

B. City-wide Activities

3. Public Amenities

3.1 Introduction

Public amenities are structures and facilities established for the convenience, enjoyment, or amenity of the public, such as seating, barbeques, play equipment, and toilets. Public amenities also encompass other features that contribute to our experience or understanding of the environment or events in the area, such as artworks, monuments, memorials, and interpretation panels. They provide for community needs and contribute positively to streetscape amenity and public places, enhancing the use and attractiveness of these areas.

Public amenities have the potential to adversely affect amenity if they are of an inappropriate scale, and in some cases may be slightly controversial by their very nature.

In response to these issues, ~~the rules proposed in the Second Generation Plan (2GP)~~ this Plan **{PO cl.16}** imposes limits on scale or requires consent in order to enable public amenities to occur while managing effects on the amenity of surrounding sites and other users of public places.

3.2 Objectives and Policies

Objective 3.2.1	
Public amenities contribute positively to community well-being and streetscape amenity, while:	
a. avoiding or, if avoidance is not practicable, adequately mitigating minimising, as far as practicable, {PA 308.101} any adverse effects on the amenity of surrounding sites; and	
b. meeting the relevant objectives and policies for any overlay zone, scheduled site, or mapped area in which they are located.	
Policy 3.2.1.1	Provide for public amenities throughout the city.
Policy 3.2.1.2	Require public amenities to be designed and located to avoid or, if avoidance is not practicable, adequately mitigate significant {PA/PO 308.101} adverse effects on the amenity of surrounding sites and streetscape amenity.
Policy 3.2.1.3	Only allow public toilets and public display boards where significant adverse effects on surrounding sites will be avoided or, if avoidance is not practicable, adequately mitigated {PA/PO 308.101} .
Policy 3.2.1.4	Only allow public artworks - large scale if where {PA cl.16} : a. it has positive effects for <u>on</u> streetscape amenity; and b. significant adverse effects on surrounding sites will be avoided or, if avoidance is not practicable, adequately mitigated {PA/PO 308.101} .

Rules

Rule 3.3 Activity Status

3.3.1 Activity status introduction

1. The activity status table in Rule 3.3.2 shows the activity status of public amenities activities across all zones, provided any performance standards shown in the far right column are met. The activities in the public amenities category are listed in the Nested Table in Section 1.36.
2. Performance standards apply to permitted, and restricted discretionary activities.
3. If a permitted activity does not meet one or more performance standards, then the activity status of the activity ~~will become restricted discretionary, unless otherwise indicated by the relevant performance standard is indicated in the relevant performance standard rule.~~ **{PO cl.16}**
4. 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.
5. Any site development activities associated with an activity provided for in the activity status table in Rule 3.3.2 are subject to the provisions of the relevant management zone section. **{PO cl.16}**
6. Any earthworks associated with an activity provided for in the activity status table in Rule 3.3.2 are subject to the provisions in Section 8A. **{PO cl.16}**
7. Any construction associated with an activity provided for in the activity status table in Rule 3.3.2 is subject to the provisions in Section 4. **{PO cl.16}**
8. Any network utilities associated with an activity provided for in the activity status table in Rule 3.3.2 is subject to the provisions in Section 4. **{PO cl.16}**
9. Any modifications to a scheduled heritage building or structure is managed through the rules for additions and alterations in the relevant management or major facility zone. **{PO cl.16}**

¹ **PO cl.16:** moved from Note 3.3A to Rule 3.3.1 and minor amendments to wording to clarify.

Legend

Acronym	Activity status Meaning {PO cl.16}
±	Additional provisions apply (assessment criteria for activities in the overlay need to be viewed) {PO 490.1 and others}
P	Permitted Activity
RD	Restricted Discretionary Activity
Res	Residential Zones

3.3.2 Activity status table - public amenities activities

1.	Performance standards that apply to all public amenities activities	a. Buildings and structures located on or above the footpath b. Height in relation to boundary c. Light spill d. Setback from scheduled tree e. Noise f. <u>Natural Hazards performance standards</u> Hazard overlay zones development standards {NH cl.16}			
Public amenities activities		Activity status ¹			Performance standards
		a. Res	b. All other zones	c. In a heritage precinct or on a scheduled heritage site	
2.	Public artworks - small scale painted on network <u>utility</u> utilities {NU cl.16} structures or bus shelters	P	P	P	
3.	All other public artworks - small scale	RD	P	RD+ (in Residential Heritage Precincts)	
4.	Public artworks - large scale	RD	RD	RD+	
5.	Public display boards	RD	RD	RD+	i. Maximum dimensions
6.	Public toilets	RD	RD	RD+	i. Maximum height
7.	All other activities in the public amenities category	P	P	P	i. Maximum height ii. Setback from nNational gGrid iii. Maximum dimensions

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

Note 3.3.A – Other relevant District Plan provisions

1. ~~Painting of unpainted scheduled heritage buildings and structures, and character-contributing buildings, is defined as additions and alterations to the building, and consent is required. See the additions and alterations rules within each zone. {PO cl.16}~~
2. ~~Rule 11.3.1.1 restricts all buildings and structures in a swale mapped area. {PO cl.16}~~

3. Earthworks are managed through the management and major facilities zone sections: **{PA cl.16²}**

¹ **PO cl.16:** moved from Note 3.3A.1 and 3 to Rule 3.3.1 and minor amendments to wording to clarify. Note 3.3A.2 is not required as already indicated in relevant performance standards.

² **PA cl.16:** Duplication of Rule 3.3.1.6.

Note 3.3.2B - Other requirements outside of the District Plan

1. Permission must be obtained for any public amenities on Dunedin City Council (DCC) land including reserves and roads, please contact 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
2. Permission must be obtained from the New Zealand NZ **{Trans 881.17}** Transport Agency for the erection of any public amenities within the state highway road reserve.
3. The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. {Her 547.80} If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand before you begin **{Her 547.80}**. This is the case regardless of whether the land on which the **{Her 547.80}** site is located is **{Her 547.80}** designated, or the activity is permitted under the District Plan or Regional Plan or a resource or building consent has been granted.
4. The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol (Appendix A8) manages archaeological sites which that {Her cl.16} may be discovered as a result of earthworks. The protocol applies to any area, not just scheduled archaeological sites.
5. Scheduled archaeological sites are identified on the planning maps. Archaeological sites may also be found outside these areas, but are more likely to be found within the archaeological alert layer. {Her 1071.47}

Note 3.3C - Other requirements outside of the District Plan {PA cl.16¹}

1. The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand before you begin. This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District Plan or Regional Plan or a resource or building consent has been granted. **{PA cl.16}**
2. The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol (Appendix A8) manages archaeological sites which may be discovered as a result of earthworks. The protocol applies to any area, not just scheduled archaeological sites. **{PA cl.16}**

¹ **PA cl.16:** Content has been moved to Note 3.3.2B.

Note 3.3D - Other relevant District Plan provisions {PA cl.16¹}

1. Earthworks are managed through the management and major facilities zone sections: **{PA cl.16}**

¹ **PA cl.16:** Content has been moved to Rule 3.3.1.6 and amended to reflect changes to location of earthworks provisions .

Rule 3.4 Notification

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

Rule 3.5 Performance Standards

3.5.1 Buildings and Structures Located on or Above the Footpath

Public amenities must comply with Rule 6.7.2.

3.5.2 Height

3.5.2.1 Height in relation to boundary

- a. Public amenities that meet the definition of a building {PA cl.16}¹ must comply with the performance standard for height in relation to boundary of the zone in which they are located.
- b. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

¹ **PA cl.16:** Amendment to improve clarity.

3.5.2.2 Maximum height

- a. The maximum height of public amenities must not exceed the following above ground level:

Public amenity		Maximum height
i.	Public play equipment	9m
ii.	Freestanding flagpoles	9m
iii.	Public display boards	2m
iv.	Monuments and memorials	5m
v.	All other public amenities	3m

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

3.5.3 Light Spill

Public amenities must comply with Rule 9.3.5.

3.5.4 Maximum Dimensions

1. For flat public display boards, the maximum area of all display faces is 3m², with no single display face exceeding 1.5m² in area.
2. The maximum diameter for bollards is 1m.
3. For place name signs, the maximum area of the display face is 2m².
4. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

3.5.5 Setback from National Grid

Public play equipment and freestanding flagpoles must comply with Rule 5.6.1.1.

3.5.6 Setback from Scheduled Tree

Public amenities must comply with Rule 7.5.2.

3.5.7 Noise

Public amenities must comply with Rule 9.3.6.

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

3.5.8.1 Hazard exclusion areas (swale mapped area)

Public amenities must comply with Rule 11.3.1.1.

Rule 3.6 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 3.6.1 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 3.6.2 - 3.6.3:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

3.6.2 Assessment of all performance standard contraventions	
Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards, site specific factors including topography, make meeting the standard impracticable. c. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. <i>General assessment guidance:</i> d. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

3.6.3 Assessment of public amenities performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Buildings and structures <u>Public amenities {PA cl.16}</u> located on or above the footpath	a. Effects on the safety and efficiency of the transport network b. Effects on health and safety	See Rule 6.9 See Rule 9.4.3.1 {PA cl.16}
2. - Height in relation to boundary - Maximum dimensions - Maximum height	a. Effects on amenity	<i>Relevant objectives and policies:</i> i. Objective 3.2.1 ii. Public amenities are designed and located to avoid or if avoidance is not practicable, adequately mitigate significant effects on the amenity of surrounding sites and streetscape amenity <u>adverse effects on the amenity of the surrounding sites and streetscape amenity {PA/PO 308.101}</u> (Policy 3.2.1.2). <i>General assessment guidance:</i> iii. The public amenity must be designed or located to not impede pedestrian movement, distract drivers, or obstruct sightlines. {PA cl.16'}
3. Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6

¹ **PA cl.16:** Assessment rule and guidance moved to Rule 6.9.6.1 as it is the more relevant location for this matter. Minor amendments have been made to wording to follow style guide with no substantive effect.

Rule 3.7 Assessment of Restricted Discretionary Activities

Rule 3.7.1 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 3.7.2 - 3.7.3:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**;
 - 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 3.6; 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**;
 - ii. the performance standard contravention will be assessed; 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 3.8; and
 - iii. the assessment guidance in this section will also be considered.

3.7.2 Assessment of all public amenities activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. - Public artworks - large scale - Public artworks - small scale in {residential zones only} (except public artworks - small scale printed on network utility structures or bus shelters) {PA cl.16}	a. Effects on amenity, and use and enjoyment of public spaces	<i>Relevant objectives and policies:</i> - Objective 3.2.1 - Public artworks has positive effects for streetscape amenity (Policy 3.2.1.4.a). Significant <u>Adverse effects of public artworks on surrounding sites will be avoided or, if avoidance is not practicable, adequately mitigated {PA/PO 308.101}</u> (Policy 3.2.1.4.b). <i>General assessment guidance:</i> - In assessing the effects on amenity, Council will consider the appropriateness of the location and design, and in particular consider the following matters: - Artworks should not overly dominate a public space. - Artworks must use colours that are appropriate to the location and purpose of the artwork, with consideration of the context of the artwork. - The artworks must be made of robust materials and constructed to meet environmental conditions so they will maintain their physical integrity for the life of the artwork. - The artwork must be designed and located to not impede pedestrian movement or create concealment places, or significantly obstruct clear sightlines through public spaces. - Artworks must be culturally and socially sensitive so as to be inclusive of the wider community, and not present material that would be offensive or inappropriate. - Artworks must be located to avoid creating clutter in public spaces. - Illuminated artworks must not distract drivers or create nuisance effects for surrounding sites or other activities on the same site by having appropriate direction, movement, and intensity of light. - Artworks must not create sound that would be a nuisance to users of a public space, surrounding sites, or other activities on the same site. - Kinetic artworks must not distract drivers or be a nuisance to users of a public space, to surrounding sites, or other activities on the same site, as a result of movement or sound.
2. Public display boards	a. Effects on amenity	<i>Relevant objectives and policies:</i> - Objective 3.2.1 Significant <u>Adverse effects of public display boards on surrounding sites are avoided or, if avoidance is not practicable, adequately mitigated {PA/PO 308.101}</u> (Policy 3.2.1.3).

3.7.2 Assessment of all public amenities activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Public toilets	a. Effects on amenity	<i>Relevant objectives and policies:</i> i. Objective 3.2.1 ii. Significant adverse effects of public toilets on surrounding sites are avoided or, if avoidance is not practicable, adequately mitigated {PA/PO 308.101} (Policy 3.2.1.3). <i>Potential circumstances that may support a consent application include:</i> iii. Toilets are set back from side and rear boundaries with residential properties by an adequate distance to avoid effects on surrounding sites.

¹ **PA cl.16:** Alignment with activity status Rule 3.3.2.3.

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. In the ONF, ONL or SNL overlay zones: • Public artworks - large scale	a. Effects on landscape values	See Rule 10.5
2. In the ONCC, HNCC or NCC overlay zones: • Public artworks - large scale	b. Effects on natural character of the coast	See Rule 10.5
3. In a heritage precinct or on a scheduled heritage site: • Public artworks - large scale • Public display boards • Public toilets • Public artworks - small scale in a residential heritage precinct (<u>except public artworks - small scale painted on network utility structures or bus shelters</u>) {PA cl.16}	a. Effects on heritage streetscape and {PA cl.16} character	See Rule 13.6
4. In a wāhi tūpuna mapped area: {MW 1071.3} • <u>Public artworks - large scale</u> • <u>Public display boards</u> • <u>Public toilets</u>	a. Effects on cultural values of <u>Manawhenua.</u>	See Rule 14.4

¹ **PA cl.16:** Alignment with activity status Rule 3.3.2.3.

Rule 3.8 Assessment of Discretionary Activities

Rule 3.8.1 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 3.8.2 provides guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.

3.8.2 Assessment of discretionary performance standards		
Performance standard		Guidance on the assessment of resource consents
1.	• Light spill - where the limit is exceeded by 25% or less • Noise - where the noise limit is exceeded by less than 5dB LAeq (15 min)	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

Rule 3.9 Assessment of Non-complying Activities

Rule 3.9.1 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. Rule 3.9.2 provides 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.

3.9.2 Assessment of non-complying performance standards		
Performance standard		Guidance on the assessment of resource consents
1.	- Light spill - where the limit is exceeded by greater than 25% - Noise - where the limit is exceeded by 5dB LAeq (15 min) or more	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
2.	Setback from National Grid	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.4 5.2.2 {NU 918.29} and effects related to the efficient and effective operation of network utilities and public health and safety.
3.	In a swale mapped area: hazard exclusion areas Hazard exclusion areas (Rule 11.3.1.1) – Swale mapped area {NH cl.16}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to risk from natural hazards.

4. Temporary Activities

4.1 Introduction

Temporary events, and uses such as concerts, festivals, parades, and market days, occur on a regular basis throughout the city, and primarily in public places. The Plan needs to provide for such activities and recognise the contribution that they make to the social and cultural well-being of communities and to the vitality of the city.

In addition to community focused events, military training exercises, filming, construction, temporary helicopter landings, mobile trading, temporary signage, and temporary disaster management accommodation are also provided for within the Plan with a clear set of parameters to ensure any adverse effects arising from the activities are avoided, remedied or mitigated. Temporary activities incorporate both the activities and structures to facilitate the activities.

~~While they make a positive contribution,~~ **{TA cl.16}** Temporary activities can also generate adverse effects on surrounding environments, particularly in the form of noise, increased traffic movements and parking requirements. ~~That said,~~ **{TA cl.16}** The temporary nature of such activities generally minimises these adverse effects and consequently many events of short duration are tolerated by parts of the community, while other members enjoy what the event has to offer.

~~To address these issues, the Second Generation Plan proposes to include objectives, policies and rules to ensure the number, scale and intensity of temporary events and uses does not increase to a level beyond which the effects of the event are more than of a temporary and do not have more than a minor effect.~~ **{TA cl.16}**

4.2 Objectives and Policies

Objective 4.2.1	
Temporary activities are enabled while:	
a. minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and {TA 583.7}	
b. ensuring any adverse effects on people's health and safety are minimised <u>as far as practicable.</u> ; and {PO 906.34 and 308.497}	
c. meeting the relevant objectives and policies for any overlay zone, scheduled site, or mapped area in which it is located. {TA 583.7}	
Policy 4.2.1.1	Require temporary activities to be designed and operated to minimise, <u>as far as practicable.</u> {PO 906.34 and 308.497} adverse effects on: a. the amenity of surrounding properties; b. people's health and safety; and c. the safety and efficiency of the transport network. {TA cl.16}
Policy 4.2.1.2	Require temporary signs to be located and designed to minimise, <u>as far as practicable.</u> {PO 906.34 and 308.497} adverse effects on: a. streetscape <u>streetscape</u> {PO cl.16} amenity; and b. the safety and efficiency of the transport network.
Policy 4.2.1.3	Only allow temporary events - large scale and filming - large scale where they are located and operated to ensure adverse effects on amenity and the transport network can will {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigated.

¹ **TA cl.16:** The only temporary activities that require consent are covered by Policy 4.2.1.3, which relates to effects on the transportation network and none of the RD performance standard contraventions have effects on transportation as a matter of discretion so this part of the policy is redundant.

Rules

Rule 4.3 Activity Status

4.3.1 Activity status introduction

1. The activity status table in Rule 4.3.2 shows the activity status of temporary activities across all zones, provided any performance standards shown in the far right column are met. The activities in the temporary activities category are listed in the Nested Table in Section 1.36 **{PO cl.16}**.
2. Performance standards apply to permitted and restricted discretionary activities.
3. If a permitted activity does not meet one or more performance standards, then the activity status of the activity ~~will become restricted discretionary, unless otherwise indicated by the relevant performance standard~~ is indicated in the relevant performance standard rule. **{PO cl.16}**.
4. 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.
5. Any site development activities associated with an activity provided for in the activity status table in Rule 4.3.2 are subject to the provisions of the relevant management zone section. **{PO cl.16}**
6. Any earthworks associated with an activity provided for in the activity status table in Rule 4.3.2 are subject to the provisions in Section 8A. **{PO cl.16}**

Legend

Acronym	Activity-status Meaning {PO cl.16}
P	Permitted Activity
RD	Restricted Discretionary Activity

4.3.2 Activity status table - temporary activities

1.	Performance standards that apply to all temporary activities		a. Development standards b. Light spill c. Hazard overlay zones development standards {TA 583.9}
Activity		Activity status	Performance standards
2.	Construction	P	a. Noise
3.	Filming - small scale	P	a. Maximum duration and site restoration Maximum Duration, Frequency, and Site Restoration {TA cl.16} b. Hours of operation c. Noise

4.	Filming - large scale	RD	a. Maximum duration and site restoration Maximum Duration, Frequency, and Site Restoration {TA cl.16} b. Hours of operation c. Noise
5.	Temporary {TA cl.16} Helicopter landings <u>movements</u> {TA 917.13}	P	a. Maximum duration and site restoration Maximum Duration, Frequency, and Site Restoration {TA cl.16} b. <u>Noise</u>
6.	Military exercises	P	a. Notice to DCC (military exercises) b. Setbacks (military exercises) c. Noise
7.	Mobile trading of readily consumable foods in a public place	P	a. Maximum duration and site restoration Maximum Duration, Frequency, and Site Restoration {TA cl.16}
8.	Temporary disaster management accommodation	P	
9.	Temporary events - small scale	P	a. Maximum duration and site restoration Maximum Duration, Frequency, and Site Restoration {TA cl.16} b. Hours of operation c. Noise
10.	Temporary events - large scale	RD	a. Maximum duration and site restoration Maximum Duration, Frequency, and Site Restoration {TA cl.16} b. Hours of operation c. Noise
11.	Temporary signs	P	a. Number, design and location of temporary signs

Note 4.3.2A - Other requirements outside of the District Plan

1. Permission from the Dunedin City Council (DCC) must be obtained for all temporary activities on DCC land including reserves and roads. Please contact the DCC's Transportation Group or Parks and Recreation Department on 03 477 4000 and ensure all appropriate permissions are received including for:
 - a. temporary road closures; and
 - b. use of reserves or open space.
2. If food will be sold at an event, it is the responsibility of the event organiser to ensure all food operators have approval from the DCC's Environmental Health Department. Please contact Environmental Health Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
3. Activities that involve the sale or provision of alcohol may require a licence. Please contact the DCC's Alcohol Licensing Department on 03 477 4000 for more information.
4. Building consent may be required for some temporary structures. These must be obtained from DCC. Please contact Council's Building Services Department on 03 477 4000 for more information.
5. A licence is required under the Mobile Trading and Temporary Stall Bylaw 2014 to carry out mobile trading. Permission from the DCC must be obtained for all mobile trading activities on DCC land including reserves and roads. Please contact the DCC's Environmental Health Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
6. In addition to the noise limits specified in this section, noise emissions from temporary events will be subject to complaint based Excessive Noise provisions (sections 326-328) of the Resource Management Act 1991. The DCC's Environmental Health Department or their contractors will be responsible for responding to any noise complaints received by the DCC in relation to an event. To ensure there are no surprises on the day of the event it is recommended you liaise with the Environmental Health Department prior to the event, provide contact details for key personnel and agree on a protocol for responding to noise complaints should they arise. For more information, please contact the DCC on 03 477 4000 or visit the DCC website at www.dunedin.govt.nz.
7. Permission must be obtained from the NZ Transport Agency for all temporary activities on state highway road reserve. {TA 881.46}

Note 4.3.2B - Other relevant District Plan provisions

1. Mobile trading, other than as provided for in Rule 4.3.2.7 is managed as if it were not operating from mobile premises (i.e. the activity status and land use performance standards of the zone in which it is occurring apply)
 2. ~~Earthworks are managed through the management and major facilities zone sections. {PO cl.16}~~
- ¹ **PO cl.16:** moved from Note 4.3A to Rule 4.3.1 and minor amendments to clarify new location of earthworks provisions.

Note 4.3C - Other relevant District Plan provisions {PO cl.16¹}

1. ~~Earthworks are managed through the management and major facilities zone sections. {PO cl.16}~~
- ¹ **PO cl.16:** moved from Note 4.3C to Rule 4.3.1 and minor amendments to wording to clarify new location of earthworks provisions.

Rule 4.4 Notification

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

Rule 4.5 Performance Standards

4.5.1 Development Standards

- Temporary buildings, structures, earthworks, **{TA cl.16}** and site development activities associated with temporary activities must meet the maximum height, height in relation to boundaries, setbacks, hazard exclusion areas, vegetation clearance standards, and earthworks performance standards of the zone in which they are located, except:
 - temporary signs (see Rule 4.5.7);
 - setbacks from coast and water bodies, provided buildings and structures are set back from the coast or water bodies a minimum of 5m; and
 - temporary buildings and structures associated with construction are exempt from meeting performance standards for maximum height, height in relation to boundary, and boundary setbacks provided they are erected for no more than 90 days.
- Temporary buildings and structures associated with temporary activities may be located on parking areas required to meet the performance standard for minimum car parking for up to 90 days.
- Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

¹ **TA cl.16:** Earthworks is specifically mentioned in this rule as it is now a citywide activity and therefore no longer included within 'site development activities'.

4.5.2 Hours of Operation

- Temporary events and filming must not exceed the following hours of operation:

Activity		i. Hours of operation within residential zones or within 100m of a residential zone	ii. Hours of operation within all other zones
a.	Temporary events that do not involve amplified noise	All days: 8.00am - 9.00pm	Sunday - Thursday: 6.00am - 10.00pm Friday and Saturday: 6.00am - 11.00pm (or 11.30pm in the CBD Zone)
b.	Temporary events that involve the operation of amplified sound equipment	Sunday - Thursday: 10.00am - 7.00pm Friday and Saturday: 10.00am - 9.00pm	Sunday - Thursday: 10.00am - 9.00pm Friday and Saturday: 10.00am - 10.00pm (or 11.30pm in the CBD Zone)
c.	Filming	All days: 8.00am - 7.00pm	All days: 7.00am - 9.00pm (or 12.00am midnight in an industrial zone)

- Except in all zones the hours of operation for New Years Eve celebrations, including those that involve the operation of amplified sound equipment, is extended until 1.00am the following morning.
- Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

4.5.3 Maximum Duration, Frequency, and Site Restoration

Rule 4.5.3.1 Temporary events and filming

- a. Temporary events must not exceed the following maximum durations:

Location		Maximum duration of event
i.	The Oval (Town Belt (The Oval) Town of Dunedin SO 14526) {TA cl.16}	10 consecutive days
ii.	The Octagon (Sec 1 Reserve No 2 SO 12279 Town of Dunedin) {TA cl.16} and Museum Reserve (363 and 381 Great King Street) {TA cl.16}	5 consecutive days
iii.	All other locations	3 consecutive days

- iv. Except, site preparation, which must not occur more than two days before an event; and site clean-up and restoration, which must be completed within two days of the completion of the event.
- b. No more than five temporary events may occur on a site within any calendar year, except, temporary events in public places, churches, and community halls.
- c. Filming and temporary events must return sites to their original condition after filming or the temporary event is finished.
- d. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

Rule 4.5.3.2 Mobile Trading

- a. Mobile trading must not operate in any location for a cumulative period exceeding four hours in any 24 hour period, except:
- if the activity would otherwise be permitted in the zone;
 - if the mobile trading is associated with a temporary event; or
 - if the mobile trading is associated with an event occurring as part of a sport and recreation activity or an event occurring in the Recreation Zone or at major facilities, in which case the maximum duration is for a period starting 2 hours before the start of the event until two hours after the completion of the **{TA cl.16}** event.
- b. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

Rule 4.5.3.3 Helicopter Landings Movements **{TA 917.13}**

- a. ~~Helicopter landings must not exceed 10 landings on the same site within any calendar year, except two days of unlimited landings on the same site are allowed within any calendar year.~~ **{TA 583.11 and others}**
- b. ~~Helicopter landings must only occur during daylight hours.~~ **{TA 583.11 and others}**
- c. ~~The following activities are exempt from this standard:~~ **{TA 583.11 and others}**
- ~~helicopter landings for emergencies by police, fire service, ambulance, or for search and rescue; and~~ **{TA 583.11 and others}**
 - ~~helicopter landings that meet the noise performance standards for the relevant zone.~~ **{TA 583.11 and others}**
- a. Helicopter movements must not exceed twenty flight movements (a take-off or landing) per calendar month per site. **{TA 583.11}**

- b. Helicopter landings for emergency services are exempt from this standard {TA 583.11}
- c. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

Note 4.5.3.3A - Copyright information

1. The limits on helicopter movements in Rule 4.5.3.3 are from NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas. {TA 583.11}

4.5.4 Noise

4.5.4.1 Construction

- a. Construction activity {TA cl.16} must not exceed the following limits and will be measured and assessed in accordance with NZS6803:1999 Acoustics – Construction Noise {TA 917.11}:

Noise limits as measured at: the boundary of any property in residential zones, the notional boundary of any residential building in a rural residential zone, or from 6pm to 7.30am within the notional boundary of any building housing any noise sensitive activities in any other zone		Noise limits		
		1. For no more than 14 days of a single construction project	2. For no more than a further 18 weeks of a single construction project	For all other times
i.	Weekdays 6.30 to 7.30am	a. 65-dB LAeq b. 75-dB Lmax	a. 60-dB LAeq b. 75-dB Lmax	a. 55-dB LAeq b. 75-dB Lmax
ii.	Weekdays 7.30am to 6pm and Saturdays 7.30am to 6pm	a. 80-dB LAeq b. 95-dB Lmax	a. 75-dB LAeq b. 90-dB Lmax	a. 70-dB LAeq b. 85-dB Lmax
iii.	Weekdays 6 to 8pm	a. 75-dB LAeq b. 90-dB Lmax	a. 70-dB LAeq b. 85-dB Lmax	a. 65-dB LAeq b. 80-dB Lmax
iv.	Sundays and public holidays 7.30am to 6pm	a. 55-dB LAeq b. 85-dB Lmax	a. 55-dB LAeq b. 85-dB Lmax	a. 55-dB LAeq b. 85-dB Lmax
v.	All other periods not specified above	a. 45-dB LAeq b. 75-dB Lmax	a. 45-dB LAeq b. 75-dB Lmax	a. 45-dB LAeq b. 75-dB Lm
Time period		1. For no more than 14 days of a single construction project	2. For no more than a further 18 weeks of a single construction project	3. Long-term duration (greater than 20 weeks)
vi.	All days 7.30am to 6pm	80-dB LAeq	75-dB LAeq	70-dB LAeq
vii.	All days 6pm to 7.30am	85-dB LAeq	80-dB LAeq	75-dB LAeq

- i. **Construction noise received in residential zones and dwellings in rural and rural residential zones, and buildings housing any noise sensitive activities in any other zone {TA 917.11}**

Time of Week	Time Period	Duration of work
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		1. Typical Duration (dBA)		2. Short-term Duration (dBA)		3. Long-term Duration (dBA)	
		LAeq	Lmax	LAeq	Lmax	LAeq	Lmax
<u>Weekdays</u>	1. 6.30am - 7.30am	60	75	65	75	55	75
	2. 7.30am - 6.00pm	75	90	80	95	70	85
	3. 6.00pm - 8.00pm	70	85	75	90	65	80
	4. 8.00pm - 6.30am	45	75	45	75	45	75
<u>Saturdays</u>	5. 7.30am - 6.00pm	75	90	80	95	70	85
	6. 6.00pm - 7.30am	45	75	45	75	45	75
<u>Sundays and Public Holidays</u>	7. 7.30am - 6.00pm	55	85	55	85	55	85
	8. 6.00pm - 7.30am	45	75	45	75	45	75

ii. **Construction noise received in industrial, Port and commercial mixe use zones for all days of the year {TA 917.11}**

Time Period	Duration of Work		
	1. Typical Duration	2. Short-Term Duration	3. Long-Term Duration
	LAeq (dBA)	LAeq (dBA)	LAeq (dBA)
1. 7.30am - 6.00pm	75	80	70
2. 6.00pm - 7.30am	80	85	75

- b. Vibration from construction must not exceed a maximum particle velocity measured on any foundation of an adjacent building on another site, or the same site if different ownership, of 25mm/second for commercial buildings or 10mm/second for buildings housing noise sensitive activities.
- c. Activities that contravene this performance standard by less than 5dB LAeq (15 min) are discretionary activities.
- d. Activities that contravene this performance standard by 5dB LAeq (15 min) or more are non-complying activities.
- e. For the purposes of Rule 4.5.4.1 "short-term duration" means construction work at any one location for up to 14 calendar days per project; "typical duration" means construction work at any one location for more than 14 calendar days but less than 20 weeks per project; and "long-term duration" means construction work at any one location with a duration exceeding 20 weeks per project {TA 917.11}

Note 4.5.4.1A - Copyright information {TA cl.16}

1. For Rule 4.5.4.1: {TA cl.16}
 - a. The provisions in Rule 4.5.4.1 are from {TA cl.16} NSZ 6803:1999 Acoustics Construction Noise by permission of Standards New Zealand under licence 001161.

4.5.4.2 Temporary events

- a. Temporary events must comply with the performance standard for noise of the zone in which they are located (see Rule 9.3.6). or for
- b. Temporary events in the CBD Zone; must comply with the following noise limits: {TA cl.16}

Time period		Noise limit
i.	Sunday - Thursday: 10.00am - 10.00pm	1. 60dB LAeq (15 min) 2. 75dB LMax
ii.	Friday and Saturday: 10.00am - 11:30pm	1. 75dB LAeq (15 min) 2. 85dB LMax

- c. Pyrotechnics and firing of a ceremonial cannon are exempt from the performance standards for noise.
- d. Noise will be measured in accordance with NZS 6801:2008 Acoustics - Measurement of Environmental Sound and assessed in accordance with NZS 6802:2008 Acoustics - Environmental Noise. {TA 917.11 and others}
- e. Activities that contravene this performance standard by less than 5 dB LAeq (15 min) are discretionary activities. {TA cl.16}
- f. Activities that contravene this performance standard by 5 dB LAeq (15 min) or more are non-complying activities. {TA cl.16}

¹ **TA cl.16:** Rules giving activity status for contravention of this standard omitted in error and added to reflect the related content in rules 4.9.2.1, 4.10.2.1 and linked rules in 9.6 and 9.7.

4.5.4.3 Filming (small and large scale)

Filming activities {TA cl.16} must comply with the performance standard for noise of the zone in which they are located (see Rule 9.3.6) {TA cl.16}.

4.5.4.4 Military exercises

- a. Noise from military exercises must not exceed the following limits:
 - i. for mobile noise sources, the noise limits for construction activities {TA cl.16} set out in Rule 4.5.4.1 apply.
 - ii. for fixed (stationary) noise sources, the following limits as measured at the notional boundary of a building housing any noise sensitive activities apply:

Time (Monday to Sunday)		Noise level at the notional boundary of a building housing any noise sensitive activities
1.	7.00am - 7.00pm	55 dB LAeq (15 min)
2.	7.00pm - 10.00pm	50 dB LAeq (15 min)
3.	10.00pm - 7.00am	45 dB LAeq (15 min) and 75 dB LAFmax

- b. Noise will be measured in accordance with NZS 6801:2008 Acoustics - Measurement of Environmental Sound

and assessed in accordance with NZS 6802:2008 Acoustics - Environmental Noise. **{TA 917.11 and others}**

- c. The live firing of weapons and explosive events and the firing of blank ammunition are exempt from this performance standard (see Rule 4.5.6).
- d. Military exercises that contravene this performance standard are a controlled activity.

Rule 4.5.4.5 Helicopter Movements {TA 917.11 and others}

- a. Helicopter movements must not result in a maximum sound level (LAFMax) exceeding 70 dB at night time (10.00pm - 7.00am) or 90 dB during daytime (7.00am - 10.00pm) within any site in a residential zone or within the notional boundary to any noise sensitive activity in rural zones, rural residential zones or the Ashburn Clinic Zone.
- b. Helicopter noise will be measured and assessed in accordance with NZS6807:1994 Noise Management & Land Use Planning For Helicopter Landing Areas.
- c. Helicopter movements for emergency services are exempt from this standard
- d. Activities that contravene this performance standard by less than 5dB LAeq (15 min) are discretionary activities.
- e. Activities that contravene this performance standard by 5dB LAeq (15 min) or more are non-complying activities.

4.5.5 Notice to DCC (Military Exercises)

- 1. A noise management plan must be provided to the DCC's Environmental Health Department at least 48 hours prior to the commencement of a military exercise involving weapons firing and/or the use of explosives, detailing:
 - a. whether the activity involves live firing and/or the use of explosives, or the firing of blank ammunition;
 - b. the location of the activity and the boundaries within which the activity will take place;
 - c. the timing and duration of the activity; and
 - d. distances to buildings housing noise sensitive activities, the potential effect on these activities, and where there is a potential effect, how property occupants will be notified of the military exercise (e.g. leaflet drop, letters, notice in newspaper).
- 2. Military exercises that contravene this performance standard are a controlled activity.

4.5.6 Setbacks (Military Exercises)

- 1. Military exercises involving weapons firing and/or the use of explosives must be set back from the notional boundary of any building housing noise sensitive activities as follows:

Activity type		i. Time (Monday to Sunday)	ii. Minimum setback distance
a.	Live firing of weapons or explosives	7.00am - 7.00pm	1500m
b.	Live firing of weapons or explosives	7.00pm - 7.00am	4500m
c.	Firing of blank ammunition	7.00am - 7.00pm	750m
d.	Firing of blank ammunition	7.00pm - 7.00am	2250m

- e. Except where:
 - i. peak sound pressure level is below 120 dBC between the hours of 7am and 7pm; and
 - ii. peak sound pressure level is below 90 dBC between the hours of 7pm and 7am.

- f. Activities that contravene this performance standard are controlled activities.

4.5.7 Number, Location and Design of Temporary Signs

4.5.7.1 General

- a. Temporary signs visible from a public place must meet all of the following performance standards;
- b. Temporary signs must not be illuminated (internally or externally), digital, or projected; and
- c. Signs must also comply with:
 - i. Rule 6.7.2 where located on or above public footpaths **{TA cl.16}**; and
 - ii. Rule 6.7.3, where visible from the road.
- d. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities. **{PO cl.16}**

4.5.7.2 Election signs

- a. Signs must be erected no more than two months prior to election or polling **{TA cl.16}** day and must be removed by midnight prior to election or polling **{TA cl.16}** day.
- b. Signs on a site **{TA cl.16}** must not exceed a maximum number of:
 - i. one per site for any **{TA cl.16}** candidate or group of candidates for local authority elections and referenda; **{TA cl.16}** and
 - ii. one per site for any **{TA cl.16}** registered political party, independent or non-party affiliated candidate, for parliamentary general **{TA cl.16}** elections; and
- c. Signs must not exceed:
 - i. a maximum height of 2m above ground level; and
 - ii. a maximum area of 3m² on DCC or New Zealand Transport Agency land within the road reserve; **or {TA 881.48 and others}**
 - iii. 1m² on all other sites. **{TA 881.48 and 1083.1}**
- d. For the purpose of Rule 4.5.7.2 'local election' refers to elections for City or Regional Council, District Health Board or a community board; and 'general election' refers to elections for the New Zealand Government. **{TA cl.16}**

4.5.7.3 Temporary eEvent promotion {TA cl.16} signs

- a. Signs must not be erected more than 21 days before an event and must be removed within 3 days of the completion of the event;
- b. Signs must be designed such that any names of sponsoring businesses are no more than 50% of the size of the font used for advertising the event;
- c. Signs must not exceed:
 - i. a maximum height of 2m above ground level;
 - ii. a maximum area of:
 1. 3m² on DCC or New Zealand NZ **{Trans 881.17}** Transport Agency land within the road reserve; or
 2. 1m² on all other sites; and
 - iii. for signs outside the road reserve:

1. only one sign is allowed to be displayed on a property site **{TA cl.16}** at a time; and
2. the total display time of all signs must not exceed 30 days in any calendar year.

d. Event promotion signs on lawfully established public display boards are exempt from these standards. **{TA cl.16}**

4.5.7.4 Real estate signs

- a. Signs must not exceed the following maximum numbers **{TA cl.16}**:
 - i. ~~one per property, or a maximum of one sign per site; **{TA cl.16}**~~
 - ii. on sites with a street frontage greater than 500m, a maximum of **{TA cl.16}** one sign for every 500m of frontage; and
 - iii. in the CBD, real estate signs in windows and below verandas (including in windows), ~~must not exceed a maximum of **{TA cl.16}**~~ one sign **{TA cl.16}** per real estate agent/company.
- b. Open home signs and auction signs are exempt from the maximum number of signs.
- c. The maximum display time for real estate signs is:
 - i. open home signs must only be displayed for the duration of the open home;
 - ii. auction signs must be displayed for no more than 14 days before the auction and 3 days after the auction; or
 - iii. all real estate signs must be removed within three days after the sale of the property.
- d. The maximum size and location of signs is:
 - i. auction signs must not exceed 2m² per display face;
 - ii. all other signs must not exceed a maximum area of 1m² per display face and a maximum of two display faces
- e. All real estate signs must be located on, or adjacent to, the property site **{TA cl.16}** to which they relate.

¹ **TA cl.16:** Amended to improve clarity.

4.5.7.5 Construction signs

1. Construction signs: **{TA cl.16}**
 - a. must not exceed a total area for all signs of 4m² per site;
 - b. must not be displayed for more than 10 days before commencement of construction and must be removed within three days after the completion of construction; and
 - c. must be located on the site where the construction activity is occurring.

Note 4.5B.7A - Other requirements outside of the District Plan

1. Permission must be obtained from the Dunedin City Council (DCC) for the erection of temporary signs (except real estate signs) on DCC land, including reserves and roads, please contact 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
2. Permission must be obtained from the New Zealand NZ **{Trans 881.17}** Transport Agency for erection of temporary signs within state highway road reserve.
3. Approved election sign sites where the DCC give approval for the erection of signs are published on the DCC website www.dunedin.govt.nz.

4.5.8 Light Spill

Temporary activities must comply with Rule 9.3.5.

4.5.9 Hazard Overlay Zones Development Standards {Confirmed for deletion - TA 583.9}

~~4.9.5.1 Hazard exclusion areas (swale mapped area)~~

~~Buildings and structures associated with temporary activities must comply with Rule 11.3.1.1. {TA 583.9}~~

Rule 4.6 Assessment of Controlled Activities (Performance standard contraventions)

Rule 4.6.1 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 4.6.2:
 - 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: {TA cl.16¹}~~
 - a. ~~if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) 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 4.7; 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 4.9; 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**;~~
 - ii. ~~the performance standard contravention will be assessed as indicated in Section 4.10; and~~
 - iii. ~~the assessment guidance in this section will also be considered.~~

¹ **TA cl.16:** There are no controlled activity status temporary activities.

4.6.2 Assessment of controlled performance standard contraventions

Performance standard	Matters of control	Guidance on the assessment of resource consents
1. - Noise (military exercises) - Notice to DCC (military exercises) - Setbacks (military exercises)	a. Effects on <u>amenity</u> of surrounding sites' amenity {TA cl.16} b. Effects {TA cl.16} on health and safety	<i>Relevant objectives and policies:</i> i. Objective 4.2.1 ii. Temporary activities are designed and operated in a way that minimises <u>as far as practicable</u> {PO 906.34 and 308.497} effects on: 1. the amenity of surrounding properties; and 2. the health and safety of people (Policy 4.2.1.1a and b). <i>Conditions that may be imposed to ensure these outcomes include, but are not limited to:</i> iii. Higher noise levels may be restricted to short durations during daytime hours, or hours agreed with affected neighbours. iv. Potentially affected neighbours to be advised and consulted with prior to the activity taking place. {TA cl.16} <i>General assessment guidance:</i> v. The assessment of an application for military exercises that contravenes the noise (military exercises) performance standard Rule 4.5.4.4 will consider the findings of a noise management plan (see Special Information Requirements - Rule 4.11.1).

Rule 4.7 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 4.7.1 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. Rule 4.7.2:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

4.7.2 Assessment of all performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	All performance standard contraventions		<i>Potential circumstances that may support a consent application include:</i> i. The degree of non-compliance with the performance standard is minor. <i>General assessment guidance:</i> ii. Where more than one standard is contravened, the combined effects of the contraventions should be considered. iii. In assessing performance standard contraventions, consideration will be given to all relevant assessment guidance in the underlying zone.
2.	Development standards	See relevant zone for assessment of restricted discretionary activities (performance standard contraventions).	
3.	Hours of operation	a. Effects on <u>amenity of surrounding sites</u> amenity {TA cl.16} b. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objective 4.2.1 ii. Temporary activities are designed and operated in a way that minimises, <u>as far as practicable</u>, {PO 906.34 and 308.497} effects on: 1. the amenity of surrounding properties; and 2. people's health and safety (Policy 4.2.1.1a and b {TA cl.16}). <i>Potential circumstances that may support a consent application include:</i> iii. The extension of hours will not result in unreasonable disturbance from vehicle headlights, vehicle movements, or noise.

4.7.2 Assessment of all performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
4. Maximum duration, frequency, and site restoration	a. Effects on <u>amenity of surrounding sites</u> amenity {TA cl.16} b. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objective 4.2.1 ii. Temporary activities are designed and operated in a way that minimises, <u>as far as practicable</u>, {PO 906.34 and 308.497} effects on: 1. the amenity of surrounding properties; and 2. people's health and safety (Policy 4.2.1.1). <i>Potential circumstances that may support a consent application include:</i> iii. The extension of duration or frequency will not result in unreasonable disturbance from extended periods of noise or vehicle movements. <i>General assessment guidance:</i> iv. Council will assess the noise effects of helicopter movements in accordance with the standards set out in NZS6807:1994 <i>Noise Management and Land Use Planning for Helicopter Landing Areas</i> {TA 917.11 and others}
5. Number, location, and design of temporary signs	a. Effects on neighbourhood character and <u>streetscape</u> {TA cl.16} amenity b. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 4.2.1 ii. Temporary signs are located and designed to minimise <u>as far as practicable</u> {PO 906.34 and 308.497} adverse effects on streetscape amenity (Policy 4.2.1.2.a). <i>Relevant objectives and policies:</i> i. Objective 4.2.1 ii. Temporary signs are located and designed to minimise <u>as far as practicable</u> {PO 906.34 and 308.497} adverse effects on the safety and efficiency of the transport network (Policy 4.2.1.2.b). <i>Potential circumstances that may support a consent application include:</i> iii. The location of the sign will not obscure sightlines, pedestrians, and cyclists or vehicle access. iv. The relevant road controlling authority has provided approval for the proposed design and location of the sign.
6. In a swale mapped area: hazard exclusion areas {TA 583.9}	a. Risk from natural hazards	See Rule 11.4

Rule 4.8 Assessment of Restricted Discretionary Activities

Rule 4.8.1 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. Rule 4.8.2:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**;
 - 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 4.7; 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**;
 - ii. the performance standard contravention will be assessed as indicated in Section 4.9;
 - 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 4.10; and
 - iii. the assessment guidance in this section will also be considered.

4.8.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. - Filming - large scale - Temporary events - large scale	a. Effects on amenity	<i>Relevant objectives and policies:</i> i. Objective 4.2.1 ii. <u>Temporary events - large scale and filming - large scale are located and operated to ensure Any {PO cl.16} adverse effects on the transport network amenity {TA cl.16} can will {PO cl.16} be avoided or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigated (Policy 4.2.1.3).</u> <i>Potential circumstances that may support a consent application include:</i> iii. A traffic management plan has been approved by the DCC (or New Zealand <u>NZ</u> {Trans 881.17} Transport Agency where relevant).
	b. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 4.2.1 ii. <u>Temporary events - large scale and filming - large scale are located and operated to ensure Any {PO cl.16} adverse effects on the transport network can will {PO cl.16} be avoided or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigated (Policy 4.2.1.3).</u>

TA cl.16: As a clause 16 amendment this corrects errors and aligns with the matter of discretion with the correct policy wording.

Rule 4.9 Assessment of Discretionary Activities

Rule 4.9.1 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. Rule 4.9.2 provides guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.

4.9.2 Assessment of all discretionary performance standard contraventions

Activity	Guidance on the assessment of resource consents
1. • Noise - where the noise limit is exceeded by less than 5dB LAeq (15 min) • Light spill - where the limit is exceeded by 25% or less	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

Rule 4.10 Assessment of Non-complying Activities

Rule 4.10.1 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. Rule 4.10.2 provides guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.

4.10.2 Assessment of non-complying performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
1.	• Noise - limit is exceeded by 5dB LAeq (15 min) or more • Light spill - where the limit is exceeded by greater than 25%	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and the effects related to public health and safety.

Rule 4.11 Special Information Requirements

4.11.1 Noise management plan

All resource consent applications for military exercises which do not comply with Rule ~~4.5.4.4~~ 4.5.6 **{TA 917.12}** must be accompanied by a noise management plan prepared by a suitably qualified expert. The noise management plan must contain:

1. a description of the site and activity including times, dates, nature and location of the proposed training activities;
2. a map showing potentially affected noise sensitive activities and predicted LCpeak **{TA 917.12}** sound pressure levels for each of these receiver **{TA 917.12}** locations and a programme for notification and communication with the occupiers of those sites prior to the activities commencing, including updates during the event;
3. methods to minimise the noise disturbance at sites housing noise sensitive activities; and
4. the method for following up any complaints received during or after the event, and any proposed debriefing meetings with the DCC.

5. Network Utilities {Was "Network Utilities and Energy Generation" - NU 360.233}

5.1 Introduction

Activities generally managed as network utilities in this Plan include: electricity generators and other energy generators; structures associated with the investigation of energy resources; National Grid electricity transmission infrastructure and other energy distribution infrastructure; water, waste water and stormwater infrastructure; telecommunication and radiocommunication infrastructure; navigational aids; meteorological facilities; and river flow recording facilities. {NU cl.16¹}

The exception to this is that "building utilities", which are structures attached to buildings that form part of the utility systems of that building (for example, roof-top solar panels and satellite dishes), are treated as part of the building or structure to which they are attached. This means that building utilities are managed by the rules for buildings and structures in the management zone sections, and are not subject to the network utilities provisions. {NU cl.16²}

Certain types of infrastructure that are included in the definition of "network utility operation" in the Resource Management Act 1991 (section 166) are not managed as network utilities in this Plan. These include: irrigation infrastructure, which is managed via provisions for structures in the management zones sections; roads, which are managed as transportation activities in Section 6; railways, which are managed via designations; the airport and air traffic control services, which are managed via the Dunedin International Airport Zone section; and the Taieri Aerodrome, which operates as a secondary airport in the event of emergency, and is managed via the Taieri Aerodrome Zone section. {NU cl.16³}

Network utilities form part of the services and infrastructure that contribute to support {NU cl.16⁴} the efficient functioning of the city; {NU cl.16} and contribute directly to the social, economic and cultural {NU 918.23} well-being, and the health and safety, {NU cl.16} of people living in Dunedin, including during civil defence operations {NU cl.16}. Network utilities are important in providing efficient and effective networks of infrastructure, telecommunications and electricity to Dunedin and civil defence operations. {NU cl.16⁵}

The benefits of electricity transmission and renewable electricity generation in particular have been recognised in the National Policy Statement on Electricity Transmission 2008 (NPSET) {NU 806.20} and the National Policy Statement for Renewable Electricity Generation 2011 (NPSREG). {NU 308.122} The benefits of sustainable, secure and efficient electricity transmission include: security of electricity supply; efficient transfer of energy through a reduction of transmission losses; the facilitation of the use and development of new electricity generation, including renewable generation; and enhanced supply of electricity through the removal of points of congestion. {NU 806.20} While they are not strictly 'network utilities', the structures and devices used for the purposes of renewable energy generation are increasingly an essential part of the electricity generation network. {NU cl.16⁶} The New Zealand Government is committed to increasing New Zealand's proportion of renewable energy generation to 90% by 2025. {NU cl.16⁷} Increasing the proportion of renewable energy generation not only contributes to national targets, but increases the resilience of Dunedin's economy to energy related issues. At a central government level, the National Policy Statement for Renewable Electricity Generation 2011 recognises the significance of renewable energy generation by establishing a national level policy framework for Renewable Electricity Generation activities, and this national level policy has been implemented in this District Plan. Grouped together in this Plan, the category of network utilities activities includes both the technical service infrastructure and energy generation devices. The benefits of renewable electricity generation include: maintaining or increasing generation capacity while avoiding, reducing or displacing greenhouse gas emissions; benefits to the security of electricity supply from diversification of the type and/or location of generation; using renewable natural resources rather than finite resources; the reversibility of the adverse effects on the environment of some renewable electricity generation technologies; and avoiding reliance on imported fuels for

the purposes of generating electricity. **{NU 308.122}**

While network utilities ~~activities enable the efficient and effective operation of infrastructure networks and allow people to provide for their well-being~~ have social, economic, cultural and environmental benefits **{NU 918.23}**, ~~network utilities structures they can also~~ **{NU cl.16}** have adverse effects on landscape, natural character, **{NU cl.16⁸}** biodiversity, cultural ~~Manawhenua~~ **{NU 1071.34}** and heritage values, on **{NU cl.16}** public health and safety, and on the amenity ~~and character~~ of residential and other areas. **{NU cl.16⁸}**

Land use activities, development and subdivision can also have adverse effects on the efficient operation of network utilities. In relation to the National Grid, the NPSET requires that councils, through their district plans, manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised. **{NU 806.20}**

In response to the ~~these~~ **{NU cl.16}** issues, the Second Generation Plan (2GP) proposes this Plan puts in place **{NU cl.16}** a framework for balancing the necessary provisions that enable the **{NU cl.16}** establishment, operation, maintenance and upgrading of network utilities with while managing **{NU cl.16}** the adverse environmental effects that can occur as a result of these activities. The management of network utilities ~~activities places controls on such aspects as the~~ **{NU cl.16}** The design, location, and scale and size **{NU cl.16}** of the structures used in these activities required for network utilities are managed **{NU cl.16}** in order to minimise these **{NU cl.16}** adverse effects as far as practicable. The degree of restriction on these aspects **{NU cl.16}** is determined by the sensitivity of the **{NU cl.16}** environment in which the particular structures are located and by **{NU cl.16⁹}** the scale needed to effectively operate and contribute to the network technical and operational requirements of the activity. **{NU 918.23}**

In addition, the Plan restricts sensitive activities and other incompatible development in the vicinity of both National Grid infrastructure, and Radio New Zealand's facilities on the Otago Peninsula, in order to manage potential adverse effects on these utilities. **{NU cl.16¹⁰}**

The controls in the 2GP ~~will lead to~~ Plan are intended to facilitate **{NU cl.16}** efficient and effective infrastructure networks in Dunedin, and provide for the increased development of electricity from renewable resources.

~~It is noted that the safe and efficient use and development of network utilities is primarily the responsibility of the utility operator and the proposed provisions seek to enable operators to fulfil those responsibilities. Network utilities should be operated in the most efficient manner possible, while minimising any adverse effects which may occur as a result of their activities.~~ **{NU cl.16}**

¹ **NU cl.16:** This paragraph is provided as a clarification of what it meant by 'network utilities' for the purposes of this Plan – i.e. what types of utility are provided for in section 5.

² **NU cl.16:** This paragraph clarifies how 'building utilities' are managed.

³ **NU cl.16:** This paragraph is provided as a clarification of the relationship between the Plan's definition of 'network utility' and RMA definition of 'network utility operation'.

⁴ **NU cl.16:** Removal of unnecessary words, in part to avoid the repetition of 'contribute to'.

⁵ **NU cl.16:** Removal of unnecessary words.

⁶ **NU cl.16:** The deletion of this sentence is required for clarity; the content is misleading, given that REG is provided for in the Plan as a type of network utility.

⁷ **NU cl.16:** The deletion of this sentence is required to ensure that the content does not become outdated over time, given that government policy on this matter may change during the life of the Plan.

⁸ **NU cl.16:** The clause 16 amendments in this sentence are required to better align the content with the different types of effect from network utilities that are managed in the Plan.

⁹ **NU cl.16:** All clause 16 amendments in this paragraph are intended to improve clarity and readability, and remove unnecessary words.

¹⁰ **NU cl.16:** This paragraph has been added for clarity, to explain the methods used in the Plan to protect network

utilities from the effects of third party activities.

¹¹ **NU cl.16:** This paragraph has been removed on the basis that it is superfluous; it does not relate to any provision in Section 5.

5.2 Objectives and Policies

Objective 5.2.1	
Network utilities utility {NU cl.16} activities, including renewable energy generation activities, are able to <u>establish, operate and upgrade</u> {NU 806.21} efficiently and effectively, while minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and, where located in an overlay zone, scheduled site, or mapped area, meeting the relevant objectives and policies for those areas.	
Policy 5.2.1.1	Encourage the use and development of renewable energy generation.
Policy 5.2.1.A {NU 457.192}	<u>Enable network utility activities throughout the city where effects can be adequately managed in line with policies 5.2.1.5, 5.2.1.7, 5.2.1.11, 5.2.1.12, 5.2.2.2 and the objectives and policies of any relevant overlay zones, scheduled sites or mapped areas.</u>
Policy 5.2.1.2 {NU 918.29}	Require development to be designed and located to avoid adverse effects on the safe and efficient operation of the national grid infrastructure or, where avoidance is not possible, ensure any adverse effects would be insignificant.
Policy 5.2.1.3 {NU 918.29}	Require sensitive activities, hazardous substances, and earthworks to be set back an adequate distance from the national grid to ensure adverse effects on the health and safety of people are avoided.
Policy 5.2.1.5	Require <u>underground or internal network utilities and</u> {NU 308.137} network utilities <u>utility</u> {NU cl.16} structures – <u>small scale</u> {NU 576.9} to be of a scale, size, design and location that enables <u>designed and located to enable</u> {NU cl.16} ² the provision of network utilities while a. minimising, as far as practicable, avoiding or, where avoidance is not practicable, adequately mitigating {NU 906.7} adverse effects on the amenity and character of the zone; b. maintaining a high level of pedestrian amenity in pedestrian street frontages. {NU cl.16}³
Policy 5.2.1.6 {NU 308.122 and 743.17}	Require energy resource investigation devices to be designed, operated and located to minimise, as far as practicable, any adverse effects on amenity.
Policy 5.2.1.7	Require network utilities structures are <u>substations.</u> {NU 915.17} underground or internal network utilities and network utility structures – small scale to be {NU 576.9} located, designed, and operated to ensure any risk to health and safety is no more than minor <u>avoided or minimised as far as practicable.</u> {NU 918.27}
Policy 5.2.1.9 {NU 918.29}	Require earthworks to be set back from network utilities an adequate distance to avoid: a. damage to existing network utilities; b. obstruction of access to existing underground network utilities; and c. adverse effects on the health and safety of people.
Policy 5.2.1.10 {NU 308.122 and 308.468}	Avoid regional scale energy generation {NU 308.122} and biomass generators – stand-alone {NU 308.468} outside the rural or industrial zones unless there will be no material adverse effects on the amenity of surrounding area. {NU 308.122 and 308.468}

Objective 5.2.1

Network utilities utility **{NU cl.16}** activities, including renewable energy generation activities, are able to establish, operate and upgrade **{NU 806.21}** efficiently and effectively, while minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and, where located in an overlay zone, scheduled site, or mapped area, meeting the relevant objectives and policies for those areas.

Policy 5.2.1.11	Only allow network utility structures - large scale (in all zones) {NU cl.16} , regional-scale energy generation in the rural zones, {NU 308.122} network utility poles and masts - small scale (other than in the rural, rural residential or industrial zones in residential and recreation zones {NU 576.40}), community scale energy generation, {NU 308.122} biomass generators – stand-alone, {NU 308.468} and biomass energy generation on-site energy generation {NU 308.137} and energy resource investigation devices (other than in the rural and industrial zones) {NU 308.122 and 743.17} and substations (other than in industrial zones) {NU 915.17} where the activity is designed and located to avoid any significant adverse effects and minimise adverse effects, as far as practicable, including or, if avoidance is not practicable, adequately mitigate {NU 457.14} : a. <u>adverse</u> {NU 457.14} effects on visual amenity and the character of the zone in which the activity is located; and b. <u>adverse</u> {NU 457.14} effects on the amenity of any surrounding residential activities.
Policy 5.2.1.12	Only allow new network utilities or additions to existing network utilities in transition overlay zones where network utilities are located to support a logical and efficient future pattern of development.

¹ **NU 918.29**: Policies 5.2.1.2, 5.2.1.3, and 5.2.1.9 have been moved to new Objective 5.2.2.

² **NU cl.16**: As a clause 16 amendment, the maximum volume of network utility structures – small scale in pedestrian street frontages is now managed via new Policy 18.2.3.13. This does not result in a substantive change to provisions.

Objective 5.2.2 **{NU 918.29}**

The operational efficiency and effectiveness of network utilities is not compromised by development locating near these activities. **{NU 918.29}**

Policy 5.2.1.2 {NU 806.26}	Require development to be designed and located to avoid adverse effects on the safe and efficient operation of the national grid infrastructure or, where avoidance is not possible, ensure any adverse effects would be insignificant.
Policy 5.2.1.9 5.2.2.1 {NU 918.29} ³	Require earthworks to be set back from network utilities an adequate distance to avoid: a. damage to existing network utilities; b. obstruction of access to existing underground network utilities; and c. adverse effects on the health and safety of people.

Objective 5.2.2 {NU 918.29}

The operational efficiency and effectiveness of network utilities is not compromised by development locating near these activities. {NU 918.29}

Policy 5.2.1.3 <u>5.2.2.2 {NU 918.29³}</u>	Require <u>National Grid {PO cl.16²}</u> sensitive activities, hazardous substances, <u>buildings, structures, public amenities, network utility activities {NU 806.26}</u> and earthworks to be set back an adequate distance from the <u>National Grid {NU cl.16}</u> to ensure: a. <u>adverse effects on the health and safety of people are avoided;</u> b. <u>adverse effects on the operation, maintenance, upgrading and development of the National Grid are avoided or, if avoidance is not practicable, insignificant; and {NU 806.11}</u> c. <u>the potential for reverse sensitivity is avoided or minimised as far as practicable. {NU 806.11}</u>
Policy 5.2.2.3 {NU 806.11}	Require subdivision activities in the National Grid Corridor mapped area to be designed so that any necessary building platforms are located a sufficient distance from the National Grid to ensure that: a. <u>adverse effects on the health and safety of people are avoided;</u> b. <u>adverse effects on the operation, maintenance, upgrading and development of the National Grid are avoided or, if avoidance is not practicable, insignificant; and</u> c. <u>the potential for reverse sensitivity is avoided or minimised as far as practicable.</u>
Policy 5.2.2.4 {NU 806.11}	Only allow subdivision activities in the National Grid Corridor mapped area where the subdivision is designed to ensure that any associated future land use and development will: a. <u>avoid adverse effects on the health and safety of people;</u> b. <u>avoid or, where avoidance is not practicable, have not more than insignificant effects on the operation, maintenance, upgrading and development of the National Grid; and</u> c. <u>avoid or minimise, as far as practicable, the potential for reverse sensitivity.</u>
Policy 5.2.2.5 {NU 918.25}	Only allow subdivision and sensitive activities, where these are not otherwise permitted, in the radio transmitters mapped area where the potential for reverse sensitivity is avoided or minimised as far as practicable.

¹ **NU 806.26:** Policy 5.2.1.2 has been moved from Objective 5.2.1 to new Objective 5.2.2 as part of the decision to add the new objective. It has then been deleted, and its content incorporated into revised Policy 5.2.1.3.

² **PO cl.16:** As a clause 16 amendment, a reference has been added to the new definition of “National Grid sensitive activities” which is discussed in the Plan Overview decision. This does not result in a substantive change to the effect of provisions.

³ **NU 918.29:** Policy 5.2.2.1 and Policy 5.2.2.2 were notified as Policy 5.2.1.9 and Policy 5.2.1.3 respectively. They have been moved from Objective 5.2.1 to new Objective 5.2.2 as part of the decision to add the new objective.

Rules

Rule 5.3 Activity Status

Rule 5.3.1 Activity Status introduction

1. The activity status table in Rule 5.3.2 shows the activity status of network utilities utility {NU cl.16} and energy generation {NU 360.233} activities across all zones, provided any performance standards shown in the far right column are met. The activities in the network utilities utility {NU cl.16} and energy generation activities {NU 360.233} category are listed in the Nested Table in Section 1.36 {PO cl.16}.
2. Performance standards apply to permitted, controlled, and restricted discretionary activities.
3. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity ~~will become restricted discretionary, unless otherwise indicated by the relevant performance standard is indicated in the relevant performance standard rule.~~ {PO cl.16}.
4. 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.
5. The following activities are managed through the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 2016 {NU cl.16} (NESTF), although rules in the District Plan may still apply in certain circumstances, as set out in the NESTF {NU cl.16}:
 - a. ~~telecommunication utilities activities facilities {NU cl.16} which that {NU cl.16}~~ emit radio-frequency fields;
 - b. ~~telecommunication equipment cabinets in the road reserve and noise from these cabinets; {NU cl.16}~~
 - c. ~~noise from these cabinets, only when located in the road reserve; and {NU cl.16}~~
 - d. ~~the installation or replacement of masts and antenna on existing buildings or structures in the road reserve; new poles and attached antennas, in the road reserve and in rural and rural residential zones only (note that masts are called poles under the NESTF); {NU cl.16}~~
 - e. ~~new antennas on existing poles, and new antennas on buildings; {NU cl.16}~~
 - f. ~~small-cell units on existing structures; and {NU cl.16}~~
 - g. ~~telecommunications lines. {NU cl.16}~~
6. The operation, maintenance, upgrading, relocation or removal of existing transmission lines which are part of the National Grid are managed through the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA), unless otherwise stated by a NESETA rule.
7. Any utilities included in the definitions of building utilities or rooftop structures are managed by zone rules and are not considered to be network utility activities.
8. The activity status of network utilities in the major facility zones is determined by the default zone of the major facility as listed in Appendix A9, except for the Port, Dunedin International Airport and Campus zones which are included in the 'all other zones' category in Rule 5.3.2.
9. For all transitional {ULS cl.16} overlay zones, the provisions of the proposed (transition) zone apply.
10. Any site development activities associated with an activity provided for in the activity status table in Rule 5.3.2 are subject to the provisions of the relevant management zone section. {PO cl.16}
11. Any earthworks associated with an activity provided for in the activity status table in Rule 5.3.2 are subject to the provisions in Section 8A. {PO cl.16}
12. Any construction associated with an activity provided for in the activity status table in Rule 5.3.2 is subject to the provisions in Section 4. {PO cl.16}

¹ **NU cl.16:** All clause 16 changes in Rule 5.3.1.5 are required to reflect the differences between NESTF 2008 and NESTF 2016.

Legend

Acronym	Activity status Meaning {PO cl.16}
±	<u>Additional provisions apply (assessment criteria for activities in the overlay need to be viewed) {PO 490.1 and others}</u>
N/A	No additional provisions apply or not relevant <u>Not Applicable {PO 490.1 and others}</u>
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
RU	Rural Zones
RR	Rural Residential Zones
CMU	Commercial and Mixed Use Zones
WP {NU cl.16}	<u>Warehouse Precinct Zone</u>
PPH {NU cl.16}	<u>Princes, Parry and Harrow Street Zone</u>
SSYP {NU cl.16}	<u>Smith Street and York Place Zone</u>
HE {NU cl.16}	<u>Harbourside Edge Zone</u>
Ind	Industrial Zones
ONL	Outstanding Natural Landscape Overlay Zone
ONF	Outstanding Natural Feature Overlay Zones
SNL	Significant Natural Landscape Overlay Zone
NCC	Natural Coastal Character Overlay Zone
HNCC	High Natural Coastal Character Overlay Zone
ONCC	Outstanding Natural Coastal Character Overlay Zone
HP	Heritage Precinct
SHS	Scheduled Heritage Site
PPE {NU cl.16}	<u>Primary Pedestrian Street Frontage mapped area</u>



Acronym	Activity-status <u>Meaning</u> { <i>PO cl.16</i> }
<u>SPF</u> { <i>NU cl.16</i> }	<u>Secondary Pedestrian Street Frontage mapped area</u>
ASCV <u>ASBV</u>	<u>Areas</u> Scheduled-area of Significant Conservation Biodiversity Value { <i>NatEnv 958.60</i> }
UCMA	<u>Urban Conservation Mapped Area</u> { <i>NU cl.16</i> }
GPMA	<u>Groundwater</u> Protection Mapped Area { <i>NU cl.16</i> }
MHWS	Mean High Water Springs
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
NESETA	Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009
NESTF	Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 <u>2016</u> { <i>NU cl.16</i> }

5.3.2 Activity status table — Network ~~utilities~~ utility {**NU cl.16**} activities

1.	Performance standards that apply to all network utilities <u>utility</u> {NU cl.16} activities	a. Noise b. Reflectivity (network utilities activities in landscape or natural coastal character overlays only) {NU 743.17} c. Setback from coast and water bodies; d. Setback from a National <u>g</u> Grid e. Setback from ridgeline {RU 874.41 and others} f. Setback from scheduled tree				
New, or additions and alterations to existing, network utilities <u>utility</u> {NU cl.16} activities		Activity status:				Performance standards
		a. RU, Ind Res and <u>Rec</u> {NU cl.16³}	b. All other zones	c. ONF, HNCC, ONCC	d. SNL, NCC, ONL, ASGV, <u>ASBV</u> {NatEnv 958.60} , SHS, HP	
2.	Operation, repair, <u>minor upgrading</u> {NU 457.4} and maintenance of existing network utilities	P	P	P	P	i. Light spill
3. {NU 457.4}	Realignment, reconfiguration or relocation of existing network utilities	P	P	—	—	i. Location
4.	Underground or internal network utilities	P	P	P	P	i. Technical standards (gas pressure regulating stations and water or energy pipes only) ii. <u>Maximum height</u> {NU 308.137}
5. {NU cl.16¹}	Amateur radio configurations	P	P	RD	—	i. Amateur radio standards
6. {NU cl.16²}	Irrigation races and open drains	P	P	—	—	
7. {NU cl.16²}	Stormwater detention basins	P	P	—	—	
11.	Standby or <u>temporary</u> {NU 457.8} energy generators	P	P	P	P	



A. {NU 915.17}	Substations {NU 915.17}	RD	RD (P in Ind) {NU 915.17}	NC	D	i. <u>Technical standards</u> {NU 915.17}
Network utility structures - small scale {NU cl.16}		a. RU, Ind Res and Rec {NU cl.16}	b. All other zones	c. ONF, HNCC, ONCC	d. SNL, NCC, ONL, ASCV ASBV {NatEnv 958.60}, SHS, HP	Performance standards
9.	Network utilities utility {NU cl.16} poles and masts - small scale	P RD {NU cl.16 ³ }	RD (P in RR) P {NU 576.40}	RD	RD	i. Buildings and structures located on or above the footpath {NU 457.169} ii. Maximum dimensions iii. Maximum height {NU cl.16} i. Scale thresholds {NU cl.16 ⁴ }
12.	Wind generators - on-site energy generation small scale {NU 308.122}	P	P	NC RD {NU 302.122}	RD	i. On-site energy generation design standards Scale thresholds {NU 308.122} ii. Design standards for wind generators {NU cl.16 ¹⁰ } iii. Setbacks for wind generators {NU cl.16 ¹¹ }



13.	Hydro generators - on-site energy generation <u>small scale</u> { NU 308.122 }	P	P	NC RD { NU 302.122 }	RD	i. On-site energy generation design standards <u>Scale thresholds</u> {NU 308.122} ii. Location
14.	Solar panels - on-site energy generation <u>small scale</u> { NU 308.122 }	P	P	NC RD { NU 302.122 }	RD	i. On-site energy generation design standards <u>Scale thresholds</u> {NU 308.122} ii. <u>Site coverage</u> {NU cl.16}
8.	<u>All other Network utilities network utility</u> { NU cl.16 } structures - small scale	P	P	RD	P	i. Buildings and structures located on or above the footpath {NU 457.169} ii. Location iii. <u>Maximum dimensions</u> <u>Scale thresholds</u> {NU cl.16} iv. <u>Maximum height</u> <u>Maximum volume in PPF, SPF, HP and SHS</u> {NU 457.20} v. Technical standards vi. <u>Clearance from navigable water body</u> {NU cl.16}

Network utility structures - large scale {NU cl.16}		a. RU, Ind Res and Rec {NU cl.16}	b. All other zones	c. ONF, HNCC, ONCC	d. SNL, NCC, ONL, ASGV ASBV {NatEnv 958.60} , SHS, HP	Performance standards
16. {NU 308.462}	Wind generators – community scale	RD	Ø	NC	NC	i. Boundary setbacks
17. {NU 308.462}	Hydro generators – community scale	P	Ø	NC	Ø	
15.	Solar panels - community-scale large scale {NU 308.462} with an area between 200m ² and 500m ² in a rural or industrial zone {NU cl.16}	RD N/A {NU cl.16}	Ø RD {NU cl.16}	NC	D	
18.	All other solar panels - regional scale large scale {NU 308.462}	D	NC D {NU 308.462}	NC	NC D+ {NU 308.462}	
19.	Wind generators - regional large {NU 308.462} scale	D	NC D {NU 308.462}	NC	NC D+ {NU 308.462}	
20.	Hydro generators - regional large {NU 308.462} scale	D	NC D {NU 308.462}	NC	NC D+ {NU 308.462}	
C. {NU cl.16}	Network utility structures – large scale (amateur radio configurations only)	RD	RD	RD+	RD	
10.	All other Network utilities network utility {NU cl.16} structures - large scale	RD D {NU 764.1}	RD D {NU 764.1}	NC	D+	i. Buildings and structures located on or above the footpath {NU 457.169}
21. {NU 308.122 and 743.17}	Energy resource investigation devices	P	RD	NC	RD	i. Energy resource investigation standards
22. {NU 308.137}	Biomass generators – on-site energy generation	P	RD	NC	RD	i. On-site energy generation design standards
23. {NU 308.468}	Biomass generators – stand-alone	Ø	NC	NC	NC	

- ¹ **NU cl.16:** All clause 16 changes in Rule 5.3.2.5 are required due to reformatting of provisions to treat amateur radio configurations as a type of network utility structure. This does not change the effect of provisions.
- ² **NU cl.16:** All clause 16 changes in rules 5.3.2.6 and 5.3.2.7 are required due to reformatting of provisions to manage irrigation races and open drains, and stormwater detection basins, via earthworks provisions only, given that they are always permitted, with no performance standards, under notified network utility rules. This does not change the effect of provisions.
- ³ **NU cl.16:** Amendment required due to reformatting of columns; column 'a' now covers the Res and Rec zones, not the RU and Ind zones. This does not change the effect of provisions.
- ⁴ **NU cl.16:** Clause 16 amendments in this cell are necessary due to reformatting of 'Maximum dimensions' and 'Maximum height' standards as 'Scale thresholds'. This does not change the effect of provisions.
- ⁵ **NU cl.16:** New Rule 5.3.2.C required due to reformatting of provisions to treat amateur radio configurations as a type of network utility structure. This does not change the effect of provisions.
- ⁶ **PO 490.1:** Em-dashes are no longer used, and activity status is shown for all overlays (not just those that have additional provisions applying), except where two areas (zones, overlays, mapped areas etc.) do not intersect, in which case N/A is used. A plus symbol has been added to activity statuses that are the same as in the underlying zone but where additional assessment matters apply. See amended legend.
- ⁷ **NU cl.16:** The site coverage performance standard was part of notified Rule 5.5.10 on-site energy generation design standards, but has now been separated out into new Rule 5.5.E. This does not change the effect of provisions.
- ⁸ **NU cl.16:** The clearance from navigable water body performance standard was part of notified Rule 5.5.8 maximum height, but has now been separated out into new Rule 5.5.C. This does not change the effect of provisions.
- ⁹ **NU cl.16:** This rule has been reformatted, for reasons discussed in the Network Utilities decision. This does not change the effect of provisions.
- ¹⁰ **NU cl.16:** The content of this performance standard was notified as part of 'On-site energy generation design standards'. The renaming of the content does not change the effect of provisions. However, some content has been amended in response to submissions – see details at Rule 5.5.D.
- ¹¹ **NU cl.16:** The content of this performance standard was notified as part of 'On-site energy generation design standards'. The renaming of the content does not change the effect of provisions. However, some content has been amended in response to submissions – see details at Rule 5.5.12.A.

Note 5.3.2A - Other requirements outside of the District Plan

1. For telecommunication ~~utilities facilities~~ **{NU cl.16}**, also refer to the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 ~~2016~~ **{NU cl.16}** (NESTF). The ~~NESTF are regulations made under the RMA and specify the activity status of activities which involve the emission of radio-frequency fields, installation of telecommunication equipment cabinets in public roads including regulations on noise emissions, and the installation, addition and replacement of mast and antennas on existing structures alongside public roads or in the road reserve. Activities not specified as permitted in the NESTF are managed under the rules in this Plan.~~ **{NU cl.16}**
2. For activities on existing high voltage ~~n~~National ~~g~~Grid transmission lines also refer to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA). The NESETA outlines the activity status, conditions and resource consent requirements for electricity transmission activities undertaken as part of the operation of high voltage ~~n~~National ~~g~~Grid transmission lines.
3. For the trimming and pruning of vegetation necessary to protect electricity lines also refer to the Electricity (Hazards from Trees) Regulations 2003.
4. For works within the road reserve a corridor access request may be required by the DCC, see <http://www.dunedin.govt.nz/services/roads-and-footpaths/corridor-access-request> for further information. For works within a state highway road corridor, an agreement to work on the road corridor will be required from the NZ Transport Agency. **{NU 881.53}**
5. Works within the dripline of trees in the road reserve may require approval from the DCC's Parks, Recreation and Aquatics Group Department. For more information, please contact the DCC on 03 477 4000 or visit the DCC website at www.dunedin.govt.nz.
6. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on

the location of structures and activities in relation to electricity transmission and distribution lines. Compliance with this code is mandatory. Compliance with this Plan does not ensure compliance with NZECP 34:2001. {NU cl.16}

7. The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. {Her 547.80} If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand before you begin {Her 547.80}. This is the case regardless of whether the land on which the {Her 547.80} site is located is {Her 547.80} designated, or the activity is permitted under the District Plan or Regional Plan or a resource or building consent has been granted. {PO cl.16}
8. The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol (Appendix A8) manages archaeological sites which that {Her cl.16} may be discovered as a result of earthworks. The protocol applies to any area, not just scheduled archaeological sites. {PO cl.16}
9. Scheduled archaeological sites are identified on the Planning Maps. Archaeological sites may also be found outside these areas, but are more likely to be found within the archaeological alert layer. {Her 1071.47}

¹ PO cl.16: Content moved from Note 5.3.2A

Note 5.3.2B - General advice

1. Network utilities utility {NU cl.16} activities are not subject to the natural hazards rules, with the exception of Rule 10.3.3 Setback from the Coast and Water Bodies, which implements Natural Hazards Policy 11.2.1.19 {NU cl.16}. However, the establishment of new network utilities; and the operation, minor upgrading, {NU 457.4} repair and maintenance of existing network utilities and the realignment, relocation or reconfiguration of existing network utilities {NU 457.4} should take into account risks associated with natural hazards.

Note 5.3C - Other requirements outside of the District Plan

1. The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand before you begin. This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District Plan or Regional Plan or a resource or building consent has been granted.
2. The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol (Appendix A8) manages archaeological sites which may be discovered as a result of earthworks. The protocol applies to any area, not just scheduled archaeological sites. {PO cl.16}

¹ PO cl.16: Content moved to Note 5.3.2A. Any amendments to provisions as a result of submissions are shown there.

Note 5.3D - Other relevant District Plan provisions {NU cl.16}

1. Earthworks are managed through the management and major facilities zone sections. {NU cl.16}

Rule 5.4 Notification

1. With respect to resource consent applications for the following activities, Heritage New Zealand will be considered an affected person in accordance with section 95BE **{PO cl.16}** of the RMA where their written approval is not provided:
 1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand.
2. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95BE **{PO cl.16}** of the RMA where their written approval is not provided:
 1. all restricted discretionary activities that list 'effects' **{NU cl.16}** 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 to the **wāhi tūpuna mapped area** in Appendix A4.
3. With respect to resource consent applications for the following activities, Transpower NZ Limited will be considered an affected person in accordance with section 95BE **{PO cl.16}** of the RMA where their written approval is not provided:
 1. activities that contravene performance standard 5.6-4 **{NU cl.16}** 'Setback from National Grid'.
4. ~~In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons: **{PO cl.16}**~~
5. Applications for resource consent for the following activities will be considered without the need to obtain the 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: **{NU 457.20}**
 1. Freestanding network utility structures in a **primary** or **secondary pedestrian street frontage mapped area**, heritage precincts and scheduled heritage sites that exceed 0.5m³ in volume (where visible from an adjoining public place) but that do not exceed 4m in height or 4m² in area of footprint. **{NU 457.20}**
6. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 5.5 Network Utility Activities Performance Standards

5.5.1 Amateur Radio Standards {Confirmed to be replaced by 5.5.A - NU cl.16¹}

¹ **NU cl.16:** The content of Rule 5.5.1 has been moved to new Rule 5.5.A.7 Amateur radio configurations - small scale thresholds.

5.5.1.1 Antenna and aerials

- a. The maximum diameter of amateur radio configurations is:
 - i. for aerial elements, 80mm;
 - ii. for wire aerials, 115mm;
 - iii. for dish antenna, 2m; and
 - iv. for panel antenna, 2m, unless than 2m² in area.
- b. The maximum length of horizontal high frequency Yagi aerials is:
 - i. for elements, 14.9m; and
 - ii. for booms, 13m.
- c. The maximum height of aerials is 2m above the maximum height of the zone in which the activity is located, except:
 - i. one vertical aerial is permitted to a maximum height of 20m, provided there is only one vertical aerial or one support structure (and attached aerials) per site.
- d. One pedestal mounted antenna is allowed per site where all of the following are met:
 - i. the antenna is pivoted at a maximum of 4m above the ground;
 - ii. the maximum diameter of the antenna is 5m; and
 - iii. he pedestal and antenna comply with the boundary setbacks and height in relation to boundary performance standards of the zone in which the activity is located.

5.5.1.2 Support Structures

- a. There must be no more than six support structures for wire aerials.
- b. Only one support structure may be a lattice mast.
- c. The maximum height of poles and support structures is the maximum height of the zone in which the activity is located, except:
 - i. one support structure may exceed the height of the zone
 - ii. in which the activity is located by a maximum of 2m.
- d. The maximum diameter of guy wires is 12mm.

5.5.2 Buildings and Structures Located on or Above the Footpath {Confirmed for deletion - NU 457.169}

Network utilities poles and masts – small scale, network utilities structures – small scale and network utilities structures – large scale must comply with Rule 6.7.2.1. **{NU 457.169 and others}**

5.5.3 Blank Page {Confirmed for deletion - NU 881.54}

This page has no content **{NU 881.54}**

5.5.4 Energy Resource Investigation Standards {Confirmed for deletion - NU 308.122 and NU 743.17}

1. The maximum height of energy resource investigation devices is 80m. **{NU 308.122}**
2. Masts and guy wires must be set back from boundaries a distance at least equal to the height of the masts. **{NU 308.122}**
3. The anchor points for any guy wires must meet the boundary setback performance standard for the zone in which the activity is located. **{NU 308.122}**
4. The maximum number of masts per site is three. **{NU 308.122}**
5. The maximum installation period is five years. **{NU 743.17}**

5.5.5 Light Spill

The operation, repair, minor upgrading **{NU 457.4}** and maintenance of existing network utilities must comply with Rule 9.3.5.

5.5.6 Location

1. Network utilities utility **{NU cl.16}** structures - small scale must be located co-locate **{NU cl.16}** against a building or be attached to an existing **{NU 576.44}** network utility utilities **{NU cl.16}** pole or mast if:
 - a. on a **primary** of secondary **{NU 576.44}** **pedestrian street frontage mapped area**;
 - b. within a heritage precinct and visible from an adjoining public place; or
 - c. over 0.5m² in area or 500mm in height, located in a Natural eCoastal landscape Character Overlay Zone (NCC), **{NU 576.44}** visible from an adjoining public place, and located on the seaward side of a coastal road.
2. Pipes (excluding those considered defined **{NU cl.16}** as building utilities) and lines must be located underground, except:
 - a. lines in the rural or rural residential zones;
 - b. lines attached to existing network utility utilities **{NU cl.16}** poles and masts, or to existing buildings or structures **{NU 576.44}**;
 - c. activities undertaken as part of the operation, repair, minor upgrading **{NU 457.4}** and maintenance of existing network utilities (including extensions of overhead lines to serve a single customer) **{NU 457.18}**; and
 - d. pipes or lines provided for under NESETA or NESTF.
3. The realignment, reconfiguration or relocation of above-ground pipes and network utilities poles and masts must occur within 3 of the existing location or alignment, except: **{NU 457.4}**
 - a. national grid support structure and/or national grid line managed under NESETA are exempt from this performance standard. **{NU 457.4}**
4. In a heritage precinct, hydro generators - small scale on-site energy generation **{NU 308.122}** must be located so that they are not visible from any adjoining public place.
5. Network utility utilities **{NU cl.16}** structures - small scale located on outstanding natural features must co-locate against an existing **{NU 576.44}** building or with an existing network utility structure, or be attached to a network utility pole or mast. **{NU 576.44}**
6. Activities that contravene Rule 5.5.6.5 are a non-complying activityies. **{NU cl.16}**

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

¹ For the purposes of rules 5.5.6.1 and 5.5.6.5, "against" means "as close as practicable to the structure specified in the rule, subject to the requirements of the Building Code". **{NU 576.44}**

Note 5.5.6A - Other requirements outside of the District Plan {NU cl.16}

1. Under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF), activities provided for under the NESTF are exempt from Rule 5.5.6.1 in **primary pedestrian street frontage mapped areas.** **{NU cl.16}**

5.5.7 Maximum Dimensions {Confirmed to be replaced by 5.5.A and 5.5.B - NU cl.16¹}

¹ **NU cl.16:** The content of Rule 5.5.7 has been moved to new rules 5.5.A and 5.5.B except that rules 5.5.7.1.a.i, 5.5.7.1.a.ii, 5.5.7.1.a.vii and 5.5.7.2.a have been deleted in response to submissions.

Rule 5.5.7.1 Maximum dimensions: network utilities structures – small scale {NU cl.16}

- a. Small scale network utility structures must comply with the following maximum dimensions:

Activity		1. Res, RR, Rec, ONF, HNCC, ONCC, NCC, SNL, ONL	2. Along primary or secondary street frontages; in heritage precincts; or on a scheduled heritage site, where visible from an adjoining public place	3. All other zones
i. {NU 576.46}	Volume (when pole-mounted)	0.3m ³	0.3m ³	0.3m ³
ii. {NU 576.46}	Volume (ground-mounted)	0.4m ³	0.4m ³	0.4m ³
iii.	Maximum area	4m ²	0.5m ² {NU 457.20}	4m ²
iv.	Diameter of head arrays	0.8m	0.8m	4m
v.	Diameter of dish antenna	1.2m	1.2m	1.8m
vi.	Gross-sectional area of aerials	1.m ²	1.m ²	1.5m ²
vii. {NU 915.17}	Gross floor area of substations	6.5m ²	6.5m ²	6.5m ²

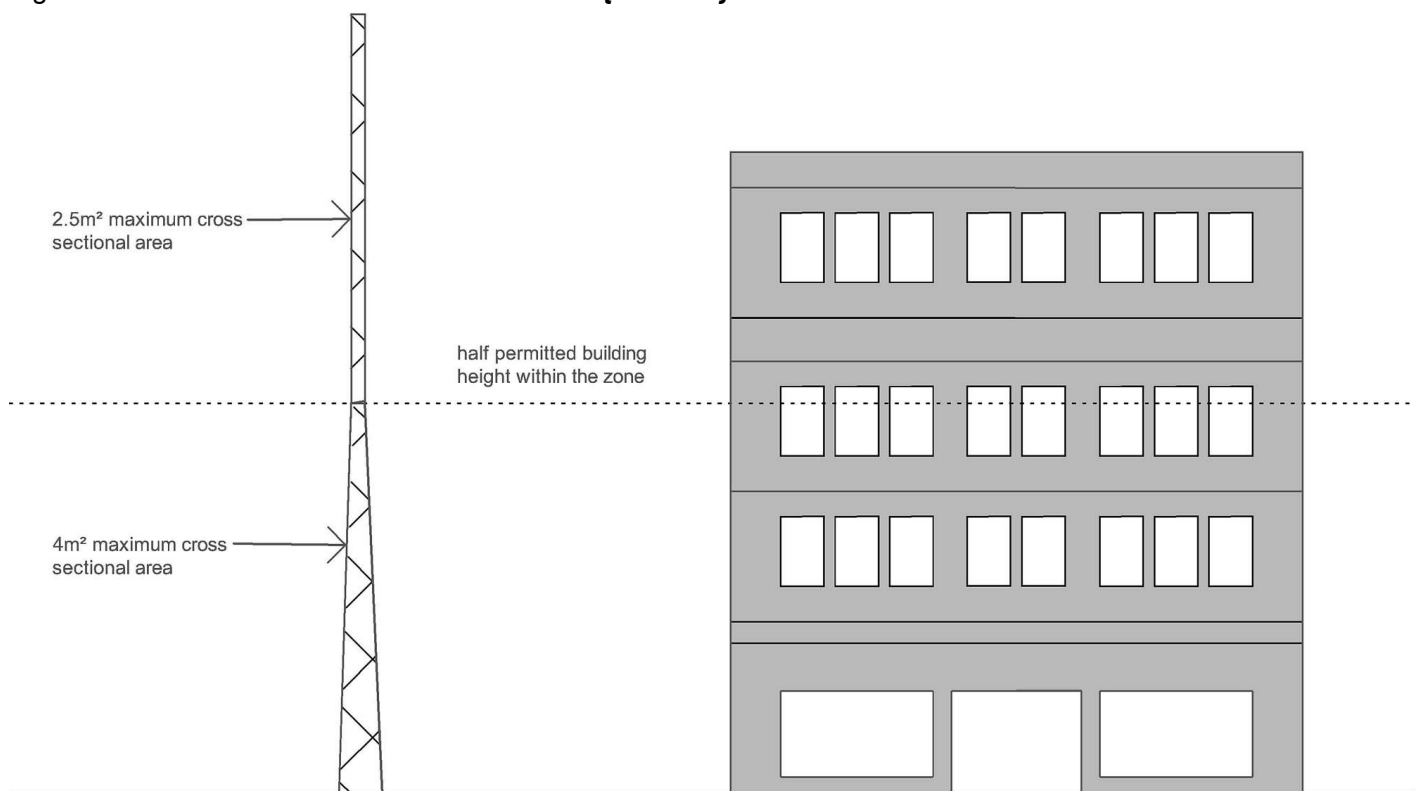
- b. ~~Except dish antenna and aerials in the Dunedin International Airport, industrial zones, and Port Zone are exempt from these performance standards.~~
- c. ~~Network utilities structures – small scale that exceed these thresholds will be treated as network utilities structures – large scale.~~

Rule 5.5.7.2 Maximum dimensions: Network utilities poles and masts – small scale

- a. ~~The maximum diameter of tubular masts is 0.5m, except tubular masts in the Dunedin International Airport, industrial zones and Port Zone, are exempt from the standard.~~ **{NU 576.47 and others}**

- b. The maximum cross-sectional area of lattice masts is:
 - i. 4m^2 to the point that is half the maximum height of the zone in which the activity is located, and
 - ii. 2.5m^2 from the point that is half the maximum height of the zone in which the activity is located to the top of the mast (see Figure 5.5A).
- c. The maximum cross-sectional area of all other network utilities poles and masts – small scale is 1m^2 .
- d. Network utilities poles and masts – small scale that exceed these thresholds will be treated as network utilities structures – large scale.

Figure 5.5A: Cross-sectional area of lattice mast {NU cl.16}¹



¹ NU cl.16: Figure has moved to Rule 5.5.A

Note 5.5A – Other requirements outside of the District Plan {NU cl.16}

1. There may be additional controls specified under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008, for the installation or replacement of masts and antenna in the road reserve. {NU cl.16}

5.5.8 Maximum Height {Confirmed to be replaced by 5.5.A, 5.5.B and 5.5.C - NU cl.16¹}

¹ **NU cl.16:** The content of Rule 5.5.8 has been moved to new rules 5.5.A, 5.5.B and 5.5.C, except that Rule 5.5.8.5.b.ii has been deleted in response to submissions.

1. Rules 5.5.8.3 – 5.5.8.6 specify the maximum height of network utilities activities in all zones.
2. Except:
 - a. network utilities in the Dunedin International Airport and Port zones have no maximum height;
 - b. for additions provided for under the NESTF, the maximum height only applies in SNL, ONF, ONL, NCC, HNCC, and ONCC overlay zones; and
 - c. for amateur radio configurations, which are managed by Rule 5.5.1.

5.5.8.3 Maximum height: network utilities attached to buildings

- a. The maximum height of network utilities structures – small scale including necessary support structures (excluding any attached lightning rods) attached to buildings is:
 - i. in residential zones, Recreation Zone, General Residential 1 Transitional Overlay Zone, and all landscape and coastal overlay zones, 2m above the section of building to which the structure is attached; and
 - ii. in all other zones, 5m above the section of building to which the structure is attached (see Figure 5.5B).
- b. Activities that exceed these thresholds will be treated as network utilities structures – large scale.

5.5.8.4 Maximum height: network utilities attached to existing network utilities poles and masts

- a. The maximum height of network utilities structures – small scale (excluding any attached lightning rods) attached to existing network utilities poles and masts is 5m above the height of the existing pole or mast, or 25m, whichever is the lesser (see Figure 5.5C)
- b. Activities that exceed these thresholds will be treated as network utilities structures – large scale.

5.5.8.5 Maximum height: 'freestanding' network utilities structures and network utilities poles and masts

- a. The maximum height of network utilities poles and masts – small scale (including any attached head arrays, aerials, and dish antenna, but excluding lightning rods) is:
 - i. in the rural, rural residential, and industrial zones, 20m; and
 - ii. in all other zones, 5m above the maximum height of the zone in which the activity is located (see Figure 5.5D)
- b. The maximum height of 'freestanding' network utilities structures – small scale is:
 - i. along any primary or secondary street frontage, or in a heritage precinct, or on a scheduled heritage site, where visible from an adjoining public place, 0.5m; and **{NU 457.20}**
 - ii. in all other zones, 4m (except for roadside cabinets where only the limits of the NESTF apply).
- c. Activities that exceed these thresholds will be treated as network utilities structures – large scale.

5.5.8.6 Clearance from navigable water body

- a. Network utilities structures (small and large scale) must maintain a minimum clearance between lines and a navigable water body of 10m between the lowest point of the line and highest point of either river bank (see Figure 5.5E)

- b. Activities that contravene this performance standard are non-complying activities.

Note 5.5B – Other requirements outside of the District Plan {NU cl.16}

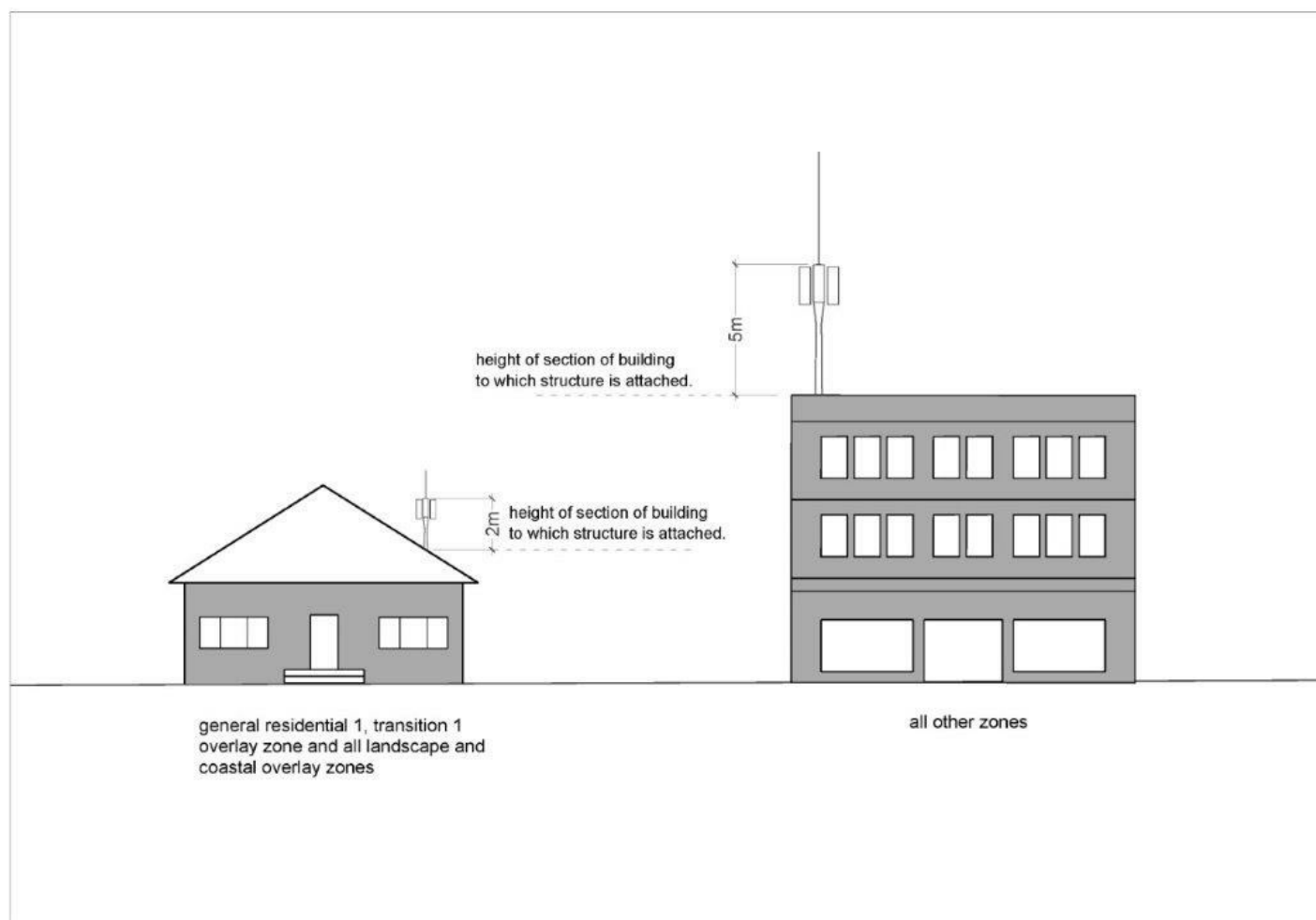
1. Where for the installation or replacement of masts and antenna in the road reserve, there may be additional controls specified under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008.

Note 5.5C – Other relevant District Plan provisions {NU 360.199}

1. See also rules 5.5.7 and 5.5.1.

Figure 5.5B: Height of utilities attached to buildings {NU cl.16}

¹ **NU cl.16:** Figure 5.5B has moved to Rule 5.5A



5.5C: Height of utilities attached to existing poles or masts {**NU cl.16**}¹

¹ **NU cl.16:** Figure 5.5C has moved to Rule 5.5.A

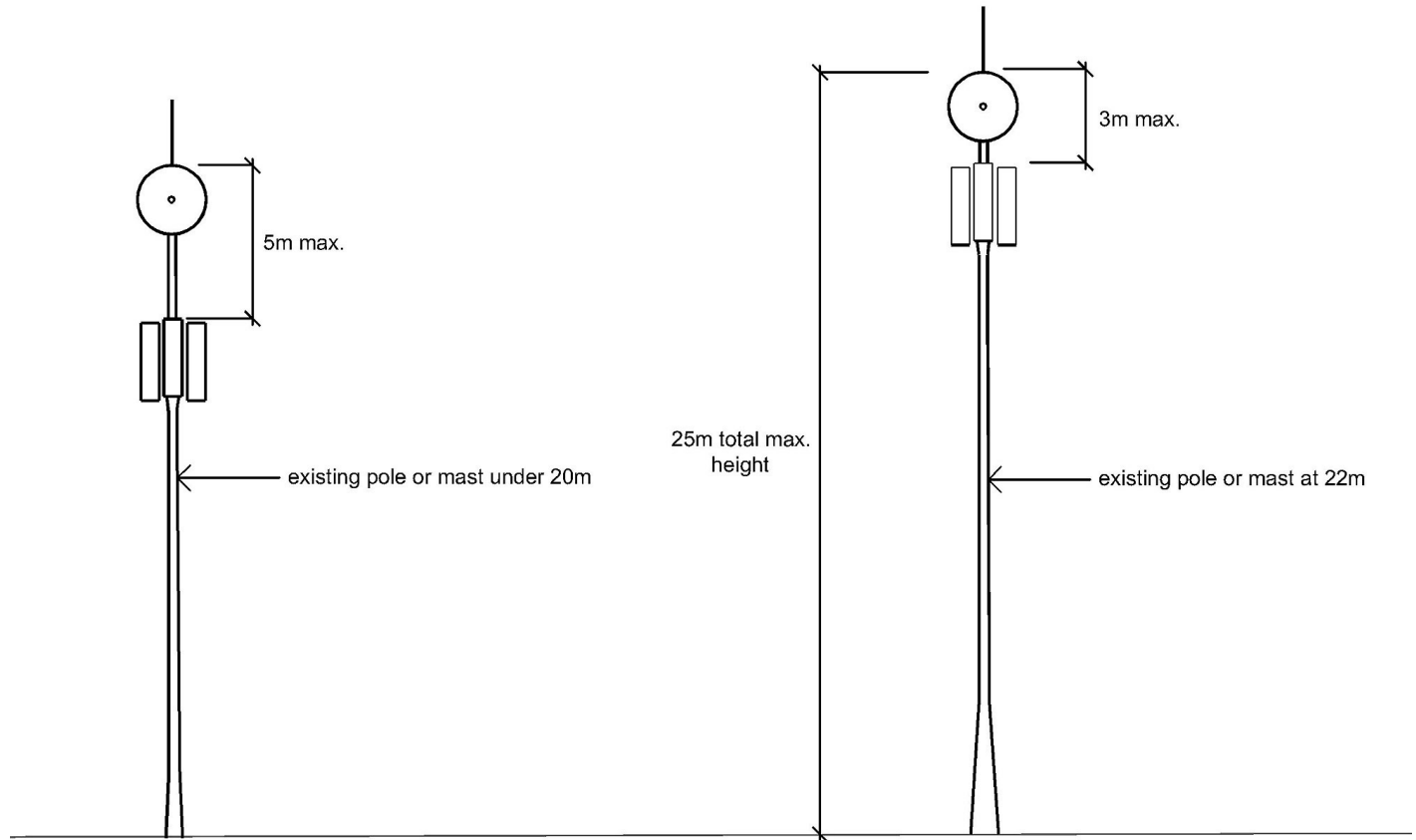


Figure 5.5D: Maximum height of utilities in all zones except the rural, rural residential and industrial zones {**NU cl.16**}¹

¹ **NU cl.16:** Figure 5.5D has moved to Rule 5.5.A

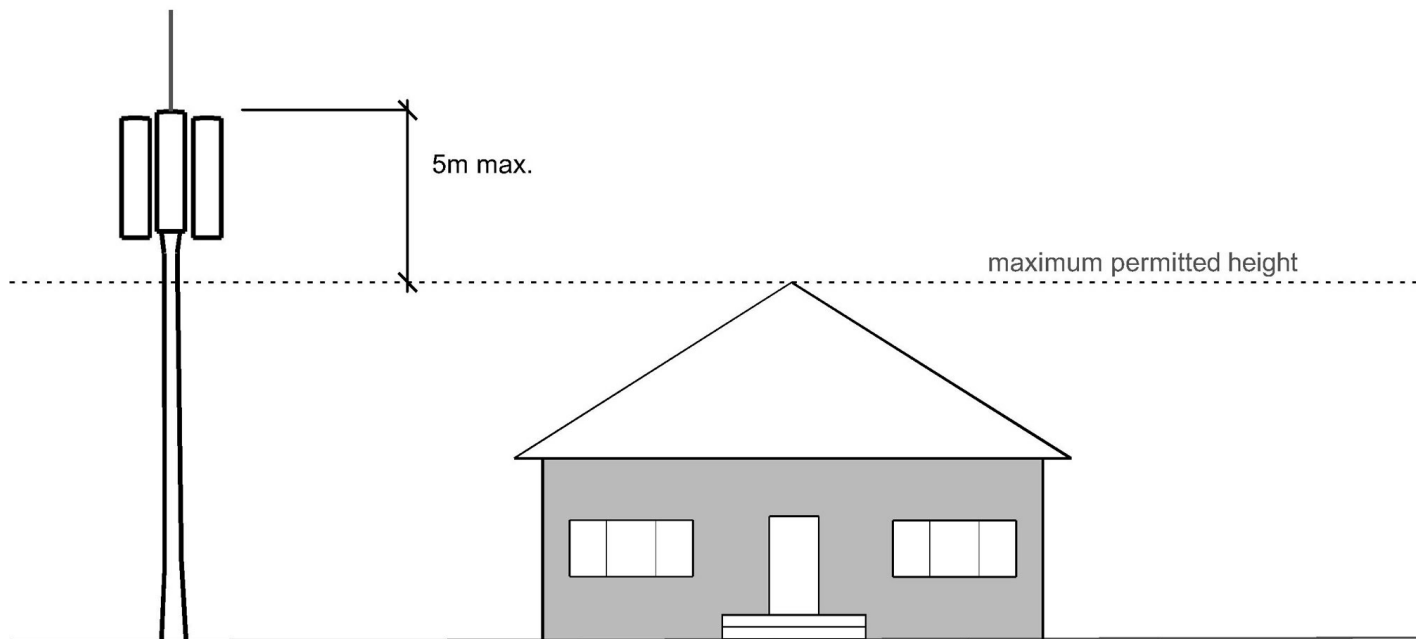
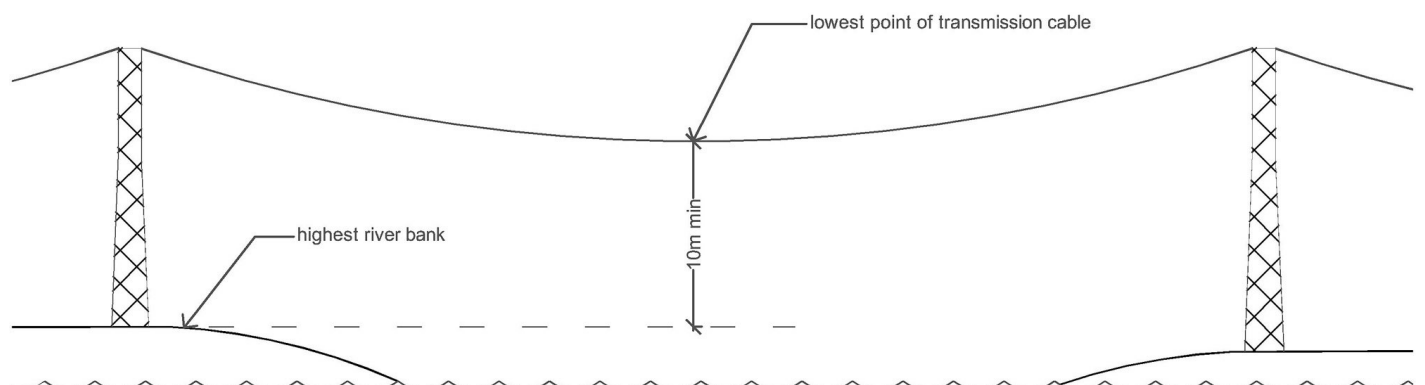


Figure 5.5E: Height above navigable water body {**NU cl.16**}¹

¹ **NU cl.16:** Figure 5.5E has moved to Rule 5.5.C



5.5.A Scale Thresholds {Confirmed to replace 5.5.7 and 5.5.8 - NU cl.16¹}

¹ **NU cl.16:** New Rule 5.5.A was notified as Rule 5.5.1, Rule 5.5.7, Rule 5.5.8 and Rule 5.5.10. Where there has been no change to the effect of rules (i.e. only formatting has changed), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references are provided.

1. The following network utility structures are always considered network utility structures – small scale: {NU 576.9}
 - a. Lines. {NU576.9}
2. All other network utility structures must not exceed the scale thresholds set out in rules 5.5.A.3 to 5.5.A.8 to be considered small scale. Network utility structures that exceed these thresholds are treated as large scale.

Rule 5.5.A.3 Hydro generators design standards - small scale thresholds {NU 308.122}

Threshold		i. Rural and industrial zones ²	ii. All other zones
a.	Maximum surface area of stored water	200m ²	100m ²
b.	Maximum height of weir or dam	2m	1m
c.	Maximum installed capacity	4MW	500kW

- d. Hydro generators that exceed these thresholds are treated as hydro generators – large scale. {NU 308.122}

² **NU cl.16:** The scale thresholds shown in this table for Hydro Generators - Small Scale in Rural and Industrial Zones were the notified thresholds in the definition of Hydro Generators - Community Scale, which was a Permitted activity in these zones. Given the removal of the Community Scale activity, and given that Hydro Generators - Large Scale are Discretionary in all zones, it is necessary to use the notified Community Scale (rather than On-site Energy Generation) thresholds here, in order to retain the effect of notified provisions.

Rule 5.5.A.4 Solar panels design standards - small scale thresholds {NU 308.122}

- a. The maximum area of solar panels – small scale is 200m².
- b. Solar panels that exceed this scale threshold are treated as solar panels – large scale. {NU 308.122}

Note 5.5.A.4A - Other relevant District Plan provisions {NU cl.16}

1. Roof-top solar panels that meet the definition of building utilities are covered by provisions for buildings in the management zone sections, and are not subject to provisions for network utility activities.

Rule 5.5.A.5 Number and design of wind turbines Wind generators - small scale thresholds {NU 308.122}

a. The maximum number of wind generators per site is:

i.	Rural zones	2
ii.	All other zones	1

b. The maximum height of wind generators (to blade tip) is:

i.	Rural and rural residential zones	20m
ii.	Freestanding wind generators in all other zones	2m above the maximum height for buildings and structures in the zone in which the wind generator is located
iii.	<u>Rooftop wind generators in all other zones {NU 308.122}</u>	i. <u>2m above the part of the building the generator is attached to (in residential zones, Recreation Zone, CBD and centres zones, and WP, PPH, SSYP and HE zones) {NU 308.122}</u> ii. <u>The greater of: 2m above the maximum height for buildings and structures in the zone in which the wind generator is located; or 2m above the part of the building the generator is attached to (in all other zones). {NU 308.122}</u>

c. The maximum rotor diameter of wind generators is: {NU 743.17}

i.	<u>Rural and rural residential zones {NU 743.17}</u>	<u>6m {NU 743.17}</u>
ii.	Industrial zones, Trade Related Zone and CBD Edge Commercial zones	No limit on rotor diameter
iii.	<u>All other zones {NU 743.17}</u>	<u>1.5m {NU 743.17}</u>

d. Wind generators that exceed these thresholds are treated as wind generators – large scale. {NU 308.122}

Rule 5.5.A.6 Network utility poles and masts - small scale thresholds

Dimension		Scale threshold		
		i. Res, Rec	ii. All other zones	iii. ONF, HNCC, ONCC, NCC, SNL, ONL
a.	Diameter of head arrays	0.8m	<u>1m - CBD and centres {NU 576.40}</u> <u>6m - rural, rural residential and industrial zones {NU 576.46}</u> 4m - all other zones	0.8m
b.	Diameter of dish antenna	4m <u>1.2m {NU 576.46}</u>	1.8m	4m <u>1.2m {NU 576.46}</u>

c.	Cross-sectional area of aerials <u>Maximum area of largest antenna face (excluding dish antennas) {NU 576.46}</u>	4m ² 1.5m ² {NU 576.46}
d.	Maximum height	<u>The greater of {NU 457.20}</u> 1. 20m 25m {NU 576.50} in the rural, rural residential and industrial zones; or 5m over the maximum height for buildings and structures in the zone in which the activity is located in all other zones (see Figure 5.5X); or 2. <u>the height required to meet the safety clearance requirements of the New Zealand Electrical Code of Practice for Electrical Distances (NZECP34). {NU457.20}</u>
e. {NU 576.40}	<u>Height in relation to boundary</u>	<u>In commercial and mixed use and major facility zones, network utility poles and masts on sites adjacent to residential zones must comply with any height in relation to boundary rule that applies to buildings and structures on the same site.</u>
f.	Maximum cross sectional area of lattice masts	1. 4m ² to the point that is half the maximum height of the zone in which the activity is located, and 2. 2.5m ² from the point that is half the maximum height of the zone in which the activity is located to the top of the mast (see Figure 5.5W).
g.	Cross sectional area of all other poles and masts (<u>excluding any associated cross arms</u>) {NU cl.16}	4m ² 2m ² {NU 576.47}

- h. Except:
- any lightning rods attached to network utility poles and masts or attached network utility structures are exempt from these thresholds
 - dish antennas in the Dunedin International Airport Zone {NU cl.16}, industrial zones, **{NU cl.16}** and Port Zone are exempt from these thresholds
 - network utility poles and masts in the Dunedin International Airport Zone {NU cl.16} and Port Zone have no maximum height
 - wind monitoring masts that are installed for no more than 24 months are exempt from these thresholds {NU 308.122 and 743.17}
- i. Network utility poles and masts that exceed these thresholds are treated as network utility structures – large scale.

Note 5.5.A.6A - Other requirements outside of the District Plan {NU cl.16}

- Under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF), activities provided for under the NESTF are exempt from any scale thresholds in Rule 5.5.A.6 that are more restrictive than the NESTF, except in ONE, HNCC, ONCC, NCC, SNL and ONL overlay zones, in heritage precincts and on scheduled heritage sites.

Figure 5.5W: Cross-sectional area of lattice mast **{NU cl.16}**

¹ **NU cl.16:** Figure has moved from Rule 5.5.7

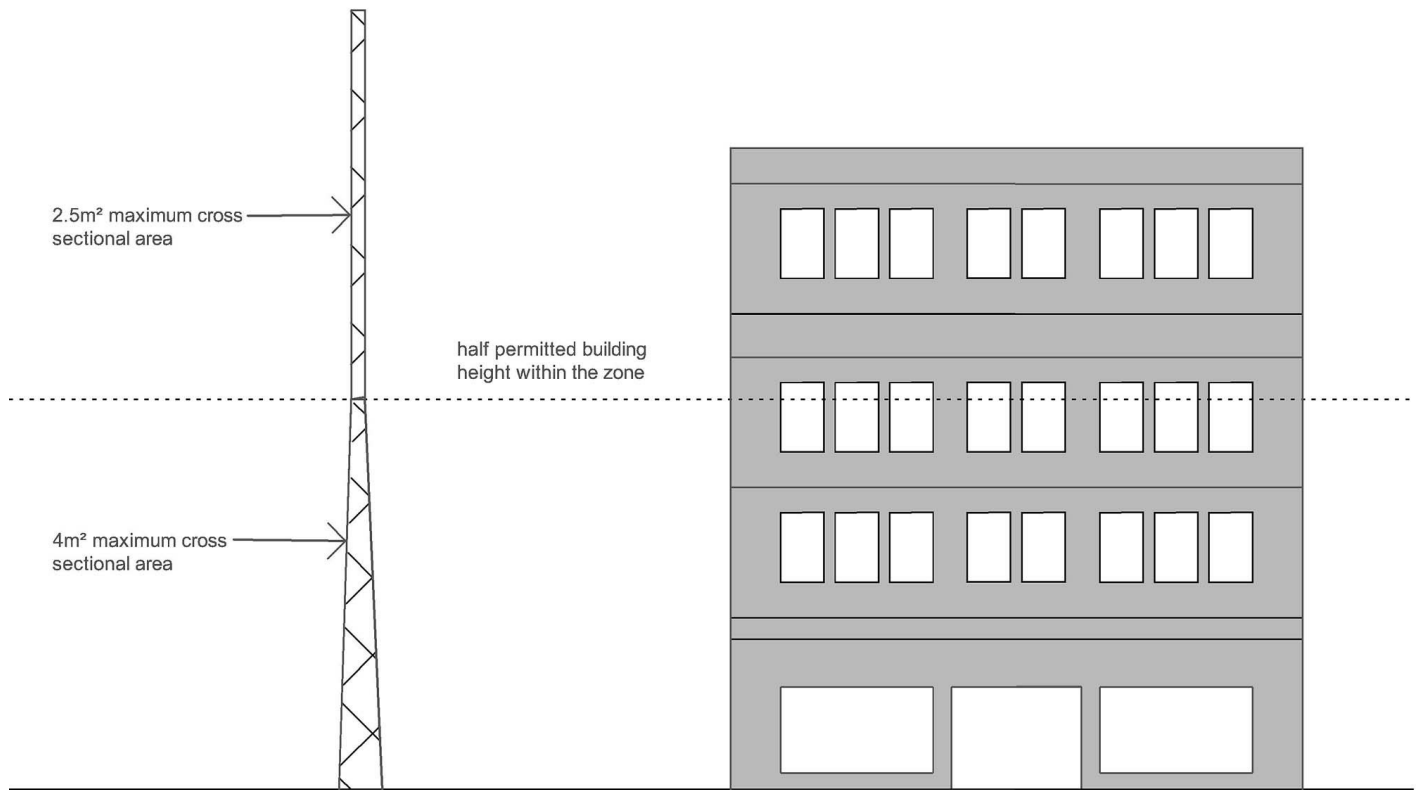
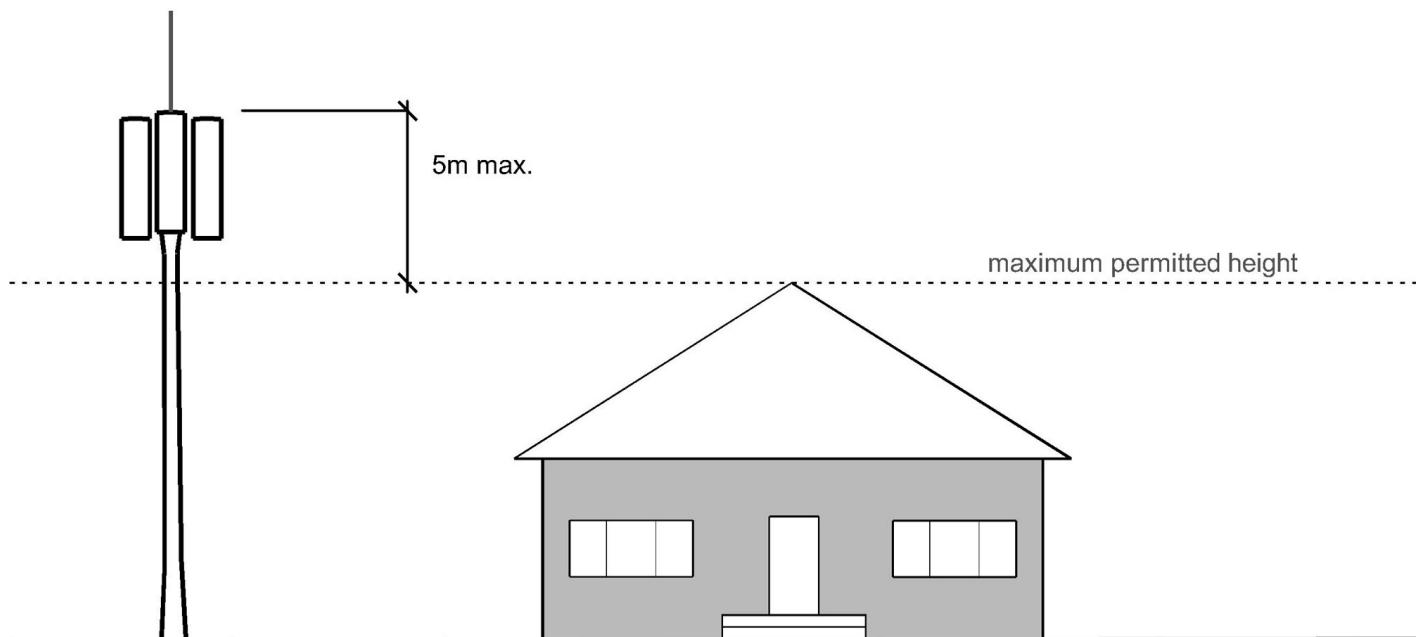


Figure 5.5X: Maximum height of new poles or masts in all zones except the rural, rural residential and industrial zones
{NU cl.16}

¹ **NU cl.16:** Figure has moved from Rule 5.5.8



Rule 5.5.A.7 Amateur radio standards Amateur radio configurations - small scale thresholds {NU cl.16}

- a. Amateur radio configurations must not exceed the following scale thresholds to be considered network utility structures – small scale.
- b. The maximum diameter of amateur radio configurations is:

Part of amateur radio configuration		Maximum diameter
i.	aerial <u>Antenna</u> {NU 576.5} elements	80mm
ii.	Wire aerials <u>antennas</u> {NU 576.5}	415mm <u>15mm</u> {NU 402.1}
iii.	Dish antennas	2m
iv.	Panel antennas	2m, unless <u>less</u> {NU 402.1} than 2m ² in area
v.	Guy wires	12mm

- c. The maximum length of horizontal high frequency Yagi aerials antennas **{NU 576.5}** is:

Part of antenna		Maximum length
i.	Elements	14.9m
ii.	Booms	13m

- d. The maximum height of aerials antennas **{NU 576.5}** is 2m 5m **{NU 402.3}** above the maximum height of the zone in which the activity is located, except that one vertical aerial antenna **{NU 576.5}** is permitted to a

maximum height of 20m, ~~provided there is only one vertical aerial or one support structure (and attached aeri~~als) per site. **{NU402.2}**

- e. One pedestal mounted antenna is allowed per site where all of the following are met:
 - i. the antenna is pivoted at a maximum of 4m above the ground;
 - ii. the maximum diameter of the antenna is 5m; and
 - iii. the pedestal and antenna comply with the boundary setbacks and height in relation to boundary performance standards of the zone in which the activity is located.
- f. There must be no more than six support structures for wire ~~aerials~~ antennas **{NU 576.5}**
- g. Only one support structure may be a lattice mast.
- h. The maximum height of poles and support structures is the maximum height for buildings and structures in the zone in which the activity is located, except:
 - i. ~~one support structure may exceed the height of the zone in which the activity is located by a maximum of 2m in the commercial and mixed use, rural, and rural residential zones, one support structure (including attached antennas) may have a maximum height of 20m~~ **{NU 402.3}**
 - ii. in all other zones:
 - 1. one non-retractable support structure (including attached antennas) may have a maximum height of 5m above the maximum height for buildings and structures in the zone where the activity is located **{NU 402.3}**
 - 2. one retractable support structure (including attached antennas) up to 20m in height may be used from sunset to sunrise. **{NU 402.3}**
- i. Amateur radio configurations that exceed these thresholds are treated as network utility structures – large scale.

¹ **NU cl.16:** Provisions for amateur radio configurations have been reformatted so that they are treated as a type of network utility structure. i.e. they are provided for either as network utility structures - small scale or network utility structures - large scale depending on whether they comply with scale thresholds. This does not change the effect of provisions.

Rule 5.5.A.8 All other network utility structures - small scale thresholds

a. Network utility structures – *freestanding*

Dimension		Scale threshold - all zones
i.	Height	4m
ii.	Area of footprint	4m ²

b. Network utility structures – *attached to buildings, or attached to existing poles or masts*

Dimension		Scale threshold		
		Res, Rec	GRITZ RTZ, {ULS cl.16} ONF, HNCC, ONCC, NCC, SNL, ONL	All other zones
i.	Height when attached to buildings (including necessary support structures) (see Figure 5.5Y)	2m above the section of the building to which the structure is attached	2m above the section of the building to which the structure is attached	5m above the section of the building to which the structure is attached
ii.	Height when attached to existing poles and masts	5m above the height of the existing pole or mast, or 25m, whichever is the lesser (see Figure 5.5Z)		
iii.	Diameter of head arrays	The relevant threshold stated in Rule 5.5.A.6.a above applies.		
iv.	Diameter of dish antenna	The relevant threshold stated in Rule 5.5.A.6.b above applies.		
v.	Cross sectional area of antennas <u>Maximum area of largest antenna face (excluding dish antennas)</u> {NU 576.46}	The relevant threshold stated in Rule 5.5.A.6.c above applies		

c. Except:

- i. any lightning rods attached to network utility structures are exempt from these thresholds
- ii. dish antennas in the Dunedin International Airport Zone ~~{NU cl.16}~~, industrial zones, and Port Zone are exempt from these thresholds
- iii. network utility structures in the Dunedin International Airport Zone ~~{NU cl.16}~~ and Port Zone have no maximum height
- iv. wind monitoring masts that are installed for no more than 24 months are exempt from these thresholds
~~{NU 308.122 and 743.17}~~
- v. ~~for additions provided for under the NESTF, the maximum height only applies in SNL, ONF, ONL, NCC, HNCC, and ONCC overlay zones~~ ~~{NU cl.16}~~

d. Network utility structures that exceed these thresholds are treated as network utility structures – large scale.

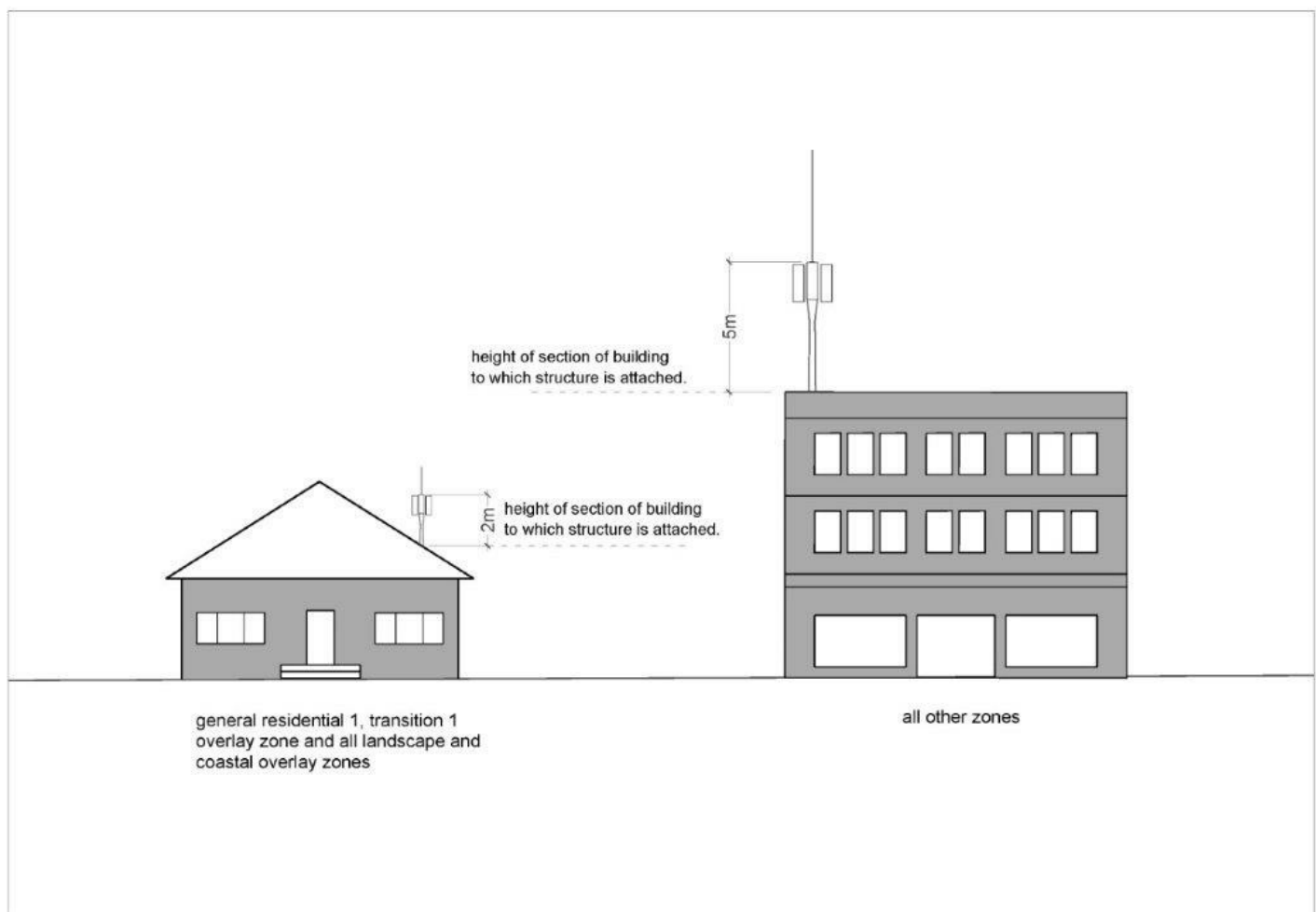
¹ **NU cl.16:** Clarification of the relationship between Plan provisions and the NESTF 2016 has been transferred from the rule to a note to plan users (Note 5.5Z). This does not change the effect of provisions.

Note 5.5.A.8A - Other requirements outside of the District Plan {NU cl.16}

1. Under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF), activities provided for under the NESTF are exempt from any scale thresholds in Rule 5.5.A.8 that are more restrictive than the NESTF, except in ONF, HNCC, ONCC, NCC, SNL and ONL overlay zones, in heritage precincts and on scheduled heritage sites.
2. Under Regulations 26, 27, 30, 31, 32 and 33 of the NESTF 2016, once an antenna is established on a new pole, it may be upgraded to a larger structure as a permitted activity. These regulations set out the permitted scale (height, pole width and headframe width) of upgrades in different environments.

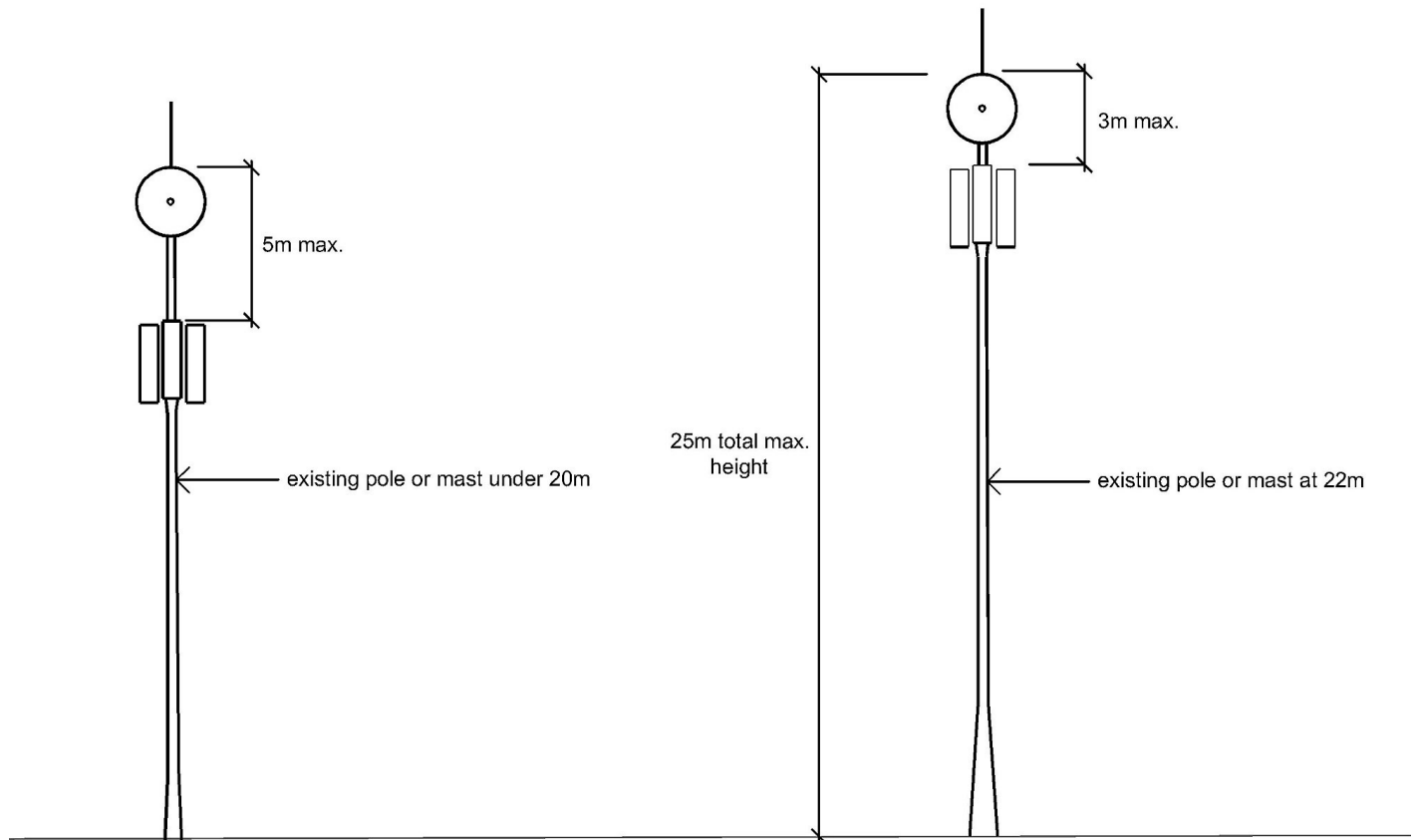
Figure 5.5Y: Height of utilities attached to buildings {NU cl.16}

¹ **NU cl.16:** Figure has been moved from Rule 5.5.8 and corrected so that it accurately illustrates Rule 5.5.A.8.b.i



5.5Z: Height of utilities attached to existing poles or masts **{NU cl.16}**

¹ **NU cl.16:** Figure has moved from Rule 5.5.8



5.5.B Maximum Volume in Pedestrian Street Frontage mapped areas, Heritage Precincts and Scheduled Heritage Sites {Confirmed to replace 5.5.7.1.a.iii.2 and 5.5.8.5.b.i - NU 457.20¹}

1. In **primary** and **secondary pedestrian street frontage mapped areas**, heritage precincts and scheduled heritage sites, the maximum ~~scale~~ volume **{NU 457.20}** of freestanding network utility structures - small scale that are visible from an adjoining public place is ~~0.5m² in area and 0.5m in height~~ 0.5m³. **{NU 457.20}**
2. Network utility structures - small scale that contravene this performance standard are restricted discretionary activities. **{NU 457.20}**

¹ **NU 457.20:** Rule 5.5.B has been separated out from notified rules 5.5.7 and 5.5.8, in response to NU 457.20. This is to allow for more enabling provisions to apply to contraventions of this standards (as compared to contraventions of Rule 5.5.A).

Note 5.5.BA - Other requirements outside of the District Plan {NU cl.16}

1. Under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF), activities provided for under the NESTF are exempt from Rule 5.5.B in **primary** and **secondary pedestrian street frontage mapped areas**.

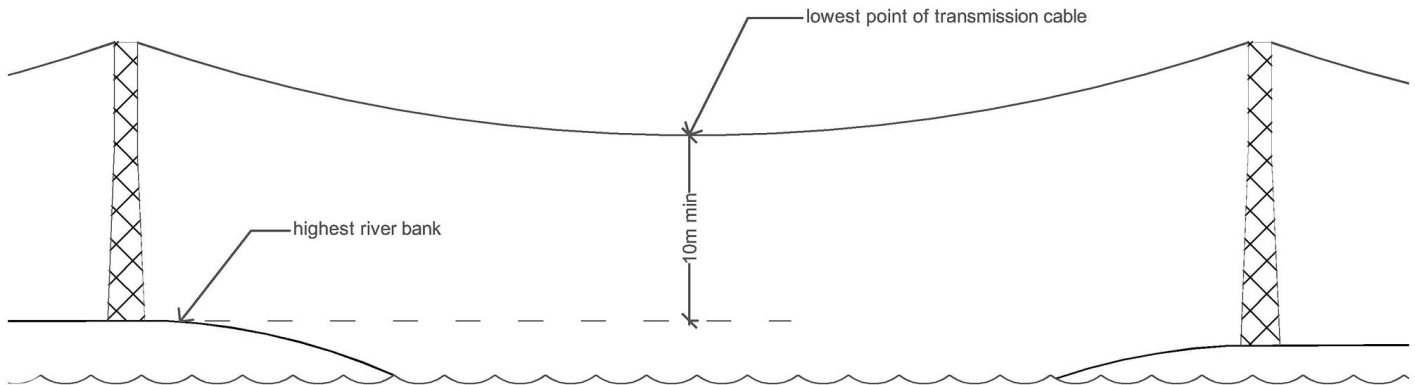
5.5.C Clearance from Navigable Water Body {Confirmed to replace 5.5.8.6 - NU cl.16¹}

- a. Network utility structures – small scale that cross navigable water bodies must maintain a minimum clearance of 10m between the lowest point of any lines and the highest point of either river bank (see Figure 5.5E), except:
 - i. this standard does not apply in the case of lines attached to any existing bridge or structure crossing a navigable water body, where the existing freeboard height above the waterway is not reduced. **{NU 322.24}**
- b. Network utility structures – small scale that contravene this performance standard are non-complying activities.

¹ **NU cl.16:** New Rule 5.5.C was notified as Rule 5.5.8.6. Where there has been no change to the effect of the rule, plain text is used. Where the rule has been amended in response to submissions, this is shown in the usual way.

Figure 5.5X: Height above navigable water body **{NU cl.16}**

¹ **NU cl.16:** Figure has moved from Rule 5.5.8



5.5.9 Noise

All network utility activities must comply with Rule 9.3.6.

5.5.10 On-site Energy Generation Design Standards {Confirmed to be replaced by 5.5.A.3-5, 5.5.D and 5.5.12.A - NU cl.16¹}

¹ **NU cl.16:** The content of Rule 5.5.10 has been moved to new rules 5.5.A.3-5, 5.5.D and 5.5.12.A, except that Rule 5.5.10.4 has been deleted in response to submissions.

5.5.10.1 Number and design of wind turbines

- a. ~~Wind turbines must not use lattice towers.~~
- b. ~~The maximum number of wind turbines per site is two in the rural zones, and one in all other zones.~~
- c. ~~The maximum height of wind turbines is:~~
 - i. ~~in the rural and rural residential zones, 20m;~~
 - ii. ~~in all other zones, 2m above the maximum height of the zone in which the wind turbine is located~~
- d. ~~Wind turbines must be set back from road and site boundaries a distance equal to the height of the structure.~~

5.5.10.2 Solar panel design standards

- a. ~~The maximum area of solar panels is 200m².~~
- b. ~~In zones where site coverage standards exist, solar panels which are ground mounted must also comply with these standards.~~

5.5.10.3 Hydro generator design standards

- a. ~~The maximum surface area of stored water is 100m².~~
- b. ~~The maximum height of a weir or dam is 1m.~~
- c. ~~The maximum installed capacity of a hydro generator is 500kW.~~

5.5.10.4 Biomass energy generators – design standards **{NU 308.137}**

Biomass energy generators – on-site energy generation must comply with the development standards of the zone in which they are located. **{NU 308.137}**

5.5.11 Reflectivity {Confirmed to be replaced by 5.5.D.4 - NU 743.17¹}

Wind generators – on-site energy generation in any landscape or natural coastal character overlay zone must comply with Rule 10.3.6. **{NU 743.17}**

¹ **NU 743.17:** Rule 5.5.11 has been replaced by new Rule 5.5.D.4. The effect of this rule has been amended in response to submissions.

5.5.D Design Standards for Wind Generators {Confirmed to replace 5.5.10 and 5.5.11 - NU cl.16¹}

1. Wind generators – small scale must not use lattice towers.
2. In the CBD Zone, centres zones, WP, PPH, SSYP and HE zones, residential zones and the Recreation Zone, wind generators – small scale must be attached to rooftops. **{NU 743.53}**
3. For freestanding wind generators – small scale, the maximum diameter of the mast is 600mm. **{NU743.17}**
4. All exterior surfaces of wind generators – small scale in any landscape or natural coastal character overlay zone **{NU 743.17}** must have a light reflectance value (LRV) of 30% or less.
5. Rooftop wind generators must comply with the height in relation to boundary rule that applies to buildings and structures in the zone in which the wind generator is located, except in the Rural, Rural Residential and Industrial zones. **{NU 743.53}**
6. Wind generators – small scale that contravene these standards are restricted discretionary activities.

¹ **NU cl.16:** New Rule 5.5.D was notified as rules 5.5.10 and 5.5.11. Where there has been no change to the effect of the rule, plain text is used. Where the rule has been amended in response to submissions, this is shown in the usual way.

5.5.E Site Coverage {Confirmed to replace 5.5.10.2.b - NU cl.16¹}

1. Solar panels – small scale that are ground mounted must comply with any site coverage standards for the zone in which they are located.
2. Solar panels – small scale that contravene this standard are restricted discretionary activities.

¹ **NU cl.16:** New Rule 5.5.E was notified as Rule 5.5.10.2. There is no change to the effect of the rule.

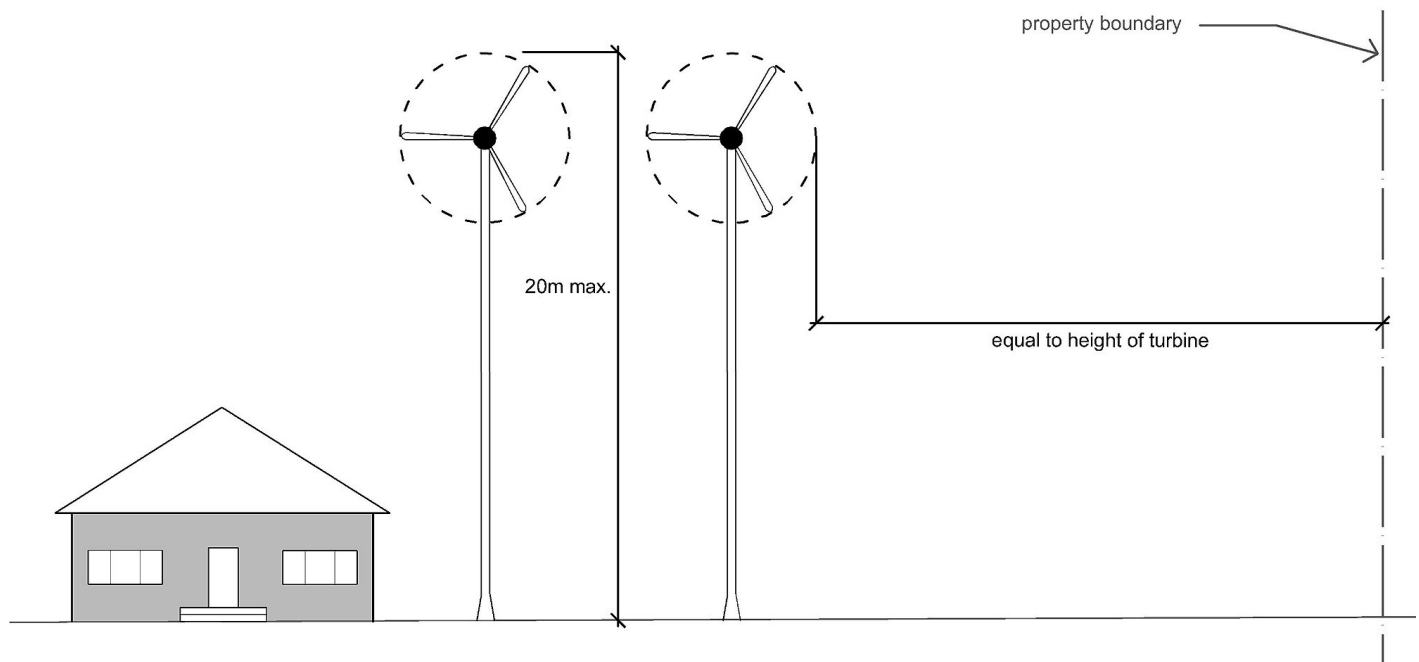
5.5.12 Setbacks

5.5.12.1 Boundary Setbacks {NU 308.122}

~~Wind generators – community scale must set back all structures from road and site boundaries a distance equal to the height of the structure.~~

Note: Boundary setbacks for wind generators – on-site energy generation are managed through Rule 5.5.10.1.

Fig 5.5F: Wind generators setback from boundary {NU 308.122}



5.5.12.A Setbacks for wind generators {NU cl.16}

a. Setbacks in industrial zones

Activity		1. Minimum setback from boundaries of any Residential, Recreation or CMU Zone (excluding the Trade Related Zone and the CBD Edge Commercial zones) {NU 743.53}	2. Minimum setback from road and site boundaries
i.	Wind generators – small scale with a rotor diameter less than or equal to 1.5m	N/A	A distance equal to the height of the structure
ii.	Wind generators – small scale with a rotor diameter exceeding 1.5m {NU 743.53}	100m {NU 743.53}	A distance equal to the height of the structure

b. Setbacks in rural and rural residential zones

~~Wind turbines must be set back from road or site boundaries a distance equal to the height of the structure~~
{NU 743.17}

- i. Wind generators – small scale with a rotor diameter less than or equal to 4m, and with a height less than or equal to 15m, must be set back at least 50m from any road or property boundary; and {NU 743.17}
- ii. Wind generators – small scale with a rotor diameter exceeding 4m, and/or with a height exceeding 15m, must be set back at least 100m from any road or property boundary. {NU 743.17}

c. Setbacks in commercial and mixed use and major facility zones

Free standing **{NU 308.122}** wind generators – small scale in the Trade Related Zone, the CBD Edge Commercial zones and all major facility zones must have a minimum setback as follows:

Location		Setback distance
i.	From site boundaries	Equal to the height of the structure above ground level
ii. {NU 394.69}	From any residential building on a separate site	Equal to three times the height of the structure above ground level

- d. Wind generators - small scale that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

¹ **NU cl.16:** New Rule 5.5.12.A was notified as Rule 5.5.10.1.d. The rule has been significantly expanded in response to submissions.

5.5.12.2 Setback from coast and water bodies

Network ~~utility~~ utilities **{NU cl.16}** activities must comply with Rule 10.3.3.

5.5.12.3 Setback from ridgeline **{RU 874.41 and others}**

~~Network utilities structures (all scales) and network utilities poles and masts – small scale must comply with Rule 16.6.11.4.~~ **{RU 874.41 and others}**

5.5.12.4 Setback from scheduled tree

Network ~~utility~~ utilities **{NU cl.16}** activities must comply with Rule 7.5.2.

5.5.13 Technical Standards

1. The maximum voltage of overground electricity lines and any associated network utilities is 110kV, or the voltage of existing lines on existing support structures, whichever is greater.
2. The maximum gauge pressure of network utilities for energy transformation, transmission or distribution, including pipes and new underground gas pressure regulating stations is 2000 kilopascals.
3. Activities that contravene the performance standard for maximum gauge pressure are non-complying activities.

5.5.F Maximum Height **{NU 308.137}**

1. Any external protrusions, such as vents and chimneys, associated with underground or internal network utilities are subject to the maximum height performance standard for the zone in which the utility is located, and for the purposes of that standard are considered rooftop structures.
2. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Rule 5.6 Setbacks from National Grid and Network Utilities

5.6.1 Setback from National Grid

5.6.1.1 Setback from National Grid ~~{NU cl.16}~~ (sensitive activities, buildings and structures) (buildings and structures, city-wide activities and National Grid sensitive activities) ~~{NU cl.16¹}~~

- a. Sensitive activities, new buildings to be used for sensitive activities, additions and alterations to buildings used for sensitive activities, must be set back at least 12m from national grid transmission lines, and national grid substations (see **Figure 5.6A**), except: **{NU 806.11}**
 - i. additions or alterations that do not increase either the building height or footprint. **{NU 806.11}**
- b. Other buildings and structures, above-ground network utilities activities, public play equipment, and freestanding flagpoles must be set back at least 10m from any point of a national grid transmission line, except: **{NU 806.11}**
 - i. network utilities activities within the road reserve or associated with the operation of the national grid; **{NU 806.11}**
- c. Buildings, structures and above-ground network utilities activities must be set back 12m from a national grid support structure, except fences with a maximum height of 2.5m must be set back 5m from a national grid support structure. **{NU 806.11}**
- d. All buildings and structures must maintain a minimum vertical clearance of 10m below the lowest point of the national grid transmission line. **{NU 806.11}**
- e. Activities that contravene the setback from national grid (sensitive activities, buildings and structures) are non-complying activities. **{NU 806.11}**
- a. Buildings, structures, additions and alterations, public amenities, underground or internal network utilities (except where located within an existing building or structure), network utility structures - small scale, network utility structures – large scale, standby or temporary energy generators and National Grid sensitive activities must be set back at least: **{NU 806.11}**
 - i. 12m from the outside edge of a National Grid support structure foundation or from the boundary of a National Grid substation; and **{NU 806.11}**
 - ii. 12m from the centre line of any point of a National Grid transmission line; **{NU 806.11}**
- b. The following activities are exempt from this standard, provided either that they meet the requirements of NZECP 34:2001 (where the prior written consent of the electricity infrastructure owner is not needed to meet those requirements), or that there is a minimum vertical clearance of 10m between the lowest point of the National Grid conductor and the highest point of any structure: **{NU 806.11}**
 - i. network utility operation as defined in section 166 of the RMA (excluding the reticulation and storage of water for irrigation purposes); **{NU 576.54}**
 - ii. fences not more than 2.5m in height and located at least 5m from a National Grid support structure; **{NU 806.11}**
 - iii. artificial crop protection and crop support structures not more than 2.5m in height and located at least 8m from a National Grid pole support structure (but not a tower), provided that such structures: **{NU 1090.21}**
 1. are removable or temporary to allow a clear working space of 12m from the pole for maintenance and repair purposes, and **{NU 1090.21}**
 2. allow all weather access to the pole and a sufficient area for maintenance equipment, including a crane; **{NU 1090.21}**

- iv. farming or horticultural buildings that are not used for intensive farming, milking/dairy sheds, produce packing facilities or commercial greenhouses and that are not residential buildings (exempt from Rule 5.6.1.1.a.ii only); {NU 806.11}
- v. structures associated with irrigation or the supply of stockwater, including the reticulation and storage of water, provided that they do not permanently obstruct existing vehicular access to a National Grid support structure (exempt from Rule 5.6.1.1.a.ii only) {NU 576.54}
- vi. in residential zones, buildings that are not residential buildings and that are less than 10m² in area and under 2.5m in height (exempt from Rule 5.6.1.1.a.ii only). {NU 806.11}

c. Activities that contravene these standards are non-complying activities. {NU 806.11}

¹ **NU cl.16:** The title of this rule has been amended to more accurately reflect its content. This does not change the effect of the rule.

5.6.1.2 Setback from national grid National Grid {NU cl.16} (earthworks)

- a. Earthworks within 12m of a national grid support structure or transmission line must:
 - i. be no greater than 300mm in depth;
 - ii. not compromise the stability of any national grid support structure; and
 - iii. not breach the ground to conductor clearance distances required by Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) as follows:

Table 5.6A: Ground to conductor clearance distances

Circuit voltage		Vertical distance to ground			Radial distance
		a. Across or along roads or driveways	b. Any other land traversable by vehicles (including mobile plant) but excluding across or along roads or driveways	c. Any land not traversable by vehicles (including mobile plant) due to its inaccessibility (e.g. topography)	
1.	Not exceeding 1 kV and insulated	5.5m	4.0m	2.7m	2.0m
2.	Not exceeding 1 kV	5.5m	5.0m	4.5m	2.0m
3.	Exceeding 1 kV but not exceeding 33 kV	6.5m	5.5m	4.5m	2.0m
4.	Exceeding 33 kV but not exceeding 110 kV	6.5m	6.5m	5.5m	3.0m



Circuit voltage		Vertical distance to ground			Radial distance
		a. Across or along roads or driveways	b. Any other land traversable by vehicles (including mobile plant) but excluding across or along roads or driveways	c. Any land not traversable by vehicles (including mobile plant) due to its inaccessibility (e.g. topography)	
5.	Exceeding 110 kV but not exceeding 220 kV	7.5m	7.5m	6.0m	4.5m
6.	Exceeding 220 kV a.c. or d.c.	8.0m	8.0m	6.5m	5.0m

- b. Except the following are exempt from 5.6.1.2.a.i:
- earthworks for the repair, sealing or resealing of a road, footpath, driveway or farm track;
 - earthworks which result in vertical holes less than 500mm in diameter and more than 1.5m from the outer edge of a national grid support structure or stay wire;
 - earthworks ancillary to network utilities activities; and
 - earthworks ancillary to the operation, repair, and maintenance of the roading network
- a. The maximum depth of earthworks within 12m of the outer edge of a foundation of a National Grid support structure is 300mm, except that the following earthworks are exempt from this standard: {NU 806.11}
- earthworks ancillary to the operation, repair, and maintenance of the roading network: {NU 806.11}
 - earthworks for the repair, sealing or resealing of a driveway or vehicle track: {NU 806.11}
 - earthworks that result in vertical holes less than 500mm in diameter, provided that the earthworks are located more than 1.5m from the outer edge of a National Grid pole or stay wire (this exemption does not apply to earthworks within 12m of the outer edge of National Grid towers): {NU 806.11}
 - earthworks associated with post holes for the erection of farm fences or horticulture structures, provided that the earthworks are located at least 5m from the outer edge of a National Grid support structure {NU 806.11}
 - earthworks ancillary to a network utility operation as defined in section 166 of the RMA (excluding the reticulation and storage of water for irrigation purposes) and associated access tracks, provided that the activity is undertaken in accordance with NZECP 34:2001; {NU 806.11}
 - earthworks that are part of cultivation. {NU 806.11}
- b. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

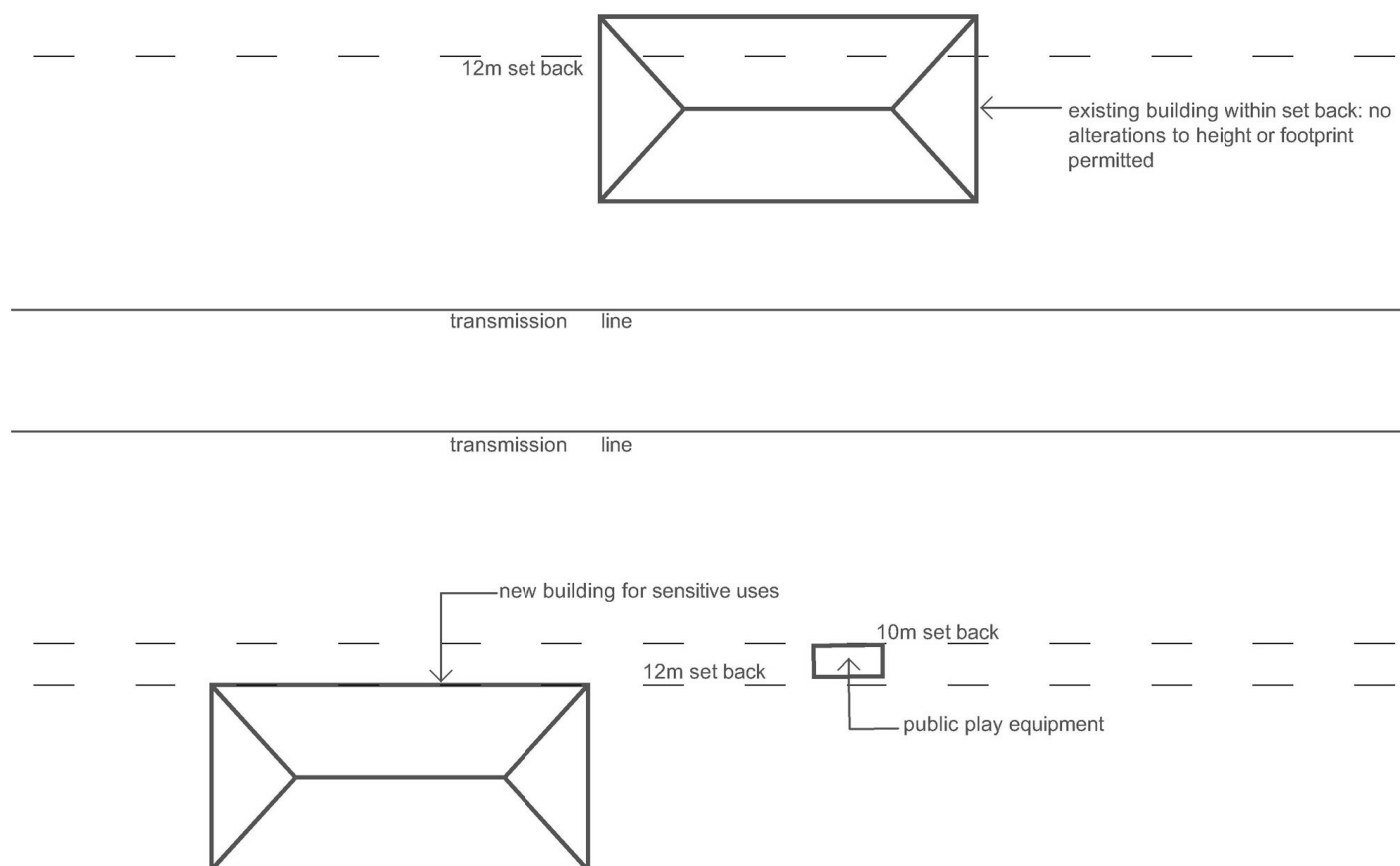
Note 5.6.1A – Other requirements outside of the District Plan {NU 806.11}

- The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to transmission lines. Compliance with this code is mandatory.

Compliance with this plan does not ensure compliance with NZECP 34:2001.

2. Vegetation to be planted near National Grid infrastructure should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

Figure 5.6A: National gGrid setbacks (to be deleted; {NU 806.11})



5.6.2 Setback from Network Utilities

- a. Earthworks must be set back at least 2.5m from any water mains and at least 1.5m from all other network utilities utility {NU cl.16} structures, except:
 - i. earthworks within 12m of a ~~nNational gGrid transmission line or {NU 806.11}~~ support structure, which are managed through Rule 5.6.1;
 - ii. earthworks ancillary to network utility activities including earthworks associated with roading/accessways leading to and from network utility activities {NU 576.9}; and
 - iii. earthworks ancillary to the operation, repair, and maintenance of the roading network.
- b. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

Rule 5.7 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 5.7.1 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 5.7.2 - ~~5.7.3~~ 5.7.5 **{NU cl.16}**:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rules 5.7.2 and 5.7.3 apply to network utilities utility activities performance standards generally **{NU cl.16}**; Rule 5.7.4 applies to performance standards for setbacks **{NU cl.16}** from the National Grid ~~national grid~~ **{NU cl.16}** and network utilities. Rule 5.7.5 contains additional provisions that apply to network utility activities performance standards in overlay zones and mapped areas and on scheduled items. **{NU cl.16}**

¹ **NU cl.16:** New Rule 5.7.5 provides cross references to relevant assessment rules in other Plan sections. This does not change the effect of provisions.

5.7.2 Assessment of all performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
1.	All performance standards contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards, or site specific factors including topography, make meeting the standard impracticable. c. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. d. Non-compliance with a performance standard would improve the design of the network utilities structure in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. <i>General assessment guidance: {NU 576.58}</i> e. Whether breaching the performance standard is essential to establish or maintain an essential network utility service. {NU 576.58} f. The potential benefits of the proposed utility particularly; {NU 576.58} i. contributions to national energy objectives or renewable energy generation targets {NU 576.58}

5.7.3 Assessment of performance standard contraventions (network utilities utility {NU cl.16} activities)

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
A.	All performance standard contraventions {NU 576.58}	a. Benefits of network utility activities {NU 576.58}	<u>Relevant objectives and policies:</u> {NU 576.58} i. <u>Objectives 2.2.2. {NU 764.1} 2.3.1. {NU 918.22} 5.2.1 {NU 576.58}</u> ii. <u>Policies 2.3.1.7 {NU 918.22}, 2.2.2.3 {NU 764.1}</u> iii. <u>Network utility activities are enabled throughout the city where effects can be managed in line with policies 5.2.1.5, 5.2.1.7, 5.1.2.11, 5.2.1.12, 5.2.2.2 and the objectives and policies of any relevant overlay zones, scheduled sites or mapped areas (Policy 5.2.1.A) {NU 457.192}</u> iv. <u>The use and development of renewable energy generation is encouraged (Policy 5.2.1.1) {NU 308.122}</u> <u>General assessment guidance:</u> {NU 576.58} In assessing the effects of the proposed activity, Council will consider: {NU 576.58} v. <u>The potential benefits of the proposed activity, particularly: {NU 576.58}</u> 1. <u>contributions to national energy objectives or renewable energy generation targets: {NU 576.58}</u> 2. <u>the benefits, in terms of the efficient use of energy, of locating renewable energy generation close to end use and to electricity transmission or distribution infrastructure; and {NU 764.1}</u> 3. <u>the benefits of having a distributed network for greater energy resilience. {NU 764.1}</u> <u>Potential circumstances which may support a consent application include:</u> {NU 576.58} vi. <u>The proposed activity is essential to establish or maintain a network utility service. {NU 576.58}</u>

5.7.3 Assessment of performance standard contraventions (network utilities utility {NU cl.16} activities)

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
		<u>b. Technical and operational constraints of network utility activities {NU 576.58}</u>	<i>Relevant objectives and policies: {NU 576.58}</i> i. <u>Objectives 2.2.2, {NU 764.1} 2.3.1, {NU 918.22} 5.2.1 {NU 576.58}</u> ii. <u>Policies 2.3.1.7 {NU 918.22}, 2.2.2.3 {NU 764.1}</u> iii. <u>Network utility activities are enabled throughout the city where effects can be managed in line with policies 5.2.1.5, 5.2.1.7, 5.1.2.11, 5.2.1.12, 5.2.2.2 and the objectives and policies of any relevant overlay zones, scheduled sites or mapped areas (Policy 5.2.1.A) {NU 457.192}</u> iv. <u>The use and development of renewable energy generation is encouraged (Policy 5.2.1.1) {NU 308.122}</u> <i>General assessment guidance: {NU 576.58}</i> In assessing the effects of the proposed activity, Council will consider: {NU 576.58} v. <u>The constraints imposed on size, design and location by the technical and operational requirements of the network utility. {NU 576.58}</u>
4. {NU cl.16'}	Amateur radio standards	a. Effects on character and amenity of zone	<i>Relevant objectives and policies:</i> i. Objective 5.2.1 ii. Network utility structures are of a scale, size, design and location that enables the provision of amateur radio configurations while: 1. minimising, as far as practicable, adverse effects on the amenity and character of the zone <i>Potential circumstances which may support a consent application include:</i> iii. Breach of the performance standard is essential to establish or maintain effective functioning of amateur radio configurations:

5.7.3 Assessment of performance standard contraventions (network utilities utility {NU cl.16} activities)

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2. {NU 308.122}	Boundary setbacks (wind generators)	a. Effects on character and amenity of zone	<i>Relevant objectives and policies:</i> i. Objective 5.2.1 ii. Network utility structures are of a location that enables the provision of network utilities while minimising, as far as practicable, adverse effects on the amenity and character of the zone (Policy 5.2.1.5.a)
		b. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objective 5.2.1 ii. Network utility structures are located, designed and operated in a way that ensures any risk to health and safety is no more than minor (Policy 5.2.1.7). <i>Potential circumstances which may support a consent application include:</i> iii. There is no risk that wind turbines may collapse and damage buildings and pose a risk to the health and safety of people.
3. {NU 457.169 and others}	Buildings and structures located on or above footpath	a. Effects on safety and efficiency of the transport network	See Rule 6.9
		b. Effects on health and safety	See Rule 9.4
4. {NU 308.122 and 743.17}	Energy resource investigation standards	a. Effects on amenity	<i>Relevant objectives and policies:</i> i. Objective 5.2.1 ii. Energy resource investigation devices are designed, operated and located in a way that minimises, as far as practicable, any adverse effects on amenity (Policy 5.2.1.6). <i>Potential circumstances which may support a consent application include:</i> iii. The natural landforms of topography (e.g. cliffs, tall trees on-site or on adjacent sites or reserves) provide a backdrop to the device.

5.7.3 Assessment of performance standard contraventions (network utilities utility {NU cl.16} activities)

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
5.	Location	a. Effects on character and amenity of surrounding the {NU cl.16} zones {NU cl.16}	<i>Relevant objectives and policies:</i> i. Objective 5.2.1 ii. Network utility structures are of a location that designed and located to enables {NU cl.16} the provision of network utilities while: <u>avoiding or, where avoidance is not practicable, adequately mitigating adverse effects on the amenity and character of the zone (Policy 5.2.1.5) {NU 906.7}</u> 1. minimising, as far as practicable, adverse effects on the amenity and character of the zone; and {NU 906.7} 2. maintaining a high level of pedestrian amenity in pedestrian street frontages (Policy 5.2.1.5). {NU cl.16} ³ <i>Potential circumstances which may support a consent application include:</i> iii. Alternative siting has been considered which would provide the same service without detracting from the streetscape profile or pedestrian accessibility. <u>Alternative sites, which would have lesser effects on character and amenity, have been considered but are impracticable for operational reasons {NU 576.58}</u> iv. Ground conditions, topography, or other site constraints make placing pipes underground impracticable.
6- {NU cl.16 ² }	Location in a heritage precinct {NU cl.16}	a. Effects on heritage streetscape character {NU cl.16}	
7- {NU cl.16 ² }	Location in a pedestrian street frontage {NU cl.16}	a. Effects on pedestrian amenity {NU cl.16}	

5.7.3 Assessment of performance standard contraventions (network utilities ~~utility~~ {NU cl.16} activities)

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
8- {NU 308.122}	On-site energy generation design standards	a. Effects on character and amenity of zone	<i>Relevant objectives and policies:</i> i. Objective 5.2.1 ii. Network utilities structures are of a scale, size, design and location that enables the provision of network utilities while minimising, as far as practicable, adverse effects on the amenity and character of the zone (Policy 5.2.1.5). <i>Potential circumstances which may support a consent application include:</i> iii. Due to the location of on-site energy generation structures within the site, effects on rural character and visual amenity outside of the site will not be significant. iv. Natural landforms of topography (e.g. cliffs, tall trees on-site or on adjacent sites or reserves) provide a backdrop to the device so increase in contravention has no or only minor effects. v. Sunlight admission to the footpath and street is maintained. vi. The device is consistent with the height of the surrounding properties.
9- {NU 743.17}	In the ONL or SNL overlay zones : • Reflectivity	a. Effects on landscape	See Rule 10.4
10- {NU 743.17}	In the NCC Overlay Zone : • Reflectivity	a. Effects on natural character of the coast	See Rule 10.4
11.	Setback from coast and water bodies	a. Effects on biodiversity <u>values</u> {NatEnv 958.60} and natural character of riparian margins and the coast	See Rule 10.4
		b. Effects on public access	
		c. Risk from natural hazards	See Rule 11.4

5.7.3 Assessment of performance standard contraventions (network utilities utility {NU cl.16} activities)

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
12. {NU cl.16 ⁶ }	Setback from national grid (earthworks)	a. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objective 5.2.1 ii. Earthworks are set back an adequate distance from the national grid to ensure adverse effects on the health and safety of people is avoided (Policy 5.2.1.3) iii. Earthworks do not create a risk of electrical hazard which affects public or individual safety or property.
		b. Effects on efficient and effective operation of network utilities	<i>Relevant objectives and policies:</i> i. Objective 5.2.1 ii. Development is designed and located to avoid adverse effects on the safe and efficient operation of national grid infrastructure or, where avoidance is not possible, ensures any adverse effects are insignificant (Policy 5.2.1.2). iii. Earthworks do not compromise the structural integrity of the national grid, or the ability to gain access to national grid infrastructure for maintenance.
13. {NU cl.16 ⁷ }	Setback from network utilities (earthworks)	a. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objective 5.2.1 ii. Earthworks, excluding earthworks ancillary utilities, are set back from network utilities an adequate distance to avoid adverse effects on the health and safety of people (Policy 5.2.1.9.c).
		b. Effects on efficient and effective operation of network utilities	<i>Relevant objectives and policies:</i> i. Objective 5.2.1 ii. Earthworks are set back from network utilities an adequate distance to avoid adverse effects on: 1. damage to existing network utilities (Policy 5.2.1.9.a); and 2. obstruction of access to existing underground network utilities (Policy 5.2.1.9.b). <i>Potential circumstances which may support a consent application include:</i> iii. The network utility owner or operator has provided written approval for the proposed earthworks. iv. Earthworks comply with the NZ Electrical Code of Practice for Electrical Safe Distances 34:2001.

5.7.3 Assessment of performance standard contraventions (network utilities utility {NU cl.16} activities)

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
14. {RU 874.41 and others}	Setback from ridgeline	a. Effects on rural character and visual amenity	See Rule 16.9
15.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
16.	Technical standards	a. Effects on health and safety	<i>Relevant objectives and policies (priority considerations):</i> i. Objective 5.2.1 ii. Network utilities structures utility activities {NU cl.16} are located, designed and operated to ensure any risk to health and safety is no more than minor <u>avoided or minimised as far as practicable</u> {NU 918.27} (Policy 5.2.1.7) <i>Potential circumstances which may support a consent application include:</i> iii. Breach <u>Contravention</u> {NU cl.16} of the performance standard does not result in a safety risk.
18. {NU cl.16.}	• Design standards for wind generators • Setbacks for wind generators	a. Effects on character and amenity of zone	<i>Relevant objectives and policies:</i> i. Objective 5.2.1 ii. Network utility structures are designed and located to enable the provision of network utilities while <u>minimising, as far as practicable avoiding or, where avoidance is not practicable, adequately mitigating</u> {NU 906.7} adverse effects on the amenity and character of the zone (Policy 5.2.1.5). <i>Potential circumstances which may support a consent application include:</i> iii. The visibility of wind generators outside the site is limited by their location within the site, or by vegetation, existing buildings and structures, natural landforms or topography. iv. The scale or design is consistent or compatible with surrounding buildings or structures.
19. {NU cl.16.}	Site coverage	a. Effects on character and amenity of zone	<i>Relevant objectives and policies:</i> i. Objective 5.2.1 ii. Network utility structures are designed and located to enable the provision of network utilities while <u>minimising, as far as practicable avoiding or, where avoidance is not practicable, adequately mitigating</u> {NU 906.7} adverse effects on the amenity and character of the zone (Policy 5.2.1.5).

5.7.3 Assessment of performance standard contraventions (network utilities utility {NU cl.16} activities)

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
20.	Maximum height (underground or internal network utilities) {NU 308.137}	a. Effects on character and amenity of zone {NU 308.137}	<u>Relevant objectives and policies: {NU 308.137}</u> i. <u>Objective 5.2.1 {NU 308.137}</u> ii. <u>Network utility structures are designed and located to enable the provision of network utilities while avoiding or, where avoidance is not practicable, adequately mitigating adverse effects on the amenity and character of the zone (Policy 5.2.1.5). {NU 308.137}</u>

¹ **NU cl.16:** Deletion of this rule is required due to the reformatting of provisions to treat amateur radio configurations as a type of network utility structure. This does not change the effect of provisions.

² **NU cl.16:** Deletion of this rule is required due to creation of separate table (Rule 5.7.5) for effects assessed via assessment rules in other sections of the Plan. This does not change the effect of provisions.

³ **NU cl.16:** Policy 5.2.1.5 has been amended to remove reference to effects on pedestrian amenity. Management of this type of effect has moved to Policy 18.2.3.13. This does not change the effect of provisions.

⁴ **NU cl.16:** New assessment rule needed due to reformatting of associated performance standards. The content of this rule reflects that of notified Rule 5.7.3.8, but with amendments for brevity and clarity. This does not change the effect of provisions.

⁵ **NU cl.16:** New assessment rule needed due to reformatting of associated performance standards. This does not change the effect of provisions.

⁶ **NU cl.16:** Rule 5.7.3.12 has been deleted because it duplicates Rule 5.7.4.1. This does not change the effect of provisions.

⁷ **NU cl.16:** Rule 5.7.3.13 has been deleted because it duplicates Rule 5.7.4.2. This does not change the effect of provisions.

5.7.4 Assessment of performance standard contraventions (setbacks from nNational gGrid and network utilities)

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Setback from nNational gGrid (earthworks)	a. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objectives 5.2.1 <u>5.2.2</u> {NU 918.29} ii. Earthworks are set back an adequate distance from the national grid to ensure that adverse <u>Adverse</u> {NU cl.16} effects on the health and safety of people are avoided (Policy 5.2.1.3 <u>5.2.2.2.a</u> {NU 918.29}) <u>General assessment guidance:</u> {NU806.11} iii. Council will generally refuse consent if earthworks do not comply with <u>Section 2 of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).</u> {NU806.11} <i>Potential circumstances that may support a consent application include:</i> iv. Earthworks do not create a risk of electrical hazard which affects public or individual safety or property.
	b. Effects on efficient and effective operation of network utilities	<i>Relevant objectives and policies:</i> i. Objectives 5.2.1 <u>5.2.2</u> {NU 918.29} ii. Development is designed and located to avoid adverse effects on the safe and efficient operation of national grid infrastructure or, where avoidance is not possible, ensures any adverse effects are insignificant (Policy 5.2.1.2). <u>Adverse effects on the operation, maintenance, upgrading and development of the National Grid are avoided or, if avoidance is not practicable, insignificant (Policy 5.2.2.2.b)</u> {NU806.11} <u>Potential circumstances that may support a consent application include:</u> {NU cl.16} iii. Earthworks do not compromise the structural integrity of the nNational gGrid, or the ability to gain access to nNational gGrid infrastructure for maintenance.

5.7.4 Assessment of performance standard contraventions (setbacks from nNational gGrid and network utilities)

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
2. Setback from network utilities (earthworks)	a. Effects on health and safety	<i>Relevant objectives and policies:</i> - Objectives 5.2.1 <u>5.2.2</u> {NU 918.29} - Earthworks, excluding earthworks ancillary utilities, {NU cl.16}¹ are set back from network utilities {NU cl.16} an adequate distance from network utilities {NU cl.16} to avoid adverse effects on the health and safety of people (Policy 5.2.1.9-e <u>5.2.2.1.c</u> {NU 918.29}).
	b. Effects on efficient and effective operation of network utilities	<i>Relevant objectives and policies:</i> - Objectives 5.2.1 <u>5.2.2</u> {NU 918.29} - Earthworks are setback from network utilities {NU cl.16} an adequate distance from network utilities {NU cl.16} to avoid: adverse effects on {NU cl.16}¹ - damage to existing network utilities (Policy 5.2.1.9-a <u>5.2.2.1.a</u> {NU 918.29}); and - obstruction of access to existing underground network utilities (Policy 5.2.1.9-b <u>5.2.2.1.b</u> {NU 918.29}). Potential circumstances that may support a consent application include: - The network utility owner or operator has provided written approval for the proposed earthworks. - Earthworks comply with the NZ Electrical Code of Practice for Electrical Safe Distances 34:2001.

¹ **NU cl.16:** This amendment is required so that the assessment rule correctly paraphrases the policy. This does not change the effect of provisions.

5.7.5 Assessment of restricted discretionary performance standard contraventions located in an overlay zone or mapped area, or affecting a scheduled item {NU cl.16} ¹

Activity {NU cl.16}		Matters of discretion {NU cl.16}	Guidance on the assessment of resource consents {NU cl.16}
1. {NU cl.16}	In a primary or secondary pedestrian street frontage mapped area: {NU cl.16} • Location (Rule 5.5.6.1.a) • <u>Maximum volume in pedestrian street frontage mapped areas, heritage precincts and scheduled heritage sites</u> {NU 457.20}	a. Effects on pedestrian amenity	See Rule 18.9
2. {NU cl.16}	In a heritage precinct: • Location (Rule 5.5.6.1.b, Rule 5.5.6.4) • <u>Maximum volume in pedestrian street frontage mapped areas, heritage precincts and scheduled heritage sites</u> {NU 457.20}	a. Effects on heritage streetscape character	See Rule 13.5

5.7.5 Assessment of restricted discretionary performance standard contraventions located in an overlay zone or mapped area, or affecting a scheduled item {NU cl.16} ¹

Activity {NU cl.16}		Matters of discretion {NU cl.16}	Guidance on the assessment of resource consents {NU cl.16}
3. {NU cl.16}	On a scheduled heritage site: Maximum volume in pedestrian street frontage mapped areas, heritage precincts and scheduled heritage sites {NU 457.20}	a. Effects on heritage values	See Rule 13.5
4. {NU 576.9}	In the NCC Overlay Zone: Location (Rule 5.5.6.1.c)	a. Effects on natural character of the coast	See Rule 10.4

¹ **NU cl.16:** New table, to reflect formatting of other Plan sections. This table provides cross references to assessment rules in other Plan sections. This does not change the effect of provisions.

Rule 5.8 Assessment of Restricted Discretionary Activities

Rule 5.8.1 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 5.8.2 - 5.8.45 **{NU 806.11}**:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rule 5.8.2 applies to network utility activities generally; Rule 5.8.3 contains additional provisions that apply to network utility activities in overlay zones, mapped areas, heritage precincts, and on scheduled items; Rule 5.8.4 contains additional provisions that apply to subdivision activities in the **radio transmitters mapped area {NU 918.25}**; Rule 5.8.5 contains additional provisions that apply to subdivision activities in the **National Grid Corridor mapped area {NU806.11}**.
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** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 5.7; 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 5.9; 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 5.10; and
 - iii. the assessment guidance in this section will also be considered.

5.8.2 Assessment of restricted discretionary network utilities utility {NU cl.16} activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
A.	All restricted discretionary network utility activities {NU 576.58}	a. Benefits of network utility activities {NU 576.58}	<u>Relevant objectives and policies: {NU 576.58}</u> i. <u>Objectives 2.2.2, {NU 764.1} 2.3.1, {NU 918.22} 5.2.1 {NU 576.58}</u> ii. <u>Policies 2.3.1.7, {NU 918.22} 2.2.2.3, {NU 764.1} 2.2.1.11 {NH 908.35}</u> iii. <u>Network utility activities are enabled throughout the city where effects can be managed in line with policies 5.2.1.5, 5.2.1.7, 5.1.2.11, 5.2.1.12, 5.2.2.2 and the objectives and policies of any relevant overlay zones, scheduled sites or mapped areas (Policy 5.2.1.A) {NU 457.192}</u> iv. <u>The use and development of renewable energy generation is encouraged (Policy 5.2.1.1) {NU 308.122}</u> <u>General assessment guidance {NU 576.58}</u> <u>In assessing the effects of the proposed activity, Council will consider: {NU 576.58}</u> v. <u>The potential benefits of the proposed activity, particularly: {NU 576.58}</u> 1. <u>contributions to national energy objectives or renewable energy generation targets. {NU 576.58}</u> 2. <u>the benefits, in terms of the efficient use of energy, of locating renewable energy generation close to end use and to electricity transmission or distribution infrastructure {NU 764.1}</u> 3. <u>the benefits of having a distributed network for greater energy resilience {NU 764.1}.</u> <u>Potential circumstances that may support a consent application include: {NU 576.58}</u> vi. <u>The proposed activity is necessary to establish or maintain a network utility service. {NU 576.58}</u>

5.8.2 Assessment of restricted discretionary network utilities utility {NU cl.16} activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
		<u>b. Technical and operational constraints of network utility activities {NU 576.58}</u>	<u>Relevant objectives and policies: {NU 576.58}</u> i. <u>Objectives 2.2.2, {NU 764.1} 2.3.1, {NU 918.22} 5.2.1 {NU 576.58}</u> ii. <u>Policies 2.3.1.7 {NU 918.22}, 2.2.2.3 {NU 764.1}</u> iii. <u>Network utility activities are enabled throughout the city where effects can be managed in line with policies 5.2.1.5, 5.2.1.7, 5.1.2.11, 5.2.1.12, 5.2.2.2 and the objectives and policies of any relevant overlay zones, scheduled sites or mapped areas (Policy 5.2.1.A) {NU 457.192}</u> iv. <u>The use and development of renewable energy generation is encouraged (Policy 5.2.1.1) {NU 308.122}</u> <u>General assessment guidance: {NU 576.58}</u> <u>In assessing the effects of the proposed activity, Council will consider: {NU 576.58}</u> v. <u>The constraints imposed on size, design and location by the technical and operational requirements of the network utility. {NU 576.58}</u>
<u>4- {NU cl.16⁵}</u>	• Network utilities structures—large-scale {NU 764.1}	<u>a- c. Effects on character and amenity of zone {NU cl. 16}</u>	<u>Relevant objectives and policies:</u> i. <u>Objective 5.2.1</u> ii. <u>Network utilities are designed and located to avoid any significant adverse effects, and minimise adverse effects, as far as practicable, including or, if avoidance is not practicable, adequately mitigate {NU 457.14 and others}</u> 1. <u>adverse effects on visual amenity and the character of the zone in which the activity is located (Policy 5.2.1.11.a); and {NU cl.16}</u> 2. <u>effects on the amenity of any surrounding residential activities. (Policy 5.2.1.11). {NU cl.16}</u> <u>Potential circumstances that may support a consent application include:</u> iii. <u>Access to sunlight to the outdoor living space(s) and windows of bedrooms and living areas of nearby dwellings is maintained or any reduction is minor. {NU 576.58}</u> iv. <u>Where practicable, the network utility is designed, located or screened to be unobtrusive. {NU 576.58}</u> v. <u>The same network utility poles or masts are to be used to support multiple network utilities. {NU 576.58}</u> vi. <u>For utilities attaching to existing masts or buildings, there</u>

5.8.2 Assessment of restricted discretionary network utilities utility {NU cl.16} activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
		are other utilities which are of a similar scale. {NU 576.58} vii. The height of the network utility is consistent with surrounding buildings. The scale or design is consistent or compatible with surrounding buildings or structures. {NU 576.58} viii. The visibility of the network utility is limited by vegetation, existing buildings or structures and/or Natural landforms of or topography (e.g. cliffs, tall trees on adjacent reserves) provide a backdrop to the building so increase in height as a result of utility has no or only minor effects. {NU 576.58} ix. No alternative sites exist which could provide the same coverage with reduced effects on visual amenity. Alternative sites, which would have lesser effects on character and amenity, have been considered but are impracticable for operational reasons {NU 576.58} x. Sunlight admission to the footpath and street is maintained, and there are no significant shadowing effects on residential buildings. {NU 576.58} xi. The structure is not situated on visually prominent rural zoned land. {NU cl.16²} xii. Landscaping is used to screen the structure from public viewpoints. {NU cl.16³} <u>b. d. Effects on surrounding sites' residential amenity</u> <u>Relevant objectives and policies {NU cl.16} ¹</u> i. <u>Objective 5.2.1 {NU cl.16}</u> ii. <u>Network utilities are designed and located to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the amenity of any surrounding residential activities (Policy 5.2.1.11.b). {NU cl.16}</u> <u>Potential circumstances that may support a consent application include: {NU cl.16}</u> iii. <u>Alternative sites, which would have lesser effects on the amenity of surrounding residential activities, have been considered but are impracticable for operational reasons. {NU 576.58}</u> <u>c. Effects on streetscape amenity {NU cl.16} ³</u>

5.8.2 Assessment of restricted discretionary network utilities ~~utility~~ {NU cl.16} activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
2. {NU cl.16} ⁴	Outside the rural and industrial zones:	a. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 5.2.1 ii. Network utilities are designed and located to avoid any significant adverse effects, and minimise adverse effects, as far as practicable, including: 1. effects on visual amenity and the character of the zone in which the activity is located; and 2. effects on the amenity of any surrounding residential activities (Policy 5.2.1.11). <i>Potential circumstances that may support a consent application include:</i> iii. The utility structure is designed, located or screen to be as unobtrusive as possible. iv. The visual cohesion of the street is not reduced by the utility structure. v. Sunlight admission to the footpath and street is maintained. vi. The scale, size or design is consistent or compatible with surrounding properties. vii. No alternative siting exists which could provide the same coverage with reduced effects on visual amenity. viii. The activity which could provide the same coverage with reduced effects on visual amenity, is set back from boundaries an adequate distance to avoid shading or visual effects on adjacent residential properties or public places.
	• Energy resource investigation devices {NU 308.122} • Biomass generators – on-site energy generation {NU 308.137} Outside the rural, rural residential and industrial zones: • Network utilities poles and masts – small scale	b. Effects on streetscape amenity	

5.8.2 Assessment of restricted discretionary network utilities ~~utility~~ {*NU cl.16*} activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
3- { <i>NU 308.462</i> }	In the rural and industrial zones:	a. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 5.2.1 ii. Network utilities are designed and located to avoid any significant adverse effects, and minimise adverse effects, as far as practicable, including: 1. effects on visual amenity and the character of the zone in which the activity is located; and 2. effects on the amenity of any surrounding residential activities (Policy 5.2.1.11). iii. The structure is not situated on visually prominent rural zoned land. iv. Landscaping is used to screen the structure from public viewpoints. v. The nature of the activity is such that reverse sensitive effects to industrial or port activities will not occur.
	- Solar panels – community scale - Wind generators – community scale	b. Effects on rural character and amenity	

¹ **NU cl.16:** This assessment rule has been reformatted to separate assessment of "effects on character and amenity of zone" from assessment of "effects on surrounding sites' residential amenity". As a result, the reference to the part of Policy 5.2.1.11 that concerns effects on surrounding sites' residential amenity has been deleted from Rule 5.8.2.A.c.ii, and a reference to this part of Policy 5.2.1.11 has been included in a separate row (as Rule 5.8.2.A.d.ii). This does not change the effect of provisions.

² **NU cl.16:** This assessment rule has been transferred from Rule 5.8.2.3, which applied to solar panels under notified provisions. This does not change the effect of provisions.

³ **NU cl.16:** Deletion of this rule is required due to creation of separate table (Rule 5.7.5) for effects assessed via assessment rules in other sections of the Plan. This does not change the effect of provisions.

⁴ **NU cl.16:** Assessment rule no longer needed due to: deletion of separate provisions for Energy Resource Investigation Devices and Biomass Generators - On-site Energy Generation, in response to submissions, as indicated; and amalgamation of assessment rule for Network Utility Poles and Masts - Small Scale in residential and recreation zones with Rule 5.8.2.1. This does not change the effect of provisions.

⁵ **NU cl.16:** Notified Rule 5.8.2.1 has been amalgamated with new Rule 5.8.2.A, which applies to all restricted discretionary activities. This does not change the effect of provisions.

5.8.3 Assessment of restricted discretionary network utilities utility {NU cl.16} activities in an overlay zone, mapped area, heritage precinct, or scheduled item

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. In the ONF Overlay Zone: • <u>Network utility structures - large scale (Aamateur radio configurations only) {NU cl.16}</u> • <u>Network utilities Network utility {NU cl.16}</u> poles and masts - small scale • <u>Wind generators – small scale {NU 308.122}</u> • <u>Hydro generators – small scale {NU 308.122}</u> • <u>Solar panels – small scale {NU 308.122}</u> • <u>All other Network utilities network utility {NU cl.16}</u> structures - small scale	a. Effects on landscape values	See Rule 10.5
2. In the HNCC or ONCC overlay zones: • <u>Network utility structures - large scale (Aamateur radio configurations only) {NU cl.16}</u> • <u>Network utilities Network utility poles and masts - small scale {NU cl.16}</u> • <u>Wind generators – small scale {NU 308.122}</u> • <u>Hydro generators – small scale {NU 308.122}</u> • <u>Solar panels – small scale {NU 308.122}</u> • <u>All other Network utilities network utility structures - small scale {NU cl.16}</u>	a. Effects on natural character of the coast	See Rule 10.5
3. In an Scheduled ASCV ASBV {NatEnv 958.60}: • <u>Network utilities Network utility poles and masts - small scale {NU cl.16}</u> • <u>Wind generators - small scale on-site energy generation {NU 308.122}</u> • <u>Hydro generators - small scale on-site energy generation {NU 308.122}</u> • <u>Solar panels - small scale on-site energy generation {NU 308.122}</u> • <u>Energy resource investigation devices {NU 308.122}</u> • <u>Biomass generators – on-site energy generation {NU 308.137}</u>	a. Effects on biodiversity values {NatEnv 958.60}	See Rule 10.5
4. In a wāhi tūpuna mapped area where network utility activities are identified as a threat in Appendix A4	a. Effects on cultural values of Manawhenua	See Rule 14.4

5.8.3 Assessment of restricted discretionary network utilities utility {NU cl.16} activities in an overlay zone, mapped area, heritage precinct, or scheduled item

Activity	Matters of discretion	Guidance on the assessment of resource consents
5. In the SNL or ONL overlay zones: • Network utilities <u>Network utility</u> poles and masts - small scale {NU cl.16} • Wind generators - <u>small scale</u> on-site energy generation {NU 308.122} • Hydro generators - <u>small scale</u> on-site energy generation {NU 308.122} • Solar panels - <u>small scale</u> on-site energy generation {NU 308.122} • Energy resource investigation devices {NU 308.122} • Biomass generators - on-site energy generation {NU 308.137}	a. Effects on landscape values	See Rule 10.5
6. In the NCC Overlay Zone: • Network utilities <u>Network utility</u> poles and masts - small scale {NU cl.16} • Wind generators - <u>small scale</u> on-site energy generation {NU 308.122} • Hydro generators - <u>small scale</u> on-site energy generation {NU 308.122} • Solar panels - <u>small scale</u> on-site energy generation {NU 308.122} • Energy resource investigation devices {NU 308.122} • Biomass generators - on-site energy generation {NU 308.137}	a. Effects on natural character of the coast	See Rule 10.5
7. All RD activities due to affecting scheduled heritage sites • Network utilities <u>Network utility</u> poles and masts - small scale {NU cl.16} • Wind generators - <u>small scale</u> on-site energy generation {NU 308.122} • Hydro generators - <u>small scale</u> on-site energy generation {NU 308.122} • Solar panels - <u>small scale</u> on-site energy generation {NU 308.122} • Energy resource investigation devices {NU 308.122} • Biomass generators - on-site energy generation {NU 308.137}	a. Effects <u>{NU cl.16}</u> on heritage values	See Rule 13.6

5.8.3 Assessment of restricted discretionary network utilities utility {NU cl.16} activities in an overlay zone, mapped area, heritage precinct, or scheduled item

Activity	Matters of discretion	Guidance on the assessment of resource consents
8. All RD activities due to being in a heritage precinct • Network utilities <u>Network utility</u> poles and masts - small scale {NU cl.16} • Wind generators - <u>small scale</u> on-site energy generation {NU 308.122} • Hydro generators - <u>small scale</u> on-site energy generation {NU 308.122} • Solar panels - <u>small scale</u> on-site energy generation {NU 308.122} • Energy resource investigation devices {NU 308.122} • Biomass generators – on-site energy generation {NU 308.137}	a. Effects on heritage streetscape character	See Rule 13.6

5.8.4 Assessment of subdivision activities within the radio transmitters mapped area **{NU 918.25}**

<u>Activity {NU 918.25}</u>	<u>Matters of discretion {NU 918.25}</u>	<u>Guidance on the assessment of resource consents {NU 918.25}</u>
1. {NU 918.25} <u>General Subdivision</u>	a. <u>Reverse sensitivity effects {NU 918.25}</u>	<u>Relevant objectives and policies (priority considerations):</u> i. <u>Objective 5.2.2</u> ii. <u>The potential for reverse sensitivity is avoided or minimised as far as practicable (Policy 5.2.2.5)</u>

5.8.5 Assessment of subdivision activities in the National Grid Corridor mapped area {NU 806.11}

Activity {NU 806.11}		Matters of discretion {NU 806.11}	Guidance on the assessment of resource consents {NU 806.11}
1. {NU 806.11}	All Subdivision activities in the National Grid Corridor mapped area	a. <u>Effects on health and safety</u>	<i>Relevant objectives and policies:</i> i. <u>Objective 5.2.2</u> ii. <u>Subdivision in the National Grid Corridor mapped area is designed to ensure that any associated future land use and development will avoid effects on the health and safety of people (Policy 5.2.2.4.a).</u> <i>Design considerations that may support a consent application include:</i> iii. <u>The design and layout of the subdivision allows for earthworks, buildings and structures to comply with the safe separation distance requirements in the New Zealand Code of Practice for Safe Electrical Distances (NZECP 34:2001)</u> <i>Potential circumstances that may support a consent application include:</i> iv. <u>Written approval is obtained from the owner and/or operator of the National Grid.</u>
		b. <u>Reverse sensitivity effects</u>	<i>Relevant objectives and policies:</i> i. <u>Objective 5.2.2</u> ii. <u>Subdivision in the National Grid Corridor mapped area is designed to ensure that any associated future land use and development will avoid or minimise the potential for reverse sensitivity. (Policy 5.2.2.4.c)</u> <i>Potential circumstances that may support a consent application include:</i> iii. <u>Written approval is obtained from the owner and/or operator of the National Grid</u>

5.8.5 Assessment of subdivision activities in the National Grid Corridor mapped area {NU 806.11}

Activity {NU 806.11}	Matters of discretion {NU 806.11}	Guidance on the assessment of resource consents {NU 806.11}
	c. <u>Effects on efficient and effective operation of network utilities</u>	<i>Relevant objectives and policies:</i> i. <u>Objective 5.2.2</u> ii. <u>Subdivision in the National Grid Corridor mapped area is designed to ensure that any associated future land use and development will avoid or, where avoidance is not practicable, have not more than insignificant effects on the operation, maintenance, upgrading and development of the National Grid (Policy 5.2.2.4.b).</u> <i>Design considerations that may support a consent application include:</i> iii. <u>The design and layout of the subdivision clearly identifies the National Grid and:</u> 1. <u>ensures continued access to existing transmission lines for maintenance, inspections and upgrading</u> 2. <u>provides for the on-going efficient operation, maintenance, development and upgrade of the National Grid</u> 3. <u>enables roads and reserves to be located near to or under transmission lines and building platforms away from transmission lines</u> 4. <u>allows buildings and structures to be located and orientated and vegetation positioned in a way that meets the policy test in 5.2.2.4.b.</u> <i>Potential circumstances that may support a consent application include:</i> iv. <u>Written approval is obtained from the owner and/or operator of the National Grid.</u>

Rule 5.9 Assessment of Discretionary Activities

Rule 5.9.1 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 5.9.2 - 5.9.34 **{NU 918.25}** provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.

5.9.2 Assessment of discretionary network utilities ~~utility~~ **{NU cl.16}** activities

Activity		Guidance on the assessment of resource consents
1. {NU cl.16}	All discretionary activities, <u>including but not limited to the activities listed below {PO cl. 16}</u>	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 5.2.1, 2.2.2 {NU 764.1}, 2.3.1 {NU 918.22}, 10.2.1 {Nat Env 900.35}, Policies 2.3.1.7 {NU 918.22}, 2.2.2.3 {NU 764.1} b. <u>Network utility activities are enabled throughout the city where effects can be managed in line with policies 5.2.1.5, 5.2.1.7, 5.2.1.11, 5.2.1.12, 5.2.2.2 and the objectives and policies of any relevant overlay zones, scheduled sites or mapped areas (Policy 5.2.1.A) {NU 457.192}</u> c. <u>The use and development of renewable energy generation is encouraged (Policy 5.2.1.1) {NU 308.122}</u> d. Large-scale nNetwork utilities {NU cl.16} are designed and located to avoid any significant adverse effects, and minimise adverse effects, as far as practicable, including <u>or, if avoidance is not practicable, adequately mitigate: {NU 457.14 and others}</u> i. <u>adverse</u> effects on visual amenity and the character of the zone in which the activity is located; and {NU 457.14 and others} ii. <u>adverse</u> effects on the amenity of any surrounding residential activities (Policy 5.2.1.11). {NU 457.14 and others} <i>General assessment guidance:</i> e. <u>In assessing the effects of the activity, Council will consider: {NU cl.16}</u> i. the potential benefits of proposed network utilities, particularly: 1. contributions to national energy objectives and renewable energy generation targets will be considered; {NU cl.16}

5.9.2 Assessment of discretionary network utilities utility {NU cl.16} activities

Activity	Guidance on the assessment of resource consents
	2. <u>the benefits, in terms of the efficient use of energy, of locating renewable energy generation close to end use and to electricity transmission or distribution infrastructure; {NU 764.1}</u> 3. <u>the benefits of having a distributed network for greater energy resilience; and {NU 764.1}</u> ii. Whether network utilities are being conducted in accordance with relevant industry standards will be considered. {NU cl.16} iii. <u>the constraints imposed on size, design and location by the technical and operational requirements of the network utility or energy generation activity. {NU 576.58}</u> f. In assessing the significance of effects, consideration will be given to: {MW cl.16} i. Manawhenua values and the relationship between Manawhenua and the natural environment is maintained, including the cultural values and traditions associated with {MW cl.16} 1. wāhi tūpuna; and: {MW cl.16} 2. mahika kai (Objective 14.2.1): {MW cl.16} ii. If located outside a wāhi tūpuna mapped area, Kai tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi tūpuna is located, or the linkages between wāhi tūpuna. {MW 1071.109} g. 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. <i>Potential circumstances that may support a consent application include:</i> h. The location of proposed network utilities <u>The proposed activity {NU cl.16} is essential for the effective operation of a network service utility. {NU cl.16}.</u> i. <u>The proposed activity is to be undertaken in accordance with relevant industry standards. {NU cl.16}</u> j. <u>The utility is not located on visually prominent land. {NU 576.58}</u> k. <u>The visibility of the utility is limited by vegetation, existing building/structures, and/or natural forms or topography. {NU 576.58}</u>

5.9.2 Assessment of discretionary network utilities utility {NU cl.16} activities

Activity	Guidance on the assessment of resource consents
	I. <u>Landscaping is used to screen the utility from public viewpoints.</u> {NU 576.58} m. <u>Wind generators – large scale are located a sufficient distance from dwellings to adequately mitigate adverse effects on amenity, taking into account factors such as: the number, scale and geographical spread of turbines; and the degree to which landform or vegetation reduces visual and noise effects from turbines on nearby dwellings.</u> {NU 600.5} n. <u>Alternative sites, which would have lesser effects on character or amenity, have been considered but are impracticable for operational reasons.</u> {NU 576.58} <i>Relevant guidance from other sections (priority considerations):</i> o. <u>For activities that may have effects on biodiversity values see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1.</u> {Nat Env 900.35} p. <u>For activities adjacent to water bodies and the coast, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.2.</u> {NatEnv 900.38} q. <u>See Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua.</u> {MW cl.16³}
2. {NU cl.16³} In the rural or industrial zones: • Solar panels – regional scale {NU308.122} • Wind generators – regional scale {NU308.122} • Hydro generators – regional scale {NU308.122} • Biomass generators – stand-alone {NU 308.468}	<i>Relevant objectives and policies (priority considerations):</i> {NU cl.16} a. Objective 5.2.1 {NU cl.16} b. Large scale network utilities are designed and located to avoid any significant adverse effects, and minimise adverse effects, as far as practicable, including: {NU cl.16} i. effects on visual amenity and the character of the zone in which the activity is located; and {NU cl.16} ii. effects on the amenity of any surrounding residential activities (Policy 5.2.1.11). {NU cl.16}

5.9.2 Assessment of discretionary network utilities utility {NU cl.16} activities

Activity	Guidance on the assessment of resource consents
3. {NU 308.122} In all zones except the rural or industrial zones: {NU 308.122} • Solar panels – community scale • Wind generators – community scale • Hydro generators – community scale	<i>Relevant objectives and policies (priority considerations):</i> - Objective 5.2.1 - Large scale network utilities are designed and located to avoid any significant adverse effects, and minimise adverse effects, as far as practicable, including - effects on visual amenity and the character of the zone in which the activity is located; and - effects on the amenity of any surrounding residential activities (Policy 5.2.1.11). - Landscaping or screening are used to screen the device from surrounding properties. - The height of network utilities are compatible with the height of surrounding properties.
4. In the SNL or ONL overlay zones: • Network utilities <u>utility</u> {NU cl.16} structures - large scale <u>other than amateur radio configurations</u> {NU cl.16} • Solar panels - community <u>large</u> {NU 308.122} scale • Hydro generators - community <u>large</u> {NU 308.122} scale • Wind generators - large scale {NU 308.122 and others} • Substations {NU 915.17}	<i>Relevant guidance from other sections (priority considerations):</i> See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and effects on <u>related to</u> {NatEnv cl.16} landscape values.
5. In an <u>scheduled ASCV ASBV</u> {NatEnv 958.60}: • Network utilities <u>utility</u> {NU cl.16} structures - large scale <u>other than amateur radio configurations</u> {NU cl.16} • Solar panels - community <u>large</u> {NU 308.122} scale • Hydro generators - community <u>large</u> {NU 308.122} scale • Wind generators - large scale {NU 308.122 and others} • Substations {NU 915.17}	<i>Relevant guidance from other sections (priority considerations):</i> See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity <u>values</u>. {Nat Env 958.60}

5.9.2 Assessment of discretionary network utilities utility {NU cl.16} activities

Activity	Guidance on the assessment of resource consents
6. In the NCC Overlay Zone: • Network utilities <u>utility</u> {NU cl.16} structures - large scale <u>other than amateur radio configurations</u> {NU cl.16} • Solar panels - community <u>large</u> {NU 308.122} scale • Hydro generators - community <u>large</u> {NU 308.122} scale • Wind generators - large scale {NU 308.122 and others} • Substations {NU 915.17}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and effects related to the natural character of the coast.
7. On a scheduled heritage site: • Network utilities <u>utility</u> {NU cl.16} structures - large scale <u>other than amateur radio configurations</u> {NU cl.16} • Solar panels - community <u>large</u> {NU 308.122} scale • Hydro generators - community <u>large</u> {NU 308.122} scale • Wind generators - large scale {NU 308.122 and others} • Substations {NU 915.17}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Rule 13.7 for guidance on the assessment of resource consents in relation to Objective 13.2.2 and effects on heritage values.
8. In a heritage precinct: • Network utilities <u>utility</u> {NU cl.16} structures - large scale <u>other than amateur radio configurations</u> {NU cl.16} • Solar panels - community <u>large</u> {NU 308.122} scale • Hydro generators - community <u>large</u> {NU 308.122} scale • Wind generators - large scale {NU 308.122 and others} • Substations {NU 915.17}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Rule 13.7 for guidance on the assessment of resource consents in relation to Objective 13.2.3 and effects on heritage values.

5.9.2 Assessment of discretionary network utilities ~~utility~~ {NU cl.16} activities

Activity		Guidance on the assessment of resource consents
9.	All discretionary activities identified as a threat in a wāhi tūpuna mapped area in Appendix A4	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.
10. {NU 360.200}	In a hazard overlay zone: • Network utilities structures – large scale • Solar panels – community scale • Hydro generators – community scale	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.

¹ **NU cl. 16:** Rule 5.9.2.1 has been reformatted to include the contents of notified Rule 5.9.2.2 (these moved clauses are 5.9.2.1.f, 5.9.2.1.g, and 5.9.2.1.m through to 5.9.2.1.q), and to rearrange the text so that “*General assessment guidance*” appears above “*Potential circumstances that may support a consent application*”. This does not change the effect of provisions.

² **NU cl. 16:** The contents of notified Rule 5.9.2.2 has been included in Rule 5.9.2.1. This does not change the effect of provisions.

³ **MW cl.16:** As a clause 16 amendment, 5.9.2.1.h has been rewritten to redirect to Section 14.5. This is not a substantive change.

5.9.3 Assessment of discretionary performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Noise - where the limit is exceeded by up to <u>less than</u> {PHS cl.16} 5dB LAeq (15min)	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
2.	Light spill - where the limit is exceeded by 25% or less	

5.9.4 Assessment of discretionary activities within the radio transmitters mapped area {NU 918.25}

Activity {NU 918.25}		Guidance on the assessment of resource consents {NU 918.25}
1. {NU 918.25}	All discretionary activities	<i>Relevant objectives and policies (priority considerations):</i> i. <u>Objective 5.2.2</u> ii. <u>The potential for reverse sensitivity is avoided or minimised as far as practicable (Policy 5.2.2.5)</u>

Rule 5.10 Assessment of Non-complying Activities

Rule 5.10.1 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 5.10.2 - 5.10.45 **{NU 918.25}** 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.

5.10.2 Assessment of all non-complying network utilities-utility **{NU cl.16}** activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities <u>listed below</u> {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives <u>2.2.2</u>, <u>2.7.1</u>, <u>2.3.1</u> {NU 918.22}, <u>5.2.1</u> b. Policies <u>2.2.2.3</u> {NU 764.1}, <u>2.3.1.7</u> {NU 918.22}, <u>5.2.1.1</u> {NU 308.122}, <u>5.2.1.A</u> {NU 457.192} c. In assessing the significance of effects, consideration will be given to: i. short and long term effects, including effects in combination with other activities; ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent; iii. any effects otherwise managed through performance standards and consistent with all relevant objectives and policies for the zone; iv. Manawhenua values and the relationship between Manawhenua and the natural environment is maintained, including the cultural values and traditions associated with; {MW cl.16} 1. wāhi tūpuna; and {MW cl.16} 2. mahika kai (Objective 14.2.1): {MW cl.16} v. If located outside a wāhi tūpuna mapped area, Kai tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi tūpuna is located, or the linkages between wāhi tūpuna {MW 1071.109} <i>General assessment guidance:</i> d. In assessing the effects of the activity, the {NU cl.16} Council will consider: i. the potential benefits of the {NU cl.16} proposed network utilities activities <u>activity</u> {NU cl.16}, particularly: 1. contributions to national energy objectives or renewable energy generation targets; 2. <u>the benefits in terms of the efficient use of energy of locating renewable energy generation close to end use and to electricity transmission or distribution infrastructure:</u> {NU 764.1}

5.10.2 Assessment of all non-complying network ~~utilities~~ **utility** {*NU cl.16*} activities

Activity	Guidance on the assessment of resource consents
	3. <u>the benefits of having a distributed network for greater energy resilience; and {<i>NU 764.1</i>}</u> ii. <u>the constraints imposed on size, design and location by the technical and operational requirements of the network utility; and {<i>NU 576.58 and others</i>}</u> iii. whether relevant industry standards are being complied with. e. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. <i>Potential circumstances that may support a consent application include:</i> f. <u>The proposed activity is essential to establish or maintain a network utility service. {<i>NU 576.58</i>}</u> <i>Relevant guidance from other sections (priority considerations):</i> g. <u>See section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua. {<i>MW cl.16</i>'}</u> h. <u>For activities that may have effects on biodiversity values, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1. {<i>NatEnv 900.35</i>}</u> i. <u>For activities adjacent to water bodies and the coast see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.2. {<i>NatEnv 900.38</i>}</u>

¹ **MW cl.16:** As a clause 16 amendment, 5.10.2.1.c.iv has been rewritten to redirect to Section 14.6. This is not a substantive change.

5.10.3 Assessment of non-complying network utilities utility {NU cl.16} activities

Activity	Guidance on the assessment of resource consents
1. {NU 308.462} In all zones except the rural or industrial zones: {NU 308.462} • Biomass generators – stand-alone {NU 308.468} • Hydro generators – regional scale {NU 308.462} • Solar panels – regional scale {NU 308.462} • Wind generators – regional scale {NU 308.462}	<i>Relevant objectives and policies (priority considerations):</i> {NU 308.462} a. Objectives 5.2.1 {NU 308.462} b. There will be no material adverse effects on the amenity of surrounding area (Policy 5.2.1.10): {NU 308.462}
2. In the HNCC or ONCC overlay zones: • Biomass generators – all scales {NU 308.137 and NU 308.468} • Energy resource investigation devices {NU 308.122} • Hydro generators - all scales <u>large scale</u> {NU 308.462} • Solar panels - all scales <u>large scale</u> {NU 308.462} • Wind generators - all scales <u>large scale</u> {NU 308.462} • Network utilities <u>utility</u> {NU cl.16} structures - large scale <u>other than amateur radio configurations</u> {NU cl.16} • <u>Substations</u> {NU 915.17}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and effects related to the natural character of the coast.

5.10.3 Assessment of non-complying network utilities utility {NU cl.16} activities

Activity	Guidance on the assessment of resource consents
4. In the ONF, SNL or ONL {NU 308.122} overlay zones: • Biomass generators – all scales {NU 308.137 and NU 308.468} • Energy resource investigation devices {NU 308.122} • Hydro generators - all scales <u>large scale</u> {NU 308.462} • Solar panels - all scales <u>large scale</u> {NU 308.462} • Wind generators - all scales <u>large scale</u> {NU 308.462} • Network utilities <u>utility</u> {NU cl.16} structures - large scale <u>other than amateur radio configurations</u> {NU cl.16} • Substations {NU 915.17}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and effects on <u>related to</u> {NatEnv cl.16} landscape values.
In a scheduled ASCV {NU 308.462} • Biomass generators – stand-alone {NU 308.468} • Hydro generators – regional scale {NU 308.462} • Solar panels – regional scale {NU 308.462} • Wind generators – community scale {NU 308.462} • Wind generators – regional scale {NU 308.462}	See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity. {NU 308.462}
5. All non-complying activities identified as a threat in a wāhi tūpuna mapped area in Appendix A4	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.

5.10.3 Assessment of non-complying network utilities ~~utility~~ {NU cl.16} activities

Activity	Guidance on the assessment of resource consents
6- {NU 308.462} On a scheduled heritage site or in a heritage precinct: {NU 308.462} • Biomass generators – stand-alone {NU 308.468} • Hydro-generators – regional scale {NU 308.462} • Solar panels – regional scale {NU 308.462} • Wind generators – community scale {NU 308.462} • Wind generators – regional scale {NU 308.462}	See Rule 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.3 and effects on heritage values: {NU 308.462}

5.10.4 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • Maximum height – {NU cl.16} Clearance from navigable water body (Rule 5.5.8.6 5.5.C {NU cl.16}) • Technical standards - Maximum gauge pressure (Rule 5.5.10.2 5.5.13.2 {NU cl.16})	<i>Relevant objectives and policies (priority considerations):</i> - Objective 5.2.1 - Policy 5.2.1.7 <i>Potential circumstances which may support a consent application include:</i> Non-compliance with <u>Contravention of {NU cl.16}</u> the performance standard does not result in a safety risk.
2. Light spill - where the limit is exceeded by greater than 25%	<i>Relevant guidance from other sections (priority considerations):</i> See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health <u>and safety</u> {PHS cl.16}.
3. Location – co-location on an ONF (Rule 5.5.6.5) <u>Network utility structures - small scale - location within an ONF (Rule 5.5.6.5) {NU 360.201}</u>	<i>Relevant guidance from other sections (priority considerations):</i> See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and effects on <u>related to</u> {NatEnv cl.16} landscape values.
4. Noise - where the limit is exceeded by 5bD LAeq (15 min) or more Noise from wind turbines used for on-site energy generation {NU cl.16}	<i>Relevant guidance from other sections (priority considerations):</i> See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

5.10.4 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
5. • Setback from <u>National Grid</u> national-grid {NU cl.16} (sensitive activities, buildings, and structures, city-wide activities and National Grid sensitive activities (Rule 5.6.1.1) {NU cl.16}) • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) - <u>Setback from National Grid</u> {NU cl.16} • <u>Subdivision performance standards - Shape</u> (rules 15.7.6.2.c, 16.7.5.2.d, 17.7.6.2.d, 18.7.5.2.c, 19.7.5.2.c and 20.7.5.2) {NU 806.11}	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 5.2.1 5.2.2 {NU 918.29} b. Sensitive activities Activities {NU cl.16} and hazardous substances {NU cl.16} are set back an adequate distance from the nNational gGrid to ensure: - adverse effects on the health and safety of people are avoided or are insignificant {NU cl.16} (Policy 5.2.1.3 5.2.2.2.a {NU 918.29}); - adverse effects on the operation, maintenance, upgrading and development of the National Grid are avoided, or, where avoidance is not practicable, insignificant. (Policy 5.2.2.2.b); and {NU 806.11 and others} - the potential for reverse sensitivity is avoided or minimised as far as practicable (Policy 5.2.2.2.c). {NU 806.11} c. Any necessary building platforms are located a sufficient distance from the National Grid to ensure that: {NU 806.11} - adverse effects on the health and safety of people are avoided; {NU 806.11} - adverse effects on the operation, maintenance, upgrading and development of the National Grid are avoided or, if avoidance is not practicable, insignificant; and {NU 806.11} - the potential for reverse sensitivity is avoided or minimised as far as practicable (Policy 5.2.2.3). {NU 806.11} <i>Potential circumstances that may support a consent application include:</i> d. Written approval is obtained from the owner and/or operator of the nNational gGrid line. e. The ability to operate, maintain, upgrade and develop the national transmission network, including access to the national grid infrastructure, is not impeded: {NU 918.29} f. The proposal complies with New Zealand Electrical Code of Practices for Electrical Safe Distances (NZECP34:2001). g. The design and layout of the subdivision enables appropriate separation distances between national-grid infrastructure and land use and development. {NU 806.11}

5.10.4 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
	5.10.4

¹ **NU cl.16:** The title of this performance standard has been amended to more accurately reflect its contents. This does not change the effect of provisions.

² **NU cl.16:** This amendment is required so that the assessment rule accurately paraphrases the policy. This does not change the effect of provisions.

³ **NU cl.16:** This text has been deleted from this rule because it was included in error, and does not align with the noise rules in Section 9 of the Plan. This does not change the effect of provisions.

5.10.5 Assessment of non-complying activities within the radio transmitters mapped area {NU 918.25}

Activity {NU 918.25}		Guidance on the assessment of resource consents {NU 918.25}
1. {NU 918.25}	All non-complying activities	<u>Relevant objectives and policies (priority considerations):</u> i. <u>Objective 5.2.2</u> ii. <u>The potential for reverse sensitivity is avoided or minimised as far as practicable (Policy 5.2.2.5)</u>

6. Transportation

6.1 Introduction

The transport network provides for the movement of people and goods, and is essential to the accessibility and functioning of the city. The establishment and use of an integrated transport network connects the city with other centres and countries, and within the city provides for the safe and efficient movement of all travel methods modes {Trans 881.19}. The network includes: the Dunedin International Airport, the Port at Port Chalmers and the Port at Dunedin; railways; {Trans cl.16} any state highways and local roads; cycleways, footpaths or and shared paths; on and off roads {Trans cl.16} and public transport routes and stops.

Responsible land use planning (such as enabling dense residential development in close proximity to local services and/or the city centre) {Trans cl.16} encourages development patterns that support a variety of travel methods modes {Trans 881.19}, including walking, cycling, and public transport, for example by enabling dense residential development in close proximity to local services and/or the city centre. {Trans cl.16}

The establishment, maintenance and use of transportation infrastructure such as roads, railways, and carparking areas {Trans cl.16} can cause adverse effects on the surrounding environment including by {Trans cl.16} reducing amenity where the use of land for vehicle parking has become dominant and or by conflicting with the retention of heritage values and or the promotion of good quality urban design. Such adverse effects need to be balanced with the practical transportation needs of the city.

In response to these issues, the Second Generation this Plan 2GP {PO cl.16} contains establishes a range of objectives, policies, and rules to manage issues relating to all travel modes, across all zones, with the intention of providing with the aim of achieving {Trans cl.16} an integrated transport network that supports sustainable development and growth.

The Dunedin International Airport and the Port at Port Chalmers are managed as major facility zones: Sections 24

and 30 of this Plan contain provisions for these zones. The Port at Dunedin is managed as the Industrial Port Zone, under provisions in Section 19.

This section of the Plan manages other key elements of the transport network, including the operation and development of roads, and the establishment of passenger transportation hubs and heliports. Railways are principally managed via designations.

This section also manages the effects of activities on the functioning of the transport network. Provisions are intended to encourage the accessibility of land use activities by a range of travel modes (including car, walking, cycling and public transport), and to ensure that activities are located and designed in a way that facilitates the safe and efficient operation of the transport network. These provisions are linked to performance standards located in management and major facility zone sections, including minimum car parking and minimum vehicle loading requirements, and design standards for parking and loading areas and vehicle access. **{Trans cl.16}**

~~A road classification system is used to group roads into categories, thereby enabling some of the rules in the 2GP to apply only to those roads in a particular category provisions to be tailored to different categories of road, where appropriate **{Trans cl.16}**. The classification reflects not only the transportation function of a road but also its role in creating a 'sense of place' and its contribution to the surrounding environment; taking into account the surrounding land use and the role the road plays in contributing to the amenity values, identity, and quality of the public space of the adjoining area.~~

~~The proposed transportation provisions apply across the whole plan and are triggered by activities undertaken in management zones and major facilities, with parking and loading requirements sitting in the relevant zones as performance standards. There are also specific transportation activities relating to the maintenance and development of transportation infrastructure. **{Trans cl.16}**~~

~~It is also noted that access to a range of travel methods such as public transport services, cycleways, and pedestrian walkways is a key factor in reducing private vehicle use and associated demand for car parking. These matters sit outside the provisions of the District Plan but are integral to reducing demand in terms of parking and encouraging use of alternative methods of transport. **{Trans cl.16}**~~

The Plan contains additional provisions where activities are high trip generators. High trip generators are defined as new or additions to parking areas that result in 50 or more new parking spaces; and any activities that generate 250 or more vehicle movements per day. The additional provisions include:

- Special information requirements - High trip generators are generally required to provide an Integrated Transport Assessment, in order to ensure that effects on accessibility, and on the safety and efficiency of the transport network, can be appropriately managed.
- Additional policies and assessment guidance

These additional provisions apply to development activities that create 50+ car parks and any other RD/D/NC land use activities that are assessed as being likely to generate 250 or more vehicle movements per day. **{Trans cl.16}**

6.2 Objectives and Policies

Objective 6.2.1	
Transportation {PO cl.16} infrastructure is designed and located to ensure the safety and efficiency of the transport network for all travel methods <u>modes</u> {Trans 881.19} while: a. minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and b. meeting the relevant objectives and policies for any overlay zone, scheduled site, or mapped area in which it is located.	
Policy 6.2.1.1	Enable the operation, repair and maintenance of the roading network.
Policy 6.2.1.2	Require road signs to be designed and located to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigate adverse effects on the safety and efficiency of the transport network for all travel methods <u>modes</u> {Trans 881.19} .
Policy 6.2.1.3	Only allow new roads or additions or alterations to existing roads where: a. the road is designed to provide for the needs of all users <u>and to integrate with surrounding land uses</u> {Trans 881.58} as appropriate for the surrounding environment and road classification hierarchy mapped area; and b. the location and design of the road: i. <u>minimises, as far as practicable,</u> {PO 906.34 and 308.497} adverse effects on surrounding residential or other sensitive activities, including severance effects, changes to drainage patterns, and vibration, noise, glare and fumes from vehicle movements; <u>and</u> ii. maintains or enhances the safety and efficiency of the overall transport network; <u>and</u> iii. <u>minimises adverse effects on water bodies or the coast, areas of indigenous vegetation or other areas important for biodiversity, or identified landscape or natural character of the coast values:</u> {NatEnv 900.142 and others}
Policy 6.2.1.4	Only allow passenger transportation hubs where they are located and designed to: a. allow for convenient connections with other travel methods <u>modes</u> {Trans 881.19}; b. ensure the safety of users; c. maintain or enhance the safety and efficiency of the overall transport network; and d. maintain or enhance the amenity of the surrounding environment.
Policy 6.2.1.5	Only allow heliports where they are located and designed to: a. ensure the safety of users; b. maintain the amenity of the surrounding environment; and c. maintain or enhance the safety and efficiency of the overall transport network.

Objective 6.2.2

Land use activities are accessible by a range of travel methods modes **{Trans 881.19}**.

Policy 6.2.2.1	Require land use activities whose parking demand either cannot be met by the public parking supply, or would significantly affect the availability of that supply for surrounding activities, to provide car {Trans 917.1} parking either on or near the site at an amount that is adequate to: a. avoid excessive pressure on publicly available parking in the vicinity of the site (including on-street parking and off-street facilities); {Trans 308.147} b. a. avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate adverse effects on the availability of publicly available {Trans 308.147} parking in the vicinity of the site (including on-street parking and off-street facilities); and c. b. ensure accessibility for residents, visitors, customers, staff and students (as relevant) who have limited mobility, including disabled people, the elderly and people travelling with young children.
Policy 6.2.2.2	Enable the sharing of parking areas by different land use activities, where adequate accessibility for all users is maintained.
Policy 6.2.2.3	Only allow visitor accommodation and supported living facilities to locate on sites where customers and residents will have convenient walking access to centres, or frequent public transport services; access to other appropriate transport services; and/or an appropriate range of on-site services or facilities.
Policy 6.2.2.4 {Trans 753.2}	<u>Only allow activities that are likely to generate a significant number of trips by walking, cycling or public transport where:</u> {Trans 753.2} a. <u>for activities likely to generate trips by cycling, there will be safe access for cyclists into and through the site and sufficient secure cycle parking;</u> {Trans 753.2 and 764.5} b. <u>for activities likely to generate trips by walking, there will be safe access for pedestrians into and through the site; and</u> {Trans 159.6} c. <u>for activities likely to generate trips by public transportation, the activity will be located a reasonable walking distance from a frequent public transportation route with safe access for pedestrians from a bus stop to the site.</u> {Trans 1080.4}

Objective 6.2.3

Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel methods modes **{Trans 881.19}** and its affordability to the public. **{Trans 881.63}**

Policy 6.2.3.1	Require ancillary signs to be located and designed to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigate adverse effects on the safety and efficiency of the transport network.
Policy 6.2.3.2	Require <u>tree-planting shelterbelts and small woodlots</u> {RU cl.16} and forestry to be set back a sufficient distance from: - roads to avoid <u>or minimise, as far as practicable,</u> {PO 308.497} road safety hazards caused by shading leading to ice formation ; and <u>railway lines to avoid or minimise, as far as practicable, the risk of trees falling across railway lines.</u> {Trans 322.106 and others}
Policy 6.2.3.3	Require land use activities to provide adequate vehicle loading and manoeuvring space to support their operations and to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigate adverse effects on the safety and efficiency of the transport network.
Policy 6.2.3.4	Require land use activities to provide the amount of <u>car</u> {Trans 917.2} parking space {Trans cl.16} necessary to ensure that any overspill parking effects that could adversely affect the safety and efficiency of the transport network are avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigated.
Policy 6.2.3.5	Only allow domestic animal boarding and breeding, rural ancillary retail and rural tourism to be accessed directly from a state highway with a speed limit of 80kmh or over where any adverse effects on the safety and efficiency of the state highway <u>can</u> will {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigated.
Policy 6.2.3.6	Only allow early childhood education and dairies where adequate short-term parking and dropping off and picking up facilities are available, either on-site or on-street, to: - allow for people to safely enter or exit vehicles; and - maintain the safety and efficiency of the frontage road.
Policy 6.2.3.7	Only allow emergency services where the operational needs of the activity can be met in a way that <u>will</u> {PO cl.16} maintains {PO cl.16} the safety and efficiency of the transport network.
Policy 6.2.3.8	Only allow high trip <u>generators</u> generating activities {Trans cl.16} where they are designed and located to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigate adverse effects on the safety and efficiency of the transport network.
Policy 6.2.3.9	Only allow land use <u>and</u> {Trans cl.16} development <u>activities</u> {Trans cl.16} or subdivision activities that may lead to land use or development <u>activities</u> {Trans cl.16} , where: - there are no significant <u>adverse</u> {Trans 881.72 and 1088.24} effects on the safety and efficiency of the transport network <u>will be avoided or, if avoidance is not practicable, adequately mitigated</u> {Trans 881.72 and 1088.24}; and <u>any associated changes to the transportation network will be affordable to the public in the long term.</u> {Trans 881.63}.

Objective 6.2.3

Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel methods modes **{Trans 881.19}** and its affordability to the public. **{Trans 881.63}**

Policy 6.2.3.10	Require garages and carports to be set back an adequate distance from the road boundary to allow pedestrians and cyclists to see vehicles exiting before they cross the footpath, and to minimise, as far as practicable, {PO 906.34 and 308.497} the risk to pedestrians and cyclists from garage doors opening over the footpath.
Policy 6.2.3.11	Require buildings and structures <u>public amenities and signs</u> {Trans cl.16³} located on or above the footpath to provide for the safe movement of vehicles, pedestrians and cyclists.
Policy 6.2.3.12	Only allow subdivision activities that involve new roads where roads are designed to: - provide for the safe and efficient movement of vehicles, pedestrians and cyclists within the subdivision; - provide adequate connections to surrounding areas <u>and the wider transport network</u> {Trans 881.73}, particularly for buses, pedestrians, and cyclists; and - use materials that provide good urban design outcomes and provide good value with respect to on-going costs to ratepayers for maintenance if the roads are to be vested in Council.
Policy 6.2.3.13 {Trans cl.16³}	Require subdivisions to be designed to ensure that any required vehicle access can be provided in a way that will maintain the safety and efficiency of the adjoining road and wider transport network. {Trans cl.16³}
Policy 6.2.3.X {Trans cl.16¹}	Require service stations to be designed to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the safety and efficiency of the transport network {Trans cl.16¹} and its affordability to the public. {Trans 881.63}

¹ **Trans cl.16:** In the notified plan, assessment Rule 6.9.6.2.ii erroneously referred to Policy 6.2.3.9. Policy 6.2.3.9 is not related to service stations and has different wording. This publication error, whereby a policy was missed from the list of objectives and policies, has been addressed by including a new policy based on the wording that was included in the assessment rules. This correction has been made in accordance with the provisions of clause 16 of the RMA.

² **Trans cl.16:** Alignment with Rule 6.7.2.

³ **Trans cl.16:** This policy has been removed due to duplication of content in policy 6.2.3.9.

Objective 6.2.4

Parking areas, loading areas and vehicle accesses are designed and located to:

- a. provide for the safe and efficient operation of both the parking or loading area and the transport network; and
- b. facilitate the safe and efficient functioning of the transport network and connectivity for all travel methods modes **{Trans 881.19}**.

Policy 6.2.4.1	Require parking and loading areas, including associated manoeuvring and queuing areas, to be designed to ensure: a. the safety of pedestrians travelling on footpaths and travelling through parking areas; b. that vehicle parking and loading can <u>will</u> {PO cl.16} be carried out safely and efficiently; c. that any adverse effects on the safe and efficient functioning of the transport network are avoided, or if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, would <u>will</u> {PO cl.16} be no more than minor; d. the safe and convenient access to and from parking and loading areas for vehicles, <u>emergency vehicles</u>, {Trans 945.16} pedestrians and cyclists; and e. that mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths.
Policy 6.2.4.2	Require all {Trans cl.16} driveways to be designed to ensure <u>that</u> {Trans cl.16} : a. the surfacing and gradient of the driveway allows it to be used safely and efficiently; b. that {Trans cl.16} mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths. c. the width of the driveway is sufficient to allow the type and number of vehicles (<u>including emergency vehicles</u>), {Trans 945.16} likely to be using it to do so safely and efficiently; and d. sufficient distance is provided between shared driveways and dwellings.
Policy 6.2.4.3	Avoid new loading areas that require access over a Primary Pedestrian Street Frontage mapped area , unless any adverse effects on pedestrian safety and ease of movement would be insignificant.
Policy 6.2.4.4	Require vehicle accesses to be limited in number and width, in order to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigate adverse effects on: a. pedestrian <u>and cyclist</u> {Trans 917.5} safety and ease of movement; and b. the safety and efficiency of the <u>multi-modal</u> {Trans 917.5} transport network.
Policy 6.2.4.5	Require new vehicle accesses to be located a sufficient distance from intersections <u>and level crossings</u> {Trans 322.27} to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigate adverse effects on safety and efficiency due to: a. vehicles queuing to enter the crossing hindering the efficient functioning of the intersection <u>or level crossing</u> {Trans 322.27}; and b. confusion over whether indicating vehicles are seeking to turn at the crossing or the intersection <u>creating safety problems</u> {Trans cl.16}.
Policy 6.2.4.6	Require sufficient visibility to be available: a. at vehicle crossings, to minimise, <u>as far as practicable</u>, {PO 906.34 and 308.497} the likelihood of unsafe vehicle manoeuvres; <u>and</u> {Trans 322.30} b. <u>where a road or vehicle access crosses an operational rail network via a level crossing, to maintain the safety of the road and rail users.</u> {Trans 322.30}

Objective 6.2.4

Parking areas, loading areas and vehicle accesses are designed and located to:

- a. provide for the safe and efficient operation of both the parking or loading area and the transport network; and
- b. facilitate the safe and efficient functioning of the transport network and connectivity for all travel ~~methods~~ modes **{Trans 881.19}**.

Policy 6.2.4.7	Require vehicle accesses onto state highways in the rural zones, and rural residential zones and all strategic roads as identified in the road classification hierarchy mapped area {Trans cl.16} to be designed to: a. safely accommodate the type and number of vehicles likely to be using the access; and b. avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate adverse effects on the safety and efficiency of the frontage road.
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¹ **Trans cl.16:** The wording of Policy 6.2.4.7 has been amended to remove reference to design requirements for vehicle accesses onto “all strategic roads as identified in the road classification hierarchy mapped area”, because the performance standard that implements this policy (Rule 6.6.3.5) does not apply to all strategic roads. This correction to the policy wording does not result in a substantive change to provisions.

Rules

Rule 6.3 Activity Status

6.3.1 Activity status introduction

1. The activity status table in Rule 6.3.2 shows the activity status of transportation activities across all zones, provided any performance standards shown in the far right column are met. The activities in the transportation activities **{PO cl.16}** category are listed in the Nested Table in Section 1.36: **{PO cl.16}**
2. Performance standards apply to permitted, controlled, and restricted discretionary activities.
3. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity ~~will become restricted discretionary, unless otherwise indicated by the relevant performance standard is indicated in the relevant performance standard rule.~~ **{PO cl.16}**.
4. 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.
5. Any site development activities associated with an activity provided for in the activity status table in Rule 6.3.2 are subject to the provisions of the relevant management zone section. **{PO cl.16}**
6. Any earthworks associated with an activity provided for in the activity status table in Rule 6.3.2 are subject to the provisions in Section 8A. **{PO cl.16}**
7. Any construction associated with an activity provided for in the activity status table in Rule 6.3.2 is subject to the provisions in Section 4. **{PO cl.16}**

Legend

Zone-key Acronym {PO cl.16}	Zone/overlay zone-name Meaning {PO cl.16}
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity

6.3.2 Activity status of transportation activities

Activity	Activity status	Performance standards
1. Operation, repair and maintenance of the roading network	P	a. Design and location - road signs b. Vehicle access design and location {Trans cl.16'}
2. New roads or additions or alterations to existing roads	D	
3. New roads or additions or alterations to existing roads where part of an approved subdivision consent	RD	a. Design and location - road signs b. Vehicle access design and location {Trans cl.16'} c. Setback from scheduled tree
4. Passenger transportation hubs	D	
5. Heliports	D	

¹ **Trans cl.16:** The “Vehicle access design and location” performance standard has been removed from the “Operation, repair and maintenance of the roading network” and “New roads or additions or alterations to existing roads where part of an approved subdivision consent” activities, on the basis that it is not relevant to these activities, because it applies to vehicle accesses rather than roads. This correction does not change the effect of provisions.

Note 6.3.2A - Other requirements outside of the District Plan

- ~~The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. {Her 547.80}~~ If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand ~~before you begin~~ **{Her 547.80}**. This is the case regardless of whether the land on which the **{Her 547.80}** site is located is **{Her 547.80}** designated, or the activity is permitted under the District Plan or Regional Plan or a resource or building consent has been granted.
- The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol (Appendix A8) manages archaeological sites ~~which that~~ **{Her cl.16}** may be discovered as a result of earthworks. The protocol applies to any area, not just scheduled archaeological sites.
- ~~Scheduled archaeological sites are identified on the planning maps. Archaeological sites may also be found outside these areas, but are more likely to be found within the archaeological alert layer. {Her 1071.47}~~

Note 6.3B - Other relevant District Plan provisions **{PO cl.16'}**

- ~~Earthworks are managed through the management and major facilities zone sections **{PO cl.16}**~~

¹ **PO cl.16:** moved from Note 6.3B to Rule 5.3.1.6 and minor amendments to wording to clarify new location of earthworks provisions.

Rule 6.4 Notification

1. Applications for resource consent for high trip generating activities will be publicly notified in accordance with s95A(2) of the RMA, including the following activities: ***{Trans 634.42 and others}***
 1. service stations, including additions or alterations that create additional fuel pumps; ***{Trans 634.42 and others}***
 2. restaurant – drive through, including additions or alterations that create additional drive through windows; ***{Trans 634.42 and others}***
 3. early childhood education – large scale; ***{Trans 634.42 and others}***
 4. schools; and ***{Trans 634.42 and others}***
 5. quarrying (defined as part of mining); ***{Trans 634.42 and others}***
2. The NZ Transport Agency will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided with respect to the following applications for resource consent:
 1. high trip generators generating activities ***{Trans cl.16}*** on state highways;
 2. any new vehicle accesses onto state highways; and
 3. a subdivision that proposes to have access onto a state highway.
3. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with s95B 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 to the **wāhi tūpuna mapped area** in Appendix A4.
4. ~~In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons: ***{PO cl.16}***~~
5. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

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

Rule 6.5 Transportation Activities Performance Standards

6.5.1 Design and Location - Road Signs

1. Any road sign overhanging the footpath must, at its lowest point, be at least 2.6m above the footpath directly beneath the sign.
2. Road signs must not obstruct the carriageway.
3. The maximum area of road signs providing directional information is 0.25m². For road signs providing regulatory or warning information, there is no maximum area.
4. Road signs providing directional information must not be of a design or form that resembles signs providing regulatory or warning information.
5. Road signs providing directional information must not limit the visibility of road signs providing regulatory or warning information.
6. Road signs must not replicate the colours or shapes used for traffic control devices.
7. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

6.5.2 Setback from Scheduled Tree

New roads or additions or alterations to existing roads where part of an approved subdivision **{Trans cl.16¹}** must comply with Rule 7.5.2.

¹ **Trans cl.16:** Alignment with Rule 6.3.2.3.

Rule 6.6 Parking, Loading and Access Standards {was 'Parking, Loading and Access Performance Standards' - Trans cl.16}

6.6.1 Car Parking Design

6.6.1.1 Minimum parking space dimensions

- a. Parking spaces provided for residential activities must have the following minimum dimensions, to allow for 85th percentile design motor vehicles (See **figures 6.14H 6B.1, 6B.2 and 6B.8 {Trans cl.16}**):

1. Parking angle	2. Stall width	3. Aisle width	4. Stall depth
i. 90°	2.5m	5.8m	5m
ii. 60°	2.5m	4.9m	5m
iii. 45°	2.5m	3.9m	5m
iv. 30°	2.5m	3.1m	5m
v. 0° (parallel) - on one side	2.3m	3.3m (one-way aisle width) 6.3m (two-way aisle width)	6m
vi. 0° (parallel) - on both sides	2.3m	6.6m	6m

- b. Parking spaces provided for all other activities must have the following minimum dimensions, to allow for 99th percentile design motor vehicles (See **figures 6.14F 6B.1, 6B.3 and 6B.6 {Trans cl.16}**):

1. Parking angle	2. Stall width	3. Aisle width	4. Stall depth
i. 90°	2.5m	6.2m	5m
ii. 60°	2.5m	5.1m	5m
iii. 45°	2.5m	4.2m	5m
iv. 30°	2.5m	3.45m	5m
v. 0° (parallel) - on one side	2.3m	3.3m (one-way aisle width) 6.3m (two-way aisle width)	6m
vi. 0° (parallel) - on both sides	2.3m	6.6m	6m

- c. Except:

- i. For angle parking at 30°, 45° and 60° on one side, with parallel parking on the other, the minimum aisle width is 6.3m.
- ii. Where parking spaces are bounded by permanent obstructions higher than 150mm (such as walls, fences or columns):
 1. The minimum stall widths must be increased by 300mm where there is a permanent obstruction on one side of the parking space and by 600mm where there is a permanent obstruction on both sides of the parking space, in the case of angled parking spaces.
 2. The minimum stall depth must be increased by 300mm if one end of the parking space is obstructed or by 600mm if both ends are obstructed and the parallel parking spaces must be located at least 300mm clear of permanent obstructions, in the case of parallel parking spaces.
- iii. For aisles bounded on one side by a permanent obstruction, the minimum aisle width must be increased by at least 300mm.
- iv. At blind aisles (i.e. parking aisles that are closed at one end), the aisle must be extended at least 1m

beyond the last parking space and the last parking space must be widened by at least 300mm if it is bounded by a wall or fence.

- d. Blind aisles must be designed so that it is possible for cars to turn around at the closed end of the aisle and drive out forwards.
- e. Parking aisles used in off-street parking must be designed as follows.
 - i. Parking aisles for 90° parking must be designed for two-way movement even though one-way movement may need to be imposed in some instances.
 - ii. Parking aisles for 30°, 45° and 60° parking must be one-way, except where parallel parking is allowed on one side.
 - iii. Mobility parking spaces must be provided at a parking angle of 90° and must provide a stall width of 3.6m.
- f. ~~Any activity that provides 50 or more parking spaces is considered to be high trip generating activities and are subject to Rule 6.10. {Trans cl.16}~~
- g. ~~Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}~~

¹ **Trans cl.16:** Rule 6.6.1.1.f has been deleted on the basis that it is not necessary to provide this information here, and may confuse Plan users. Requirements for high trip generators are set out in other provisions. This change does not alter the effect of the rule.

Note 6.6.1.1A - Copyright information

1. ~~Rule 6.6.1.1.a and 6.6.1.1.b:~~ Dimensions for all parking spaces in Rules 6.6.1.1.a and 6.6.1.1.b have been calculated in accordance with derived from {Trans cl.16} Clause 2.4 of AS/NZS 2890.1:2004 with the permission of Standards New Zealand under Copyright Licence 000753.
2. ~~Rule 6.6.1.1.c:~~ These clarifications and additions set out in Rules 6.6.1.1.c-e to the minimum parking space dimensions set out in rules 6.6.1.2.a and 6.6.1.2.b 6.6.1.1.a and 6.6.1.1.b {Trans cl.16} have been reproduced from AS/NZS 2890.1:2004 with the permission of Standards New Zealand under Copyright Licence 000753. Some modifications have been applied.

6.6.1.2 Minimum manoeuvring space dimensions for parking areas

- a. Parking areas must provide manoeuvring space that ensures a motor vehicle is not required to reverse onto or off the site in any of the following circumstances:
 - i. the site is directly accessed from a motorway, strategic road, arterial road, urban high density corridor, commercial centre street or collector road, ~~as per the road classification hierarchy mapped area {Trans cl.16}~~;
 - ii. the parking area provides for five or more non-residential activities;
 - iii. the parking area provides for five or more parking spaces that share a common access; and/or **{Trans cl.16}**
 - iv. the activity is on a rear site.
- b. The manoeuvring space required under Rule 6.6.1.2.a must be designed to accommodate the following vehicle sizes:
 - i. for non-residential activities: 99th percentile design motor vehicle (**Figure 6.14F 6B.7 {Trans cl.16}**)
 - ii. for residential activities: 85th percentile design motor vehicle (**Figure 6.14H 6B.9 {Trans cl.16}**).
- c. The manoeuvring space required under Rule 6.6.1.2.a must be of an adequate size to avoid the need for:
 - i. a turntable;

- ii. the vehicle specified in Rule 6.6.1.2.b.i to undertake more than one reverse manoeuvre when manoeuvring into or out of any required parking space; and
 - iii. the vehicle specified in Rule 6.6.1.2.b.ii to undertake more than two reverse manoeuvres when manoeuvring into or out of any required parking space.
- d. The manoeuvring space required under Rule 6.6.1.2.a may include any right of way that the site on which the manoeuvring is taking place is legally entitled to use.
- e. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

6.6.1.3 Minimum queuing space for parking areas

- a. The minimum on-site queuing space for vehicles entering or exiting parking areas is:

Number of parking spaces		Minimum queuing space length
i.	5-20	6m
ii.	21-50	12m
iii.	51-100	18m
iv.	101 +	24m

- v. Where the parking area has more than one access, the required queuing space may be divided proportionally between the accesses, in accordance with the proportion of traffic volume (number of vehicle movements per access per day) to be served by each access.
 - vi. Queuing space length is measured from the road boundary to the nearest vehicle control point or point where conflict with vehicles already on the site may arise.
- b. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

6.6.1.4 Gradient of parking areas

- 1. The gradient of parking areas provided for any activity other than standard residential must not exceed 1 in 20 in any one direction.
- 2. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

6.6.1.5 Surfacing and marking of parking areas

- a. Parking areas (including associated access and manoeuvring areas) provided for any activity other than standard residential, must:
- i. be designed to ensure that water will not pool on the surface of the parking area, and will enter an appropriate stormwater drain effectively;
 - ii. be hard surfaced;
 - iii. have individual parking spaces permanently marked; and
 - iv. where there are five or more parking spaces in total provided in the parking area, mobility parking spaces must be permanently marked to reserve them for the use of people with mobility parking permits.
- b. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Note 6.6.1.5A - General advice {Confirmed for addition - Trans cl.16}

1. Areas that are hard surfaced to meet Rule 6.6.1.5 must still meet the performance standards for Maximum Building Site Coverage and Impermeable Surfaces. Products that meet the requirements of hard surfacing and that are also permeable include: {Trans cl.16}
 - a. road metal used with a geogrid material, matting, or similar product, installed to manufacturer specifications, that stabilises loose material preventing it from migrating {Trans cl.16}
 - b. GobiBlock® {Trans cl.16}
 - c. GrassPaver™ {Trans cl.16}
 - d. PorousPave® {Trans cl.16}
 - e. Hydropavers™ {Trans cl.16}
 - f. PavePro™ {Trans cl.16}

6.6.1.6 Lighting of parking areas

- a. Parking areas must be illuminated to a minimum maintained level of 2 lux, with high uniformity, during the hours of operation, if all of the following circumstances apply:
 - i. the parking area is provided for any activity other than standard residential;
 - ii. the parking area is designed to accommodate 4 or more vehicles; and
 - iii. the parking area will be used at night.
- b. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

6.6.1.7 Access to parking areas

- a. Required parking spaces must be designed to allow vehicles using the spaces to enter and exit the site without the need to move a vehicle occupying any other parking or vehicle loading space on the site.
- b. Parking areas must be accessed from a clearly defined vehicle crossing and the remainder of the parking area must be designed to be physically separated from, and inaccessible from, the road.
- c. Except, Rule 6.6.1.7.a does not apply to cases in which no more than two parking spaces are required for single residential unit.
- d. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

6.6.2 Vehicle Loading Design

6.6.2.1 Minimum manoeuvring space dimensions for loading areas

- a. Sufficient manoeuvring space must be provided to ensure that no vehicle accessing a vehicle loading area is required to reverse either onto or off a motorway, strategic road, arterial road, urban high density corridor, commercial centre street or collector road, ~~as identified in the road classification hierarchy mapped area~~ **{Trans cl.16}**.
- b. In the Industrial Port Zone and the ~~Major Facility Zone: port~~, Port Zone **{Trans cl.16}** loading areas must be designed and located to avoid the need for vehicles to reverse either onto or off any road. Refer turning circles 8m Rigid Truck (**Figure 6-14J 6B.10**); B-train (**Figure 6-14K 6B.11**); Coach (**Figure 6-14L 6B.12**) **{Trans cl.16}**.
- c. Vehicles must not be required to undertake more than one reverse manoeuvre when manoeuvring out of any required loading space. Refer turning circles 8m Rigid Truck (**Figure 6-14J 6B.10**); B-train (**Figure 6-14K 6B.11**); Coach (**Figure 6-14L 6B.12**) **{Trans cl.16}**.
- d. Parking spaces and loading spaces may be serviced in whole or in part by a common manoeuvring area.

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

6.6.2.2 Gradient of loading areas

- a. The gradient of loading areas must not exceed 1 in 20 in any one direction.
- b. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

6.6.2.3: Surfacing and marking of loading areas

- a. Loading areas, including associated access and manoeuvring areas, must:
- be hard surfaced;
 - be designed to ensure that, if impermeable surfacing **{Trans cl.16}** is used, water will not pool on the surface of the parking loading **{Trans cl.16}** area and will enter an appropriate stormwater drain effectively; and
 - be permanently marked.
- b. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

6.6.2.4 Lighting of loading areas

- a. Loading areas, including associated access and manoeuvring areas, that are used at night must be illuminated to a minimum maintained level of 2 lux, with high uniformity, during the hours of operation.
- b. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

6.6.2.5 Access to loading areas

- a. Required vehicle loading spaces must be designed to allow vehicles using the spaces to enter and exit the site without the need to move a vehicle occupying any other parking or vehicle loading space on the site.
- b. New vehicle loading areas must not be accessed from a **primary pedestrian street frontage mapped area**.
- c. Loading areas that contravene Rule 6.6.2.5.a are restricted discretionary activities. **{PO cl.16}**
- d. Loading areas that contravene ~~do not comply with~~ **{Trans cl.16}** Rule 6.6.2.5.b are non-complying activities.

6.6.3 Vehicle Access Design and Location

6.6.3.1 Maximum number of vehicle crossings

- a. The maximum number of vehicle crossings permitted on each road frontage of any site is:

Frontage length		1. Local road and Industrial road	2. Collector road	3. Arterial road (less than 100kmh) and Urban High Density Corridor	4. Strategic road
i.	0m - 18m	1	1	1	1
ii.	18m - 60m	2	1	1	1
iii.	60m - 100m	3	2	1	1
iv.	100m - 200m	3	3	2	1
v.	200m or greater	3	3	2	

- b. No new vehicle crossings are permitted onto a Commercial Centre Street except for fire stations **{Trans 945.18}**.

- c. For fire stations, the maximum number of vehicle crossings on each road frontage is two for all sites, except where three vehicle crossings are otherwise permitted. {Trans 945.18}
- d. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

Note 6.6B.3.1A - Other relevant District Plan provisions

1. New vehicle crossings are not allowed on a **primary pedestrian street frontage mapped area** (see Rule 18.6.15.b).

6.6.3.2 Minimum sight distance from a vehicle crossing access {Trans cl.16}

- a. The minimum sight distance from a new vehicle crossing access {Trans cl.16} onto any state highway:

Speed (km/h)	Sight distance (m)
i. 50	113
ii. 60	140
iii. 70	170
iv. 80	203
v. 90	240
vi. 100	282

- b. The minimum sight distance from a new vehicle crossing access {Trans cl.16} onto any road other than a state highway:

Speed (km/h)	Sight distance (m)
i. 50	55 <u>69</u> {Trans 881.87}
ii. 60	73 <u>83</u> {Trans 881.87}
iii. 70	92 <u>97</u> {Trans 881.87}
iv. 80	114 <u>111</u> {Trans 881.87}
v. 90	139 <u>125</u> {Trans 881.87}
vi. 100	165 <u>139</u> {Trans 881.87}

- c. Sight distances are measured from the points shown on Figure 6-14M 6B.13 {Trans cl.16}.
- d. In the rural and rural residential zones, ~~vehicle accesses must contain clear sight triangles must be provided {Trans cl.16}~~, as shown in Figure 6-14M 6B.13 {Trans cl.16}. The clear sight triangle must be on the road side of any gate and visibility must not be obstructed by fences, structures, vegetation or any barrier above a height of 800mm.
- e. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

Note 6.6C.3.2A - Copyright information General advice {Confirmed to be moved from 6.6.3.3 - Trans cl.16}

1. ~~Rule 6.6.3.3: Minimum sight distances from new vehicle crossings~~ accesses in Rule 6.6.3.2 {Trans cl.16} are calculated in accordance with Austroads Approach Sight Distance (ASD) values

6.6.3.3 Minimum sight distance from a vehicle crossing {Trans 360.3}

- a. The minimum sight distance from a new vehicle crossing onto any road other than a state highway: **{Trans 360.3}**

Speed (km/h) {Trans 360.3}		Sight distance (m) {Trans 360.3}
i.	50	55
ii.	60	73
iii.	70	92
iv.	80	114
v.	90	139
vi.	100	165

- b. Sight distances are measured from the points shown on Figure 6.14M: **{Trans 360.3}**
- c. In the rural and rural residential zones, vehicle accesses must contain clear sight triangles, as shown in Figure 6.14M. The clear sight triangle must be on the road side of any gate and visibility must not be obstructed by fences, structures, vegetation or any barrier above a height of 800mm: **{Trans 360.3}**

6.6.3.X Maximum width for a vehicle access {Trans cl.16¹}

- a. The maximum width for a vehicle access: **{Trans cl.16}**

All Zones {Trans cl.16}		Maximum vehicle access width (m) {Trans cl.16}
i. {Trans cl.16}	Residential activities	6
ii. {Trans cl.16}	All other activities	9

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

¹ **Trans cl.16:** Notified Rule 6.6.3.9.a.3 has been transferred to new Rule 6.6.3.X because it applies to the maximum width of the vehicle crossing rather than the driveway. This does not change the effect of provisions.

6.6.3.4 Minimum distances of new vehicle crossing from intersections and level crossings **{Trans 322.30}**

- a. The minimum distance of a new vehicle crossing from intersections on roads where the speed limit is less than 70km/h is as follows:

Frontage road		Intersecting road type		
		1. <u>Motorway, strategic road, arterial road</u> Arterial, urban high density corridor, and commercial centre street <u>and industrial road</u> {Trans cl.16'}	2. Collector	3. Local
i.	<u>Motorway, strategic road, arterial road</u> Arterial, urban high density corridor, and commercial centre street <u>and industrial road</u> {Trans cl.16'}	30m	30m	30m
ii.	Collector	20m	20m	10m
iii.	Local	20m	15m	10m

- b. The minimum distance of a new vehicle crossing from intersections on roads where the speed limit is 70 - 90 km/h is as follows:

Frontage road		Intersecting road type		
		1. <u>Motorway, strategic road, arterial road</u> Arterial, urban high density corridor, and commercial centre street <u>and industrial road</u> {Trans cl.16'}	2. Collector	3. Local
i.	<u>Motorway, strategic road, arterial road</u> Arterial, urban high density corridor, and commercial centre street <u>and industrial road</u> {Trans cl.16'}	100m	100m	100m
ii.	Collector and local	45m	45m	

- c. Except, one vehicle crossing only may be constructed to provide access to the site, in the position that most nearly complies with rules 6.6.3.5.a and or **{Trans cl.16}** 6.6.3.5.b.
- d. The minimum distance of a new vehicle crossing from intersections on roads where the speed limit is greater than 90 km/h is as follows:

Frontage road	Intersecting road type
---------------	------------------------

	1. <u>Motorway, strategic road, arterial road Strategic and Arterial, urban high density corridor, and commercial centre street and industrial road {Trans cl.16}</u>	2. Collector	3. Local
i. <u>Motorway, strategic road, arterial road, urban high density corridor, commercial centre street and industrial road Strategic and Arterial (includes urban high density corridor and commercial centre streets) {Trans cl.16}</u>	200m	200m	200m
ii. Collector and Local	60m	60m	60m

- e. The minimum distance of a new vehicle crossing from intersections on state highways is as follows:

	Posted speed of state highway	Minimum distance between access and nearest intersection (on-state highway) <u>Vehicle access onto a state highway {Trans cl.16}</u>	Minimum distance between local authority road access and intersection with a state highway <u>Vehicle access onto a road other than a state highway {Trans cl.16}</u>
i.	Less than 70km	30m	20m
ii.	70 - 89 km	100m	45m
iii.	Greater than 90 km	200m	60m

- f. Distances will be measured as shown in Figure 6.14Q 6B.17 {Trans cl.16}.
- g. The minimum distance between a new vehicle crossing and a level crossing on the same road is 30m. {Trans 322.29}
- h. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

¹ **Trans cl.16:** Omitted in error from the notified version of the Plan.

6.6.3.5 Standard of vehicle accesses onto state highways

- a. Vehicle accesses onto state highways in the rural and rural residential zones must comply with the following:

1. Volume of traffic using vehicle access (ecm per day)	2. Volume of traffic using state highway (volume per day)	Vehicle access design and sealing	
		3. less than or equal to {Trans cl.16} 1 movement per day of a vehicle weighing over 3.5 tonnes	4. more than 1 movement per day of a vehicle weighing over 3.5 tonnes
i. 1 - 30	less than 10, 000	(see Figure 6.14N 6B.14 {Trans cl.16})	(see Figure 6.14O 6B.15 {Trans cl.16})
ii.	more than 10, 000	(see Figure 6.14O 6B.15 {Trans cl.16})	(see Figure 6.14O 6B.15 {Trans cl.16})
iii. 31 - 100	less than 10, 000	(see Figure 6.14O 6B.15 {Trans cl.16})	(see Figure 6.14P 6B.16 {Trans cl.16})
iv.	more than 10, 000	(see Figure 6.14P 6B.16 {Trans cl.16})	(see Figure 6.14P 6B.16 {Trans cl.16})

- b. Equivalent car movement (ecm) is calculated as follows:

- one car moving to and from a property equals 2 ecm;
- one truck moving to and from a property equals 6 ecm; and
- one truck and trailer moving to and from a property equals 10 ecm.

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

6.6.3.6 Surfacing of vehicle {Trans cl.16} driveways

- a. ~~Vehicle~~ {Trans cl.16} Driveways that adjoin a legal road that is hard surfaced, must be constructed with a hard surface for a minimum distance of 5m from the edge of the road as shown in Figure 6B.19 {Trans 881.91}.
- b. In all zones other than the rural and rural residential zones, the full length of any driveway that serves 2 or more residential properties must be hard surfaced.
- c. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

Note 6.6.3.6A - General advice {Trans cl.16}

- Driveways {Trans cl.16} that are hard surfaced to meet Rule 6.6.3.6 must still meet the performance standards for Maximum Building Site Coverage and Impermeable Surfaces. Products that meet the requirements of hard surfacing and that are also permeable include: {Trans cl.16}
 - road metal used with a geogrid material, matting, or similar product, installed to manufacturer specifications, that stabilises loose material preventing it from migrating {Trans cl.16}
 - GobiBlock® {Trans cl.16}
 - GrassPaver™ {Trans cl.16}
 - PorousPave® {Trans cl.16}
 - Hydropavers™ {Trans cl.16}
 - PavePro™ {Trans cl.16}

6.6.3.7 Gradient of vehicle **{Trans cl.16}** driveways

- The maximum change in gradient without transition for vehicle **{Trans cl.16}** driveways is 1 in 8 for summit grade changes or 1 in 6.7 for sag grade changes.
- The gradient of the first 5m measured from the road boundary into the site must be no greater than 1 in 8.
- Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

6.6.3.8 Minimum distance between driveways and dwelling

- Where a driveway serves more than one residential building, the formed section of **{Trans 228.1}** the driveway must be set back a minimum of 1m from any residential building see **(Figures 6.14D 6B.4 and 6.14E 6B.5) {Trans cl.16}**
- Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

6.6.3.9 Width of vehicle **{Trans cl.16}** driveways

- The minimum widths of vehicle **{Trans cl.16}** driveways ~~is~~ are **{Trans cl.16}** as follows:

All zones except rural and rural residential zones		1. Number of residential units served	2. Minimum legal width	3. Maximum width {Trans cl.16} ¹	4. Minimum formed width
i.	Residential activities	1-6	4.5m 4m {Trans 704.5 and others}	6m {Trans cl.16}	3m
ii.		7 +	6.5m 4.5m {Trans 490.6 and 490.32}	9m {Trans cl.16}	<u>3.5m {Trans 490.6 and 490.32}</u> i. 3.5m for a vehicle that adjoins a 'local road'. {Trans 490.6 and 490.32} ii. 5m for a vehicle adjoins any other road {Trans 490.6 and 490.32}
iii.	All other activities	All	6m	9m {Trans cl.16}	5m
Rural and rural residential zones					
iv.	Residential activities	1-3	4m	6m {Trans cl.16}	3.5m
v.		4 +	6m	6m {Trans cl.16}	5m
vi.	All other activities	All	6m	9m {Trans cl.16}	5m

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

¹ **Trans cl.16:** Notified Rule 6.6.3.9.a.3 has been transferred to new Rule 6.6.3.X, because it applies to the maximum width of the vehicle crossing rather than the driveway. This does not change the effect of provisions.

6.6.3.10 Sightlines to level crossings (Trans 322.30}

- a. Vehicle accesses and roads that cross an operational rail network via a level crossing must maintain clear sightlines within the sight line triangles shown in Appendix 6B, Figure 6B.18. {Trans 322.30}
- b. Activities that contravene this performance standard are restricted discretionary activities. {Trans 322.30}

Note 6.6B.3A - General advice

1. Approval for any work in a road, including the establishment of access to properties, must be obtained from the relevant road controlling authority. Under section 317 of the Local Government Act 1974, the Dunedin City Council is the road controlling authority for all in roads in the city, with the following exceptions:
 - a. state highways are under the control of the NZ Transport Agency (NZTA), unless the NZTA has delegated control to the Dunedin City Council.
 - b. government roads are under the control of the Minister of Transport.
2. Under section 51 (2) of the Government Rounding Powers Act 1989, the written permission of the NZTA must be obtained prior to the commencement of any work on any state highway. Early consultation with the NZTA should be undertaken for subdivision or development proposals adjacent to, or seeking access to, state highways.
3. Where the state highway has been declared a *limited access road*, approval from the ~~NZ Transport Agency~~ NZTA **{Trans cl.16}** is required for new accesses or changes to existing accesses. The objective of this control is to protect the operation of state highway from uncontrolled property access that can affect the safety, efficiency, functionality and level of service of the state highway. Limited access roads are most commonly in areas with a heightened development pressure. The ~~NZ Transport Agency~~ NZTA **{Trans cl.16}** should be consulted initially with respect to development along limited access roads.
4. Vehicle accesses must comply with the fire safety requirements of the New Zealand Building Code. See Acceptable Solution C/AS1 Part 8: Fire Fighting of New Zealand Building Code Compliance Document C Fire Safety, which sets out vehicle access dimensions and design to allow access for fire fighting. Under this acceptable solution, a minimum access width of 4m is required to within 18m of at least one side of each building, except that when a building is sprinklered and has a fire riser main installed, access need only be to within 18m of the inlets to these systems. There are additional requirements for buildings containing 'SC and SD purpose groups' as defined in the compliance document. Examples of such buildings include hospitals, care institutions and prisons.
5. Maximum grade changes without transition set out in Rule 6.6.3.7 are reproduced from AS/NZS 2890.1:2004 Parking facilities - Off-street car parking under Copyright Licence 000753.

Rule 6.7 General Performance Standards

Rule 6.7.1 Service Station Standards

1. Pumps must be located at least **{Trans cl.16}**:
 - a. at least **{Trans cl.16}** 7m 6m **{Trans 895.16}** from the road boundary; and
 - b. 12m from the midpoint of any vehicle crossing.
2. Service stations must provide 3 queuing spaces per pump and/or car wash.
3. Queuing spaces must not obstruct any footpath, cycleway or vehicle access.
4. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Rule 6.7.2 Public Amenities and Signs Located on or Above the Footpath {Was "Buildings and Structures Located on or Above the Footpath" - Trans cl.16¹}

1. ~~Public amenities, network utilities poles and masts – small scale, and network utility structures (small and large scale);~~ **{NU 457.169 and others}** temporary signs and portable freestanding signs, located on public footpaths must provide a minimum width of unobstructed area for pedestrian movement as follows:
 - a. 3m in the Central Business District (CBD) Zone; and
 - b. 1.5m in all other zones.
2. Public amenities, temporary signs and portable freestanding signs located on public footpaths must:
 - a. be located in line with any other permanent or temporary obstruction present on the footpath at that location, otherwise at the kerb edge of the footpath;
 - b. not be located within 2m of an intersection or pedestrian crossing location;
 - c. not be located at the kerb directly adjacent to a bus top, taxi stand, mobility parking or an Authorised Vehicles Only parking space; and
 - d. ~~signs must~~ **{Trans cl.16}** not be painted, drawn, chalked or otherwise created on the surface of any footpath.
3. Signs that overhang a footpath must:
 - a. be 2.5m above the footpath at their lowest point;
 - b. hang perpendicular to the footpath;
 - c. not extend past the edge of any verandah; and
 - d. be a minimum of at least 500mm from the road's edge.
4. ~~Ancillary signs~~ Signs **{PO cl.16}**, temporary signs, and public amenities, must not:
 - a. obstruct the visibility of any traffic control device; or
 - b. compromise sightlines from road intersections and vehicle crossings.
5. Signs that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

¹ **Trans cl.16:** Alignment with the content of Rule 6.7.2.

Rule 6.7.3 Signs Visible from Roads

1. The minimum letter height of signs designed to be read by passing motorists must be:
 - a. 120mm where the speed limit is less than 70km per hour; and
 - b. 160mm where the speed limit is greater than 70km per hour.
2. ~~No sign shall~~ Signs must not **{PO cl.16}** be of a design or form such that it ~~that~~ **{PO cl.16}** resembles or conflicts with traffic signs.
3. Illuminated and digital signs must:
 - a. have the sign's light source shielded so that its glare does not extend beyond the sign;
 - b. have all floodlights or concealed lighting directed solely on the sign;
 - c. not use images that are flashing or animated;
 - d. have a minimum display time of 10 seconds per image; and
 - e. have a maximum luminance (cd/m²) of:
 - i. 2000 where the sign has an illuminated area ~~of up to~~ less than or equal to **{Trans cl.16}** 0.5m²;
 - ii. 1600 where the sign has an illuminated area ~~of above 0.5m² to 2m²~~ greater than 0.5m², but less than or equal to 2m²; **{Trans cl.16}**
 - iii. 1200 where the sign has an illuminated area ~~of above 2m² to 5m²~~ greater than 2m², but less than or equal to 5m²; **{ Trans cl.16}**
 - iv. 1000 where the sign has an illuminated area ~~of above 5m² to 10m²~~ greater than 5m², but less than or equal to 10m² **{Trans cl.16}**; and
 - v. 800 where the sign has an illuminated area ~~above~~ greater than **{Trans cl.16}** 10m².
4. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Rule 6.8 Subdivision Performance Standards

6.8.1 Access

1. Every resultant site must have legal and physical access (a vehicle access) to a formed road, except if:
 - a. the resultant site is being created for reserve or as a result of a road closure; or
 - b. minimum car parking is not required by the relevant Plan provisions, in which case only legal access to a formed road is required.
2. ~~Vehicle accesses required by Rule 6.8.1.1 must be located and constructed in accordance with Rule 6.6.3.~~
{Trans cl.16'}
3. ~~Activities that contravene this performance standard are restricted discretionary activities.~~**{PO cl.16}**

¹ **Trans cl.16:** This rule has been deleted on the basis that it is unnecessary; Rule 6.6.3 applies to all new vehicle accesses, not only those required by Rule 6.8.1.1. This does not change the effect of provisions.

Note 6.8.1A - Other requirements outside of the District Plan

1. For subdivisions that access a state highway, approval from the New Zealand NZ **{Trans 881.17}** Transport Agency is required.

Rule 6.8A Assessment of Controlled Activities {Confirmed for addition - MF 308.353}

6.8A.1 Assessment of controlled activities {MF 308.353}		
Activity {MF 308.353}	Matters of discretion control {MF 308.353}	Guidance on the assessment of resource consents {MF 308.353}
1. <u>Student Hostels (Campus) {MF 308.353}</u>	a. Effects on accessibility	<i>Relevant objectives and policies:</i> i. Objective 6.2.2 ii. Visitor accommodation and supported living facilities are located on sites where customers and residents will have convenient walking access to centres, frequent public transport services, other appropriate transport services, and/or an appropriate range of on-site services or facilities (Policy 6.2.2.3). {MF 308.353} iii. <u>For activities that are likely to generate a significant number of trips by walking, cycling or public transport: {Trans 753.2}</u> 1. <u>activities likely to generate trips by cycling have safe access for cyclists into and through the site and secure cycle parking: {Trans 753.2 and 764.5}</u> 2. <u>activities likely to generate trips by walking have safe access for pedestrians into and through the site; and {Trans 159.6}</u> 3. <u>activities likely to generate trips by public transportation are located a reasonable walking distance from a frequent public transportation route with safe access for pedestrians from a bus stop to the site (Policy 6.2.2.4). {Trans 1080.4}</u> <i>General assessment guidance:</i> iv. Convenient walking access is to be determined taking into account the anticipated mobility levels of the intended customers or residents of the activity. {MF 308.353} <i>Possible circumstances that may support a consent application include: {MF 308.353}</i> v. Examples of services and facilities required where supported living facilities are not within walking distance of a centre or frequent public transport services are medical services, personal services such as hairdressers, retail services such as dairies or café, and sport and leisure activities. {MF 308.353}

6.8A.1 Assessment of controlled activities {MF 308.353}

Activity {MF 308.353}	Matters of discretion control {MF 308.353}	Guidance on the assessment of resource consents {MF 308.353}
	b. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 ii. Visitor accommodation and supported living facilities The <u>activity {Trans cl.16}</u> provides the amount of car <u>{Trans 917.2}</u> parking space <u>{Trans cl.16}</u> necessary to ensure that any overspill parking effects that could adversely affect the safety and efficiency of the transport network are avoided or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, adequately mitigated (Policy 6.2.3.4). <i>Possible circumstances that may support a consent application include:</i> iii. The parking demand likely to be generated by the activity means the proposed number of parking spaces will be sufficient. iv. Although the activity may result in the need for the parking of vehicles on-street, this is unlikely to result in adverse effects on the safety and/or efficiency of the transport network.

¹ **MF 308.353:** This content has been copied from 6.10.2.4 to 6.8A because the activity status for student hostels in the Campus Zone has changed from RD to C.

Rule 6.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 6.9.1 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 6.9.2 - 6.9.6:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rules 6.9.3 apply to performance standards located in the management and major facility zones; Rule 6.9.4 applies to performance standards for transportation activities; Rule 6.9.5 applies to performance standards for parking, loading and access standards; Rule 6.9.6 applies to general performance standards.

6.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards, site specific factors including topography, make meeting the standard impracticable. c. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. <i>General assessment guidance:</i> d. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

6.9.3 Assessment of performance standard contraventions (performance standards located in zones)

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Access (subdivision)	a. Effects on accessibility	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 <u>6.2.2 {Trans cl.16'}</u> ii. Subdivisions are designed to ensure that any required vehicle access can be provided in a way that will maintain the safety and efficiency of adjoining roads and the wider transport network (Policy 6.2.3.13). {Trans cl.16'} <i>General Assessment Guidance:</i> iii. <u>Council will assess contravention of the performance standard for access based on the related contravention of the minimum car parking standard, see Rule 6.9.3.6. {Trans cl.16'}</u>
2. Boundary setbacks - (Rule 15.6.14.1.a.ix.3) <u>garages and carports setback from road boundary</u> {Trans cl.16}	a. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 ii. Garages and carports are set back from the road boundary an adequate distance to allow pedestrians and cyclists to see vehicles exiting before they cross the footpath, and to minimise <u>as far as practicable {PO 906.34 and 308.497}</u> the risk to pedestrians and cyclists from garage doors opening over the footpath (Policy 6.2.3.10).
3. Density (Rule 15.5.2.7.a) - {Trans cl.16} Papakāika in residential zones	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 ii. Land use, or development has no significant Adverse {Trans 881.72 and 1088.24} effects on the safety and efficiency of the transport network <u>will be avoided or, if avoidance is not practicable, adequately mitigated {Trans 881.72 and 1088.24}</u> (Policy 6.2.3.14<u>9.a</u> {Trans cl.16}). iii. <u>Any associated changes to the transportation network will be affordable to the public in the long term</u> (Policy 6.2.3.9.b). {Trans 881.63}

6.9.3 Assessment of performance standard contraventions (performance standards located in zones)

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
4. Forestry and tree planting shelterbelts and small woodlots {RU cl.16} setbacks	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> - Objective 6.2.3 - Tree planting Shelterbelts and small woodlots {RU cl.16} and forestry are set back a sufficient distance from: - all roads with a posted speed environment of greater than 50kmh {Trans cl.16³} to avoid road safety hazards caused by shading leading to ice formation; and - railway lines to avoid or minimise, as far as practicable, the risk of trees falling across railway lines {Trans 322.106 and others} (Policy 6.2.3.2).
5. Location - domestic animal boarding and breeding - rural ancillary retail - rural tourism {Trans cl.16}	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> - Objective 6.2.3 - Any adverse effects on the safety and efficiency of the state highway can will {PO cl.16} be avoided or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigated (Policy 6.2.3.5) <i>Potential circumstances that may support a consent application include:</i> - There are relatively low traffic volumes and/or vehicle speeds on the stretch of the state highway that the site is accessed from.
6. Minimum car parking	a. Effects on accessibility	<i>Relevant objectives and policies:</i> - Objective 6.2.2 - Land use activities whose parking demand cannot be met by the public parking supply, or would significantly affect the availability of that supply for surrounding activities, to provide parking on or near the site at an amount that is adequate to {Trans 308.147}: - provide car parking either on or near the site at an amount that is adequate to avoid excessive pressure on publicly available parking in the vicinity of the site (including on-street parking and off-street facilities); {Trans 308.147} - avoid or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigate adverse effects on the availability of publicly available {Trans 308.147} parking for existing or permitted activities; and - ensure accessibility for (as relevant) {Trans cl.16} residents, visitors, customers, staff and students (as relevant) {Trans cl.16} who have limited mobility,

6.9.3 Assessment of performance standard contraventions (performance standards located in zones)

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
		including disabled people, the elderly and people travelling with young children (Policy 6.2.2.1). <u>General assessment guidance {Trans cl.16}</u> iii. In balancing consideration of accessibility (Objective 6.2.2) with consideration of significant adverse effects on other values, Council will generally prefer to avoid significant adverse effects on land instability, heritage, streetscape amenity and the safety and efficiency of the transport network, in accordance with objectives 6.2.3 (safety, efficiency of the transport network <u>and its affordability to the public {Trans 881.63}</u>), 13.3.1 to 13.3.3 (scheduled heritage items), 7.2.1 (significant trees), and 15.2.3 (heritage streetscape character) and 15.2.4 (streetscape amenity). <u>{Trans cl.16}</u> <u>Potential circumstances that may support a consent application include:</u> iv. The establishment of required car parking would result in a net loss in the availability of on-street parking in the vicinity of the site. v. The applicant proposes to use the same space on-site to fulfil both minimum car parking and minimum vehicle loading requirements, and can demonstrate that this space will be managed so that both the parking and loading demands of the land use activity will be met. vi. The proposed activity is taking place on an existing site that does not have a vehicle access and one or more of the following circumstances apply: 1. it is not practicable to create a vehicle access that would comply with Rule 6.6.3.4 because the site is located on or near an intersection; 2. it is not practicable to create a vehicle access that would comply with Rule 6.6.3.7 because the site is located on or near a steep slope or cliff; 3. it is not practicable to create a vehicle access that would comply with Rule 6.6.3.14 <u>{Trans cl.16}</u> because the site has no frontage to a legal road, and any existing access way is not wide enough to meet Rule 6.6.3.9. vii. The applicant is proposing to provide a sufficient number of parking spaces to meet the minimum car parking performance standard, but some or all of these parking spaces are to be provided on a site other than the site on which the land use activity is taking place, and all of the following conditions are met: 1. all required mobility parking spaces will be provided

6.9.3 Assessment of performance standard contraventions (performance standards located in zones)

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
		on the same site as the land use activity; 2. all required parking spaces are within 250m of the site on which the land use activity is taking place; 3. all required parking spaces are legally available to users of the land use activity via binding long term agreement; and 4. there are/will be adequate safe pedestrian crossing points for pedestrians moving between the parking area and the site, if there are roads to cross. viii. The applicant is able to demonstrate that, due to current usage rates of public parking in the vicinity of the site, the parking demand of the activity will not result in parking occupancy within 250m of the site exceeding 80% average daily occupancy (9am to 5pm) in residential zones, or 85% average daily occupancy in all other zones (excluding rural and rural residential), after the activity is established (see Special Information Requirements - Rule 6.13.1). ix. If parking spaces shared with other land use activities are not exclusively available to the activity during its hours of operation, the applicant is able to demonstrate that the shared parking spaces will meet the parking demand generated by users of the activity. x. The establishment of required car parking would require significant earthworks that would cause land instability or result in costs that were disproportionate to the total value of the development. xi. The establishment of required car parking would unavoidably result in significant adverse effects on: 1. the safety or efficiency of the transport network; 2. streetscape amenity; or 3. heritage values. xii. In balancing consideration of accessibility (Objective 6.2.2) with consideration of significant adverse effects on other values, Council will generally prefer to avoid significant adverse effects on land instability, heritage, streetscape amenity and the safety and efficiency of the transport network, in accordance with Objectives 6.2.3 (safety and efficiency of the transport network), 13.3.1 to 13.3.3 (scheduled heritage items), 7.2.1 (significant trees), and 15.2.3 (heritage streetscape character) and 15.2.4 (streetscape amenity). {Trans cl.16} xiii. <u>The applicant is able to demonstrate that there will be a reduction in car parking need due to the provision of</u>

6.9.3 Assessment of performance standard contraventions (performance standards located in zones)

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
		<u>secure and convenient cycle parking, in combination with other factors such as: {Trans 917.1 and 917.2}</u> 1. <u>the provision of other end-of-trip facilities: {Trans 917.1 and 917.2}</u> 2. <u>cycle infrastructure in the vicinity of the development: {Trans 917.1 and 917.2}</u> 3. <u>a travel demand management programme; and/or {Trans 917.1 and 917.2}</u> 4. <u>the characteristics of the activity and its predicted mode share. {Trans 917.1 and 917.2}</u>
	b. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 ii. <u>The activity provides {Trans cl.16} the amount of ear {Trans 917.2} parking space {Trans cl.16} necessary to ensure that any overspill parking effects that could adversely affect the safety and efficiency of the transport network are avoided or, if avoidance is not possible practicable {PO 908.3 and others}, adequate mitigation is provided (Policy 6.2.3.4).</u> iii. The parking demand likely to be generated by the activity means the number of parking spaces provided will be sufficient to avoid overspill parking. iv. Although the activity may result in the need for the parking of vehicles on-street, this is unlikely to result in adverse effects on the safety and/or efficiency of the transport network. v. <u>The applicant is able to demonstrate that there will be a reduction in car parking need due to the provision of secure and convenient cycle parking, in combination with other factors such as: {Trans 917.1 and 917.2}</u> 1. <u>the provision of other end-of-trip facilities: {Trans 917.1 and 917.2}</u> 2. <u>cycle infrastructure in the vicinity of the development: {Trans 917.1 and 917.2}</u> 3. <u>a travel demand management programme; and/or {Trans 917.1 and 917.2}</u> 4. <u>the characteristics of the activity and its predicted mode share. {Trans 917.1 and 917.2}</u>

6.9.3 Assessment of performance standard contraventions (performance standards located in zones)

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
7. Minimum vehicle loading	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 ii. <u>The activity provides {Trans cl.16} adequate vehicle loading space is provided to support the activity's its {Trans cl.16} operations and to avoid or, if avoidance is not possible practicable {PO 908.3 and others}, adequately {PO cl.16} mitigate adverse effects on the safety and efficiency of the transport network (Policy 6.2.3.3).</u> <i>Potential circumstances that may support a consent application include:</i> iii. Adequate additional loading space is available on an adjacent or nearby site via binding long-term agreement. iv. Although the activity may result in the need for the loading of vehicles on-street, this is unlikely to result in adverse effects on the safety and/or efficiency of the transport network. v. The applicant proposes to use the same space on-site to fulfil both minimum car parking and minimum vehicle loading requirements, and can demonstrate that this space will be managed so that both the parking and loading demands of the land use activity will be met.
8. Number, location and design of ancillary signs	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 ii. Ancillary signs are located and designed to avoid or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigate adverse effects on the safety and efficiency of the transport network (Policy 6.2.3.1). <i>Potential circumstances that may support consent application include:</i> iii. The location of the sign will not obstruct or obscure sightlines, pedestrian and cycling or vehicle access.

¹ **Trans cl.16:** Under notified Rule 6.9.3.1, 'effects on accessibility' is the matter of discretion, but the objective and policy referred to in assessment guidance relate to effects on the safety and efficiency of the transport network. This error has been corrected by deleting the references to Objective 6.2.3 and Policy 6.2.3.13, adding a reference to Objective 6.2.2, and adding appropriate "general assessment guidance" as shown. This does not result in a substantive change to the effect of provisions.

² **Trans cl.16:** Rule 6.9.3.6.a.iii was notified as 6.9.3.6.a.ix. Its relocation with this assessment rule does not change the effect of provisions.

³ **Trans cl.16:** The paraphrasing of Policy 6.2.3.2 has been amended to accurately reflect the contents of the policy. This does not change the effect of the provisions.

6.9.4 Assessment of transportation activities performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Design and location - road signs	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.1 ii. Road signs are designed and located to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate adverse effects on the safety and efficiency of the transport network for all travel modes {Trans cl.16'} (Policy 6.2.1.2). <i>Potential circumstances that may support a consent application include:</i> iii. The relevant road controlling authority has provided approval for the proposed design and location of the sign. iv. Overhanging signs positioned less than 2.6m above the footpath are considered unlikely to adversely affect pedestrian safety or connectivity, due for example to low volumes of pedestrians on the footpath or the presence of existing structures that limit pedestrian movement in the vicinity of the proposed sign.
2. Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6

¹ **Trans cl.16:** The paraphrasing of Policy 6.2.1.2 has been amended to accurately reflect the contents of the policy. This does not change the effect of the provisions.

~~6.9.5 Assessment of parking, loading and access standards performance standards contraventions {Trans cl.16'}~~

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
4. Car parking design (Minimum parking space dimensions)	a. Effects on safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.4 ii. Vehicle parking can be carried out safely and efficiently (Policy 6.2.4.1b). <i>Potential circumstances that may support a consent application include:</i> iii. The proposed parking spaces are of a sufficient size to accommodate the vehicles likely to be using them.

6.9.5 Assessment of parking, loading and access standards performance standards contraventions {Trans cl.16}

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2-	Car parking design (Minimum manoeuvring space dimensions for parking areas)	a. Effects on safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.4 ii. Vehicle parking can be carried out safely and efficiently (Policy 6.2.4.1b). iii. Any adverse effects on the safe and efficient functioning of the transport network are avoided or would be no more than minor (Policy 6.2.4.1b). <i>Potential circumstances that may support a consent application include:</i> iv. The proposed manoeuvring area will accommodate the vehicles likely to be using it. v. Volumes of traffic, cyclists and pedestrians using the frontage road are low and likely to remain low. vi. The parking area is unlikely to be used by heavy vehicles. vii. The peak hours of use of the loading area will not coincide with peak flows or vehicle queues on the frontage road. viii. Drivers of reversing vehicles can both see, and be seen by, pedestrians, cyclists and drivers of other vehicles. ix. Visibility of, and/or visibility from, reversing vehicles will be increased by altering vegetation, fencing and/or other structures.
3-	Car parking design (Minimum queuing space for parking areas)	a. Effects on safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.4 ii. Vehicle parking can be carried out safely and efficiently (Policy 6.2.4.1b). iii. Any adverse effects on the safe and efficient functioning of the transport network are avoided, or if avoidance is not possible, would be no more than minor (Policy 6.2.4.1c). <i>Potential circumstances that may support a consent application include:</i> iv. The proposed queuing space is adequate for the numbers of vehicles considered likely to be using the parking area on a regular basis. v. Volumes of pedestrian, cycle and vehicle traffic using the frontage road are low. vi. The parking area is unlikely to be used by heavy vehicles. vii. The peak hours of use of the parking area will not coincide with peak flows or vehicle queues on the frontage road.

6.9.5 Assessment of parking, loading and access standards performance standards contraventions {Trans cl.16}

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
4. • Car parking design (access to parking areas) • Car parking design (gradient of parking areas) • Car parking design (lighting of parking areas) • Car parking design (minimum manoeuvring space dimensions for parking areas) • Car parking design (minimum queuing space for parking areas) • Car parking design (minimum parking space dimensions) • Car parking design (surfacing and marking of parking areas) • Vehicle loading design (access to loading area - Rule 6.6.2.5.a) • Vehicle loading design (gradient of loading areas) • Vehicle loading design (lighting of loading areas) • Vehicle loading design (minimum manoeuvring space dimensions for loading areas)	a. Effects on safety and efficiency of the transport network and parking and loading areas	<i>Relevant objectives and policies:</i> i. Objective 6.2.4 ii. Parking and loading areas, including associated manoeuvring and queuing areas, are designed to ensure: 1. the safety of pedestrians travelling on footpaths and travelling through parking areas; 2. that vehicle parking and loading can be carried out safely and efficiently; 3. that any adverse effects on the safe and efficient functioning of the transport network is avoided, or if avoidance is not possible, would be no more than minor; 4. the safe and convenient access to and from parking and loading areas for vehicles, pedestrians and cyclists; and 5. that mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths (Policy 6.2.4.1). <i>Potential circumstances that may support a consent application include:</i> i. For non-compliance with the gradient and surfacing standards: there is little likelihood of mud, stone, gravel or other material being carried onto public roads or footpaths due to the topography of the site or materials used. ii. For non-compliance with the lighting standards: 1. the parking or loading area will not be used frequently during the hours of darkness; or 2. other light sources in the area give adequate light to provide security and/or visibility for users of the parking or loading area and its surrounds iii. For non-compliance with access standards: 1. Volumes of pedestrian, cycle and vehicle traffic using the frontage road are low and likely to remain low. 2. The peak hours of use of the loading area will not coincide with peak flows or vehicle queues on the frontage road. 3. Drivers of reversing vehicles can both see, and be seen by, pedestrians, cyclists and drivers of other vehicles. 4. Visibility of, and/or visibility from, reversing vehicles

6.9.5 Assessment of parking, loading and access standards performance standards contraventions {Trans cl.16}

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
Vehicle loading design (surfacing and marking of parking areas)		will be increased by altering vegetation, fencing and/or other structures.
5. - Vehicle access design and location (gradient of vehicle driveways) - Vehicle access design and location (surfacing of driveways)	a. Effects on safety and efficiency of the transport network and parking, loading and access areas	<i>Relevant objectives and policies:</i> - Objective 6.2.4 - Driveways are designed to ensure: - the surfacing and gradient of the driveway allows it to be used safely and efficiently; - that mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths; - the width of the driveway is sufficient to allow the type and number of vehicles likely to be using it to do so safely and efficiently; and - sufficient distance is provided between shared driveways and dwellings (Policy 6.2.4.2).
6. Vehicle access design and location (Maximum number of vehicle accesses)	a. Effects on safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> - Objective 6.2.4 - Vehicle accesses are limited in number and width, in order to avoid or, if avoidance is not possible, adequately mitigate adverse effects on pedestrian safety and ease of movement and the safety and efficiency of the transport network (Policy 6.2.4.4). <i>General assessment guidance:</i> - Estimates of future pedestrian traffic should take into account the location of the road in relation to the strategic pedestrian network, local centres and schools, and existing and permitted activities in the surrounding area that have the potential to increase pedestrian numbers with priority given to provisions for pedestrian safety and connectivity. <i>Potential circumstances that may support a consent application include:</i> - The current and likely future volume of pedestrian, cycle and vehicle traffic using the frontage road is low. - Potential adverse effects from the additional vehicle crossing(s) are minimal due to the physical form of the road, for example the presence of a solid median to prevent right hand turns.

6.9.5 Assessment of parking, loading and access standards performance standards contraventions {Trans cl.16}

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
7.	Vehicle access design and location (Minimum sight distance from vehicle crossing)	a. Effects on safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.4. ii. Sufficient visibility is available at vehicle crossing to minimise the likelihood of unsafe vehicle manoeuvres (Policy 6.2.4.6). <i>Potential circumstances that may support a consent application include:</i> iii. The speed and/or volume of traffic using the frontage road is low. iv. The volume of traffic that will be using the vehicle crossing is low. v. The peak hours of use of the vehicle access will not coincide with peak flows on the frontage road. vi. The addition of acceleration, deceleration or solid medians will adequately mitigate potential adverse effects on the safe and efficient functioning of the transport network. vii. The New Zealand Transport Agency have given their approval for the proposed reduced sight distance in relation to state highways.
8.	Vehicle access design and location (Minimum distances of new vehicle crossings from intersections)	a. Effects on safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.4 ii. Vehicle crossings are located a sufficient distance from intersections to avoid or, if avoidance is not possible, adequately mitigate adverse effects on the safety and efficiency of the intersection caused by vehicles queuing and/or creating confusion over whether indicating vehicles are seeking to turn at the crossing or the intersection (Policy 6.2.4.5). <i>Potential circumstances that may support a consent application include:</i> iii. The volume of traffic using the frontage road is low. iv. The volume of traffic that will be using the vehicle crossing is low. v. Potential adverse effects will be adequately mitigated by the physical form of the road. vi. Potential adverse effects will be adequately mitigated by traffic controls at the intersection.

6.9.5 Assessment of parking, loading and access standards performance standards contraventions {Trans cl.16}

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
9:	Vehicle access design and location (Vehicle accesses onto state highways)	a. Effects on safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> - Objective 6.2.4 - Require vehicle accesses onto state highways in the rural zones and rural residential zones, and all strategic roads as identified in the Road Classification Hierarchy in Appendix 6A to be designed to safely accommodate the type and number of vehicles likely to be using the access and avoid or, if avoidance is not possible, adequately mitigate adverse effects on the safety and efficiency of the frontage road (Policy 6.2.4.7). <i>Potential circumstances that may support a consent application include:</i> - The Transport Agency have given their approval for the proposed vehicle access design in relation to state highways.
10:	- Vehicle access design and location (gradient of vehicle driveways) - Vehicle access design and location (minimum distance between driveways and dwelling) - Vehicle access design and location (surfacing of vehicle driveways) - Vehicle access design and location (width of driveways)	a. Effects on safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> - Objective 6.2.4 - Driveways are designed to ensure: - the surfacing and gradient of the driveway allows it to be used safely and efficiently; - that mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths; - the width of the driveway is sufficient to allow the type and number of vehicles likely to be using it to do so safely and efficiently; and - sufficient distance is provided between shared driveways and dwellings (Policy 6.2.4.2).

6.9.5 Assessment of parking, loading and access standards performance standards contraventions {Trans cl.16}

Performance Standard	Matters of discretion	Guidance on the assessment of resource consents
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6.9.5 Assessment of parking, loading and access standards performance standards contraventions {Trans cl.16}

Performance Standard	Matters of discretion	Guidance on the assessment of resource consents
1. Car parking design • Minimum parking space dimensions (Rule 6.6.1.1) {Trans cl.16} • Minimum manoeuvring space dimensions for parking areas (Rule 6.6.1.2) {Trans cl.16} • Minimum queuing space for parking areas (Rule 6.6.1.3) {Trans cl.16} • Gradient of parking areas (Rule 6.6.1.4) {Trans cl.16} • Surfacing and marking of parking areas (Rule 6.6.1.5) {Trans cl.16} • Lighting of parking areas (Rule 6.6.1.6) {Trans cl.16} • Access to parking areas (Rule 6.6.1.7) {Trans	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> - Objective 6.2.4 - Parking and loading areas, including associated manoeuvring and queuing areas, are designed to ensure: - the safety of pedestrians travelling on footpaths and travelling through parking areas; - that vehicle parking and loading can <u>will</u> {PO cl.16} be carried out safely and efficiently; - that any adverse effects on the safe and efficient functioning of the transport network are avoided, or if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, are no more than minor; - the safe and convenient access to and from parking and loading areas for vehicles, <u>emergency vehicles</u>, {Trans 945.16} pedestrians and cyclists; and - that mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths (Policy 6.2.4.1). <i>Potential circumstances that may support a consent application include:</i> - For non-compliance with minimum manoeuvring space dimensions for parking areas, minimum queuing space for parking areas, access to parking areas or access to loading areas standards: - volumes of pedestrian, cycle and vehicle traffic using the frontage road are low and likely to remain low; <u>and/or</u> {Trans cl.16} - the peak hours of use of the parking area or loading area will not coincide with peak flows or vehicle queues on the frontage road. - For non-compliance with the minimum queuing space for parking areas standard: the proposed queuing space is adequate for the numbers of vehicles considered likely to be using the parking area on a regular basis. - For non-compliance with gradient, and surfacing and marking, of parking areas standards: there is little likelihood of mud, stone gravel or other material being carried onto public roads or footpaths due to the topography of the site or materials used.

6.9.5 Assessment of parking, loading and access standards performance standards contraventions {Trans cl.16}

Performance Standard	Matters of discretion	Guidance on the assessment of resource consents
cl.16} Vehicle loading design • Minimum manoeuvring space dimensions for loading areas (Rule 6.6.2.1) {Trans cl.16} • Gradient of loading areas (Rule 6.6.2.2) {Trans cl.16} • Surfacing and marking of loading areas (Rule 6.6.2.3) {Trans cl.16} • Lighting of loading areas (Rule 6.6.2.4) {Trans cl.16} • Access to loading areas (Rule 6.6.2.5.a) {Trans cl.16}		vi. For non-compliance with the minimum parking space dimensions standard: the proposed parking spaces are of a sufficient size to accommodate the vehicles likely to be using them. vii. For non-compliance with minimum manoeuvring space dimensions for parking areas: the proposed manoeuvring area will accommodate the vehicles likely to be using it. viii. For non-compliance with minimum manoeuvring space dimensions for parking areas or minimum queuing space for parking areas: the parking area is unlikely to be used by heavy vehicles. ix. For non-compliance with minimum manoeuvring space dimensions for parking areas, access to parking areas or access to loading areas: 1. Drivers of reversing vehicles can both see, and be seen by, pedestrians, cyclists and drivers of other vehicles; and/or {Trans cl.16} 2. Visibility of, and/or visibility from, reversing vehicles will be increased by altering vegetation, fencing and/or other structures. x. For non-compliance with lighting of parking areas or lighting of loading areas standards: 1. the parking or loading area will not be used frequently during the hours of darkness; and/or {Trans cl.16} 2. other light sources in the area give adequate light to provide security and/or visibility for users of the parking or loading area and its surrounds.

6.9.5 Assessment of parking, loading and access standards performance standards contraventions {Trans cl.16}

Performance Standard	Matters of discretion	Guidance on the assessment of resource consents
2. Vehicle access design and location - Maximum number of vehicle crossings (Rule 6.6.3.1) {Trans cl.16} - Maximum width for a vehicle access (Rule 6.6.3.X) {Trans cl.16²}	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> - Objective 6.2.4 - Vehicle accesses are limited in number and width, in order to avoid or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigate adverse effects on: - pedestrian and cyclist {Trans 917.5} safety and ease of movement; and - the safety and efficiency of the multi-modal {Trans 917.5} transport network (Policy 6.2.4.4) <i>General assessment guidance:</i> <u>In assessing effects on pedestrian safety with ease of movement, Council will take into account potential changes in levels of pedestrian traffic on the frontage road. {Trans cl.16}</u> Estimates of future pedestrian traffic should <u>will</u> {Trans cl.16} take into account the location of the road in relation to the strategic pedestrian network, local centres and schools, and existing and permitted activities in the surrounding area that have the potential to increase pedestrian numbers with priority given to provisions for pedestrian safety and connectivity. <i>Potential circumstances that may support a consent application include:</i> - Volumes of pedestrian, cycle and vehicle traffic using the frontage road are low and likely to remain low. - Potential adverse effects from the additional vehicle crossing(s) are minimal due to the physical form of the road, for example the presence of a solid median to prevent right hand turns.

6.9.5 Assessment of parking, loading and access standards performance standards contraventions {*Trans cl.16*}

Performance Standard	Matters of discretion	Guidance on the assessment of resource consents
3. Vehicle access design and location • Minimum sight distance from a vehicle access	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.4 ii. Sufficient visibility is available: 1. at vehicle crossings, to minimise, <u>as far as practicable</u>, {PO 906.34 and 308.497} the likelihood of unsafe vehicle manoeuvres (Policy 6.2.4.6). <i>Potential circumstances that may support a consent application include:</i> iii. The speed and/or volume of traffic using the frontage road is low. iv. The volume of traffic that will be using the vehicle crossing access {<i>Trans cl.16</i>} is low. v. The peak hours of use of the vehicle access will not coincide with peak flows on the frontage road. vi. The addition of acceleration, deceleration or solid medians will adequately mitigate potential adverse effects on the safe and efficient functioning of the transport network. vii. The New Zealand <u>NZ</u> {Trans 881.17} Transport Agency have given their approval for the proposed reduced sight distance in relation to state highways.

6.9.5 Assessment of parking, loading and access standards performance standards contraventions {Trans cl.16}

Performance Standard	Matters of discretion	Guidance on the assessment of resource consents
4. Vehicle access design and location Minimum distances of new vehicle crossing access {Trans 322.27} from intersections and level crossings {Trans cl.16} (Rule 6.6.3.4) {Trans 322.39}	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> - Objective 6.2.4 - Vehicle crossings <u>New vehicle accesses {Trans 322.27}</u> are located a sufficient distance from intersections and <u>level crossings {Trans 322.27}</u> to avoid or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, adequately mitigate adverse effects on safety and efficiency due to: - vehicles queuing to enter the crossing hindering the efficient functioning of the intersection or <u>level crossing {Trans 322.27}</u>; and - confusion over whether indicating vehicles are seeking to turn at the crossing or the intersection creating safety problems. (Policy 6.2.4.5) <i>Potential circumstances that may support a consent application include:</i> - The volume of traffic using the frontage road is low. - The volume of traffic that will be using the vehicle crossing is low. - Potential adverse effects will be adequately mitigated by the physical form of the road. - Potential adverse effects will be adequately mitigated by traffic controls at the intersection.
5. Vehicle access design and location Standard of vehicle accesses onto state highways (Rule 6.6.3.5) {Trans cl.16}	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> - Objective 6.2.4 - Vehicle accesses onto state highways in the rural zones, and {Trans cl.16} rural residential zones and all strategic roads as identified in the road classification hierarchy mapped area (Appendix 6A) {Trans cl.16;} are designed to: - safely accommodate the type and number of vehicles likely to be using the access; and - avoid or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, adequately mitigate adverse effects on the safety and efficiency of the frontage road (Policy 6.2.4.7) <i>Potential circumstances that may support a consent application include:</i> - The New Zealand <u>NZ {Trans 881.17}</u> Transport Agency have given their approval for the proposed vehicle access design in relation to state highways.

6.9.5 Assessment of parking, loading and access standards performance standards contraventions *{Trans cl.16}*

Performance Standard	Matters of discretion	Guidance on the assessment of resource consents
6. Vehicle access design and location • Surfacing of vehicle <i>{Trans cl.16}</i> driveways (Rule 6.6.3.6) <i>{Trans cl.16}</i> • Gradient of vehicle <i>{Trans cl.16}</i> driveways (Rule 6.6.3.7) <i>{Trans cl.16}</i> • Minimum distance between driveways and dwelling (Rule 6.6.3.8) <i>{Trans cl.16}</i> • Width of vehicle <i>{Trans cl.16}</i> driveways (Rule 6.6.3.9) <i>{Trans cl.16}</i>	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> - Objective 6.2.4 - Driveways are designed to ensure <u>that</u> <i>{Trans cl.16}</i>: - the surfacing and gradient of the driveway allows it to be used safely and efficiently; - that <i>{Trans cl.16}</i> mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths. - the width of the driveway is sufficient to allow the type and number of vehicles (including emergency vehicles), <i>{Trans 945.16}</i> likely to be using it to do so safely and efficiently; and - sufficient distance is provided between shared driveways and dwellings (Policy 6.2.4.2) <i>{Trans cl.16}</i>.
<u>Y.</u> Vehicle access design and location • <u>Sightlines to level crossings</u> (Rule 6.6.3.10) <i>{Trans 322.30}</i>	a. <u>Effects on the safety and efficiency of the transport network</u> <i>{Trans 322.30}</i>	<i>Relevant objectives and policies:</i> <u>Objective 6.2.4</u> <u>Sufficient visibility is available:</u> <i>{Trans cl.16}</i>: <u>Where a vehicle access or road crosses an operational rail network via a level crossing, to maintain the safety of the road and rail users</u> (Policy 6.2.4.6.b). <i>{Trans 322.30}</i>

¹**Trans cl.16:** Rule 6.9.5 Assessment of parking, loading and access performance standards contraventions table has been re-structured. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

² **Trans cl.16:** Under notified provisions, contraventions of the 'maximum width for a vehicle crossing' standard were to be assessed against Policy 6.2.4.2, via notified Rule 6.9.5.6. This was a drafting error, because Policy 6.2.4.2 is not relevant in this situation. This addition clarifies that contraventions of the rule are to be assessed against Policy 6.2.4.4. This does not result in a substantive change to the effect of provisions.

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

⁴ **Trans cl.16:** The wording of Policy 6.2.4.7 has been amended to remove reference to design requirements for vehicle accesses onto “all strategic roads as identified in the road classification hierarchy mapped area”, because the performance standard that implements this policy (Rule 6.6.3.5) does not apply to all strategic roads. This correction to the policy wording does not result in a substantive change to provisions.

6.9.6 Assessment of general performance standards contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Buildings and structures <u>Public amenities and signs</u> {Trans cl.16} located on or above the footpath	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 ii. Buildings and structures <u>Public amenities and signs</u> {Trans cl.16} located on or above the footpath are located and designed to provide for the safe movement of vehicles, pedestrians and cyclists (Policy 6.2.3.11). <i>General assessment guidance:</i> iii. <u>The public amenity must be designed or located to not impede pedestrian movement, distract drivers, or obstruct sightlines.</u> {PA cl.16}
	b. Effects on health and safety	See Rule 9.4.3.4 {Trans cl.16}
2. Service station design standards {Trans cl.16}	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 ii. Service stations are designed to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate adverse effects on the safety and efficiency of the transport network <u>and its affordability to the public</u> {Trans 881.63} (Policy 6.2.3.9 <u>6.2.3.X</u> {Trans cl.16}).
3. Signs visible from roads	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 ii. Require {Trans cl.16} Ancillary signs to be <u>are</u> {Trans cl.16} located and designed to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate adverse effects on the safety and efficiency of the transport network (Policy 6.2.3.1). iii. Require buildings and structures <u>Public amenities and signs</u> {Trans cl.16} located on or above the footpath to {Trans cl.16} provide for the safe movement of vehicles, pedestrians and cyclists (Policy 6.2.3.11).

¹ **Trans cl.16:** Alignment with Rule 6.7.2.

² **PA cl.16:** Assessment rule and guidance moved from Rule 3.6.3.2 as this is the more relevant location for this matter. Minor amendments have been made to wording to follow style guide with no substantive effect.

Rule 6.10 Assessment of Restricted Discretionary Activities

Rule 6.10.1 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. Rule 6.10.2:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 6.9; 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 6.11; 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 6.12; and
 - iii. the assessment guidance in this section will also be considered.

6.10.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
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6.10.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. - Ancillary Licensed Premises (Rec) - Campgrounds (Rec) - Cemeteries (Rural, Rec) - Community and leisure – large scale (Rec, Schools, Campus) - Conference, meeting and function (PPH, SSYP) - Crematoriums (Rural) - Domestic animal boarding and breeding (Rural) - Entertainment and Exhibition (PPH, SSYP) - Factory farming (Rural) - Forestry (Rural residential) - Stand-alone car parking (Rec) - Veterinary services – large animal practice (Rural, Rural Residential) {Trans cl.16} All RD activities that are linked to Section 6.10 and that have “effects on the safety and efficiency of the transport network” as a matter of discretion, including but not limited to the activities listed below {Trans cl.16’}	a. Effects on the safety and efficiency of the transport network	Relevant objectives and policies: i. Objective 6.2.3 ii. <u>Only allow land use, development, or subdivision activities that may lead to land use or development, where {Trans cl.16} there are no significant Adverse effects on the safety and efficiency of the transport network will be avoided or, if avoidance is not practicable, adequately mitigated {Trans 881.72 and 1088.24} (Policy 6.2.3.9.a {Trans 881.63}).</u> iii. <u>Any associated changes to the transportation network will be affordable to the public in the long term (Policy 6.2.3.9.b). {Trans 881.63}</u> iv. <u>For activities where no minimum car parking performance standard is specified: The activity provides the amount of parking necessary to ensure that any overspill parking effects that could adversely affect the safety or efficiency of the transport network are avoided or, if avoidance is not {Trans cl.16} practicable {PO 908.3 and others}, adequately mitigated (Policy 6.2.3.4). {Trans cl.16’}</u> v. <u>For activities where no minimum vehicle loading performance standard is specified: The activity provides adequate vehicle loading and manoeuvring space to support its operations and to avoid or, if avoidance is not {Trans cl.16} practicable {PO 908.3 and others}, adequately mitigate adverse effects on the safety and efficiency of the transport network (Policy 6.2.3.3). {Trans cl.16’}</u> General assessment guidance: {Trans 753.2} vi. <u>For activities that are likely to generate trips by bicycle, Council will consider whether the site and vehicle access design provides for the safety of cyclists entering and exiting the road network. {Trans 753.2}</u> Potential circumstances that may support a consent application include: {Trans cl.16} vii. <u>Although the activity may result in the need for the parking of vehicles on-street, this is unlikely to result in adverse effects on the safety and/or efficiency of the transport network. {Trans cl.16’}</u>

6.10.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
7. {Trans cl.16^a} All RD high trip generators generating activities including which include: {Trans cl.16} • New or additions to parking areas, or extension to existing parking areas, that create that result in {Trans cl.16} 50 or more new parking spaces (all zones) • Any activities that generate 250 or more vehicle movements per day {Trans 458.4 and others} • Early childhood education – large scale {Trans 308.152} • Service stations {Trans 634.7}	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> - Objective 6.2.3 - The activity will maintain the safety and efficiency of the adjoining road and wider transport network {Trans cl.16} High trip generators are designed and located to avoid or, if avoidance is not {Trans cl.16} practicable {PO 908.3 and others}, adequately mitigate adverse effects on the safety and efficiency of the transport network. {Trans cl.16^a} (Policy 6.2.3.8). <i>General assessment guidance:</i> - The assessment will consider the findings of an Integrated Transport Assessment (see Special Information Requirements - Rule 6.13.2). - For activities that are likely to generate trips by bicycle, Council will consider whether the site and vehicle access design provides for the safety of cyclists entering and exiting the road network. {Trans 753.2} - In assessing the effects on the safety and efficiency of the transport network, Council will consider: - the effects of the physical works on safety on the frontage road. - the effects of the physical works on congestion on the frontage road. - the effects of the physical works on pedestrian and cycle connectivity and safety. - the capital and maintenance costs of the physical work. {Trans cl.16^a} - Council will generally only consider new transportation infrastructure (e.g. traffic signals, roundabouts etc.) as acceptable when there are no other practicable design solutions. {Trans cl.16^a} <i>Potential circumstances that may support a consent application include:</i> - Traffic entering and exiting the site does not cause adverse safety or congestion effects on any frontage road. - The vehicle movements generated by the activity do not result in overall traffic volume on any frontage road exceeding the capacity of that road.

6.10.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
		ix. <u>The frontage road has adequate on-road queuing space.</u> x. <u>The activity is located on a frontage road with capacity to absorb the additional vehicle movements associated with the activity.</u> xi. <u>Travel planning interventions are proposed to reduce the number of vehicle movements generated by the activity.</u> xii. <u>Physical works will be used where appropriate (including left in, left out vehicle access; turning bays; traffic signals and roundabouts). {Trans cl.16¹²}</u>
	b. Effects on accessibility	<i>Relevant objectives and policies:</i> i. Objective 6.2.2 ii. <u>For activities that are likely to generate a significant number of trips by walking, cycling or public transport: {Trans 753.2}</u> <u>activities likely to generate trips by cycling have safe access for cyclists into and through the site and secure cycle parking: {Trans 753.2 and 764.5}</u> <u>activities likely to generate trips by walking have safe access for pedestrians into and through the site; and {Trans 159.6}</u> <u>activities likely to generate trips by public transportation are located a reasonable walking distance from a frequent public transportation route with safe access for pedestrians from a bus stop to the site (Policy 6.2.2.4). {Trans 1080.4}</u> iii. <u>Only allow high trip-generating activities where the activity will maintain the safety and efficiency of the adjoining road and wider transport network (Policy 6.2.3.8) {Trans cl.16¹³}</u> iv. <u>In assessing the effects on the safety and efficiency of the transport network, Council will consider: {Trans cl.16}</u> <u>the effects of the physical works on safety on the frontage road: {Trans cl.16}</u> <u>the effects of the physical works on congestion on the frontage road: {Trans cl.16}</u> <u>the effects of the physical works on pedestrian and cycle connectivity and safety: {Trans cl.16}</u>

6.10.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
		4. the capital and maintenance costs of the physical work. {Trans cl.16¹⁴} v. Council will generally only consider new public infrastructure (e.g. traffic signals, roundabouts etc.) as acceptable when there are no other practicable design solutions. {Trans cl.16¹⁵} vi. The assessment of high trip generating activities <u>generators</u> {Trans cl.16} will consider the findings of an Integrated Transport Assessment (see Special Information Requirements - Rule 6.13.2), including the likely parking demand of the land use activity and the availability of public parking in the vicinity of the site. vii. <u>If the activity contravenes a minimum car parking performance standard or is not subject to a minimum car parking performance standard, Council will also assess the activity against Policy 6.2.2.1, via Rule 6.9.3.6 or Rule 6.10.2.2.</u> {Trans cl.16¹⁶} viii. In assessing the appropriateness of the location, Council will consider the road classification of roads where vehicle access is proposed (see Appendix 6A) and, in general, according to that classification, <u>a local roads are is not an appropriate locations for high trip generating activities generators</u> {Trans cl.16}. <i>Potential circumstances that may support a consent application include:</i> ix. Traffic entering and exiting the site does not cause adverse safety or congestion effects on any frontage road. {Trans cl.16¹⁷} x. The vehicle movements generated by the activity do not result in overall traffic volume on any frontage road exceeding the capacity of that road. {Trans cl.16¹⁷} xi. There is safe and convenient access to and within the site for pedestrians. xii. The frontage road has adequate on-road queuing space. {Trans cl.16¹⁷} xiii. The activity is located on a frontage road with capacity to absorb the additional vehicle movements associated with the activity. {Trans cl.16¹⁷} xiv. Travel planning interventions are proposed to reduce

6.10.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
		the number of vehicle movements generated by the activity. {Trans cl.16¹⁷} xv. Provision of facilities for people accessing the site by a variety of travel methods <u>modes</u> {Trans 881.19} (for example dedicated carpool parking, changing rooms, secure bike storage). xvi. There are frequent public transport services within 200m of the site. xvii. Physical works will be used where appropriate (including left in, left out vehicle access; turning bays; traffic signals and roundabouts). {Trans cl.16¹⁷} xviii. Customer or visitor car parking is designed to ensure that vehicles travel at safe speeds within it (for example by using speed bumps and advisory signage).
2.	All RD activities <u>that are linked to section 6.10, that have "effects on accessibility" as a matter of discretion and/or where no minimum parking performance standards is specified including but not limited to the activities listed below</u> {Trans cl.16} a. Effects on accessibility	<i>Relevant objectives and policies:</i> i. Objective 6.2.2 ii. Where parking demand either cannot be met by the public parking supply, or would significantly affect the availability of that supply for surrounding activities, the activity will provide ear {Trans 917.1} parking either on or near the site at an amount that is adequate to: 1. avoid excessive pressure on publicly available parking in the vicinity of the site (including on-street parking and off-street facilities); {Trans 308.147} 2. avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigate adverse effects on the availability of public <u>publicly available</u> {Trans 308.147} parking in the vicinity of the site (including on-street parking and off-street facilities); and 3. ensure accessibility for (as relevant) {Trans cl.16} residents, visitors, customers, staff and students (as relevant) {Trans cl.16} who have limited mobility, including disabled people, the elderly and people travelling with young children (Policy 6.2.2.1). iii. Enable the sharing of car parking areas by different land use activities, where adequate accessibility for all users is maintained (Policy 6.2.2.2). iv. <u>For activities that are likely to generate a significant</u>

6.10.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
		<u>number of trips by walking, cycling or public transport: {Trans 753.2}</u> <u>activities likely to generate trips by cycling have safe access for cyclists into and through the site and secure cycle parking: {Trans 753.2 and 764.5}</u> <u>activities likely to generate trips by walking have safe access for pedestrians into and through the site; and {Trans 159.6}</u> <u>activities likely to generate trips by public transportation are located a reasonable walking distance from a frequent public transportation route with safe access for pedestrians from a bus stop to the site (Policy 6.2.2.4). {Trans 1080.4}</u> <i>Potential circumstances that may support a consent application include:</i> - The parking demand likely to be generated by the activity means the proposed number of parking spaces will be sufficient. - Although the activity may result in the need for the parking of vehicles on-street, this is unlikely to result in adverse effects on the safety and/or efficiency of the transport network: {Trans cl.16¹⁸}
	b. Effects on the safety and efficiency of the transport network {Trans cl.16¹}	<i>Relevant objectives and policies: {Trans cl.16}</i> - Objective 6.2.3 {Trans cl.16} - Land-use activities to provide adequate vehicle loading and manoeuvring space to support their operations and to avoid or, if avoidance is not possible, adequately mitigate adverse effects on the safety and efficiency of the transport network (Policy 6.2.3.3) {Trans cl.16} - The activity provides the amount of car parking space necessary to ensure that any overspill parking effects that could adversely affect the safety and efficiency of the transport network are avoided or, if avoidance is not possible, adequately mitigated (Policy 6.2.3.4) {Trans cl.16}

6.10.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
3.	RD activities where no minimum vehicle loading performance standard is specified {Trans cl.16¹⁹}	<i>Relevant objectives and policies: {Trans cl.16}</i> i. Objective 6.2.3 {Trans cl.16} ii. Land use activities to provide adequate vehicle loading and manoeuvring space to support their operations and to avoid or, if avoidance is not possible, adequately mitigate adverse effects on the safety and efficiency of the transport network (Policy 6.2.3.3) {Trans cl.16}

6.10.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
4. - Visitor accommodation, including ancillary activities {Trans cl.16} (residential zones and NEC, NECC) - Supported living facilities (residential zones and neighbourhood centres {Trans cl.16²⁰}) - Student Hostels (Campus) {MF 308.353²¹}	a. Effects on accessibility	<i>Relevant objectives and policies:</i> - Objective 6.2.2 - Visitor accommodation and supported living facilities are located on sites where customers and residents will have convenient walking access to centres, frequent public transport services, other appropriate transport services, and/or an appropriate range of on-site services or facilities (Policy 6.2.2.3). - For activities that are likely to generate a significant number of trips by walking, cycling or public transport: {Trans 753.2} - activities likely to generate trips by cycling have safe access for cyclists into and through the site and secure cycle parking; {Trans 753.2 and 764.5} - activities likely to generate trips by walking have safe access for pedestrians into and through the site; and {Trans 159.6} - activities likely to generate trips by public transportation are located a reasonable walking distance from a frequent public transportation route with safe access for pedestrians from a bus stop to the site (Policy 6.2.2.4). {Trans 1080.4} <i>General assessment guidance:</i> - Convenient walking access is to be determined taking into account the anticipated mobility levels of the intended customers or residents of the activity. <i>Potential circumstances that may support a consent application include:</i> - Examples of services and facilities required where supported living facilities are not within walking distance of a centre or frequent public transport services are medical services, personal services such as hairdressers, retail services such as dairies or cafés, and sport and leisure activities.

6.10.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
	b. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 ii. Visitor accommodation and supported living facilities <u>Land use activities {cl.16}</u> provide the amount of car {Trans 917.2} parking space {Trans cl.16} necessary to ensure that any overspill parking effects that could adversely affect the safety and efficiency of the transport network are avoided or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, adequately mitigated (Policy 6.2.3.4). <i>Potential circumstances that may support a consent application include:</i> iii. The parking demand likely to be generated by the activity means the proposed number of parking spaces will be sufficient. iv. Although the activity may result in the need for the parking of vehicles on-street, this is unlikely to result in adverse effects on the safety and/or efficiency of the transport network.
5.	• Early childhood education - small scale (Rec, Res, <u>Campus, commercial and mixed use zones</u>) {Trans cl.16³} • Early childhood education - large scale (Dunedin Hospital, Moana Pool, Otago Museum, Schools, Campus, Wakari Hospital, <u>commercial and mixed use zones</u>) {Trans cl.16} • Dairies (Residential zone) • {all zones except commercial and mixed use zones} {Trans cl.16}	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 ii. Adequate short-term parking and dropping off and picking up facilities are available, either on-site or on-street, to: 1. allow for people to safely enter or exit vehicles; and 2. maintain the safety and efficiency of the frontage road (Policy 6.2.3.6) <i>General assessment guidance:</i> iii. In assessing the safety of short-term parking and dropping off and picking up facilities, Council will consider the speed and volume of traffic and width of the road; and for early childhood education, particular regard will be given to whether children can enter and exit vehicles safely.

6.10.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
6. Emergency services (commercial and mixed use zones {CP 945.49} residential zones {CP 945.30} , industrial zones, {CP 945.36} Taieri Aerodrome)	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 ii. The operational needs of the activity can be met in a way that <u>will</u> {PO cl.16} maintain the safety and efficiency of the transport network (Policy 6.2.3.7).
8. All subdivision activities (all zones)	a. Effects on the safety and efficiency of the transport network	<i>Relevant objectives and policies:</i> i. Objective 6.2.3 ii. There are no significant {Trans 881.72 and 1088.24} Adverse effects on the safety and efficiency of the transport network <u>are avoided or, if avoidance is not practicable, adequately mitigated</u> (Policy 6.2.3.9.a). {Trans 881.72 and 1088.24} iii. <u>Any associated changes to the transportation network will be affordable to the public in the long term.</u> {Trans 881.63} (Policy 6.2.3.14 <u>6.2.3.9.b</u> {Trans cl.16}). <i>Conditions that may be imposed include:</i> iv. Easements including on/off-site {Trans cl.16} for pedestrian <u>and/or</u> {Trans cl.16} vehicle access <u>either on or off the site</u> {Trans cl.16}. <i>Design considerations that may support a consent application include:</i> v. Shared driveways are low speed environments, and where appropriate provide for the storage of rubbish and recycling bins. vi. In the commercial <u>and</u> {CMU cl.16} mixed use zones {Trans cl.16} and the industrial zones, connections are proposed to link parking areas and provide vehicle access behind buildings to minimise the need for new vehicle accesses. vii. The location and gradient of any new intersection or access ensures the safety and efficiency of the transport network. viii. The design of any driveways is appropriate with respect to the length and potential number of private units to be served.
9. Subdivision activities that include a new road	a. Effects on the safety and efficiency	<i>Relevant objectives and policies:</i> i. Objective 6.2.3

6.10.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
(all zones) {Trans cl.16}	of the transport network	ii. <u>Policy 2.2.1.11 {NH 908.35}</u> iii. Subdivisions that involve new roads ensure that the {Trans cl.16} Roads are designed to: 1. provide for the safe and efficient movement of vehicles, pedestrians and cyclists within the subdivision; and 2. provide adequate connections to surrounding areas and the wider transport network, {Trans 881.73} particularly for buses, pedestrians, and cyclists; and 3. use materials that provide good urban design outcomes and provide good value with respect to ongoing costs to ratepayers for maintenance if the roads are to be vested in Council (<u>Policy {Trans cl.16} 6.2.3.12</u>). <i>General assessment guidance:</i> iv. In assessing the transport network design, Council will make reference to the Dunedin City Council Code of Subdivision and Development 2010 and/or the most recent NZS 4404. v. In assessing the effects on the safety and efficiency of the transport network, Council will consider any changes to traffic volumes on other parts of the network as a result of the subdivision. <i>Conditions that may be imposed include:</i> vi. Easements including on/off-site {Trans cl.16} for pedestrian <u>and/or {Trans cl.16}</u> vehicle access <u>either on or off the site {Trans cl.16}</u>. vii. The standard of pedestrian and/or cycle paths required. viii. The standard of street lighting or private access lighting required. <i>Design considerations that may support a consent application include:</i> ix. Road networks use a permeable 'grid' network design that connects to surrounding streets and/or enables future connections to un-developed areas, except where this is not possible because of natural features or the surrounding patterns of development. Where cul-de-sacs must be provided, pedestrian and cycling links to surrounding roads are provided, if physically possible. x. The design provides for all parking, loading and access standards to be met.

6.10.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
		xi. Appropriate construction standards, materials, design palettes, and products are employed with consideration of both the on-going maintenance costs to ratepayers and appropriate character and amenity standards. xii. The design provides safe and convenient access for pedestrians and cyclists or other active modes to any public places, including the GMA <u>coast</u> {Trans cl.16}, water bodies or reserves.

¹ **Trans cl.16:** Notified Rule 6.10.2.2.b has been deleted and its contents transferred to new Rule 6.10.2.1.a.iv. This does not change the effect of provisions.

² **MF 308.353:** Moved to 6.8A

³ **Trans cl.16:** Early childhood education is a RD activity in the Campus Zone.

⁴ **Trans cl.16:** References to specific activities in specific zones have been replaced with a more general description of the activities the rule applies to. This does not change the effect of provisions.

⁵ **Trans cl.16:** Content from notified Rule 6.10.2.2.b has been transferred to new Rule 6.10.2.1.a.iv, in order to avoid repetition. This does not change the effect of provisions.

⁶ **Trans cl.16:** Content from notified Rule 6.10.2.3 has been transferred to new Rules 6.10.2.1.a.v, in order to avoid repetition. This does not change the effect of provisions.

⁷ **Trans cl.16:** Notified Rule 6.10.2.2.a.vi has been transferred to new Rule 6.10.2.1.a.vii, because it relates to the assessment of 'effects on safety and efficiency of the transport network' rather than 'effects on accessibility'. This does not change the effect of provisions.

⁸ **Trans cl.16:** Rule 6.10.2.7 has been moved up the table to give it more prominence, given that it applies to multiple activities. This does not change the effect of provisions.

⁹ **Trans cl.16:** The paraphrasing of Policy 6.2.3.8 at Rule 6.10.2.7.a.ii has been amended; the notified paraphrasing did not accurately reflect the contents of the policy. This does not change the effect of provisions.

¹⁰ **Trans cl.16:** Notified Rules 6.10.2.7.b.iii.1-4 have been transferred to new Rules 6.10.2.7.a.v.1-4, because they are relevant to the assessment of "effects on safety and efficiency of the transport network", rather than "effects on accessibility". This does not change the effect of provisions.

¹¹ **Trans cl.16:** Notified Rule 6.10.2.7.b.v has been transferred to new Rule 6.10.2.7.a.vi, because it is relevant to the assessment of "effects on safety and efficiency of the transport network", rather than "effects on accessibility". This does not change the effect of provisions.

¹² **Trans cl.16:** A number of "potential circumstances that may support a consent application" have been relocated from 6.10.2.7.b to 6.10.2.7.a (to become new Rules 6.10.2.7.a.vii-xii), because they are relevant to the assessment of "effects on safety and efficiency of the transport network" rather than "effects on accessibility". This does not change the effect of provisions.

¹³ **Trans cl.16:** Notified Rule 6.10.2.7.b.iii (paraphrasing Policy 6.2.3.8) has been deleted, because this policy is not relevant to 'effects on accessibility'.

¹⁴ **Trans cl.16:** Notified Rules 6.10.2.7.b.iii.1-4 have been transferred to new Rules 6.10.2.7.a.v.1-4, because they are relevant to the assessment of 'effects on safety and efficiency of the transport network', rather than 'effects on accessibility'. This does not change the effect of provisions.

¹⁵ **Trans cl.16:** Notified Rule 6.10.2.7.b.v has been transferred to new Rule 6.10.2.7.a.vi, because it is relevant to the assessment of 'effects on safety and efficiency of the transport network', rather than 'effects on accessibility'. This does not change the effect of provisions.

¹⁶ **Trans cl.16:** The general assessment guidance has also been expanded (via the addition of 6.10.2.7.b.iv) to clarify that activities will be assessed against Policy 6.2.2.1, via other assessment rules, where relevant.

¹⁷ **Trans cl.16:** A number of 'potential circumstances that may support a consent application' have been relocated from 6.10.2.7.b to 6.10.2.7.a (to become new Rules 6.10.2.7.a.vii-xii), because they are relevant to the assessment of 'effects on safety and efficiency of the transport network' rather than 'effects on accessibility'. This does not change the effect of provisions.

¹⁸ **Trans cl.16:** Notified Rule 6.10.2.2.a.vi has been transferred to new Rule 6.10.2.1.a.vii, because it is relevant to the assessment of 'effects on safety and efficiency of the transport network' rather than 'effects on accessibility'. This does not change the effect of provisions.

¹⁹ **Trans cl.16:** Notified Rule 6.10.2.3 has been deleted and its contents transferred to new Rule 6.10.2.1.a.v. This does not change the effect of provisions.

²⁰ **Trans cl.16:** Not required as supported living facilities are permitted activities in the Neighbourhood Centre Zone.

Note 6.10.2A - General advice {Trans 753.2 and 764.5}

1. For guidance on best practice for cycle facility design see the Auckland Transport *Transport Design Manual*. {Trans 753.2 and 764.5}

Rule 6.11 Assessment of Discretionary Activities

Rule 6.11.1 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 6.11.2 and 6.11.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. 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.

6.11.2 Assessment of discretionary activities in management and major facility zones

Activity	Guidance on the assessment of resource consents
2. All other {Trans cl.16} discretionary activities that are linked to Section 6.11, including but not limited to the activities listed below {PO cl. 16}	<i>Relevant objectives and policies:</i> - Objectives 6.2.2 and {Trans 753.2} 6.2.3 - Only allow land use, development, or subdivision activities that may lead to land use or development, where there are no significant Adverse {Trans 881.72 and 1088.24} effects on the safety and efficiency of the transport network will be avoided or, if avoidance is not practicable, adequately mitigated {Trans 881.72 and 1088.24} (Policy 6.2.3.9.a) - Any associated changes to the transportation network will be affordable to the public in the long term (Policy 6.2.3.9.b). {Trans 881.63} - Where parking demand either cannot be met by the public parking supply, or would significantly affect the availability of that supply for surrounding activities, the activity will provide parking either on or near the site at an amount that is adequate to: {Trans cl.16'} - avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the availability of {Trans cl.16'} publicly available parking {Trans 308.147} in the vicinity of the site (including on-street parking and off-street facilities); and {Trans cl.16'} - ensure accessibility for residents, visitors, customers, staff and students (as relevant) who have limited mobility, including disabled people, the elderly and people travelling with young children (Policy 6.2.2.1). {Trans cl.16'} - For activities that are likely to generate a significant number of trips by walking, cycling or public transport: {Trans 753.2} - activities likely to generate trips by cycling have safe access for cyclists into and through the site and secure cycle parking: {Trans 753.2 and 764.5} - activities likely to generate trips by walking have safe access for pedestrians into and through the site; and {Trans 159.6} - activities likely to generate trips by public transportation are located a reasonable walking distance from a frequent public transportation route with safe access for pedestrians from a bus stop to the site (Policy 6.2.2.4). {Trans 1080.4} <i>Potential circumstances that may support a consent application include: {CP 634.39}</i> - Service stations that include the ancillary sale of food or household consumables provide adequate cycle parking and marked pedestrian access to provide for customers who access the site by walking or cycling. {CP 634.39}

6.11.2 Assessment of discretionary activities in management and major facility zones

Activity	Guidance on the assessment of resource consents
1. {Trans cl.16} All high trip generating activities, including the following specific land use activities: <u>high trip generators, which include: {Trans 458.4 and others}</u> • <u>any activities that generate 250 or more vehicle movements per day {Trans 458.4}</u> • Schools {Trans 458.4 and others} • Restaurant – Drive through {Trans 458.4 and others} • Early childhood education – large scale {Trans 308.152} • Service stations {Trans 634.7} • Mining (Quarries) {Trans 458.4 and others}	Same as for Rule 6.10.2.7

¹ **Trans cl.16:** Reference to Policy 6.2.2.1 was omitted from the notified assessment rule. Its addition does not result in a substantive change to provisions.

² **Trans cl.16:** Rules have been reordered so that Rule 6.11.2.2 appears above 6.11.2.1. This order is more logical given that Rule 6.11.2.2 applies to all activities, whereas Rule 6.11.2.1 only applies to certain activities. This does not change the effect of provisions.

6.11.3 Assessment of discretionary transportation activities

Activity	Guidance on the assessment of resource consents
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6.11.3 Assessment of discretionary transportation activities

Activity	Guidance on the assessment of resource consents
1. All discretionary transportation activities	<i>Relevant objectives and policies (priority considerations):</i> - In assessing the significance of effects, consideration will be given to: {MW cl.16} - Manawhenua values and the relationship between Manawhenua and the natural environment is maintained, including the cultural values and traditions associated with: {MW cl.16} - wāhi-tūpuna; and {MW cl.16} - mahika kai (Objective 14.2.1): {MW cl.16} - If located outside a wāhi-tūpuna mapped area, Kai Tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi-tūpuna is located, or the linkages between wāhi-tūpuna: {MW 1071.109} - 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: {Trans cl.16} - See Section 9.6 for guidance on the assessment of discretionary resource consents in relation to Objective 9.2.2 and effects related to public health and safety. - Where in a ONCC, HNCC or NCC overlay zone, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and effects related to the natural character of the coast. - Where in a ONF, ONL or SNL overlay zone, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and effects on <u>related to</u> {NatEnv cl.16} landscape values. - See Section 10.6 for guidance on the assessment of discretionary resource consents in relation to Objective 10.2.1 and Objective 2.2.3 <u>For activities that may have effects on biodiversity values, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1.</u> {NatEnv cl.16}. <u>For activities adjacent to water bodies and the coast, see section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.2.</u> {NatEnv 900.38} - Where on a heritage site see Section 13.7 for guidance on the assessment of resource consents in relation to objectives 13.2.2 and 13.2.3 {Trans cl.16} and effects on heritage values. <u>See section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua.</u> {MW cl.16}

6.11.3 Assessment of discretionary transportation activities

Activity	Guidance on the assessment of resource consents
2. New roads or additions or alterations to existing roads	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 6.2.1; 6.2.4 {Trans 322.30} b. Policy 2.2.1.11 {NH 908.35} c. Only allow new roads or additions or alterations to existing roads, where: {Trans cl.16} The road is designed to provide for the needs of all users and to integrate with surrounding land uses {Trans 881.58} as appropriate for the surrounding environment and road classification hierarchy mapped area (Policy 6.2.1.3.a). {Trans cl.16} d. The location and design of the road: i. minimises as far as practicable {PO 906.34 and 308.497} adverse effects on surrounding residential or other sensitive activities, including severance effects, changes to drainage patterns, and vibration, noise, glare and fumes from vehicle movements; and ii. maintains or enhances the safety and efficiency of the overall transport network; and (Policy 6.2.1.3.b). iii. minimises adverse effects on water bodies or the coast, areas of indigenous vegetation or other areas important for biodiversity, or identified landscape or natural character of the coast values (Policy 6.2.1.3.b). {NatEnv 900.142 and others} e. Where in a wāhi tūpuna mapped area, see Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua. {MW cl.16} f. Sufficient visibility is available where a vehicle access or road crosses an operational rail network via a level crossing, to maintain the safety of the road and rail users (Policy 6.2.4.6.b) {Trans 322.30} g. Council will assess whether new roads or additions or alterations to roads provide for the safe and efficient movement of cyclists using the road, considering the road space allocation and design, and based on the anticipated role of the road in any cycle networks {Trans 753.2} h. In considering the appropriateness of the road design, Council will consider the function of the road, including but not limited to the elements described in Appendix 6A. {Trans cl. 16} i. Council will require new roads that cross an operational rail network via a level crossing to maintain clear sightlines within the sight line triangles shown in Figure 6B.18 Railway Level Crossing Sight Line Requirements. {Trans 322.30}

6.11.3 Assessment of discretionary transportation activities

Activity	Guidance on the assessment of resource consents
3. Passenger transportation hubs	<i>Relevant objectives and policies (priority considerations): {Trans cl.16}</i> a. Objective 6.2.1 b. Passenger transportation hubs are located and designed to: i. allow for convenient connections with other travel methods <u>modes</u> {Trans 881.19}; ii. ensure the safety of users; iii. maintain or enhance the safety and efficiency of the overall transport network; and iv. maintain or enhance the amenity of the surrounding environment (Policy 6.2.1.4). <i>General assessment guidance: {Trans 753.2}</i> c. <u>For off-street passenger transportation hubs, Council will consider whether the site and vehicle access design provide for the safety of cyclists entering and exiting the road network. {Trans 753.2}</u> d. <u>Council will generally require passenger transportation hubs to provide safe and secure cycle parking facilities {Trans 753.2 and 764.5}</u>
4. Heliports	<i>Relevant objectives and policies (priority considerations): {Trans cl.16}</i> a. <u>Objective 6.2.1 {Trans cl.16}</u> b. Heliports are located and designed to: i. ensure the safety of users; ii. maintain the amenity of the surrounding environment; and iii. maintain or enhance the safety and efficiency of the overall transport network (Policy 6.2.1.5). <i>General assessment guidance: {TA 917.11 and others}</i> c. <u>Council will assess the noise effects of helicopter movements in accordance with the standards set out in NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas. {TA 917.11 and others}</u>

¹ **MW cl.16:** As a clause 16 amendment, 6.11.3.1.d has been rewritten to redirect to Section 14.5. This is not a substantive change.

² **Trans cl.16:** This assessment guidance is not necessary because no transportation activities are discretionary due to being in an overlay zone etc.

³ **NatEnv cl.16:** The assessment rule has been amended to provide greater clarity and consistency with other assessment rules. This does not change the effect of provisions.

⁴ **MW cl.16:** Given the amendment of Rule 6.11.3.1 to refer to Section 14.5, it is no longer necessary to refer to that section in Rule 6.11.3.2, and the relevant text has therefore been deleted. This is not a substantive change.

Note 6.11A - General advice {Trans 753.2 and 764.5}

1. For guidance on best practice for cycle facility design see the Auckland Transport Transport Design Manual. {Trans 753.2 and 764.5}

Rule 6.12 Assessment of Non-complying Activities

Rule 6.12.1 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 6.12.2 - 6.12.3 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.

6.12.2 Assessment of all *{Trans cl.16}* non-complying activities located in management zone or major facility zone sections *{Trans cl.16}*

Activity	Guidance on the assessment of resource consents
1. All non-complying activities <u>that are linked to Section 6.12, including but not limited to the activities listed below</u> <i>{PO cl. 16}</i>	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 6.2.2, 6.2.3, 6.2.4 <i>General assessment guidance:</i> b. In assessing the significance of effects, consideration will be given to: i. both short and long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of precedent being set by the granting of a resource consent. c. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. <i>{Trans cl.16¹}</i>
2. <u>All high trip generators, which include:</u> • <u>any activities that generate 250 or more vehicle movements per day</u> <i>{Trans cl.16²}</i>	<u>Same as for Rule 6.10.2.7</u> <i>{Trans cl.16}</i>

¹ **Trans cl.16:** This text has been deleted because it is not relevant to the activities that this rule applies to. This does not change the effects of provisions.

² **Trans cl.16:** This assessment rule has been added to provide a cross-reference to relevant provisions in the transportation section. This cross-reference is required to link activities covered by the notified definition of 'high trip generating activities' with provisions relevant to the assessment of these activities. This does not change the effect of provisions.

6.12.3 Assessment of non-complying performance standard contraventions

Activity	Guidance on the assessment of resource consents
1. In a primary pedestrian street frontage mapped area: • Access to loading areas (Rule 6.6.2.5.b)	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 6.2.4 b. Adverse effects on pedestrian safety and ease of movement would be insignificant (Policy 6.2.4.3).

Rule 6.13 Special Information Requirements

6.13.1 Parking demand information

When land use activities do not meet performance standards for minimum car parking, Council may require that **{Trans cl.16}** the following information, to demonstrate the likely parking demand of the activity and potential effects of that demand on publicly available parking near the site:

- a. Current usage rates (% usage) of all publicly available on- and off-street parking spaces within 250m of the site.
- b. The accessibility of the site in terms of by **{Trans cl.16}** public transport, and for **{Trans cl.16}** cyclists and pedestrians.
- c. The predicted transport behaviour of users of the activity, including the numbers of ~~users who will~~ people predicted to **{Trans cl.16}** access the activity by private vehicle, carpool, public transport, cycle or foot.
- d. Details of and **{Trans cl.16}** any travel plan provided by the applicant, ~~which sets~~ setting **{Trans cl.16}** out targets for increased proportions of users accessing the activity by carpool, public transport, cycle or foot, and a detailed implementation plan for actions to achieve those targets.

6.13.2 Integrated transport assessment

Council will generally require Resource consent applications for all high trip generating activities must include an Integrated Transport Assessment (ITA) for applications for high trip generators unless, having considered the specific circumstances of the activity and site, Council determines that an ITA is unnecessary **{Trans 458.4}**. The information requirements for an ITA are set out in the table below. The level of detail and analysis provided in each section of the ITA should reflect the scale and complexity of the proposed activity and the context of the site and its surrounding environment.

Item	Details to be included
Description of baseline conditions	Description of the site's existing characteristics, any existing land use(s), the trip generation of existing land use(s), the existing transport environment including transport networks, safety, vehicle parking, accessibility by public transport, cycle and foot.
Description of the proposal	Description of the proposed land use, proposed vehicle and pedestrian access arrangements, proposed vehicle parking, proposed vehicle loading, proposed cycle parking, any other facilities proposed to improve access by any transport mode.
Travel characteristics	Estimated trip generation for all modes.
Planned transportation {PO cl.16} infrastructure changes	Description of any planned upgrades to the transport network near the site that may be relevant to the activity.
Accessibility of the activity	Explanation of how accessible the activity will be for each mode, including the following information: • How will the predicted demand for vehicle parking, vehicle loading, pedestrians and cycle parking be met? What facilities will there be on or near the site for users of each mode? • How safe will it be for each mode to access the site? • What facilities will be provided on-site for pedestrians to safely walk within the site? • Details of the demand predicted to be placed on public vehicle and cycle parking facilities (on- and off-street), and an assessment of the capacity of public facilities to absorb that demand.
Assessment of effects on accessibility and on the safety and efficiency of the {Trans cl.16} transport network	Explanation of how the activity will support Objective 6.2.2 and relevant associated policies, in relation to the accessibility of the land use activity by a range of travel modes. Explanation of how the activity will support Objective 6.2.3 and Policy 6.2.3.8, in relation to effects on the safety and efficiency of the transport network for all modes.
Mitigation and options to influence travel choice	Description of measures that are proposed to mitigate effects on accessibility, safety and effects on the transport network.
Summary	Summary of the main aspects of the transport assessment.

Appendices

Appendix 6A. Road Classification Hierarchy

6A.1 Description of the Road Classification Hierarchy

The Road Classification Hierarchy is used to distinguish roads into categories, as some of the rules in the District Plan only apply to some of the roads in a particular category.

The classification reflects not only the transport function of a road but also the place function or its contribution to the surrounding environment, taking into account the surrounding land use, and the role the road plays in contributing to the amenity values, identity and public space of the adjoining area.

6A.2 Road Classification

Classification	Description
Motorway	Any New Zealand NZ Transport Agency classified motorway. High speed routes where movement of motorised vehicles {Trans cl.16} is the sole purpose. Pedestrians and cyclists are generally prohibited and property access is limited and controlled.
Strategic	High capacity roads (including state highways) that form part of the national and/or regional network. A strategic road provides They provided through movement for freight, tourists and vehicular traffic; and connect main centres, outlying settlements and goods to markets {Trans cl.16} . A Strategic roads are is constructed and managed to a high standards to ensure they it operates safely and efficiently {Trans cl.16} . In urban areas, these roads may also support local transport, various methods modes {Trans cl.16} of transport and a mixed land use environment. Provision will be is {Trans cl.16} made for pedestrians in urban areas, and where provided, cycle facilities should be physically separated from traffic. Public transport may operates on these roads but stops may be are {Trans cl.16} limited.
Arterial	Roads that connect, distribute and collect within and between residential, rural, commercial and industrial areas; as well as providing property access access to properties {Trans cl.16} . In urban areas, these roads may {Trans cl.16} support a range of travel methods modes {Trans 881.19} including frequent public transport services and considerable pedestrian and cycle activity. On-street parking may be limited in favour of providing for public transport and cyclists On an arterial road, it may be appropriate to prioritise road space allocation/road design to support safe cycling and/or public transportation. This can result in less space for on-street parking {Trans 452.6 and others} . In rural areas, arterials may an arterial road carries {Trans cl.16} moderate volumes {Trans cl.16} of general traffic, including a higher percentage of heavy vehicles serving key sites of primary industry. They Although it may also support some residential development, however, it is inappropriate that arterials in rural an arterial road in a rural area is not expected to meet the same standards that apply in the urban context areas {Trans cl.16} such as kerb and channel gutters and street lighting.

Classification	Description
Urban High Density Corridor	A High use arterial <u>road</u> in an increasingly a densely developed, high place {Trans cl.16} environment. These corridors typically support a combination of moderate to high traffic volumes; {Trans cl.16} moderate to high pedestrian volumes; {Trans cl.16} frequent bus services; {Trans cl.16} the Strategic Cycle Network; cycling, {Trans 452.6} freight movements; {Trans cl.16} medium density residential land use; {Trans cl.16} and commercial or tertiary education activity. Through traffic must <u>should</u> {Trans cl.16} be catered for, however it is expected that the form and speed of the corridor will evolve to support the integration of the transport corridor function with adjacent land use. On-street parking will <u>is</u> generally be provided where space allows, but priority will be <u>is</u> given to public transport, <u>and to</u> cycle and pedestrian infrastructure over parking. {Trans cl.16} where space is limited.
Commercial Centre Streets	Roads located within Principle, Suburban, Destination, Neighbourhood and rural activity centres as well as our CBD and Warehouse Precinct zone <u>the Central Business District and centres zones, the CBD edge mixed use zones and other commercial zones</u> {Trans cl.16}. It is expected that the form of these streets will evolve to support a complementary integration of the transport corridor function with adjacent land use. The design elements of these streets will be more <u>should be</u> {Trans cl.16} conducive to a high level of pedestrian activity; <u>and to</u> {Trans cl.16} supporting active frontages and high-quality public spaces. The highest level of safety, connectivity, accessibility and amenity for pedestrians, cyclists and public transport users should be provided on these streets. Where parking is provided in urban areas, it will <u>should</u> {Trans cl.16} increasingly be provided off- street rather than on-street, and toward the periphery of the centre <u>or zone</u> {Trans cl.16}.
Collector	Roads in local neighbourhoods that collect and distribute local traffic. A collector <u>road</u> provides a local through movement function as well as access to property <u>properties</u> {Trans cl.16}. In urban areas, a collector <u>road</u> may supports some public transport services, {Trans cl.16} with frequent stopping points. Considerable pedestrian and cycle activity should be <u>is</u> expected, hence <u>so</u> the road layout should be designated <u>designed</u> {Trans cl.16} to discourage speed.
Local	Roads that are not intended to act as main through routes for motorised vehicle traffic but primarily provides for property <u>access to properties</u> {Trans cl.16}. These roads can be different in nature depending on the land use environments they serve. In residential environments, layout and design discourages speed as the intention is to provide an environment that supports safe and balanced {Trans cl.16} access for cars, pedestrians and cyclists. Some <u>A</u> local roads {Trans cl.16} may support bus routes.
Industrial	Roads whose <u>that have a</u> {MF cl.16} primary role is to <u>of</u> providing {MF cl.16} access to significant {Trans cl.16} industrial sites. Sufficient width needs to be maintained for the manoeuvring of larger and heavier vehicles. Footpaths and on-street parking will <u>are</u> generally be provided, but where necessary, space will <u>should</u> {Trans cl.16} be prioritised for the manoeuvring needs of heavy vehicles. Speeds may be <u>are</u> managed to a level consistent with safe on-street manoeuvring, and height <u>high</u> levels of property <u>access to properties</u> {Trans cl.16} for heavy vehicles should be provided. Parking will <u>should</u> {Trans cl.16} generally be controlled to serve the primary purpose of industrial access. Some <u>An</u> {Trans cl.16} industrial road may support alternative cycle routes.

Appendix 6B. Transportation Figures {Was "Rule 6.14 Transportation Figures" - Trans cl.16}

Figure 6B.1 On-site car parking dimensions {Was "Figure 6.14A" - Trans cl.16}

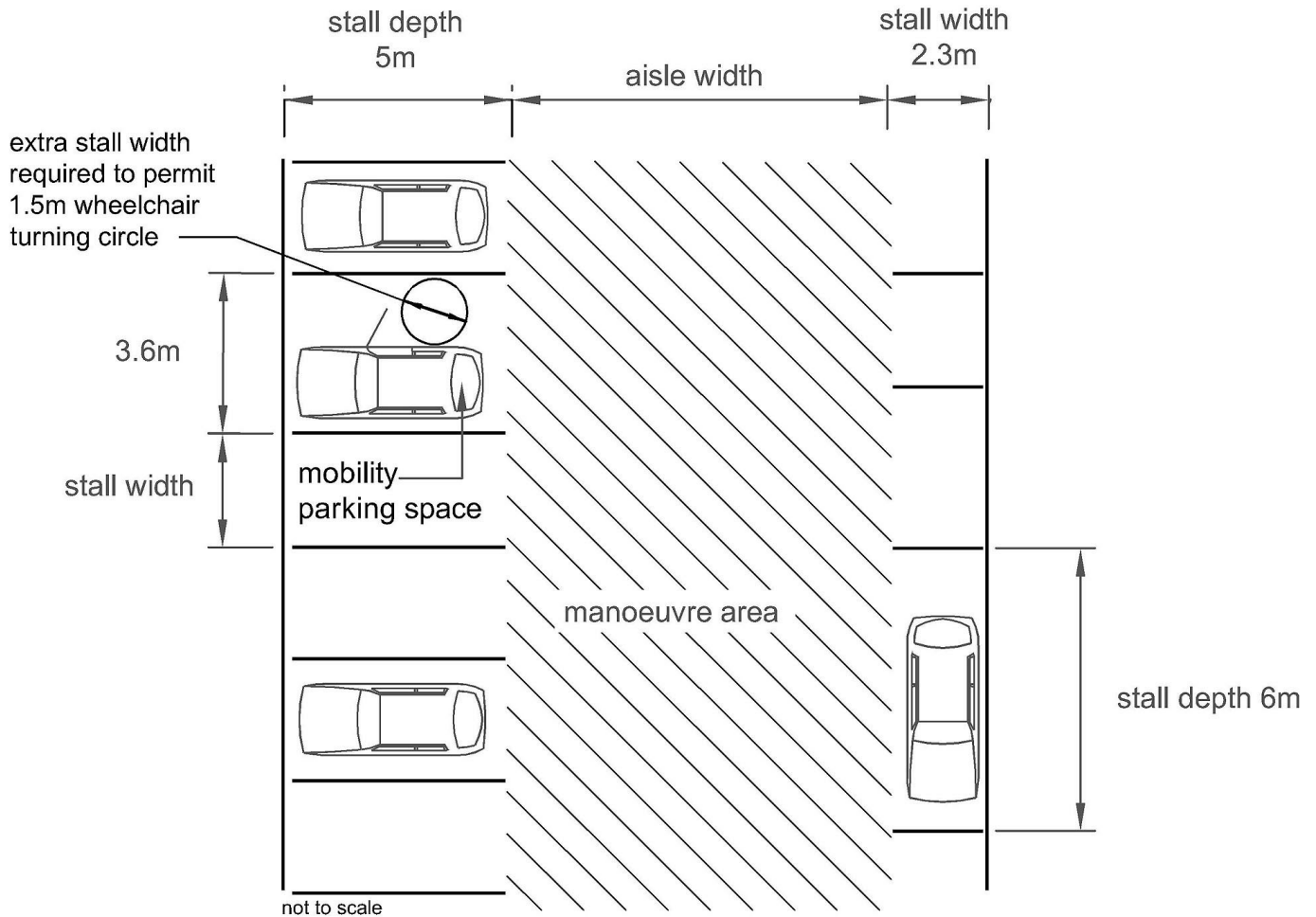


Figure 6B.2 Typical parking layout 85th percentile vehicles {Was "Figure 6.14B" - Trans cl.16}

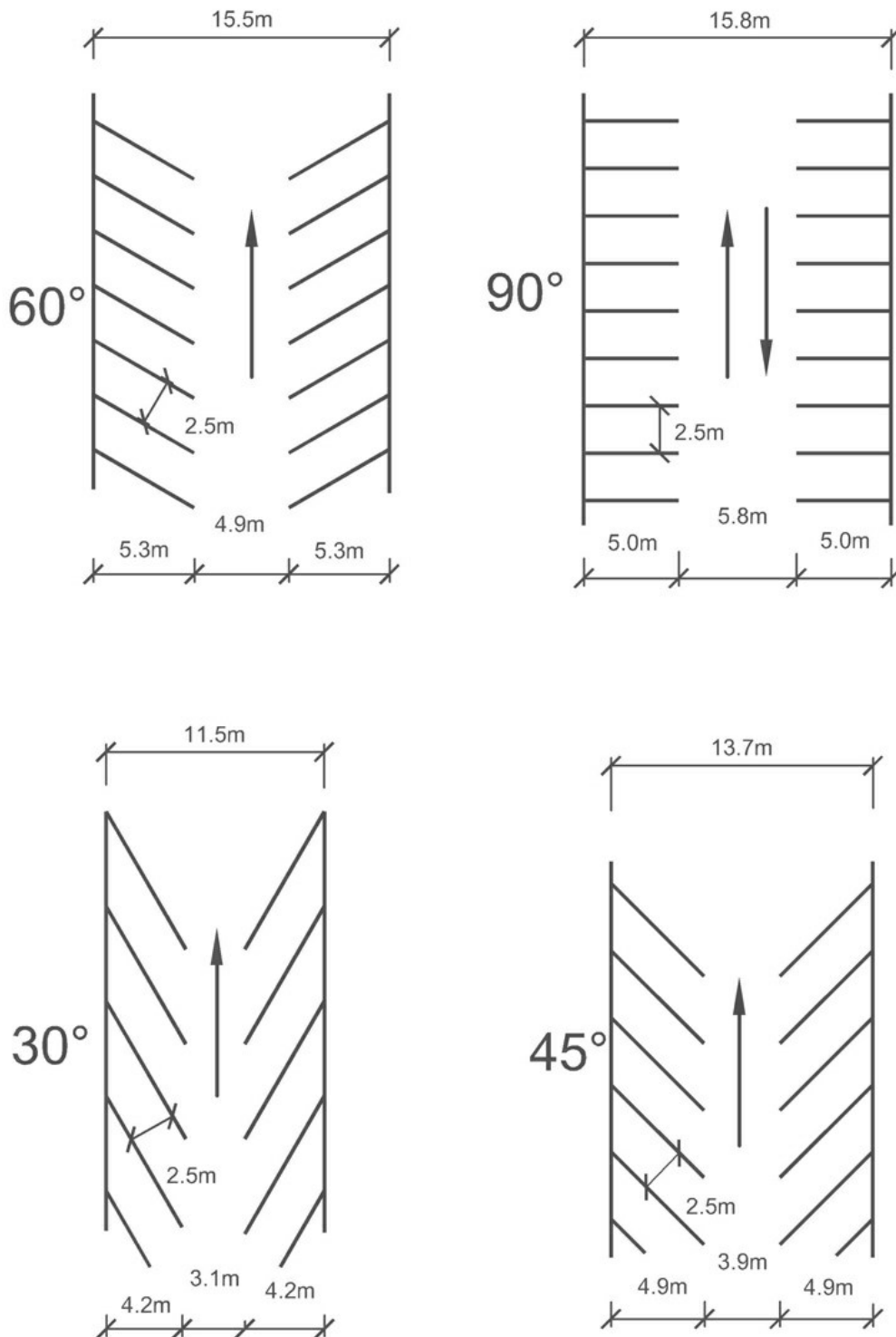


Figure 6B.3 Typical parking layout 99th percentile vehicles {Was "Figure 6.14C" - Trans cl.16}

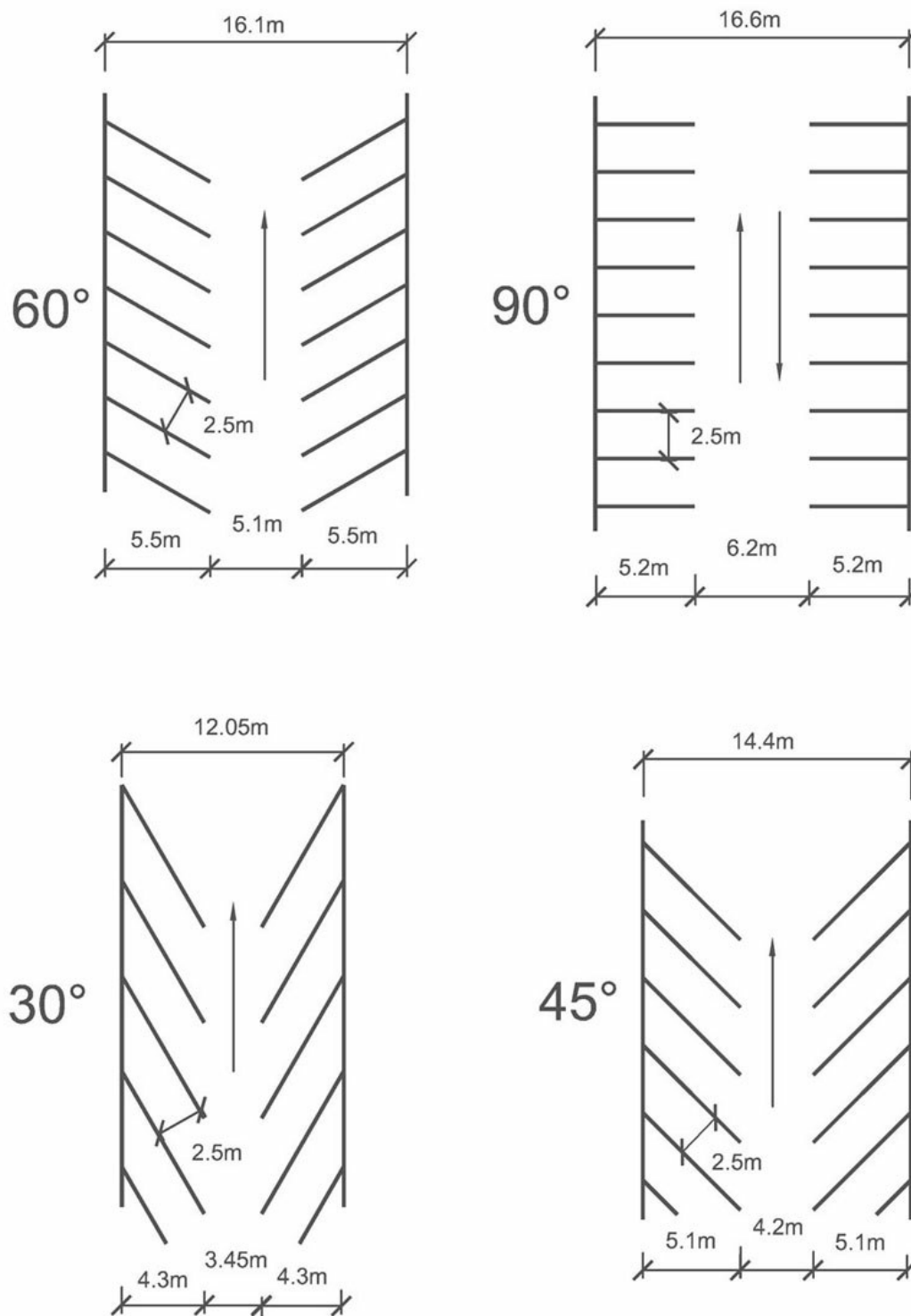


Figure 6B.4 Minimum separation distance between residential unit and vehicle access {Was "Figure 6.14D" - Trans cl.16}

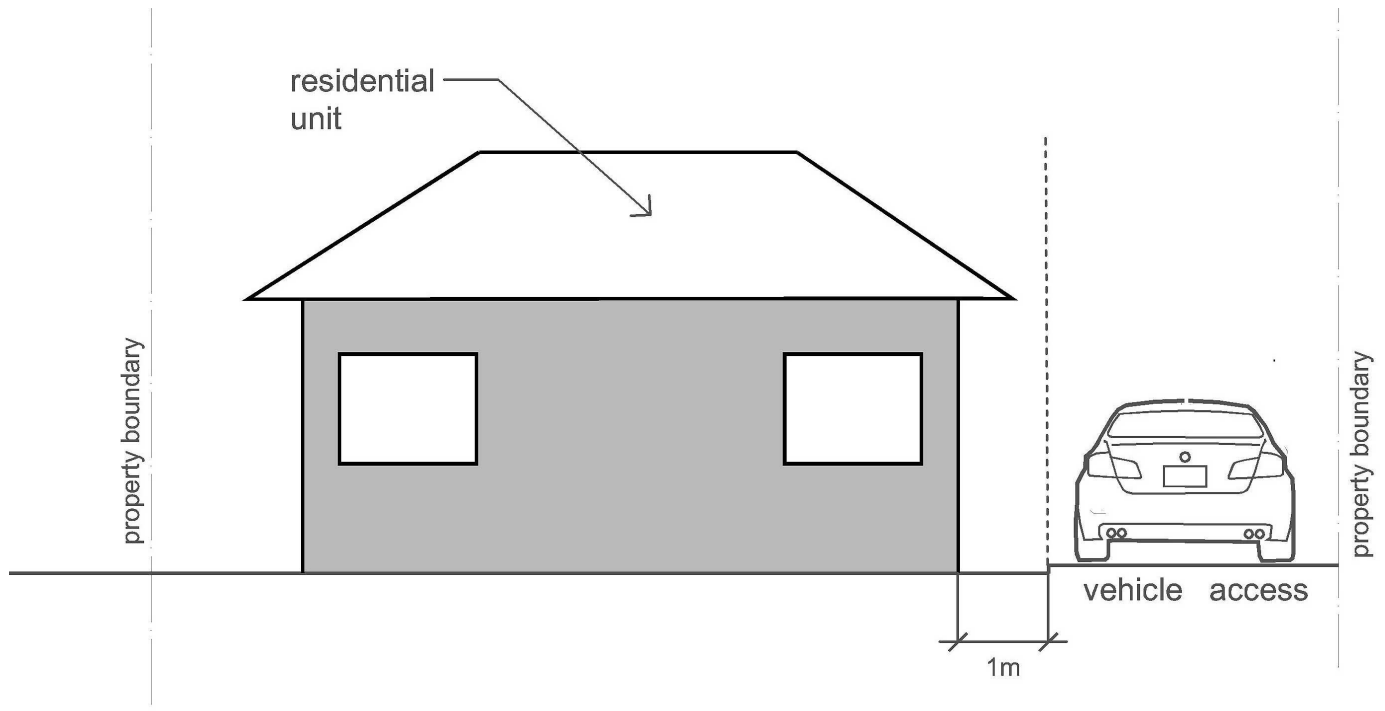


Figure 6B.5 Minimum separation distance between new residential unit and existing under-width vehicle access: possible scenarios {Was "Figure 6.14E" - Trans cl.16}

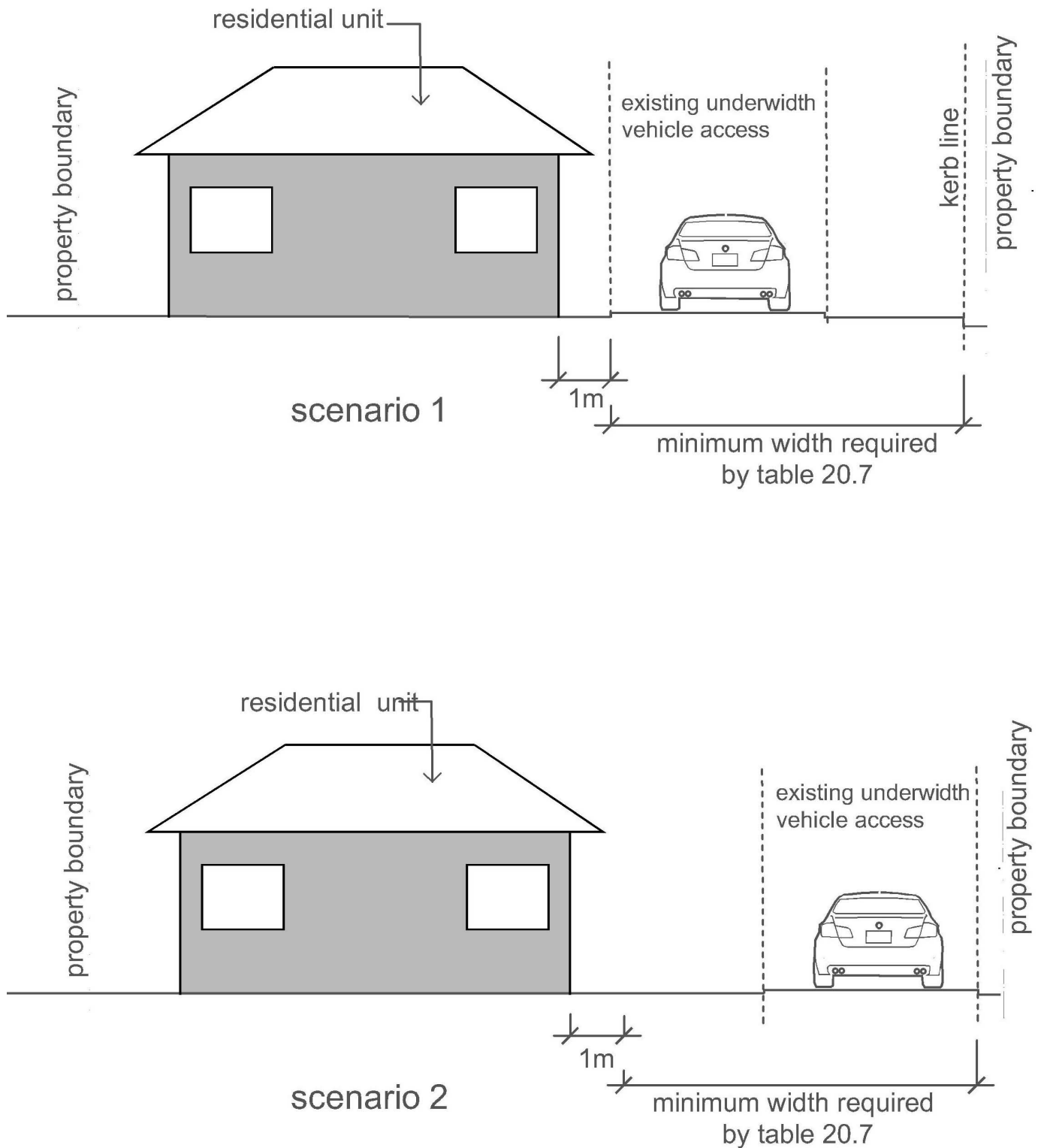


Figure 6B.6 99th percentile vehicle dimensions {Was "Figure 6.14F" - Trans cl.16}

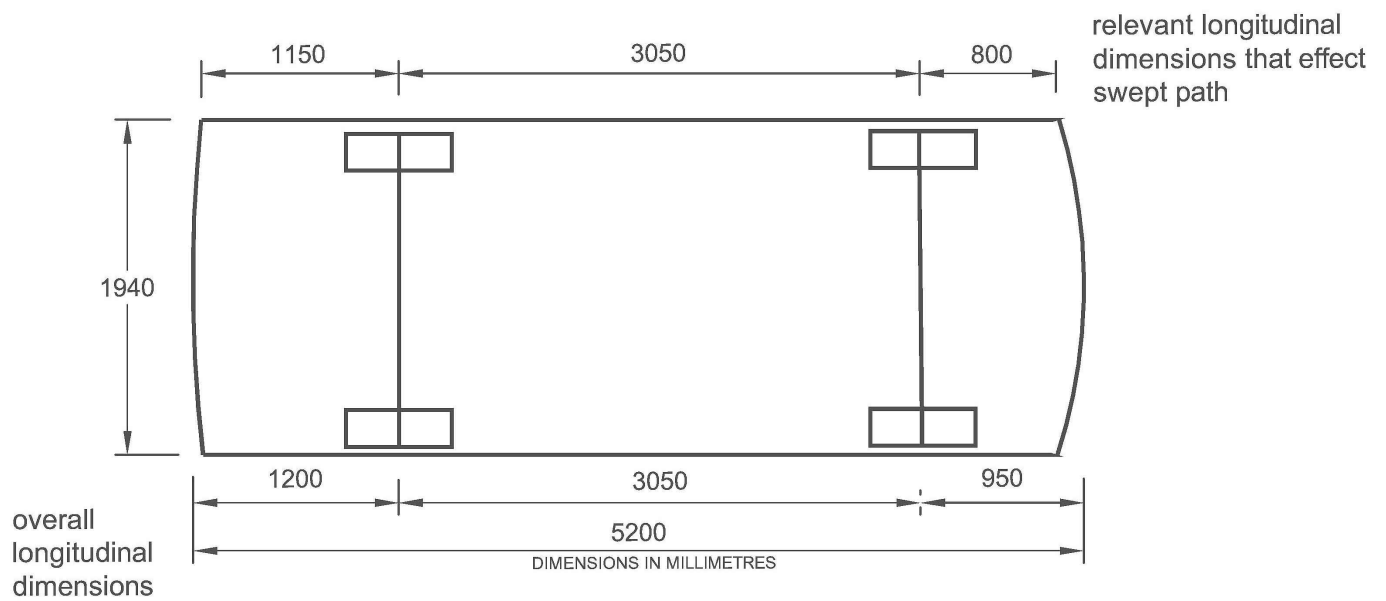
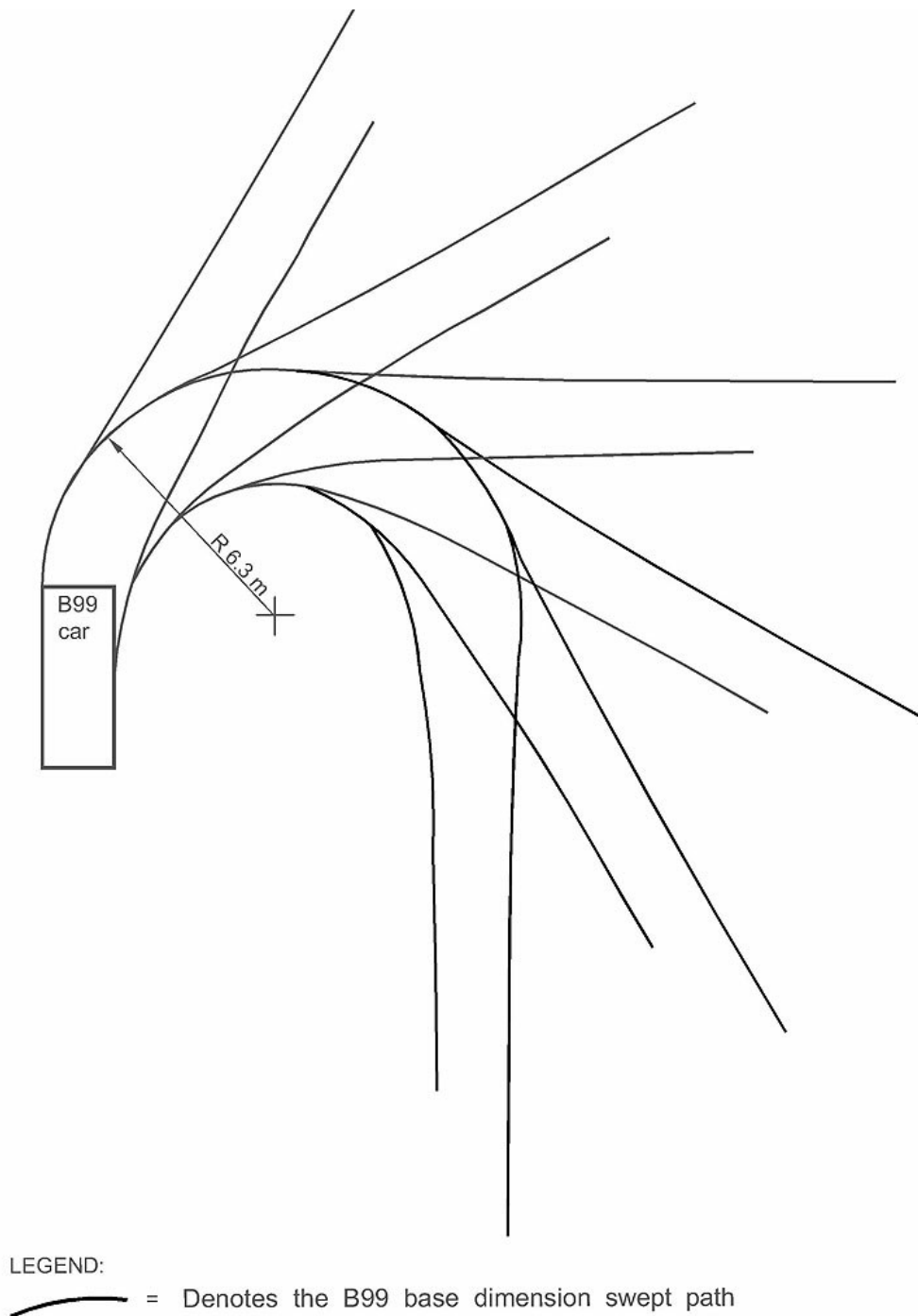


Figure 6B.7 99th percentile vehicle turning circle {Was "Figure 6.14G" - Trans cl.16}



Recommended clearances (300mm) must be added to each side of the tracking curve

NOTE: This is minimum radius turn for a B99 vehicle

Figure 6B.8 85th percentile vehicle dimensions {Was "Figure 6.14H" - Trans cl.16}

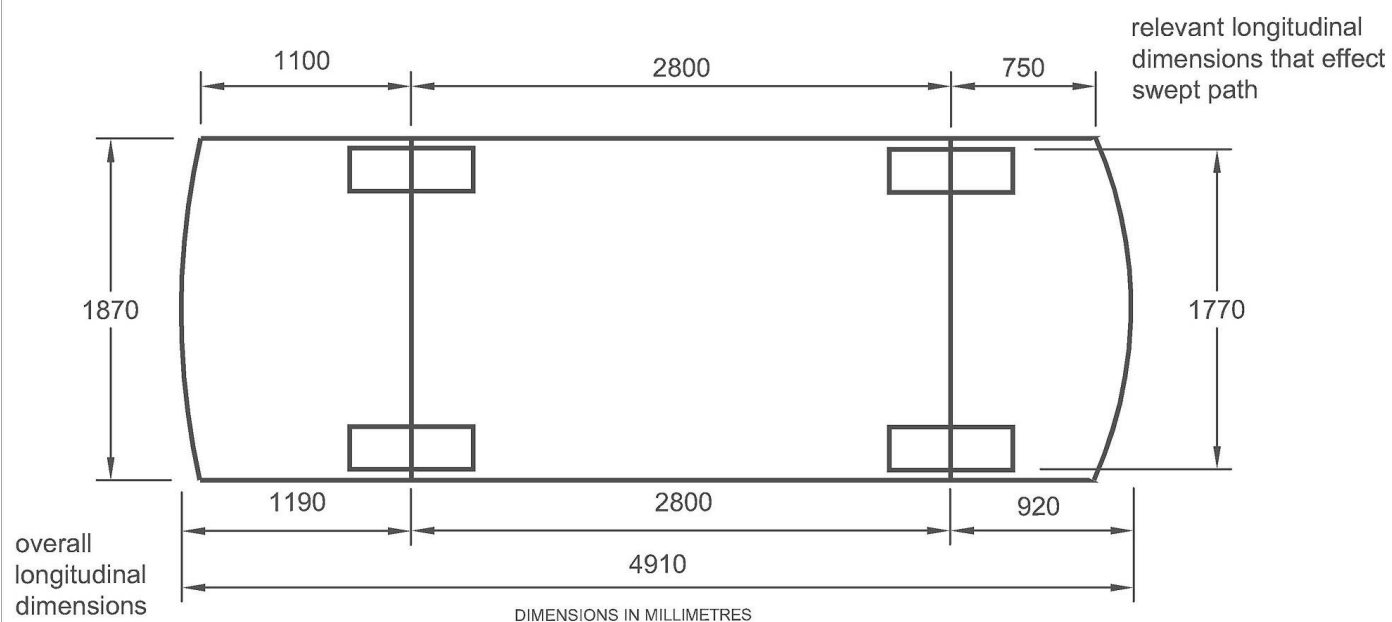
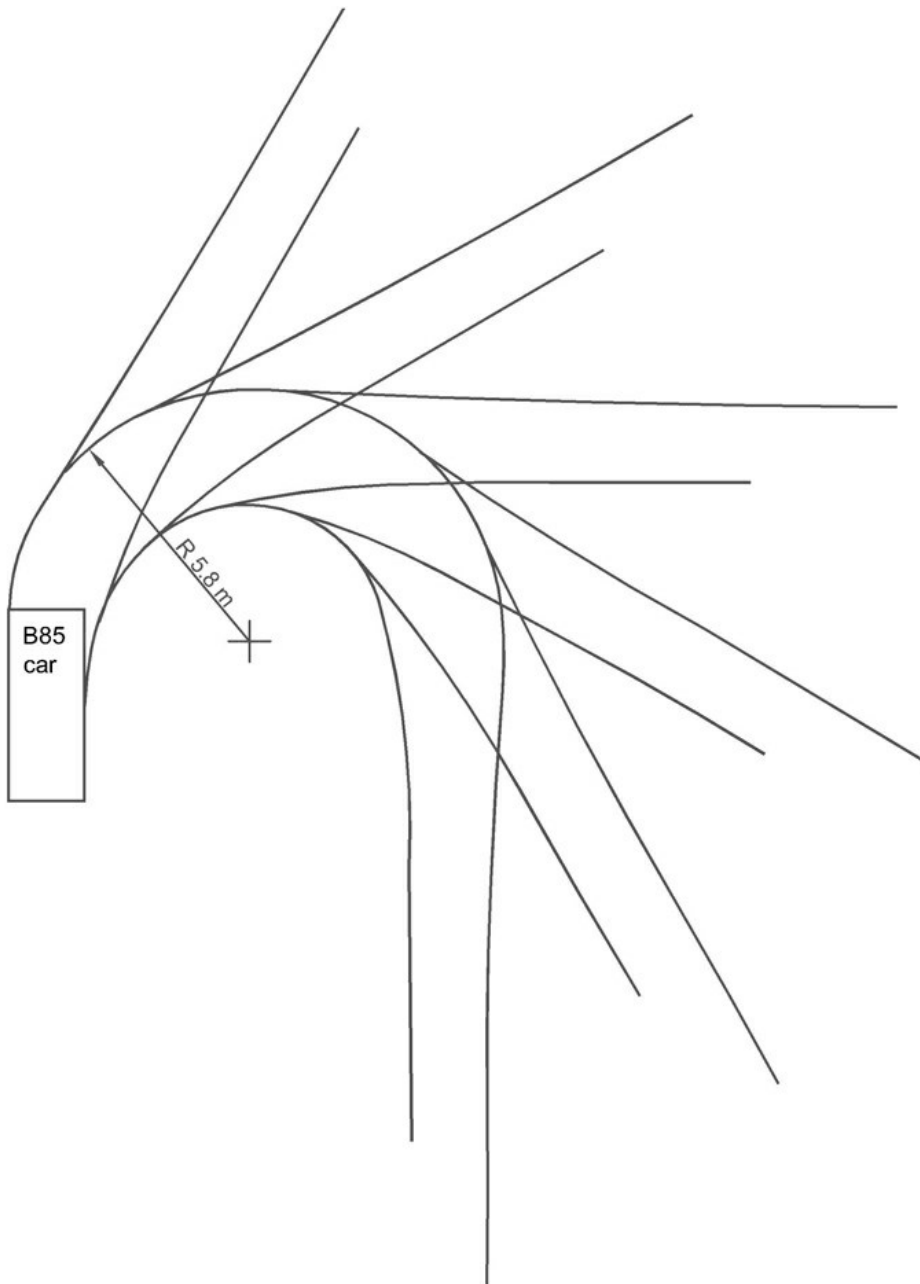


Figure 6B.9 85th percentile vehicle turning circle {Was "Figure 6.14I" - Trans cl.16}



LEGEND:

 = Denotes the B85 base dimension swept path

Recommended clearances (300mm) must be added to each side of the tracking curve

NOTE: This is minimum radius turn for a B85 vehicle

Figure 6B.10 8m rigid truck turning circle {Was "Figure 6.14J" - Trans cl.16}

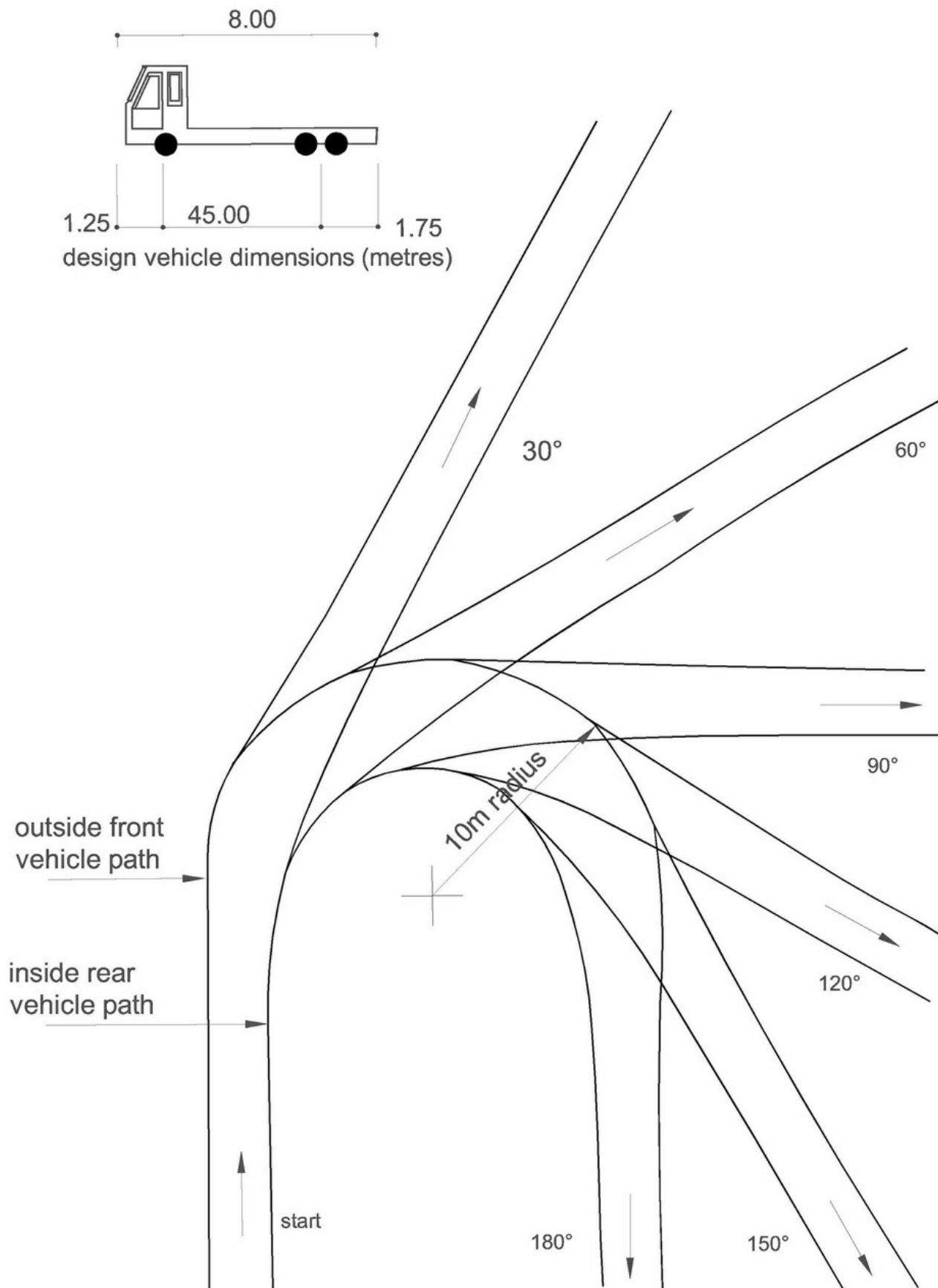


Figure 6B.11 B-train truck turning circle {Was "Figure 6.14K" - Trans cl.16}

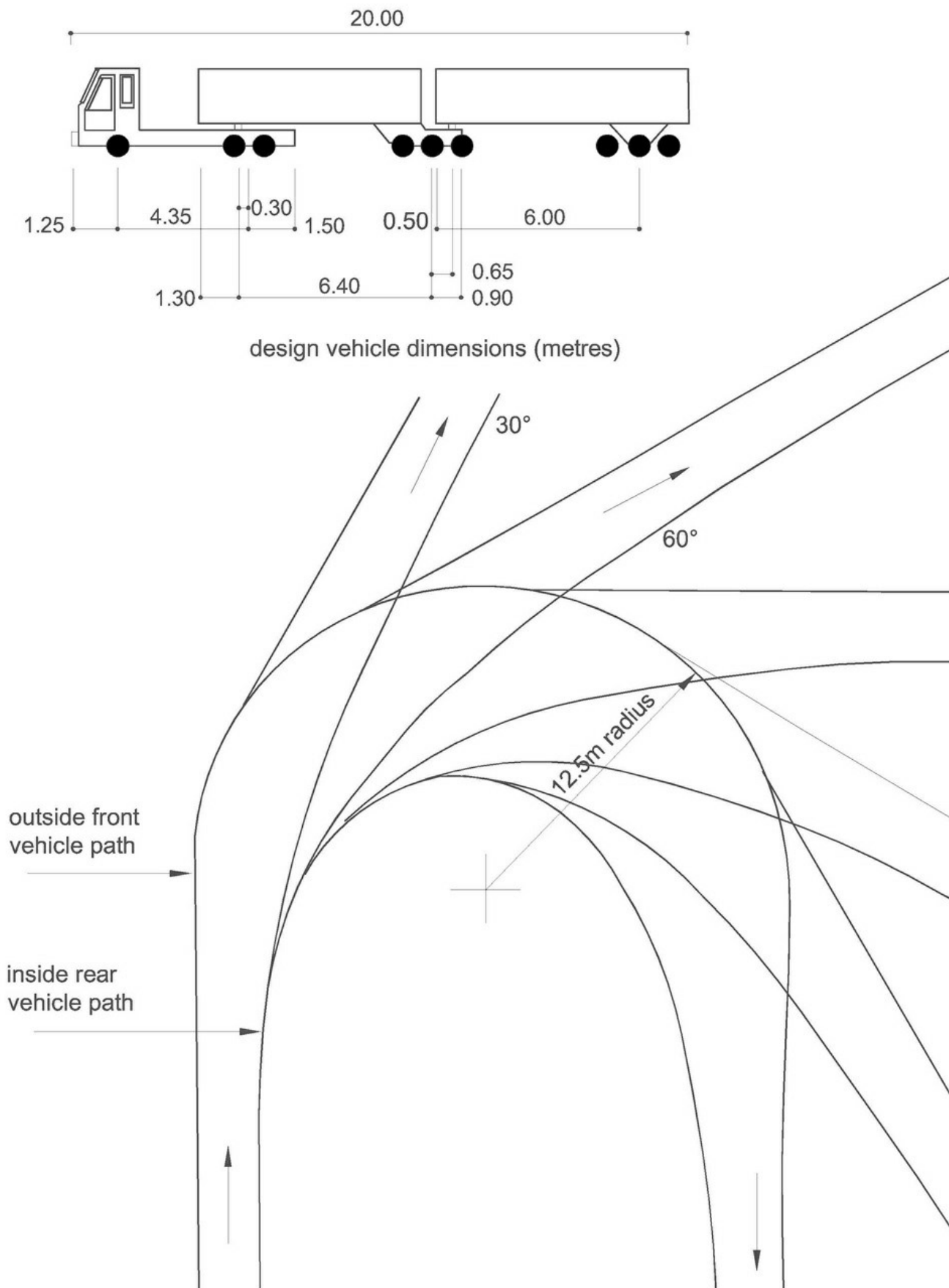


Figure 6B.12 Coach turning circle {Was "Figure 6.14L" - Trans cl.16}

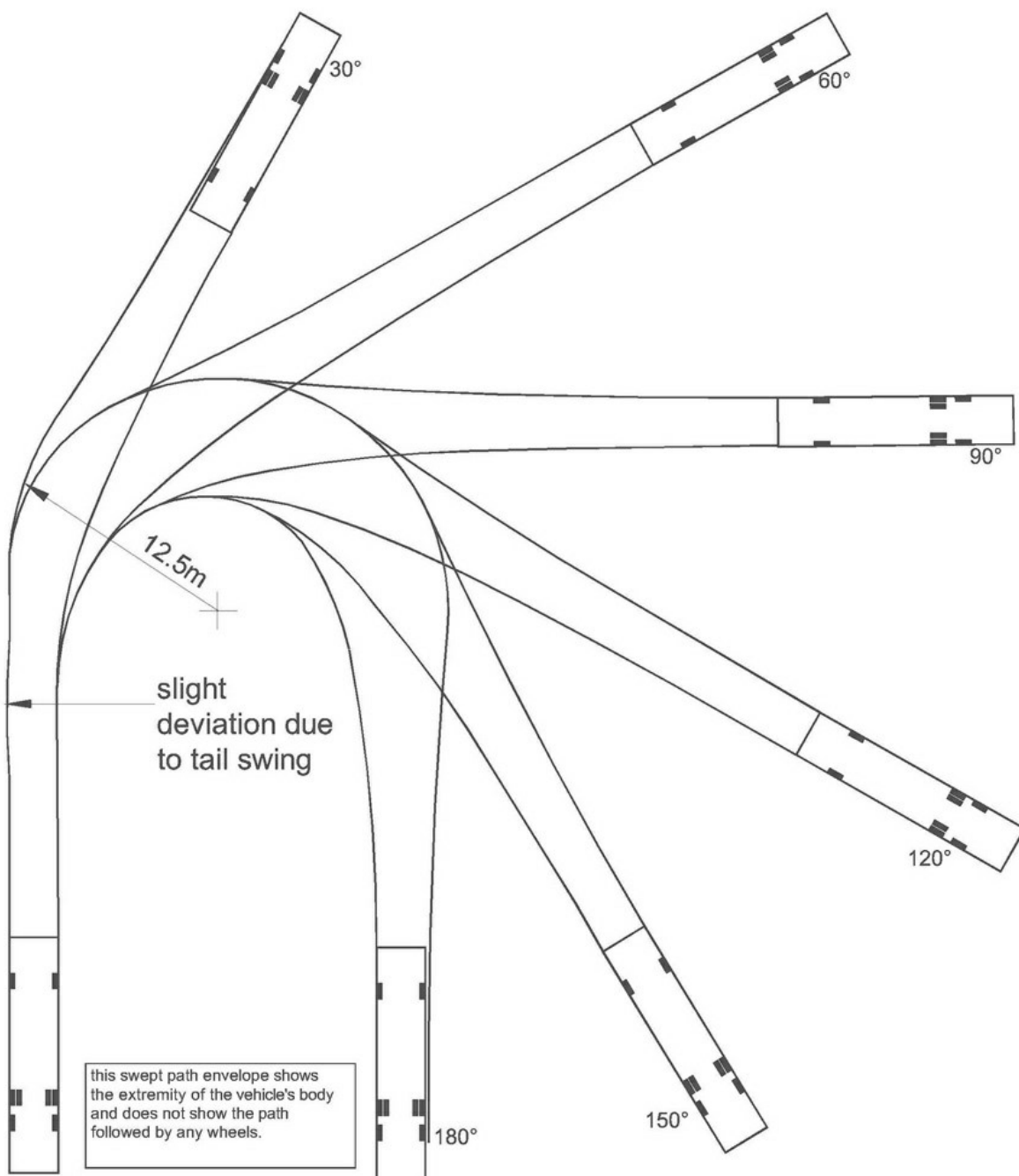
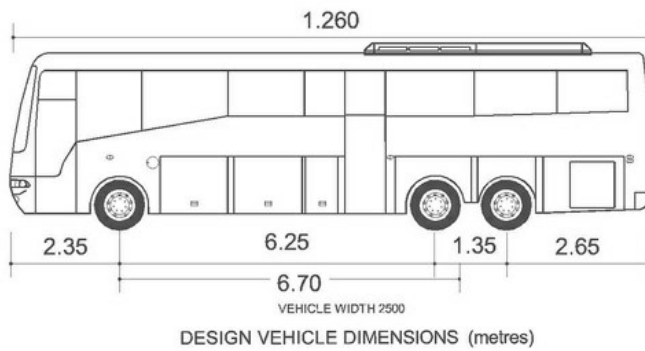
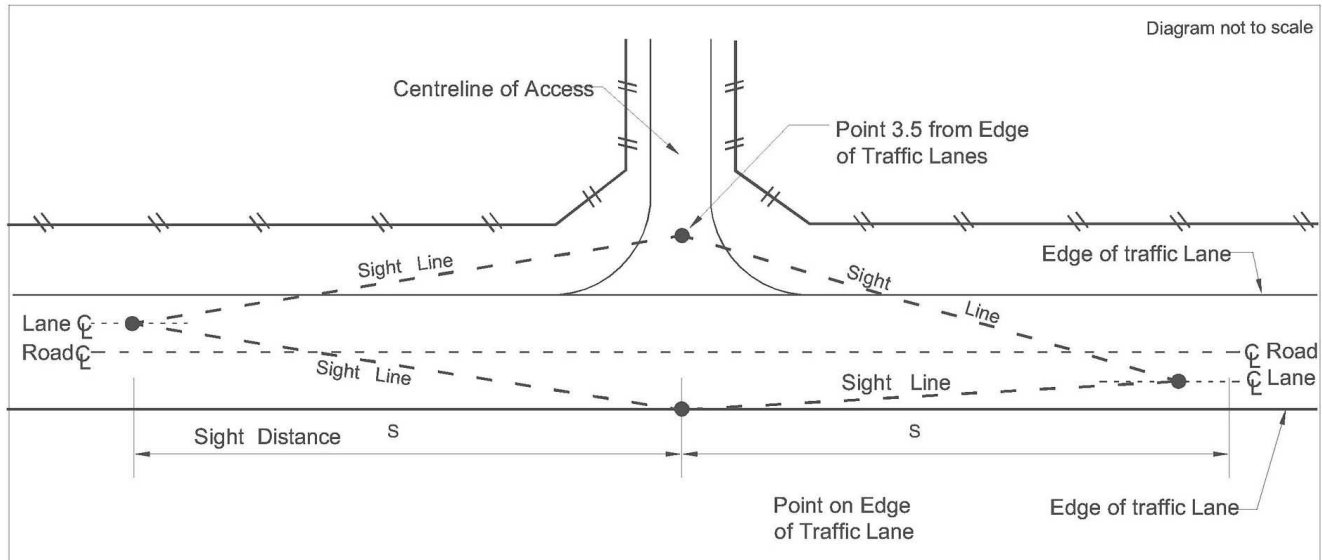


Figure 6B.13 Method for determining sight distance {Was "Figure 6.14M" - Trans cl.16}

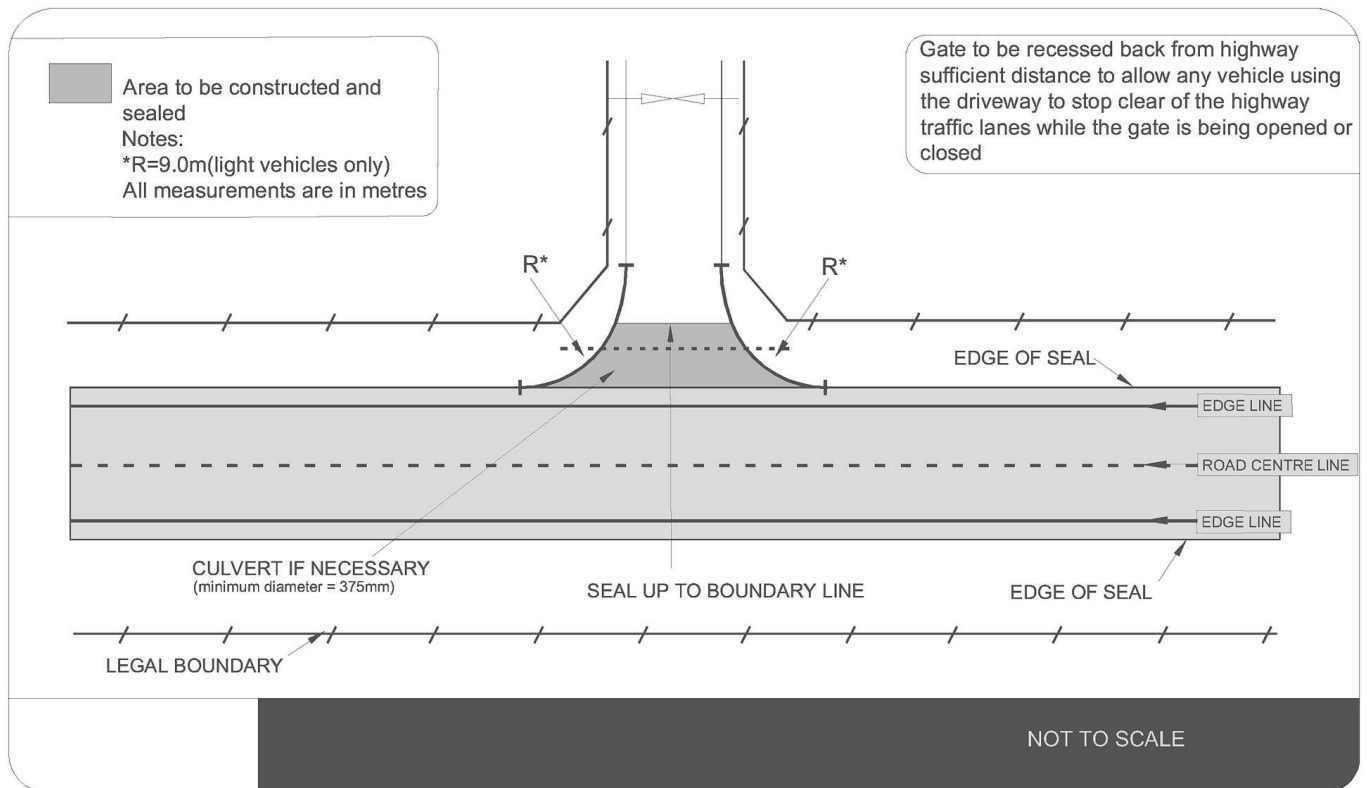
Method to Determine Sight Distance at Property Accesses



Notes:

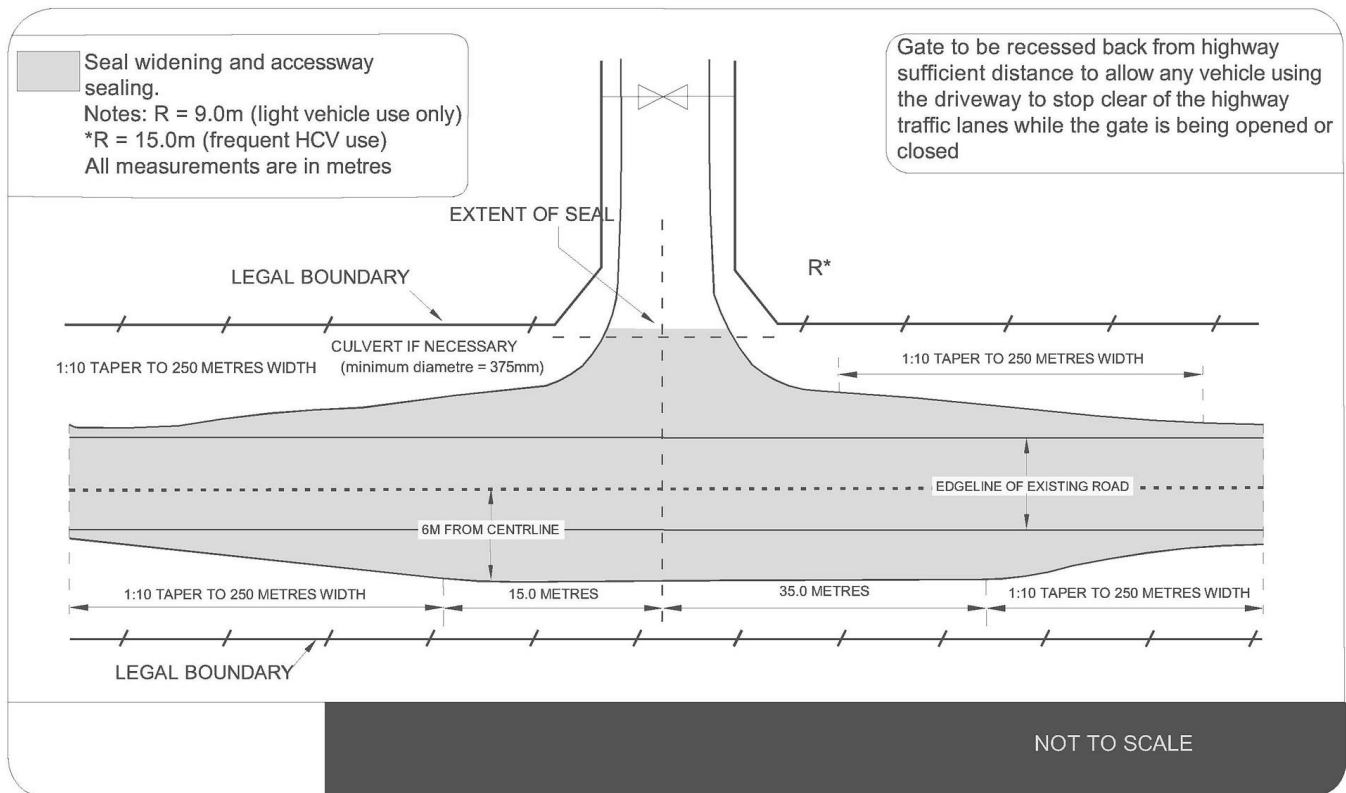
1. Sight distances shall be measured to and from a height of 1.15m above the existing road surface and the proposed road surface level of the side road or access.
2. There are to be no obstructions to visibility inside the area bounded by site lines.

Figure 6B.14 Vehicle access onto a state highway sealing diagram {Was "Figure 6.14N Access sealing diagram" - Trans cl.16}



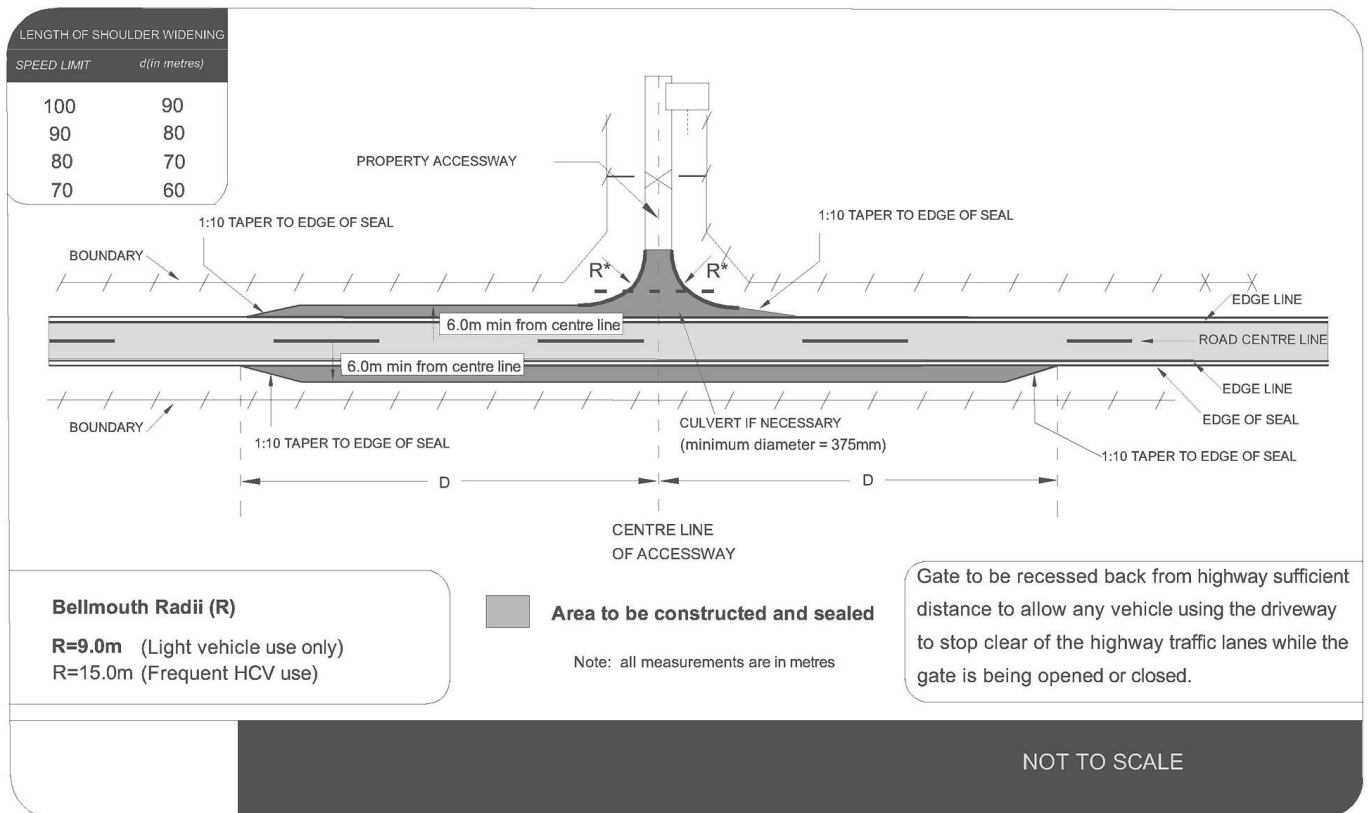
Refer also to Figure 6B.19 {Trans 881.91}

Figure 6B.15 Vehicle access onto a state highway - sealing with localised widening {Was 'Figure 6.14O Access sealing with localised widening" - Trans cl.16}



Refer also to Figure 6B.19 {Trans 881.91}

Figure 6B.16 Vehicle access onto a state highway - sealing with full seal widening {Was "Figure 6.14P Access sealing with full seal widening" - Trans cl.16}



Refer also to Figure 6B.19 {Trans 881.91}

Figure 6B.17 Method to determine minimum sight distance between vehicle crossing and intersection {Was "Figure 6.14Q" - Trans cl.16}

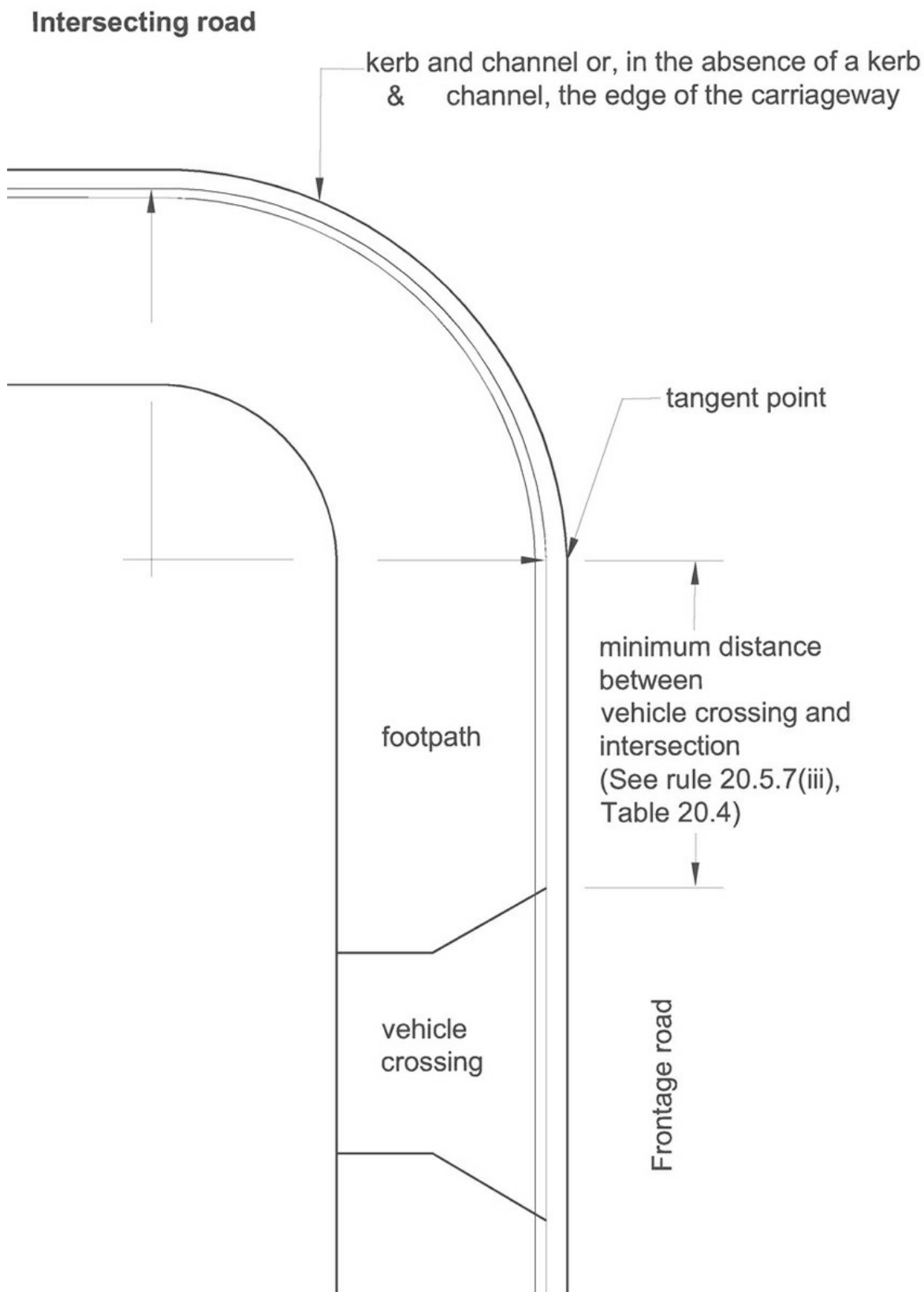


Figure 6B.18 Railway Level Crossing Sight Line Requirements {Was "Figure 6.14R" - Trans cl.16}

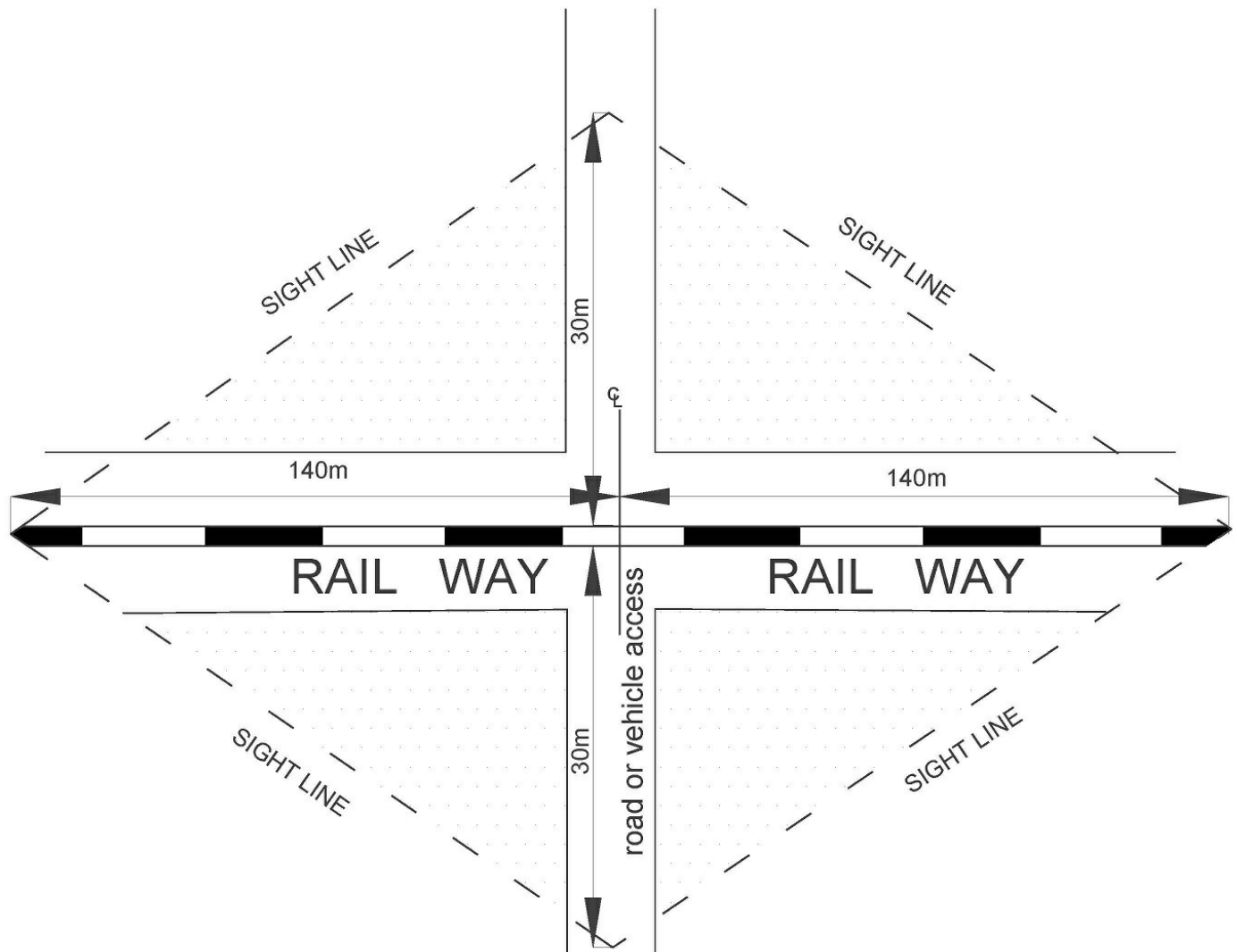
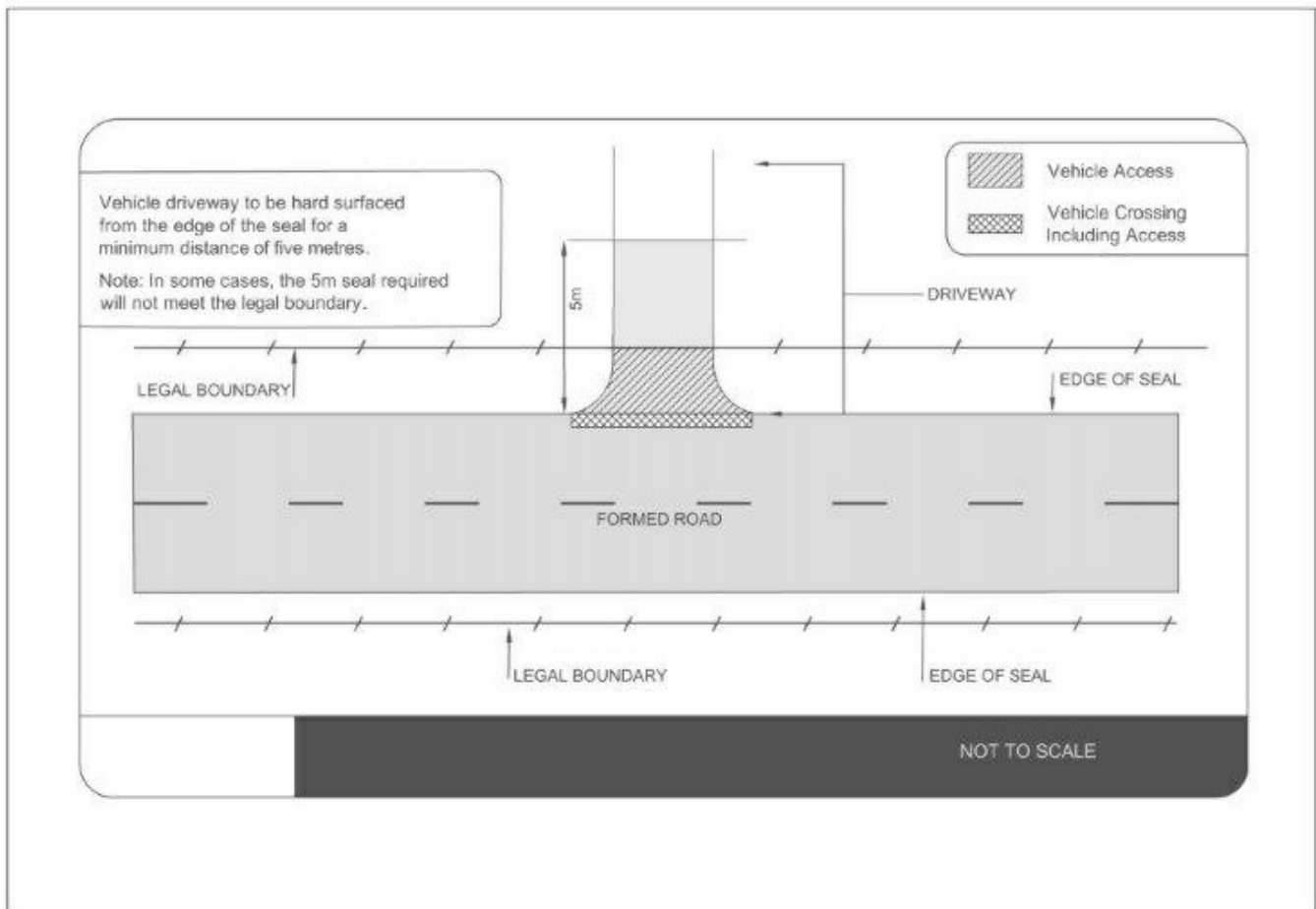


Figure 6B.19 Vehicle Driveway Surfacing Diagram {Confirmed for addition - Trans 881.91}



7. Scheduled Trees

7.1 Introduction

As well as enhancing the landscape, trees also help to reduce noise, provide shelter and habitats for birds and other animals; assist with the avoidance of natural hazards such as landslips and erosion; and provide 'natural' impact and contrast with the built elements of the environment. Trees are living, dynamic organisms that provide an identity and presence. Certain trees may also have value as botanical specimens or have historical or other cultural significance.

Trees are of particular importance in urban areas where they are the largest, most significant natural elements in the landscape at the level of the street environment and they provide a sense of scale and setting. The most visually attractive urban areas of the city are those where trees make a substantial visual impact. However, in populated urban areas, trees are often also perceived to have negative impacts, usually by those living adjacent to such trees who are concerned about shading and safety.

The importance of trees is not restricted to urban areas and it is recognised that trees also play an important role in rural areas in terms of protecting rural amenity through improving soil and slope stability.

Without protection important trees could be damaged or removed without an opportunity for the effects of the modification or removal being evaluated or alternative options explored.

In response to the issues, the Second Generation Plan (2GP) proposes to protect significant trees; promote the retention of trees; and promote new plantings in recognition of their important role in enhancing the urban environment while providing for individual landowners who may need to modify or remove trees that are no longer suitable in their location.

Using the 'Standard Tree Evaluation Method' (STEM), the schedule in the operative District Plan was audited in 2012 as part of the 2GP review of the District Plan to ensure that the list of protected trees is current, having been through a robust selection criteria.

The listing of a tree as a Scheduled Tree means that resource consent approval is required to prune the tree (with anything other than hand-operated pruning shears or secateurs), to remove a listed tree, or undertake construction work/earthworks within the drip-line of a tree: **{ST cl.16}**

7.2 Objectives and Policies

Objective 7.2.1	
The contribution made by significant trees to the visual landscape and history of neighbourhoods is maintained.	
Policy 7.2.1.1	Enable the removal of a scheduled tree where they are certified as being dead or in terminal decline by a suitably qualified arborist or where subject to an order for removal in terms of section 333 of the Property Law Act 2007.
Policy 7.2.1.2	Avoid the removal of a scheduled tree (except as provided for in Policy 7.2.1.1) unless: - there is a significant risk to personal/public safety or <u>a risk to personal safety that is required to be managed under health and safety legislation</u> property; {ST 182.1 and others} <u>the tree poses a substantial risk to a scheduled heritage building or structure</u>; {ST 182.1} the tree is shading existing residential buildings to the point that access to sunlight is significantly compromised; or <u>there is a moderate to significant risk to buildings</u>; {ST 182.1} - the removal of the tree is necessary to avoid significant adverse effects on <u>existing public</u> {ST 308.156} infrastructure and network utilities; and {ST 457.52}; or these adverse effects cannot be reasonably mitigated through pruning and the effects outweigh the loss of amenity from the removal of the tree. removal of the tree will result in significant positive effects in respect of the efficient use of land. {ST 308.156}
Policy 7.2.1.3	Only allow the modification of a scheduled tree where: - the work is undertaken in accordance with best arboricultural practice; by a suitably qualified arborist and will maintain or improve the health of the tree; - any adverse effects from the modification of the tree on amenity values are avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, no more than minor; and - the modification is necessary to improve the health of the tree or to mitigate adverse effects of the tree on safety, sunlight access, or damage to property or infrastructure.
Policy 7.2.1.4	Require earthworks, <u>public amenities</u> , {PA cl.16} ¹ network utilities {ST cl.16} activities, new roads and additions and alterations to roads, buildings, structures, <u>additions and alterations</u> {ST cl.16} and site development <u>activities</u> {PO cl.16} that involves the laying of an impermeable surface, to be set back from a scheduled tree an adequate distance, <u>or, where appropriate, to use trenchless methods</u> , {ST 923.32 and others} to avoid: - damage to the scheduled tree; and - potential future adverse effects caused by the tree on amenity values, structural integrity of buildings or infrastructure, or safety that may lead to future demand to remove the tree.

¹ **PA cl.16:** Rule included in Rule 3.5.6/3.6.3 but not referenced in policy.

Rules

Rule 7.3 Activity Status

7.3.1 Activity Status Introduction

1. The activity status table in Rule 7.3.2 shows the activity status of scheduled trees activities across all zones, provided any performance standards shown in the far right column are met. The activities in the scheduled trees activities category are listed in the Nested Tables in Section 1.3. {PO cl.16}
2. Performance standards apply to permitted, controlled, and restricted discretionary activities.
3. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity ~~will become restricted discretionary, unless otherwise indicated by the relevant performance standard is indicated in the relevant performance standard rule.~~ **{PO cl.16}**.
4. 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.
5. Any site development activities associated with an activity provided for in the activity status table in Rule 7.3.2 is subject to the provisions of the relevant management zone section. {PO cl.16}
6. Any earthworks associated with an activity provided for in the activity status table in Rule 7.3.2 are subject to the provisions in Section 8A. {PO cl.16}
7. Any construction associated with an activity provided for in the activity status table in Rule 7.3.2 is subject to the provisions in Section 4. {PO cl.16}

Legend

Zone-key Acronym {PO cl.16}	Zone/overlay-zone-name Meaning {PO cl.16}
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity

7.3.2 Activity status table - scheduled trees

Activity	Activity status	Performance standards
1. Removal of a scheduled tree that is: dead, in terminal decline or with extreme failure, or subject to a court order for removal	RD	
2. Modification of a scheduled tree	RD	a. Best arboricultural practice
3. Removal and any other work on a scheduled tree that will lead to the death or terminal decline of a scheduled tree	NC	

Note 7.3A – Other relevant District Plan provisions {PO cl.16}

1. Earthworks are managed through the management and major facilities zone sections: {PO cl.16}

¹ **PO cl.16:** moved from Note 7.3A to Rule 7.3.1.6 and minor amendments to wording to clarify new location of earthworks provisions.

Rule 7.4 Notification

1. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A of the RMA:
 1. Removal and any other work on a scheduled tree that will lead to the death or terminal decline of a scheduled tree, except where:
 - a. the tree is dead or in terminal decline;
 - b. and the application is accompanied by written documentation by a suitably qualified arborist to this effect.
2. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 7.5 Performance Standards

7.5.1 Best Arboricultural Practice

1. Work is undertaken by a suitably qualified arborist using best arboricultural practice.
2. ~~Modification of a scheduled tree that contravenes the performance standard for best arboricultural practice is a non-complying activity. Activities that contravene this performance standard are non-complying activities.~~
{ST cl.16}

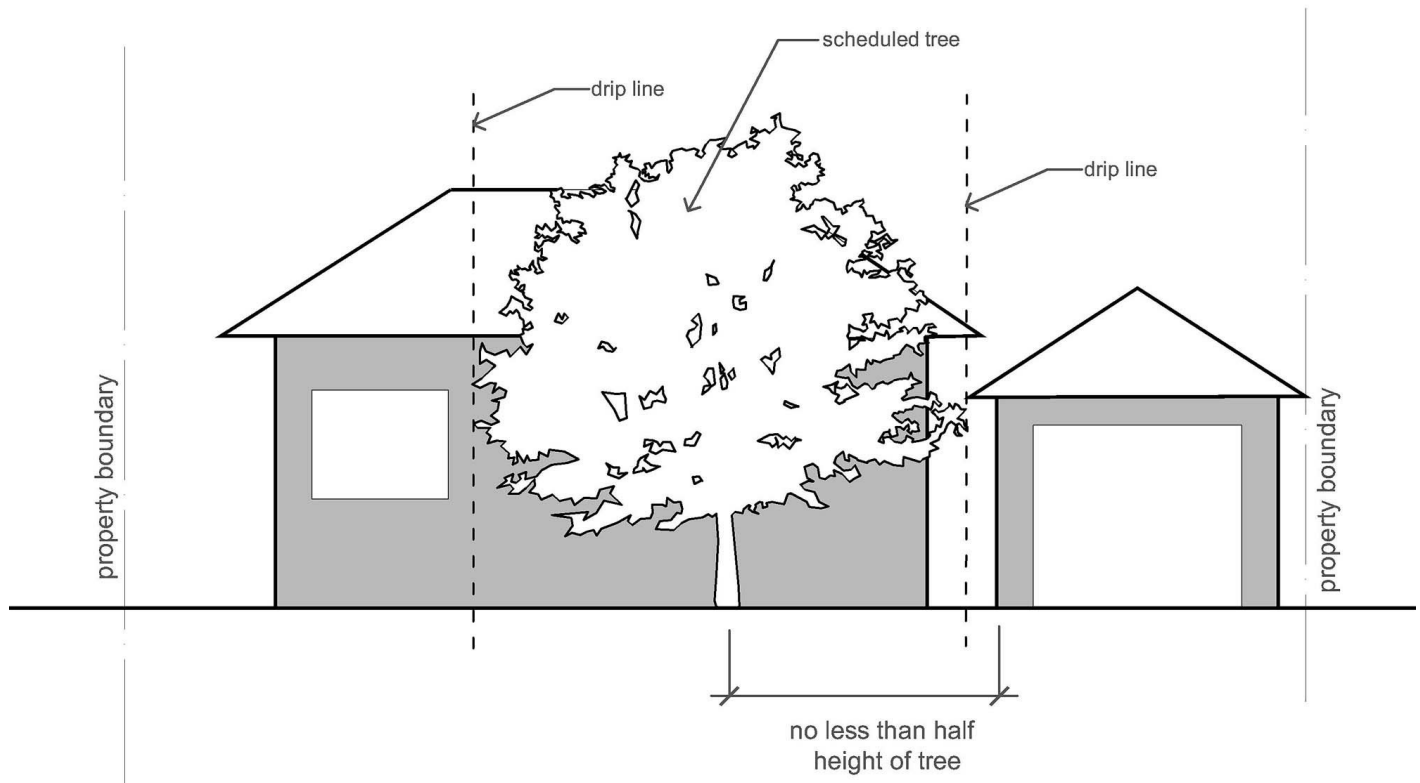
Note 7.5A – General advice {ST cl.16}

1. ~~An application for the modification of a scheduled tree that does not meet the performance standard for best arboricultural practice will be assessed as equivalent to an application to remove a scheduled tree.~~ **{ST cl.16}**

7.5.2 Setback from Scheduled Tree

1. The following activities must not take place under the dripline of a scheduled tree, or within a distance from the trunk equivalent to half the height of the tree, whichever is the greater, if they involve ground excavation or the installation of impermeable surfaces on the ground **{ST 308.161}** (See Figure 7.5A):
 - a. ~~new buildings and structures, or additions or alterations;~~ **{ST cl.16}**
 - b. ~~structures;~~ **{ST cl.16}**
 - c. ~~additions and alterations;~~ **{ST cl.16}**
 - d. public amenities;
 - e. ~~earthworks activities~~ **{ST cl.16}**;
 - f. new roads or additions or alterations to roads;
 - g. ~~network utilities utility~~ **{NU cl.16}** activities; and
 - h. ~~site development activities. that involve the installation of impermeable surfacing.~~ **{ST 308.161}**
2. Activities employing trenchless methods are exempt from this standard where all of the following are met: **{ST 923.32 and others}**
 - a. the entry and exit points are outside the dripline of a scheduled tree, or a distance from the trunk equivalent to half the height of the tree, whichever is the greater (See Figure 7.5A); **{ST 923.32 and others}**
 - b. the tunnel is a minimum of 1.0m below ground level; **{ST 923.32 and others}**
 - c. the work is undertaken under the supervision of a suitably qualified arborist, who has determined that the work will not damage the health or stability of the scheduled tree; and **{ST 923.32 and others}**
 - d. ten working days' notice of the work is provided to the DCC which includes the location of the work and the name of the supervising arborist. **{ST 923.32 and others}**
3. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

Figure 7.5.2A: Setback from a Scheduled Tree {ST cl.16}



Rule 7.6 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 7.6.1 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 7.6.2:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

7.6.2 Assessment of performance standard contraventions		
Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Setback from scheduled tree	a. Effects on long term health of tree	<i>Relevant objectives and policies:</i> i. Objective 7.2.1 ii. Earthworks, public amenities, {PA cl.16} new roads and additions and alterations to roads, network utilities activities, buildings, structures, <u>additions and alterations</u> {ST cl.16} and site development <u>activities</u> {PO cl.16} which <u>that</u> involves the laying of an impermeable surface, are set back from a scheduled tree an adequate distance, <u>or where appropriate trenchless methods are used</u>, {ST 923.32 and others} to avoid: 1. damage to the scheduled tree; and 2. potential future adverse effects caused by the tree on amenity values, structural integrity of buildings or infrastructure, or safety that may lead to future demand to remove the tree (Policy 7.2.1.4). <i>General assessment guidance:</i> i. In assessing effects on the scheduled tree, any consequential amenity effects from pressure to remove tree and tree removal will also be assessed.

¹ **PA cl.16:** Rule included in Rule 3.5.6/3.6.3 but not referenced in policy.

Rule 7.7 Assessment of Restricted Discretionary Activities

Rule 7.7.1 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. Rule 7.7.2:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. 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** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Rule 7.6; 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; 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 Rule 7.8; and
 - iii. the assessment guidance in this section will also be considered.

7.7.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Modification of a scheduled tree	a. Effects on long term health of tree	<i>Relevant objectives and policies:</i> i. Objective 7.2.1 ii. The work is undertaken in accordance with best arboricultural practice <u>by a suitably qualified arborist {ST cl.16}</u> and will maintain or improve the health of the tree (Policy 7.2.1.3.a). <i>General assessment guidance:</i> iii. The assessment of the long term health of the tree in relation to modification will consider the report from a suitably qualified arborist (see Special Information Requirements - Rule 7.9).
	b. Adverse Effects {PO cl.16} on amenity	<i>Relevant objectives and policies:</i> i. Objective 7.2.1 ii. Any adverse effects from the modification of the tree on amenity values are avoided or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, no more than minor (Policy 7.2.1.3.b). <i>General assessment guidance:</i> iii. In assessing adverse effects on amenity values, Council will consider the information held in the STEM assessment for the tree. iv. The assessment of the long term health of the tree in relation to modification will consider the a report from a suitably qualified arborist (see Special Information Requirements - Rule 7.9).
	c. Positive effects of tree modification	<i>Relevant objectives and policies:</i> i. Objective 7.2.1 ii. The modification is necessary to improve the health of the tree to mitigate adverse effects of the tree on safety, sunlight access, or damage to property or infrastructure (Policy 7.2.1.3.c). <i>General assessment guidance:</i> iii. The assessment of the long term health of the tree in relation to modification will consider the a report from a suitably qualified arborist (see Special Information Requirements - Rule 7.9).
2. Removal of a scheduled tree that is: dead; in terminal decline or with extreme failure; or subject to a court order for removal.	a. Adverse Effects {PO cl.16} on amenity	<i>Relevant objectives and policies:</i> i. Objective 7.2.1 ii. Removal of a scheduled tree is enabled where it is certified as being dead or in terminal decline by a suitably qualified arborist or where subject to an order for removal in terms of section 333 of the Property Law Act 2007 (Policy 7.2.1.1). <i>General assessment guidance:</i> iii. The assessment of the long term health of the tree in relation to modification will consider the a report from a suitably qualified arborist (see Special Information Requirements - Rule 7.9).

¹ **PO cl.16:** Wording of matter of discretion changed to standard phrasing.

² **ST cl.16:** Consistency with Policy 7.2.1.3.a.

Rule 7.8 Assessment of Non-complying Activities

Rule 7.8.1 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. Rule 7.8.2 provides 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. 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.

7.8.2 Assessment of non-complying activities	
Activity	Guidance on the assessment of resource consents
1. • Removal and any other work on a scheduled tree that will lead to the death or terminal decline of a scheduled tree • Modification of a scheduled tree that does not meet <u>contravenes</u> the <u>best arboricultural practice</u> performance standard (Rule 7.5.1) for best arboricultural practice {ST cl.16}	<i>Relevant objectives and policies (priority considerations)</i> a. Objectives 7.2.1, 2.4.1 b. Policy 2.4.1.2 c. Avoid the removal of a scheduled tree (except as provided for in Policy 7.2.1.1) unless: i. there is a significant risk to personal/public safety or <u>a risk to personal safety that is required to be managed under health and safety legislation</u> property {ST 182.1 and others}; or ii. <u>the tree poses a substantial risk to a scheduled heritage building or structure</u>; {ST 182.1} iii. the tree is shading existing residential buildings to the point that access to sunlight is significantly compromised <u>there is a moderate to significant risk to buildings</u> {ST 182.1 and others}; or iv. the removal of the tree is necessary to avoid significant adverse effects on public existing {ST 308.156} infrastructure <u>and network utilities</u>; and {ST 457.52}; or v. these adverse effects cannot be reasonably mitigated through pruning and the effects outweigh the loss of amenity from the removal of the tree <u>removal of the tree will result in significant positive effects in respect of the efficient use of land</u> {ST 308.156} (Policy 7.2.1.2).

Rule 7.9 Special Information Requirements

7.9.1 Arborist documentation

1. Any application for the removal of a scheduled tree due to the tree being dead or in terminal decline must ~~provide~~ include **{ST cl.16}** written documentation by a suitably qualified arborist to this effect.
2. Any application for the modification of a scheduled tree must ~~provide~~ include **{ST cl.16}** written documentation by a suitably qualified arborist that the modification will be in accordance with good arboricultural practice, and will not lead to the death or terminal decline of the scheduled tree.
3. Any application for the removal of a scheduled tree due to a court order must include a copy of that court order.

8. Natural Hazard Mitigation Activities

8.1 Introduction

Natural hazard mitigation activities include natural hazard mitigation structures and natural hazard mitigation earthworks **{HazMit cl. 16}** and the repair, maintenance and emergency activities that are necessary to manage or reduce the risk and effects of natural hazards. Mitigation works do not entirely remove the risk from natural hazards, and the works themselves can cause adverse effects that require careful management, for example effects on biodiversity through the removal of vegetation. Also, in some instances, natural hazard mitigation activities have the potential to create, exacerbate or transfer risk.

There are many existing natural hazard mitigation works in Dunedin, particularly on the Taieri Plain, for example floodbanks and spillways, many of which are public works and some of which are privately owned. Existing works sometimes require maintenance and alterations and there can be requirements for new or emergency works.

The Second Generation Plan Plan {PO cl.16} manages the effects of natural hazard mitigation activities, including on the amenity and character of surrounding areas where mitigation works are proposed, through the consent process unless the works are repair, maintenance or emergency activities.

8.2 Objectives and Policies

Objective 8.2.1	
Natural hazard mitigation activities are enabled where they are the most effective and appropriate way of avoiding or mitigating the risks of natural hazards, and are designed and located to: - minimise, as far as practicable, any adverse effects on the amenity and character of the zone; and - meet the objectives and policies of the Plan related to all relevant overlay zones or mapped areas and any scheduled heritage item.	
Policy 8.2.1.1	Enable the repair and maintenance of <u>natural</u> hazard mitigation structures and <u>natural hazard mitigation</u> earthworks features. {HazMit cl.16}
Policy 8.2.1.2	Only allow <u>natural</u> {HazMit cl.16} hazard mitigation earthworks and <u>natural</u> {HazMit cl.16} hazard mitigation structures where there are no any significant <u>adverse</u> effects on the amenity and character of the surrounding area <u>will be avoided or minimised as far as practicable</u> . {HazMit 308.167}
Policy 8.2.1.3	Enable emergency natural hazard mitigation where necessary during a natural hazard event to provide immediate protection to life or property.

Rules

Rule 8.3 Activity Status

8.3.1 Activity status introduction

1. The activity status table in Rule 8.3.2 shows the activity status of natural hazard mitigation activities across all zones, provided any performance standards shown in the far right column are met. The activities in the natural hazard mitigation activities **{PO cl.16}** category are listed in the Nested Table in Section 1.36. **{PO cl.16}**
2. Performance standards apply to permitted, controlled and restricted discretionary activities.
3. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity ~~will become restricted discretionary, unless otherwise indicated by the relevant performance standard is indicated in the relevant performance standard rule.~~ **{PO cl.16}**.
4. 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.
5. Any site development activities associated with an activity provided for in the activity status table in Rule 8.3.2 are subject to the provisions of the relevant management zone section. **{PO cl.16}**
6. Any earthworks, other than those that meet the definition of hazard mitigation earthworks, associated with an activity provided for in the activity status table in Rule 8.3.2 are subject to the provisions in Section 8A. **{PO cl.16}**
7. Any construction associated with an activity provided for in the activity status table in Rule 8.3.2 are subject to the provisions in Section 4. **{PO cl.16}**

Legend

Acronym	Activity-status Meaning {PO cl.16}
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
ONCC	Outstanding Natural Coastal Character Overlay Zone
HNCC	High Natural Coastal Character Overlay Zone
NCC	Natural Coastal Character Overlay Zone
ONF	Outstanding Natural Feature Overlay Zone
ONL	Outstanding Natural Landscape Overlay Zone
SNL	Significant Natural Landscape Overlay Zone

8.3.2 Activity status table - Natural hazard mitigation activities

Activity		All zones and overlays Activity Status {HazMit cl.16}
1.	Emergency natural hazard mitigation	P
2.	Repair and maintenance of <u>natural</u> {HazMit cl.16} hazard mitigation earthworks features or <u>natural hazard mitigation</u> structures {HazMit cl.16}	P
3.	<u>Natural</u> Hhazard mitigation earthworks {HazMit cl.16}	D
4.	<u>Natural</u> Hhazard mitigation structures {HazMit cl.16}	D

Note 8.3.2A - Other relevant District Plan provisions

- ~~Vegetation clearance and replanting are managed as site development activities in zones: {PO cl.16'}~~
 - ~~Tree planting Shelterbelts and small woodlots {RU cl.16} for land instability mitigation is managed as an activity in zones.~~
 - ~~Earthworks are managed through the management and major facilities zone sections {PO cl.16'}.~~
- ¹ **PO cl.16:** Note 8.3A.1 and 3 moved from Note 8.3A to Rule 8.3.1.5 and 6 and minor amendments to wording to clarify new location of earthworks provisions. Note 8.3A.2 moved to definition of natural hazard mitigation activities.

Note 8.3.2B - General advice

- Activities located below the level of mean high water springs are managed by the Otago Regional Council.
- Land based activities involving, or in close proximity to, defences against water are managed by the following Otago Regional Council mechanisms:
 - Regional Plan: Water for Otago
 - Otago Regional Council Flood Protection Management Bylaw; and
 - Otago Regional Council designations in this District Plan.
- Activities within the coastal marine area are managed via the Regional Plan: Coast for Otago.

Note 8.3.2C - Other requirements outside of the District Plan

- ~~The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. {Her 547.80}~~ If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand before you begin {Her 547.80}. This is the case regardless of whether the land on which the {Her 547.80} site is located is {Her 547.80} designated, or the activity is permitted under the District Plan or Regional Plan or a resource or building consent has been granted.
- The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol (Appendix A8) manages archaeological sites which that {Her cl.16} may be discovered as a result of earthworks. The protocol applies to any area, not just scheduled archaeological sites.
- Scheduled archaeological sites are identified on the planning maps. Archaeological sites may also be found outside these areas, but are more likely to be found within the archaeological alert layer. {Her 1071.47}

Note 8.3D – Other relevant District Plan provisions

1. Earthworks are managed through the management and major facilities zone sections: **{HazMit cl.16'}**

¹ **HazMit cl.16:** Duplication of Rule 8.3.6.

Rule 8.4 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. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat to the **wāhi tūpuna mapped area** in Appendix A4.
2. Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided with respect to applications for resource consent in the following locations:
 1. ~~Hazard hazard 1 and hazard 1A~~ (flood) ~~Overlay Zone~~ overlay zones **{NH 908.37}**; and
 2. **swale mapped areas.**
3. ~~In accordance with section 95(B) of the RMA, where an application is not publicly notified, Council will give limited notification of an application to all affected persons: {PO cl.16'}~~
4. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

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

Rule 8.5 Assessment of Discretionary Activities

Rule 8.5.1 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 with respect to matters over which it has restricted its discretion.
2. Rule 8.5.2 provides guidance on how a consent application will be assessed, including:
 - a. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance; and
 - d. conditions that may be imposed.

8.5.2 Assessment of discretionary natural hazard mitigation activities

Activity	Guidance on the assessment of resource consents
1. • Natural Hazard mitigation earthworks {HazMit cl.16} • Natural Hazard mitigation structures {HazMit cl.16}	<i>Relevant objectives and policies:</i> a. Objective 8.2.1 b. There are no significant effects on the amenity and character of the surrounding area <u>Natural hazard mitigation earthworks and natural hazard mitigation structures avoid or minimise, as far as practicable, significant adverse effects on the amenity and character of the surrounding area (Policy 8.2.1.2).</u> {HazMit 308.167} <i>General assessment guidance:</i> c. In assessing the significance of effects, consideration will be given to: {MW cl.16} a. Manawhenua values and the relationship between Manawhenua and the natural environment is maintained, including the cultural values and traditions associated with: {MW cl.16} a. wāhi-tūpuna; and {MW cl.16} b. mahika kai (Objective 14.2.1). {MW cl.16} b. If located outside a wāhi-tūpuna mapped area, Kai Tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi-tūpuna is located, or the linkages between wāhi-tūpuna {MW 1071.109} d. In assessing activities that are 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. e. <u>In assessing whether natural hazard mitigation activities are the most appropriate way to minimise risk on the site and on other sites, natural hazard mitigation activities will only be considered appropriate where there are no non-structural solutions that would be effective.</u> {HazMit 308.167}

8.5.2 Assessment of discretionary natural hazard mitigation activities

Activity	Guidance on the assessment of resource consents
	<i>Relevant guidance from other sections (priority considerations):</i> f. See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity values. {NatEnv 900.35} g. See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.2 and effects on related to {NatEnv cl.16} biodiversity values {Nat Env 958.60} and natural character of riparian margins and the coast. h. Where in a ONCC, HNCC or NCC overlay zone, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and effects related to the natural character of the coast. i. See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.4 and effects on public access. j. Where in a ONF, ONL or SNL overlay zone, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and effects on related to {NatEnv cl.16} landscape values. k. See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risks from natural hazards l. Where in a heritage precinct or on a heritage site see Section 13.7 for guidance on the assessment of resource consents in relation to objectives 13.2.2 and 13.2.3 and effects on heritage values. m. Where in a wāhi tūpuna mapped area, see Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.

8A. Earthworks {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones to a new city-wide activities section. Where there has been no change to the effect of provisions (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of provisions have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

8A.1 Introduction {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of provisions (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of provisions have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

Earthworks are an essential prerequisite for the use and development of Dunedin's land resource.

If not managed adequately, earthworks have the potential to result in adverse effects on rivers, lakes, streams, wetlands, coastal waters and groundwater, visual amenity, ~~and~~ landscape, the natural character of the coast, {EW cl.16} indigenous flora and fauna, high class agricultural soils, and archaeological and cultural sites. Earthworks also have the potential to result in injury to people and damage to property, exacerbate certain existing hazards, create new hazards, and, if carried out at contaminated sites, release hazardous substances into the environment. Additionally, during construction, earthworks can cause adverse effects on local amenity and on locally, regionally and nationally important infrastructure, such as the transportation network, the reticulated water, foul sewer and stormwater networks, and the National Grid.

To manage the potential adverse effects of earthworks, mechanisms are included in the District Plan. These mechanisms include controls on the location, scale and design of earthworks, implementation of appropriate mitigation measures, and the avoidance of earthworks in sensitive locations. ~~This~~ The aim of this management approach is ~~taken with the aim of minimising~~ to minimise adverse environmental effects and ~~to preventing the effects of earthworks which have the potential to impact~~ adverse effects on {EW cl.16} the safety of people or ~~and~~ {EW cl.16} property.

~~It is also noted that~~ Other regulatory and nonregulatory methods ~~will be used to~~ also {EW cl.16} control the effects of earthworks. Certain earthworks ~~will be~~ are carried out as part of building work; these ~~will be~~ are {EW cl.16} subject to the New Zealand Building Code and may require a building consent under the Building Act 2004. Other regulatory mechanisms through which earthworks of certain types are controlled include the Heritage New Zealand Pouhere Taonga Act 2014, the Regional Plan: Waste for Otago, the Regional Plan: Water for Otago and the Otago Regional Council Flood Protection Management Bylaw 2008.

8A.2 Objectives and Policies {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of provisions (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of provisions have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

Objective 8A.2.1

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

- visual amenity and character;
- the stability of land, buildings, and structures; and
- surrounding properties.

Objective 8A.2.1

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

- visual amenity and character;
- the stability of land, buildings, and structures; and
- surrounding properties.

Policy 8A.2.1.1	Require earthworks, and associated retaining structures, to be designed and located to avoid <u>or minimise, as far as practicable, {PO 308.497 and EW 241.21}</u> adverse effects on the stability of land, buildings, and structures by: - being set back an adequate distance from property boundaries, buildings, structures and cliffs; and - using a batter gradient that will be stable over time.
Policy 8A.2.1.2	Require earthworks and any associated retaining structures, to be designed, <u>and located and undertaken in a way that to {EW cl.16¹}</u> minimises, <u>as far as practicable, {PO 906.34 and 308.497}</u> adverse effects on surrounding sites and the wider area, including by: <u>-sediment run-off onto any property, or into any stormwater pipes, drains, channels or soakage systems.</u> - limiting the scale of earthworks that are provided for as a permitted activity; and <u>{EW cl.16¹}</u> - requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems: <u>{EW cl.16¹}</u>
Policy 8A.2.1.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where <u>all of {EW cl.16}</u> the following effects will be avoided or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u> , adequately mitigated: - adverse effects on visual amenity and character; - adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and - adverse effects on the stability of land, buildings, and structures.
Policy 8A.2.1.4	Require earthworks ancillary to forestry to be carried out in accordance with industry best practice guidelines.

¹ **EW cl.16:** Clause a of Policy 8A.2.1.2 has been rephrased to more clearly explain the related performance standards. This does not result in a substantive change to the effect of provisions.

Rules {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

Rule 8A.3 Activity Status {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

8A.3.1 Activity status introduction

1. The activity status table in Rule 8A.3.2 shows the activity status of earthworks activities across all zones, provided any performance standards shown in the far right column are met. The activities in the earthworks category are listed in the Nested Table in Section 1.3.
2. Performance standards apply to permitted, and restricted discretionary activities.
3. If a permitted activity does not meet one or more performance standards, then the activity status of the activity ~~will become restricted discretionary, unless otherwise indicated by the relevant performance standard~~ is indicated in the relevant performance standard rule. **{PO cl.16}**.
4. 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.
5. Any site development activities associated with an activity provided for in the activity status table in Rule 8A.3.2 is subject to the provisions of the relevant management zone section. **{PO cl.16}**
6. Any construction associated with an activity provided for in the activity status table in Rule 8A.3.2 is subject to the provisions in Section 4. **{PO cl.16}**

Legend

Acronym	Activity status Meaning {PO cl.16}
P	Permitted Activity
RD	Restricted Discretionary Activity
Res	Residential Zone

8A.3.2 Activity status table - earthworks activities

1.	Performance standards that apply to all earthworks activities		a. Archaeological sites b. Batter gradient c. Setback from property boundary, buildings, structures and cliffs d. Setback from National Grid (earthworks) e. Setback from network utilities f. Sediment control g. Removal of high class soils h. NZ Environmental Code of Practice for Plantation Forestry i. Setback from scheduled tree
	Activity	Activity status	Performance standards
2.	Earthworks – small scale	P	a. Earthworks - small scale thresholds
3.	Earthworks – large scale	RD	a. Setback from coast and water bodies

Note 8A.3.2A - Other requirements outside the District Plan **{PHS 634.58}**

1. The National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 applies to any piece of land on which an activity described in the Hazardous Activities and Industries List (HAIL)

is being undertaken, has been undertaken, or is more likely than not to have been undertaken. On land of this kind, any change of use, disturbance of soil, soil sampling, removal, replacement or upgrade of fuel tanks, and any subdivision will trigger the provisions of the NES, and may require a resource consent. The requirements of the NES are site specific; the DCC Resource Consents team can provide advice on likely requirements in relation to a particular property or activity. Information is also available from the Ministry for the Environment at www.mfe.govt.nz/land/nas-assessing-and-managing-contaminants-soil-protect-human-health/about-nas. {PHS 634.58}

2. The Otago Regional Plan: Water manages earthworks undertaken on the bed of any lake or river, and earthworks associated with drilling or bore construction (excluding the deposition of fill resulting from these activities). {PO cl.16}
3. The Otago Regional Plan: Waste manages discharges from offal pits, farm landfills and greenwaste landfills, and excavation and use of composting pits, silage pits and silage stacks. {PO cl.16}

Rule 8A.4 Notification {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

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:
 - a. large scale earthworks in a **wāhi tūpuna mapped area** where the activity is identified as a principal threat to values in Appendix A4; and
 - b. activities that contravene the sediment control performance standard in a **wāhi tūpuna mapped area**.
2. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA. {EW cl.16}

Rule 8A.5 Earthworks Performance Standards {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

8A.5.1 Earthworks - small scale thresholds {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

8A.5.1.1 General {EW cl.16¹}

The following earthworks are always considered earthworks - small scale:

- a. post holes for the erection of fences; {EW cl.16¹}
- b. post holes for permitted or approved buildings or signs; {EW cl.16¹}
- c. driving of piles for building foundations; {EW cl.16¹}
- d. earthworks in the Port Zone; {EW 737.30²}
- e. earthworks in the rural or rural residential zones, outside flood hazard overlay zones, associated with burying material infected by unwanted organisms as declared by the Ministry for Primary Industries' Chief Technical

Officer or an emergency declared by the Minister for Primary Industries under the Biosecurity Act 1993: {EW 1090.2}

- f. earthworks subject to an approved building consent, except in the rural or rural residential zones or where they are located more than 1.8m from the building: {EW 308.374}
- g. earthworks for the erection of new fences {EW 388.4} or the construction of walking tracks or vehicle tracks, where the fence or track is associated with a permitted land use or city-wide activity, provided that the earthworks: {EW 388.4 and 911.1}
 - i. do not result in a change in finished ground level that exceeds 1m; and {EW 388.4 and 911.1}
 - ii. do not exceed 2m in width if located in an ASBV or ONF, ONCC, HNCC or NCC overlay zone, or 3m in width outside these areas. {EW 388.4 and 911.1}
- h. earthworks ancillary to the operation, repair, and maintenance of the roading network; and
- i. earthworks ancillary to forestry.

¹ **EW cl.16:** Under notified provisions, the definition of 'earthworks – small scale' indicated that the types of earthworks listed at Rule 8A.5.1.1.a, b and c were always treated as 'small scale'. Provisions have been reformatting to transfer that content from the definition to this rule. In addition, the types of earthworks listed at Rule 8A.5.1.1.h and i were exempt from all scale thresholds under notified management zone provisions (e.g. notified Rule 16.6.1.1.f). This content has also been transferred to this rule. These changes do not alter the effect of provisions.

² **EW 737.30:** Under notified Rule 30.6.1.1.a.iii.1, earthworks in the Port Zone were only exempt from the 'maximum area' element of the small scale threshold. The exemption has been expanded, in response to EW 737.30, so that earthworks in the Port Zone are also exempt from the other elements of the scale threshold – i.e. 'maximum change in finished ground level' and 'maximum volume of combined cut and fill'.

8A.5.1.2 Scale Thresholds

- a. All earthworks not listed in Rule 8A.5.1.1 must not exceed the scale thresholds in Rule 8A.5.1.3, Rule 8A.5.1.4 or Rule 8A.5.1.5 to be considered earthworks - small scale. Earthworks that exceed these thresholds are treated as earthworks – large scale.
- b. Where earthworks are located in one or more of the overlay zones or mapped areas indicated in Rule 8A.5.1.3, Rule 8A.5.1.4 or Rule 8A.5.1.5, the most restrictive scale threshold applies for the purposes of determining activity status.
- c. Resource consents will be assessed against all scale thresholds that are contravened.

8A.5.1.3 Maximum change in finished ground level {EW 634.26}

- a. The maximum change in finished {EW 634.26} ground level to be considered earthworks – small scale is as follows:

Zone/Overlay		Maximum change in <u>finished</u> {EW 634.26} ground level
i.	Residential, CMU, Industrial, Recreation, Dunedin Botanic Garden, Dunedin Hospital, Edgar Centre, Mercy Hospital, Moana Pool, Otago Museum, School, Stadium, Campus and Wakari Hospital zones	1.5m
ii.	Rural, Rural Residential, Ashburn Clinic, Dunedin International Airport, Invermay and Hercus, and Taieri Aerodrome zones	2.0m

Zone/Overlay		Maximum change in finished {EW 634.26} ground level
iii.	GPMA	1.0m Maximum depth of 250mm (except as required for the foundation of buildings)
iv.	ONF, UGMA UBMA {NatEnv 958.60}, SHS, ONL, ONCC, HNCC	1.0m
v.	SNL, NCC	1.5m
vi.	1. In an ASBV; 2. Within 20m of a water body ¹ or MHWS in the Rural, and Invermay and Hercus Zones; or 3. Within 5m of a water body ¹ or MHWS in all other zones.	0.5m
vii.	Haz1 (flood) & Haz1A {NH 908.37} (flood) Haz2 (flood) & Haz3 (flood, alluvial fan) {NH 908.57}	N/A
viii.	Haz1 (land instability) & Haz2 (land instability)	1.0m

- b. The following activities are exempt from Rule 8A.5.1.3.a.ii:
- Earthworks in the rural zones, as part of a farming activity for the construction of ofal pits, silage pits and farm landfills.

¹ See Rule 10.3.3.7 for how setbacks from waterbodies will be measured.

8A.5.1.4 Maximum Area

- a. The maximum area of earthworks to be considered earthworks – small scale is as follows:

Zone/Overlay		Maximum Area
i.	GPMA, ONF, UGMA UBMA {NatEnv 958.60}, SHS	50m ²
ii.	ONL, ONCC, HNCC	100m ²
iii.	SNL, NCC	200m ²
iv.	1. In an ASBV; 2. Within 20m of a water body ¹ or MHWS in the Rural, and Invermay and Hercus Zones; or 3. Within 5m of a water body ¹ or MHWS in all other zones.	25m ²

- b. In zones other than rural zones, the maximum area stated in Rule 8A.5.1.4.a is the cumulative total area of earthworks undertaken on any site in any two calendar-year period.
- c. In rural zones, more than one earthworks activity up to the maximum area stated in Rule 8A.5.1.4.a may be undertaken provided that each earthworks activity is located at least 1km from any other earthworks taking place on the same site within the same two calendar year period.
- d. The following activities are exempt from this standard:
- Earthworks ancillary to network utility activities.

¹ See Rule 10.3.3.7 for how setbacks from waterbodies will be measured.

8A.5.1.5 Maximum volume of combined cut and fill

- a. The maximum volume of combined cut and fill to be considered earthworks – small scale is as follows:

Location		Slope					
		Less than or equal to 12°	Greater than 12° but less than or equal to 15°	Greater than 15° but less than or equal to 20°	Greater than 20° but less than or equal to 26°	Greater than 26° but less than or equal to 35°	Greater than 35°
i.	All zones	30m ³ per 100m ² of site	25m ³ per 100m ² of site	15m ³ per 100m ² of site	10m ³ per 100m ² of site	0m ³ fill, 5m ³ cut per 100m ² of site	0m ³
ii.	GPMA, ONF, UGMA <u>UBMA</u> {NatEnv 958.60} , SHS	10m ³	10m ³	10m ³	10m ³	0m ³ fill, 10m ³ cut	0m ³
iii.	ONL, ONCC, HNCC	20m ³	20m ³	20m ³	20m ³	0m ³ fill, 20m ³ cut	0m ³
iv.	SNL, NCC	50m ³	50m ³	50m ³	50m ³	0m ³ fill, 50m ³ cut	0m ³
v.	1. In an ASBV; 2. Within 20m of a water body or MHWS in the Rural, and Invermay and Hercus Zones; or 3. Within 5m of a water body or MHWS in all other zones.	1m ³	1m ³	1m ³	1m ³	0m ³ fill, 1m ³ cut	0m ³
vi.	Haz1 (flood) & Haz1A {NH 908.37} (flood)	0m ³ fill	0m ³ fill	0m ³ fill	0m ³ fill	0m ³ fill	0m ³
vii.	Haz2 (flood) & Haz3 (flood, <u>alluvial fan</u>) {NH 908.57}	20m ³ fill	20m ³ fill	20m ³ fill	20m ³ fill	0m ³ fill	0m ³
viii.	Haz1 (land instability)	10m ³	10m ³	10m ³	10m ³	0m ³ fill, 10m ³ cut	0m ³
ix.	Haz2 (land instability)	20m ³	20m ³	20m ³	20m ³	0m ³ fill, 20m ³ cut	0m ³
x.	Swale mapped area Dune system mapped area	0m ³	0m ³	0m ³	0m ³	0m ³	0m ³

- b. The maximum volume of combined cut and fill set out in Rule 8A.5.1.5.a is the maximum cumulative volume on any site within any two calendar year period, except that in rural zones:
- more than one earthworks activity up to the maximum volume stated in Rule 8A.5.1.5.a.i, vii, viii or ix may be undertaken provided that each earthworks activity is located at least 4km 400m **{EW 312.13}**

from any other earthworks taking place on the same site within the same two calendar year period;
and

- ii. more than one earthworks activity up to the maximum volume stated in Rule 8A.5.1.5.a.ii, iii, iv or v may be undertaken provided that each earthworks activity is located at least 1km from any other earthworks taking place on the same site within the same two calendar year period.
- c. Where the part of the site in which the earthworks are located is in more than one slope category, the most restrictive volume threshold applies.
- d. The following activities are exempt from this standard:
 - i. Earthworks ancillary to network utility activities.
 - ii. Earthworks in the rural zones as part of a farming activity for the construction of offal pits, silage pits and farm landfills (exempt from Rule 8A.5.1.5.a.i only).

8A.5.2 Archaeological sites {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

Earthworks must comply with Rule 13.3.3.

8A.5.3 Batter gradient {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

1. Earthworks must:
 - a. have a maximum cut batter gradient of 1:1 (i.e. rising 1m over a 1m distance); and
 - b. have a maximum fill batter gradient of 2:1 (i.e. rising 1m over a 2m distance).
2. Earthworks ancillary to forestry are exempt from the batter gradient performance standard.
3. Activities that contravene this performance standard are restricted discretionary activities.~~{PO cl.16}~~

8A.5.4 Setback from property boundary, buildings, structures and cliffs {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

1. Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m² ~~footprint~~~~{PO cl.16¹}~~, and the top or toe of any cliff, the following minimum distances:
 - a. Earthworks not supported by retaining walls:
 - i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 8A.5A);
 - ii. a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (see Figure 8A.5A); and
 - iii. 300mm, as measured from the crest of any cut (see Figure 8A.5A).

- b. Retaining walls supporting a cut or fill must be set back a distance at least equal to the height of the retaining walls (see Figure 8A.5B), except:
 - i. retaining walls supporting a cut that have been granted building consent are exempt from this standard.
- c. Earthworks ancillary to network utility activities, earthworks ancillary to the operation, repair, and maintenance of the roading network and earthworks ancillary to forestry are exempt from the setback from property boundary, buildings, structures and cliffs performance standard.

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

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

Figure 8A.5A: Unsupported cut and fill (elevation view)

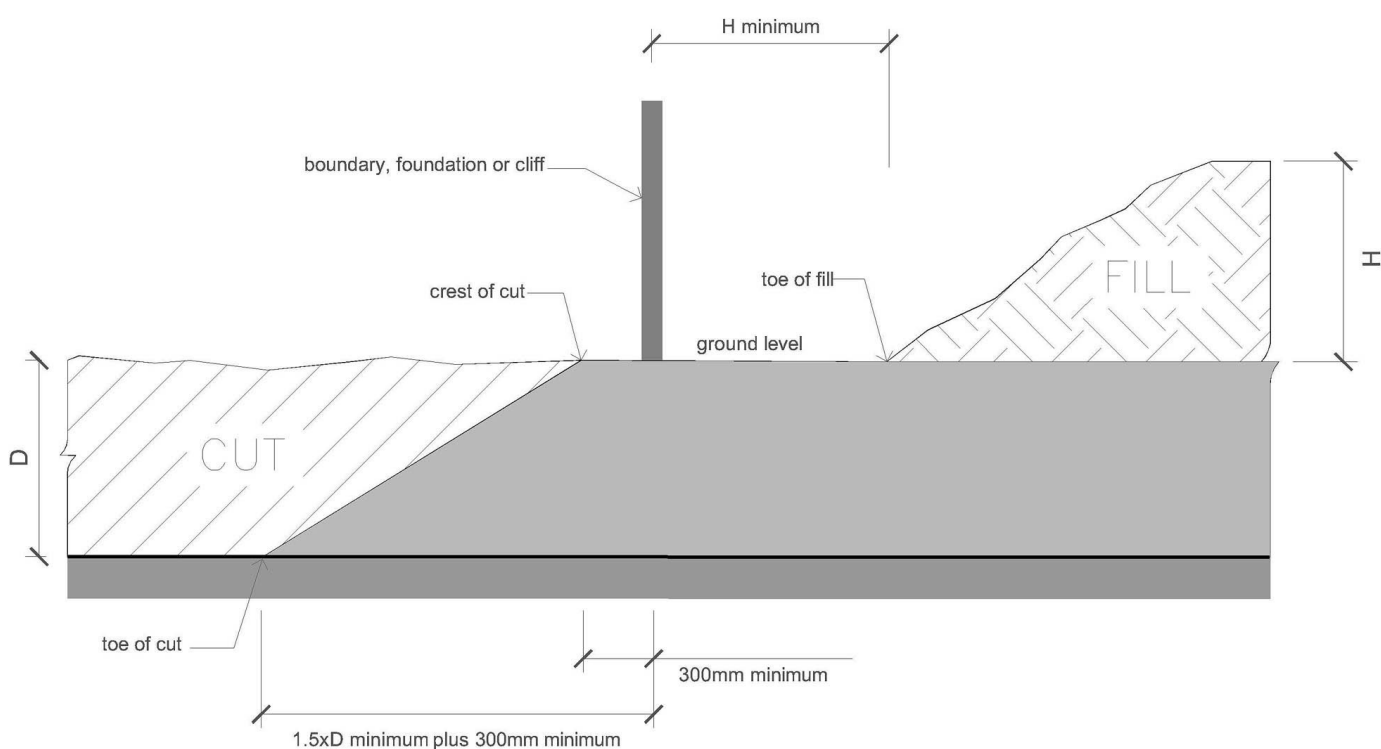
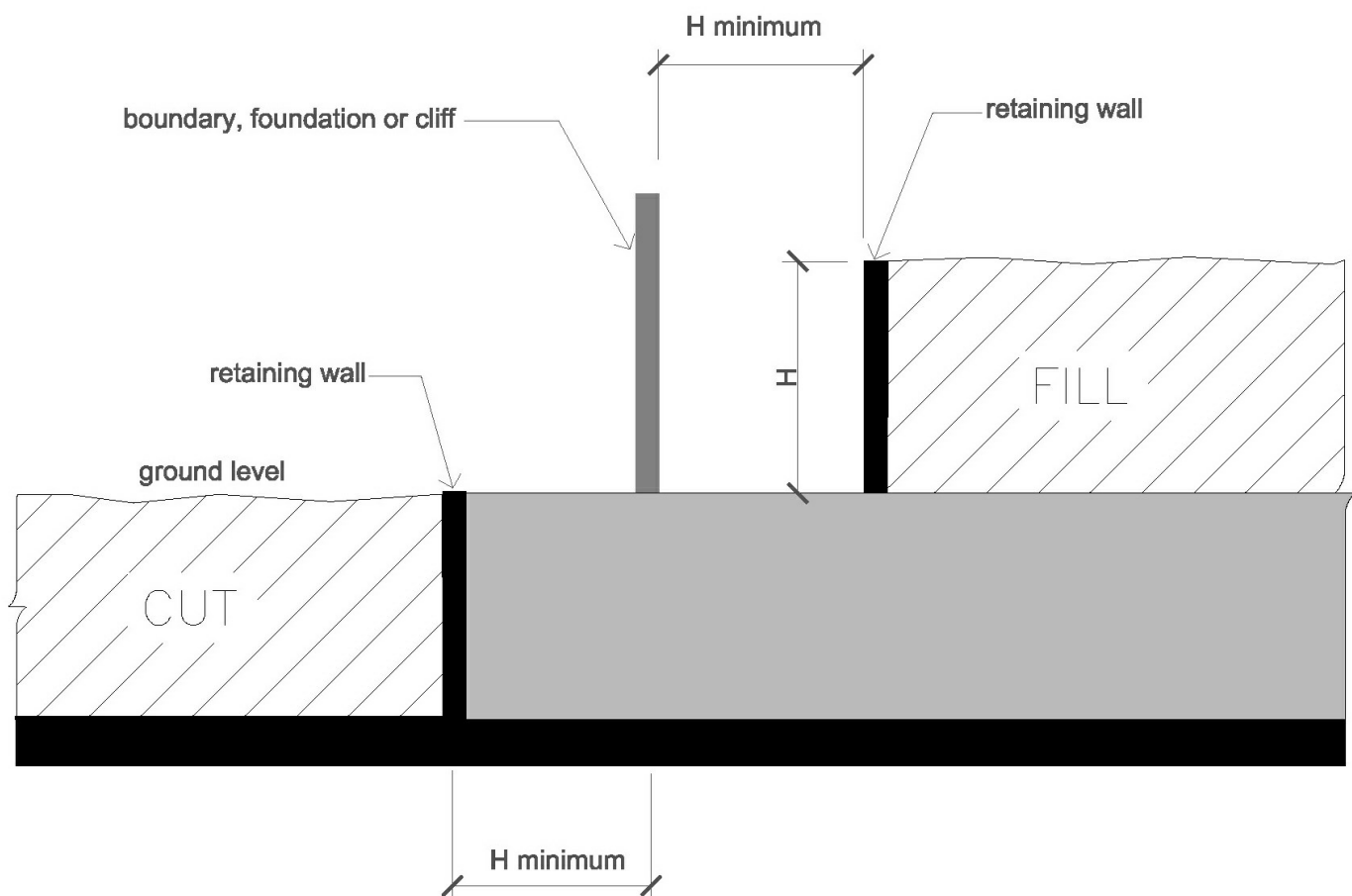


Figure 8A.5B Cut and fill supported by retaining walls (elevation view)



8A.5.5 Setback from National Grid (earthworks) {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

Earthworks must comply with Rule 5.6.1.2.

8A.5.6 Setback from network utilities {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

Earthworks must comply with Rule 5.6.2.

8A.5.7 Sediment control {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

1. Earthworks must be undertaken using best practice sediment control management to in a way that prevents **{NatEnv 908.27}** sediment entering water bodies, stormwater networks, or the coastal marine area, {EW 1071.104} or going across property boundaries.

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

Note 8A.5.7A - Other requirements outside of the District Plan {NatEnv 908.27}

1. Discharges of sediment, or of water containing sediment, may require resource consent under the Regional Plan: Water for Otago. {NatEnv 908.27}
2. Discharges of sediment that cross property boundaries may be contrary to the common law principle of natural servitude. {NatEnv 908.27}

8A.5.8 Removal of high class soils {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

1. Earthworks must not remove topsoil or subsoil that is located within the **high class soils mapped area** from the site.
2. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

8A.5.9 NZ Environmental Code of Practice for Plantation Forestry {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

1. Earthworks ancillary to forestry must be in accordance with the New Zealand Environmental Code of Practice for Plantation Forestry 2007.
2. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

8A.5.10 Setback from coast and water bodies {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

Earthworks – large scale must comply with Rule 10.3.3

8A.5.11 Setback from scheduled tree {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facility zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

All earthworks must comply with Rule 7.5.2

Rule 8A.6 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions) {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facilities zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in

response to submissions, strikethrough and underlining is used and submitter references provided.

Rule 8A.6.1 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 8A.6.2:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

8A.6.2 Assessment of all performance standard contraventions		
Performance standard	Guidance on the assessment of resource consents	
1. All performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> i. The degree of non-compliance with the performance standard is minor. <i>General assessment guidance:</i> ii. Where more than one standard is contravened, the combined effects of the contraventions should be considered. iii. In assessing performance standard contraventions, consideration will be given to all relevant assessment guidance in the underlying zone.	

8A.6.3 Assessment of performance standard contraventions		
Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Batter gradient	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 8A.2.1 ii. Earthworks and associated retaining structures are designed and located to avoid or minimise, <u>as far as practicable</u>, {PO 308.497 and EW 241.21} adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 8A.2.1.1.b).
2. Setback from property boundary, buildings, structures and cliffs	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 8A.2.1 ii. Earthworks and associated retaining structures are designed and located to avoid <u>or minimise, as far as practicable</u>, {PO 308.497 and EW 241.21} adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 8A.2.1.1.a).

8A.6.3 Assessment of performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
3. Sediment control	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 8A.2.1 ii. Earthworks and any associated retaining structures are designed, and located and undertaken in a way that to minimises, as far as practicable {PO 906.34 and 308.497} adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems {PO 906.34 and 308.497} (Policy 8A.2.1.2)
	b. Effects on biodiversity values {NatEnv 958.60} and natural character values of riparian margins and coast	See Rule 10.4
	c. Effects on the efficiency and/or {EW cl.16} affordability of infrastructure	See Rule 9.4
4. NZ Environmental Code of Practice for Plantation Forestry	a. Degree of compliance with New Zealand Code of Practice for Plantation Forestry	<i>Relevant objectives and policies:</i> i. Objective 8A.2.1 ii. Earthworks ancillary to forestry are carried out in accordance with industry best practice guidelines (Policy 8A.2.1.4).
5. Setback from coast and water bodies	a. Effects on biodiversity values {NatEnv 958.60} and natural character values of riparian margins and the coast	See Rule 10.4
	b. Effects on public access	
	c. Risk from natural hazards	See Rule 11.4
6. Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6

8A.6.3 Assessment of performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
7. Setback from National Grid (earthworks)	a. Effects on health and safety b. Effects on efficient and effective operation of network utilities	See Rule 5.7
8. Setback from network utilities	a. Effects on health and safety b. Effects on efficient and effective operation of network utilities	See Rule 5.7

8A.6.4 Assessment of restricted discretionary performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. In a high class soils mapped area : removal of high class soils	a. Maintenance of high class soils resource	<i>Relevant objectives and policies:</i> - Objective 16.2.4 and Objective 17.2.4 - Earthworks in a high class soils mapped area retain soils on the site (policies 16.2.4.1 and 17.2.4.1). <i>Potential circumstances that may support a consent application include:</i> - The development will involve productive rural activity <u>activities</u> {PO cl.16}. - The site design will minimise the effect of the activity on the high class soils contained on the site. - The soils are being removed to enhance the productivity of another site.
2. In a wāhi tūpuna mapped area Sediment control	d. <u>Effects on cultural values of Manawhenua</u> {MW 1071.107}	See Rule 14.3 {MW 1071.107}

Rule 8A.7 Assessment of Restricted Discretionary Activities {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facilities zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

Rule 8A.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 8A.7.2 and 8A.7.3:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**;
 - 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 8A.6; 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**;
 - ii. the performance standard contravention will be assessed; 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 8A.8; and
 - iii. the assessment guidance in this section will also be considered.

8A.7.2 Assessment of restricted discretionary earthworks activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
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8A.7.2 Assessment of restricted discretionary earthworks activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	Earthworks - large scale (<u>all zones</u>) {NatEnv 958.100}	a. Effects on visual amenity b. Effects on the {EW cl.16} amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 8A.2.1 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible <u>practicable</u>. {PO 908.3 and others} adequately mitigated (Policy 8A.2.1.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, <u>practicable</u>. {PO 908.3 and others} adequately mitigated (Policy 8A.2.1.3.b). <i>Potential circumstances that may support a consent application include:</i> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or affect existing vegetation or landscaping. <i>Conditions that may be imposed include:</i> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished. <u><i>General assessment guidance: {EW 360.134}</i></u> xii. <u>For earthworks in the rural zones, Council will consider the effects on the values specified in Objective 16.2.3, and the effects on the rural character values identified in Appendix A7. {EW 360.134}</u>

8A.7.2 Assessment of restricted discretionary earthworks activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
		c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 8A.2.1 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, practicable, {PO 908.3 and others} adequately mitigated (Policy 8A.2.1.3.c). <i>Potential circumstances that may support a consent application:</i> iii. A geotechnical report confirms the existing ground is suitably stable for the proposed works, and proposed works will not create instability risks for surrounding land, buildings, or structures (see Special Information Requirements - Rule 8A.9.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards. <i>Conditions that may be imposed include:</i> v. Maximum slopes of cut and fill batters. vi. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. vii. Temporary shoring requirements to maintain stability before a wall is constructed. viii. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
A. {NatEnv 958.100}	<u>Earthworks - large scale (rural zones only)</u>	<u>a. Effects on biodiversity values</u>	<u>See Rule 10.5</u>

8A.7.2 Assessment of restricted discretionary earthworks activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
2.	Earthworks - large scale that exceed scale thresholds within: 20m of a water body or MHWS in rural zones or the Invermay and Hercus Zone {EW cl.16} 5m of a water body or MHWS in all other zones) {EW cl.16}	a. Effects on biodiversity <u>values</u> {NatEnv 958.60} and natural character of riparian margins and the coast b. Effects on public access	See Rule 10.5

8A.7.3 Assessment of restricted discretionary activities in an overlay zone, mapped area or affecting a scheduled item

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	In the ONF, ONL or SNL overlay zones: Earthworks - large scale (that exceed scale thresholds for an ONF, ONL or SNL)	a. Effects on landscape values	See Rule 10.5
2.	In the ONCC, HNCC or NCC overlay zones: Earthworks - large scale (that exceed scale thresholds for an ONCC, HNCC or NCC)	a. Effects on natural character of the coast	See Rule 10.5
3.	In an scheduled ASCV ASBV {NatEnv 958.60}: Earthworks - large scale (that exceed scale thresholds for a Scheduled ASCV ASBV) {NatEnv 958.60}	a. Effects on biodiversity <u>values</u> {NatEnv 958.60}	See Rule 10.5
4.	In a wāhi tūpuna mapped area where activity is identified as a threat: Earthworks - large scale that exceed any threshold	a. Effects on cultural values of Manawhenua	See Rule 14.4
5.	In a hazard overlay zone: Earthworks - large scale (that exceed the scale threshold for a hazard overlay zone or swale or dune system mapped area)	a. Risk from natural hazards	See Rule 11.5

8A.7.3 Assessment of restricted discretionary activities in an overlay zone, mapped area or affecting a scheduled item

Activity		Matters of discretion	Guidance on the assessment of resource consents
6.	In a groundwater protection mapped area (GPMA) : • Earthworks - large scale (that exceed scale thresholds for a GPMA)	a. Effects on health and safety	See Rule 9.5
7. {NH cl.16 ¹ }	In a geologically sensitive mapped area (GSA) : • Earthworks - large scale (that exceed underlying zone scale thresholds)	a. Risk from natural hazards	See Rule 11.5
8.	In a UCMA UBMA : {NatEnv 958.60} • Earthworks - large scale (that exceed the scale thresholds for a UCMA UBMA) {NatEnv 958.60}	a. Effects on biodiversity values {NatEnv 958.60}	See Rule 10.5
9.	On a scheduled heritage site : • Earthworks - large scale (that exceed the scale thresholds for a SHS)	a. Effects on heritage values	See Rule 13.6

¹ **NH cl.16**: Geologically sensitive areas are not part of the Plan, and are included in the data map for information purposes only. Reference to them in assessment rules is therefore incorrect and has been removed under cl.16. There is no substantive change to the provisions.

Rule 8A.8 Assessment of Non-complying Activities {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16**: As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facilities zones. Where there has been no change to the effect of the rule (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of the rule have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

Rule 8A.8.1 Introduction

- 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.
- Rule 8A.8.2 provides guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - general assessment guidance, including any effects that will be considered as a priority.

8A.8.2 Assessment of non-complying activities

Activity	Guidance on the assessment of resource consents
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8A.8.2 Assessment of non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities <u>that are linked to Section 8A.8 {PO cl.16}</u>	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 8A.2.1 <i>General assessment guidance:</i> b. In assessing the significance of effects, consideration will be given to: i. short to long term effects, including effects in combination with other activities; ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the grant of resource consent; and iii. any effects otherwise managed through performance standards and consistent with all relevant objectives and policies for the zone. c. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.
2. Archaeological sites (earthworks)	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.4 and effects related to the inappropriate development and use in Dunedin's archaeological sites.

Rule 8A.9 Special Information Requirements {Confirmed for addition - EW cl.16¹}

¹ **EW cl.16:** As a clause 16 amendment, the Earthworks provisions have been moved from each of the management and major facilities zones. Where there has been no change to the effect of provisions (i.e. only formatting has changed or there are inconsequential wording changes), plain text is used. Where elements of provisions have been amended in response to submissions, strikethrough and underlining is used and submitter references provided.

8A.9.1 Geotechnical investigation report

1. A geotechnical investigation report may be requested by Council for earthworks ~~of a~~ **{EW cl.16}** large scale and/or where the earthworks are proposed:
 - a. on a site with a slope angle between 15° (3.7h:1v slope ratio, or 27% slope grade) and 26° (2h:1v slope ratio, or 50% slope grade);
 - b. on a site identified as hazard-prone in Council's Hazard Information Management System; or
 - c. on any other site that the **{HazMit cl.16}** Council, with good cause, suspects to be hazard-prone.
2. A geotechnical investigation report must be provided for earthworks on all sites with a slope greater than a 26° angle (2h:1v slope ratio, or 50% slope grade).
3. All requested geotechnical investigation reports must be prepared by a suitably qualified expert who is experienced in the practice of geotechnical engineering and registered under the Chartered Professional Engineers Act of New Zealand 2002, and who has professional indemnity insurance.
4. The geotechnical investigation report must address the following factors:
 - a. special design or construction requirements;
 - b. special foundation requirements;



- c. services;
- d. access;
- e. effluent disposal;
- f. non-engineered fills; and
- g. a statement of professional opinion as to the suitability of the land for the proposed development.