

9 Activity Zones

- **Central Activity Zone**
- **Large Scale Retail Zone**
- **Local Activity 1 and 2 Zones** *[Amended by Plan Change 1: 18/7/05]*

Introduction

Since the City was first settled, Princes Street and George Street have provided the focus for social and economic activity. These streets and adjoining areas have traditionally been referred to as the Central Business District because of the concentration of commercial, administrative and retailing activities taking place there. Such terminology overlooks the wider range of activities which are also located there including recreation, entertainment, light industry, hotel and other residential activities. Over time these non-business related activities have grown in significance, and have introduced vitality into the central city as a place where people undertake a range of activities. From this viewpoint the term 'Inner City Area' has evolved. This area includes:

- The Exchange. Until the 1960s the Exchange was the focal point for the City's transportation network, an administrative area and hub of retail activity. This area, and land further south, is now under-utilised and in need of revitalisation.
- Stuart Street and the Octagon. Retail activity, restaurants and bars dominate ground floor activities in Lower Stuart Street and the lower Octagon. Offices and other administrative activities are located in the upper Octagon and Upper Stuart Street.
- George Street. Since the development of the Golden Centre Mall, George Street has become the focus of retailing within the City, with a wide range of owner operated stores and national chains.
- Filleul Street, within which retail activity is expected to increase over the next decade.
- Great King Street and Cumberland Street. Large scale traffic generating activities, such as supermarkets, are locating in this area because of the availability of large sites and the close proximity of major traffic routes.

Two main zones are provided for within the Inner City Area:

- Central Activity Zone, within which a wide range of activities are provided for.
- Large Scale Retail Zone, which provides for those retail activities that generate large volumes of traffic and occupy large sites.

Topography limits expansion of the Inner City Area towards the west. Further intrusion of commercial and business activities to the north would compromise the educational and hospital activities taking place there. To the east, the State Highway network provides a logical boundary for those activities which give rise to and attract pedestrians, while to the south further development can be accommodated.

The Central Activity Zone has retained a dominant role over other areas within the City such as South Dunedin, Green Island and Mosgiel because of the full range of activities that take place within it, and as a consequence of policies contained in previous district schemes. While expansion has occurred in these other areas it has not compromised the dominant role of the Central Activity Zone. Because of the importance of the Inner City Area to the economic wellbeing of the City, and in order to provide for the sustainable management of this area, the Council will continue to promote the Inner City Area as the focal point for business, recreational, social, cultural, religious and commercial activities in the City. The Inner City Area and the infrastructure that supports it is a significant physical resource and a continuation of its dominant role is the most efficient and effective means of providing for the future needs of the inhabitants of the City. This is particularly important given the size of the City and an expectation that any growth in its population during the next decade will be minimal. Under such circumstances it is appropriate to manage the manner in which business, recreational, social, cultural, religious and commercial activities are undertaken within the City.

As well as providing for development within the traditional business areas, the Council has a responsibility to avoid, remedy or mitigate any adverse effects of activities undertaken within them.

The character and amenity of the Inner City Area arise from:

- the presence of a significant number of heritage buildings, some of which are also of historic importance
- a dominance of Victorian and Edwardian design
- views of skylines and rural areas
- the presence of amenity open space, particularly the Octagon
- continuous frontages of buildings on the main streets.

These are the features which make the City's central area different from other centres in New Zealand.

The role of the Inner City Area is complemented by activity zones elsewhere in the City. Some of these, including South Dunedin, Green Island, Port Chalmers, Waikouaiti, Mosgiel and Middlesmarch have historically provided a full range of social, commercial and retail activities to the hinterland around them. These areas are expected to retain a strong role in the future. Other areas such as St Clair provide a more limited range of activities related to their particular function in the community. *[Amended by Plan Change 1: 18/7/05]*

9.1 Significant Resource Management Issues

Issue 9.1.1

The character and amenity of Dunedin depend on a strong and vibrant City centre.

Objectives: 9.2.1, 9.2.2

Policies: 9.3.1, 9.3.2, 9.3.10

Explanation

The City centre is the focus of business, recreational, social, cultural, religious and commercial activity within Dunedin, with necessary infrastructure in place to support that role. That focus has been maintained over time, contrary to trends of decentralisation in other New Zealand urban areas. That has resulted in a vibrant central area which increasingly is attracting people to live, while still maintaining and embracing its role for visitors and business.

The City's sustainability is dependent on a strong central area that provides for the City's central retail and commercial activities.

Issue 9.1.2

Activities within the Inner City Area and Local Activity Zones can give rise to adverse effects.

Objectives: 9.2.2, 9.2.3

Policies: 9.3.1, 9.3.2, 9.3.4, 9.3.10, 9.5.11

Explanation

Where the adverse effects of activities within the Inner City Area and Local Activity Zones can be avoided, remedied or mitigated, then it is appropriate, subject to management, for those activities to be undertaken. The adverse effects that can arise include:

- impacts on traffic flows
- impacts on pedestrian movement
- impacts on the amenity of the area
- impacts on heritage values of buildings, precincts and the City.

In some instances the adverse effects of some activities can not be avoided, remedied or mitigated. As a consequence, where this would occur it is appropriate to exclude activities which cause such effects from the Inner City Area and Local Activity Zones.

Issue 9.1.3

The southern end of the Central Activity Zone is under-utilised.

Objectives: 9.2.4, 9.2.6

Policy: 9.3.1

Explanation

The role of the area at the southern end of the Central Activity Zone has changed over the past 20 years. Retail activity has declined as has the number of administrative offices, particularly in the vicinity of the Exchange. Buildings and sites within the locality are under-utilised. This requires the reassessment of future options for the use of land and buildings, and for street layout. For example,

increased residential and tourist accommodation could be encouraged, and road closures considered as a means to encourage redevelopment and better use of the existing infrastructure in the area.

Heritage values of individual buildings and precincts within the area are important. Any future development will need to respect these.

Issue 9.1.4

Some development within the Central Activity Zone has resulted in a loss of focus on spaces for people and pedestrians and has given rise to inefficiencies in the transportation network.

Objectives: 9.2.5, 9.2.6

Policies: 9.3.3, 9.3.5, 9.3.7, 9.3.8

Explanation

The central core of the City is under pressure from the effects of new forms of vehicle-oriented developments. While vehicles are important in providing for the movement of people and goods, their role within the Central Activity Zone is seen as secondary to that of people. The vitality of the Central Activity Zone is derived from the importance people have in creating special places within it. By creating a healthy, safe and secure environment for people, this enables people to participate in social, cultural and economic activities which all contribute to individual and community wellbeing.

Transportation is inextricably linked to the functioning of the Central Activity Zone. The State Highway has a role in servicing the Central Activity Zone which contrasts with its through-route role. Access for vehicles and pedestrians are vital linkages to the physical resource of the Central Activity Zone.

The mix between traffic and people must be retained to ensure the ongoing viability of the Central Activity Zone. Footpath widening, 'pocket parks' and verandahs can assist in retaining that balance.

Issue 9.1.5

People enjoy participating in activities on footpaths and other public land and unless carefully managed this can interfere with the use of these areas by the general public.

Objective: 9.2.5

Policies: 9.3.3, 9.3.5 - 9.3.8

Explanation

Some cafes, bars and food retailers encourage customers to use footpath space while consuming food and drink. This brings a vibrant character to areas used in this manner. However, in some instances this has prevented or impeded normal pedestrian use of footpaths.

Issue 9.1.6

Local Activity Zones provide focal points for commercial, cultural and social activities.

Objectives: 9.2.1, 9.2.3, 9.2.5, 9.2.6

Policies: 9.3.1, 9.3.6 - 9.3.10

[Amended by Plan Change 1:18/7/05]

Explanation

Local Activity Zones complement the dominant role of the Inner City Area in providing for the needs of the people both near to them and beyond.

The largest Local Activity Zones are South Dunedin and Mosgiel. The others are Port Chalmers, Middelmarsh, Green Island, Caversham, Mornington, Roslyn, the Gardens, Outram, Portobello, Musselburgh Rise, Highgate, Waikouaiti and St Clair.

These areas have an important community focus which relies on enabling community interaction at commercial, cultural and social levels. For that reason the activities taking place within Local Activity Zones are generally the same as those within the Central Activity Zone. Each area exhibits an individual character which is also an important component of that community's focus.

The activities appropriate at St Clair are more limited than those in other Local Activity Zones reflecting the seaside recreational character of the area, which is important for both the immediate community and wider Dunedin residents.

Issue 9.1.7

Some large scale retail activities have difficulty in locating suitable sites of sufficient size for their needs, and which are conveniently located within or near a central city location.

Objective: 9.2.2

Policy: 9.3.2

Explanation

Large scale retail activities are dependent upon attracting large volumes of traffic. These activities have special siting requirements adjacent to major arterial roads. These activities also require large sites, which are difficult, but not impossible, to acquire within the intensively subdivided and developed central core of the City.

9.2 Objectives

Objective 9.2.1

Provide for business, recreational, social, cultural, religious and commercial activities in the Central Activity Zone and Local Activity Zones and enhance the amenity there to make them pleasant for people.

Issues: 9.1.1, 9.1.6

Policies: 9.3.2, 9.3.6 - 9.3.11

Explanation

Social and economic activities may cause adverse effects in some areas of the City, and some activities may have an adverse effect on people's ability to carry out commercial activities and enjoy social pursuits. The City has traditionally retained the City centre as a focus for a wide range of complementary activities and the built environment of the area should be sustainably managed so that this can continue. This central focus has led to the present inner City vibrancy.

Local activity zones provide a focal point for community activities, have their own local character and also require sustainable management.

Objective 9.2.2

Provide for large scale retail activities in locations within the Inner City Area and Mosgiel where the effects can be managed.

Issues: 9.1.2, 9.1.7

Policies: 9.3.1, 9.3.2, 9.3.4

Explanation

Large scale retail activities require large sites and a location near major arterial roads if the adverse effects relating to traffic are to be avoided, remedied or mitigated. Their location requires management in order to avoid potential adverse cumulative effects on the sustainability of the Activity Zones.

Objective 9.2.3

Avoid, remedy or mitigate the adverse effects of activities undertaken in the Inner City Area and Local Activity Zones.

Issues: 9.1.2, 9.1.6

Policies: 9.3.1, 9.3.2, 9.3.4,
9.3.6 - 9.3.11

Explanation

Adverse effects associated with activities undertaken within the Inner City Area and Local Activity Zones include those that relate to traffic, pedestrians, safety, impacts on amenity values and impacts upon heritage and townscape values.

Objective 9.2.4

Encourage redevelopment and expansion of the southern portion of the Central Activity Zone.

Issue: 9.1.3

Policy: 9.3.1

Explanation

The southern portion of the Central Activity Zone is under-utilised. The physical resources and service infrastructure of the locality south of Rattray Street are used inefficiently. Encouragement of development to this locality, including residential and tourist accommodation, and possible road closures, could result in a more vibrant area.

Objective 9.2.5

Ensure that the Central Activity and Local Activity Zones continue to develop as ‘people places’.

Issues: 9.1.4 - 9.1.6

Policies: 9.3.1, 9.3.5 - 9.3.8, 9.3.10, 9.3.11

Explanation

People bring vitality and vibrancy to activity areas and it is important to enhance and sustain a people-friendly environment. The Central Activity and Local Activity Zones benefit when people take part in all the different activities which are located there.

Objective 9.2.6

Avoid conflict between pedestrian and vehicle use in the Activity Zones.

Issue: 9.1.4

Policies: 9.3.4 - 9.3.6, 9.3.9

Explanation

Activities that attract vehicles can adversely affect pedestrian usage of the Activity Zones. In some circumstances it is appropriate to separate these uses to avoid conflict.

Principal Reasons for Adopting Objectives

Within the City there are Activity Zones of different sizes and functions. The Central Activity Zone is the main focus of social, economic and cultural activity within the City and the region. A continuation of those roles will ensure sustainable management of their resources. Those roles will be enhanced by ensuring that:

- Activity Zones continue to provide for a range of complementary activities
- the Inner City Area and Local Activity Zones are pleasant places for people
- the adverse effects of activities are managed
- the traffic effects of large scale retail activities are managed
- the conflicts between traffic and pedestrians in Activity Zones are managed.

9.3 Policies

Policy 9.3.1

Provide for a compatible mix of business, social, cultural, religious and commercial activities in Activity Zones.

Objectives: 9.2.2 - 9.2.6

Methods: 4.4.1, 9.4.1, 9.4.2

Explanation

These ‘people’ activities all have broadly similar effects on the environment that could adversely affect some areas of the City with more sensitive amenity. Industrial areas, because of their lower amenity, are also unsuitable places for ‘people’ activities. Establishment of Activity Zones provides certainty and helps manage the effects. Retaining the positive amenity that comes from a compatible mix of activities in these zones will provide for the social, economic and cultural wellbeing of the community.

Policy 9.3.2

Provide for large scale retail activities in the Large Scale Retail Zones.

Objectives: 9.2.2, 9.2.6

Methods: 4.4.1, 9.4.1, 9.4.2

Explanation

Having regard to the effects of these activities, three areas are suitable for large scale retail activities:

- land bounded by Cumberland, Castle, St Andrew and Hanover Streets
- land at the southern end of the Inner City Area
- land at Mosgiel, between Factory Road and Hartstonge Avenue.

These are the full extent of the areas the Council considers are suitable and necessary for such activities, having regard to the potential cumulative effects on the Central and Local Activity Zones.

Policy 9.3.3

Enhance amenity values in the Central Activity Zone.

Objectives: 9.2.3, 9.2.5

Methods: 9.4.1 - 9.4.3

Explanation

Improving amenity values in the Central Activity Zone will make the area more enjoyable for people. This requires consideration of:

- sense of place, identity, ownership
- mix of functions and activities, both commercial and non-commercial
- human scale - pedestrian city scale as opposed to car city scale
- accessibility
- protection of heritage, townscape and archaeological values
- admission of sunlight
- shelter from adverse weather conditions

- reduced volumes of vehicular traffic, travelling at slower speeds, with a balance between pedestrian and vehicular traffic
- safety
- appropriate lighting
- protection of important vistas
- clearly defined edges to activities
- provision of appropriate street furniture and landscaping, places to sit, eat, talk, watch and such like.

Policy 9.3.4

Avoid, remedy or mitigate the adverse effects of car parking for large scale retail or commercial residential activities within the Central Parking Area.

Objectives: 9.2.2, 20.2.2

Methods: 20.4.1, 20.4.6

Explanation

Public car parking is provided throughout the Central Parking Area for the benefit of the wider community. This is done:

- (a) In recognition of the fact that many sites are unable to provide on-site parking.
- (b) In order to ensure that incremental and piecemeal parking developments do not have the cumulative effect of reducing the safety and efficiency of the roading network.
- (c) In order to protect the amenity of the inner City as a 'people' place.

Therefore Council will not require the provision of car parking within the zone, except in the case of large scale retail and commercial residential activities. These developments have special car parking requirements in the form of relative extent and/or duration which cannot be reasonably met by public facilities.

Policy 9.3.5

Avoid vehicle crossings providing access to and egress from sites along 'Identified Pedestrian Frontages'.

Objectives: 9.2.5, 9.2.6, 20.2.2, 20.2.3

Methods: 20.4.1, 20.4.6, 20.4.9

Explanation

Within the Activity Zones pedestrian numbers are high and pedestrian safety can be compromised by vehicle crossings. As a consequence, it is appropriate to avoid vehicle crossings and therefore access from areas identified as having high use by pedestrians.

Policy 9.3.6

Require, where necessary, the formation of service lanes in Activity Zones, to provide off-street access and loading to activities.

Objectives: 9.2.5, 9.2.6, 20.2.2 - 20.2.4

Methods: 20.4.1, 20.4.6 - 20.4.8

Explanation

The provision of service lanes assists in improving pedestrian and traffic safety, by removing the potential for conflict. Service lanes are particularly necessary to prevent vehicle loading via 'Identified Pedestrian Frontages'.

Policy 9.3.7

Require verandahs on premises within identified pedestrian frontages in the Central and Local Activity Zones.

Objective: 9.2.5

Method: 9.4.1

Explanation

Along the main shopping frontages of the Central and Local Activity Zones, shelter is required for pedestrians. Verandahs are an effective means of providing this.

Policy 9.3.8

Manage commercial use of footpaths and other public open space areas within the Activity Zones.

Objective: 9.2.5

Method: 9.4.1

Explanation

Use of footpaths and other public open space for the sale and consumption of food and drink and for the general sale of goods (for example market days) can be an acceptable activity in commercial areas. The erection or placement of signs, particularly at ground level, can be a nuisance to people using footpaths.

Policy 9.3.9

Ensure that the location of service stations does not interfere with the movement of pedestrians within Local Activity Zones.

Objective: 9.2.6

Methods: 9.4.1, 9.4.2

Explanation

Service stations generate high levels of traffic, and this could be incompatible with the pedestrian scale of activity. As a consequence such activities should be restricted to the periphery rather than the centre of such areas.

Policy 9.3.10

Recognise that people living in the Activity Zones cannot expect the same level of amenity encountered in residential zones.

Issues: 9.1.1, 9.1.2, 9.1.6

Objectives: 9.2.1, 9.2.3, 9.2.5

[Inserted by Consent Order, 27/2/02]

Explanation

People choose to live in Activity Zones for convenience and lifestyle opportunities. A wider range of activities is provided for in the Activity Zones, and the effects of these may be greater than expected in residential zones. For example, the greater volume of traffic, night time activities and business operations can potentially create a greater degree of noise.

Policy 9.3.11

Ensure that activities at St Clair Esplanade complement and enhance the seaside recreational character and amenity values of the area.

Objectives: 9.2.1, 9.2.3

Methods: 4.4.1, 9.4.1

[Inserted by Plan Change 1: 18/7/05]

Explanation

St Clair provides an important seaside recreational area attracting people of the surrounding community, wider Dunedin and visitors to the City. To maintain this function amenity values that contribute to the role of the area as a 'people place' and the enjoyment of the seaside recreational character need to be enhanced. Amenity values include buildings defining the street edge, high public amenity and a compatible mix of activities related to the recreational role. Activities that are large in scale or conflict with the recreational function of the area have the potential to alter the character and detract from the amenity values by increasing bulk and visual dominance of buildings, reducing the admission of sunlight along the Esplanade and reducing the importance of the recreational role of the area.

To manage these effects the full range of activities provided for in other Activity Zones are not appropriate at St Clair. Activities should complement the recreational role of the area and limitations are placed upon the scale of the activities. Appropriate activities include small scale retail, restaurants, residential and commercial residential activities and recreational activities.

Policy 9.3.12

Ensure compatibility and avoid noise conflict in inner city Activity Zones.

Objectives: 9.2.1, 9.2.3, 9.2.5

Methods: 4.4.1, 9.4.4

[Inserted by Plan Change 2: 19/12/05]

Explanation

Providing for a wide range of activities in Activity Zones requires noise limits to be set at a level that allows most activities to operate without imposing onerous noise mitigation constraints. Also, Activity Zones in the inner city typically have elevated ambient sound levels compared with local commercial centres due to the range and intensity of activities that take place there. This includes activities that occur at night and vehicle and pedestrian activities. Amenity values in the inner city Activity Zones include elevated ambient sound levels.

The elevated ambient sound levels experienced in these zones means noise sensitive residential and commercial residential activities may be adversely affected. Also, noise limits appropriate for the inner city environment will not provide sufficient protection for residential and commercial residential activities from the noise directly generated by activities on other sites.

As a result, rules that require residential and commercial residential activities to provide acoustic insulation are necessary to mitigate the adverse effects of noise generated outside buildings. To avoid conflict and ensure compatibility the requirements for acoustic insulation should provide for a reasonable level of protection that achieves an acceptable indoor living and sleeping environment.

Principal Reasons for Adopting Policies

The above policies are designed to sustain the role of the Activity Zones, and ensure that the amenities of areas within which development takes place are not compromised.

The Central Activity Zone is the centre of social, economic and cultural activities for the City and the Otago Region. As such, and in order to retain that role, it needs to provide for a wide range of activities.

Providing for large scale retail developments located adjacent to the Central Activity Zone and the Mosgiel Local Activity Zone will enhance the role of the Activity Zones and ensure that adverse effects on traffic and general amenity do not arise.

The use of public open space, including legal roads, for limited commercial activities within the Activity Zones is considered appropriate, given that it brings vibrancy to those areas, and if managed will not give rise to adverse effects. Having regard to alternative means of management, it is considered that the use of the Council bylaws is the appropriate mechanism to use.

9.4 Methods of Implementation

In addition to the zoning and rules, the methods to be used to achieve the objectives and policies identified in this section include the following:

Method 9.4.1 Bylaws

Adopt, implement and police bylaws to manage commercial activities undertaken on public open space and legal roads.

Policies: 9.3.1 - 9.3.3, 9.3.7 - 9.3.9

Method 9.4.2 Works Programmes

Undertake works programmes, including the beautification of streets and the construction and operation of car parks.

Policies: 9.3.1 - 9.3.3, 9.3.9

Method 9.4.3 Management Plans

Council and the Department of Conservation prepare management plans which include policies for managing activities in reserves.

Policies: 4.3.6, 9.3.3

Method 9.4.4 Education *[Inserted by Plan Change 2: 19/12/05]*

Prepare information and guidelines to provide advice on compliance and to promote awareness of issues related to safety and amenity expectations in commercial areas including issues associated with inner city living.

Policies: 9.3.10, 9.3.12

Principal Reasons for Adopting Methods

In order to achieve the objective of ensuring the sustainability of the Activity Zones it will be necessary to rely on rules and resource consents to manage the effects of activities taking place within the Inner City Area and Local Activity Zones. In managing the use of open space and areas within legal roads, activities that are appropriate are better managed by the use of bylaws thereby giving the Council direct control over the manner in which they are carried out.

Management plans provide a means to guide and control activities on reserves. Reserves contribute to the community's health and wellbeing and are an important amenity for an area. Management plans are internally focused and help ensure reserves are retained for recreational purposes.

9.5 Central Activity Zone - Rules

Rule 9.5.1 Permitted Activities

The following are permitted activities within the Central Activity Zone provided that they comply with the relevant conditions in Rule 9.5.2:

- (i) Commercial Activity.
- (ii) Recreational Activity.
- (iii) Residential Activity.
- (iv) Community Support Activity.
- (v) Large Scale Retail Activity.
- (vi) Licensed Premises.
- (vii) Commercial Residential Activity.
- (viii) Signs permitted in this zone are specified in the Signs Section.

Rule 9.5.2 Conditions Attaching to Permitted Activities

(i) Yards

No front yards or side yards are permitted.

(ii) Height

- (a) Unless otherwise specified in the Townscape Section, the **maximum** height of any structure shall be 11 m.
- (b) Unless otherwise specified in the Townscape Section, the **minimum** height of any structure shall be 9 m.

(iii) Verandahs

On sites identified on the District Plan Maps as requiring a verandah, such verandahs shall be provided and shall be:

- (a) Not less than 3 m in width, or shall be not less than the width of the adjacent footpath if that footpath is less than 3 m in width.
- (b) Continuous with adjacent verandahs.
- (c) Of solid construction.
- (d) Of an appropriate height above the footpath to provide pedestrians with shelter from rain.
- (e) Constructed with a fascia no deeper than 500 mm.
- (f) Provided with under-verandah lighting.

(iv) **Identified Pedestrian Frontage**

On those parts of sites adjoining an identified pedestrian frontage, as shown on District Plan Map 35A:

- (a) Pedestrian entrances to buildings shall not exceed 3 m in width.
- (b) Glazing and pedestrian entrances to buildings shall occupy a minimum of 80% of the frontage. The remainder of the frontage may be treated with solid materials or may be glazed.
- (c) No vehicle crossings or vehicle accessways are permitted.
- (d) A verandah as set out in Rule 9.5.2(iii) shall be provided.
- (e) Car parking activities associated with permitted activities shall be separated from the street frontage by a permitted activity which is undertaken within a building built to the frontage of the site.

(v) **Minimum Car Parking**

On-site car parking is not required except for Commercial Residential and Large Scale Retail Activities, which shall comply with the performance standards in Section 20 (Transportation) and shall be provided on the following basis:

(a) **Commercial Residential Activity**

- (i) Unit type construction, for example motels:
 - (a) 1 car park per unit for 1 to 10 units; thereafter 1 car park per 2 units.
- (ii) Guest room type construction, for example hotels:
 - (a) 1 car park per 3 guest rooms to 60 guest rooms; thereafter 1 car park per 5 guest rooms.
 - (b) 1 coach car park per 50 guest rooms.
 - (c) Staff requirement of 1 car park per 20 guest rooms.

(b) **Large Scale Retail Activity**

- (i) 1 car park per 20 m² gross floor area.
- (ii) 3 car parks per 100 m² of any outdoor display area.
- (iii) Staff requirement of 1 car park per 100 m² gross floor area.

(vi) **Signs**

Refer to Signs Section.

(vii) **Rubbish and Storage Areas**

A screen fence of at least 2 m in height shall be provided to screen from public view areas used or intended to be used for the storage of refuse, containers, by-products or raw materials.

(viii) **Loading and Access**

For all activities, except Residential Activities, that involve construction of a new building on a site which fronts a State highway, Rule 20.5.6(ii) applies. In all other cases there are no vehicle loading requirements, but where provided, loading areas shall comply with the performance standards in Section 20 (Transportation). Access requirements for all activities shall comply with the performance standards in Section 20 (Transportation). *[Amended by Consent Order 20/12/01 and by Plan Change 10, 18/1/11]*

(ix) Residential Activities

No residential activity shall be at ground level on Identified Pedestrian Frontages.

(x) Noise Insulation for Residential and Commercial Residential Activities *[Inserted by Plan Change 2: 19/12/05]*

Any kitchen, dining area, living room, study or bedroom in a building to be used for a Residential Activity or Commercial Residential Activity shall be acoustically insulated from noise from the external environment. The Airborne Sound Insulation provided to insulate these rooms shall achieve a minimum performance standard of $D_{2m nT,w} + C_{tr} > 30$.

Compliance with this performance standard shall be achieved by ensuring that the rooms identified above are designed and constructed in accordance with either:

- A construction specification approved as an acceptable solution in the New Zealand Building Code for the provision of Airborne Sound Insulation that is specifically designed to protect against noise from the external environment and that will achieve compliance with the minimum performance standard; or
- An acoustic design certificate signed by a suitably qualified acoustic engineer stating that the design as proposed will achieve compliance with the minimum performance standard.

Ventilation

Where compliance with the requirements of the Building Code (G4) for natural ventilation within bedrooms is achieved by opening windows, the bedrooms are to be supplied with a positive supplementary source of fresh air ducted from outside. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.

- For the purposes of this rule bedrooms are defined as any rooms intended to be used for sleeping.
- Compliance with this performance standard shall be achieved by a ventilation design certificate signed by a suitably qualified ventilation engineer stating that the design as proposed will achieve compliance with the minimum performance standard.

Rule 9.5.3 Discretionary Activities (Restricted)

The following activities are discretionary activities (restricted):

- (i) Any permitted activity which does not comply with the conditions in Rules 9.5.2(ii), (v), (vii), (ix) or (x). The Council's discretion is restricted to the condition or conditions with which the activity fails to comply. *[Amended by Plan Change 2: 19/12/05]*
- (ii) Stand-alone car parking (including car parking buildings). The Council's discretion is restricted to the effects on the transportation network and the matters contained in Rule 9.5.2.

Rule 9.5.4 Non-Complying Activities

Any activity not specifically identified as permitted, controlled or discretionary by the rules in this zone or in the rules of Sections 17 to 22 of this Plan is non-complying. This rule does not apply to activities identified as permitted, controlled or discretionary in the rules of Sections 13 to 16 of the Plan, regardless of where in the zone those activities are undertaken.

9.6 Large Scale Retail Zone - Rules

Rule 9.6.1 Permitted Activities

The following are permitted activities within the Large Scale Retail Zone provided that they comply with the relevant conditions in Rule 9.6.2:

- (i) Large Scale Retail Activity.
- (ii) Any permitted activity identified in the Industrial Zone, provided that it is located in the Large Scale Retail Zone bounded by Rattray Street to the north, Princes Street, Hope Street and Carroll Street to the west, Gordon Street to the south, and Cumberland Street to the east.
- (iii) Recreational Activity.
- (iv) Residential Activity.
- (v) Signs permitted in this zone are specified in the Signs Section.

Rule 9.6.2 Conditions Attaching to Permitted Activities

- (i) **Yards**
No front yards are permitted except at Mosgiel.
- (ii) **Height**
Unless otherwise specified in the Townscape Section, the maximum height of any structure shall be:

Inner City Area:	11 m
Mosgiel:	9 m
- (iii) **Corner Sites**
The corners of buildings located on street intersection corners shall be set back to provide enhanced pedestrian access to sites. Corner splays of minimum dimensions of 3 m along each street frontage are required.
- (iv) **Minimum Car Parking**
On-site car parking shall comply with the performance standards in Section 20 (Transportation) and shall be provided on the following basis:
 - (a) **Recreational Activity**
 - (i) Outdoor
 - (a) 1 car park per 750 m² of site area.
 - (ii) Indoor
 - (a) 1 car park per 20 m² public floor area or 1 car park per 10 seats, whichever is the greater.
 - (b) Staff requirement of an additional 10%.
 - (b) **Residential Activity**
 - (i) 1 car park per residential unit.
 - (ii) 3 additional car parks for a residential unit where staff provide for between 13 and 18 residents inclusive. *[Amended by Variation 6, 18/11/00]*

- (c) **Large Scale Retail Activity**
 - (i) 1 car park per 20 m² gross floor area.
 - (ii) 3 car parks per 100 m² of any outdoor display area.
 - (iii) Staff requirement of 1 car park per 100 m² gross floor area.
- (d) **Any permitted activity identified in the Industrial Zone**
 - (i) Refer to minimum car parking conditions in the Industrial Zone.
- (v) **Signs**
Refer to the Signs Section.
- (vi) **Rubbish and Storage Areas**
A screen fence of at least 2 m in height shall be provided to screen from public view areas used or intended to be used for the storage of refuse, containers, by-products, or raw materials.
- (vii) **Loading and Access**
 - (a) For the following activities, except Residential Activities, that involve construction of a new building on a site which fronts a State highway, Rule 20.5.6(ii) applies. In all other cases for the following activities there are no loading requirements. Access requirements for the following activities shall comply with the performance standards in Section 20 (Transportation): *[Amended by Consent Order 20/12/01 and by Plan Change 10, 18/1/11]*
 - (i) Recreational Activity.
 - (ii) Residential Activity.
 - (b) For the following activities loading and access shall comply with the performance standards in Section 20 (Transportation):
 - (i) Large Scale Retail Activity:
Loading shall be provided for on the following basis:
Minimum Size: 20 m long x 3.5 m wide x 4.4 m high.
Manoeuvre Area: To accommodate a B Train truck as shown in Appendix 20E.
 - (ii) Any permitted activity identified in the Industrial Zone:
Refer to loading conditions in the Industrial Zone.
- (viii) **Noise Insulation for Residential Activities** *[Inserted by Plan Change 2: 19/12/05]*
Any kitchen, dining area, living room, study or bedroom in a building to be used for a Residential Activity shall be acoustically insulated from noise from the external environment. The Airborne Sound Insulation provided to insulate these rooms shall achieve a minimum performance standard of $D_{2m nT,w} + C_{tr} > 30$.
Compliance with this performance standard shall be achieved by ensuring that the rooms identified above are designed and constructed in accordance with either:
 - A construction specification approved as an acceptable solution in the New Zealand Building Code for the provision of Airborne Sound Insulation that is specifically designed to protect against noise from the external environment and that will achieve compliance with the minimum performance standard; or

- An acoustic design certificate signed by a suitably qualified engineer stating that the design as proposed will achieve compliance with the minimum performance standard.

Ventilation

Where compliance with the requirements of the Building Code (G4) for natural ventilation within bedrooms is achieved by opening windows, the bedrooms are to be supplied with a positive supplementary source of fresh air ducted from outside. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.

- For the purposes of this rule bedrooms are defined as any rooms intended to be used for sleeping.
- Compliance with this performance standard shall be achieved by a ventilation design certificate signed by a suitably qualified ventilation engineer stating that the design as proposed will achieve compliance with the minimum performance standard.

Rule 9.6.3 Discretionary Activities (Restricted)

The following activities are discretionary activities (restricted):

- (i) Any permitted activity which does not comply with the conditions in Rule 9.6.2. The Council's discretion is restricted to the condition or conditions with which the activity fails to comply.
- (ii) Service stations in the Large Scale Retail Zone other than as provided in Rule 9.6.1(ii). Council's discretion is restricted to the location of the service station, traffic issues including car parking, access, loading and the conditions in Rule 9.6.2.

Rule 9.6.4 Discretionary Activities (Unrestricted)

The following activities are discretionary activities (unrestricted):

- (i) Stand alone car parking (including car parking buildings).

Rule 9.6.5 Non-Complying Activities

Any activity not specifically identified as permitted, controlled or discretionary by the rules in this zone or in the rules of Sections 17 to 22 of this Plan is non-complying. This rule does not apply to activities identified as permitted, controlled or discretionary in the rules of Sections 13 to 16 of the Plan, regardless of where in the zone those activities are undertaken.

9.7 Local Activity 1 Zone – Rules *[Amended by Plan Change 1: 18/7/05]*

Rule 9.7.1 Permitted Activities

The following are permitted activities within the Local Activity 1 Zone provided they comply with the relevant conditions in Rule 9.7.2.

- (i) Recreational Activity.
- (ii) Residential Activity.
- (iii) Commercial Activity.
- (iv) Community Support Activity.
- (v) Large Scale Retail Activity.
- (vi) Licensed Premises.
- (vii) Commercial Residential Activity.
- (viii) Signs permitted in this zone are specified in the Signs Section.

Rule 9.7.2 Conditions Attaching to Permitted Activities

- (i) **Yards**
 - (a) No front yards are required.
 - (b) A side yard of at least 3 m shall be provided where that yard adjoins a Residential Zone. A fence of not less than 1.8 m high shall also be erected on or near the property boundary.
 - (c) A rear yard of at least 6 m shall be provided where that yard adjoins a Residential Zone. A fence of not less than 1.8 m high shall also be erected on or near the property boundary.
- (ii) **Height**
 - (a) **South Dunedin**
 - Maximum height: 9 m
 - Minimum height: 6 m
 - Port Chalmers**
 - Maximum height: 11 m
 - Minimum height: 6 m
 - (b) In all other Local Activity 1 Zones, except as otherwise identified in the Townscape Section, no structure shall exceed a height of 9 m.
- (iii) **Site Coverage**
 - Site coverage shall not exceed 70%.

(iv) **Minimum Car Parking**

On-site car parking shall comply with the performance standards in Section 20 (Transportation) and shall be provided on the following basis:

- (a) There is no car parking requirement for permitted activities in Rule 9.7.1(iii), (vi) and (vii).

(b) **Recreational Activity**

(i) **Outdoor**

- (a) 1 car park per 750 m² of site area.

(ii) **Indoor**

- (a) 1 car park per 20 m² public floor area or 1 car park per 10 seats, whichever is the greater.

- (b) Staff requirement of an additional 10%.

(c) **Residential Activity**

- (i) 1 car park per residential unit up to and including 150 m² gross floor area (excluding garaging areas).

- (ii) 2 car parks per residential unit greater than 150 m² gross floor area (excluding garaging areas).

- (iii) 1 visitor car park per 5 residential units.

- (iv) 2 additional car parks for a residential unit where staff provide for between 13 and 18 residents inclusive. *[Amended by Variation 6, 18/11/00]*

(d) **Community Support Activity**

- (i) On-site car parking is not required except for health care facilities, which shall be provided for on the following basis:

- (a) 3 car parks per professional staff member or 2 car parks per consulting room, whichever is the greater.

- (b) Staff requirement of 1 car park per professional staff member.

- (c) 1 car park per 2 other staff or 1 car park per consulting room, whichever is the greater.

(e) **Large Scale Retail Activity**

- (i) 1 car park per 20 m² gross floor area.

- (ii) 3 car parks per 100 m² of any outdoor display area.

- (iii) Staff requirement of 1 car park per 100 m² gross floor area.

(v) **Signs**

Refer to Signs Section.

(vi) **Rubbish and Storage Areas**

A screen fence of at least 2 m in height shall be provided to screen from public view areas used or intended to be used for the storage of refuse, containers, by-products or raw materials.

(vii) Loading and Access

- (a) For the following activities, except Residential Activities, that involve construction of a new building on a site which fronts a State highway, Rule 20.5.6(ii) applies. In all other cases for the following activities there are no loading requirements. Access requirements for the following activities shall comply with the performance standards in Section 20 (Transportation): *[Amended by Consent Order 20/12/01 and by Plan Change 10, 18/1/11]*
 - (i) Permitted activities in Rule 9.7.1(iii), (vi) and (vii).
 - (ii) Recreational Activity.
 - (iii) Residential Activity.
 - (iv) Community Support Activity.
- (b) For the following activities loading and access shall comply with the performance standards in Section 20 (Transportation):
 - (i) Large Scale Retail Activity.
 Loading shall be provided for on the following basis:
Minimum Size: 20 m long x 3.5 m wide x 4.4 m high.
Manoeuvre Area: To accommodate a B Train truck as shown in Appendix 20E.

(viii) Verandahs

On sites identified on the District Plan Maps as requiring a verandah, such verandahs shall be provided and shall be:

- (a) Not less than 3 m in width, or shall be not less than the width of the adjacent footpath if that footpath is less than 3 m in width.
 - (b) Continuous with adjacent verandahs.
 - (c) Of solid construction.
 - (d) Of an appropriate height above the footpath to provide pedestrians with shelter from rain.
 - (e) Constructed with a fascia no deeper than 500 mm.
 - (f) Provided with under-verandah lighting.
- (ix) Port Noise – Buildings used for residential purposes within the Port Outer Control Boundary (Port Chalmers)**
- On any site located between the Port Noise Boundary and the Port Outer Control Boundary at Port Chalmers, as shown on District Plan Maps 65 and 70, any new building shall be acoustically insulated from external noise so as to meet an indoor design level of 40 dBA Ldn within any kitchen, dining area, living room, study or bedroom.

Rule 9.7.3 Discretionary Activities (Restricted)

The following activities are discretionary activities (restricted):

- (i) Any permitted activity which does not comply with the conditions of Rule 9.7.2. The Council's discretion is restricted to the condition or conditions with which the activity fails to comply.

- (ii) Service Stations. Council's discretion is limited to the location of the activity, traffic issues including car parking, access, loading and the matters contained in Rule 9.7.2.

Rule 9.7.4 Non- Complying Activities

Any activity not specifically identified as permitted, controlled or discretionary by the rules in this zone or in the rules of Sections 17 to 22 of this Plan is non-complying. This rule does not apply to activities identified as permitted, controlled or discretionary in the rules of Sections 13 to 16 of the Plan, regardless of where in the zone those activities are undertaken.

9.8 Local Activity 2 Zone – Rules *[Inserted by Plan Change 1: 18/7/05]*

Rule 9.8.1 Permitted Activities

The following are permitted activities within the Local Activity 2 Zone provided they comply with the relevant conditions in Rule 9.8.2.

- (i) Recreational Activity provided that associated structures do not exceed a gross floor area (inclusive of floors below ground level) of up to and including 200m².
- (ii) Residential Activity.
- (iii) Retail Activity with a gross floor area (inclusive of floors below ground level) of up to and including 200m².
- (iv) Restaurant Activity with a gross floor area (inclusive of floors below ground level) of up to and including 200 m².
- (v) Commercial Residential Activity
- (vi) Accessory buildings for permitted activities.
- (vii) Signs permitted in this zone are specified in the Signs Section.

Rule 9.8.2 Conditions Attaching to Permitted Activities

- (i) **Yards**
No yards are required.
- (ii) **Height**
Maximum: 11 m
- (iii) **Height Plane Angle**
 - (a) **Front Boundary:** 30° (1.73 to 1 horizontal to vertical ratio) originating from an elevation of 8m on the front boundary line on sites fronting Forbury Road, Esplanade and Beach Street. Ground level for determining the height plane shall originate from the level of the footpath adjacent to the front boundary.
- (iv) **Identified Pedestrian Frontage**
On sites fronting the Esplanade and Forbury Road the following shall apply:
 - (a) Glazing and pedestrian entrances to buildings shall occupy a minimum of 80% of the frontage. The remainder of the frontage may be treated with solid materials or may be glazed.
 - (b) Car parking activities associated with permitted activities shall be separated from the street frontage by a permitted activity which is undertaken within a building built to the frontage of the site.

(v) Minimum Car Parking

On-site car parking is required for Residential Activity and Commercial Residential Activity. It shall comply with the performance standards in Section 20 (Transportation) and shall be provided on the following basis:

(a) Residential Activity

- (i) 1 carpark per residential unit up to and including 150m² gross floor area (excluding garaging areas)
- (ii) 2 car parks per residential unit greater than 150m² gross floor area (excluding garaging areas).
- (iii) 1 visitor carpark per 5 residential units.
- (iv) 2 additional car parks for a residential unit where staff provide for between 13 and 18 residents inclusive.

(b) Commercial Residential Activity

- (i) Unit type construction, for example motels:
 - (a) 1 car park per unit for 1 to 10 units; thereafter 1 car park per 2 units.
- (ii) Guest room type construction, for example hotels:
 - (a) 1 car park per three guest rooms to 60 guest rooms; thereafter 1 car park per 5 guest rooms.
 - (b) 1 coach car park per 50 guest rooms
 - (c) Staff requirement of 1 car park per 20 guest rooms.

(vi) Signs

Refer to Signs Section.

(vii) Rubbish and Storage Areas

A screen fence of at least 2 m in height shall be provided to screen from public view areas used or intended to be used for the storage of refuse, containers, by-products or raw materials.

(viii) Loading and Access

- (a) There are no loading requirements. Access requirements for all activities shall comply with the performance standards in Section 20 (Transportation) and with the following:
 - (i) The maximum combined width of vehicle entrances or exits to a front site shall be 6m.

(ix) Residential Activities

No residential activity shall be at ground level on sites with frontage to the Esplanade.

(x) Restaurant Activities

The following maximum hours of operation shall apply to Restaurant Activities:

Monday to Sunday	0600 to 2400 hours
------------------	--------------------

(xi) Home Occupation

The area within any building used for home occupation(s) is limited to 50m².

Rule 9.8.3 Discretionary Activities (Restricted)

The following activities are discretionary activities (restricted):

- (i) Any permitted activity which does not comply with the conditions of Rule 9.8.2. The Council's discretion is restricted to the condition or conditions with which the activity fails to comply.

Rule 9.8.4 Discretionary Activities (Unrestricted)

The following activities are discretionary activities (unrestricted):

- (i) Community Support Activity
- (ii) Commercial Activity with a gross floor area (inclusive of floors below ground level) of up to and including 200m².
- (iii) Licensed Premises which are not part of a Restaurant Activity, with a gross floor area (inclusive of floors below ground level) of up to and including 200m².

Rule 9.8.5 Non-Complying Activities

Any activity not specifically identified as permitted, controlled or discretionary by the rules in this zone or in the rules of Sections 17 to 22 of this Plan is non-complying. This rule does not apply to activities identified as permitted, controlled or discretionary in the rules of Sections 13 to 16 of the Plan, regardless of where in the zone those activities are undertaken.

9.9 Assessment of Resource Consent Applications

In assessing any application, in addition to the matters contained in the Fourth Schedule of the Act, the Council will have regard to, but not be restricted by the following matters:

9.9.1 Sustainability

The objectives and policies of the Sustainability Section.

9.9.2 Manawhenua

The objectives and policies of the Manawhenua Section.

9.9.3 Adverse Effects on Other Areas

Proximity to residential areas.

9.9.4 Bulk and Location

The bulk and location of buildings associated with the proposed activity and their effects on amenity values of the environment in which they are located and the environment of surrounding areas.

9.9.5 Amenity Values

The impact on amenity values in general.

9.9.6 Noise

Refer to the Environmental Issues Section.

9.9.7 Glare and Lighting

Refer to the Environmental Issues Section.

9.9.8 Dust and Odour

The impact of dust and odour generated by the activity.

9.9.9 Transportation

The objectives, policies and assessment matters of the Transportation Section.

9.9.10 Cumulative Effects

The actual or potential cumulative effects on the environment as a result of allowing the activity.

9.9.11 Intensity of Operation

The scale, frequency and hours of operation of the activity.

9.9.12 Access to Infrastructure

Access to infrastructure, including transportation routes, water and drainage.

9.9.13 Archaeological Sites

The effect that the activity will have on any archaeological site.

9.9.14 Trees

The objectives and policies of the Trees Section.

9.9.15 Indigenous Vegetation and Fauna

The cumulative effect of the incremental loss or modification of areas of indigenous vegetation and habitats of indigenous fauna.

9.9.16 Hazards

Whether or not the application relates to a site that the Council has good cause to suspect may be prone to a natural or technological hazard.

9.9.17 Acoustic Insulation for Residential and Commercial Residential Activities

[Inserted by Plan Change 2: 19/12/05]

The following matters should be considered in assessing any application involving the provision of acoustic insulation for Residential and Commercial Residential activities in Activity Zones:

- (i) Whether the development will lead to an unacceptable internal noise environment or insufficient ventilation of sleeping areas compromising the health and amenity of occupants.
- (ii) The extent to which it is practical to insulate or provide supplementary ventilation to the standard specified in Rule 9.5.2 (x) or 9.6.2 (viii) without compromising the heritage significance and fabric of the building.
- (iii) Whether the location of the residential or commercial residential activity is such that the insulation and/or supplementary ventilation are not necessary to secure an acceptable internal noise environment.
- (iv) The orientation of rooms that are subject to acoustic insulation requirement is such that the insulation and/or supplementary ventilation are not necessary to secure an acceptable internal noise environment.

9.10 Anticipated Environmental Results

The anticipated environmental results are:

9.10.1

Social and economic activities in the City providing for the needs of people and communities within the City and the Otago Region.

9.10.2

Retention and sustainability of the Central Activity Zone as the focus of social, administration, commercial and retail activities within the City.

9.10.3

The sustainable management of the Central Activity, Large Scale Retail and Local Activity Zones.

9.10.4

Vibrant Central Activity, Large Scale Retail and Local Activity Zones.

9.10.5

Protection and enhancement of the amenities of the Inner City Area.

9.10.6

Management of the commercial use of footpaths and other open space areas within the Inner City Area and Local Activity Zones.