbourhood amenity | *Relevant objectives and policies:*<br>i. Objective 28.2.2<br>ii. Development maintains or enhances neighbourhood amenity by ensuring service areas are not visible from ground level outside the site (Policy 28.2.2.2). |

| 28.8.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 6. | Maximum building site coverage and impermeable surfaces | a. Effects on efficiency and affordability of infrastructure (stormwater)<br>X. Effects of stormwater from future development | See Rule 9.5 |
| 7. | Number, location and design of ancillary signs | a. Effects on neighbourhood amenity | *Relevant objectives and policies:*<br>i. Objective 28.2.2<br>ii. Ancillary signs visible from outside the zone are located and designed to maintain streetscape amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose (Policy 28.2.2.5). |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 8. | Parking, loading and access standards | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 9. | In an **urban biodiversity mapped area**:<br>• Maximum area of vegetation clearance (UBMA) | a. Effects on biodiversity values | See Rule 10.5 |

| 28.8.5 Assessment of subdivision performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | Subdivision performance standards | See Rule 20.9 |

# Rule 28.9 Assessment of Restricted Discretionary Activities

## Rule 28.9.1 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 28.9.2 - 28.9.4:
   a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provide guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Rules 28.9.2 - 28.9.4 apply as follows:
   a. Rule 28.9.2 applies to restricted discretionary land use activities;
   b. Rule 28.9.3 applies to restricted discretionary development activities; and
   c. Rule 28.9.4 applies to restricted discretionary subdivision activities.
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** 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 28.8; 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 28.10; 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 28.11; and
      iii. the assessment guidance in this section will also be considered.

| 28.9.2 Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | a. Effects on accessibility | See Rule 6.11 |
| | | b. Effects on the safety and efficiency of the transport network | |
| 2. | Early childhood education - large scale | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | b. Effects on surrounding sites' residential amenity | *Relevant objectives and policies:*<br>i. Objective 28.2.2<br>ii. Early childhood education - large scale is designed and located to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 28.2.2.7). |

| 28.9.3 Assessment of restricted discretionary development activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | High trip generators:<br>• New, or additions to, parking areas that result in 50 or more new parking spaces | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | b. Effects on accessibility | |

| 28.9.4 Assessment of restricted subdivision activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | All subdivision activities | a. Effects on efficient and effective operation of Moana Pool | *Relevant objectives and policies:*<br>i. Objectives 28.2.1, 2.3.1<br>ii. Subdivision does not adversely affect the efficient and effective operation of Moana Pool (Policy 28.2.1.5.b). |
| | | See Rule 20.10 | |

# Rule 28.10 Assessment of Discretionary Activities

## Rule 28.10.1 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. Rule 28.10.2 provides guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', 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. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
   c. general assessment guidance, including any effects that will be considered as a priority; and
   d. conditions that may be imposed.
3. 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.

| **28.10.2 Assessment of discretionary performance standard contraventions** | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Noise - where the limit is exceeded by less than 5dB LAeq (15min)<br>• Light spill - where the limit is exceeded by 25% or less | *Relevant guidance from other sections (priority considerations):*<br>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. |

| **28.10.3 Assessment of discretionary activities** | |
|---|---|
| Activity | Guidance on the assessment of resource consents |

| 28.10.3 Assessment of discretionary activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | Healthcare | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 2.3.1, 2.3.3<br>b. Objective 28.2.1<br>c. Healthcare activities that are not ancillary to major recreation facility activities:<br>i. are related to or support Moana Pool, or have other operational requirements that mean they need to locate in the zone;<br>ii. will support the efficient and effective operation of Moana Pool;<br>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>iv. are designed and operated in line with Objective 28.2.2 and its policies (Policy 28.2.1.3).<br>*Potential circumstances that may support a consent application include:*<br>d. Whether any associated development activities meet relevant development performance standards, or are otherwise consistent with relevant objectives and policies for development.<br>e. All relevant land use performance standards are met, including noise and light spill standards.<br>*General assessment guidance:*<br>f. In assessing the significance of effects, consideration will be given to:<br>i. short to long term effects, including effects in combination with other activities; and<br>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.<br>*Relevant guidance from other sections (priority considerations):*<br>g. 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.<br>h. 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.<br>i. 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. |

# Rule 28.11 Assessment of Non-complying Activities

## Rule 28.11.1 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 28.11.2 - 28.11.3 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 28.11.2 - 28.11.3 apply as follows:
   a. Rule 28.11.2 applies to non-complying land use activities; and
   b. Rule 28.11.3 applies to non-complying performance standard contraventions.
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.

| 28.11.2 Assessment of non-complying land use activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | All non-complying land use activities | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 2.3.1, 2.3.3<br>b. Objective 2.3.2 and Policy 2.3.2.2<br>c. Objective 2.4.3 and Policy 2.4.3.4<br>d. Objective 28.2.1<br>e. Activities that are not ancillary to a major recreation facility:<br>i. are related to or support Moana Pool, or have other operation requirements that mean they need to locate in the zone;<br>ii. support the efficient and effective operation of Moana Pool;<br>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>iv. are designed and operated in line with Objective 28.2.2 and its policies. (Policy 28.2.1.3)<br>*General assessment guidance:*<br>f. In assessing the significance of effects consideration will be given to:<br>i. both short and long term effects, including effects in combination with other activities; and<br>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.<br>g. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.<br>*Relevant guidance from other sections (priority considerations):*<br>h. See Section 6.13 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.<br>i. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety.<br>j. 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. |
| 2. | Commercial advertising | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.4.1<br>b. Policy 2.4.1.6.c |

| 28.11.3 Assessment of non-complying performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Light spill - where the limit is exceeded by greater than 25%<br>• Noise - where the limit is exceeded by 5dB LAeq (15 min) or more<br>• Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |

# 29. Otago Museum

## 29.1 Introduction

Otago Museum first opened to the public in 1868 in the Exchange area south of the Octagon, and mainly displayed a collection of rocks and minerals as its foundation objects. The collection began to grow, and a larger, purpose-built site was needed. The site at the existing address – 419 Great King Street – was selected, with the foundation laid in December 1874. In August of 1877 the new building, designed by architect David Ross, was opened. The Otago Museum H D Skinner Annex (situated on the corner of the Museum Reserve) was opened in July 1879 and operated as the Dunedin North Post Office until the 1960s. It is now part of the Museum.

The management of the Museum was handed wholly to the University through the Otago Museum Act 1877 and was to remain vested in the University for almost 80 years, becoming a teaching museum and housing various University departments. Otago Museum is now managed by a Trust Board, established under the Otago Museum Trust Board Act 1996. The appointing bodies are the Dunedin City Council; the combined District Councils of Central Otago, Clutha and Waitaki; the University of Otago; the Association of Friends of the Otago Museum; the Otago Institute; and Manawhenua (the local Māori community).

The Museum comprises seven galleries, containing exhibits on Tākata Whenua, southern land and people, Otago natural and maritime history and cultures of the Pacific and wider world. The Animal Attic features nearly 3,000 historical specimens, and also within the Museum is the Tūhura Tropical Forest which contains live butterflies and the interactive Tūhura Otago Community Trust Science Centre .

The site was zoned industrial in The Dunedin City District Plan (2006). Therefore, the key issue was that the zoning was neither efficient nor effective in terms of providing for the facility, enabling it to be further developed or redeveloped in the future, or in terms of managing its effects.

In response to this issue, this Plan applies an ‘Otago Museum Zone’ to the site. The Otago Museum Zone is tailored to provide for the continued efficient and effective operation of the Museum, while ensuring a reasonable level of amenity for surrounding streets and the Otago Museum Reserve. Entertainment and exhibition, conference, meeting and function, training and education and a range of community activities are provided for in the zone, and the Great King Street façade of the Museum and Dunedin North Post Office (former) are listed as scheduled heritage buildings.

The zone recognises the existing and foreseeable future uses of the Museum and provides certainty to the community regarding what land use activities can be expected to occur, while managing potential effects and ensuring compatibility with surrounding environments. The Otago Museum Zone is surrounded by Campus and Suburban Centre zones.

# 29.2 Objectives and Policies

| **Objective 29.2.1** | |
|---|---|
| Otago Museum is able to operate efficiently and effectively. | |
| Policy 29.2.1.1 | Enable entertainment and exhibition activities in the Otago Museum Zone. |
| Policy 29.2.1.2 | Provide for conference, meeting and function, training and education and community activities where they are designed and operated in line with Objective 29.2.2 and its policies. |
| Policy 29.2.1.3 | Only allow activities which are not provided for, where the following apply:<br>a. the activities are related to or necessary to support the Otago Museum, or have other operational requirements which mean they need to locate within the zone;<br>b. they will support the efficient and effective operation of Otago Museum;<br>c. they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>d. they are designed and operated in line with Objective 29.2.2 and its policies. |
| Policy 29.2.1.4 | Enable land that is surplus to the needs of the Otago Museum to transition to the Campus Zone, so that future development that is not related to the Otago Museum will be managed in accordance with the objectives and policies of this zone. |
| Policy 29.2.1.5 | Only allow subdivision activities where:<br>a. they are in accordance with the provisions of the Campus Zone; and<br>b. the subdivision does not adversely affect the efficient and effective operation of Otago Museum. |

| **Objective 29.2.2** | |
|---|---|
| Land use activities and development necessary for the continued operation of Otago Museum is enabled, while ensuring it achieves a reasonable level of amenity for surrounding streets and the Otago Museum Reserve. | |
| Policy 29.2.2.1 | Require buildings and structures to be of a height that:<br>a. maintains adequate sunlight access to the adjoining Otago Museum Reserve; and<br>b. avoids significant adverse wind effects. |
| Policy 29.2.2.2 | Require outdoor storage areas to be located or screened so they are not visible from ground level of a public place. |
| Policy 29.2.2.3 | Require ancillary signs visible from outside the zone to be located and designed to maintain the amenity of surrounding streets and the Otago Museum Reserve, including by being of an appropriate size and number to convey information to passing pedestrians and motorists, and not being too oversized or numerous for that purpose. |
| Policy 29.2.2.4 | Require landscaping that provides a reasonable level of streetscape amenity along the boundary of parking areas. |
| Policy 29.2.2.5 | Only allow buildings between 25m - 40m in height where adverse effects on the skyline vista of the city, particularly as viewed from Dunedin’s inner hill suburbs across the harbour towards the Otago Peninsula, are minimised as far as practicable through the use of quality and contextually appropriate architectural design. |
| Policy 29.2.2.6 | Only allow buildings over 40m in height where:<br>a. the height is essential to the operation of Otago Museum; and<br>b. the height exceedance is minimal. |

# Rules

## Rule 29.3 Activity Status

### 29.3.1 Rule location

The activity status tables in rules 29.3.3 to 29.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Otago Museum 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 and site investigation
3. Network Utilities (Section 5)
4. Transportation (Section 6)
5. Scheduled Trees (Section 7)
6. Natural Hazard Mitigation Activities (Section 8)
7. Earthworks (Section 8A)

### 29.3.2 Activity status introduction

1. The activity status tables in rules 29.3.3 - 29.3.5 show the activity status of activities in the Otago Museum 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. Development activities that are lawfully present at the time any relevant rules in this Plan have legal effect are not managed by those rules (the rules do not apply to existing lawfully established development activities).
6. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

*Performance Standards*

7. Performance standards are listed in the far right column of the activity status tables.
8. Performance standards apply to permitted, controlled, and restricted discretionary activities.
9. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.
10. 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 | Meaning |
|---|---|
| P | Permitted Activity |
| C | Controlled Activity |
| RD | Restricted Discretionary Activity |
| D | Discretionary Activity |
| NC | Non-complying Activity |

### 29.3.3 Activity status table - land use activities

| | | | |
|---|---|---|---|
| 1. | Performance standards that apply to all land use activities | | a. NA<br>b. Light spill<br>c. Noise<br>d. Minimum mobility car parking |
| All land use activities | | Activity status | Performance standards |
| X. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | RD | |
| Commercial activities | | Activity status | Performance standards |
| 2. | Entertainment and exhibition | P | |
| 3. | Commercial advertising | NC | |
| 4. | Conference, meeting and function | P | |
| 5. | Training and education | P | |
| 6. | Campus-affiliated office | P | |
| 7. | All other activities in the commercial activities category | D | |
| Community activities | | Activity status | Performance standards |
| 8. | Community and leisure - small scale | P | |
| 9. | Community and leisure - large scale | RD | |
| 10. | Early childhood education - small scale | P | |
| 11. | Early childhood education - large scale | RD | |
| Y. | Healthcare | D | |
| 12. | All other activities in the community activities category | P | |
| Major facility activities | | Activity status | Performance standards |

| | | | |
|---|---|---|---|
| 13. | All activities in the major facility activities category | NC | |
| Residential activities | | Activity status | Performance standards |
| 14. | All activities in the residential activities category | NC | |
| Industrial activities | | Activity status | Performance standards |
| 15. | All activities in the industrial activities category | NC | |
| Rural activities | | Activity status | Performance standards |
| 16. | All activities in the rural activities category | NC | |

**Note 29.3.3X- Other requirements outside of the District Plan**

1. Any electrical equipment used for an activity must be designed to meet the New Zealand electromagnetic compatibility (EMC) standards, to ensure there are no effects from electrical interference on surrounding sites. The Radio Spectrum Management (RSM) is the governing body which regulates EMC products in New Zealand and investigates interference to safety services, radiocommunication systems and broadcast services such as radio and television reception.

## 29.3.4 Activity status table - development activities

| | | | |
|---|---|---|---|
| 1. | Performance standards that apply to all development activities | | a. Setback from scheduled tree<br>b. Boundary treatments |
| 2. | Performance standards that apply to all buildings and structures activities | | a. Number, location and design of ancillary signs<br>b. Maximum height |
| Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 4 - 11) | | Activity status | Performance standards |
| 3. | Buildings and structures activities | P | |
| Buildings and structures activities that affect a protected part of a scheduled heritage building **or** scheduled heritage structure | | Activity status | Performance standards |
| 4. | Repairs and maintenance | P | |
| 5. | Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1 | C | |
| 6. | Restoration of all other scheduled heritage buildings and structures | P | |
| 7. | Earthquake strengthening where external features only are protected | C | a. Materials and design |
| 8. | Signs attached to buildings or structures | P | |
| 9. | All other additions and alterations | RD | |
| 10. | Demolition | NC | |
| 11. | Removal for relocation | RD | |
| Site development activities | | Activity status | Performance standards |

| | | | |
|---|---|---|---|
| 12. | Outdoor storage | P | a. Location and screening of outdoor storage |
| 13. | Parking, loading and access | P | a. Parking, loading and access standards |
| 14. | Storage and use of hazardous substances | P | a. Hazardous substances quantity limits and storage requirements |
| X. | New or additions to parking areas that result in 50 or more new parking spaces | RD | a. Parking, loading and access standards |
| 15. | All other site development activities | P | |

### Note 29.3.4A - General advice

1. 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. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
2. An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
4. The **archaeological alert layer mapped area** identifies sites and areas that have a strong likelihood of containing archaeological remains, however remains may be present anywhere within the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.

## 29.3.5 Activity status table - subdivision activities

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

### Note 29.3.5A - Other RMA considerations

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.

## 29.3.6 Transition to Campus Zone

On receipt of written notice from the landowner(s) of the Otago Museum Zone confirming that all or part of the land within the zone is surplus to requirements, the provisions of the Otago Museum Zone will no longer apply to that parcel of land and the provisions of the Campus Zone will apply in full.

## Rule 29.4 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 RMA, unless Council considers special circumstances exist in relation to the application that require public notification:
    1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
    2. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications for the following activities, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where its 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. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is listed by Heritage New Zealand.
3. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

## Rule 29.5 Land Use Performance Standards

### 29.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

### 29.5.3 Minimum Mobility Car Parking

1. Otago Museum must provide a minimum of one mobility parking space.
2. NA.
3. Parking spaces may be shared between land use activities (i.e. the same parking spaces may be used to fulfil the minimum mobility car parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap.
4. Activities that contravene this performance standard are restricted discretionary activities.

**Note 29.5.3A - Other relevant District Plan provisions**

1. Parking areas must comply with the standards in Section 6.6: Parking, Loading and Access Standards.

### 29.5.4 Noise

Land use activities must comply with Rule 9.3.6.

# Rule 29.6 Development Performance Standards

## 29.6.1 Boundary Treatments and Other Landscaping

1. Where a building is not built to the street frontage, a landscaping area with a minimum width of 1.5m, must be provided along the full length of any road frontage (except for where vehicle access is provided).
2. Landscaping areas must:
    a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
    b. have an average of one tree for every 5m of frontage;
    c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
    d. be designed to allow surface water run-off from surrounding areas to enter;
    e. be protected by a physical barrier that prevents cars from damaging plants;
    f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a minimum height of 5m within 10 years of planting;
    g. be planted prior to occupation of any relevant building(s) or upon completion of site development activities; and
    h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any required road frontage landscaping required by this rule.
4. Activities that contravene this performance standard are restricted discretionary activities.

## 29.6.2 Hazardous Substances Quantity Limits and Storage Requirements

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

## 29.6.3 Location and Screening of Outdoor Storage

1. Service areas must be located or screened so that they are not visible at ground level from adjacent residential activities, residential zoned properties, or public places.
2. Outdoor storage, including service areas, must not encroach into required parking, loading or landscaping areas.
3. Materials stored outside must be stored in a way that prevents them contaminating any off-site area.
4. Activities that contravene this performance standard are restricted discretionary activities.

## 29.6.4 Materials and Design

Earthquake strengthening must comply with Rule 13.3.2.

### 29.6.5 Maximum Height

1. The maximum height for new buildings and structures, and additions and alterations, must not exceed 25m above ground level.
2. Rooftop structures are exempt from the performance standard for maximum height, provided they do not exceed the maximum height limit by more than 5m.
3. Activities that contravene the performance standard for maximum height but are no greater than 40m in height are a restricted discretionary activity.
4. Activities that are over 40m in height are a discretionary activity.

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

29.6.6.1 General

a. Signs visible from outside the Otago Museum Zone must comply with the following standards, except:
   i. regulatory signs, warning signs, or directional signs.
b. Signs located on or above the footpath must comply with Rule 6.7.2.
c. Signs must comply with Rule 6.7.3 where visible from a road.
d. Signs must not be illuminated or digital.
e. Signs higher than 4m above ground level must only display the business name or major facility name.
f. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.

29.6.6.2 Signs attached to buildings

a. The height, above ground level, at the highest point of any sign, attached to a building is 8m.
b. Signs must not be attached to roofs.
c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
d. Signs attached flat against a building must:
   i. not cumulatively exceed 15% of the total wall area (excluding windows) that face the road frontage, or 8m², whichever is lesser; and
   ii. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.
e. if attached on the underside of a verandah or protruding from a building façade, must:
   i. have a maximum area per display face of 2m²;
   ii. where attached to the façade of a building, must not project more than 1.5m from the façade to which it is attached;
   iii. have a maximum of two display faces per sign; and
   iv. not exceed one sign per 15m of street frontage.

29.6.6.3 Freestanding signs

a. The maximum number of permanently fixed freestanding signs is two per site or 1 per 50m of street frontage, whichever is the lesser.

b. The maximum number of portable freestanding signs is two per site or one per 50m of street frontage, whichever is the lesser.

c. The maximum dimensions of freestanding signs are:
   i. maximum height of 6m for permanently fixed freestanding signs;
   ii. maximum height of 4m for portable freestanding signs;
   iii. maximum area of 12m² per display face for permanently fixed freestanding signs;
   iv. maximum area of 8m² per display face for portable freestanding signs;
   v. maximum width of 2m; and
   vi. maximum depth of 400mm.

d. Portable freestanding signs must only be located in the Otago Museum Reserve and must not be located on the road reserve.

e. Freestanding signs must:;
   i. not obstruct parking, loading and access areas; and
   ii. be positioned entirely within the site boundaries.

**Note 29.6.8B - Other requirements outside of the District Plan**

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

## 29.6.7 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

## 29.6.8 Setback from Scheduled Tree

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

## Rule 29.7 Subdivision Performance Standards

Subdivision activities must comply with Rule 34.7.

## Rule 29.8 Assessment of Controlled Activities

### Rule 29.8.1 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 29.8.2:
    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** 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 29.9; 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 29.11; 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 29.12; and
        iii. the assessment guidance in this section will also be considered.

| 29.8.2 Assessment of all controlled activities | | | |
|---|---|---|---|
| Development activity | | Matters of control | Guidance on the assessment of the resource consents |
| 1. | Affecting a scheduled heritage building or a scheduled heritage structure:<br>• Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected.<br>• 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) | a. Effects on heritage values | See Rule 13.4 |

# Rule 29.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

## Rule 29.9.1 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 29.9.2 - 29.9.5:
    a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.
3. Rules 29.9.2 - 29.9.5 apply as follows:
    a. Rule 29.9.2 applies to all performance standard contraventions;
    b. Rule 29.9.3 applies to land use performance standard contraventions;
    c. Rule 29.9.4 applies to development performance standard contraventions; and
    d. Rule 29.9.5 applies to subdivision performance standard contraventions.

| 29.9.2 Assessment of all performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | All performance standard contraventions | *Relevant objectives and policies:*<br>a. Objective 29.2.1<br><br>*Potential circumstances that may support a consent application include:*<br>b. The degree of non-compliance with the performance standard is minor.<br>c. The need to meet other performance standards, or topography or other site specific factors, make meeting the standard impracticable.<br>d. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur.<br>e. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan.<br><br>*General assessment guidance:*<br>f. Where more than one standard is contravened, the combined effects of the contraventions should be considered.<br>g. In balancing consideration of the objectives and policies related to the maintenance of heritage values or heritage precinct streetscape character and those related to general amenity, greater weight will usually be placed on heritage policies. |

| 29.9.3 Assessment of land use performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 2. | Minimum mobility car parking | a. NA | See Rule 6.10 |
| | | b. Effects on accessibility | |

| 29.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Boundary treatments | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 29.2.2<br>ii. Require landscaping that provides a reasonable level of streetscape amenity along the boundary of parking areas (Policy 29.2.2.4).<br>*Potential circumstances that may support a consent application include:*<br>iii. The landscaping will be effective in breaking up (softening) car parking areas when viewed from the street. |
| 2. | Hazardous substances quantity limits and storage requirements | a. Effects on health and safety | See Rule 9.5 |
| 3. | Location and screening of outdoor storage | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 29.2.2<br>ii. Require outdoor storage areas, to be located or screened so they are not visible from ground level of a public place (Policy 29.2.2.2).<br>*Potential circumstances that may support a consent application include:*<br>iii. Screening would restrict accessibility by service vehicles or access to the service area for everyday use.<br>iv. The site layout prevents the outdoor storage areas from being visible from any public place without additional screening being required. |
| 4. | Affecting a **scheduled heritage building** or **scheduled heritage structure**<br>• Materials and design | a. Effects on heritage values | See Rule 13.5 |

| 29.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 5. | Maximum height (no greater than 40m in height) | a. Effects on pedestrian amenity | *Relevant objectives and policies:*<br>i. Objective 29.2.2<br>ii. Buildings and structures are of a height that:<br>1. maintains adequate sunlight access to the adjoining Otago Museum Reserve; and<br>2. avoids significant adverse wind effects (Policy 29.2.2.1).<br>iii. Buildings between 25m - 40m in height minimise, as far as practicable, adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the harbour towards the Otago Peninsula, through the use of quality and contextually appropriate architectural design (Policy 29.2.2.5).<br>*Potential circumstances that may support a consent application include:*<br>iv. Sunlight admission to the footpath, street and Otago Museum Reserve is maintained |
| 6. | Number, location and design of ancillary signs | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 29.2.2<br>ii. Require ancillary signs visible from outside the zone to be located and designed to maintain the amenity of surrounding streets and the Otago Museum Reserve, including by being of an appropriate size and number to convey information to passing pedestrians and motorists, and not being too oversized or numerous for that purpose (Policy 29.2.2.3).<br>*Potential circumstances that may support a consent application include:*<br>iii. An attractive streetscape is maintained.<br>iv. The high amenity of the Otago Museum Reserve is maintained.<br>v. The visual cohesion of the street is maintained by the increase in size or number of signs. |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 7. | Parking, loading and access standards | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 8. | Setback from scheduled tree | a. Effects on long term health of tree | See Rule 7.6 |

| 29.9.5 Assessment of subdivision performance standard contraventions |
|---|

| Performance standard | | Guidance on the assessment of resource consents |
|---|---|---|
| 1. | Subdivision performance standards | See Rule 34.9 |

# Rule 29.10 Assessment of Restricted Discretionary Activities

## Rule 29.10.1 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 29.10.2 - 29.10.5:
   a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provide guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Rules 29.10.2 - 29.10.5 apply as follows:
   a. Rule 29.10.2 applies to all restricted discretionary activities;
   b. Rule 29.10.3 applies to restricted discretionary land use activities;
   c. Rule 29.10.4 applies to restricted discretionary development activities; and
   d. Rule 29.10.5 applies to restricted discretionary subdivision activities.
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** 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 29.9; and
      iv. the matters of discretion in this section will be assessed as indicated.
   b. if the contravention of the performance standard defaults to **discretionary** then:
      i. the activity, as a whole, will be treated as **discretionary**; and
      ii. the performance standard contravention will be assessed as indicated in Section 29.11; 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 29.12; and
      iii. the assessment guidance in this section will also be considered.

| 29.10.2 Assessment of all restricted discretionary activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | All restricted discretionary activities | a. the degree of non-compliance with the performance standard is minor |

| 29.10.3 Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | a. Effects on accessibility<br>b. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| 2. | • Early childhood education - large scale<br>• Community and leisure - large scale | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |

| 29.10.4 Assessment of restricted discretionary development activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Activities affecting a **scheduled heritage building** or **scheduled heritage structure**:<br>• Additions and alterations that affect a protected part of a **scheduled heritage building** or **scheduled heritage structure**<br>• Removal for relocation | a. Effects on heritage values | See Rule 13.6 |
| 2. | High trip generators:<br>• New or additions to parking areas that result in 50 or more new parking spaces | a. Effects on accessibility<br>b. Effects on the safety and efficiency of the transport network | See Rule 6.11 |

| 29.10.5 Assessment of restricted discretionary subdivision activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Subdivision | a. Effects on the efficient and effective operation of Otago Museum | *Relevant objectives and policies:*<br>i. Objectives 29.2.1, 2.3.1<br>ii. Subdivision does not adversely affect the efficient and effective operation of Otago Museum (Policy 29.2.1.5.b). |
| | | See Rule 34.10 | |

# Rule 29.11 Assessment of Discretionary Activities

## Rule 29.11.1 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 29.11.2 and 29.11.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', 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. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
    c. general assessment guidance, including any effects that will be considered as a priority; and
    d. conditions that may be imposed.
3. Rules 29.11.2 and 29.11.3 apply as follows:
    a. Rule 29.11.2 applies to discretionary activities; and
    b. Rule 29.11.3 applies to discretionary performance standard contraventions.
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.

| 29.11.2 Assessment of discretionary activities | |
|---|---|
| Activity | Guidance on the assessment of resource consents |
| 1. All discretionary land use activities which include:<br>• Healthcare<br>• Commercial activities (except conference, meeting and function, entertainment and exhibition, campus-affiliated office, commercial advertising and training and education) | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 2.3.1, 2.3.3<br>b. Objective 2.3.2 and Policy 2.3.2.2<br>c. Objective 2.4.3 and Policy 2.4.3.4<br>d. Objective 29.2.1<br>e. Activities that are not provided for:<br>i. are related to or necessary to support the Otago Museum, or have other operational requirements that mean they need to locate in the zone;<br>ii. support the efficient and effective operation of Otago Museum;<br>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>iv. are designed and operated in line with Objective 29.2.2 and its policies (Policy 29.2.1.3).<br>*Potential circumstances that may support a consent application include:*<br>f. 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 (see Rule 29.9 assessment of performance standard contraventions).<br>g. All relevant land use performance standards are met, including noise and light spill standards.<br>*General assessment guidance:*<br>h. In assessing the significance of effects, consideration will be given to:<br>i. short to long term effects, including effects in combination with other activities; and<br>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.<br>*Relevant guidance from other sections (priority considerations):*<br>i. 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.<br>j. 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.<br>k. 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. |

| 29.11.3 Assessment of discretionary performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Noise - where the limit is exceeded by less than 5dB LAeq (15min)<br>• Light spill - where the limit is exceeded by 25% or less | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |
| 2. | Maximum height (buildings over 40m in height) | *Relevant objectives and policies:*<br>a. Objective 29.2.2<br>b. Buildings and structures are of a height that:<br>i. maintains adequate sunlight access to the adjoining Otago Museum Reserve; and<br>ii. avoids significant adverse wind effect (Policy 29.2.2.1).<br>c. Only allow buildings over 40m in height where:<br>i. the height is essential to the operation of Otago Museum; and<br>ii. the height exceedance is minimal (Policy 29.2.2.6)<br>Potential circumstances that may support a consent application include:<br>d. Sunlight admission to the footpath, street and Otago Museum Reserve is maintained |

# Rule 29.12 Assessment of Non-complying Activities

## Rule 29.12.1 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 29.12.2 and 29.12.3 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 29.12.2 and 29.12.3 apply as follows:
   a. Rule 29.12.2 applies to non-complying activities; and
   b. Rule 29.12.3 applies to non-complying performance standard contraventions.
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.

| 29.12.2 Assessment of non-complying activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | All non-complying activities including but not limited to activities listed below | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 2.3.1, 2.3.3<br>b. Objective 29.2.1<br>c. Activities that are not provided for are only allowed where they:<br>i. are related to or necessary to support the Otago Museum;<br>ii. have other operational requirements which mean they need to locate within the zone;<br>iii. will support the efficient and effective operation of Otago Museum;<br>iv. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>v. are designed and operated in line with Objective 29.2.2 and its policies. (Policy 29.2.1.3).<br>*Relevant guidance from other sections (priority considerations):*<br>d. See Section 6.13 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.<br>e. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety.<br>f. 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. |
| 2. | Commercial advertising | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.4.1<br>b. Policy 2.4.1.6.c |
| 3. | Demolition of a protected part of a scheduled heritage building or scheduled heritage structure | *Relevant guidance from other sections (priority considerations):*<br>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. |

| 29.12.3 Assessment of non-complying performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Light spill - where the limit is exceeded by greater than 25%<br>• Noise - where the limit is exceeded by 5dB LAeq (15 min) or more | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |

# 30. Port

## 30.1 Introduction

Port Chalmers is located on the northern side of Otago Harbour. The locality, known to Māori as Kōpūtai, is where local Ngāi Tahu sold the Otago block to the New Zealand Company in 1844. A European town was founded there when Otago was settled in 1848. The Union Steam Ship Company started in 1875 and in 1882 the first frozen meat shipped from New Zealand to the northern hemisphere left from the port. Port Chalmers ('the Port') became the lower South Island's deep-water container port in 1977. The Port is a major exporter of meat, dairy, fish, forestry products and apples, and hosts cruise ships throughout the summer.

The key resource management issues with regard to the Port relate to noise, glare/light spill, and effects on the amenity of nearby residential land uses, as well as a need to provide for the expansion of port activities. Notably, while the Dunedin City District Plan (2006) applies a specific Port Zone to the Port, it does not provide for future expansion and changes in the nature of port activities.

In this Plan, the Port Zone applies to the existing operational area of the Port and includes land which extends from MacAndrew Road and Peninsula Beach Road to the coast, and sites on Beach Street.

The objectives of the zone are to enable the Port to operate efficiently and effectively as a key shipping and passenger port for the region, while managing effects on the amenity of surrounding zones so that adverse effects are avoided or mitigated as far as practicable, and people's health and safety is maintained.

Only industry, port and community and leisure - small scale activities are provided for in the zone. Industry and port activities are broadly defined, and incorporate all activities associated with the normal operation of the Port. Potential adverse effects of port activity on surrounding properties are managed through:

- performance standards focused on the management of the effects of noise (including through Port funded acoustic insulation of existing residential buildings within a noise affected property) within a mapped area (**port noise control mapped area**);
- managing the establishment of new noise sensitive activities within the **port noise control mapped area**;
- restricting the height of shipping container stacks, with a greater restriction at Back Beach and Boiler Point compared to the rest of the Port Zone;
- applying a light spill performance standard measured at the boundary of residential zoned sites; and
- requiring the storage of materials outside (including logs, woodchips or fertiliser) to be undertaken in a manner which ensures material will not become windblown or contaminate any off-site areas.

# 30.2 Objectives and Policies

| **Objective 30.2.1** | |
|---|---|
| The Port at Port Chalmers is able to operate efficiently and effectively as a key shipping and passenger port for the region. | |
| Policy 30.2.1.1 | Enable port activities, including activities that are ancillary to port activities. |
| Policy 30.2.1.2 | Provide for industry in recognition that this activity is compatible with the operation of the Port and can support its efficient and effective operation. |
| Policy 30.2.1.3 | Avoid the establishment of activities that are not related to the operation of the Port and may conflict with the ability of the Port to operate efficiently and effectively. |
| Policy 30.2.1.4 | Only allow subdivision activities where necessary for:<br>a. the operation of the Port at Port Chalmers; or<br>b. the disposal of surplus land in accordance with policies 2.3.1.4 and 2.3.1.6, and the objectives and policies of the Industrial Port Zone. |

| **Objective 30.2.2** | |
|---|---|
| Land use, development and subdivision activities necessary for the Port at Port Chalmers to operate efficiently and effectively are enabled while:<br>a. adverse effects on the amenity of surrounding zones are avoided or mitigated as far as practicable; and<br>b. people's health and safety is maintained. | |
| Policy 30.2.2.1 | Require buildings, structures and outdoor storage, including shipping containers, to be of a height that avoids or mitigates significant adverse effects on visual amenity and character in Port Chalmers and Careys Bay, as far as practicable. |
| Policy 30.2.2.2 | Require fertiliser, woodchips and other materials to be stored in a location and manner where they are unlikely to become windblown and will not contaminate any off-site areas. |
| Policy 30.2.2.3 | Require ancillary signs 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 what is necessary for that purpose. |
| Policy 30.2.2.4 | Require land use activities to operate, and development to be designed, to ensure that adverse effects from noise on the health of people will be avoided or minimised as far as practicable. |

# Rules

## Rule 30.3 Activity Status

### 30.3.1 Rule location

The activity status tables in rules 30.3.3 to 30.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Port 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 and site investigation
3. Network Utilities (Section 5)
4. Transportation (Section 6)
5. Scheduled Trees (Section 7)
6. Natural Hazard Mitigation Activities (Section 8)
7. Earthworks (Section 8A)

### 30.3.2 Activity status introduction

1. The activity status tables in rules 30.3.3 - 30.3.5 show the activity status of activities in the Port 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. Development activities that are lawfully present at the time any relevant rules in this Plan have legal effect are not managed by those rules (the rules do not apply to existing lawfully established development activities).
6. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

*Performance Standards*

7. Performance standards are listed in the far right column of the activity status tables.
8. Performance standards apply to permitted, controlled, and restricted discretionary activities.
9. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.
10. 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 | Meaning |
|---|---|
| P | Permitted Activity |
| C | Controlled Activity |
| RD | Restricted Discretionary Activity |
| D | Discretionary Activity |
| NC | Non-complying Activity |

### 30.3.3 Activity status table - land use activities

| | | | |
|---|---|---|---|
| 1. | Performance standards that apply to all land use activities | | a. NA<br>b. Light spill |
| All land use activities | | Activity status | Performance standards |
| X. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | RD | |
| Major facility activities | | Activity status | Performance standards |
| 2. | Port | P | a. Port Noise Management |
| 3. | All other activities in the major facility activities category | NC | |
| Industrial activities | | Activity status | Performance standards |
| 4. | Industry | P | a. Minimum vehicle loading<br>b. Noise |
| Commercial activities | | Activity status | Performance standards |
| 5. | All activities in the commercial activities category | NC | |
| Community activities | | Activity status | Performance standards |
| 6. | Community and leisure - small scale | P | |
| 7. | All other activities in the community activities category | NC | |
| Rural activities | | Activity status | Performance standards |
| 8. | All activities in the rural activities category | NC | |
| Residential activities | | Activity status | Performance standards |
| 9. | All activities in the residential activities category | NC | |

#### Note 30.3.3X- Other requirements outside of the District Plan

1. Any electrical equipment used for an activity must be designed to meet the New Zealand electromagnetic compatibility

(EMC) standards, to ensure there are no effects from electrical interference on surrounding sites. The Radio Spectrum Management (RSM) is the governing body which regulates EMC products in New Zealand and investigates interference to safety services, radiocommunication systems and broadcast services such as radio and television reception.

## 30.3.4 Activity status table - development activities

| Buildings and structures activities | | Activity status | Performance standards |
|---|---|---|---|
| 1. | All buildings and structures activities | P | a. Maximum height<br>b. Number, location and design of ancillary signs<br>X. Setback from Critical Electricity Distribution Infrastructure |
| **Site development activities** | | **Activity status** | **Performance standards** |
| 2. | Outdoor storage | P | a. Location of outdoor storage (fertiliser, woodchips and logs)<br>b. Maximum height |
| 3. | Parking, loading and access | P | a. Parking, loading and access standards |
| X. | New or additions to parking areas that result in 50 or more new parking spaces | RD | a. Parking, loading and access standards |
| 4. | All other site development activities | P | |

### Note 30.3.4A - General advice

1. 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. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
2. An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
4. The **archaeological alert layer mapped area** identifies sites and areas that have a strong likelihood of containing archaeological remains, however remains may be present anywhere within the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.

## 30.3.5 Activity status table - subdivision activities

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

### Note 30.3.5A - Other RMA considerations

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.

### Note 30.3.5X - Other relevant District Plan provisions

1. Additional matters of discretion apply to the subdivision of land within a **Critical Electricity Distribution Infrastructure Corridor mapped area**. These are set out in Rule 19.10.

### Rule 30.3.6 Transition to the Industrial Port Zone

On receipt of written notice from the Port of Otago to Dunedin City Council confirming that all or part of the land within the Port Zone is surplus to the requirements of the Port of Otago, the provisions of the Port Zone will no longer apply to that parcel of land and the provisions of the Industrial Port Zone will apply in full.

## Rule 30.4 Notification

1. Activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

## Rule 30.5 Land Use Performance Standards

### 30.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

### 30.5.3 Minimum Vehicle Loading

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

| Activity | | Minimum vehicle loading |
|---|---|---|
| a. | Industry | One loading space to accommodate an 8m rigid truck (See Appendix 6B, Figure 6B.10). |

   b. Required vehicle loading must be designed and constructed to comply with Rule 6.6.2.

   c. Activities that contravene this performance standard are restricted discretionary activities.

### 30.5.4 Port Noise Management

1. For all port activity, the Port Operator at Port Chalmers must:
   a. develop a noise management and noise mitigation plan for Port Chalmers to provide for noise minimisation, mitigation of the effects of port noise and community liaison;
   b. investigate and adopt the best practicable option to minimise port noise emissions, including specific measures to reduce the occurrence of loud, single noise events (including those associated with handling containers and logs);
   c. produce and, at all times, operate in accordance with a port noise management plan, which must include, but is not limited to, the matters set out in Appendix 30A;
   d. implement and annually update a port noise mitigation plan for the purchase or acoustic treatment of noise affected properties, which must include, but is not limited to, the matters set out in Appendix 30B; and
   e. establish, maintain and participate in a port noise liaison committee, which must operate in accordance with the requirements set out in Appendix 30C.
2. Port activity that contravenes the performance standard for Port Noise Management is a non-complying activity.

### 30.5.5 Noise

Industry must comply with Rule 9.3.6.

# Rule 30.6 Development Performance Standards

## 30.6.1 Location of Outdoor Storage

1. Woodchips and logs must not be stored in the **port wood exclusion mapped area** (see Figure 30.6.1A).
2. Fertiliser must not be stored outside, or in a building that is not fully enclosed.
3. Materials must be stored in a way that prevents materials contaminating any off-site area.
4. Activities that contravene this performance standard are restricted discretionary activities.

Figure 30.6.1A: **Port wood exclusion mapped area**

## 30.6.2 Maximum Height

1. The maximum height of new buildings and structures, additions and alterations, and outdoor storage, including

the temporary storage of shipping containers, must not exceed 30m above ground level, except:

a. in the **Boiler Point** and **Back Beach height mapped area** (see Figure 30.6.2A) the maximum height is 15m;

b. quayside and container cranes, and light towers are exempt from the maximum height limit; and

c. rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more than one third of that limit or 5m, whichever is the lesser.

2. Activities that contravene this performance standard are restricted discretionary activities.

Figure 30.6.2A: **Boiler Point** and **Back Beach height mapped area**

## 30.6.3 Number, Location and Design of Ancillary Signs

### 30.6.3.1 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 Port Zone;
   ii. regulatory signs, warning signs, or directional signs; and
   iii. building names (excluding commercial sponsorship names).

b. Signs located on or above the footpath must comply with Rule 6.7.2.

c. Signs must comply with Rule 6.7.3 where visible from a road.

d. Signs must not be illuminated or digital.

e. Signs higher than 4m above ground level must only display the business name or major facility name.

f. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.

### 30.6.3.2 Signs attached to buildings

a. The height, above ground level, at the highest point of any sign, attached to a building is 8m.

b. Signs must not be attached to roofs.

c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.

d. Signs attached flat against a building must:
   i. not cumulatively exceed 15% of the total wall area (excluding windows) that face the street frontage, or 8m², whichever is lesser; and
   ii. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

e. If attached on the underside of a verandah or protruding from a building façade, signs must:
   i. where attached to the façade of a building, not protrude more than 1.5m from the façade;
   ii. have a maximum area per display face of 2m²;
   iii. have a maximum of 2 display faces per sign; and
   iv. not exceed 1 sign per 15m of street frontage and a maximum of 3 signs per building.

30.6.3.3 Freestanding signs

a. The maximum number of freestanding signs is:
   i. 2 per site or 1 per 50m of street frontage, whichever is the lesser, for permanently fixed freestanding signs, and
   ii. 2 per site or 1 per 50m of street frontage, whichever is the lesser, for portable freestanding signs.

b. The maximum dimensions of freestanding signs are:
   i. maximum height of 8m for permanently fixed freestanding signs;
   ii. maximum height of 4m for portable freestanding signs;
   iii. maximum area of 16m² per display face for permanently fixed freestanding signs;
   iv. maximum area of 8m² per display face for portable freestanding signs;
   v. maximum width of 2m; and
   vi. maximum depth of 400mm.

c. Freestanding signs must:
   i. not obstruct parking, loading and access areas; and
   ii. be positioned entirely within the site boundaries.

**Note 30.6.3A - Other requirements outside of the District Plan**

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

## 30.6.4 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

### 30.6.X Setback from Critical Electricity Distribution Infrastructure

New buildings, new structures and additions and alterations must comply with Rule 5.6.X.1.

## Rule 30.7 Subdivision Performance Standards

Subdivision activities must comply with Rule 19.7.

## Rule 30.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

### Rule 30.8.1 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 30.8.2 - 30.8.5:
   a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Rules 30.8.2 - 30.8.5 apply as follows:
   a. Rule 30.8.2 applies to all performance standard contraventions;
   b. Rule 30.8.3 applies to land use performance standard contraventions;
   c. Rule 30.8.4 applies to development performance standard contraventions; and
   d. Rule 30.8.5 applies to subdivision performance standard contraventions.

| **30.8.2 Assessment of all performance standard contraventions** | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | All performance standard contraventions | *Potential circumstances that may support a consent application include:*<br>a. The degree of non-compliance with the performance standard is minor.<br>*General assessment guidance:*<br>b. Where more than one standard is contravened, the combined effects of the contraventions should be considered. |

| **30.8.3 Assessment of land use performance standard contraventions** | | |
|---|---|---|
| Performance standard | Matters of discretion | Guidance on the assessment of resource consents |

| 30.8.3 Assessment of land use performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 2. | Minimum vehicle loading | a. Effects on the safety and efficiency of the transport network | See Rule 6.10. |

| 30.8.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Maximum height | a. Effects on amenity and character of surrounding residential zones. | *Relevant objectives and policies:*<br>i. Objective 30.2.2.<br>ii. Buildings, structures and outdoor storage, including shipping containers, are of a height that avoids or mitigates significant adverse effects on visual amenity and character in Port Chalmers and Careys Bay as far as practicable (Policy 30.2.2.1). |
| 2. | Number, location and design of ancillary signs | a. Effects on amenity of surrounding zones | *Relevant objectives and policies:*<br>i. Objective 30.2.2.<br>ii. Ancillary signs are 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 will not be oversized or too numerous for what is necessary for that purpose (Policy 30.2.2.3). |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.10. |
| 3. | Location of outdoor storage | a. Effects on amenity of surrounding zones | *Relevant objectives and policies:*<br>i. Objective 30.2.2.<br>ii. Fertiliser, woodchips and other materials are stored in a location and manner where they are unlikely to become windblown and will not contaminate any off-site areas (Policy 30.2.2.2). |
| 4. | Parking, loading and access standards | a. Effects on the safety and efficiency of the transport network | See Rule 6.10. |

| 30.8.5 Assessment of subdivision performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | Subdivision performance standards | See Rule 19.9. |

| 30.8.X Assessment of performance standard contraventions in a mapped area | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | In the **Critical Electricity Distribution Infrastructure Corridor mapped area**:<br>• Setback from Critical Electricity Distribution Infrastructure (buildings, structures and city-wide activities) | a. Effects on health and safety<br>b. Effects on efficient and effective operation of network utilities | See Rule 5.7. |

# Rule 30.9 Assessment of Restricted Discretionary Activities

## Rule 30.9.1 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. Rule 30.9.2:
   a. lists the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provides guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. 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.
4. 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** 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 30.8; 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 30.10; 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 30.11; and
      iii. the assessment guidance in this section will also be considered.

| **30.9.X Assessment of restricted discretionary land use activities** | | |
|---|---|---|
| Activity | Matters of discretion | Guidance on the assessment of resource consents |

| 30.9.X Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | a. Effects on the safety and efficiency of the transport network<br>b. Effects on accessibility | See Rule 6.11 |

| 30.9.Y Assessment of restricted discretionary development activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | High trip generators:<br>• New or additions to parking areas that result in 50 or more new parking spaces | a. Effects on accessibility<br>b. Effects on the safety and efficiency of the transport network | See Rule 6.11 |

| 30.9.2 Assessment of restricted discretionary subdivision activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | All subdivision activities | a. Effects on the efficient and effective operation of the Port at Port Chalmers | *Relevant objectives and policies:*<br>i. Objective 30.2.1; Strategic Objective 2.3.1.<br>ii. The subdivision is necessary for<br>1. the operation of the Port at Port Chalmers or;<br>2. the disposal of surplus land in accordance with policies 2.3.1.4 and 2.3.1.6 and the objectives and policies of the Industrial Port Zone (Policy 30.2.1.4). |
| | | See Rule 19.10. | |

# Rule 30.10 Assessment of Discretionary Activities

## Rule 30.10.1 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. Rule 30.10.2 provides guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', 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. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
   c. general assessment guidance, including any effects that will be considered as a priority; and
   d. conditions that may be imposed.
3. 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.

| **30.10.2 Assessment of discretionary performance standard contraventions** | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Noise from industry - where the limit is exceeded by less than 5dB LAeq (15min) (Rule 9.3.6 Noise)<br>• Light spill - where the limit is exceeded by 25% or less | *Relevant guidance from other sections (priority considerations):*<br>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. |

# Rule 30.11 Assessment of Non-complying Activities

## Rule 30.11.1 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 30.11.2 and 30.11.3 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 30.11.2 and 30.11.3 apply as follows:
   a. Rule 30.11.2 applies to non-complying activities; and
   b. Rule 30.11.3 applies to non-complying performance standard contraventions.
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.

| 30.11.2 Assessment of non-complying activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | All non-complying activities | *Relevant objectives and policies (priority considerations):*<br>a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to, those related to:<br>i. Objective 2.3.1.<br>ii. Objective 2.3.2 and Policy 2.3.2.2.<br>iii. Objective 2.4.3 and Policy 2.4.3.4.<br>b. The activity supports the purpose of the zone as outlined in objectives 30.2.1 and 30.2.2.<br>c. In assessing the significance of effects, consideration will be given to:<br>i. both short and long term effects, including effects in combination with other activities; and<br>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.<br>*Potential circumstances that may support a consent application include:*<br>d. the establishment of the activity is related to the operation of the Port and will not conflict with the ability of the Port to operate efficiently and effectively.<br>*Relevant guidance from other sections (priority considerations):*<br>e. See Section 6.13 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.<br>f. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety.<br>g. 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. |
| 2. | • Cemeteries<br>• Crematoriums<br>• Landfills | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua. |
| 3. | Commercial advertising | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.4.1.<br>b. Policy 2.4.1.6.c. |

| 30.11.3 Assessment of non-complying performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | Light spill - where the limit is exceeded by greater than 25% | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |
| 2. | • Noise from industry - where the limit is exceeded by 5dB LAeq (15 min) or more (Rule 9.3.6) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |
| 3. | Port Noise Management | *Relevant objectives and policies (priority considerations):*<br>Objective 30.2.2, Policy 30.2.2.4 |

# Appendices

The following must be observed in relation to any measurements or assessments of port noise required by these Appendices:

1. Unless stated otherwise, port noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound and assessed in accordance with NZS 6809:1999 Acoustics – Port Noise Management and Land Use Planning, provided that:
   a. measured Leq (15 minute) levels shall be adjusted for special audible characteristics in accordance with clause 7.3 and A6 of NZS6809:1999 except where the sound of interest arises from log handling or container handling activities; and
   b. adjustments for any special audible characteristics to any Leq (15 min) made in accordance with clause 7.3 and A6 of NZS6809:1999 exclude audible warning devices.
2. For the purpose of comparison with noise criteria specified in Appendix 30B the following apply:
   a. in calculating any Ldn (5 day average), one ship visit of up to five days duration will be deemed to be one occasion; and
   b. in assessing any Leq (15 min) sound level between 10pm and 7am the following day, one ship visit of up to five days duration will be deemed to be one occasion.

# Appendix 30A. Port Noise Management Plan

## 30A.1 Minimum port noise management plan provisions

The Port Noise Management Plan required by Rule 30.5.4 must contain the following:

1. Port Noise Management Plan objectives;
2. detailed procedures for the implementation of Rule 30.5.4, including the Port Noise Mitigation Plan outlined in Appendix 30B and the establishment and maintenance of a Port Noise Liaison Committee outlined in Appendix 30C;
3. a list of Port Noise Liaison Committee functions;
4. procedures for recommendations of the Port Noise Liaison Committee to be considered and determined by the Port Operator;
5. noise modelling, noise monitoring, auditing and reporting procedures;
6. complaint handling procedures;
7. procedures for achieving noise reduction through port operational procedures and staff and contractor training; and
8. procedures for alterations to, and the annual update of, the Port Noise Management Plan.

## 30A.2 Minimum monitoring and reporting requirements

1. The Port Operator must maintain, at its expense, sound level monitoring equipment to ensure the continuous measurement of port noise emanating from port related activities 24 hours a day and seven days a week, including at least one monitor in a location representative of the Careys Bay residential community. All community noise monitors must record calibrated audio of noise events measured above 75 dB LAFmax between 10pm and 7am.
2. The Port Operator must provide the results of sound level monitoring to Council and the Port Noise Liaison Committee in a summary form showing Leq, calculated Ldn sound exposure and Lmax levels not less than four times a year. This monitoring must highlight significant port noise emissions and correlate these with port activity (using port CCTV imagery and equipment loqs) and wind speed and wind direction data.
    a. NA
    b. NA
3. When sound level monitoring indicates that port noise may be exceeding 65 dBA Ldn (5 day average) or 65dBA Leq (15 min, 10pm - 7am) at noise affected properties that are not shown on the Port Noise Contour Map as eligible for mitigation under Appendix 30B.1, the exceedance must be recorded, investigated and reported to the Port Noise Liaison Committee. The investigation must identify as far as possible those noise affected properties receiving port noise at or above such levels.
4. The Port Operator must produce and include in the Port Noise Management Plan a port noise contour map based on a current busy 5 day operating scenario. The contour map must be updated at least on an annual basis or when a change to port operations is likely to affect the levels of port noise received in surrounding parts of the Township and Settlement, Rural Residential 2, Recreation, Industrial, Port Chalmers Principal Centre or the Hill Slopes Rural zones. Port noise contours must be modelled at 1dB intervals between 55Ldn and 70Ldn.
5. To ensure the accuracy of the Port Noise Contour Map, the Port Operator must perform field verification of calculated sound exposure levels and assessed Leq (15 min) levels of port noise at the agreed monitoring points identified in the Port Noise Management Plan.
6. Those noise affected properties confirmed as eligible for mitigation under Appendix 30B.1 must be identified on the Port Noise Contour Map.

7. The Port Operator must maintain an acoustic certificate register. A copy of the register and acoustic certificates for noise affected properties must be supplied to Council. Copies of the register and acoustic certificates must also be held at the offices of the Port Operator and the Dunedin City Council and made available to members of the public on request.
8. The Port Operator must make available to the Port Noise Liaison Committee or Council on request all information the Port Operator has as to noise and meteorological conditions.
9. When a noise complaint is received, the Port Operator will immediately advise the Dunedin City Council (if the complaint is not received through the Dunedin City Council).
10. The Port Operator must maintain a register of noise complaints and report the details of complaints and any action taken to investigate and resolve complaints to the Port Noise Liaison Committee at the earliest opportunity.
11. Copies of the Port Noise Management Plan are to be held at the offices of the Port Operator and the Dunedin City Council and on their respective websites, and made available to members of the public on request.

# Appendix 30B. Port Noise Mitigation Plan

## 30B.1 Mitigation for noise affected properties 65dBA and above

The Port Operator must offer to purchase or provide acoustic treatment for noise affected properties which receive, at any point within their boundary, levels of port noise equal to or greater than an assessed 65 dBA Ldn (5 day average) or an assessed 65 dBA Leq (15 min, 10pm –7am) on more than three occasions (more than 24 hours apart) during any rolling 12 month period.

### 30B.1.1 Owner to decide

The owner of each such noise affected property must have the right to elect whether to accept either purchase or acoustic treatment, and there is no time limit on the owner's acceptance of the offer.

### 30B.1.2 Purchase

The fair market value of a noise affected property must be determined as if the property was situated in Port Chalmers, excluding the effect of port operation; plus an additional compensatory payment of $1,000 for each year, up to 30 December 2003, that the owner was in prior occupation of the property. The minimum additional payment is to be $2,000, up to a maximum of $15,000, with adjustment for inflation to be in accordance with the method specified in the Port Noise Mitigation Plan.

### 30B.1.3 Acoustic treatment

Where acoustic treatment is provided, it must be done in accordance with rules 9.3.1.2, 9.3.1.3 and 9.3.1.6.

Acoustic treatment of noise affected properties must be carried out in accordance with procedures specified in the Port Noise Mitigation Plan up to a limit specified in the Port Noise Mitigation Plan.

Where the assessed costs of acoustic treatment exceed the limit specified in the Port Noise Mitigation Plan, the Port Operator must advise the property owner of the costs of acoustic treatment and offer the property owner the option of making up the difference in the costs of acoustic treatment to enable the Port Operator to obtain an acoustic certificate.

If port noise received by a noise affected property which has received acoustic treatment exceeds the certified level of port noise for that property, then the Port Operator must offer to purchase the affected property notwithstanding the previous election of acoustic treatment.

### 30B.1.4 Residential use of properties purchased by the Port Operator

Noise affected properties purchased under this provision may not be used for residential purposes unless they receive acoustic treatment.

## 30B.2 Mitigation for noise affected properties 60dBA and above

The Port Operator must contribute to the costs of acoustic treatment for noise affected properties or may offer to purchase noise affected properties which are shown on the current Port Noise Contour Map as receiving at any point within their boundary port noise levels equal to or greater than 60 dBA Ldn (5 day average).

### 30B.2.1 Purchase

The Port Operator, on application by the owner of a noise affected property, must consider and decide whether to offer to purchase a noise affected property. The purchase will be on the basis of a "willing buyer/willing seller" and no additional compensatory payments will be necessary.

### 30B.2.2 Acoustic treatment

Where acoustic treatment is provided it must be done in accordance with rules 9.3.1.2, 9.3.1.3 and 9.3.1.6.

The Port Noise Liaison Committee, on a case by case basis, must provide a contribution to the costs of acoustic treatment utilising its annual mitigation budget. Acoustic treatment of noise affected properties must be carried out in accordance with procedures specified in the Port Noise Mitigation Plan, and the liaison committee will determine the level of the contribution up to a limit specified in the Port Noise Mitigation Plan.

## 30B.3 Mitigation for noise affected properties 55dBA to 60dBA

The Port Noise Liaison Committee will provide technical advice to noise affected properties.

In special circumstances the Port Noise Liaison Committee, utilising its annual mitigation budget, may offer to contribute to the costs of acoustic treatment for noise affected properties which are shown on the current Port Noise Contour Map as receiving, at any point within their boundary, port noise levels equal to or greater than 55 dBA Ldn (5 day average). The rules in 30B.3.1 to 30B.3.2 apply to the provision of technical advice or an offer to provide acoustic treatment.

### 30B.3.1 Technical advice

An annual update of noise modelling information is to be made available to property owners.

An annual summary of the activities of the Port Noise Liaison Committee taken from the minutes of the liaison committee meetings is to be provided to property owners.

### 30B.3.2 Acoustic treatment

Acoustic treatment of noise affected properties must be carried out in accordance with procedures specified in the Port Noise Mitigation Plan.

Where the contribution to the costs of acoustic treatment is to be provided it must be up to a limit specified in the Port Noise Mitigation Plan.

# Appendix 30C. Port Noise Liaison Committee

1. The Port Noise Liaison Committee required under Rule 30.5.4 must include an independent chair who is paid for by Port Otago Limited and must comprise, but not be limited to, members appointed by the following organisations:
    a. Port Operator
    b. Otago Regional Council
    c. Dunedin City Council
    d. Careys Bay Association
    e. Chalmers Community Board[1]
2. General duty to committee: The Port Operator must implement, to the extent reasonably possible, all recommendations of the Port Noise Liaison Committee that can be implemented within budget and without compromising the efficiency, safety and competitiveness of port operations.
3. Role of the Port Noise Liaison Committee: The Port Noise Liaison Committee must consider all noise issues arising from the port operation and carry out the functions identified in the Port Noise Management Plan and mitigation functions identified in Appendix 30B.
4. Port Noise Liaison Committee resourcing: The Port Operator must provide for the implementation and maintenance of the Port Noise Liaison Committee as follows:
    a. The Port Operator must provide secretarial and logistic support for the Port Noise Liaison Committee.
    b. The Port Operator must arrange for the Port Noise Liaison Committee to meet on not less than four occasions a year and must identify procedures in the Port Noise Management Plan for calling an emergency meeting of the committee.
    c. The Port Operator must provide an annual budget for noise mitigation that reasonably provides for the Port Noise Liaison Committee.
    d. The Port Operator must make copies of the minutes of the Port Noise Liaison Committee available on its website, and must supply copies on request.

[1]The board will be responsible for appointing resident representatives from areas of Port Chalmers, other than Careys Bay, affected by port noise.

# 31. Schools

## 31.1 Introduction

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

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

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

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

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

# 31.2 Objectives and Policies

| Objective 31.2.1 | |
|---|---|
| Dunedin's schools are able to operate efficiently and effectively and provide opportunities for local communities to use school facilities. | |
| Policy 31.2.1.1 | Enable schools, early childhood education - small scale, training and education activity and student hostels on school sites. |
| Policy 31.2.1.2 | Provide for community use of school facilities and activities that are ancillary to schools where they are designed and operated in line with Objective 31.2.2 and its policies. |
| Policy 31.2.1.3 | Only allow activities that are not ancillary to school activity where all of the following apply:<br>a. the activities are related to or support the school, or have other operational requirements that mean they need to locate in the zone;<br>b. they will support the efficient and effective operation of the school;<br>c. they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>d. they are designed and operated in line with Objective 31.2.2 and its policies. |
| Policy 31.2.1.4 | Enable land that is surplus to the needs of the school to transition to the default zone listed in Appendix A9, so that future development that is not related to schools will be managed in accordance with the objectives and policies of that zone. |
| Policy 31.2.1.5 | Only allow subdivision activities where:<br>a. they are in accordance with the provisions of the default zone listed in Appendix A9; and<br>b. the subdivision does not adversely affect the efficient and effective operation of the school. |

| Objective 31.2.2 | |
|---|---|
| Land use activities and development necessary for schools to meet the reasonably foreseeable needs of students and staff is enabled, while ensuring development:<br>a. achieves a good standard of on-site amenity for students and staff;<br>b. maintains or enhances the amenity of the surrounding residential areas, as far as practicable; and<br>c. maintains or enhances the residential amenity of surrounding sites. | |
| Policy 31.2.2.1 | Require buildings and structures to be of a height and setback from boundaries that ensures:<br>a. there are no more than minor effects on the sunlight access of current and potential future residential buildings and their outdoor living spaces; and<br>b. any adverse effects on neighbourhood amenity are avoided or, if avoidance is not practicable, are no more than minor. |
| Policy 31.2.2.2 | Require development to maintain or enhance on-site and neighbourhood amenity by ensuring service areas are not visible from ground level outside the site. |
| Policy 31.2.2.3 | Require fences adjoining roads or public places to be of a height and design that contributes positively to neighbourhood amenity. |
| Policy 31.2.2.4 | Require ancillary signs visible outside the zone to be located and designed to maintain streetscape amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose. |
| Policy 31.2.2.5 | Only allow early childhood education - large scale and community and leisure - large scale where they are designed to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the amenity of surrounding residential properties. |
| Policy 31.2.2.6 | Require conference, meeting and function and use of schools' sports fields to be restricted in hours of operation in order to avoid or, if avoidance is not practicable, adequately mitigate, noise and other adverse effects on the amenity of surrounding residential properties. |

# Rules

## Rule 31.3 Activity Status

### 31.3.1 Rule location

The activity status tables in rules 31.3.3 to 31.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Schools Zone, except rules for the following city-wide activities, which are contained in Part B of the Plan:

1. Public Amenities (Section 3)
2. Temporary Activities (Section 4) - note that this section includes provisions that apply to construction and site investigation
3. Network Utilities (Section 5)
4. Transportation (Section 6)
5. Scheduled Trees (Section 7)
6. Natural Hazard Mitigation Activities (Section 8)
7. Earthworks (Section 8A)

### 31.3.2 Activity status introduction

1. The activity status tables in rules 31.3.3-31.3.5 show the activity status of activities in the Schools Zone and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. Development activities that are lawfully present at the time any relevant rules in this Plan have legal effect are not managed by those rules (the rules do not apply to existing lawfully established development activities).
6. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

*Additional activity status rules in hazard overlay zones*

7. For the purpose of the hazards provisions, activities are categorised as natural hazards sensitive activities, natural hazards potentially sensitive activities or natural hazards least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
8. In the Hazard 2 (flood) Overlay Zone, the activity statuses in Rule 31.3.6 apply to the following activities:
   a. natural hazards sensitive activities;
   b. natural hazards potentially sensitive activities; and
   c. new buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m² of new ground floor area.
9. Where the activity status in Rule 31.3.6 differs from that in rules 31.3.3 - 31.3.5, the most restrictive activity

status always applies.

10. In addition to the rules in Rule 31.3.6, performance standards for development activities within hazard overlay zones are included in rules 31.3.3 - 31.3.5.
11. Activities in a hazard overlay zone must comply with all of the rules in 31.3.3 - 31.3.6.

*Performance Standards*

12. Performance standards are listed in the far right column of the activity status tables.
13. Performance standards apply to permitted, controlled, and restricted discretionary activities.
14. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.
15. 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 | Meaning |
|---|---|
| P | Permitted Activity |
| C | Controlled Activity |
| RD | Restricted Discretionary Activity |
| D | Discretionary Activity |
| NC | Non-complying Activity |
| Haz1 | Hazard 1 Overlay Zones |
| Haz2 | Hazard 2 Overlay Zones |
| Haz3 | Hazard 3 Overlay Zones |

### 31.3.3 Activity status table - land use activities

| | | | |
|---|---|---|---|
| 1. | Performance standards that apply to all land use activities | a. Acoustic insulation (noise sensitive activities)<br>b. NA<br>c. Light spill<br>d. Noise<br>e. Setback from National Grid (National Grid sensitive activities only)<br>f. Hours of operation | |
| All land use activities | | Activity status | Performance standards |
| X. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | RD | |
| Major facility activities | | Activity status | Performance standards |
| 2. | Schools | P | a. Minimum mobility car parking |
| 3. | All other activities in the major facility activities category | NC | |
| Community activities | | Activity status | Performance standards |
| 4. | Early childhood education - small scale | P | |
| 5. | Early childhood education - large scale | RD | |
| 6. | Community and leisure - small scale | P | |
| 7. | Community and leisure - large scale | RD | |
| Y. | Healthcare | D | |
| 8. | Sport and recreation not involving the use of motorised vehicles | P | |
| 9. | Sport and recreation involving the use of motorised vehicles | D | |
| 10. | Conservation | P | |
| Commercial activities | | Activity status | Performance standards |
| 11. | Training and education | P | |
| 12. | Conference, meeting and function | P | |
| 13. | All other activities in the commercial activities category | NC | |
| Residential activities | | Activity status | Performance standards |
| 14. | Student hostels | P | a. Minimum mobility car parking |

| | | | |
|---|---|---|---|
| 15. | All other activities in the residential activities category | NC | |
| Industrial activities | | Activity status | Performance standards |
| 16. | All activities in the industrial activities category | NC | |
| Rural activities | | Activity status | Performance standards |
| 17. | All activities in the rural activities category | NC | |

**Note 31.3.3X- Other requirements outside of the District Plan**

1. Any electrical equipment used for an activity must be designed to meet the New Zealand electromagnetic compatibility (EMC) standards, to ensure there are no effects from electrical interference on surrounding sites. The Radio Spectrum Management (RSM) is the governing body which regulates EMC products in New Zealand and investigates interference to safety services, radiocommunication systems and broadcast services such as radio and television reception.

**Note 31.3.3A - General advice**

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

## 31.3.4 Activity status table - development activities

| | | | |
|---|---|---|---|
| 1. | Performance standards that apply to all development activities | | a. Maximum building site coverage and impermeable surfaces<br>b. Setback from scheduled tree |
| 2. | Performance standards that apply to all buildings and structures activities | | a. Boundary setbacks<br>b. Height in relation to boundary<br>c. Maximum height<br>d. Number, location and design of ancillary signs<br>e. Natural hazards performance standards<br>f. Setback from coast and water bodies<br>g. Setback from National Grid |
| Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building **or** scheduled heritage structure. See rows 5 - 12) | | Activity status | Performance standards |
| 3. | Fences | P | a. Fence height and design |
| 4. | All other buildings and structures activities | P | |
| Buildings and structures activities that affect a protected part of a scheduled heritage building **or** scheduled heritage structure | | Activity status | Performance standards |
| 5. | Repairs and maintenance | P | |

| | | | |
|---|---|---|---|
| 6. | Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1 | C | |
| 7. | Restoration of all other scheduled heritage buildings and structures | P | |
| 8. | Earthquake strengthening where external features only are protected | C | a. Materials and design |
| 9. | Signs attached to buildings or structures | P | |
| 10. | All other additions and alterations | RD | |
| 11. | Demolition | NC | |
| 12. | Removal for relocation | RD | |
| Site development activities | | Activity status | Performance standards |
| 13. | Service areas | P | a. Location and screening of service areas |
| 14. | Storage and use of hazardous substances | P | a. Hazardous substances quantity limits and storage requirements<br>b. Setback from coast and water bodies |
| 15. | Parking, loading and access | P | a. Parking, loading and access standards |
| 16. | Vegetation clearance | P | a. Maximum area of vegetation clearance (UBMA) |
| X. | New or additions to parking areas that result in 50 or more new parking spaces | RD | a. Parking, loading and access standards |
| 17. | All other site development activities | P | |

**Note 31.3.4A - General advice**

1. 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. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
2. An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
4. The **archaeological alert layer mapped area** identifies sites and areas that have a strong likelihood of containing archaeological remains, however remains may be present anywhere within the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.

## 31.3.5 Activity status table - subdivision activities

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

### Note 31.3.5A - Other RMA considerations

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

### 31.3.6 Activity status in the Hazard 2 (flood) Overlay Zone

| Activity | | Activity status |
|---|---|---|
| Land Use Activities | | |
| 1. | Natural hazards sensitive activities | RD |
| 2. | Natural hazards potentially sensitive activities | RD |
| Development Activities | | |
| 3. | New buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m² of new ground floor area | RD |

#### Note 31.3.6A - Other RMA considerations

X Section 10 of the RMA (existing use rights) provides for land to be used in a manner that contravenes a rule in a district plan if the use was lawfully established before the rule became operative or the proposed plan was notified, and the effects of the use are the same or similar in character, intensity and scale to those which existed before the rule became operative or the proposed plan was notified.

2. Accordingly, activities that are shown to have effects that are the same or similar in character, intensity and scale to those which existed before the rule became operative or the proposed plan was notified will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 31.3.6. However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of effects from the land use activity.

#### Note 31.3.6B - Other requirements outside the District Plan

1. Clause E1 – Surface water of the New Zealand Building Code (Building Regulations 1992, Schedule 1) contains requirements regarding buildings and sitework (including earthworks) in relation to managing surface water and effects on other property.
2. Buildings and structures that will divert water may require resource consent under the Otago Regional Plan: Water.
3. If buildings and structures affect the flow of water, this effect is also subject to the common law principle of natural servitude.

### 31.3.7 Transition to default zone

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

## Rule 31.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or 95B of the RMA, unless Council considers special circumstances exist in relation to the application that require public notification:
    1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
    2. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications for the following activities, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where its 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. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is listed by Heritage New Zealand.
3. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
    1. all restricted discretionary activities that list 'effect on cultural values of Manawhenua' as a matter for discretion; and
    2. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4.
4. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

# Rule 31.5 Land Use Performance Standards

## 31.5.1 Acoustic Insulation

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

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

## 31.5.3 Hours of Operation

1. Conference, meeting and function and use of school sports fields must take place within the following hours:

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

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

## 31.5.4 Light Spill

Land use activities must comply with Rule 9.3.5.

## 31.5.5 Minimum Mobility Car Parking

| Activity | | Minimum number of parking spaces |
|---|---|---|
| 1-2. | ***Removed to comply with the National Policy Statement on Urban Development 2020 requirement to remove minimum car parking requirements. Rule numbering to be corrected at a later date.*** | |

3. Schools and student hostels must provide mobility parking spaces as follows:

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

4. NA.
5. Parking spaces may be shared between land use activities (i.e. the same parking spaces may be used to fulfil the minimum mobility car parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap.
6. NA.
7. Activities that contravene this performance standard are restricted discretionary activities.

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

1. Parking areas must comply with the standards in Section 6.6: Parking, Loading and Access Standards.

### 31.5.6 Noise

Land use activities must comply with Rule 9.3.6.

### 31.5.7 Setback from National Grid

National Grid sensitive activities must comply with Rule 5.6.1.1.

# Rule 31.6 Development Performance Standards

## 31.6.1 Fence Height and Design

### 31.6.1.1 Maximum Height

a. The maximum height of fences along boundaries (including within the boundary setbacks required by Rule 31.6.10.1) is 2m.

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.

c. Fences that contravene this performance standard are restricted discretionary activities.

### 31.6.1.2 Visual Permeability

a. Fences along road boundaries (or within the boundary setbacks required by Rule 31.6.10.1) must be constructed to a length and/or height that maintains visual permeability for 50% of the length of the boundary measured at a height of 1.4m above ground level (see Figure 15.6.2.2A).

b. Fences along the road boundary of a state highway are exempt from this requirement.

c. Fences that contravene this performance standard are restricted discretionary activities.

## 31.6.2 Natural Hazards Performance Standards

### 31.6.2.1 Relocatable buildings

New buildings containing residential activity on the ground floor in the Hazard 3 (coastal) Overlay Zone must comply with Rule 11.3.3.

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

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

## 31.6.3 Hazardous Substances Quantity Limits and Storage Requirements

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

## 31.6.4 Height

### 31.6.4.1 Height in relation to boundary

New buildings and additions and alterations to buildings adjoining a residential zone must comply with the height in relation to boundary performance standard of that residential zone, along the adjoining boundary (see Rule 15.6.6.1).

### 31.6.4.2 Maximum height

a. The maximum height for new buildings and structures, and additions and alterations, must not exceed 12m above ground level.

b. Rooftop structures are exempt from the performance standard for maximum height provided they do not exceed the maximum height limit by more than one third of that limit.

c. Activities that contravene this performance standard are restricted discretionary activities.

### 31.6.5 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.

### 31.6.6 Materials and Design

Earthquake strengthening must comply with Rule 13.3.2.

### 31.6.7 Maximum Building Site Coverage and Impermeable Surfaces

1. The maximum building site coverage of buildings and impermeable surfaces is:

| **Default zone of the school, as indicated in** Appendix A9 | | **Maximum building site coverage by buildings (% of site)** | **Maximum total impermeable site coverage (buildings and impermeable surfaces % of site)** |
|---|---|---|---|
| a. | General Residential 2 Zone or Inner City Residential Zone | 60% | 80% |
| b. | All other zones | 40% | 70% |

2. Activities that contravene this performance standard are restricted discretionary activities.

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

31.6.8.1 General

a. Signs must comply with the following standards, except the following signs are exempt from these standards:
   i. signs that are not visible from outside the Schools Zone;
   ii. regulatory signs, warning signs, or directional signs; and
   iii. building names (excluding sponsorship names).
b. Signs must comply with Rule 6.7.3 where visible from a road.
c. Signs must not be illuminated or digital.
d. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.

31.6.8.2 Signs attached to buildings

a. The height above ground level at the highest point of any sign attached to a building is 4m.
b. Signs must not be attached to roofs.
c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
d. Signs attached to a building must:
   i. not exceed 1 sign per 30m of road frontage;
   ii. have a maximum area per display face of 2m²;
   iii. have a maximum of 2 display faces per sign;
   iv. where attached to the façade of a building, must not project more than 1m from the façade to which it is attached; and

v. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

31.6.8.3 Freestanding signs

a. The maximum number of freestanding signs is 2 per 50m of frontage.

b. The maximum dimensions of freestanding signs are:
   i. maximum height of 4m;
   ii. maximum area of 4m²;
   iii. maximum width of 2m; and
   iv. maximum depth of 400mm

c. Freestanding signs must:
   i. not obstruct parking, loading and access areas; and
   ii. be positioned entirely within the site boundaries.

**Note 31.6.8A - Other requirements outside of the District Plan**

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

### 31.6.9 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

## 31.6.10 Setbacks

31.6.10.1 Boundary setbacks

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

| Building or structure | | Setback from road boundary where default zone is General Residential 2 or Inner City Residential | Setback from road boundary where default zone is any other zone | Setback from other boundaries |
|---|---|---|---|---|
| i. | Buildings | 3m | 4.5m | 4.5m |
| ii. | Structures greater than 3m tall or 10m² footprint | 3m | 4.5m | 4.5m |

iii. Except:

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

b. Activities that contravene this performance standard are restricted discretionary activities.

31.6.10.2 Setback from coast and water bodies

New buildings and structures, additions and alterations, and storage and use of hazardous substances must comply with Rule 10.3.3.

31.6.10.3 Setback from National Grid

New buildings and structures, and additions and alterations must comply with Rule 5.6.1.1.

31.6.10.4 Setback from scheduled tree

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

## 31.6.11 Maximum Area of Vegetation Clearance (UBMA)

Vegetation clearance in an **urban biodiversity mapped area** (UBMA) must comply with Rule 10.3.2.4.

## Rule 31.7 Subdivision Performance Standards

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

# Rule 31.8 Assessment of Controlled Activities

## Rule 31.8.1 Introduction

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rule 31.8.2:
   a. lists the matters over which Council has reserved its control; and
   b. provides guidance on how consent applications will be assessed, including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
      ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
   a. if the contravention of the performance standard defaults to **restricted discretionary** then:
      i. the activity, as a whole, will be treated as **restricted discretionary**; and
      ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
      iii. the performance standard contravention will be assessed as indicated in Section 31.9; and
      iv. the matters of control become matters of discretion and will be assessed as indicated in this section.
   b. if the contravention of the performance standard defaults to **discretionary** then:
      i. the activity, as a whole, will be treated as **discretionary**; and
      ii. the performance standard contravention will be assessed as indicated in Section 31.11; and
      iii. the assessment guidance in this section will also be considered.
   c. if the contravention of the performance standard defaults to **non-complying** then:
      i. the activity, as a whole, will be **non-complying**; and
      ii. the performance standard contravention will be assessed as indicated in Section 31.12; and
      iii. the assessment guidance in this section will also be considered.

| 31.8.2 Assessment of all controlled activities | | | |
|---|---|---|---|
| Development activity | | Matters of control | Guidance on the assessment of the resource consents |
| 1. | Affecting a scheduled heritage building or a scheduled heritage structure:<br>• Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected.<br>• 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) | a. Effects on heritage values | See Rule 13.4 |

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

## Rule 31.9.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 31.9.2 - 31.9.6
    a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.
3. Rules 31.9.2 - 31.9.6 apply as follows:
    a. Rule 31.9.2 applies to all performance standard contraventions;
    b. Rule 31.9.3 applies to land use performance standard contraventions;
    c. Rule 31.9.4 applies to development performance standard contraventions;
    d. Rule 31.9.5 applies to subdivision performance standard contraventions; and
    e. Rule 31.9.6 applies to performance standard contraventions in a mapped area.

| 31.9.2 Assessment of all performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | All performance standard contraventions | *Potential circumstances that may support a consent application include:*<br>a. The degree of non-compliance with the performance standard is minor.<br>b. The need to meet other performance standards, or other site specific factors, make meeting the standard impracticable.<br>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.<br>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.<br>e. The schools are able to operate efficiently and effectively.<br>*General assessment guidance:*<br>f. Where more than one standard is contravened, the combined effects of the contraventions should be considered.<br>g. In balancing consideration of the objectives and policies related to the maintenance of heritage values and those related to general amenity, greater weight will usually be placed on heritage policies. |

| 31.9.3 Assessment of land use performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 2. | Hours of operation | a. Effects on surrounding sites' residential amenity | *Relevant objectives and policies:*<br>i. Objective 31.2.2<br>ii. Conference, meeting and function and use of schools' sports fields avoid or, if avoidance is not practicable, adequately mitigate, noise and other adverse effects on the amenity of surrounding residential properties (Policy 31.2.2.6).<br>*Potential circumstances that may support a consent application include:*<br>iii. The extension of hours will not result in unreasonable nuisance from vehicle movements or other noise. |
| 3. | Minimum mobility car parking | a. NA<br>b. Effects on accessibility | See Rule 6.10 |

| 31.9.4 Assessment of development performance standard contraventions | | |
|---|---|---|
| Performance standard | Matters of discretion | Guidance on the assessment of resources consents |

| 31.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resources consents |
| 1. | • Boundary setbacks<br>• Height in relation to boundary<br>• Maximum height | a. Effects on amenity of surrounding sites | *Relevant objectives and policies:*<br>i. Objective 31.2.2<br>ii. Buildings and structures are of a height and setback from boundaries that ensures there are no more than minor effects on the sunlight access of current and potential future residential buildings and their outdoor living spaces (Policy 31.2.2.1.a).<br>*Potential circumstances that may support a consent application include:*<br>iii. Residential buildings on neighbouring sites receive adequate natural light and privacy. |
| | | b. Effects on neighbourhood amenity | *Relevant objectives and policies:*<br>i. Objective 31.2.2<br>ii. Buildings and structures are of a height and setback from boundaries that ensures adverse effects on neighbourhood amenity are avoided or, if avoidance is not practicable, are mitigated so that they are no more than minor (Policy 31.2.2.1.b).<br>*Potential circumstances that may support a consent application include:*<br>iii. The boundary setback is consistent with the setbacks of adjoining properties.<br>iv. Landscaping or fences screen or soften the visual effects of buildings. |
| 2. | Fence height and design | a. Effects on neighbourhood amenity | *Relevant objectives and policies:*<br>i. Objective 31.2.2<br>ii. Fences adjoining roads or public places are of a height and design that contribute positively to neighbourhood amenity (Policy 31.2.2.3).<br>*Potential circumstances that may support a consent application include:*<br>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.<br>iv. The fence design maintains an attractive interface with the street.<br>v. The fence will be screened by landscaping. |
| | | b. Effects on health and safety | See Rule 9.5 |

| 31.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resources consents |
| 3. | Hazardous substances quantity limits and storage requirements | a. Effects on health and safety | See Rule 9.5 |
| 4. | Location and screening of service areas | a. Effects on neighbourhood amenity | *Relevant objectives and policies:*<br>i. Objective 31.2.2<br>ii. Development maintains or enhances neighbourhood amenity by ensuring service areas are not visible from ground level outside the site (Policy 31.2.2.2). |
| 5. | Affecting a **scheduled heritage building** or **scheduled heritage structure**<br>• Materials and design | a. Effects on heritage values | See Rule 13.5 |
| 6. | Maximum building site coverage and impermeable surfaces | a. Effects on efficiency and affordability of infrastructure (stormwater) | See Rule 9.5 |
| | | X. Effects of stormwater from future development | |
| 7. | Number, location and design of ancillary signs | a. Effects on neighbourhood amenity | *Relevant objectives and policies:*<br>i. Objective 31.2.2<br>ii. Ancillary signs visible outside the zone are located and designed to maintain streetscape amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose (Policy 31.2.2.4). |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.10 |

| 31.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resources consents |
| 8. | Setback from coast and water bodies (rules 10.3.3.1 – 10.3.3.5) | a. Effects on biodiversity values and natural character of riparian margins and the coast | See Rule 10.5 |
| | | b. Effects on public access | See Rule 10.5 |
| | | c. Risk from natural hazards | See Rule 11.4 |
| 9. | Setback from scheduled tree | a. Effects on long term health of tree | See Rule 7.6 |
| 10. | Parking, loading and access standards | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |

| 31.9.5 Assessment of subdivision performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | Subdivision performance standards | See the subdivision standards of the default zone (the default zones are listed in Appendix A9). |

| 31.9.6 Assessment of restricted discretionary performance standard contraventions in a mapped area | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | In a **wāhi tūpuna mapped area**:<br>• Setback from coast and water bodies | a. Effects on cultural values of Manawhenua | See Rule 14.3 |
| 2. | In an **urban biodiversity mapped area**:<br>• Maximum area of vegetation clearance (UBMA) | a. Effects on biodiversity values | See Rule 10.5 |
| 3. | In a hazard overlay zone:<br>• Relocatable buildings (Hazard 3 (coastal) Overlay Zone)<br>• Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) overlay zones)<br>• Hazardous substances quantity limits and storage requirements | a. Risk from natural hazards | See Rule 11.4 |

# Rule 31.10 Assessment of Restricted Discretionary Activities

## Rule 31.10.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 31.10.2 - 31.10.4:
   a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provide guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Rules 31.10.2 - 31.10.4 apply as follows:
   a. Rule 31.10.2 applies to restricted discretionary land use activities;
   b. Rule 31.10.3 applies to restricted discretionary development activities; and
   c. Rule 31.10.4 applies to restricted discretionary subdivision activities.
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** then:
      i. the activity, as a whole, will be treated as **restricted discretionary**; and
      ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
      iii. the performance standard contravention will be assessed as indicated in Section 31.9; and
      iv. the matters of discretion in this section will be assessed as indicated.
   b. if the contravention of the performance standard defaults to **discretionary** then:
      i. the activity, as a whole, will be treated as **discretionary**; and
      ii. the performance standard contravention will be assessed as indicated in Section 31.11; and
      iii. the assessment guidance in this section will also be considered.
   c. if the contravention of the performance standard defaults to **non-complying** then:
      i. the activity, as a whole, will be **non-complying**; and
      ii. the performance standard contravention will be assessed as indicated in Section 31.12; and
      iii. the assessment guidance in this section will also be considered.

| 31.10.2 Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | a. Effects on accessibility | See Rule 6.11 |
| | | b. Effects on the safety and efficiency of the transport network | |
| 2. | • Community and leisure - large scale<br>• Early childhood education - large scale | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | b. Effects on accessibility | |
| | | c. Effects on surrounding sites' residential amenity | *Relevant objectives and policies:*<br>i. Objective 31.2.2<br>ii. Early childhood education - large scale and community and leisure - large scale is designed to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 31.2.2.5). |

| 31.10.3 Assessment of restricted discretionary development activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | In the **Hazard 2 (flood) Overlay Zone** (see Rule 31.3.6):<br>• New buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m² of new ground floor area<br>• Natural hazards sensitive activities<br>• Natural hazards potentially sensitive activities | a. Risk from natural hazards | See Rule 11.5 |
| 2. | Activities affecting a **scheduled heritage building** or **scheduled heritage structure**:<br>• Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure<br>• Removal for relocation | a. Effects on heritage values | See Rule 13.6 |
| 3. | High trip generators:<br>• New or additions to parking areas that result in 50 or more new parking spaces | a. Effects on accessibility<br>b. Effects on the safety and efficiency of the transport network | See Rule 6.11 |

| 31.10.4 Assessment of restricted discretionary subdivision activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | All subdivision activities | a. Effects on the efficient and effective operation of the school | *Relevant objectives and policies:*<br>i. Objectives 31.2.1, 2.3.1<br>ii. Subdivision does not adversely affect the efficient and effective operation of the school (Policy 31.2.1.5.b). |
| | | See the subdivision activities restricted discretionary assessment rule of the default zone (default zones are listed in Appendix A9). | |

# Rule 31.11 Assessment of Discretionary Activities

## Rule 31.11.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 31.11.2 - 31.11.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
   b. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
   c. general assessment guidance, including any effects that will be considered as a priority; and
   d. conditions that may be imposed.
3. Rules 31.11.2 - 31.11.3 apply as follows:
   a. Rule 31.11.2 applies to all discretionary land use activities; and
   b. Rule 31.11.3 applies to discretionary performance standard contraventions.
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

| 31.11.2 Assessment of discretionary land use activities | | |
|---|---|---|
| | Activity | Guidance on the assessment of resource consents |
| 1. | All discretionary land use activities listed below:<br>• sport and recreation involving the use of motorised vehicles<br>• healthcare | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 2.3.1, 31.2.1<br>b. Activities that are not ancillary to schools:<br>i. are related to or support the school, or have other operation requirements that mean they need to locate in the zone;<br>ii. support the efficient and effective operation of school;<br>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>iv. are designed and operated in line with Objective 31.2.2 and its policies (Policy 31.2.1.3).<br>*Potential circumstances that may support a consent application include:*<br>c. 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.<br>d. All relevant land use performance standards are met, including noise and light spill standards.<br>*General assessment guidance:*<br>e. In assessing the significance of effects, consideration will be given to:<br>i. short to long term effects, including effects in combination with other activities; and<br>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.<br>*Relevant guidance from other sections (priority considerations):*<br>f. 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.<br>g. 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.<br>h. 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. |

| 31.11.3 Assessment of discretionary performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Acoustic insulation<br>• Noise - where the limit is exceeded by less than 5dB LAeq (15min)<br>• Light spill - where the limit is exceeded by 25% or less | *Relevant guidance from other sections (priority considerations):*<br>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. |

# Rule 31.12 Assessment of Non-complying Activities

## Rule 31.12.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 31.12.2 - 31.12.5 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
   b. general assessment guidance, including any effects that will be considered as a priority.
3. Rules 31.12.2 - 31.12.5 apply as follows:
   a. Rule 31.12.2 applies to all non-complying activities;
   b. Rule 31.12.3 applies to non-complying land use activities;
   c. Rule 31.12.4 applies to non-complying development activities; and
   d. Rule 31.12.5 applies to non-complying performance standard contraventions.
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

| 31.12.2 Assessment of non-complying land use activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resources consents |
| 1. | All non-complying activities | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 2.3.1, 14.2.1, 31.2.1<br>b. Objective 2.3.2 and Policy 2.3.2.2<br>c. Objective 2.4.3 and Policy 2.4.3.4<br>d. Activities not ancillary to schools:<br>i. are related to or support the school, or have other operation requirements that mean they need to locate in the zone;<br>ii. support the efficient and effective operation of the school;<br>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>iv. they are designed and operated in line with Objective 31.2.2 and its policies (Policy 31.2.1.3).<br>*General assessment guidance:*<br>e. In assessing the significance of effects consideration will be given to:<br>i. both short and long term effects, including effects in combination with other activities; and<br>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.<br>f. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.<br>*Relevant guidance from other sections (priority considerations):*<br>g. See Section 6.13 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.<br>h. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety.<br>i. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua. |

| 31.12.3 Assessment of non-complying land use activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | • Cemeteries<br>• Crematoriums<br>• Landfills | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua. |
| 2. | Commercial advertising | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.4.1<br>b. Policy 2.4.1.6.c |

| 31.12.4 Assessment of non-complying development activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | Demolition of a protected part of a scheduled heritage building or scheduled heritage structure | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1, and effects on heritage values. |

| 31.12.5 Assessment of non-complying performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Light spill - where the limit is exceeded by greater than 25%<br>• Noise - where the limit is exceeded by 5dB LAeq (15 min) or more<br>• Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |
| 2. | Setback from National Grid | *Relevant guidance from other sections:*<br>a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.X and effects related to the operation, maintenance, upgrading and development of the National Grid. |

# 32. Stadium

## 32.1 Introduction

The Forsyth Barr Stadium is located at Logan Point, immediately south of Logan Park. The area is approximately 5.1ha in size and is located between Anzac Avenue (SH 88), Ravensbourne Road, the Water of the Leith and the main south railway line. The Forsyth Barr Stadium has a capacity for up to 35,000 spectators and provides a venue for international and local sporting events as well as concerts, community events and conferences.

The zone is bordered by the Industrial Zone to the north-east, east and south, Princes, Parry and Harrow Street Zone to the west, Campus Zone to the north-west and Recreation Zone to the north. The University of Otago uses the University Plaza building at the western end of the stadium for campus activity. This building, and the plaza area in front of it, are zoned Campus. A large car park services the stadium.

The Forsyth Barr Stadium and its associated activities have the potential for visual, noise and traffic effects that may impact on surrounding land uses. The effects of activities within the area must be carefully managed to ensure that there are no adverse impacts on the rest of the city. Activities permitted within the Stadium Zone are limited to those clearly associated with the operation and function of the stadium, or that make use of the stadium facility itself.

# 32.2 Objectives and Policies

| Objective 32.2.1 | |
|---|---|
| The stadium is able to operate efficiently and effectively. | |
| Policy 32.2.1.1 | Enable major recreation facility activity in the Stadium Zone. |
| Policy 32.2.1.2 | Provide for activities ancillary to major recreation facility activity where they are designed and operated in line with Objective 32.2.2 and its policies. |
| Policy 32.2.1.3 | Only allow activities that are not ancillary to major recreation facility activity where:<br>a. they are related to or support the Forsyth Barr Stadium, or have other operational requirements that mean they need to locate in the zone;<br>b. they will support the efficient and effective operation of the Forsyth Barr Stadium;<br>c. they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>d. they are designed and operated in line with Objective 32.2.2 and its policies. |
| Policy 32.2.1.4 | Enable land that is surplus to the needs of the Forsyth Barr Stadium to transition to the Campus Zone (except in the **hazard facility mapped area**) or Industrial Zone (in the **hazard facility mapped area**), so that future development that is not related to major recreation facility activity will be managed in accordance with the objectives and policies of those zones. |
| Policy 32.2.1.5 | Only allow subdivision activities where the subdivision does not adversely affect the efficient and effective operation of the Forsyth Barr Stadium. |
| Policy 32.2.1.6 | Enable car parking areas to be used for stand-alone car parking when not required for major recreation facility activity. |

| **Objective 32.2.2** | |
|---|---|
| Land use activities and development are designed and operated to:<br>a. provide a good standard of on-site amenity for visitors;<br>b. maintain or enhance the amenity of surrounding areas, as far as practicable; and<br>c. avoid adverse effects on people's health and safety. | |
| Policy 32.2.2.1 | Require development along Ravensbourne Road (**amenity route mapped area**) to provide a high level of streetscape amenity by:<br>a. providing landscaping of a height and density adequate to maintain or enhance the amenity of the route; and<br>b. setting back buildings an adequate distance to allow this landscaping. |
| Policy 32.2.2.2 | Only allow buildings greater than 20m in height where adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the harbour towards the Otago Peninsula, are minimised as far as practicable through the use of quality and contextually appropriate architectural design. |
| Policy 32.2.2.3 | Only allow buildings over 47m in height where:<br>a. the height is essential to the operation of the Forsyth Barr Stadium; and<br>b. the height exceedance is minimal. |
| Policy 32.2.2.4 | 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. |
| Policy 32.2.2.5 | Require land use activities to operate, and development to be designed, to ensure that adverse effects from noise on the health of people will be avoided or, if avoidance is not practicable, are insignificant. |
| Policy 32.2.2.6 | Require ancillary commercial activities to be designed, located and operated to primarily serve staff and visitors to the Forsyth Barr Stadium. |
| Policy 32.2.2.7 | Require the Forsyth Barr Stadium to have predominantly muted colours, to minimise adverse effects on the skyline vista of the city and views across the harbour. |

# Rules

## Rule 32.3 Activity Status

### 32.3.1 Rule location

The activity status tables in rules 32.3.3 to 32.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Stadium 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 and site investigation
3. Network Utilities (Section 5)
4. Transportation (Section 6)
5. Scheduled Trees (Section 7)
6. Natural Hazard Mitigation Activities (Section 8)
7. Earthworks (Section 8A)

### 32.3.2 Activity status introduction

1. The activity status tables in rules 32.3.3 - 32.3.5 show the activity status of activities in the Stadium Zone and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. Development activities that are lawfully present at the time any relevant rules in this Plan have legal effect are not managed by those rules (the rules do not apply to existing lawfully established development activities).
6. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

*Performance Standards*

7. Performance standards are listed in the far right column of the activity status tables.
8. Performance standards apply to permitted, controlled, and restricted discretionary activities.
9. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.
10. 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 | Meaning |
|---|---|
| P | Permitted Activity |
| C | Controlled Activity |
| RD | Restricted Discretionary Activity |
| D | Discretionary Activity |
| NC | Non-complying Activity |

### 32.3.3 Activity status table - land use activities

| | | | |
|---|---|---|---|
| 1. | Performance standards that apply to all land use activities | | a. Acoustic insulation (noise sensitive activities)<br>b. Light spill<br>c. Noise |
| All land use activities | | Activity status | Performance standards |
| X. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | RD | |
| Major facility activities | | Activity status | Performance standards |
| 2. | Major recreation facility | P | a. Minimum mobility car parking |
| 3. | All other activities in the major facility activities category | NC | |
| Community activities | | Activity status | Performance standards |
| 4. | Early childhood education | NC | |
| 5. | Community and leisure within a **hazard facility mapped area** | NC | |
| Y. | Healthcare within a **hazard facility mapped area** | NC | |
| Z. | Healthcare outside a **hazard facility mapped area** | D | |
| 6. | All other activities in the community activities category outside a **hazard facility mapped area** | P | |
| Commercial activities | | Activity status | Performance standards |
| 7. | Commercial activities ancillary to major recreation facility activity | P | a. Location |
| 8. | Visitor accommodation outside a **hazard facility mapped area** | D | |
| 9. | Visitor accommodation within a **hazard facility mapped area** | NC | |
| 10. | Office outside a **hazard facility mapped area** | D | |
| 11. | Office within a **hazard facility mapped area** | NC | |
| 12. | Stand-alone car parking | P | |
| 13. | All other activities in the commercial activities category | NC | |
| Residential activities | | Activity status | Performance standards |
| 14. | All activities in the residential activities category | NC | |

| Industrial activities | | Activity status | Performance standards |
|---|---|---|---|
| 15. | All activities in the industrial activities category | NC | |
| Rural activities | | Activity status | Performance standards |
| 16. | All activities in the rural activities category | NC | |

### Note 32.3.3A - Other requirements outside of the District Plan

1. Any electrical equipment used for an activity must be designed to meet the New Zealand electromagnetic compatibility (EMC) standards, to ensure there are no effects from electrical interference on surrounding sites. The Radio Spectrum Management (RSM) is the governing body which regulates EMC products in New Zealand and investigates interference to safety services, radiocommunication systems and broadcast services such as radio and television reception.

## 32.3.4 Activity status table - development activities

| | | | |
|---|---|---|---|
| 1. | Performance standards that apply to all buildings and structures activities | | a. Building design<br>b. Number, location and design of ancillary signs<br>c. Maximum height<br>d. Setback from coast and water bodies |
| Buildings and structures activities | | Activity status | Performance standards |
| 2. | All new buildings and additions and alterations to buildings | P | a. Boundary setbacks |
| 3. | All other buildings and structures activities | P | |
| Site development activities | | Activity status | Performance standards |
| 4. | Parking, loading and access | P | a. Parking, loading and access standards<br>b. Boundary treatments and other landscaping |
| 5. | New, or additions to, parking areas that result in 50 or more new parking spaces. | RD | a. Boundary treatments and other landscaping<br>b. Parking, loading and access standards |
| 6. | Storage and use of hazardous substances | P | a. Hazardous substances quantity limits and storage requirements<br>b. Setback from coast and water bodies |
| 7. | Vegetation clearance | P | |
| 8. | All other site development activities | P | |

### Note 32.3.4A - General advice

1. 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. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
2. An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
4. The **archaeological alert layer mapped area** identifies sites and areas that have a strong likelihood of containing archaeological remains, however remains may be present anywhere within Dunedin. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.

## 32.3.5 Activity status table - subdivision activities

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

**Note 32.3.5A - Other RMA considerations**

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.

## Rule 32.3.6 Transition to Campus Zone or Industrial Zone

1. On receipt of written notice from both the landowner and operator of Forsyth Barr Stadium (if different) to Dunedin City Council confirming that all or part of the land within the Stadium Zone is surplus to Forsyth Barr Stadium requirements, the provisions of the Stadium Zone will no longer apply to that parcel of land and the provisions of the following zones will apply in full:
    a. to those parts of the Stadium Zone that are outside the **hazard facility mapped area**, the Campus Zone will apply; and
    b. to those parts of the Stadium Zone that are inside the **hazard facility mapped area**, the Industrial Zone will apply.

## Rule 32.4 Notification

1. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
    1. all restricted discretionary activities that list 'effect on cultural values of Manawhenua' as a matter of discretion; and
    2. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4.
2. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

## Rule 32.5 Land Use Performance Standards

### 32.5.1 Acoustic Insulation

Noise sensitive activities in the Stadium Zone must comply with Rule 9.3.1.

### 32.5.3 Light Spill

Land use activities must comply with Rule 9.3.5.

### 32.5.4 Location

1. For commercial activities ancillary to major recreation facility activity, customer access must only be available from inside the stadium buildings.
2. Activities that contravene this performance standard are restricted discretionary activities.

### 32.5.5 Minimum Mobility Car Parking

1. Major recreation facility activity must provide a minimum of five mobility parking spaces.
2. Activities that contravene this performance standard are restricted discretionary activities.

#### Note 32.5.5A - Other relevant District Plan provisions

1. Parking areas must comply with the standards in Section 6.6: Parking, Loading and Access Standards.

## 32.5.6 Noise

32.5.6.1 Noise

a. Land use activities must comply with Rule 9.3.6, except stadium noise events (see Rule 32.5.6.2).

32.5.6.2 Stadium Noise Events

a. Stadium noise events must not exceed 75 dB LAeq (15 min) or 80 dB LAFmax measured at the **stadium noise mapped area** (see Figure 32.5.6.2A).

b. The maximum number of stadium noise events allowed within the following noise ranges is:

| Noise measured at the boundary of the stadium noise mapped area | | Maximum number of events per calendar year |
|---|---|---|
| i. | Between 65 dB LAeq (15 min) and up to 75 dB LAeq (15 min); or up to 80 dB LAF max | 3 |
| ii. | Between 55 dB LAeq (15 min) and up to 65 dB LAeq (15 min); or up to 75 dB LAF max | 12 events |
| iii. | Up to 55 dB LAeq (15 min) | n/a |

c. Stadium noise events must not commence before 10.00am or finish after 12.00am (midnight) for events between 1 November and the end of February, or after 11.00pm for events between 1 March and 31 October. For clarity, the event may exceed four hours, but the period during which any noise is produced that exceeds the noise limits in Rule 9.3.6 must not exceed four hours.

d. Stadium noise events must comply with the following restrictions:
   i. There must be no more than two stadium noise events in any one seven-day period, except for two weeks of the year which may have a maximum of four stadium noise events in any one seven-day period; and
   ii. There must be no more than two stadium noise events that exceed 55 dBA Leq (15 min) within any Sunday to Thursday period inclusive; and
   iii. Stadium noise events that exceed 55 dBA Leq (15 min) must not be held on consecutive days within any Sunday to Thursday period inclusive; and
   iv. There must be no more than two stadium noise events that exceed 55 dBA Leq (15 min) on consecutive days.

e. The Forsyth Barr Stadium must either:
   i. have a permanent sound system that is commissioned and calibrated to achieve compliance with the above noise standards during stadium noise events, and with the noise standards specified in Rule 9.3.6 at all other times; or
   ii. for stadium noise events where a non-calibrated sound system is used, monitor and regulate the noise to ensure compliance with the noise standards specified above.

f. Sound checks involving amplified music which exceed the noise limits specified in Rule 9.3.6 must be between the hours of 9.00am and 7.30pm and a maximum of two hours total duration per day. Sound checks must not exceed the noise limits specified in Rule 32.5.6.2.a.

g. Stadium noise events expected to exceed 65dB LAeq (15 min) or 75 dB LAFmax must be publicised by:
   i. an advertisement in both the Otago Daily Times newspaper and Star community newspaper no more than 10 days prior to the event; or
   ii. a leaflet drop to the **stadium noise leaflet drop mapped area** (see Figure 32.5.6.2A) no more than

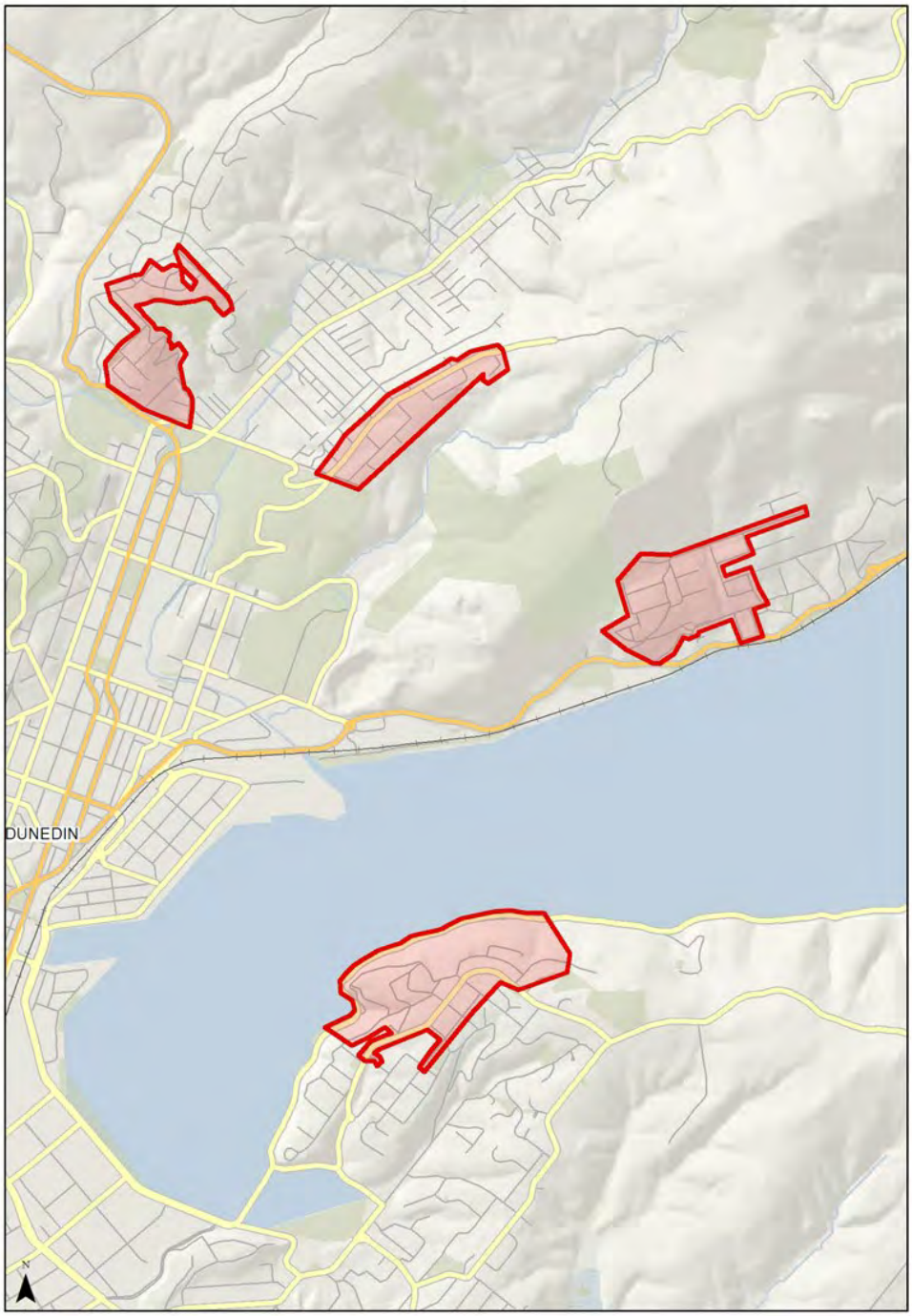
10 days prior to the event.

h. A noise management plan must be provided to the DCC's Environmental Health Department at least 48 hours prior to all stadium noise events detailing:
   i. the name and contact details of a noise management contact person who will be present at the stadium noise event; and
   ii. methods by which noise will be managed to ensure it does not exceed the noise levels in Rule 32.5.6.2.a and b.

i. Activities that exceed the noise limits in 32.5.6.2.a are a non-complying activity.

j. Activities that contravene all other parts of this rule are a discretionary activity.

Figure 32.5.6.2A: **Stadium noise leaflet drop mapped area**



# Rule 32.6 Development Performance Standards

## 32.6.1 Boundary Treatments and Other Landscaping

1. Along the Ravensbourne Road frontage (**amenity route mapped area**), where a building is not built to the road frontage, a landscaping area with a minimum width of 1.5m, must be provided along the full length of the road frontage (except for where vehicle access is provided). Landscaping areas must:
    a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
    b. have an average of one tree for every 5m of frontage;
    c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
    d. be designed to allow surface water run-off from surrounding areas to enter;
    e. be protected by a physical barrier that prevents cars from damaging plants;
    f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a minimum height of 5m within 10 years of planting;
    g. be planted prior to occupation of any relevant building(s) or upon completion of site development activities; and
    h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
2. Any road boundary fences provided must be placed on the property side of any road frontage landscaping required by this rule.
3. Activities that contravene this performance standard are restricted discretionary activities.

## 32.6.2 Building Design

1. The Forsyth Barr Stadium must be at least 75% grey tones. Up to 25% of each façade may be any colour, but no one block of colour may occupy more than 5% of the façade.
2. Activities that contravene this performance standard are restricted discretionary activities.

## 32.6.3 Hazardous Substances Quantity Limits and Storage Requirements

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

## 32.6.4 Maximum Height

1. The maximum height for new buildings and structures, and additions and alterations is 20m above ground level.
2. Rooftop structures are exempt from the performance standard for maximum height, provided they do not exceed the maximum height limit by more than 5m.
3. Activities that contravene the performance standard for maximum height but are no greater than 47m in height are a restricted discretionary activity.
4. Activities that contravene the performance standard for maximum height and are over 47m in height are a discretionary activity.

## 32.6.5 Number, Location and Design of Ancillary Signs

32.6.5.1 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 Stadium Zone;

ii. regulatory signs, warning signs, or directional signs; and

iii. building names (excluding sponsorship names).

b. Signs located on or above the footpath must comply with Rule 6.7.2.

c. Signs must comply with Rule 6.7.3 where visible from a road.

d. Signs related to commercial activities ancillary to a major recreation facility must not be visible from outside the Stadium Zone.

e. Signs higher than 4m above ground level must only display the major facility name.

f. Signs must be set back a minimum of 100 metres from the State Highway 88/Ravensbourne Road roundabout.

g. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.

#### 32.6.5.2 Signs attached to buildings

a. Signs must not be attached to roofs.

b. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.

c. Signs attached flat against a building must:

i. not exceed one sign per road frontage; and

ii. not exceed a display face area of 160m² per sign.

d. If attached on the underside of a verandah or protruding from a building façade, signs must:

i. where attached to the façade of a building, not protrude more than 1.5m from the façade;

ii. have a maximum area per display face of 2m²;

iii. have a maximum of 2 display faces; and

iv. not exceed 1 sign per 30m of street frontage.

#### 32.6.5.3 Freestanding signs

a. The maximum number of freestanding signs is:

i. 1 per 50m of street frontage.

b. The maximum area of freestanding signs is 1m², except one sign is allowed with the following maximum dimensions:

i. maximum height of 8m; and

ii. maximum area of 16m².

c. Freestanding signs must:

i. not obstruct parking, loading and access areas; and

ii. be positioned entirely within the site boundaries.

**Note 32.6.5A - Other requirements outside of the District Plan**

1. For additional restrictions that may apply to signs, see also:
   a. NZ Transport Agency *Traffic Control Devices Manual, Part 3, Advertising Signs* and *Signs on State Highways Bylaw*.
   b. Dunedin City Council Commercial Use of Footpaths Policy.

c. Dunedin City Council Roading Bylaw.

d. Dunedin City Council Traffic and Parking Bylaw.

### 32.6.6 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

### 32.6.7 Setbacks

32.6.7.1 Boundary setbacks

a. New buildings and structures, and additions and alterations must have a minimum set back from Ravensbourne Road (**amenity route mapped area**) of 10.5m.

b. Fences and ancillary signs are exempt from this standard.

c. Activities that contravene this performance standard are restricted discretionary activities.

32.6.7.2 Setback from coast and water bodies

New buildings and structures, additions and alterations, and storage and use of hazardous substances must comply with Rule 10.3.3.

## Rule 32.7 Subdivision Performance Standards

Subdivision activities must comply with Rule 34.7 outside the **hazard facility mapped area** and Rule 19.7 within the **hazard facility mapped area**.

## Rule 32.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

### Rule 32.8.1 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 32.8.2 - 32.8.5:
    a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.
3. Rules 32.8.2 - 32.8.5 apply as follows:
    a. Rule 32.8.2 applies to all performance standard contraventions;
    b. Rule 32.8.3 applies to land use performance standard contraventions;
    c. Rule 32.8.4 applies to development performance standard contraventions; and
    d. Rule 32.8.5 applies to subdivision performance standard contraventions.

| 32.8.2 Assessment of all performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | All performance standard contraventions | *Relevant objectives and policies:*<br>a. The degree of non-compliance with the performance standard is minor.<br>b. The need to meet other performance standards, or other site specific factors including topography, make meeting the standard impracticable.<br>c. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan.<br>*General assessment guidance:*<br>d. Where more than one standard is contravened, the combined effects of the contraventions should be considered. |

| 32.8.3 Assessment of land use performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 2. | Location | a. Effects on the vibrancy, and economic and social success of the CBD and centres | *Relevant objectives and policies:*<br>i. Objective 32.2.1<br>ii. Ancillary commercial activities are designed, located and operated to primarily serve staff and visitors to the Forsyth Barr Stadium (Policy 32.2.2.6). |
| 3. | Minimum mobility car parking | a. Effects on accessibility<br>b. NA | See Rule 6.10 |

| 32.8.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Boundary setbacks | a. Effects on neighbourhood amenity | *Relevant objectives and policies:*<br>i. Objective 32.2.2<br>ii. Development along Ravensbourne Road (**amenity route mapped area**) provides a high level of streetscape amenity by setting back buildings an adequate distance to allow landscaping (Policy 32.2.2.1.b). |
| 2. | Boundary treatments and other landscaping | a. Effects on neighbourhood amenity | *Relevant objectives and policies:*<br>i. Objective 32.2.2<br>ii. Development along Ravensbourne Road (**amenity route mapped area**) provides a high level of streetscape amenity by providing landscaping of a height and density adequate to maintain or enhance the amenity of the route (Policy 32.2.2.1.a). |
| 3. | Building design | a. Effect on neighbourhood amenity | *Relevant objectives and policies:*<br>i. Objective 32.2.2<br>ii. The Forsyth Barr Stadium is predominantly muted colours, to minimise adverse effects on the skyline vista of the city and views across the harbour (Policy 32.2.2.7). |
| 4. | Hazardous substances quantity limits and storage requirements | a. Effects on health and safety | See Rule 9.5 |
| 5. | Maximum height (buildings no greater than 47m in height) | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 32.2.2<br>ii. Buildings greater than 20m in height minimise, as far as practicable, adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the harbour towards the Otago Peninsula, through the use of quality and contextually appropriate architectural design (Policy 32.2.2.2). |

| 32.8.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 6. | Number, location and design of ancillary signs | a. Effects on amenity of surrounding area | *Relevant objectives and policies:*<br>i. Objective 32.2.2<br>ii. Ancillary signs visible from outside the zone are located and designed to maintain streetscape amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose (Policy 32.2.2.4). |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 7. | Setback from coast and water bodies (rules 10.3.3.1 – 10.3.3.5) | a. Effects on public access | See Rule 10.5 |
| | | b. Effects on biodiversity values and natural character of riparian margins and the coast | |
| | | c. Risk from natural hazards | See Rule 11.4 |
| | | d. In a **wāhi tupuna mapped area**, effects on cultural values of Manawhenua | See Rule 14.3 |
| 8. | Parking, loading and access standards | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |

| 32.8.5 Assessment of subdivision performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | Subdivision performance standards | See Rule 34.9 outside the **hazard facility mapped area** and Rule 19.9 within the **hazard facility mapped area**. |

# Rule 32.9 Assessment of Restricted Discretionary Activities

## Rule 32.9.1 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 32.9.2 - 32.9.3 list:
   a. the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provide guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Rules 32.9.2 - 32.9.3 apply as follows:
   a. Rule 32.9.2 applies to restricted discretionary development activities; and
   b. Rule 32.9.3 applies to restricted discretionary subdivision activities.
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** 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 32.8; 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 32.10; 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 32.11; and
      iii. the assessment guidance in this section will also be considered.

| 32.9.X Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | b. Effects on accessibility | |

| 32.9.2 Assessment of restricted discretionary development activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | High trip generators:<br>• New, or additions to, parking areas that result in 50 or more new parking spaces | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | b. Effects on accessibility | |

| 32.9.3 Assessment of restricted discretionary subdivision activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Subdivision activities | a. Effects on the efficient and effective operation of the stadium | *Relevant objectives and policies:*<br>i. Objectives 32.2.1, 2.3.1<br>ii. Subdivision activities do not adversely affect the efficient and effective operation of the stadium (Policy 32.2.1.5). |
| | | See Rule 34.10 outside the **hazard facility mapped area** and Rule 19.10 inside the **hazard facility mapped area**. | |

# Rule 32.10 Assessment of Discretionary Activities

## Rule 32.10.1 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 32.10.2 - 32.10.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', 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. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
   c. general assessment guidance, including any effects that will be considered as a priority; and
   d. conditions that may be imposed.
3. Rules 32.10.2 - 32.10.3 apply as follows:
   a. Rule 32.10.2 applies to discretionary activities; and
   b. Rule 32.10.3 applies to discretionary performance standard contraventions.
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.

| 32.10.2 Assessment of discretionary activities | |
|---|---|
| Activity | Guidance on the assessment of resource consents |
| 1. All discretionary activities which include:<br>• Visitor accommodation outside a **hazard facility mapped area**<br>• Office outside a **hazard facility mapped area**<br>• Healthcare outside a **hazard facility mapped area** | *General assessment guidance:*<br>a. Objective 2.3.2 and Policy 2.3.2.2<br>b. Objective 2.4.3 and Policy 2.4.3.4<br>c. In assessing the significance of effects, consideration will be given to:<br>i. short to long term effects, including effects in combination with other activities; and<br>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.<br>d. Objective 32.2.1<br>e. Activities that are not ancillary to major recreation facility activity:<br>i. are related to or support the Forsyth Barr Stadium, or have other operational requirements that mean they need to locate in the zone;<br>ii. will support the efficient and effective operation of the Forsyth Barr Stadium;<br>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>iv. are designed and operated in line with Objective 32.2.2 and its policies (Policy 32.2.1.3).<br>*Relevant guidance from other sections (priority considerations):*<br>f. 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.<br>g. 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.<br>h. 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. |

| 32.10.3 Assessment of discretionary performance standard contraventions | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | • Acoustic insulation<br>• Noise - where the limits in Rule 9.3.6 are exceeded by less than 5dB LAeq (15min)<br>• Light spill - where the limit is exceeded by 25% or less | *Relevant guidance from other sections (priority considerations):*<br>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. |
| 2. | Stadium noise events (except where limits in Rule 32.5.6.2.a are exceeded) | *Relevant objectives and policies:*<br>a. Objectives 32.2.1, 32.2.2 and 9.2.2<br>b. Activities are designed and operated to ensure that adverse effects from noise on the health of people will be avoided or, if avoidance is not practicable, are insignificant (policies 9.2.2.1 and 32.2.2.5). |
| 3. | Maximum height (buildings greater than 47m in height) | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.4.1, Policy 2.4.1.4<br>b. Objective 32.2.2<br>c. Buildings over 47m in height:<br>i. are essential to the operation of the Forsyth Barr Stadium; and<br>ii. the height exceedance is minimal (Policy 32.2.2.3).<br>d. Buildings minimise, as far as practicable, adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the harbour towards the Otago Peninsula, through the use of quality and contextually appropriate architectural design. (Policy 32.2.2.2). |

# Rule 32.11 Assessment of Non-complying Activities

## Rule 32.11.1 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 32.11.2 - 32.11.3 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 32.11.2 - 32.11.3 apply as follows:
   a. Rule 32.11.2 applies to non-complying land use activities; and
   b. Rule 32.11.3 applies to non-complying performance standard contraventions.
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.

| 32.11.2 Assessment of non-complying land use activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | All non-complying land use activities | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 2.3.1, 2.3.3<br>b. Policy 2.3.3.2<br>c. Objective 2.3.2 and Policy 2.3.2.2<br>d. Objective 2.4.3 and Policy 2.4.3.4<br>e. Objective 32.2.1<br>f. Activities that are not ancillary to major recreation facility activity:<br>i. are related to or support the Forsyth Barr Stadium, or have other operational requirements that mean they need to locate in the zone;<br>ii. will support the efficient and effective operation of the Forsyth Barr Stadium;<br>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>iv. are designed and operated in line with Objective 32.2.2 and its policies (Policy 32.2.1.3).<br>*General assessment guidance:*<br>g. In assessing the significance of effects, consideration will be given to:<br>i. both short and long term effects, including effects in combination with other activities.<br>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.<br>h. 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.<br>*Relevant guidance from other sections (priority considerations):*<br>i. See Section 6.13 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.<br>j. 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. |
| 2. | Commercial advertising | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.4.1<br>b. Policy 2.4.1.6.c |

| 32.11.2 Assessment of non-complying land use activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 3. | In a **hazard facility mapped area**, bulk fuel storage facilities sensitive activities | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and Policy 9.2.2.13 and the risks to people from an emergency event occurring at a hazard facility. |

| 32.11.3 Assessment of non-complying performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on assessment of resource consents |
| 1. | • Light spill - where the limit is exceeded by greater than 25%<br>• Noise - where the limit in Rule 9.3.6 is exceeded by 5dB LAeq (15 min) or more<br>• Stadium noise events - where the limit in Rule 32.5.6.2.a is exceeded<br>• Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health. |

# 33. Taieri Aerodrome

## 33.1 Introduction

The Taieri Aerodrome is situated on Stedman Road, North Taieri. The aerodrome occupies an area of approximately 38 hectares and is owned by the Dunedin City Council and leased and operated by the Otago Aero Club. The aerodrome is a highly valued recreational facility for the aeronautical community and enables recreational flying and flight training for private individuals and commercial pilots. It is the home of the Otago Rescue Helicopter Trust, which provides an emergency search and rescue service across Otago. It also serves as a secondary airport in the event of an emergency at Dunedin International Airport. The site was previously zoned industrial and there is a desire to allow ongoing industrial development on the site where this does not conflict with the operation of the aerodrome.

The aerodrome site is surrounded by several zones. To the north and west are areas of industrial zoned land, and to the south are areas of rural residential and general residential 1 land. To the west and east are areas of rural zoned land which are predominantly used for grazing and livestock. The aerodrome has particular requirements in terms of height of structures under and close to its approach and take-off flight fans. This issue is reflected in the height rules that relate to land in the vicinity of the flight path.

The activities located at the Taieri Aerodrome site have the potential to generate effects, particularly noise, which may adversely affect surrounding land uses. Noise sensitive activities, including housing, within and close to the zone are required to have acoustic insulation.

The zone enables development and land use associated with the operation and functioning of the aerodrome, and industry activities. Industrial development within the Taieri Aerodrome Zone is managed in the same way as in the neighbouring Industrial Zone. The zone provisions provide certainty for users and the wider community regarding the expected use of the aerodrome site, recognising the function of the aerodrome as a recreational resource for the community, while appropriately managing effects on neighbouring land uses.

There is a scheduled heritage building on the site, the former National Airways Hangar. Rules within the zone manage work undertaken on this building.

# 33.2 Objectives and Policies

| Objective 33.2.1 | |
|---|---|
| Taieri Aerodrome is able to operate efficiently and effectively. | |
| Policy 33.2.1.1 | Enable Taieri Aerodrome and industry. |
| Policy 33.2.1.2 | Provide for activities that are ancillary to Taieri Aerodrome or industry where they are designed and operated in line with Objective 33.2.2 and its policies. |
| Policy 33.2.1.3 | Only allow activities that are not ancillary to Taieri Aerodrome where:<br>a. they are related to or support Taieri Aerodrome, or have other operational requirements that mean they need to locate in the zone;<br>b. they will support the efficient and effective operation of the Taieri Aerodrome;<br>c. they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>d. they are designed and operated in line with Objective 33.2.2 and its policies. |
| Policy 33.2.1.4 | Enable land that is surplus to the needs of the Taieri Aerodrome to transition to Industrial Zone, so that future development that is not related to Taieri Aerodrome activity will be managed in accordance with the objectives and policies of that zone. |
| Policy 33.2.1.5 | Only allow subdivision activities where:<br>a. they are in accordance with the provisions of the Industrial Zone; and<br>b. the subdivision does not adversely affect the efficient and effective operation of Taieri Aerodrome. |

| Objective 33.2.2 | |
|---|---|
| Land use activities and development necessary for the continued operation of the Taieri Aerodrome is enabled, while ensuring development maintains the amenity of the adjoining residential and rural areas, as far as practicable. | |
| Policy 33.2.2.1 | Require buildings and structures to be of a height and setback from boundaries to maintain the amenity of surrounding areas. |
| Policy 33.2.2.2 | Require materials stored outside, that may become airborne due to wind, to be adequately secured to prevent materials escaping and contaminating any off-site area. |
| Policy 33.2.2.3 | Require ancillary signs visible from outside the zone to be located and designed to maintain neighbourhood amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose. |
| Policy 33.2.2.4 | Require ancillary commercial activities to be designed and operated to primarily serve staff and visitors to the Taieri Aerodrome. |

# Rules

## Rule 33.3 Activity Status

### 33.3.1 Rule location

The activity status tables in rules 33.3.3 to 33.3.6 specify the activity status of land use activities, development activities, and subdivision activities in the Taieri Aerodrome Zone and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

1. Public Amenities (Section 3)
2. Temporary Activities (Section 4) - note that this section includes provisions that apply to construction and site investigation
3. Network Utilities (Section 5)
4. Transportation (Section 6)
5. Scheduled Trees (Section 7)
6. Natural Hazard Mitigation Activities (Section 8)
7. Earthworks (Section 8A)

### 33.3.2 Activity status introduction

1. The activity status tables in rules 33.3.3 - 33.3.5 show the activity status of activities in the Taieri Aerodrome Zone and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, and 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. Development activities that are lawfully present at the time any relevant rules in this Plan have legal effect are not managed by those rules (the rules do not apply to existing lawfully established development activities).
6. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

*Additional activity status rules in hazard overlay zones*

7. For the purpose of the hazards provisions, activities are categorised as natural hazards sensitive activities, natural hazards potentially sensitive activities or natural hazards least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
8. In the Hazard (flood) 2 Overlay Zone, the activity statuses in Rule 33.3.6 apply to the following activities:
   a. natural hazards sensitive activities;
   b. natural hazards potentially sensitive activities; and
   c. new buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m² of new ground floor area.

9. Where the activity status in Rule 33.3.6 differs from that in rules 33.3.3 - 33.3.5, the most restrictive activity status always applies.
10. In addition to the rules in Rule 33.3.6, performance standards for development activities within hazard overlay zones are included in rules 33.3.3 - 33.3.5.
11. Activities in a hazard overlay zone must comply with all of the rules in 33.3.3 - 33.3.5.

*Performance Standards*

12. Performance standards are listed in the far right column of the activity status tables.
13. Performance standards apply to permitted, controlled, and restricted discretionary activities.
14. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.
15. 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 | Meaning |
|---|---|
| P | Permitted Activity |
| C | Controlled Activity |
| RD | Restricted Discretionary Activity |
| D | Discretionary Activity |
| NC | Non-complying Activity |
| Haz2 | Hazard 2 Overlay Zones |

### 33.3.3 Activity status table - land use activities

| | | | |
|---|---|---|---|
| 1. | Performance standards that apply to all land use activities | | a. Acoustic insulation<br>b. Light spill<br>c. Noise |
| All land use activities | | Activity status | Performance standards |
| X. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | RD | |
| Major facility activities | | Activity status | Performance standards |
| 2. | Taieri Aerodrome | P | |
| 3. | Airport | P | |
| 4. | Emergency services | RD | |
| 5. | All other activities in the major facility activities category | NC | |
| Commercial activities | | Activity status | Performance standards |
| 6. | Retail ancillary to Taieri Aerodrome | P | |
| 7. | Restaurants ancillary to Taieri Aerodrome or industry | P | a. Hours of operation |
| 8. | All other activities in the commercial activities category | NC | |
| Residential activities | | Activity status | Performance standards |
| 9. | All activities in the residential activities category | NC | |
| Community activities | | Activity status | Performance standards |
| 10. | Community and leisure | P | |
| 11. | Conservation | P | |
| 12. | All other activities in the community activities category | D | |
| Rural activities | | Activity status | Performance standards |
| 13. | Grazing | P | |
| 14. | Farming | P | |
| 15. | Landfills | NC | |
| 16. | All other activities in the rural activities category | D | |
| Industrial Activities | | Activity status | Performance standards |
| 17. | All activities in the industrial activities category | P | a. Minimum mobility car parking<br>b. Minimum vehicle loading |

### Note 33.3.3A - Other requirements outside of the District Plan

1. Any electrical equipment used for an activity must be designed to meet the New Zealand electromagnetic compatibility (EMC) standards, to ensure there are no effects from electrical interference on surrounding sites. The Radio Spectrum Management (RSM) is the governing body which regulates EMC products in New Zealand and investigates interference to safety services, radiocommunication systems and broadcast services such as radio and television reception.

### 33.3.4 Activity status table - development activities

| | | | |
|---|---|---|---|
| 1. | Performance standards that apply to all buildings and structures activities | | a. Boundary setbacks<br>b. Maximum height<br>c. Number, location and design of ancillary signs<br>d. Setback from coast and water bodies |
| Building and structures activities (excluding activities affecting a protected part of a scheduled heritage building **or** scheduled heritage structure. See rows 3-10) | | Activity status | Performance standards |
| 2. | All buildings and structures activities | P | |
| Building and structures activities that affect a protected part of a scheduled heritage building **or** scheduled heritage structure | | Activity status | Performance standards |
| 3. | Repairs and maintenance | P | |
| 4. | Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1 | C | |
| 5. | Restoration of all other scheduled heritage buildings and structures | P | |
| 6. | Earthquake strengthening where external features only are protected | C | a. Materials and design |
| 7. | Signs attached to buildings or structures | P | |
| 8. | All other additions and alterations | RD | |
| 9. | Demolition | NC | |
| 10. | Removal for relocation | RD | |
| Site development activities | | Activity status | Performance standards |
| 11. | Outdoor storage | P | a. Location and screening of outdoor storage |
| 12. | Parking, loading and access | P | a. Parking, loading and access standards |
| 13. | New, or additions to, parking areas that result in 50 or more new parking spaces. | RD | a. Parking, loading and access standards |
| 14. | Storage and use of hazardous substances | P | a. Hazardous substances quantity limits and storage requirements<br>b. Setback from coast and water bodies |
| 15. | All other site development activities | P | |

### Note 33.3.4A - General advice

1. 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. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
2. An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.

## 33.3.5 Activity status table - subdivision activities

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

### Note 33.3.5A - Other RMA considerations

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.

### 33.3.6 Activity status in the Hazard 2 (flood) Overlay Zone

| Activity | | Activity status |
|---|---|---|
| Land Use Activities | | |
| 1. | Natural hazards sensitive activities | RD |
| 2. | Natural hazards potentially sensitive activities | RD |
| Development Activities | | |
| 3. | New buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m² of new ground floor area | RD |

#### Note 33.3.6A - Other RMA considerations

1. Section 10 of the RMA (existing use rights) provides for land to be used in a manner that contravenes a rule in a district plan if the use was lawfully established before the rule became operative or the proposed plan was notified, and the effects of the use are the same or similar in character, intensity and scale to those which existed before the rule became operative or the proposed plan was notified.
2. Accordingly, activities that are shown to have effects that are the same or similar in character, intensity and scale to those which existed before the rule became operative or the proposed plan was notified will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 33.3.6. However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of effects from the land use activity.

#### Note 33.3.6B - Other requirements outside the District Plan

1. Clause E1 – Surface water of the New Zealand Building Code (Building Regulations 1992, Schedule 1) contains requirements regarding buildings and sitework (including earthworks) in relation to managing surface water and effects on other property.
2. Buildings and structures that will divert water may require resource consent under the Otago Regional Plan: Water.
3. If buildings and structures affect the flow of water, this effect is also subject to the common law principle of natural servitude.

### 33.3.7 Transition to the Industrial Zone

On receipt of written notice from both the landowner and operator of Taieri Aerodrome (if different) to Dunedin City Council confirming that all or part of the land within the Taieri Aerodrome Zone is surplus to Taieri Aerodrome requirements, the provisions of the Taieri Aerodrome Zone will no longer apply to that parcel of land and the provisions of the Industrial Zone (and the **Dukes Road North mapped area**) will apply in full.

## Rule 33.4 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 RMA, unless Council considers special circumstances exist in relation to the application that require public notification:
    1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
    2. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications for the following activities, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where its 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. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is listed by Heritage New Zealand.
3. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

# Rule 33.5 Land Use Performance Standards

## 33.5.1 Acoustic Insulation

Noise sensitive activities in the Taieri Aerodrome Zone must comply with Rule 9.3.1.

## 33.5.3 Hours of Operation

1. Restaurants ancillary to Taieri Aerodrome or industry must not be open before 6.00am or after 6.00pm.
2. Activities that contravene this performance standard are restricted discretionary activities.

## 33.5.4 Light Spill

Land use activities must comply with Rule 9.3.5.

## 33.5.6 Minimum Mobility Car Parking

1. Industry 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 |

2. Parking spaces may be shared between land use activities (i.e. the same parking spaces may be used to fulfil the minimum mobility car parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap.
3. Activities that contravene this performance standard are restricted discretionary activities.

### Note 33.5.6A - Other relevant District Plan provisions

1. Parking areas must comply with the standards in Section 6.6: Parking, Loading and Access Standards.

## 33.5.7 Minimum Vehicle Loading

1. Industry must provide one loading space, to accommodate an 8m rigid truck (See Appendix 6B, Figure 6B.10).
2. Industrial ancillary tourism must provide one loading space to accommodate a coach (See Appendix 6B, Figure 6B.12).
3. Activities that contravene this performance standard are restricted discretionary activities.

## 33.5.8 Noise

Land use activities must comply with Rule 9.3.6.

# Rule 33.6 Development Performance Standards

## 33.6.1 Hazardous Substances Quantity Limits and Storage Requirements

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

## 33.6.2 Location and Screening of Outdoor Storage

1. Outdoor storage must not encroach into required parking, loading, manoeuvring, or outdoor living areas.
2. Outdoor storage must be managed in a way that does not result in unreasonable visual amenity effects or create nuisance effects.
3. Activities that contravene this performance standard are restricted discretionary activities.

## 33.6.3 Materials and Design

Earthquake strengthening must comply with Rule 13.3.2.

## 33.6.4 Maximum Height

1. The maximum height for new buildings and structures, and additions and alterations, must not exceed 18m above ground level.
2. Rooftop structures are exempt from the performance standard for maximum height provided they do not exceed the maximum height limit by 5m.
3. New buildings and structures, and additions and alterations must not protrude through the height restriction for the Taieri Aerodrome approach and take-off fans shown on the **Taieri Aerodrome flight fan mapped area**.
4. Activities that contravene this performance standard are restricted discretionary activities.

## 33.6.5 Number, Location and Design of Ancillary Signs

### 33.6.5.1 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 Taieri Aerodrome Zone**;**
   ii. regulatory signs, warning signs, or directional signs; and
   iii. building names (excluding sponsorship names).

b. Signs related to ancillary retail and ancillary restaurants must not be visible outside the Taieri Aerodrome Zone.

c. Signs must comply with Rule 6.7.3 where visible from a road.

d. Signs must not be illuminated or digital.

e. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.

### 33.6.5.2 Signs attached to buildings

a. The height, above ground level, at the highest point of any sign, attached to a building is 4m.

b. Signs must not be attached to roofs.

c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.

d. Signs attached to a building must:
   i. not exceed one sign per 50m 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.

33.6.5.3 Freestanding signs

a. The maximum number of permanently fixed freestanding signs is one per 50m of road frontage.

b. The maximum number of portable freestanding signs is one per 50m of road frontage.

c. The maximum dimensions of freestanding signs are:
   i. maximum height of 4m;
   ii. maximum area of 8m²;
   iii. maximum width of 2m; and
   iv. maximum depth of 400mm.

d. Freestanding signs must:
   i. not obstruct parking, loading and access areas; and
   ii. be positioned entirely within the site boundaries.

**Note 33.6.5A - Other requirements outside of the District Plan**

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

## 33.6.6 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

## 33.6.7 Setbacks

33.6.7.1: Boundary setbacks

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

| Location | | Setback distance |
|---|---|---|
| i. | From the boundary of a residential zone | 5m |
| ii. | From the boundary fronting onto Dukes Road North | 10.5m |

   iii. Except fences and ancillary signs are exempt from the performance standard.

b. Activities that contravene this performance standard are restricted discretionary activities.

33.6.7.2: Setback from coast and water bodies

New buildings and structures, additions and alterations, and storage and use of hazardous substances must comply with Rule 10.3.3.

## Rule 33.7 Subdivision Performance Standards

Subdivision activities must comply with Rule 19.7.

## Rule 33.8 Assessment of Controlled Activities

### Rule 33.8.1 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 33.8.2:
    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** 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 33.9; 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 33.11; 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 33.12; and
        iii. the assessment guidance in this section will also be considered.

| 33.8.2 Assessment of all controlled activities | | | |
|---|---|---|---|
| Development activity | | Matters of control | Guidance on the assessment of the resource consents |
| 1. | Affecting a scheduled heritage building or a scheduled heritage structure:<br>• Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected<br>• 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) | a. Effects on heritage values | See Rule 13.4 |

# Rule 33.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

## Rule 33.9.1 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 33.9.2 - 33.9.6:
    a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.
3. Rule 33.9.2 - 33.9.5 apply as follows:
    a. Rule 33.9.2 applies to all performance standard contraventions;
    b. Rule 33.9.3 applies to land use performance standard contraventions;
    c. Rule 33.9.4 applies to development performance standard contraventions; and
    d. Rule 33.9.5 applies to subdivision performance standard contraventions.

| 33.9.2 Assessment of all performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | All performance standard contraventions | *Potential circumstances that may support a consent application include:*<br>a. The degree of non-compliance with the performance standard is minor.<br>b. The need to meet other performance standards, or other site specific factors including topography, make meeting the standard impracticable.<br>c. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan.<br>*General assessment guidance:*<br>d. Where more than one standard is contravened, the combined effects of the contraventions should be considered.<br>e. 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. |

| 33.9.3 Assessment of land use performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 2. | Hours of operation | a. Effects on the vibrancy, and economic and social success of the CBD and centres | *Relevant objectives and policies:*<br>i. Objective 33.2.2<br>ii. Ancillary commercial activities are designed and operated to primarily serve staff and visitors to the Taieri Aerodrome (Policy 33.2.2.4). |
| 3. | Minimum mobility car parking | a. NA<br>b. Effects on accessibility | See Rule 6.10 |
| 4. | Minimum vehicle loading | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |

| 33.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | • Boundary setbacks<br>• Maximum height | a. Effects on the amenity of surrounding areas | *Relevant objectives and policies:*<br>i. Objective 33.2.2<br>ii. Buildings and structures are of a height and setback from boundaries that maintains the amenity of surrounding areas (Policy 33.2.2.1). |
| 2. | Hazardous substance quantity limits and storage requirements | a. Effects on health and safety | See Rule 9.5 |
| 3. | Location and screening of outdoor storage | a. Effect on the amenity of surrounding areas | *Relevant objectives and policies:*<br>i. Objective 33.2.2<br>ii. Materials stored outside that may become airborne due to wind, are adequately secured to prevent materials escaping and contaminating any off-site area (Policy 33.2.2.2). |
| 4. | Number, location and design of ancillary signs | a. Effect on the amenity of surrounding areas | *Relevant objectives and policies:*<br>i. Objective 32.2.2<br>ii. Ancillary signs visible from outside the zone are located and designed to maintain neighbourhood amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose (Policy 33.2.2.3). |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 5. | Parking, loading and access standards | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 6. | Setback from coast and water bodies (rules 10.3.3.1 – 10.3.3.5) | a. Effects on biodiversity values and natural character of the coast and riparian margins | See Rule 10.5 |
| | | b. Effects on public access | See Rule 10.5 |
| | | c. Risk from natural hazards | See Rule 11.4 |

| 33.9.5 Assessment of subdivision performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | Subdivision performance standards | See Rule 19.9 |

| 33.9.6 Assessment of restricted discretionary performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | In the **Taieri Aerodrome flight fan mapped area**:<br>• Maximum height (Rule 16.6.5.3) | a. Effects on health and safety | See Rule 9.5 |
| 2. | In a hazard overlay zone<br>• Hazardous substances quantity limits and storage requirements | a. Risk from natural hazards | See Rule 11.4 |
| 3. | Affecting a **scheduled heritage building** or **scheduled heritage structure**<br>• Materials and design | a. Effects on heritage values | See Rule 13.5 |

# Rule 33.10 Assessment of Restricted Discretionary Activities

## Rule 33.10.1 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 33.10.2 - 33.10.4:
   a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provide guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Rules 33.10.2 - 33.10.4 apply as follows:
   a. Rule 33.10.2 applies to restricted discretionary land use activities;
   b. Rule 33.10.3 applies to restricted discretionary development activities; and
   c. Rule 33.10.4 applies to restricted discretionary subdivision activities.
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** 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 33.9; and
      iv. the matters of discretion in this section will be assessed as indicated.
   b. if the contravention of the performance standard defaults to **discretionary** then:
      i. the activity, as a whole, will be treated as **discretionary**; and
      ii. the performance standard contravention will be assessed as indicated in Section 33.11; 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 33.12; and
      iii. the assessment guidance in this section will also be considered.

| 33.10.2 Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | a. Effects on accessibility | See Rule 6.11 |
| | | b. Effects on the safety and efficiency of the transport network | |
| 2. | Emergency services | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | b. Positive effects for natural hazard resilience | *Relevant objectives and policies:*<br>i. Policy 2.2.1.11 |

| 33.10.3 Assessment of restricted discretionary development activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | High trip generators:<br>• New, or additions to, parking areas that result in 50 or more new parking spaces | a. Effects on the safety and efficiency of the transport network<br>b. Effects on accessibility | See Rule 6.11 |
| 2. | Activities affecting a **scheduled heritage building** or **scheduled heritage structure**:<br>• Additions and alterations that affect a protected part of a **scheduled heritage building** or **scheduled heritage structure**<br>• Removal for relocation | a. Effects on heritage values | See Rule 13.6 |
| 3. | In the **Hazard 2 (flood) Overlay Zone** (see Rule 33.3.6):<br>• New buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m² of new ground floor area | a. Risk from natural hazards | See Rule 11.5 |
| 4. | In the **Hazard 2 (flood) Overlay Zone**:<br>• Natural hazards sensitive activities<br>• Natural hazards potentially sensitive activities | a. Risk from natural hazards | See Rule 11.5 |

| 33.10.4 Assessment of restricted discretionary subdivision activities | | |
|---|---|---|
| Activity | Matters of discretion | Guidance on the assessment of resource consents |

| 33.10.4 Assessment of restricted discretionary subdivision activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | All subdivision activities | a. Effects on the efficient and effective operation of Taieri Aerodrome | *Relevant objectives and policies:*<br>i. Objective 33.2.1<br>ii. Objective 2.3.1<br>iii. Subdivision does not adversely affect the efficient and effective operation of Taieri Aerodrome (Policy 33.2.1.5.b). |
| | | See Rule 19.10 | |

# Rule 33.11 Assessment of Discretionary Activities

## Rule 33.11.1 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 33.11.2 - 33.11.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', 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. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
    c. general assessment guidance, including any effects that will be considered as a priority; and
    d. conditions that may be imposed.
3. Rules 33.11.2 - 33.11.3 apply as follows:
    a. Rule 33.11.2 applies to all discretionary activities; and
    b. Rule 33.11.3 applies to discretionary performance standard contraventions.
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.

| 33.11.2 Assessment of all discretionary activities | |
|---|---|
| Activity | Guidance on the assessment of resource consents |
| 1. All discretionary land use activities listed below:<br>• all activities in the community activities category (except community and leisure, and conservation)<br>• all activities in the rural activities category (except grazing, farming and landfills) | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 2.3.1, 2.3.3, 33.2.1<br>b. Activities that are ancillary to Taieri Aerodrome or industry are designed and operated in line with Objective 33.2.2 and its policies (Policy 33.2.1.2).<br>c. Activities that are not ancillary to Taieri Aerodrome activity:<br>i. are related to or support the Taieri Aerodrome, or have other operational requirements that mean they need to locate in the zone;<br>ii. support the efficient and effective operation of Taieri Aerodrome;<br>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>iv. are designed and operated in line with Objective 33.2.2 and its policies (Policy 33.2.1.3).<br>*Potential circumstances that may support a consent application include:*<br>d. 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.<br>e. All relevant land use performance standards are met, including noise and light spill standards.<br>*General assessment guidance:*<br>f. In assessing the significance of effects, consideration will be given to:<br>i. short to long term effects, including effects in combination with other activities; and<br>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.<br>*Relevant guidance from other sections (priority considerations):*<br>g. 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.<br>h. 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.<br>i. 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. |

| 33.11.3 Assessment of discretionary performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Acoustic insulation<br>• Noise - where the limit is exceeded by less than 5dB LAeq (15min)<br>• Light spill - where the limit is exceeded by 25% or less | *Relevant guidance from other sections (priority considerations):*<br>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. |

# Rule 33.12 Assessment of Non-complying Activities

## Rule 33.12.1 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 33.12.2 - 33.12.5 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 33.12.2 - 33.12.5 apply as follows:
   a. Rule 33.12.2 applies to all non-complying activities;
   b. Rule 33.12.3 applies to non-complying land use activities;
   c. Rule 33.12.4 applies to non-complying development activities; and
   d. Rule 33.12.5 applies to non-complying performance standard contraventions.
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.

| 33.12.2 Assessment of all non-complying activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | All non-complying land use activities listed below:<br>• all activities in the major facility activities category (except Taieri Aerodrome, Airport, and emergency services)<br>• all activities in the commercial activities category (except retail or restaurants ancillary to Taieri Aerodrome or restaurants ancillary to industry)<br>• all activities in the residential activities category<br>• landfills | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 2.3.1, 2.3.3<br>b. Objective 2.3.2 and Policy 2.3.2.2<br>c. Objective 2.4.3 and Policy 2.4.3.4<br>d. Objective 33.2.1 and Policy 33.2.1.3<br>*General assessment guidance:*<br>e. In assessing the significance of effects consideration will be given to:<br>i. both short and long term effects, including effects in combination with other activities; and<br>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.<br>f. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.<br>*Relevant guidance from other sections (priority considerations):*<br>g. See Section 6.13 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.<br>h. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety.<br>i. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua. |

| 33.12.3 Assessment of non-complying land use activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | Commercial advertising | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.4.1<br>b. Policy 2.4.1.6.c |

| 33.12.4 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 | *Relevant guidance from other sections (priority considerations):*<br>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. |

| 33.12.5 Assessment of non-complying performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Light spill - where the limit is exceeded by greater than 25%<br>• Noise - where the limit is exceeded by 5dB LAeq (15 min) or more<br>• Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |

# 34. Campus

## 34.1 Introduction

Tertiary education contributes to the social and cultural well-being of the community and creates significant economic activity in the city. It also gives rise to a range of effects that require management. The tertiary education providers within the Campus Zone are the University of Otago and Otago Polytechnic.

The University of Otago, founded in 1869 and opened in 1871, is New Zealand's oldest university. Otago Polytechnic traces its ancestry back to the Dunedin Technical School, which was established in 1889 and has been operating as the Otago Polytechnic since 1966.

The Campus Zone covers a relatively large area of the inner city, located between Dunedin's central city, Forsyth Barr Stadium, the North Dunedin residential area and the Dunedin Botanic Garden, and includes the campuses of the University of Otago and Otago Polytechnic. Included within the Campus Zone are a range of land use activities that include teaching, training, learning and research and any ancillary activities associated with the functioning of the University of Otago and Otago Polytechnic.

The key resource management issues that need to be managed through the proposed Campus Zone provisions relate to the economic importance of the tertiary education sector, maintaining and enhancing campus amenity, and addressing traffic and parking. These are further elaborated on as follows:

- Due to its economic importance, the Campus Zone needs to ensure that the University of Otago and Otago Polytechnic can continue to operate efficiently and effectively.
- Development needs to be designed to maintain the accessibility and amenity of the zone as maintaining the quality of the campus environment is vital to attracting staff and students. Also, as the campus borders residential zones on several sides it has the potential to affect the amenity of these areas, particularly in relation to building heights, which could cause shading or overshadowing of private residences.
- Activities associated with the University of Otago and Otago Polytechnic generate significant traffic and parking demand from staff, students, and visitors to the campus. These activities place pressure on on-street parking resources, thereby competing with the needs of residents and road users, and other activities in these areas.

Land use activities provided for in the Campus Zone include lecture theatres, laboratories, libraries, joint venture facilities, administrative services, and staff and student facilities, including student and staff employment, health and well-being support services, student union offices, student and staff clubs and organisations. Outside the Campus Zone, activities carried out by the University of Otago and Otago Polytechnic are provided for through other defined activities definitions, for example training and education activity, as well as in the **Campus mapped area**. The **Campus mapped area** extends across an area of the University of Otago Campus that is included in the Suburban Centre Zone that extends along Albany Street to enable the University of Otago's student services and retail hub in the Information Services Building/University Union complex. The **Campus mapped area** also extends along the northern end of the Steamer Basin in the Harbourside Edge Zone to facilitate redevelopment of that space.

Within the Campus Zone sport and recreation, entertainment and exhibition, training and education, conference, meeting and function, standard residential, visitor accommodation and campus-affiliated office activities are also provided for, as well as a limited range of retail activity and restaurants where they are ancillary to campus activities. Performance standards apply within the Campus Zone which appropriately manage adverse effects within the zone and on the surrounding environment.

# 34.2 Objectives and Policies

| Objective 34.2.1 | |
|---|---|
| The Campus Zone enables the University of Otago and the Otago Polytechnic to operate efficiently and effectively as tertiary education and research facilities, while also providing for residential living and a limited range of specified activities that are closely associated to and compatible with these tertiary institutions. | |
| Policy 34.2.1.1 | Enable campus activity within the Campus Zone. |
| Policy 34.2.1.2 | Provide for:<br>a. standard residential activity at an inner city residential density, dairies, entertainment and exhibition and conference, meeting and function, training and education activities; and<br>b. visitor accommodation, student hostels, early childhood education, community and leisure, healthcare, and sport and recreation activities; and<br>c. industry activity;<br>where the effects of these activities will be adequately managed in line with Objective 34.2.2 and its policies. |
| Policy 34.2.1.3 | Provide for retail and restaurant ancillary to campus activity where they are designed and operated in line with Objective 34.2.2 and its policies. |
| Policy 34.2.1.4 | Limit the size of working from home and dairies in the Campus Zone to a size that:<br>a. is compatible with the character and amenity of the Campus Zone; and<br>b. does not detract from the vibrancy and functioning of the centres hierarchy. |
| Policy 34.2.1.5 | Only allow restaurants not ancillary to campus activity, office (other than campus-affiliated office and training and education) and supported living facilities (other than student hostels) where:<br>a. they are related to, or are necessary to support campus activity, or have other operational requirements which mean they need to locate in this zone; and<br>b. they will support the efficient and effective operation of campus activity; and<br>c. they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>d. they are designed and operated in line with Objective 34.2.2 and its policies. |
| Policy 34.2.1.6 | Avoid activities that are not compatible with the operation of campus activity or are most appropriately located in another zone. |
| Policy 34.2.1.7 | Only allow subdivision activities:<br>a. if they are intended and/or capable of being used for standard residential activity, and they are in accordance with the objectives, policies and rules of the residential zones; or<br>b. if they are necessary for the efficient and effective operation of campus activity; or<br>c. if they are necessary for the disposal of surplus land in accordance with Policy 2.3.1.6. |

| Objective 34.2.2 | |
|---|---|
| Land use, development and subdivision activities maintain or enhance:<br>a. the distinctive character and overall amenity of the university and polytechnic campus environments and surrounding streets; and<br>b. the amenity of residential properties and the Recreation Zone located adjacent to the Campus Zone, as far as practicable; and<br>c. on-site amenity of residential activities located in the Campus Zone. | |
| Policy 34.2.2.1 | Require buildings and structures to be of a height, height in relation to boundary, and setback that:<br>a. maintains adequate sunlight access to adjoining sites used for residential activity, or adjoining residential and recreation zoned sites; and<br>b. avoids or minimises, as far as practicable, significant adverse wind effects. |
| Policy 34.2.2.2 | Require outdoor storage to be located and stored in a way that does not result in unreasonable visual amenity effects or create nuisance effects. |
| Policy 34.2.2.3 | Require standard residential activity, including any associated development activities, to meet the relevant policies and objectives and performance standards of the Inner City Residential Zone. |
| Policy 34.2.2.4 | Require development activities to maintain a reasonable level of visual and environmental amenity adjacent to public roads. |
| Policy 34.2.2.5 | Require fences to be of a height and design that contributes positively to streetscape amenity and the amenity of the Campus Zone. |
| Policy 34.2.2.6 | Require ancillary signs 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 what is necessary for that purpose. |
| Policy 34.2.2.7 | Only allow buildings greater than 40m in height where:<br>a. the height is essential to the operation of campus activity; and<br>b. the height exceedance is minimal. |
| Policy 34.2.2.8 | Only allow buildings greater than 25m in height where adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the harbour towards the Otago Peninsula, are minimised as far as practicable through use of quality and contextually appropriate architectural design. |
| Policy 34.2.2.X | Only allow visitor accommodation where it is designed and located to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties. |

# Rules

## Rule 34.3 Activity Status

### 34.3.1 Rule Location

The activity status tables in rules 34.3.3 to 34.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Campus 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 and site investigation
3. Network Utilities (Section 5)
4. Transportation (Section 6)
5. Scheduled Trees (Section 7)
6. Natural Hazard Mitigation Activities (Section 8)
7. Earthworks (Section 8A)

### 34.3.2 Activity Status Introduction

1. The activity status tables in rules 34.3.3 - 34.3.5 show the activity status of activities in the Campus Zone and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. Development activities that are lawfully present at the time any relevant rules in this Plan have legal effect are not managed by those rules (the rules do not apply to existing lawfully established development activities).
6. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

*Performance Standards*

7. Performance standards are listed in the far right column of the activity status tables.
8. Performance standards apply to permitted, controlled, and restricted discretionary activities.
9. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.
10. 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 | Meaning |
|---|---|
| P | Permitted Activity |
| C | Controlled Activity |
| RD | Restricted Discretionary Activity |
| D | Discretionary Activity |
| NC | Non-complying Activity |

### 34.3.3 Land Use Activity Status Table

| | | | |
|---|---|---|---|
| 1. | Performance standards that apply to all land use activities | | a. Acoustic insulation (noise sensitive activities)<br>b. Light spill<br>c. Noise |
| All land use activities | | Activity status | Performance standards |
| X. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | RD | |
| Major facility activities | | Activity status | Performance standards |
| 2. | Campus | P | a. Minimum mobility car parking |
| 3. | All other activities in the major facility activities category | NC | |
| Community activities | | Activity status | Performance standards |
| 4. | Early childhood education | RD | a. Minimum mobility car parking |
| 5. | Sport and recreation | P | a. Minimum mobility car parking |
| 6. | Conservation | P | |
| 7. | Community and leisure - small scale | P | a. Minimum mobility car parking |
| 8. | Community and leisure - large scale | RD | a. Minimum mobility car parking |
| Y. | Healthcare | P | a. Minimum mobility car parking |
| Commercial activities | | Activity status | Performance standards |
| 9. | Ancillary licensed premises | Same activity status as underlying activity | |
| 10. | Entertainment and exhibition | P | a. Minimum mobility car parking |
| 11. | Conference, meeting and function | P | a. Minimum mobility car parking |
| 12. | Dairies | P | a. Maximum gross floor area |
| 13. | Campus-affiliated office | P | |
| 14. | NA | NA | NA |
| 15. | Training and education | P | |
| 16. | All other office activity | D | |
| 17. | NA | | |
| 18. | Retail and restaurants ancillary to campus | P | a. Location |
| 19. | Restaurants not ancillary to campus | D | |

| | | | |
|---|---|---|---|
| 20. | Retail not ancillary to campus | NC | |
| 21. | Stand-alone car parking | P | |
| 22. | Commercial advertising | NC | |
| 23. | Visitor accommodation | RD | a. Density<br>b. Minimum vehicle loading |
| 24. | All other activities in the commercial activities category | NC | |
| Residential activities | | Activity status | Performance standards |
| 25. | Standard residential | P | a. Density<br>b. Outdoor living space<br>c. Service areas |
| 26. | Student hostels | C | |
| 27. | Working from home | P | a. Maximum gross floor area<br>b. Minimum mobility car parking |
| 28. | Other supported living facilities | D | |
| Industrial Activities | | Activity status | Performance standards |
| 29. | Industry | P | a. Location<br>b. Minimum mobility car parking |
| Rural activities | | Activity status | Performance standards |
| 30. | All activities in the rural activities category | NC | |

### Note 34.3.3X- Other requirements outside of the District Plan

1. Any electrical equipment used for an activity must be designed to meet the New Zealand electromagnetic compatibility (EMC) standards, to ensure there are no effects from electrical interference on surrounding sites. The Radio Spectrum Management (RSM) is the governing body which regulates EMC products in New Zealand and investigates interference to safety services, radiocommunication systems and broadcast services such as radio and television reception.

### 34.3.4 Development Activity Status Table

| | | | |
|---|---|---|---|
| 1. | Performance standards that apply to all development activities | | a. Boundary treatments and other landscaping<br>b. Setback from scheduled tree<br>c. Maximum building site coverage and impermeable surfaces |
| 2. | Performance standards that apply to all buildings and structures activities | | a. Boundary setbacks<br>b. Firefighting<br>c. Height<br>d. Natural hazards performance standards<br>e. Setback from coast and water bodies |
| All buildings and structures activities not covered in rows below | | Activity status | Performance standards |
| 3. | Signs attached to buildings and structures | P | a. Number, location and design of ancillary signs |
| 4. | All other buildings and structures activities not covered in rows 5 to 20 below | P | a. Fence height and design<br>b. Number, location and design of ancillary signs |
| Buildings and structures activities in a heritage precinct that are visible from an adjoining public place | | Activity status | Performance standards |
| 5. | New buildings | RD | |
| 6. | Earthquake strengthening or restoration of a character-contributing building or non-protected part of a scheduled heritage building | P | a. Materials and design |
| 7. | Demolition or removal for relocation of a character-contributing building or non-protected part of a scheduled heritage building | RD | |
| 8. | All other additions and alterations to a character-contributing building or non-protected part of a scheduled heritage building (other than signs attached to buildings or structures) | RD | |
| 9. | Additions and alterations to a non character-contributing building that:<br>• increase the footprint of the building by 10m² or more<br>• increase the height of the building by more than 2m; or<br>• replace a pitched roof with a mono-pitch roof. | C | |
| 10. | New retaining walls greater than 1m high | RD | |

| | | | |
|---|---|---|---|
| 11. | All other new structures that are greater than 2.5m tall or have a footprint of 2m² or more | RD | a. Number, location and design of ancillary signs |
| Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure | | Activity status | Performance standards |
| 12. | Repairs and maintenance | P | |
| 13. | Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1 | C | |
| 14. | Restoration of all other scheduled heritage buildings and structures | P | |
| 15. | Earthquake strengthening where external features only are protected | C | a. Materials and design |
| 16. | All other additions and alterations (other than signs attached to buildings or structures) | RD | |
| 17. | Demolition | NC | |
| 18. | Removal for relocation | RD | |
| Development activities on a scheduled heritage site, where visible from an adjoining public place or a public place within the heritage site | | Activity status | Performance standards |
| 19. | New structures that are greater than 2.5m high or have a footprint of 2m² or more | RD | a. Number, location and design of ancillary signs |
| 20. | New buildings | RD | |
| 21. | Parking, loading and access | RD | a. Parking, loading and access standards |
| Site development activities in all areas (except as covered by rows 19 to 21 above) | | Activity status | Performance standards |
| 22. | Outdoor storage | P | a. Location and screening of outdoor storage |
| 23. | Parking, loading and access | P | a. Parking, loading and access standards |
| 24. | Storage and use of hazardous substances | P | a. Hazardous substances quantity limits and storage requirements<br>b. Setback from coast and water bodies |
| X. | New or additions to parking areas that result in 50 or more new parking spaces | RD | a. Boundary treatments and other landscaping<br>b. Parking, loading and access standards |
| 25. | All other site development activities | P | |

### Note 34.3.4A - General advice

1. 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. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
2. An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
4. The **archaeological alert layer mapped area** identifies sites and areas that have a strong likelihood of containing archaeological remains, however remains may be present anywhere within Dunedin. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.

### 34.3.5 Subdivision Activity Status Table

| Subdivision activities | | Activity status | Performance standards |
|---|---|---|---|
| 1. | Subdivision activities | RD | a. Access<br>b. Esplanade reserves and strips<br>c. NA<br>d. Service connections<br>e. Shape |

### Note 34.3.5A - Other RMA considerations

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.

## Rule 34.4 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 RMA, unless Council considers special circumstances exist in relation to the application that require public notification:
    1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
    2. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications for the following activities, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where its 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. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is listed by Heritage New Zealand.

3. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

# Rule 34.5 Land Use Performance Standards

## 34.5.1 Acoustic Insulation

All noise sensitive activities within 20m of an industrial zone must comply with Rule 9.3.1.

## 34.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

## 34.5.3 Location

1. For retail and restaurants ancillary to campus all customer access:
   a. must be internal to a building; or
   b. if located with direct external access, this external access must not be orientated to a street frontage, except for emergency-only access/egress.
2. For all industrial activities that involve machinery or metal work the activity:
   a. must be located within a part of a building that does not include any doors or windows that open onto a street frontage.
3. Activities that contravene this performance standard are restricted discretionary activities.

## 34.5.4 Maximum Gross Floor Area

34.5.4.1 Maximum gross floor area of working from home and dairies

a. The maximum gross floor area for working from home and dairies is 50m². For working from home this includes any internal or external area occupied for storage of materials or goods.

b. Activities that contravene this performance standard are restricted discretionary activities.

### Note 34.5.4A - Other requirements outside of the District Plan

1. Consent from DCC Environmental Health Department may be required for any working from home activity that involves dealing with food products.
2. Consent from DCC Liquor Licensing Department may be required for working from home activity that involves the sale or distribution of alcohol.
3. For more information please contact the DCC on 03 477 4000 or visit the DCC's website at www.dunedin.govt.nz

### 34.5.5 Minimum Mobility Car Parking

| Activity | | Minimum car parking rate |
|---|---|---|
| 1-10. | ***Removed to comply with the National Policy Statement on Urban Development 2020 requirement to remove minimum car parking requirements. Rule numbering to be corrected at a later date.*** | |

11. NA
    a. NA
    b. Parking spaces may be shared between land use activities (i.e. the same parking spaces may be used to fulfil the minimum mobility car parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap.

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

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

13. NA.

14. Activities that contravene this performance standard are restricted discretionary activities.

#### Note 34.5.5A - Other relevant District Plan provisions

1. Parking areas must comply with the standards in Section 6.6: Parking, Loading and Access Standards.

### 34.5.6 Noise

Land use activities must comply with Rule 9.3.6.

### 34.5.7 Density

X. Standard residential activity must comply with the density performance standard for the Inner City Residential Zone in Rule 15.5.2

1. Visitor accommodation in the Campus Zone must not exceed a maximum development potential per site of 1 habitable room per 45m².
2. Visitor accommodation that contravenes the performance standard for density is a discretionary activity.

#### Note 34.5.7A - General advice

1. Maximum development potential may not be achievable on all sites as site size, shape, topography, and design will all influence development potential.
2. For the avoidance of doubt, the density performance standard applies to the use of land for standard residential

activity (or visitor accommodation, where relevant) in buildings or other structure and in vehicles. However, the temporary accommodation of non-fee-paying household guests and all guests on Māori land (including where a koha is given) inside portable structures or vehicles (e.g. portable sleep outs, tiny homes, motorhomes and caravans) where that activity (at any scale) occurs for not more than 3 months in any calendar year is not subject to the density standard.

### 34.5.Y Minimum Vehicle Loading

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

| Activity | | Minimum vehicle loading |
|---|---|---|
| a. | Visitor accommodation with more than 50 visitor accommodation units | 1 loading space to accommodate the turning circle of a coach (see Appendix 6B, Figure 6B.12). |

2. Activities that contravene this performance standard are restricted discretionary activities.

#### Note 34.5.YA - Other relevant District Plan provisions

1. Vehicle loading must comply with the vehicle loading design performance standards in Section 6.6: Parking, Loading and Access Standards.

### 34.5.Z Outdoor Living Space

Standard residential activity must comply with the outdoor living space performance standard for the Inner City Residential Zone in Rule 15.5.11.

### 34.5.AA Service Areas

Standard residential activity must comply with Rule 15.5.12.

## Rule 34.6 Development Performance Standards

### 34.6.1 Boundary Treatments and Other Landscaping

1. For any site or part of a site being developed for anything other than standard residential or campus activity, landscaping must be provided as follows:
   a. where a building is not built to the street frontage, a landscaping area with a minimum 1.5m width must be provided along the full length of any road frontage (except for where vehicle access is provided), with an average of one tree for every 5m of frontage;
   b. within any car parking area greater than 200m² (excluding loading areas), a minimum of 1m² of landscaped area must be provided for every car parking space, with an average of one tree per 10m² of landscaping.

2. Landscaping required by 34.6.1.1 must:
   a. be fully and densely planted with trees, shrubs and ground cover plants, with total coverage of the ground area in planting (when mature) required except for 10% of the area, which may be used for pedestrian paths;
   b. not have more than 10% cover in permeable surfaces (to allow for pedestrian paths);
   c. have a physical barrier (border or curb) that prevents cars from damaging plants; and
   d. as required, use trees that are at least 1.5m height at the time of planting and capable of growing to a minimum height of 5m within 10 years of planting.

X. ensure planting associated with new buildings or site development must be completed prior to occupation of the relevant building(s) or upon completion of site development activities.

Y. be maintained to a high standard, including keeping areas free of rubbish and weeds, and ensuring trees and under-planting are healthy.

3. N/A
4. N/A
5. Any road boundary fences provided must be placed on the property side of road frontage landscaping required by this rule.
6. Activities that contravene this performance standard are restricted discretionary activities.

### 34.6.2 Fence Height and Design

34.6.2.1 Maximum Height

a. The maximum height of fences along boundaries (including within the boundary setbacks required by Rule 34.6.11) is 2m.
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.
c. Fences that contravene this performance standard are restricted discretionary activities.

34.6.2.2 Visual Permeability

a. Fences along road boundaries (or within the boundary setbacks required by Rule 34.6.11), or along a side or rear boundary with a residential zone, must be constructed to a length and/or height that maintains visual permeability for 50% of the length of the boundary measured at a height of 1.4m above ground level (see Figure 15.6.2.2A).
b. The following fences are exempt from this requirement:
    i. fences along the road boundary of a state highway; and
    ii. fences required to meet Rule 34.6.7 (Location and Screening of Outdoor Storage).
c. Fences that contravene this performance standard are restricted discretionary activities.

### 34.6.3 Firefighting

New residential buildings must comply with Rule 9.3.3.

### 34.6.4 Natural Hazards Performance Standards

34.6.4.1 Relocatable buildings

New buildings containing residential activity on the ground floor in the Hazard 3 (coastal) Overlay Zone must comply with Rule 11.3.3.

### 34.6.5 Hazardous Substances Quantity Limits and Storage Requirements

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

### 34.6.6 Height

34.6.6.1 Height in relation to boundary

a. On a site used for a standard residential activity, new buildings and additions and alterations to buildings must not protrude through a plane (see Figure 15.6.6.1B) rising at an angle of 45 degrees measured from a point 3m above ground level at side and rear boundaries, except:
    i. for any new buildings and additions or alterations to buildings within 13m of a road boundary, the height in relation to boundary will be measured from 6.5m above ground level at side boundaries, provided

that all buildings on the remainder of the site are set back from the side boundaries by at least 2m (see Figure 15.6.6.1D);

ii. where a new residential building (not a sleep out) is being built on a site where another residential building already exists, the height plane angle will be measured at a line midway between the two residential buildings;

iii. on boundaries adjacent to the Inner City Residential Zone or Recreation Zone, the height in relation to boundary rule of the adjacent zone applies;

iv. on boundaries with the commercial and mixed use, industrial, Dunedin Hospital, Otago Museum and Stadium zones, where this rule does not apply; and

v. where new buildings or additions and alterations to buildings are built to a common wall, any part of a building where the height and angle of the roofline are the same as the adjoining building is exempt from this standard.

b. On a site not used for standard residential activity, and where the Campus Zone boundary is within the adjoining road or on the road boundary of the site, new buildings and additions and alterations to buildings along road frontages must not protrude through a plane rising at an angle of 30 degrees from a starting point 12m vertically above ground level measured at the zone boundary, except:
   i. gable ends or dormers may protrude through the height in relation to boundary angle by a maximum of 1m (see Figure 15.6.6.1F); and
   ii. rooftop structures are exempt from the performance standard for height in relation to boundary.

c. Activities that contravene this performance standard are restricted discretionary activities.

### 34.6.6.2 Maximum height

a. The maximum height for new buildings and structures, and additions and alterations, must not exceed 12m above ground level:
   i. at the boundary of the Campus Zone along road frontages;
   ii. if they are a residential building (excluding student hostels); and
   iii. anywhere within the **Leith Street height mapped area** (see Figure 34.6.6.2A).

b. The maximum height of all other new buildings and structures, and additions and alterations, must not exceed 25m above ground level.

c. Rooftop structures are exempt from the performance standard for maximum height, provided they do not exceed the maximum height limit by more than 5m.

d. Activities that contravene the performance standard for maximum height but are no greater than 40m in height are a restricted discretionary activity.

e. Activities that are over 40m in height are a discretionary activity.

Figure 34.6.6.2A: **Leith Street height mapped area**

### 34.6.7 Location and Screening of Outdoor Storage

1. Shared service areas provided for 3 or more residential units must be located or screened so they are not visible at ground level from residential activities within the site, residential activities on adjacent site, or public place.
2. Outdoor storage, including service areas, must not encroach into required parking, loading, manoeuvring, or outdoor living areas.
3. Materials stored outside must be stored in a way that prevents them contaminating any off-site area.
4. Activities that contravene this performance standard are restricted discretionary activities.

### 34.6.8 Materials and Design

Earthquake strengthening must comply with Rule 13.3.2.

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

#### 34.6.9.1 General

a. Signs must comply with the following standards, except the following signs are exempt from these standards:
   i. signs that are ancillary to campus activity that are not visible from outside of the Campus Zone**;**
   ii. regulatory signs, warning signs, or directional signs; and
   iii. building names (excluding sponsorship names).
b. Signs located on or above the footpath must comply with Rule 6.7.2.
c. Signs must comply with Rule 6.7.3 where visible from a road.
d. Signs must not be illuminated or digital.
e. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.

#### 34.6.9.2 Signs attached to buildings

a. The height, above ground level, at the highest point of any sign, is 4m.
b. Maximum of one sign attached to a building per site for a non-campus activity.
c. Maximum of one sign per public entrance of a building used for campus activity.
d. Signs must not be attached to roofs.
e. Signs must not project higher than the lowest point of the roof, except where mounted flat against a parapet or gable end.
f. Signs attached flat to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.
g. Signs attached flat to a building must have a maximum area of 3m² per display face.
h. Where attached on the underside of a verandah or attached protruding from a façade of a building, signs must:
   i. where attached to the façade of a building, not protrude from a building façade by more than 1.5m;
   ii. not exceed an area of 2m² per display face; and
   iii. not exceed 2 display faces per sign.

34.6.9.3 Freestanding signs

a. Maximum of one freestanding sign per building.

b. The maximum dimensions of freestanding signs are:
   i. maximum height of 4m;
   ii. maximum area of 3m² per display face;
   iii. maximum of 2 display faces per sign;
   iv. maximum width of 2m; and
   v. maximum depth of 400mm.

c. Freestanding signs must not obstruct driveways, parking or loading areas.

d. Freestanding signs must be located within the site and cannot be located on the road reserve, except:
   i. portable freestanding signs, must only be located on a footpath outside a non-campus activity where a premise is located on the upper floor and does not have ground floor street frontage; and
   ii. must not exceed one portable sign per premise, except;
      1. where a site has street frontage of 30m or more, a maximum of 1 sign per 15m of street frontage.

e. The maximum dimensions of portable freestanding signs are:
   i. maximum height of 900mm; and
   ii. maximum width of 600mm.

f. Portable freestanding signs on footpaths must be a minimum of 5m apart from any other portable sign.

**Note 34.6.9A - Other requirements outside of the District Plan**

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

## 34.6.10 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

## 34.6.11 Setbacks

34.6.11.1 Boundary setbacks

a. New buildings and additions and alterations used for, or intended to be used for, standard residential activity must have a minimum setback from boundaries as follows:

| Location of boundary | | Distance |
|---|---|---|
| i. | Setback from road boundary | 3m |
| ii. | Setback from side and rear boundaries | 1m |
| iii. | Setback from boundary with right of way | 1m |

b. All other new buildings and structures, and additions and alterations must have a minimum setback of 3m from the boundary of a site used for a residential activity or the boundary of a residential zone.

c. Except fences and ancillary signs are exempt from this performance standard.

d. Activities that contravene this performance standard are restricted discretionary activities.

34.6.11.2 Setback from scheduled tree

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

34.6.11.3 Setback from coast and water bodies

New buildings and structures, additions and alterations, and storage and use of hazardous substances must comply with Rule 10.3.3.

## 34.6.12 Maximum Building Site Coverage and Impermeable Surfaces

On sites used for standard residential activity, development must comply with the maximum building site coverage and impermeable surfaces performance standard for the Inner City Residential Zone in Rule 15.6.10.

# Rule 34.7 Subdivision Performance Standards

## 34.7.1 Access

Subdivision activities must comply with Rule 6.8.1.

## 34.7.2 Esplanade Reserves and Strips

Subdivision activities must comply with Rule 10.3.1.

## 34.7.3 Firefighting

Subdivision activities must comply with Rule 9.3.3.

**34.7.3 Firefighting - Plan Change 1 second decision removes this rule**

## 34.7.4 Service Connections

Subdivision activities must comply with Rule 9.3.2.

## 34.7.5 Shape

1. Each resultant site must be of a size and shape that:
   X. ensures all existing development meets the performance standards of the Plan as if it were new, except in relation to pre-existing boundaries; and
   Y. is large enough to contain a building platform that meets the requirements in 34.7.5.2 and that enables the performance standards of this Plan to be met, except that this requirement does not apply to resultant sites that contain one or more existing buildings with a gross floor area of 100m² or more.
2. The building platforms required by Rule 34.7.5.1.Y must:
   X. have an area of at least 100m²;
   Y. have a slope of 12° (1:4.7 or 21%) or less; and
   a. NA
   b. not contain easements.

X. The performance standards relevant to Rule 34.7.5.1 include, but are not limited to:

   a. outdoor living space;
   b. building site coverage and impermeable surfaces;
   c. setbacks from boundaries, water bodies, and scheduled trees; and
   d. esplanade reserves and strips.

3. For unreticulated areas, resultant sites must provide for a wastewater disposal area to be located at least 50m from any water body and Mean High Water Springs.
4. Sites created and used solely for the following purposes are exempt from the shape performance standard:
   a. scheduled ASBV or QEII covenant;
   X. conservation covenant with the Department of Conservation or a local government agency;
   Y. protected private land agreement under the Reserves Act 1977;
   Z. a heritage covenant with Heritage New Zealand Pouhere Taonga;
   AA. protection of a scheduled heritage site, scheduled heritage building or scheduled heritage structure in Appendix A1.1;
   b. reserve;
   c. access;
   d. network utility; or
   e. road.

5. Activities that contravene this performance standard are restricted discretionary activities.

### Note 34.7.5A – Other requirements outside of the District Plan

1. The discharge of human sewage through on-site wastewater treatment systems is managed by rules in the Regional Plan: Water for Otago. Resource consent may be required from the Otago Regional Council for new systems. The rules in the Regional Plan: Water for Otago should be considered when designing a subdivision in an unreticulated area.

# Rule 34.8 Assessment of Controlled Activities

## Rule 34.8.1 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 34.8.2:
   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** 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 34.9; 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 34.11; 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 34.12; and
      iii. the assessment guidance in this section will also be considered.

| 34.8.2 Assessment of controlled activities | | | |
|---|---|---|---|
| Activity | | Matters of control | Guidance on the assessment of resource consents |
| 1. | Affecting a **scheduled heritage building** or a **scheduled heritage structure**:<br>• Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected<br>• 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) | a. Effects on heritage values | See Rule 13.4 |
| 2. | Student hostels | a. Effects on the safety and efficiency of the transport network | See Rule 6.9 |
| | | b. Effects on accessibility | See Rule 6.9 |
| | | c. Effects on efficiency and affordability of infrastructure | See Rule 9.4 |
| 3. | In a **heritage precinct**, additions and alterations to a non character-contributing building that involve:<br>• an increase in the footprint of 10m² or more;<br>• an increase in the height of the building by more than 2m; or<br>• the replacement of a pitched roof with a mono-pitch roof. | a. Effect on heritage streetscape character | See Rule 13.4 |

# Rule 34.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

## Rule 34.9.1 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 34.9.2 - 34.9.5:
    a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.
3. Rules 34.9.2 - 34.9.5 apply as follows:
    a. Rule 34.9.2 applies to all performance standard contraventions;
    b. Rule 34.9.3 applies to land use performance standard contraventions;
    c. Rule 34.9.4 applies to development performance standard contraventions; and
    d. Rule 34.9.5 applies to subdivision performance standard contraventions.

| 34.9.2 Assessment of all performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | All performance standard contraventions | *Potential circumstances that may support a consent application include:*<br>a. The degree of non-compliance with the performance standard is minor.<br>b. The need to meet other performance standards, site specific factors including topography, make meeting the standard impracticable.<br>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.<br>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.<br>*General assessment guidance:*<br>e. Where more than one standard is contravened, the combined effects of the contraventions should be considered.<br>f. In balancing consideration of the objectives and policies related to the maintenance of heritage values or heritage precinct streetscape character and those related to general amenity, greater weight will usually be placed on heritage policies. |

| 34.9.3 Assessment of land use performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 2. | Location | a. Effects on the vibrancy, and economic and social success of the CBD and centres | *Relevant objectives and policies:*<br>i. Objective 34.2.1<br>ii. Retail and restaurant activity ancillary to campus activity are designed and operated in line with Objective 34.2.2 and its policies (Policy 34.2.1.3).<br>*Potential circumstances that may support a consent application include:*<br>iii. The ancillary activity is designed and managed so as to be unlikely to attract the general public.<br>iv. There will be no external advertising on the street or facing the street, for the ancillary activity. |
| 3. | Maximum gross floor area | a. Effects on the vibrancy, and economic and social success of the CBD and centres<br>b. Effects on the character and amenity of the Campus Zone | *Relevant objectives and policies:*<br>i. Objective 34.2.1<br>ii. Working from home and dairies are a size that is compatible with the character and amenity of the Campus Zone; and does not detract from the vibrancy and functioning of the centres hierarchy (Policy 34.2.1.4).<br>*Potential circumstances that may support a consent application include:*<br>iii. The activity is related to or necessary to support campus activity, or has other locational requirements which mean they need to locate in this zone.<br>iv. The activity will not have adverse effects on the amenity of surrounding residential properties or zones. |
| 4. | Minimum mobility car parking | a. NA<br>b. Effects on accessibility | See Rule 6.10 |
| 5. | NA | NA | NA |
| 6. | Minimum vehicle loading | a. Effects on the safety and efficiency of the transport network | See Rule 6.10. |
| Z. | Density - (Rule 15.5.2.4) all residential buildings are able to meet the specified performance standards | a. Effects on on-site amenity | See Rule 15.10 |

| 34.9.3 Assessment of land use performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| AA. | Density - standard residential in ICR Zone (Rule 15.5.2.5.d) | a. Effects on efficiency and affordability of infrastructure | See Rule 15.10 |
| AB. | Outdoor living space | a. Effects on on-site amenity for residents | See Rule 15.10 |
| AC. | Service areas | a. Effects on on-site amenity for residents | See Rule 15.10 |

| 34.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | • Boundary setbacks<br>• Maximum height - buildings and structures less than 40m (Rule 34.6.6.2.d)<br>• Height in relation to boundary | a. Effects on surrounding sites' residential amenity | *Relevant objectives and policies:*<br>i. Objective 34.2.2<br>ii. Buildings and structures are of a height, height in relation to boundary, and setback that maintains adequate sunlight access to adjoining sites used for residential activity, or adjoining residential and recreation zoned sites; and avoids or minimises, as far as practicable, significant adverse wind effects (Policy 34.2.2.1).<br>iii. Buildings greater than 25m in height minimise, as far as practicable, adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the harbour towards the Otago Peninsula, through the use of quality and contextually appropriate architectural design (Policy 34.2.2.8).<br>*Potential circumstances that may support a consent application include:*<br>iv. The height, or height in relation to boundary, is consistent with surrounding properties. |
| 2. | Boundary treatments and other landscaping | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 34.2.2<br>ii. Development activities maintain a reasonable level of visual and environmental amenity adjacent to public roads (Policy 34.2.2.4).<br>*Potential circumstances that may support a consent application include:*<br>iii. An alternative design will lead to better outcomes for streetscape amenity. |
| 3. | Fence height and design | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 34.2.2<br>ii. Fences are of a height and design that contributes positively to streetscape amenity and the amenity of the Campus Zone (Policy 34.2.2.5).<br>*Potential circumstances that may support a consent application include:*<br>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.<br>iv. An attractive interface with the street is maintained.<br>v. The fence will be screened by landscaping. |
| | | b. Effects on the amenity of the campus | |
| | | c. Effects on health and safety | See Rule 9.5 |

| 34.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 4. | Firefighting | a. Effects on health and safety | See Rule 9.5 |
| 5. | In a hazard overlay zone:<br>• Relocatable buildings (Hazard 3 (coastal) Overlay Zone) | a. Risk from natural hazards | See Rule 11.4 |
| 6. | Hazardous substances quantity limits and storage requirements | a. Effects on health and safety | See Rule 9.5 |
| 7. | Location and screening of outdoor storage | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 34.2.2<br>ii. Outdoor storage is located and stored in a way that does not result in unreasonable visual amenity effects or create nuisance effects (Policy 34.2.2.2). |
| | | b. Effects on the amenity of the campus | |
| 8. | Materials and design | a. Effect on heritage values (scheduled heritage buildings and scheduled heritage structures) | See Rule 13.5 |
| | | b. Effects on heritage streetscape character (where in a heritage precinct) | |
| 9. | Maximum building site coverage and impermeable surfaces | a. Effects on neighbourhood residential character and amenity | See Rule 15.10 |
| | | b. Effects on on-site amenity for residents | |
| | | c. Effects on efficiency and affordability of infrastructure (stormwater) | |
| | | d. Effects of stormwater from future development | |

| 34.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 10. | Number, location and design of ancillary signs | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| | | b. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 34.2.2.<br>ii. Ancillary signs are 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 the site to passing pedestrians and vehicles and not being oversized or too numerous for what is necessary for that purpose (Policy 34.2.2.6). |
| 11. | In a **heritage precinct**:<br>• Fence height and design<br>• Materials and design<br>• Maximum height (except Rule 34.6.6.2.e)<br>• Height in relation to boundary | a. Effects on heritage streetscape character | See Rule 13.5 |
| 12. | Parking, loading and access standards | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 13. | Setback from scheduled tree | a. Effects on long term health of tree | See Rule 7.6 |
| 14. | Setback from coast and water bodies (rules 10.3.3.1 – 10.3.3.5) | a. Effects on biodiversity values and natural character of riparian margins and the coast | See Rule 10.5 |
| | | b. Effects on public access | See Rule 10.5 |
| | | c. Risk from natural hazards | See Rule 11.4 |

| 34.9.5 Assessment of subdivision performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guide on the assessment of resource consents |
| 1. | Access | a. Effects on accessibility | See Rule 6.10 |
| 2. | Esplanade reserves and strips | a. Effects on biodiversity values and natural character values of riparian margins and the coast.<br>b. Effects on public access | See Rule 10.5 |
| 3. | NA | NA | See Rule 9.5 |
| 4. | Service connections | a. Effects on efficiency and affordability of infrastructure | |
| 5. | Shape (see also relevant rows below) | *Relevant objectives and policies:*<br>a. Objective 2.4.1<br>b. The subdivision is designed to ensure any existing or future land use or development is able to meet the performance standards in the zone, provide for a wastewater disposal area away from water bodies where in an unreticulated area, and, where in a **structure plan mapped area**, reflect the requirements of the structure plan mapped area performance standards, unless:<br>i. a resource consent is approved for a development that does not meet the performance standard and the subdivision is intended for and capable of providing for that approved development; or<br>ii. the resultant site is required for infrastructure, reserves, access, protection of biodiversity or heritage, or another purpose specified in the shape performance standard for the zone (Policy 2.4.1.8).<br>c. NA<br>d. NA<br>*Conditions that may be imposed include:*<br>e. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site.<br>f. A building platform may be required to be registered against the title by way of consent notice. | |

| 34.9.5 Assessment of subdivision performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guide on the assessment of resource consents |
| X. | Shape – resultant site size and shape provides for compliance with other performance standards (rules 34.7.5.1 and 34.7.5.2) | a. Apply the matters of discretion for the performance standard that would be contravened | *General assessment guidance:*<br>i. See Rule 34.9 for the assessment guidance relevant to the performance standard that would be contravened. |
| Y. | Shape – wastewater disposal area (Rule 34.7.5.3) | a. Effects on efficiency and affordability of infrastructure (wastewater) | See Rule 9.5 |

# Rule 34.10 Assessment of Restricted Discretionary Activities

## Rule 34.10.1 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 34.10.2 - 34.10.5:
   a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provide guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Rules 34.10.2 - 34.10.5 apply as follows:
   a. Rule 34.10.2 applies to all restricted discretionary activities;
   b. Rule 34.10.3 applies to restricted discretionary land use activities;
   c. Rule 34.10.4 applies to restricted discretionary development activities; and
   d. Rule 34.10.5 applies to restricted discretionary subdivision activities.
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** 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 34.9; and
      iv. the matters of discretion in this section will be assessed as indicated.
   b. if the contravention of the performance standard defaults to **discretionary** then:
      i. the activity, as a whole, will be treated as **discretionary**; and
      ii. the performance standard contravention will be assessed as indicated in Section 34.11; 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 34.12; and
      iii. the assessment guidance in this section will also be considered.

| 34.10.2 Assessment of all restricted discretionary activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | All restricted discretionary activities | *Potential circumstances that may support a consent application include:*<br>a. The degree of non-compliance with the performance standard is minor.<br>b. The need to meet other performance standards, site specific factors including topography, make meeting the standard impracticable.<br>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.<br>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.<br>e. For restricted discretionary land use activities, whether any associated buildings or structures meet relevant development performance standards, or otherwise achieve the relevant policies for development (see Rule 34.9 for performance standard contraventions).<br>*General assessment guidance:*<br>f. Where more than one standard is contravened, the combined effects of the contraventions should be considered.<br>g. In balancing consideration of the objectives and policies related to the maintenance of heritage values or heritage precinct streetscape character and those related to general amenity, greater weight will usually be placed on heritage policies. |

| 34.10.3 Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | a. Effects on accessibility<br>b. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| 2. | • Early childhood education<br>• Community and Leisure - large scale<br>• Visitor accommodation | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |

| 34.10.3 Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| X. | Visitor accommodation | a. Effects on surrounding sites' residential amenity | *Relevant objectives and policies:*<br>i. Objective 34.2.2.<br>ii. Visitor accommodation is designed and located to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 34.2.2.X).<br>*Potential circumstances that may support a consent application include:*<br>iii. Communal outdoor gathering areas are located or screened to minimise effects on adjacent residential properties. |
| | | b. Effects on accessibility | See Rule 6.11. |

| 34.10.4 Assessment of restricted discretionary development activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | In a **heritage precinct:**<br>• All restricted discretionary activities due to being in a heritage precinct | a. Effects on heritage streetscape character | See Rule 13.6 |
| | | X. Effects on the efficient and effective operation of the Otago University and the Otago Polytechnic | *Relevant objectives and policies:*<br>i. Objective 34.2.1.<br>ii. Campus activity is enabled within the Campus Zone (Policy 34.2.1.1). |
| 2. | Activities affecting a **scheduled heritage building** or **scheduled heritage structure**:<br>• Additions and alterations that affect a protected part of a **scheduled heritage building** or **scheduled heritage structure**<br>• Removal for relocation | a. Effects on heritage values | See Rule 13.6 |
| 3. | Activities affecting a **scheduled heritage site**:<br>• New buildings and structures on a **scheduled heritage site**, where visible from an adjoining public place or a publicly accessible place within the site<br>• Parking, loading and access on a **scheduled heritage site**, where visible from an adjoining public place or a publicly accessible place within the site | a. Effects on heritage values | See Rule 13.6 |
| 4. | High trip generators:<br>• New or additions to parking areas that result in 50 or more new parking spaces | a. Effects on accessibility | See Rule 6.11 |
| | | b. Effects on the safety and efficiency of the transport network | |

| 34.10.5 Assessment of restricted discretionary subdivision activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | All subdivision activities | a. Effects on the efficient and effective operation of the Campus | *Relevant objectives and policies:*<br>i. Objective 34.2.1.<br>ii. Subdivision activities are:<br>1. intended and/or capable of being used for standard residential activity, and they are in accordance with the objectives, policies and rules of the residential zones; or<br>2. necessary for the efficient and effective operation of campus activities; or<br>3. necessary for the disposal of surplus land in accordance with Policy 2.3.1.6 (Policy 34.2.1.7). |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | c. Effects on efficiency and affordability of infrastructure | See Rule 9.6 |
| | | X. Effects of stormwater from future development | |
| | | d. Risk from natural hazards | See Rule 11.5 |
| | | e. Effects on public access | See Rule 10.6 |
| | | f. Effects on biodiversity values and natural character of riparian margins and the coast | |
| | | Y. Effects on health and safety | See Rule 9.6 |

| 34.10.5 Assessment of restricted discretionary subdivision activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 2. | On sites containing a **scheduled heritage building** or **scheduled heritage structure** or on a **scheduled heritage site**:<br>• Subdivision activities | a. Effects on heritage values (scheduled heritage sites) | See Rule 13.6 |

# Rule 34.11 Assessment of Discretionary Activities

## Rule 34.11.1 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 34.11.2 - 34.11.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', 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. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
   c. general assessment guidance, including any effects that will be considered as a priority; and
   d. conditions that may be imposed.
3. Rules 34.11.2 - 34.11.3 apply as follows:
   a. Rule 34.11.2 applies to discretionary land use activities; and
   b. Rule 34.11.3 applies to discretionary performance standard contraventions.
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.

**34.11.2 Assessment of discretionary land use activities**

| Activity | Guidance on the assessment of resources consents |
|---|---|
| 1. • Office (other than campus-affiliated office)<br>• Restaurants not ancillary to campus<br>• Supported living facilities (other than student hostels) | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.3.1<br>b. Objective 34.2.1<br>c. Restaurants not ancillary to campus activity, office (other than campus affiliated office and training and education) and supported living facilities (other than student hostels):<br>i. are related to, or are necessary to support campus activity, or have other operational requirements which mean they need to locate in this zone; and<br>ii. support the efficient and effective operation of campus activity; and<br>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>iv. are designed and operated in line with Objective 34.2.2 and its policies (Policy 34.2.1.5).<br>*Related strategic directions:*<br>d. Objective 2.3.2 and Policy 2.3.2.2<br>e. Objective 2.4.3 and Policy 2.4.3.4<br>*Potential circumstances that may support a consent application include:*<br>f. For discretionary land use activities, whether any associated buildings or structures meet relevant development performance standards, or |

| 34.11.2 Assessment of discretionary land use activities | |
|---|---|
| Activity | Guidance on the assessment of resources consents |
| | otherwise achieve the relevant policies for development (see Rule 34.9 numbers for performance standard contraventions).<br>g. All relevant land use performance standards are met, including noise and light spill standards.<br>h. The location of the activity in the Campus Zone is unlikely to create a precedent effect for similar activities to locate in the Campus Zone which would be more appropriately located in another zone.<br>*General assessment guidance:*<br>i. In assessing the significance of effects, consideration will be given to:<br>i. both short and long term effects, including effects in combination with other activities.<br>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.<br>j. 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.<br>*Relevant guidance from other sections (priority considerations):*<br>k. 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.<br>l. 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.<br>m. 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. |

| 34.11.3 Assessment of discretionary performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Acoustic insulation<br>• Noise - where the limit is exceeded by less than 5dB LAeq (15min)<br>• Light spill - where the limit is exceeded by 25% or less | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and the effects related to public health and safety. |
| 2. | Maximum height - buildings over 40m in height (Rule 34.6.6.2.e) | *Relevant objectives and policies (priority considerations):*<br>a. Objective 34.2.2<br>b. Buildings over 40m in height are only allowed where:<br>i. the height is essential to operation of campus activity; and<br>ii. the height exceedance is minimal (Policy 34.2.2.7).<br>c. Buildings greater than 25m in height: minimise, as far as practicable, adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the harbour towards the Otago Peninsula, through the use of quality and contextually appropriate architectural design (Policy 34.2.2.8). |
| X. | Density | *Relevant objectives and policies (priority considerations):*<br>a. Objective 34.2.2 and Policy 34.2.2.X.<br>*Relevant guidance from other sections (priority considerations):*<br>b. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure. |

# Rule 34.12 Assessment of Non-complying Activities

## Rule 34.12.1 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 34.12.2 and 34.12.3 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 34.12.2 34.12.3 apply as follows:
   a. Rule 34.12.2 applies to all non-complying activities; and
   b. Rule 34.12.3 applies to non-complying performance standard contraventions.
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.

| 34.12.2 Assessment of all non-complying activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | All non-complying activities | *Relevant objectives and policies (priority considerations):*<br>a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to, those related to:<br>i. Dunedin has a hierarchy of vibrant centres anchored around one Central Business District (CBD), which provides a focus for economic and employment growth, driven by:<br>1. attraction of businesses to these areas based on the high level of amenity and density of activity in the area;<br>2. opportunities for social interaction, exchange of ideas and business cooperation;<br>3. public investment in public amenities and other infrastructure in the CBD; and<br>4. opportunities for agglomeration benefits from the co-location of activities (Objective 2.3.2).<br>b. The activity is compatible with the operation of campus activity or is not most appropriately located in another zone (Policy 34.2.1.6).<br>*Related strategic directions:*<br>c. Objective 2.4.3 and Policy 2.4.3.4<br>*Potential circumstances that may support a consent application include:*<br>d. There are significant positive effects on the efficient and effective operation of a tertiary institution from the activity.<br>e. There is no potential for cumulative effects to arise from precedence.<br>f. The location of the activity in the Campus Zone will not have adverse effects on the vibrancy and viability of commercial and mixed use zones.<br>*General assessment guidance:*<br>g. In assessing the significance of effects consideration will be given to:<br>i. both short and long term effects, including effects in combination with other activities; and<br>ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of resource consent.<br>h. 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.<br>*Relevant guidance from other sections (priority considerations):*<br>i. See Section 6.13 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 |

| 34.12.2 Assessment of all non-complying activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| | | and its affordability to the public.<br>j. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety.<br>k. 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. |
| 2. | Commercial advertising | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.4.1<br>b. Policy 2.4.1.6.c |
| 3. | Demolition of a protected part of a scheduled heritage building or scheduled heritage structure | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects on heritage values. |

| 34.12.3 Assessment of non-complying performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Light spill - where the limit is exceeded by greater than 25%<br>• Noise - where the limit is exceeded by 5dB LAeq (15 min) or more<br>• Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |
| 2. | Density | See Rule 15.13 |

# 35. Wakari Hospital

## 35.1 Introduction

Wakari Hospital is Dunedin's second largest hospital. The hospital is situated on Taieri Road, Wakari, and extends over a large, extensively landscaped site, covering an area of approximately eight hectares. The hospital is operated by the Southern District Health Board (SDHB).

The hospital has been at its present site since 1915, and provides approximately 115 beds across a number of wards. The hospital provides mental health services as well as a range of other community health services. It serves as a teaching hospital with strong links to both the University of Otago and Otago Polytechnic and is the base for SDHB management.

Redevelopment of the hospital site is anticipated over the coming years, allowing facilities to be upgraded and added. This may involve construction of new buildings and the redevelopment of existing ones. The site is surrounded by the General Residential 1 Zone which provides for medium density residential living, and is close to the Wakari neighbourhood centre. There is a high level of residential amenity in the area, particularly to the east and west of the site, with land to the north and south being less developed and having significant established vegetation. While the buildings on the Wakari Hospital site are generally larger than would normally be expected in a residential environment, these are contained within a large site which is extensively bordered by trees and vegetation.

The Wakari Hospital Zone enables the provision of essential health services and future development of the site, while appropriately managing adverse effects on the surrounding General Residential 1 Zone and nearby neighbourhood centre.

# 35.2 Objectives and Policies

| Objective 35.2.1 | |
|---|---|
| Wakari Hospital is able to operate efficiently and effectively as a hospital and medical training and research facility. | |
| Policy 35.2.1.1 | Enable hospital and healthcare activities in the Wakari Hospital Zone. |
| Policy 35.2.1.2 | Provide for activities that are ancillary to hospital activity where they are designed and operated in line with Objective 35.2.2 and its policies. |
| Policy 35.2.1.3 | Only allow activities that are not ancillary to hospital activity where all of the following apply:<br>a. the activities are related to or support Wakari Hospital, or have other operational requirements that mean they need to locate in the zone;<br>b. they will support the efficient and effective operation of Wakari Hospital;<br>c. they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>d. they are designed and operated in line with Objective 35.2.2 and its policies. |
| Policy 35.2.1.4 | Enable land that is surplus to the needs of Wakari Hospital to transition to the General Residential 1 Zone, so that future development that is not related to hospital activity will be managed in accordance with the objectives and policies of that zone. |
| Policy 35.2.1.5 | Only allow subdivision activities where:<br>a. they are in accordance with the provisions of the General Residential 1 Zone; and<br>b. the subdivision does not adversely affect the efficient and effective operation of Wakari Hospital. |

| Objective 35.2.2 | |
|---|---|
| Land use activities and development necessary for Wakari Hospital to meet the reasonably foreseeable health needs of the community is enabled, while ensuring development:<br>a. achieves a good standard of on-site amenity for patients, staff and visitors; and<br>b. maintains or enhances the amenity of the surrounding residential sites and areas, as far as practicable. | |
| Policy 35.2.2.1 | Require buildings and structures to be of a height and setback from boundaries that ensures:<br>a. 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<br>b. any adverse effects on neighbourhood amenity are avoided or, if avoidance is not practicable, are no more than minor. |
| Policy 35.2.2.2 | Require development to maintain or enhance neighbourhood amenity by ensuring service areas are not visible from ground level outside the site. |
| Policy 35.2.2.3 | 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 when viewed from the road. |
| Policy 35.2.2.4 | Require fences on road boundaries to be of a height and design that contributes positively to neighbourhood amenity. |
| Policy 35.2.2.5 | 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. |
| Policy 35.2.2.6 | Require ancillary commercial activities to be designed, located and operated to primarily serve staff, patients and visitors of Wakari Hospital. |
| Policy 35.2.2.7 | Only allow early childhood education - large scale where it is designed to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties. |

# Rules

## Rule 35.3 Activity Status

### 35.3.1 Rule location

The activity status tables in rules 35.3.3 to 35.3.5 specify the activity status of land use activities, development activities and subdivision activities in the Wakari 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 and site investigation
3. Network Utilities (Section 5)
4. Transportation (Section 6)
5. Scheduled Trees (Section 7)
6. Natural Hazard Mitigation Activities (Section 8)
7. Earthworks (Section 8A)

### 35.3.2 Activity status introduction

1. The activity status tables in rules 35.3.3 - 35.3.5 show the activity status of activities in the Wakari 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. Development activities that are lawfully present at the time any relevant rules in this Plan have legal effect are not managed by those rules (the rules do not apply to existing lawfully established development activities).
6. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

*Performance Standards*

7. Performance standards are listed in the far right column of the activity status tables.
8. Performance standards apply to permitted, controlled, and restricted discretionary activities.
9. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.
10. 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 | Meaning |
|---|---|
| P | Permitted Activity |
| C | Controlled Activity |
| RD | Restricted Discretionary Activity |
| D | Discretionary Activity |
| NC | Non-complying Activity |

### 35.3.3 Activity status table - land use activities

| | | | |
|---|---|---|---|
| 1. | Performance standards that apply to all land use activities | | a. NA<br>b. Light spill<br>c. Noise<br>d. Setback from National Grid (National Grid sensitive activities only) |
| All land use activities | | Activity status | Performance standards |
| X. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | RD | |
| Major facility activities | | Activity status | Performance standards |
| 2. | Hospital | P | a. Minimum mobility 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. | Conservation | P | |
| 6. | Early childhood education - small scale | P | |
| 7. | Early childhood education - large scale | RD | |
| Y. | Healthcare | P | |
| 8. | All other activities in the community activities category | D | |
| Commercial activities | | Activity status | Performance standards |
| 9. | Commercial activities ancillary to hospital activity | P | a. Location |
| 10. | NA | NA | |
| 11. | All other activities in the commercial activities category | NC | |

| Residential activities | | Activity status | Performance standards |
|---|---|---|---|
| 12. | All activities in the residential activities category | D | |
| Industrial activities | | Activity status | Performance standards |
| 13. | All activities in the industrial activities category | NC | |
| Rural activities | | Activity status | Performance standards |
| 14. | All activities in the rural activities category | NC | |

**Note 35.3.3X- Other requirements outside of the District Plan**

1. Any electrical equipment used for an activity must be designed to meet the New Zealand electromagnetic compatibility (EMC) standards, to ensure there are no effects from electrical interference on surrounding sites. The Radio Spectrum Management (RSM) is the governing body which regulates EMC products in New Zealand and investigates interference to safety services, radiocommunication systems and broadcast services such as radio and television reception.

## 35.3.4 Activity status table - development activities

| | | | |
|---|---|---|---|
| 1. | Performance standards that apply to all development activities | | a. Maximum building site coverage and impermeable surfaces<br>b. Setback from scheduled tree |
| 2. | Performance standards that apply to all buildings and structures activities | | a. Boundary setbacks<br>b. Height in relation to boundary<br>c. Maximum height<br>d. Number, location and design of ancillary signs<br>e. Setback from National Grid<br>f. Setback from Critical Electricity Distribution Infrastructure |
| Buildings and structures activities | | Activity status | Performance standards |
| 3. | Fences | P | a. Fence height and design |
| 4. | All other buildings and structures activities | P | |
| Site development activities | | Activity status | Performance standards |
| 5. | Parking, loading and access | P | a. Boundary treatments and other landscaping<br>b. Parking, loading and access standards |
| 6. | New, or additions to, parking areas that result in 50 or more new parking spaces. | RD | a. Boundary treatments and other landscaping<br>b. Parking, loading and access standards |

| | | | |
|---|---|---|---|
| 7. | Service areas | P | a. Location and screening of service areas |
| 8. | Storage and use of hazardous substances | P | a. Hazardous substances quantity limits and storage requirements |
| 9. | All other site development activities | P | |

### Note 35.3.4A - General advice

1. 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. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
2. An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
4. The **archaeological alert layer mapped area** identifies sites and areas that have a strong likelihood of containing archaeological remains, however remains may be present anywhere within Dunedin. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.

## 35.3.5 Activity status table - subdivision activities

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

### Note 35.3.5A - Other RMA considerations

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.

### Note 35.3.5X - Other relevant District Plan provisions

1. Additional matters of discretion apply to the subdivision of land within a **Critical Electricity Distribution Infrastructure Corridor mapped area**. These are set out in Rule 35.9.X.

## 35.3.6 Transition to General Residential 1 Zone

On receipt of written notice from both the landowner and operator of Wakari Hospital (if different) to Dunedin City Council in relation to all or part of the land within the Wakari Hospital Zone, the provisions of the Wakari Hospital Zone will no longer apply to that parcel of land and the provisions of the General Residential 1 Zone will apply in full.

## Rule 35.4 Notification

Activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

## Rule 35.5 Land Use Performance Standards

### 35.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

### 35.5.3 Location

1. For ancillary commercial activities, customer access must only be available from inside hospital buildings.
2. Activities that contravene this performance standard are restricted discretionary activities.

### 35.5.4 Minimum Mobility Car Parking

1. Hospital activity must provide a minimum of 13 mobility parking spaces.
2. NA.
3. Activities that contravene this performance standard are restricted discretionary activities.

**Note 35.5.4A - Other relevant District Plan provisions**

1. Parking areas must comply with the standards in Section 6.6: Parking, Loading and Access Standards.

### 35.5.5 Noise

Land use activities must comply with Rule 9.3.6.

### 35.5.6 Setback from National Grid

National Grid sensitive activities must comply with Rule 5.6.1.1.

# Rule 35.6 Development Performance Standards

## 35.6.1 Boundary Treatments and Other Landscaping

1. Where 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 the road frontage (except for where vehicle access is provided).
2. Landscaping areas must:
    a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
    b. have an average of one tree for every 5m of frontage;
    c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
    d. be designed to allow surface water run-off from surrounding areas to enter;
    e. be protected by a physical barrier that prevents cars from damaging plants;
    f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a minimum height of 5m within 10 years of planting;
    g. be planted prior to occupation of any relevant building(s) or upon completion of site development activities; and
    h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any road frontage landscaping required by this rule.
4. Activities that contravene this performance standard are restricted discretionary activities.

## 35.6.2 Fence Height and Design

### 35.6.2.1 Maximum Height

a. The maximum height of fences along boundaries (including within the boundary setbacks required by Rule 35.6.9.1) is 2m.
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.
c. Fences that contravene this performance standard are restricted discretionary activities.

### 35.6.2.2 Visual Permeability

a. Fences along road boundaries (or within the boundary setbacks required by Rule 35.6.9.1) must be constructed to a length and/or height that maintains visual permeability for 50% of the length of the boundary measured at a height of 1.4m above ground level (see Figure 15.6.2.2A).
b. Fences along the road boundary of a state highway are exempt from this requirement.
c. Fences that contravene this performance standard are restricted discretionary activities.

## 35.6.3 Hazardous Substances Quantity Limits and Storage Requirements

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

## 35.6.4 Height

35.6.4.1 Height in relation to boundary

New buildings and additions and alterations to buildings adjoining the residential zone must comply with the Height in Relation to Boundary performance standard of that residential zone, along the adjoining boundary (see Rule 15.6.6.1).

35.6.4.2 Maximum height

a. Maximum height for new buildings and structures, and additions and alterations must not exceed 22m above ground level.
b. Rooftop structures are exempt from the performance standard for maximum height provided they do not exceed the maximum height limit by more than 5m.
c. New buildings and structures, and additions and alterations must not exceed 10m in height within 20m of a residential zone, Recreation Zone or a school.
d. Activities that contravene this performance standard are restricted discretionary activities.

## 35.6.5 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.

## 35.6.6 Maximum Building Site Coverage and Impermeable Surfaces

1. The maximum building site coverage of buildings (% of the site) is 40%; and
2. The maximum total impermeable surface site coverage (buildings and impermeable surfaces % of the site) is 70%.
3. Activities that contravene this performance standard are restricted discretionary activities.

## 35.6.7 Number, Location and Design of Ancillary Signs

35.6.7.1 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 Wakari Hospital Zone;
    ii. regulatory signs, warning signs, or directional signs; and
    iii. building names (excluding sponsorship names).
b. Signs related to ancillary retail and ancillary restaurants must not be visible outside the Wakari Hospital Zone.
c. Signs must comply with Rule 6.7.3 where visible from a road.
d. Signs must not be illuminated or digital.
e. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.

35.6.7.2 Signs attached to buildings

a. The height above ground level at the highest point of any sign attached to a building is 4m.
b. Signs must not be attached to roofs.

c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.

d. Signs attached to a building must:
   i. not exceed one sign per building;
   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.

#### 35.6.7.3 Freestanding signs

a. The maximum number of permanently fixed freestanding signs is one per 50m of road frontage.

b. The maximum number of portable freestanding signs is one per 50m of road frontage.

c. The maximum dimensions of freestanding signs are:
   i. maximum height of 4m;
   ii. maximum area of 8m²;
   iii. maximum width of 2m; and
   iv. maximum depth of 400mm.

d. Freestanding signs must:
   i. not obstruct parking, loading and access areas; and
   ii. be positioned entirely within the site boundaries.

**Note 35.6.7A- Other requirements outside of the District Plan**

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

### 35.6.8 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

## 35.6.9 Setbacks

35.6.9.1 Boundary setbacks

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

| Building | | Setback from road boundary | Setback from other boundary |
|---|---|---|---|
| a. | Buildings, structures and additions and alterations not exceeding 3m in height and 6m in length (measured parallel to the boundary) | 4.5m | 1m |
| b. | Buildings, structures and additions and alterations not exceeding 9m in height **or** 250m² gross floor area | 4.5m | 4.5m |
| c. | Other buildings and structures | 10m | 10m |

d. Except fences and ancillary signs are exempt from the performance standard.

e. All public entrances to buildings must be located at least 10m from a boundary with the General Residential 1 Zone.

f. Activities that contravene this performance standard are restricted discretionary activities.

35.6.9.2 Setback from scheduled tree

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

35.6.9.3 Setback from National Grid

New buildings and structures, and additions and alterations must comply with Rule 5.6.1.1.

35.6.9.X Setback from Critical Electricity Distribution Infrastructure

New buildings, new structures and additions and alterations must comply with Rule 5.6.X.1.

## Rule 35.7 Subdivision Performance Standards

Subdivision activities must comply with performance standards for the General Residential 1 Zone within Rule 15.7.

## Rule 35.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

### Rule 35.8.1 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 35.8.2 - 32.8.5:
    a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.
3. Rules 35.8.2 - 32.8.5 apply as follows:
    a. Rule 35.8.2 applies to all performance standard contraventions;
    b. Rule 35.8.3 applies to land use performance standard contraventions;
    c. Rule 35.8.4 applies to development performance standard contraventions; and
    d. Rule 35.8.5 applies to subdivision performance standard contraventions.

| **35.8.2 Assessment of all performance standard contraventions** | |
|---|---|
| Performance standard | Guidance on the assessment of resource consents |

| | | |
|---|---|---|
| 1. | All performance standard contraventions | *Potential circumstances that may support a consent application include:*<br>a. The degree of non-compliance with the performance standard is minor.<br>b. The need to meet other performance standards or site specific factors, make meeting the standard impracticable.<br>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.<br>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.<br>*General assessment guidance:*<br>e. Where more than one standard is contravened, the combined effects of the contraventions should be considered. |

| 35.8.3 Assessment of land use performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 2. | Location | a. Effects on the vibrancy, and economic and social success of the CBD and centres | *Relevant objectives and policies:*<br>i. Objective 35.2.2<br>ii. Ancillary commercial activities are designed, located and operated primarily to serve staff, patients and visitors of Wakari Hospital (Policy 35.2.2.6).<br>*Potential circumstances that may support a consent application include:*<br>iii. The location of customer access is unlikely to result in the attraction of external customers, resulting in the ancillary activity becoming a stand-alone activity. |
| 3. | Minimum mobility car parking | a. NA<br>b. Effects on accessibility | See Rule 6.10 |

| 35.8.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | • Boundary setbacks<br>• Height in relation to boundary<br>• Maximum height | a. Effects on the amenity of surrounding sites | *Relevant objectives and policies:*<br>i. Objective 35.2.2<br>ii. Buildings and structures are of a height and setback from boundaries that ensures there are no more than minor effects on the sunlight access and privacy of current and potential future residential buildings and their outdoor living spaces (Policy 35.2.2.1.a).<br>*In assessing the application Council will consider:*<br>iii. Existing sunlight access to neighbouring properties<br>iv. Cumulative effects from incremental development. |
| | | b. Effects on neighbourhood amenity | *Relevant objectives and policies:*<br>i. Objective 35.2.2<br>ii. Buildings and structures are of a height and setback from boundaries that ensures adverse effects on neighbourhood amenity are avoided or, if avoidance is not practicable, are no more than minor (Policy 35.2.2.1.b). |
| 2. | Boundary treatments and other landscaping | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 35.2.2<br>ii. Landscaping screens or softens the boundary of parking areas adjacent to a road frontage and ensures a high standard of visual amenity when viewed from the road (Policy 35.2.2.3).<br>*Potential circumstances that may support a consent application include:*<br>iii. Alternative landscaping or other screening will be effective in screening or softening car parking areas when viewed from the road. |
| 3. | Fence height and design | a. Effects on health and safety | See Rule 9.5 |
| | | b. Effects on neighbourhood amenity | *Relevant objectives and policies:*<br>i. Objective 35.2.2<br>ii. Fences on road boundaries are of a height and design that contribute positively to neighbourhood amenity (Policy 35.2.2.4).<br>*Potential circumstances that may support a consent application include:*<br>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.<br>iv. An attractive interface with the streetscape is achieved.<br>v. The fence will be screened by landscaping. |

| 35.8.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 4. | Hazardous substances quantity limits and storage requirements | a. Effects on health and safety | See Rule 9.5 |
| 5. | Location and screening of service areas | a. Effects on neighbourhood amenity | *Relevant objectives and policies:*<br>i. Objective 35.2.2<br>ii. Development maintains or enhances neighbourhood amenity by ensuring service areas are not visible from ground level outside the site (Policy 35.2.2.2).<br>*Potential circumstances that may support a consent application include:*<br>iii. Screening would unduly restrict the usability of the service area.<br>iv. The site layout prevents the service area from being visible from any public place without additional screening being required. |
| 6. | Maximum building site coverage and impermeable surfaces | a. Effects on efficiency and affordability of infrastructure (stormwater) | See Rule 9.5 |
| | | X. Effects of stormwater from future development | |
| 7. | Number, location and design of ancillary signs | a. Effects on neighbourhood amenity | *Relevant objectives and policies:*<br>i. Objective 35.2.2<br>ii. Ancillary signs visible from outside the zone are 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 the site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose (Policy 35.2.2.5). |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 8. | Parking, loading and access standards | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |

| 35.8.5 Assessment of subdivision performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | Subdivision performance standards | See Rule 15.10 |

| 35.8.X Assessment of performance standard contraventions in a mapped area | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | In the **Critical Electricity Distribution Infrastructure Corridor mapped area**:<br>• Setback from Critical Electricity Distribution Infrastructure (buildings, structures and city-wide activities) | a. Effects on health and safety<br>b. Effects on efficient and effective operation of network utilities | See Rule 5.7. |

# Rule 35.9 Assessment of Restricted Discretionary Activities

## Rule 35.9.1 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 35.9.2 - 35.9.4:
   a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provide guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Rules 35.9.2 - 35.9.4 apply as follows:
   a. Rule 35.9.2 applies to restricted discretionary land use activities;
   b. Rule 35.9.3 applies to restricted discretionary development activities; and
   c. Rule 35.9.4 applies to restricted discretionary subdivision activities.
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** 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 35.8; 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 35.10; 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 35.11; and
      iii. the assessment guidance in this section will also be considered.

| 35.9.2 Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | High trip generators:<br>• New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded | a. Effects on accessibility | See Rule 6.11 |
| | | b. Effects on the safety and efficiency of the transport network | |
| 2. | Early childhood education - large scale | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | b. Effects on accessibility | |
| | | c. Effects on surrounding sites' residential amenity | *Relevant objectives and policies:*<br>i. Objective 35.2.2<br>ii. Early childhood education - large scale is designed to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 35.2.2.7). |

| 35.9.3 Assessment of restricted discretionary development activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | High trip generators:<br>• New, or additions to, parking areas that result in 50 or more new parking spaces | a. Effects on safety and efficiency of the transport network | See Rule 6.11 |
| | | b. Effects on accessibility | |
| 2. | Setback from scheduled tree | a. Effects on long term health of scheduled tree | See Rule 7.6 |

| 35.9.4 Assessment of restricted discretionary subdivision activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Subdivision activities | a. Effects on efficient and effective operation of Wakari Hospital | *Relevant objectives and policies:*<br>i. Objective 35.2.1<br>ii. Objective 2.3.1<br>iii. Subdivision does not adversely affect the efficient and effective operation of Wakari Hospital (Policy 35.2.1.5.b). |
| | | See Rule 15.10 | |

| 35.9.X Assessment of restricted discretionary activities in a mapped area | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | In the **Critical Electricity Distribution Infrastructure Corridor mapped area**:<br>• All subdivision activities | a. Effects on health and safety | See Rule 5.8. |
| | | b. Effects on efficient and effective operation of network utilities | |

# Rule 35.10 Assessment of Discretionary Activities

## Rule 35.10.1 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 35.10.2 - 35.10.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', 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. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
   c. general assessment guidance, including any effects that will be considered as a priority; and
   d. conditions that may be imposed.
3. Rules 35.10.2 - 35.10.3 apply as follows:
   a. Rule 35.10.2 applies to all discretionary activities; and
   b. Rule 35.10.3 applies to discretionary performance standard contraventions.
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.

| 35.10.2 Assessment of all discretionary activities | |
|---|---|
| Activity | Guidance on the assessment of resource consents |

| | | |
|---|---|---|
| 1. | All discretionary land use activities listed below:<br>• all other activities in the community activities category<br>• all activities in the residential activities category | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.3.1<br>b. Objective 35.2.1<br>c. Activities that are ancillary to hospital activity are designed and operated in line with Objective 35.2.2 and its policies (Policy 35.2.1.2).<br>d. Activities that are not ancillary to hospital activity:<br>i. are related to or support the Wakari Hospital, or have other operational requirements that mean they need to locate in the zone;<br>ii. support the efficient and effective operation of Wakari Hospital;<br>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>iv. are designed and operated in line with Objective 35.2.2 and its policies (Policy 35.2.1.3).<br>*Potential circumstances that may support a consent application include:*<br>e. 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.<br>f. All relevant land use performance standards are met, including noise and light spill standards.<br>*General assessment guidance*<br>g. In assessing the significance of effects, consideration will be given to:<br>i. short to long term effects, including effects in combination with other activities; and<br>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.<br>h. 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.<br>*Relevant guidance from other sections (priority considerations):*<br>i. 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.<br>j. 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.<br>k. 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. |

| 35.10.3 Assessment of discretionary performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Noise - where the limit is exceeded by less than 5dB LAeq (15min)<br>• Light spill - where the limit is exceeded by 25% or less | *Relevant guidance from other sections (priority considerations):*<br>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. |

# Rule 35.11 Assessment of Non-complying Activities

## Rule 35.11.1 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 35.11.2 - 35.11.3 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 35.11.2 - 35.11.3 apply as follows:
   a. Rule 35.11.2 applies to non-complying land use activities;
   b. Rule 35.11.3 applies to non-complying performance standard contraventions.
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.

| 35.11.2 Assessment of non-complying land use activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | All non-complying land use activities listed below:<br>• all activities in the major facilities activities category (except hospital)<br>• all activities in the commercial activities category (except commercial activities ancillary to hospital activity)<br>• all activities in the industrial activities category<br>• all activities in the rural activities category | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.3.1<br>b. Objective 2.3.2 and Policy 2.3.2.2<br>c. Objective 2.4.3 and Policy 2.4.3.4<br>d. Objective 35.2.1<br>e. Activities not ancillary to hospital activity:<br>i. are related to or support Wakari Hospital, or have other operation requirements that mean they need to locate in the zone;<br>ii. support the efficient and effective operation of Wakari Hospital;<br>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and<br>iv. they are designed and operated in line with Objective 35.2.2 and its policies (Policy 35.2.1.3).<br>*General assessment guidance:*<br>f. In assessing the significance of effects consideration will be given to:<br>i. both short and long term effects, including effects in combination with other activities; and<br>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.<br>g. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.<br>*Relevant guidance from other sections (priority considerations):*<br>h. See Section 6.13 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.<br>i. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety.<br>j. 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. |
| 2. | Commercial advertising | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.4.1<br>b. Policy 2.4.1.6.c |

| 35.11.3 Assessment of non-complying performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Light spill - where the limit is exceeded by greater than 25%<br>• Noise - where the limit is exceeded by 5dB LAeq (15 min) or more<br>• Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |
| 2. | Setback from National Grid | *Relevant guidance from other sections:*<br>a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.X and effects related to the operation, maintenance, upgrading and development of the National Grid. |