# 15. Residential Zones

## 15.1 Introduction

Dunedin's residential environments are diverse in character and include a variety of housing types ranging from apartments to stand-alone residential buildings. This diversity stems from successive waves of settlement and the prior zoning regimes, and will continue through the approaches proposed in this Plan.

These residential environments are an important resource for the city and contribute to the social, economic, and cultural well-being of people. The types and condition of housing, and the services available to it are important considerations in determining the distribution of resources and providing attractive residential environments. Developing residential environments that maintain and improve people's enjoyment of residential amenity is key.

In achieving this, of importance is the development of an urban form that ensures that Dunedin remains compact, with resilient townships, and sustainably managed urban expansion. The city has a limited amount of residential land, and so to facilitate a more compact form, it needs to be ensured that development is undertaken in a suitable manner. Also, changing demographics, including an aging population and an increase in single person households, has led to a requirement for greater flexibility in the size and type of dwelling options available throughout Dunedin.

Inappropriate land use, subdivision, and development in residential areas can adversely affect the character and amenity of Dunedin's residential environments and is a major concern. Furthermore, commercial activities that do not support the day-to-day living of residents and which detract from residential character and amenity need to be avoided.

In response to these issues, the Plan encourages the development of attractive, safe and compact residential environments through controlling matters including the siting of appropriate activities in residential zones, the design, location and scale of land use activities and buildings, the avoidance of certain activities in sensitive locations, and impacts on the efficiency and affordability of public infrastructure and services.

Many of the provisions for the residential zones are designed to manage the potential for development to adversely affect the amenity and character of streets and neighbourhoods. In some cases, provisions are designed to ensure new houses have a similar character to existing houses; however, in some areas the provisions may allow for houses of a different character in order to support the development of high quality medium density housing. In these areas, which include the Inner City Residential Zone and General Residential 2 Zone, the desired ‘future character’ includes houses that may be different in style or even size, but that are designed to be attractive and integrate well with surrounding housing. This outcome is achieved through a mixture of performance standards for bulk and location and rules that require consent for larger buildings and multi-unit developments (3 or more units). Resource consents for these developments will consider whether:

- the building design and placement is appropriate for the context of the site, including considering the appropriateness of form (roof pitch, scale, massing, window placement, entrance detailing and/or proportion) and materials
- adequate green space is provided.

Parts of the residential zones are also managed through heritage precincts, which include more controls on new development as well as alterations to existing buildings if they are scheduled heritage buildings or identified character-contributing buildings. Natural Hazard overlays also apply to some parts of residential zones.

In addition to standard residential activities, residential zones also provide for other types of residential activities including supported living facilities in the form of student hostels, rest homes and retirement villages. These activities will often need to be developed in a different form to standard residential activity and the Plan provides for this by managing these activities as a restricted discretionary activity and not applying the density provisions that apply to standard residential activity.

This management approach will result in residential zones that support the needs of residents, provide a range of housing types and sizes; maintain and improve amenity values; enhance streetscapes; maintain and enhance efficient and affordable water and waste infrastructure networks; enable land use activities that are accessible by a range of travel modes, and contribute to compact living environments.

The various residential zones proposed in this Plan are briefly described below.

## 15.1.1 Zone descriptions

### 15.1.1.1 General Residential 1

The General Residential 1 Zone covers the majority of the middle to outer suburban areas of Dunedin and Mosgiel and is often applied when rezoning areas of greenfield land on the urban fringes. Historically, this zone has been characterised by relatively low density suburban development patterns, which arose from a long-standing minimum site size requirement of 500m² and allowance for one dwelling per site. However, as a result of development of the 2GP and its subsequent variation ('Variation 2'), these rules have been amended to enable change in residential character over time to a slightly denser suburban form but with retention of requirements around maximum site coverage and provision of outdoor living space to maintain suburban green space.

Where two units are provided for on sites up to 800m² in size, these are required to either be in the form of a size-limited ancillary residential unit (which cannot be subdivided off) or a duplex to ensure a pattern of development that is consistent with the existing character of the zone. The duplex provisions also encourage efficient use of sites through less wasted space in narrow side yards and provide for more usable outdoor living space in other parts of the site.

The anticipated future character of the General Residential 1 Zone will include:

- stand-alone dwellings, duplexes, and occasionally on larger sites multi-unit attached, 'terrace style' developments up to 9m in height;
- sites generally between 400m² and 800m² in size;
- a greater variety in site sizes encouraged by flexibility in the minimum site size rule;
- small (up to 80m²) ancillary residential units where site sizes allow; and
- larger developments that house supported living facilities (rest homes, retirement villages and student hostels) or social housing where site sizes allow.

In new greenfield areas, the General Residential 1 Zone is generally subject to the **new development mapped area** provisions in order to ensure good urban design outcomes. These provisions are contained in Section 12 and apply in addition to the provisions in this section.

### 15.1.1.2 General Residential 2

The General Residential 2 Zone covers large areas of the main urban area of Dunedin and Mosgiel in locations that have good accessibility to services and public transport and higher relative demand for housing. It provides for change in the existing urban form to medium density suburban residential living through redevelopment of older and poorer-quality housing stock. This will provide a range of housing choices over time, including well-designed multi-unit developments such as terrace housing and low-rise apartments typically up to 9m in height (generally two-storeys). The rules for this zone vary by location to provide for a higher density of development in areas which have historically been developed to a higher density, and for a lower density of development in areas which are subject to coastal hazards or wastewater or stormwater infrastructure capacity constraints. This is achieved by the application of the following mapped areas:

- **South Dunedin mapped area**
- **wastewater constraint mapped area** (applied in various locations around Dunedin and Mosgiel); and

- **Variation 2 mapped area**.

### 15.1.1.3 Inner City Residential

The Inner City Residential Zone primarily covers the residential area near the campus and between the town belt and the central business district, being the locations that are closest to Dunedin's main centres of employment or study, and have the greatest accessibility to services and public transport. It provides for existing and new medium density residential living, including through the redevelopment of older and poorer-quality housing stock and the conversion of scheduled heritage buildings to multi-unit apartments. This will provide for an increasing range of housing choices close to the central area of Dunedin over time, including new well-designed multi-unit developments such as terrace housing and low-rise apartments up to 12m in height (three-storeys). Within this zone there are several residential heritage precincts that have additional rules to protect heritage items and to encourage new development to be compatible with heritage values.

### 15.1.1.4 Low Density Residential

The Low Density Residential Zone is a small subset of the outer Dunedin suburban environment, and has slightly larger sites than the General Residential 1 Zone. It is characterised by a more spacious and open suburban environment with larger stand-alone dwellings and gardens. Sites in this zone may also be developed with an ancillary residential unit to provide additional accommodation.

### 15.1.1.5 Large Lot Residential 1

The Large Lot Residential 1 Zone includes a small number of residential areas that provide for residential development at a low density due to hazards; slope; the need for onsite stormwater attenuation; the need to protect important biodiversity, water bodies, landscape or natural character values; or other factors that make a standard density of residential development inappropriate. Several areas in this zone are not serviced with wastewater , water supply or stormwater public infrastructure and the large site sizes also provide for on-site wastewater disposal. The zone rules provide for an ancillary residential unit to provide additional accommodation.

### 15.1.1.6 Large Lot Residential 2

The Large Lot Residential 2 Zone includes a small number of residential areas that provide for residential development at a very low density due to hazards; slope; the need for onsite stormwater attenuation; the need to protect important biodiversity, water bodies, landscape or natural character values; or other factors that make a standard density of residential development inappropriate. Many areas in this zone are not serviced with wastewater, water supply or stormwater public infrastructure. The zone rules provide for an ancillary residential unit to provide additional accommodation.

### 15.1.1.7 Township and Settlement

The Township and Settlement Zone applies to areas beyond the main urban areas of Dunedin and Mosgiel and includes areas that were once independent settlements, such as Port Chalmers and Portobello. It includes larger residential townships supported by a commercial centre and smaller residential settlements that are not attached to a commercial centre. The existing and intended future characteristics of this zone vary depending on the context. In some cases this zone is applied in areas that are not reticulated with water supply, stormwater or wastewater public infrastructure. Areas that are not reticulated with wastewater public infrastructure are indicated by a '**no DCC reticulated wastewater mapped area**'. In these areas a low density of residential development is required in order to enable on-site wastewater disposal. Where wastewater public infrastructure is provided, the anticipated pattern of development is the same as for the General Residential 1 Zone. The development of ancillary residential units is provided for across this zone.

# 15.2 Objectives and Policies

| Objective 15.2.1 | |
|---|---|
| Residential zones are primarily reserved for residential activities and only provide for a limited number of compatible activities, including: visitor accommodation, community activities, major facility activities, and commercial activities that support the day-to-day needs of residents. | |
| Policy 15.2.1.1 | Provide for a range of residential and community activities, where the effects of these activities will be managed in line with objectives 15.2.2, 15.2.3 and 15.2.4 and their policies. |
| Policy 15.2.1.2 | Provide for a limited range of major facility activities and commercial activities, including dairies, registered health practitioners, training and education, and visitor accommodation, where the effects of these activities will be managed in line with objectives 15.2.3 and 15.2.4, and their policies. |
| Policy 15.2.1.3 | Limit the size of working from home and dairies in residential zones to a size that:<br>a. is compatible with the character and amenity of the residential zone; and<br>b. does not detract from the vibrancy and functioning of the centres hierarchy. |
| Policy 15.2.1.4 | Require activities ancillary to visitor accommodation to be located and designed to cater to patrons of the primary activity rather than the general public. |
| Policy 15.2.1.5 | Avoid commercial activities, other than those expressly provided for, from locating in residential zones, unless:<br>a. the activity will not detract from the vibrancy and functioning of the centres hierarchy; and<br>b. the site is adjacent to a centre and it provides a logical extension to a centre; and<br>c. the centre is at, or very close to, capacity; and<br>d. the development activities are done in accordance with the performance standards of the street typology (if relevant) of the adjacent centre zoned sites; and<br>e. the development maximises opportunities for integration with the centre; or<br>f. if the site is in the Township and Settlement Zone:<br>i. the commercial activity would have significant positive effects in terms of supporting the needs of the community and visitors to the area; and<br>ii. the activity is unable to be located in, or adjacent to, the nearest centre, or no centre exists within the relevant township or settlement; and<br>iii. the location is appropriate for the proposed activity; and<br>iv. any adverse effects from noise, vehicle movements, and on-street parking supply will be avoided or, if avoidance is not practicable, adequately mitigated. |
| Policy 15.2.1.6 | Avoid industrial activities, rural activities, and major facility activities other than those expressly provided for, sport and recreation that involves motor vehicles, and any other activities not compatible with the character and amenity of the residential zone. |
| Policy 15.2.1.7 | Provide for service stations on a strategic road or arterial road where:<br>X. safe and convenient access to the site for pedestrians and cyclists can be provided;<br>Y. there is adequate public infrastructure to service the development or any necessary upgrades to public infrastructure will be provided;<br>Z. the service station will not detract from the economic and social vibrancy and viability of any nearby centres; and<br>AA. policies 15.2.3.4 and 15.2.4.7 can be achieved. |

| **Objective 15.2.2** | |
|---|---|
| Residential activities, development, and subdivision activities provide high quality on-site amenity for residents. | |
| Policy 15.2.2.1 | Require residential development to achieve a high quality of on-site amenity by:<br>a. providing functional, sunny, and accessible outdoor living spaces that allow enough space for on-site food production, leisure, green space or recreation;<br>b. having adequate separation distances between residential buildings;<br>c. retaining adequate open space uncluttered by buildings; and<br>d. having adequate space available for service areas. |

| **Objective 15.2.3** | |
|---|---|
| Activities in residential zones maintain a good level of amenity on surrounding residential properties and public spaces. | |
| Policy 15.2.3.1 | Require buildings and structures to be of a height and setback from boundaries that ensures there are no more than minor effects on the sunlight access of current and future residential buildings and their outdoor living spaces. |
| Policy 15.2.3.2 | Require working from home, dairies, training and education, and community and leisure - small scale to operate in a way (including hours of operation) that avoids or, if avoidance is not practicable, adequately mitigates, noise or other adverse effects on the amenity of surrounding residential properties. |
| Policy 15.2.3.3 | Require buildings and structures in the Inner City Residential Zone to be of a height and setback from boundaries that:<br>a. enables a high quality, medium density form of development;<br>b. is consistent with the existing streetscape character of the zone; and<br>c. avoids or, if avoidance is not practicable, adequately mitigates, adverse effects on sunlight access on outdoor spaces at the rear of adjacent sites. |
| Policy 15.2.3.4 | Only allow schools, emergency services, early childhood education, community and leisure - large scale, sport and recreation, registered health practitioners, training and education, visitor accommodation, supported living facilities, service stations and stand-alone car parking where they are designed and located to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties. |
| Policy 15.2.3.5 | Only allow cemeteries where they are designed and located:<br>a. to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties; and<br>b. to avoid, as far as practicable, the potential for reverse sensitivity. |
| Policy 15.2.3.6 | Avoid sport and recreation that involves motor vehicles unless the adverse effects on the amenity of surrounding properties will be no more than minor. |

| Objective 15.2.4 | |
|---|---|
| Activities maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood. | |
| Policy 15.2.4.1 | Require activities to maintain or enhance streetscape amenity by ensuring:<br>a. garages, carports and car parking do not dominate the street;<br>b. there are adequate green space areas free from buildings or hard surfacing;<br>c. buildings' height and boundary setbacks, and scale reflect the existing or intended future residential character;<br>d. shared service areas are not visible from ground level from outside the site; and<br>e. outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or create nuisance effects. |
| Policy 15.2.4.2 | Only allow residential activity that exceeds the permitted density where the built form of any new development, as viewed from public places, reflects the existing residential character or intended future character of the zone as set out in the residential zone descriptions. |
| Policy 15.2.4.3 | Only allow stand-alone ancillary residential units between 60m² and 80m² gross floor area where the building is designed and located to ensure that streetscape and neighbourhood amenity is maintained or enhanced. |
| Policy 15.2.4.4 | Require fences to be of a height and design that contributes positively to the streetscape amenity and character of the neighbourhood. |
| Policy 15.2.4.5 | Require ancillary signs to be located and designed to maintain residential amenity including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles and not being oversized or too numerous for what is necessary for that purpose. |
| Policy 15.2.4.6 | Only allow subdivision activities where the subdivision is designed to ensure any future land use and development will:<br>a. maintain the amenity of the streetscape<br>b. reflect the current or future intended character of the neighbourhood;<br>c. provide for development to occur without unreasonable earthworks or engineering requirements; and<br>d. provide for quality housing. |
| Policy 15.2.4.7 | Only allow schools, emergency services, early childhood education, community and leisure - large scale, sport and recreation, registered health practitioners, training and education, visitor accommodation, supported living facilities, restaurants or retail ancillary to sport and recreation, service stations and stand-alone car parking where they are designed and located to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on streetscape amenity. |
| Policy 15.2.4.8 | Only allow buildings over 300m² footprint or multi-unit developments where they are designed to ensure that streetscape and neighbourhood amenity and character is maintained or enhanced. |

# Rules

## Rule 15.3 Activity Status

### 15.3.1 Rule Location

The activity status tables in rules 15.3.3 to 15.3.6 specify the activity status of land use activities, development activities, and subdivision activities in the residential zones and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

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

### 15.3.2 Activity Status Introduction

1. The activity status tables in rules 15.3.3 - 15.3.5 show the activity status of activities in the residential zones and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. Development activities that are lawfully present at the time any relevant rules in this Plan have legal effect are not managed by those rules (the rules do not apply to existing lawfully established development activities).
6. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

*Additional activity status rules in hazard overlay zones*

7. For the purpose of the hazards provisions, activities are categorised as natural hazards sensitive activities, natural hazards potentially sensitive activities or natural hazards least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
8. In the Hazard 1 (flood) Overlay Zone or the Hazard 2 (flood) Overlay Zone, the activity statuses in Rule 15.3.6 apply to the following activities:
    a. natural hazards sensitive activities;
    b. natural hazards potentially sensitive activities; and
    c. new buildings and additions and alterations to buildings that create within any two calendar-year period more than 36m² of new ground floor area.
9. Where the activity status in Rule 15.3.6 differs from that in rules 15.3.3 - 15.3.5, the most restrictive activity status always applies.
10. In addition to the rules in Rule 15.3.6, performance standards for development activities within hazard overlay zones are included in Rules 15.3.4.
11. Activities in a hazard overlay zone must comply with all of the rules in rules 15.3.3 - 15.3.6.

*Performance Standards*

12. Performance standards are listed in the far right column of the activity status tables.
13. Performance standards apply to permitted, controlled, and restricted discretionary activities.
14. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.
15. If a restricted discretionary activity does not meet one or more performance standards, then the activity status remains restricted discretionary, unless otherwise indicated in the performance standard.

## Legend

| Acronym | Meaning |
|---|---|
| P | Permitted Activity |
| C | Controlled Activity |
| RD | Restricted Discretionary Activity |
| D | Discretionary Activity |
| NC | Non-complying Activity |
| GR1 | General Residential 1 Zone |
| GR2 | General Residential 2 Zone |
| ICR | Inner City Residential Zone |
| LDR | Low Density Residential Zone |
| LLR1 | Large Lot Residential 1 Zone |
| LLR2 | Large Lot Residential 2 Zone |
| TS | Township and Settlement Zone |
| ASBV | Areas of Significant Biodiversity Value |
| Haz1 | Hazard 1 Overlay Zones |
| Haz2 | Hazard 2 Overlay Zones |
| Haz3 | Hazard 3 Overlay Zones |

### 15.3.3 Land Use Activity Status Table

| | | | |
|---|---|---|---|
| 1. | Performance standards that apply to all land use activities | | a. Acoustic insulation (noise sensitive activities only)<br>b. NA<br>c. Light spill<br>d. Noise<br>e. Setback from National Grid (National Grid sensitive activities only)<br>f. **Structure plan mapped area** performance standards (where relevant) |
| Residential activities | | Activity status | Performance standards |
| 2. | Supported living facilities | RD | a. Minimum mobility car parking<br>b. Outdoor living space<br>c. Service areas |
| 3. | Standard residential | P | a. Density<br>b. N/A<br>c. Outdoor living space<br>d. Service areas<br>e. Ancillary residential units |
| 4. | Working from home | P | a. Hours of operation<br>b. Maximum gross floor area<br>c. Minimum mobility car parking |
| Community activities | | Activity status | Performance standards |
| 5. | Community and leisure - small scale | P | a. Minimum mobility car parking<br>b. Hours of operation |
| 6. | Community and leisure - large scale | RD | a. Minimum mobility car parking<br>b. Hours of operation |
| 7. | Conservation | P | |
| 8. | Early childhood education - small scale | RD | a. Minimum mobility car parking |
| 9. | Early childhood education - large scale | D | |
| 10. | Sport and recreation that involves motor vehicles | NC | |
| 11. | All other sport and recreation activity | D | |
| Commercial activities | | Activity status | Performance standards |
| 12. | Ancillary licensed premises | Same status as underlying activity | |

| | | | |
|---|---|---|---|
| 13. | Dairies | RD | a. Hours of operation<br>b. Maximum gross floor area |
| 14. | Registered health practitioners | D | |
| 15. | Restaurants, or retail, ancillary to sport and recreation | D | |
| 16. | Restaurants, retail, or conference, meeting and function activity, ancillary to visitor accommodation | RD | a. Location |
| 17. | Service stations on a strategic road or arterial road | D | |
| 18. | Service stations, other than on a strategic road or arterial road | NC | |
| 19. | Stand-alone car parking | D | |
| 20. | Training and education | RD | a. Hours of operation<br>b. Minimum mobility car parking |
| 21. | Visitor accommodation in the George Street North residential heritage precinct | P | a. Density |
| 22. | Visitor accommodation, other than in George Street North residential heritage precinct | RD | a. NA<br>b. Minimum mobility car parking<br>c. Minimum vehicle loading |
| 23. | All other activities in the commercial activities category | NC | |
| Major facility activities | | Activity status | Performance standards |
| 24. | Cemeteries | RD | |
| 25. | Emergency Services | RD | a. Minimum mobility car parking |
| 26. | Schools | D | |
| 27. | All other activities in the major facility activities category | NC | |
| Rural activities | | Activity status | Performance standards |
| 28. | Grazing | P | |
| 29. | Scheduled Mining Activity | P | a. Scheduled Mining Activity |
| 30. | Mining | NC | |
| X. | Expansion of scheduled mining activity | NC | |
| 31. | All other activities in the rural activities category | NC | |
| Industrial activities | | Activity status | Performance standards |
| 32. | All activities in the industrial activities category | NC | |

### Note 15.3.3A- General advice

1. Papakāika activity (a sub-activity of standard residential activity) is intended to allow descendants of the original native reserve grantees to live on this land. If papakāika is developed and is subsequently no longer required for the use of Manawhenua in accordance with the papakāika definition, resource consent will be required to allow its use as other residential development. In this situation, the provisions that govern residential activity, including density of residential development, will apply. It is strongly recommended that the use of relocatable buildings is considered for papakāika development in order to avoid potential future problems of being unable to obtain consent for ownership or occupation of dwellings by people other than descendants of the original grantees.
2. Where papakāika is on Māori Land, the provisions of the Te Ture Whenua Māori Act 1993 or subsequent legislation apply.
3. New marae may only be established with the agreement of Manawhenua.

**Note 15.3.3X- Other requirements outside of the District Plan**

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

## 15.3.4 Development Activity Status Table

| | | | |
|---|---|---|---|
| 1. | Performance standards that apply to all development activities | | a. Natural Hazards Performance Standards<br>b. Maximum building site coverage and impermeable surfaces<br>c. Setback from scheduled tree<br>d. **Structure plan mapped area** performance standards (where relevant)<br>Y. Service connections - stormwater for development (in **a new development mapped area**) |
| 2. | Performance standards that apply to all buildings and structures activities | | a. Boundary setbacks<br>b. Building length<br>c. Firefighting<br>d. Height in relation to boundary<br>e. Maximum height<br>f. Setback from coast and water bodies<br>g. Setback from National Grid<br>AA. Setback from Critical Electricity Distribution Infrastructure<br>Y. Area of buildings and structures (SNL Overlay Zone)<br>Z. Reflectivity (SNL Overlay Zone) |
| All buildings and structures activities not covered in rows below | | Activity status | Performance standards |
| 3. | Signs attached to buildings and structures | P | a. Number, location and design of ancillary signs |
| 4. | All other buildings and structures activities not covered in rows 5 to 22 below | P | a. Fence height and design<br>b. Number, location and design of ancillary signs |
| In all locations | | Activity status | Performance standards |

| | | | |
|---|---|---|---|
| 5. | New buildings and additions and alterations that result in:<br>• a building that is greater than 300m² footprint or<br>• a multi-unit development | RD | |
| X. | Full demolition of a building built on or before 1st January 1940 in the General Residential 1 Zone or Township and Settlement Zone (except within a **no DCC reticulated wastewater mapped area**) or in the **Variation 2 mapped area**<br><br>***{Variation 2 appeal}*** | RD | |
| Buildings and structures activities in a heritage precinct that are visible from an adjoining public place | | Activity status | Performance standards |
| 6. | New buildings | RD | |
| 7. | Earthquake strengthening or restoration of a character-contributing building or non-protected part of a scheduled heritage building | P | a. Materials and design |
| 8. | Demolition or removal for relocation of a character-contributing building or non-protected part of a scheduled heritage building | RD | |
| 9. | All other additions and alterations to a character-contributing building or non-protected part of a scheduled heritage building (other than signs attached to buildings and structures) | RD | |
| 10. | Additions and alterations to a non character-contributing building that:<br>• increase the footprint of the building by 10m² or more<br>• increase the height of the building by more than 2m; or<br>• replace a pitched roof with a mono pitch roof | C | |
| 11. | New retaining walls greater than 1m high | RD | |
| 12. | All other new structures that are greater than 2.5m high or have a footprint of 2m² or more | RD | a. Number, location and design of ancillary signs |
| Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure | | Activity status | Performance standards |
| 13. | Repairs and maintenance | P | |
| 14. | Restoration of a building or structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) | C | |
| 15. | Restoration of all other scheduled heritage buildings and structures | P | |

| | | | |
|---|---|---|---|
| 16. | Earthquake strengthening where external features only are protected | C | a. Materials and design |
| 17. | All other additions and alterations (other than signs attached to buildings or structures) | RD | |
| 18. | Demolition | NC | |
| 19. | Removal for relocation | RD | |
| Development activities on a scheduled heritage site, where visible from an adjoining public place or a public place within the heritage site | | Activity status | Performance standards |
| 20. | New structures that are greater than 2.5m high or have a footprint of 2m² or more | RD | a. Number, location and design of ancillary signs |
| 21. | New buildings | RD | |
| 22. | Parking, loading and access | RD | a. Parking, loading and access standards |
| Site development activities in all areas (except as covered by row 22 above) | | Activity status | Performance standards |
| 23. | Parking, loading and access | P | a. Parking, loading and access standards<br>b. Location and screening of car parking |
| 24. | New or additions to parking areas that result in 50 or more new parking spaces. | RD | a. Parking, loading and access standards<br>b. Location and screening of car parking |
| 25. | Storage and use of hazardous substances | P | a. Hazardous substances quantity limits and storage requirements<br>b. Setback from coast and water bodies |
| 26. | Outdoor storage | P | a. Location and screening of outdoor storage |
| 27. | Vegetation clearance | P | a. Vegetation clearance standards |
| 28. | All other site development activities | P | |

### Note 15.3.4A- General advice

1. An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
2. An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before

demolishing a pre-1900 building or structure.

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

### 15.3.5 Subdivision Activity Status Table

| Subdivision activities | | Activity status | Performance standards |
|---|---|---|---|
| 1. | Cross lease, company lease and unit title subdivision | RD | a. Access<br>b. Esplanade reserves and strips<br>c. Firefighting<br>d. Service connections<br>e. Shape<br>Y. Setback from National Grid (subdivision activities)<br>X. **Structure plan mapped area** performance standards (where relevant)<br>Z. Minimum landscaping |
| 2. | General subdivision | RD | a. Access<br>b. Esplanade reserves and strips<br>c. Firefighting<br>d. Minimum site size<br>e. Service connections<br>f. Shape<br>g. **Structure plan mapped area** performance standards (where relevant)<br>X. Setback from National Grid (subdivision activities)<br>Y. Minimum landscaping |

#### Note 15.3.5A - Other RMA considerations

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

#### Note 15.3.5X - Other relevant District Plan provisions

1. Additional matters of discretion apply to the subdivision of land within a **Critical Electricity Distribution Infrastructure Corridor mapped area**. These are set out in Rule 15.11.5.
2. Additional matters of discretion apply to the subdivision of land within a **National Grid Subdivision Corridor mapped area**. These are set out in Rule 15.11.5.

### 15.3.6 Activity Status in Hazard 1 (Flood) Overlay Zone and Hazard 2 (Flood) Overlay Zone

| Activity | | Activity status | |
|---|---|---|---|
| | | a. Haz1 (flood) | b. Haz2 (flood) |
| Land Use Activities | | | |
| 1. | Natural hazards sensitive activities | NC | RD |
| 2. | Natural hazards potentially sensitive activities | NC | RD |
| Development Activities | | | |
| 3. | New buildings and additions and alterations to buildings that create within any two calendar-year period more than 36m² of new ground floor area | RD | RD |

**Note 15.3.6A - Other RMA considerations**

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

2. Accordingly, activities that are shown to have effects that are the same or similar in character, intensity and scale to those which existed before the rule became operative or the proposed plan was notified will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 15.3.6. However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of effects from the land use activity.

**Note 15.3.6B - Other requirements outside the District Plan**

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

## Rule 15.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or section 95B of the RMA, unless Council considers special circumstances exist in relation to the application that require public notification:
    1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand;
    2. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is not listed by Heritage New Zealand;
    3. In the Holyhead Street **structure plan mapped area**, subdivision activities in accordance with Rule 15.7A Holyhead Street **structure plan mapped area** performance standards; and

    X. social housing.

2. With respect to resource consent applications, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided for the following:
    1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand;
    2. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is listed by Heritage New Zealand; and
    3. contravention of the archaeological sites performance standard (Rule 13.3.3).

Y. With respect to resource consent applications, the Southern Heritage Trust will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided for the following:
1. Full demolition of a building built on or before 1st January 1940 in the General Residential 1 Zone or Township and Settlement Zone (except within a **no DCC reticulated wastewater mapped area**) or in the **Variation 2 mapped area**, where the building has been assessed as having significant heritage values and requires consent under Rule 13.6.3.X. ***{Variation 2 appeal}***

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

4. With respect to sections 95D(b) and 95E(2)(a) of the RMA, Council will not consider:
    X. ancillary residential units as part of the permitted baseline in considering residential density effects in the residential zones; and
    Y. potential permitted new buildings and structures or compliance with the maximum building site coverage and impermeable surfaces performance standard (Rule 15.6.10) as part of the permitted baseline in considering the effects of subdivision activities on stormwater management in the residential zones.

5. With respect to resource consent applications for the following activities, the Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided:
    1. activities in the hazard 1 or hazard 1A (flood) overlay zones;
    2. activities in **swale mapped areas**; and

    X. activities in a **new development mapped area** where an integrated stormwater management plan is required to be submitted with a resource consent application in accordance with Rule 9.9.X

Z. With respect to resource consent applications in a **new development mapped area** that include a new or modified integrated stormwater management plan or details for a stormwater management system as required by Rule 9.9.X, any owners of land within the area to which the proposed plan or system relates (who are not the applicant) will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided.

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

## Rule 15.5 Land Use Performance Standards

### 15.5.1 Acoustic Insulation

Noise sensitive activities in the following areas must comply with Rule 9.3.1:

1. **port noise control mapped area**;
2. **airport noise outer control mapped area**;
3. **airport noise inner control mapped area**;
4. within 40m of the Taieri Aerodrome Zone;
5. within 40m of a state highway;
6. within 20m of an industrial zone; and
7. within 70m of a railway line.

### 15.5.2 Density

1. Standard residential activities in any location and visitor accommodation in the George Street North residential heritage precinct (or any combination of the two on a single site) must not exceed the following density limits:

| Zone | | i. Minimum site area for a residential unit (excluding ancillary residential units) | ii. Maximum development potential per site |
|---|---|---|---|
| a. | General Residential 1 Zone | 1 per 400m² or 2 per 500m² where in the form of a duplex | 1 habitable room per 100m² |
| b. | General Residential 2 Zone not within a **wastewater constraint mapped area** or the **South Dunedin mapped area** | N/A | 1 habitable room per 45m² |
| c. | General Residential 2 Zone within a **wastewater constraint mapped area** | N/A | 1 habitable room per 100m² |
| d. | General Residential 2 Zone within the **South Dunedin mapped area** | N/A | 1 habitable room per 60m² |
| e. | Inner City Residential Zone | N/A | 1 habitable room per 45m² |
| f. | Low Density Residential Zone | 1 per 750m² | 1 habitable room per 150m² |
| g. | Large Lot Residential 1 Zone | 1 per 2000m² | 1 habitable room per 400m² |
| h. | Large Lot Residential 2 Zone | 1 per 3500m² | 1 habitable room per 700m² |
| i. | Township and Settlement Zone not within a **no DCC reticulated wastewater mapped area** | 1 per 400m² or 2 per 500m² where in the form of a duplex | 1 habitable room per 100m² |
| j. | Township and Settlement Zone within a **no DCC reticulated wastewater mapped area** | 1 per 1000m² | 1 habitable room per 200m² |

k. Except in all zones, other than the GR2 and ICR zones:
   i. a single residential unit may be erected on a site of any size.
   ii. one ancillary residential unit is allowed per site in association with a primary residential unit

provided:

1. the maximum development potential per site is not exceeded;

X the site size meets the minimum site size performance standard in Rule 15.7.4; and

Y it does not result in more than two residential units on the site, including the ancillary residential unit.

2. For the purposes of this standard:
   a. the calculation of habitable rooms includes rooms in ancillary residential units and sleep outs;
   b. the calculation of minimum site area includes access legs provided for rear sites; and
   c. the calculation of maximum development potential applies to:
      X. visitor accommodation in the George Street North residential heritage precinct;
      Y. standard residential activity in the Inner City Residential and General Residential 2 Zones; and
      Z. standard residential activity outside the Inner City Residential and General Residential 2 Zones only for determining whether an ancillary residential unit or second unit in the form of a duplex, can be developed.

3. More than one residential building (other than an ancillary residential unit) may only be built on a site if all residential buildings are able to meet all the following performance standards if they were ever subdivided into separate sites:
   a. site coverage;
   b. height in relation to boundary;
   c. setbacks; and
   d. access.

4. Standard residential activity that contravenes the performance standard for density is a non-complying activity, except contravention of the following standards only is a restricted discretionary activity:
   a. papakāika that contravenes the performance standards for density;
   b. standard residential in the General Residential 2 Zone (**wastewater constraint mapped area**) that contravenes the performance standards for maximum development potential per site (15.5.2.1.c.ii), provided the maximum development potential per site of the activity proposed does not exceed 1 habitable room per 45m²;
   c. contravention of Rule 15.5.2.3 (bulk and location performance standards for multiple residential buildings on the same site);

   X. standard residential in the ICR Zone that contravenes the performance standard for maximum development potential per site (15.5.2.1.e.ii), provided the maximum development potential per site of the activity proposed does not exceed 1 habitable room per 30m²; and

   Y. social housing in the General Residential 1 and Township and Settlement zones (except in a **no DCC reticulated wastewater mapped area**) where it meets the density standard for General Residential 2.

5. Visitor accommodation in the George Street North residential heritage precinct that contravenes the performance standard for density is a discretionary activity.

**Note 15.5.2A - General advice**

1. Maximum development potential may not be achievable on all sites as site size, shape, topography, and design will all influence development potential.

### 15.5.4 Hours of Operation

| Activity | | Hours of operation |
|---|---|---|
| 1. | Working from home (excluding homestay) | 7.00am - 7.00pm |
| 2. | Dairies | 6.00am - 10.00pm |
| 3. | Community and leisure | Sunday - Thursday: 6.00am - 10.30pm<br>Friday - Saturday: 6.00am - 12.00am (midnight) |
| 4. | Training and education | 8.00am - 8.00pm |

5. Working from home hours of operation do not apply to activities that:
   a. are located entirely within a building; and
   b. do not involve machinery operation, visitors, customers, or deliveries.
6. Special church celebrations, including Christmas midnight mass, are exempt for this standard, provided they occur no more than 3 times in a calendar year.
7. Activities that contravene the performance standard for hours of operation are restricted discretionary activities.

### 15.5.5 Light Spill

Land use activities must comply with Rule 9.3.5.

### 15.5.6 Location

1. For restaurants, retail, or conference, meeting and function ancillary to visitor accommodation, all customer pedestrian access must not be orientated to the street frontage.
2. Land use activities that contravene the performance standard for location are restricted discretionary activities.

### 15.5.7 Maximum Gross Floor Area

| Activity | | Maximum gross floor area |
|---|---|---|
| 1. | Working from home | 50m² (includes any internal or external area occupied for storage of materials or goods) |
| 2. | Dairies | 50m² |

3. Working from home or dairies that contravene the performance standard for maximum gross floor area are discretionary activities.

**Note 15.5.7A - Other requirements outside of the District Plan**

1. Registration must be obtained from the DCC's Environmental Health Department for any working from home activity which involves food products, hairdressing, beauty therapy or tattooing. Please contact the DCC's Environmental Health Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
2. Approval from DCC's Alcohol Licensing Department may be required for working from home activity that involves the sale or distribution of alcohol. Please contact the DCC on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.

### 15.5.8 Minimum Mobility Car Parking

| Activity | | Minimum car parking rate |
|---|---|---|
| 1-9. | ***Removed to comply with the National Policy Statement on Urban Development 2020 requirement to remove minimum car parking requirements. Rule numbering to be corrected at a later date.*** | |

10. Land use activities must provide on-site mobility parking spaces as follows:

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

11. NA.

12. Parking spaces may be shared between land use activities (i.e. the same parking spaces may be used to fulfil the minimum mobility car parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap.

13. Residential and office activities (excluding registered health practitioners) undertaken entirely within a scheduled heritage building do not need to provide any additional mobility car parking other than what is already on-site and may remove any car parking that does not meet the performance standards for location of car parking.

14. NA.

15. NA.

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

**Note 15.5.8A - Other relevant District Plan provisions**

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

### 15.5.9 Minimum Vehicle Loading

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

| Activity | | Minimum vehicle loading |
|---|---|---|
| a. | Visitor accommodation with more than 50 visitor accommodation units (except in relation to scheduled heritage buildings in the George Street North Residential Heritage Precinct) | 1 loading space to accommodate the turning circle of a coach (See Appendix 6B, Figure 6B.12). |

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

**Note 15.5.9A - Other relevant District Plan provisions**

1. Vehicle loading must comply with the vehicle loading design performance standards in Section 6.6: Parking, Loading and Access Standards.

### 15.5.10 Noise

Land use activities must comply with Rule 9.3.6.

### 15.5.11 Outdoor Living Space

15.5.11.1 Minimum area of outdoor living space for standard residential activity

a. Standard residential activity must provide a minimum of outdoor living space per residential unit as follows:

| Number of habitable rooms in unit | | 1. Ground level units in ICR, GR2, and campus zones | 2. Ground level units in all other zones | 3. Units not at ground level |
|---|---|---|---|---|
| i. | 1 | 15m² | 25m² | 6m² |
| ii. | 2 | 15m² | 25m² | 10m² |
| iii. | 3 | 20m² | 35m² | 10m² |
| iv. | More than 3 habitable rooms | 20m² + 5m² per additional habitable room over 3 habitable rooms | 35m² + 5m² per additional habitable room over 3 habitable rooms | 10m² |

v. Except: ancillary residential units that have direct access to at least 25m² of outdoor living space provided for the primary residential unit do not need to provide additional outdoor living space.

vi. Required outdoor living space for residential units must be for the exclusive use of the individual residential unit, however, for the sake of clarity, this does not require that the area to be fenced or otherwise partitioned from another unit's outdoor living space.

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

15.5.11.2 Minimum area of outdoor living space for supported living facilities

a. Supported living facilities that offer individual residential units, must provide a minimum area of outdoor living space per residential unit as follows:

| Number of habitable rooms in unit | | Minimum area |
|---|---|---|
| i. | 1-2 | 15m² |
| ii. | 3 | 20m² |
| iii. | More than 3 habitable rooms | 20m² + 5m² per additional habitable room over 3 habitable rooms |

b. Required outdoor living space for individual residential units must be for the exclusive use of the residential unit, however for the sake of clarity, this does not require that the area to be fenced or otherwise partitioned from another unit's outdoor living space.

c. For supported living facilities, such as rest homes or student hostels, which only provide bedrooms or beds for residents (not residential units), shared outdoor living space must be provided as follows:

| Type of room | | Minimum area of outdoor living space per bedroom |
|---|---|---|
| i. | Single occupancy bedrooms | 5m² |
| ii. | Multiple occupancy bedrooms/hospital rooms/dorms (rooms used to accommodate 2 or more residents) | 10m² |

d. Shared outdoor living space may be provided as a mixture of ground level balcony, decks or terrace spaces, provided at least 60% is at ground level, and each space is at least 20m².

e. Where a facility provides a mixture of residential units and bed/bedroom only options, such as a retirement village, the outdoor living space must comply with the respective standards above based on the amount of each type of accommodation.

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

15.5.11.3 Quality and location of outdoor living space for all residential activities

a. Outdoor living space provided at ground level must:
   i. be clear of buildings and structures, except for pools, building eaves, pergolas, decks and terraces;
   ii. have an average vertical grade not exceeding 1:12 (vertical:horizontal) in any direction;
   iii. have dimensions no less than 3m;
   iv. be usable for its intended purpose and not used for vehicle parking, manoeuvring, driveways, or pedestrian accessways to other residential units or properties, or other uses; and
   v. include at least one continuous area no smaller than 15m².

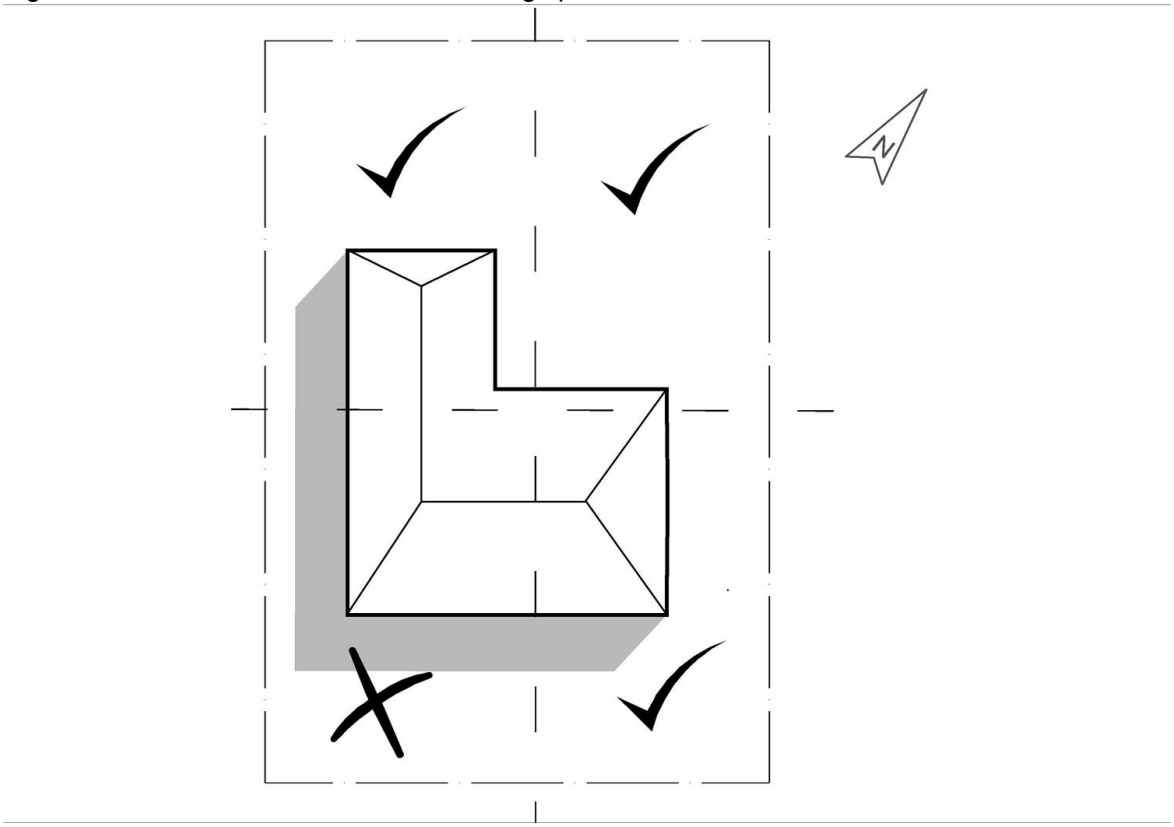
b. Outdoor living space provided not at ground level must:
   i. if provided as a deck, balcony, or roof terrace, have dimensions no less than 1.8m.

c. All outdoor living space must:
   i. be located on the northern, eastern or western sides of residential buildings as per Figure 15.5.11.3A; and
   ii. be directly accessible from a principal living area, except if provided as shared outdoor living space for

supported living facilities.

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

Figure 15.5.11.3A: Location of outdoor living space



### 15.5.12 Service Areas

1. Residential activity with 3 or more residential units on a site must provide service areas with a minimum area of 2.5m² per residential unit. Service area requirements are in addition to outdoor living space requirements.
2. Activities that contravene this performance standard are restricted discretionary activities.

### 15.5.13 Setback from National Grid

National Grid sensitive activities must comply with Rule 5.6.1.1.

### 15.5.14 Ancillary Residential Units

15.5.14.2 Ancillary Residential Units - Design

a. Ancillary residential units must:
   i. not exceed a maximum gross floor area of 60m².
   ii. NA
   iii. NA
   iv. NA

X. Ancillary residential units that are within the same residential building as a primary residential unit are exempt from this standard.

b. Standard residential activity that contravenes this performance standard but does not exceed a maximum gross floor area of 80m² is a restricted discretionary activity.

**Note 15.5.14A - General advice**

1. Residential units over 80m² gross floor area do not meet the definition of ancillary residential units and are considered primary residential units.

## 15.5.15 Scheduled Mining Activity

15.5.15.1

Fairfield Sandpit No. 1 must meet the performance standards listed below.

15.5.15.2

If Fairfield Sandpit No. 1 contravenes any of these standards it will be considered expansion of scheduled mining activity and will be subject to the rules that apply to that activity in Rule 15.3.

15.5.15.3 Maximum annual extraction

a. Fairfield Sandpit No. 1 must not exceed a maximum annual limit of 10,000 tonnes.

15.5.15.4 Operating limits

a. Fairfield Sandpit No. 1:
   i. may only operate: Monday to Friday 6.00am to 8.00pm and Saturday 7.00am to 5.00pm;
   ii. must not use blasting;
   iii. must not undertake aggregate processing; and
   iv. must not quarry within 15m of any adjoining property boundary which is used for residential purposes.

15.5.15.5 Noise

Fairfield Sand Pit No. 1 must comply with Rule 9.3.6, subject to the following:

a. an adjustment of minus 5 dBA for noise emissions having special audible characteristics; and
b. noise level readings for the purpose of determining compliance with the noise conditions must be provided by the quarry operator for two hours, at times representative of the operation and at which maximum noise levels can be assessed. For continuous operations, readings must take place at 12 monthly intervals; for intermittent operations readings must be provided at the time of every subsequent operation of the site.

15.5.15.6 Landscaping and rehabilitation

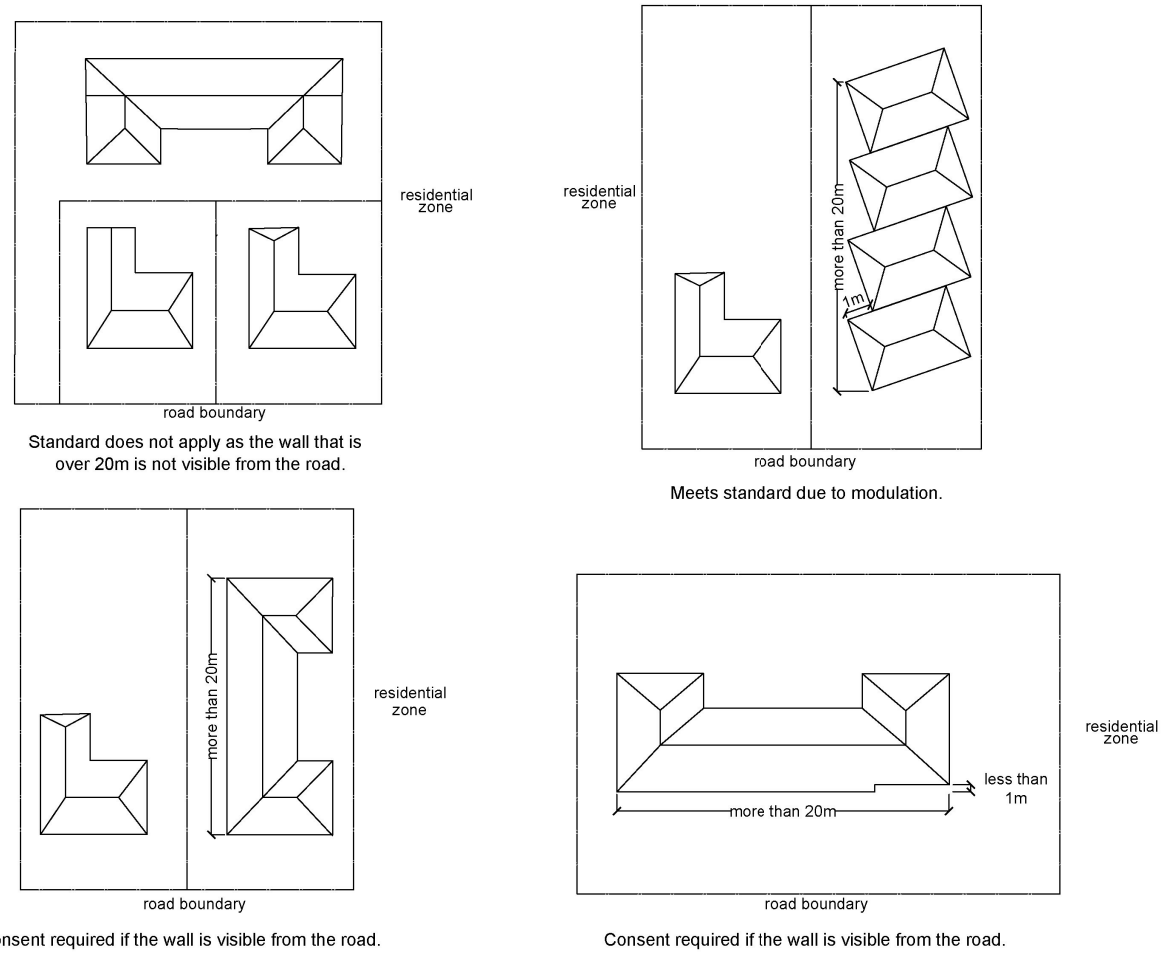
a. Fairfield Sand Pit No. 1 must undertake a programme of screen planting designed to mitigate adverse visual effects as viewed from adjacent residential areas, road and other viewing areas, and a programme of landscaping to encourage the revegetation of areas that are no longer being mined. The programmes must ensure that:
   i. all planting is in accordance with a landscape plan prepared by a qualified landscape architect;
   ii. all vegetation established as part of this programme is maintained in a healthy state at all times;
   iii. where practical, existing screening vegetation within 15m of any adjoining property boundary which is used for residential purposes will be retained; and
   iv. the site is rehabilitated to an appearance and character similar to that of the surrounding environment.
b. Fairfield Sand Pit No. 1 must ensure the edge of the quarried area is designed and certified by a suitably qualified geotechnical engineer to ensure that the edge will not adversely affect any adjoining property boundary.

# Rule 15.6 Development Performance Standards

## 15.6.1 Building Length

1. New buildings and additions and alterations to buildings must not result in any wall with a continuous length that is greater than 20m, if the wall is visible, in full or in part, from an adjoining public place.
2. For the purposes of this rule, the length of walls will be measured parallel to the boundary of the site.
3. For the purposes of this rule, a 'continuous length' will be measured as follows for walls that modulate: where modulation involves a step-back of 1 metre or more in depth it will be counted as a new wall, but where modulation is less than 1 metre in depth it will be considered a continuous length.
4. New buildings and additions and alterations that contravene this standard are restricted discretionary activities.

Figure 15.6.1A: Building length




## 15.6.2 Fence Height and Design

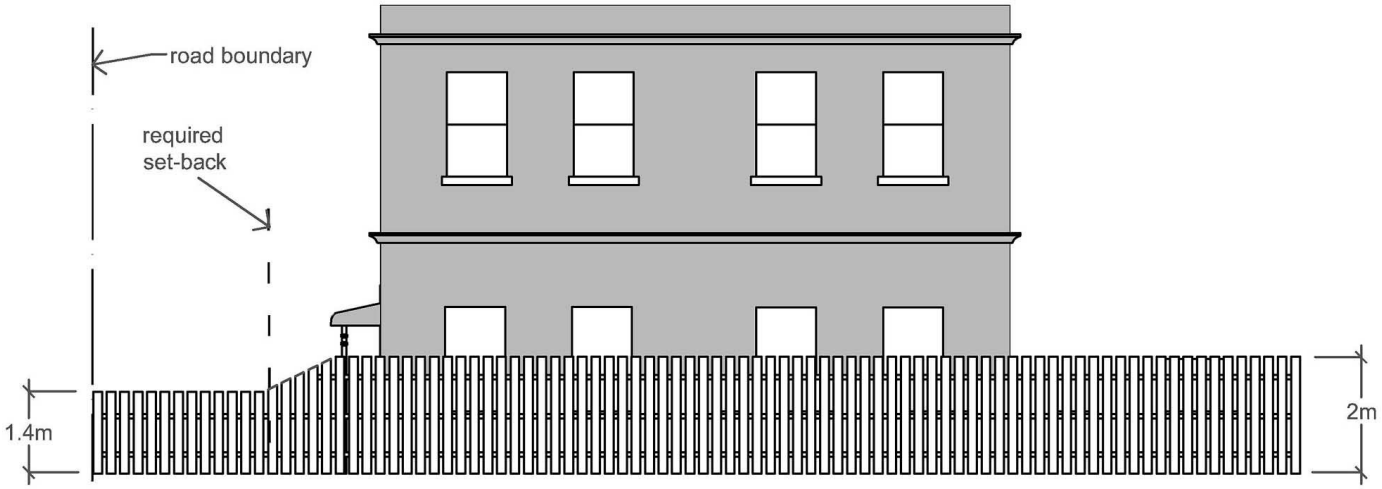
15.6.2.1 Maximum Height

a. The maximum height of fences along boundaries (including within the boundary setbacks required by Rule 15.6.13) is 2m, except:
   i. for sites within a residential heritage precinct, fences along the part of a side boundary that is within the road boundary setback required by Rule 15.6.13 (see Figure 15.6.2.1A) the maximum height is 1.4m.

b. For the purposes of calculating maximum height, where a fence is erected atop a retaining wall, the height will be calculated as the combined height measured from ground level to the top of the fence.

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

Figure 15.6.2.1A: Side boundary fences in heritage precincts



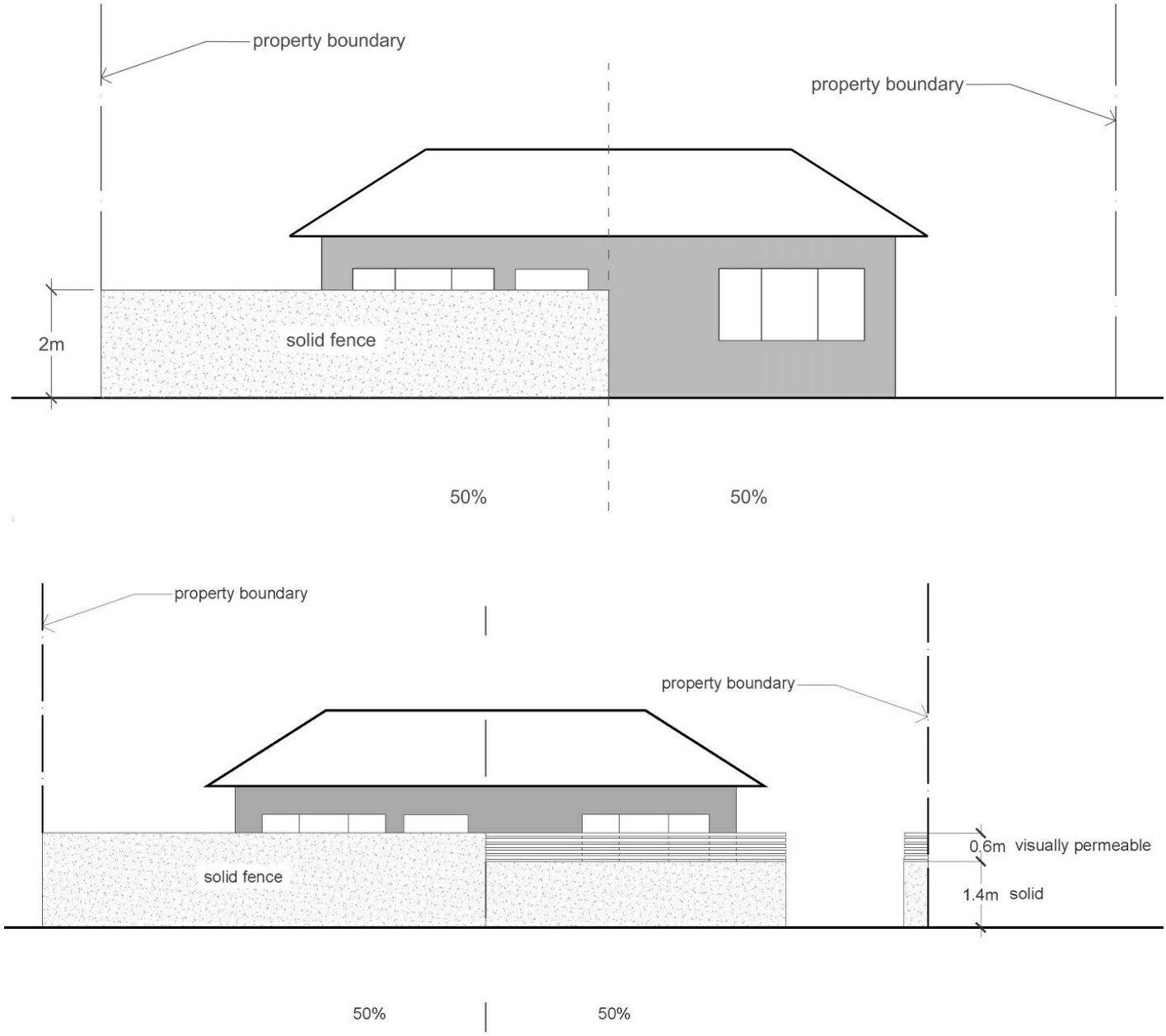

### 15.6.2.2 Visual Permeability

a. Fences along road boundaries or boundaries adjoining a reserve (including within the boundary setbacks required by Rule 15.6.13) must be constructed to a length and/or height that maintains visual permeability for 50% of the length of the boundary measured at a height of 1.4m above ground level (see Figure 15.6.2.2A).

b. The following fences are exempt from this requirement:
   i. fences along the road boundary of a state highway;
   ii. fences required to meet Rule 15.6.8 (Location and Screening of Outdoor Storage) or to otherwise screen service areas; and
   iii. boundaries with a reserve that is not in the Recreation Zone or a residential zone.

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

Figure 15.6.2.2A: Examples of fencing that meet Rule 15.6.2.2 Visual Permeability



### 15.6.3 Firefighting

All new residential buildings and subdivision activities must comply with Rule 9.3.3.

### 15.6.4 Natural Hazards Performance Standards

15.6.4.1 Hazard exclusion areas (**swale mapped area**)

New buildings and structures, and additions and alterations located in a **swale mapped area** must comply with Rule 11.3.1.1.

15.6.4.2 Maximum area of vegetation clearance in the hazard overlay zones

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

15.6.4.3 Relocatable buildings

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

15.6.4.4 Outdoor storage

Outdoor storage in the Hazard 1 (flood) Overlay Zone must comply with Rule 11.3.4.

### 15.6.5 Hazardous Substances Quantity Limits and Storage Requirements

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

### 15.6.6 Height

**Note 15.6.6A - General advice**

1. The permitted height of buildings and structures is controlled by both the maximum height standard and height in relation to boundary standard. The absolute maximum height specified in the 'maximum height performance standard' may not be achievable on all sites due to site dimensions and topography.
2. NA

X. 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.

15.6.6.1 Height in relation to boundary

a. On all side and rear boundaries that adjoin a site with a residential zone or a Residential Transition Overlay Zone, new buildings and additions and alterations to buildings must not protrude through the following planes:
   i. in the General Residential 1 Zone, a plane rising at an angle of 45 degrees measured from a point 2.5m above ground level at the boundary; or for parts of the site where the width of the site as measured at right angles to the side or rear boundaries is under 16m (see Figure 15.6.6.1G), or that have a slope angle of 6 degrees or more and where the ground level at the nearest boundary is lower than the existing ground level of the building platform (see Figure 15.6.6.1H), through a plane rising at an angle of 55 degrees from a point 2.5m above ground level at the boundary.
   ii. in the Inner City Residential Zone, a plane rising at an angle of 45 degrees measured from a point 3m above ground level at the boundary (see Figure 15.6.6.1B); or for parts of the site where the width of the site as measured at right angles to the side or rear boundaries is under 16m (see Figure 15.6.6.1G), or that have a slope angle of 6 degrees or more and where the ground level at the nearest boundary is lower than the existing ground level of the building platform (see Figure 15.6.6.1H), through

a plane rising at an angle of 55 degrees from a point 3m above ground level at the boundary.

iii. in the General Residential 2 Zone, a plane rising at an angle of 55 degrees measured from a point 3m above ground level at the boundary (see Figure 15.6.6.1A);

iv. in all other residential zones, a plane rising at an angle of 45 degrees measured from a point 2.5m above ground level at the boundary (see Figure 15.6.6.1C)

v. except:

1. in the Inner City Residential Zone, for any new buildings and additions or alterations to buildings within 16m of the road boundary, the height in relation to boundary will be measured from 6.5m above ground level at side boundaries, provided that all buildings on the remainder of the site are set back from the side boundaries by at least 2m (see Figure 15.6.6.1D);
2. where new buildings or additions and alterations are built to a common wall, any part of a building where the height and angle of the roofline are the same as the adjoining building is exempt from this standard Figure 15.6.6.1E;
3. gable ends and dormers may protrude through the height in relation to boundary plane by a maximum of 2m (see Figure 15.6.6.1F); and
4. rooftop structures are exempt from the performance standard for height in relation to boundary.

***{Note - appeal relates to Inner City Residential Zone only}***

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

Figure 15.6.6.1A: General Residential 2 Zone

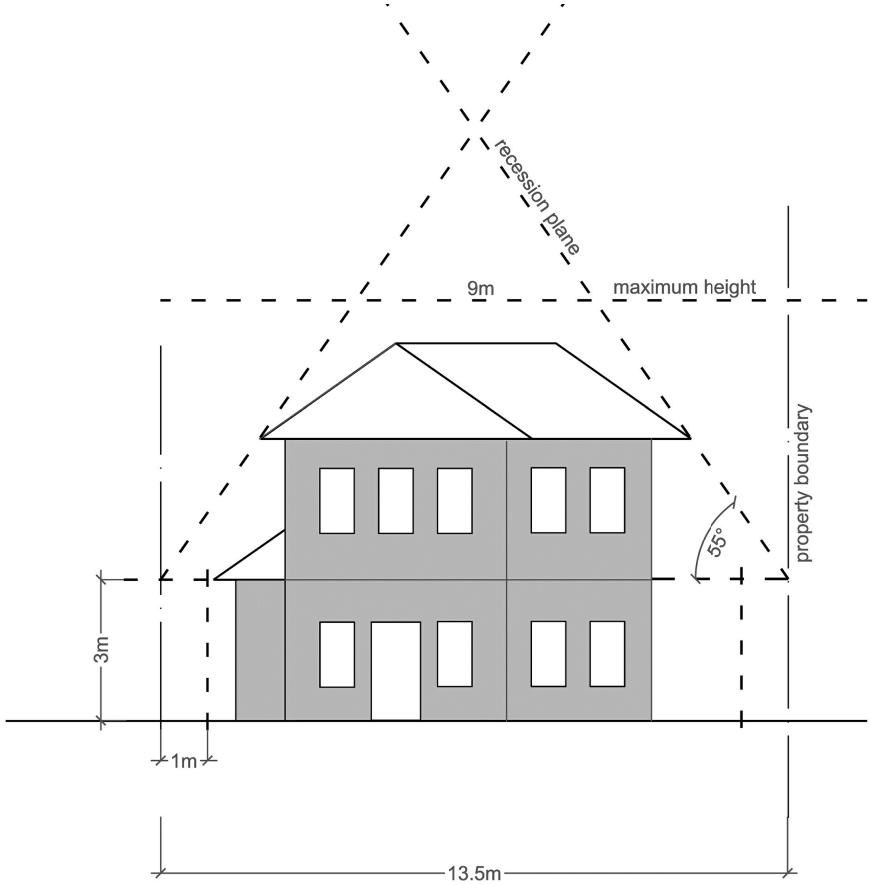


Figure 15.6.6.1B: Inner City Residential Zone

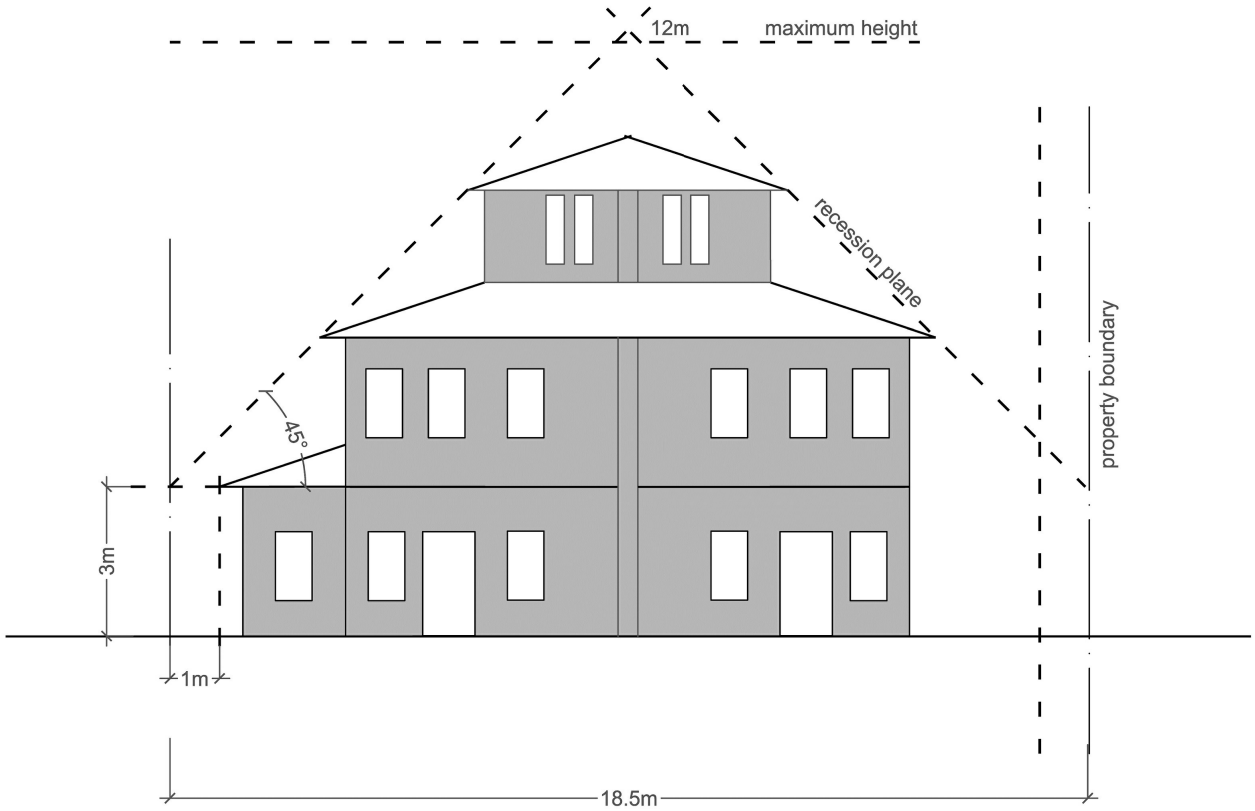


Figure 15.6.6.1C: All other residential zones

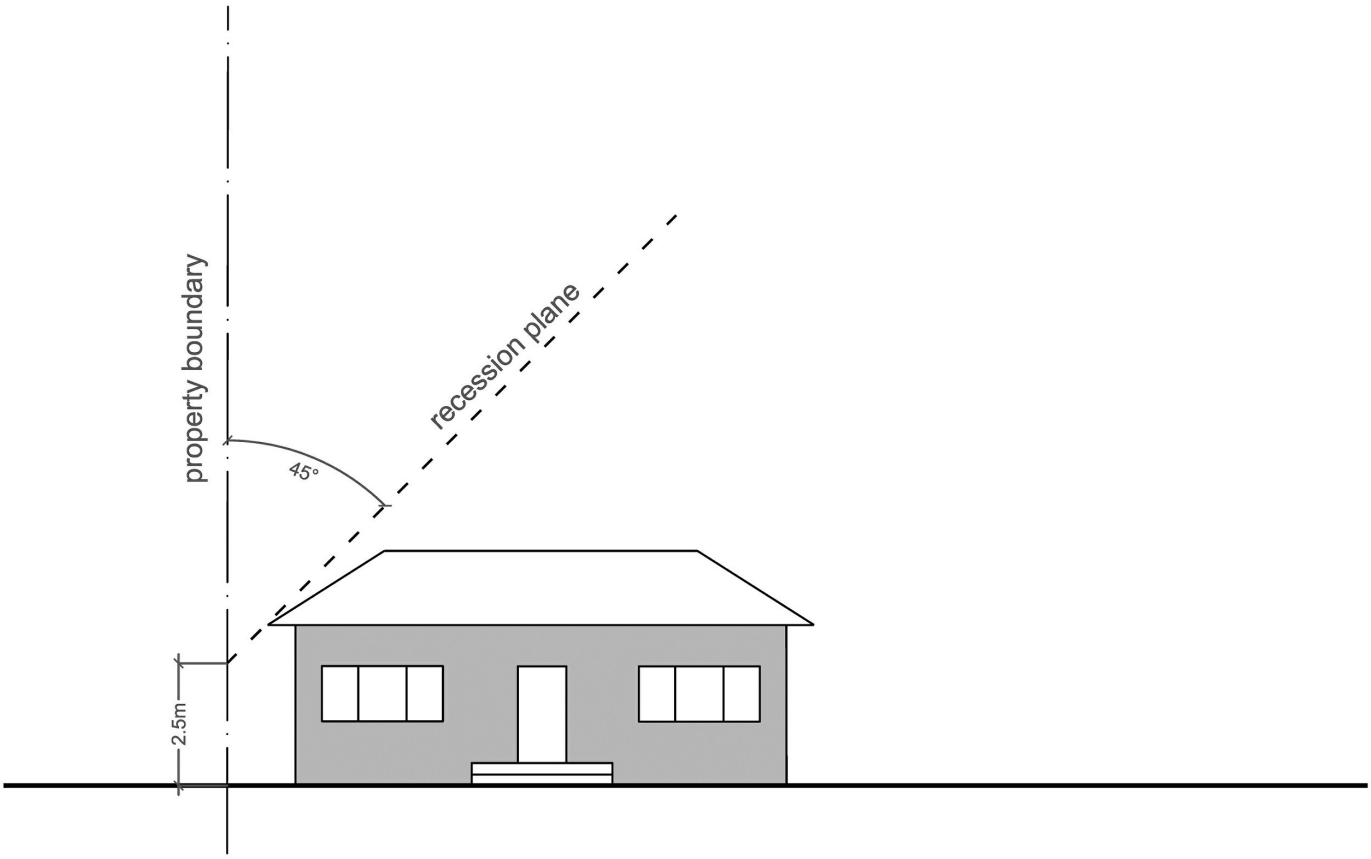


Figure 15.6.6.1D: Inner City Residential Zone height in relation to boundary special provision

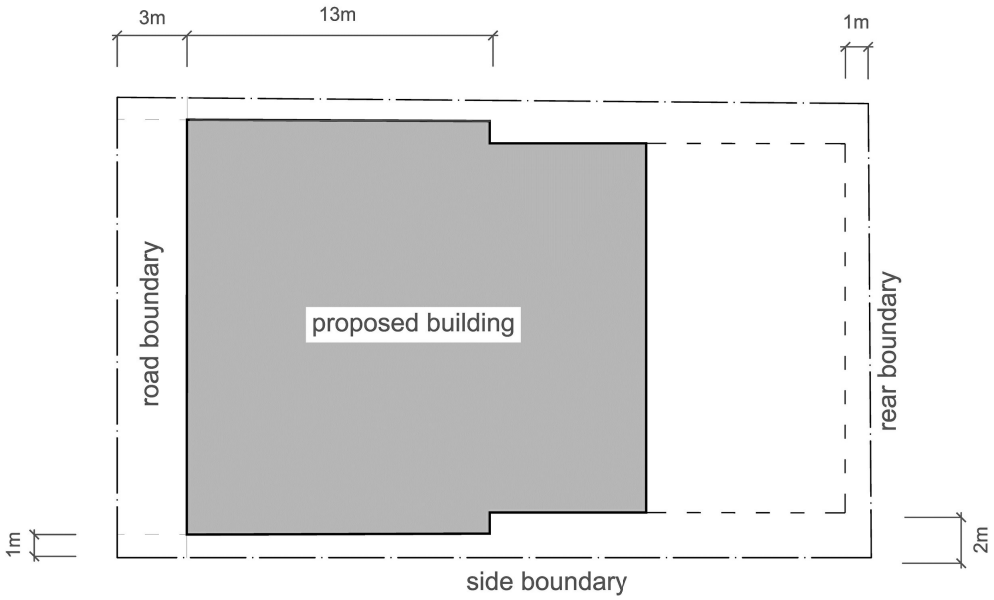


Figure 15.6.6.1E: Roof line mirror image where shared wall

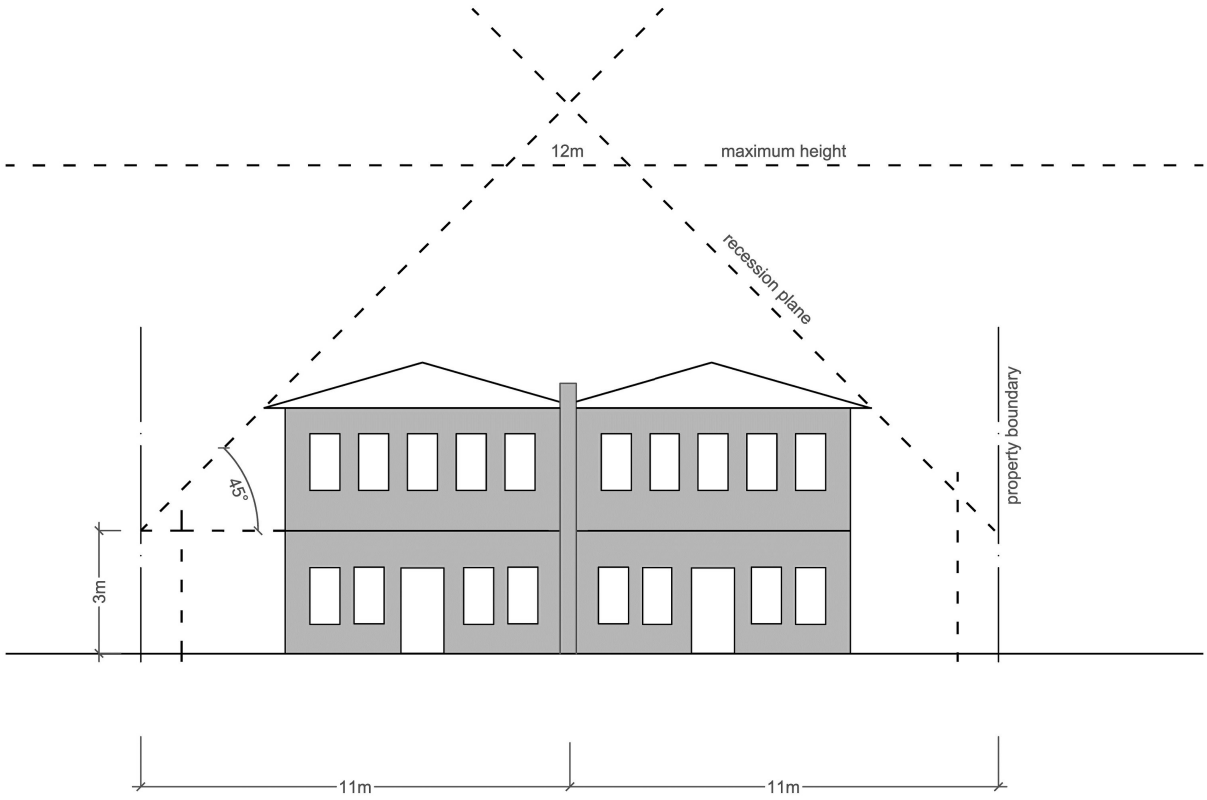



Figure 15.6.6.1F: Gable ends and dormers protruding through height plane

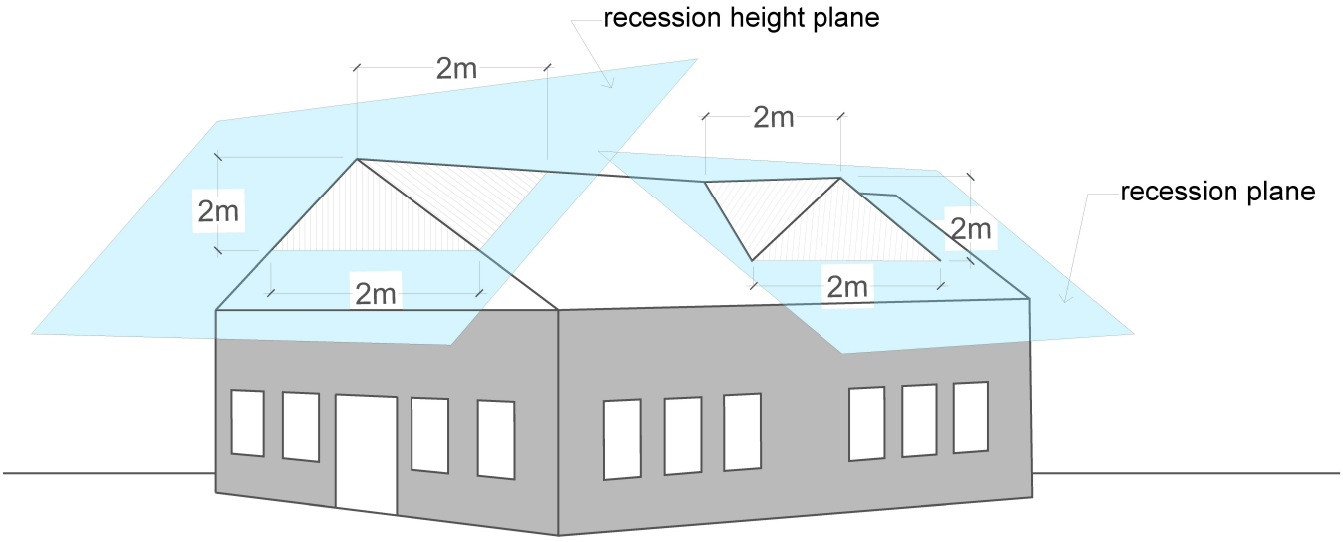



Figure 15.6.6.1G: Site width exception rule

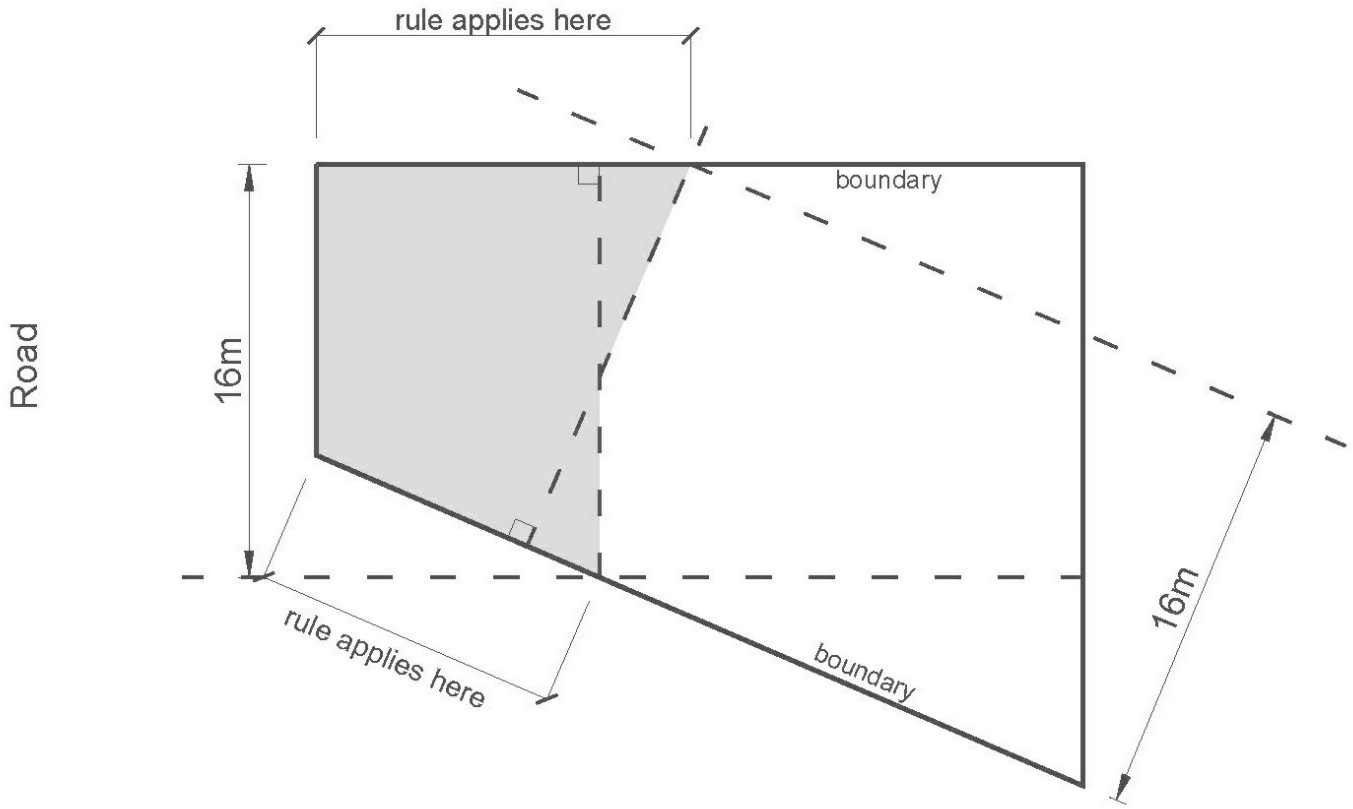
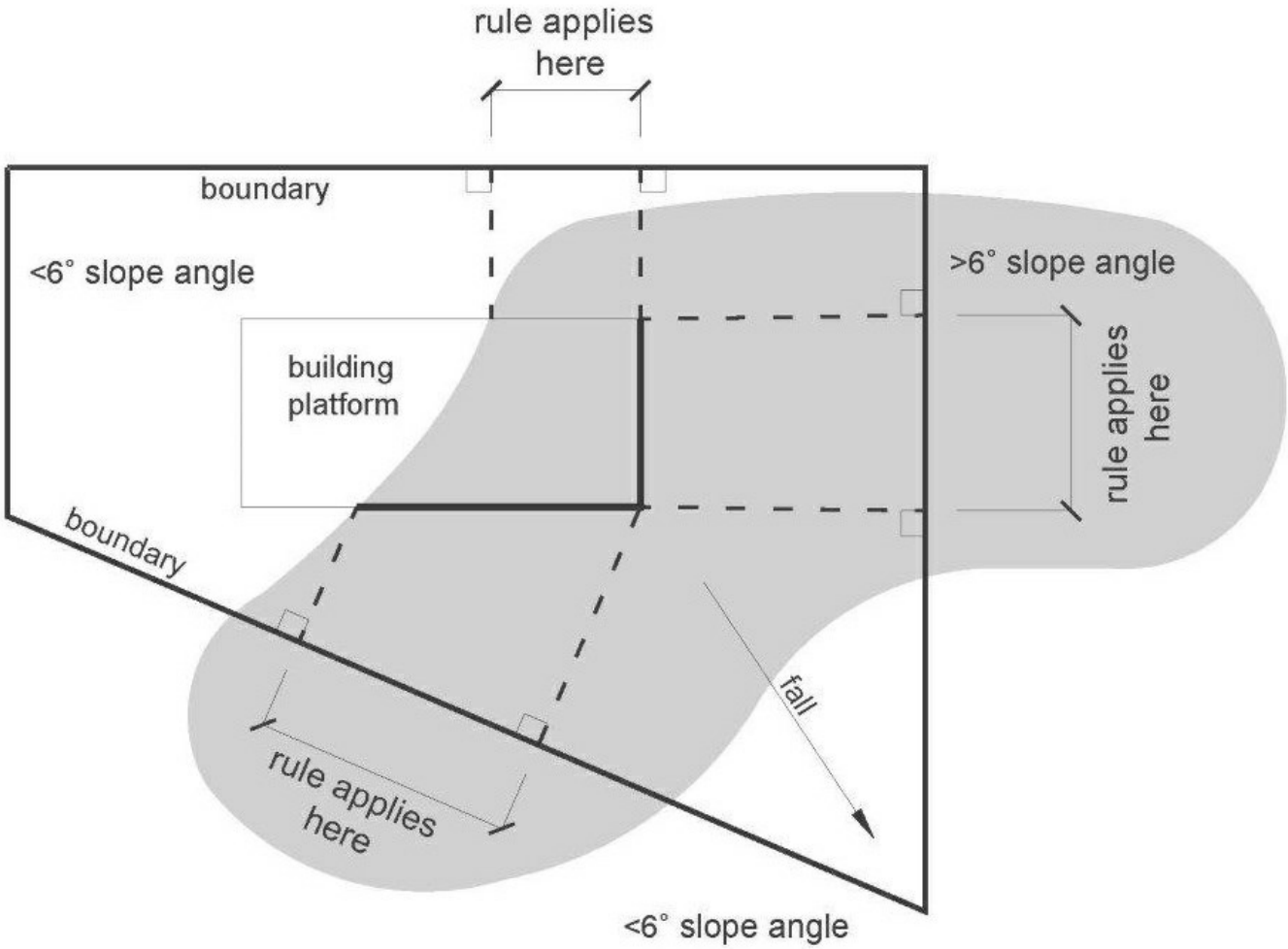

rule applies here
boundary
Road
16m
16m
rule applies here
boundary

Figure 15.6.6.1H: Sloping site exception rule




15.6.6.2 Maximum height

a. New buildings and structures, and additions and alterations must not exceed the following maximum height above ground level:

| | | 1. Maximum height in the Inner City Residential Zone | 2. Maximum height in all other residential zones |
|---|---|---|---|
| i. | Ancillary residential units (stand-alone building) | Not provided for | 3m (from ground level to the bottom of the eaves) |
| ii. | Garages and carports in road boundary setback | 3m (from ground level to the bottom of the eaves) | 3m (from ground level to the bottom of the eaves) |
| iii. | All other new buildings and structures, and additions and alterations within setbacks from boundaries, except as provided for in Rule 15.6.13.1 | 2m | 2m |
| iv. | All other new buildings and structures, and additions and alterations | 12m | 9m |

v. Except:

1. rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more than one third of that limit.

2. within the **Huriawa height restriction mapped area** (see Figure 15.6.6.2A):

1. new buildings and additions and alterations to buildings on sites between Rockal Street and Kilda Street must not protrude through a horizontal plane 4.5m above ground level at the Sulisker Street boundary of the site;

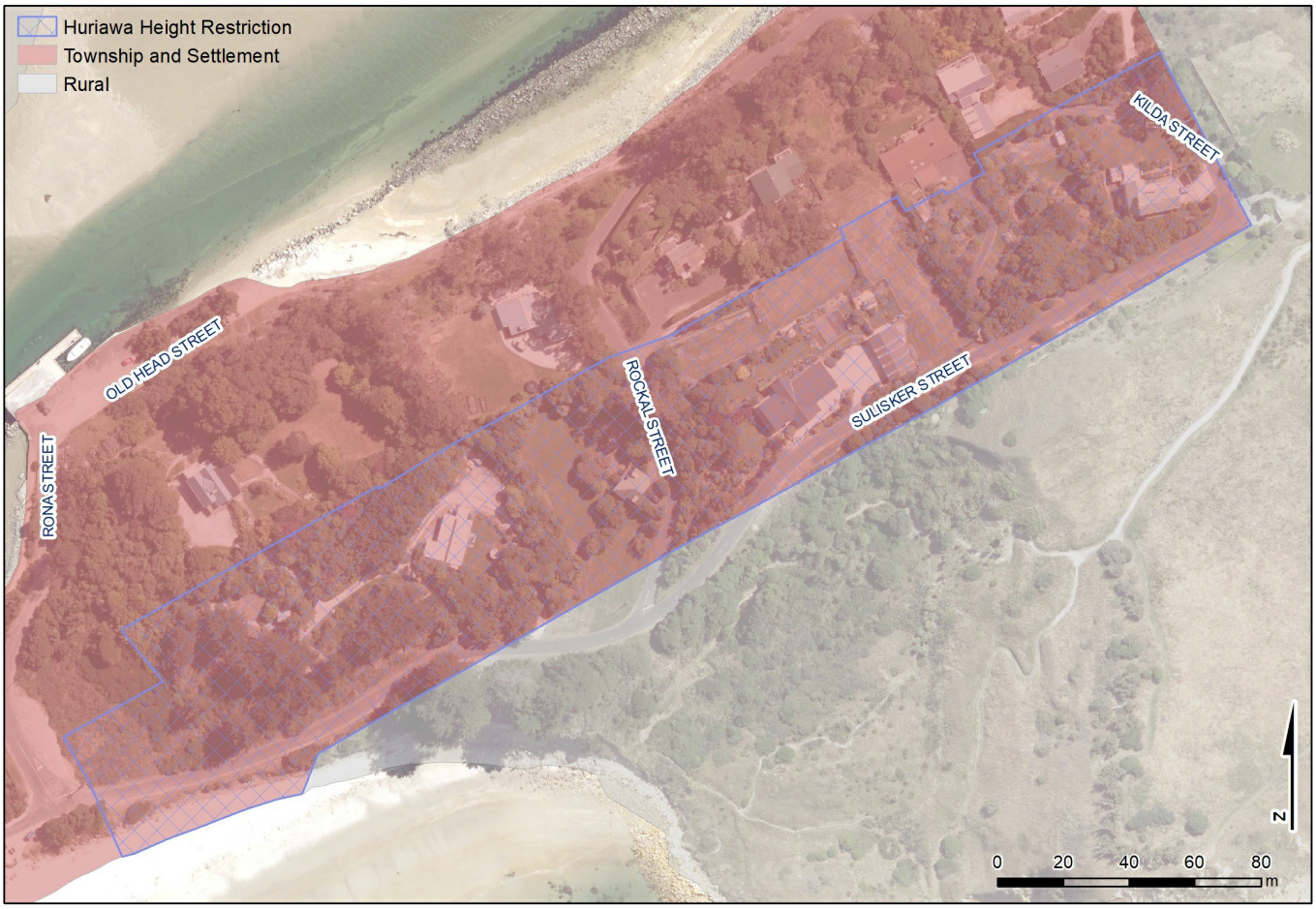
2. new buildings and additions and alterations to buildings on sites between Rona Street and Rockal Street must not exceed 4.5m.

X. within the Pukehiki Township and Settlement Zone, which is subject to a Significant Natural Landscape Overlay Zone, new buildings and structures, and additions and alterations must not exceed 5m above ground level.

b. New buildings and structures, and additions and alterations must not protrude through the height restriction for the Taieri Aerodrome approach and take-off fans shown on the **Taieri Aerodrome flight fan mapped area**.

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

Figure 15.6.6.2A: **Huriawa height restriction mapped area**




## 15.6.7 Location and Screening of Car Parking

1. In all residential areas, parking, loading and access areas and garages and carports must not occupy more

than 50% of the area of the front yard that is part of the road boundary setback required by Rule 15.6.13.

2. In residential heritage precincts, parking areas must not be visible from an adjoining public place, unless they are set back a minimum of 4m from the road boundary.

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

### 15.6.8 Location and Screening of Outdoor Storage

1. Shared service areas provided for 3 or more residential units must be located or screened so they are not visible at ground level from residential activities within the site, residential activities on adjacent sites, or public places.
2. Outdoor storage, including service areas, must not encroach into required parking, loading, manoeuvring, or outdoor living areas.
3. Materials stored outside must be stored in a way that prevents them contaminating any off-site area.
4. Activities that contravene this performance standard are restricted discretionary activities.

### 15.6.9 Materials and Design

Earthquake strengthening must comply with Rule 13.3.2.

### 15.6.10 Maximum Building Site Coverage and Impermeable Surfaces

1. Development activities must not exceed the following maximum building site coverage limits:

| Zone | | i. Maximum building site coverage: buildings and structures with a footprint greater than 10m² (% of site) | ii. Maximum building site coverage: buildings and structures and any impermeable surfaces (% of site) |
|---|---|---|---|
| a. | General Residential 1 Zone | 40% | 70% |
| b. | General Residential 2 Zone not within the **Variation 2 mapped area** | 50% | 80% |
| X. | General Residential 2 Zone within the **Variation 2 mapped area** | 50% | 70% |
| c. | Inner City Residential Zone | 60% | 80% |
| d. | Low Density Residential Zone | 35% | 65% |
| e. | Large Lot Residential 1 and 2 Zones | 30% | 50% |
| f. | Township and Settlement Zone not within a **no DCC reticulated wastewater mapped area** | 40% | 70% |
| g. | Township and Settlement Zone within a **no DCC reticulated wastewater mapped area** | 30% | 50% |

2. Any driveway that provides access to another site and access leg for rear sites will be excluded from the calculation of total site area for the purpose of calculating site coverage in column i but included in the calculation of site coverage in column ii (See Figure 15.6.10A).

X. In the Variation 2 mapped area, any new development which will result in a new residential building with one or more new residential units must provide 20% of the site area or 30m² (whichever is the greater) as minimum landscaping that is to be located and landscaped in a way that meets the following requirements:

a. every site (or comprehensive multi-unit development proposed for fee simple subdivision) larger than 250m² must include a minimum of 1 tree per 250m² of site area from the Appendix 10A.3 Important Native Tree List or the DCC Native Planting Guide – Dunedin Hillslopes Forest Species List (DCC, 2021). The required tree/s must be:

i. at least 2m high at the time of planting and capable of growing to a minimum of 3m high; and

ii. setback a minimum of 2.5m from all boundaries;

b. where the site adjoins a road, at least 50% of the land within the road boundary setback must be planted with trees, shrubs or groundcover species that are native to New Zealand (it may not be managed as lawn) except where more than 50% of the land within the road boundary setback is occupied by driveways, buildings or impermeable surfaces that were lawfully established prior to 31 May 2022, 75% of the remaining area of permeable surface within the road boundary setback must be planted with trees, shrubs or groundcover species that are native to New Zealand (it may not be managed as lawn); and

c. all trees and landscaping required by this rule must be maintained and if dead, diseased or damaged, must be replaced.

d. For the sake of clarity:

i. the area required to meet Rule 15.6.10.X will not count towards the maximum area of impermeable surfaces in Rule 15.6.10.1; and

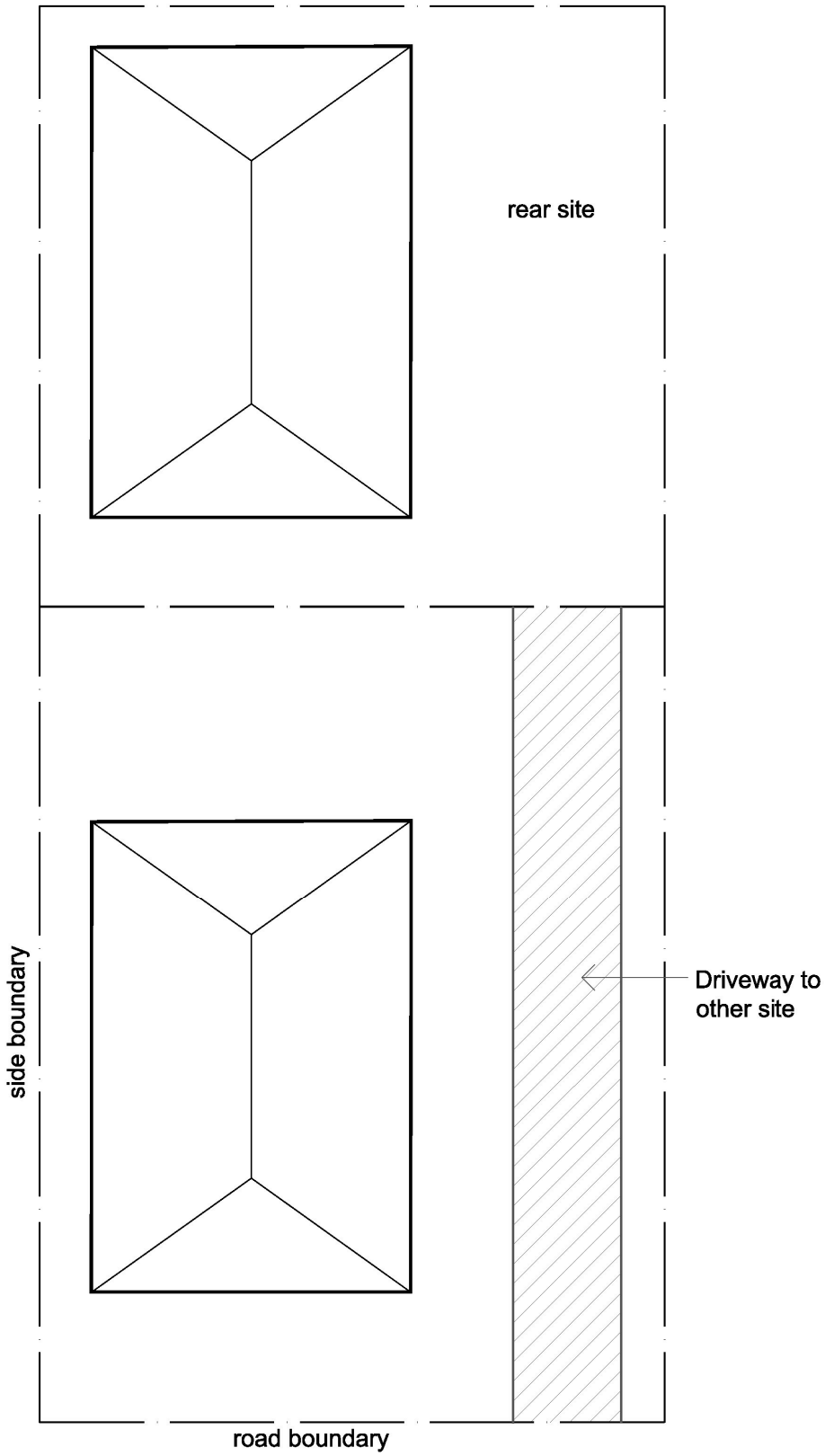
ii. existing native plants that meet the requirements of this rule will be counted towards meeting the rule (mature native trees that are retained on site do not need to meet the setback for boundaries).

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

**Note 15.6.10X - Other requirements outside of the District Plan**

1. Clause E1 - Surface Water of the New Zealand Building Code (Building Regulations 1992, Schedule 1) contains requirements regarding buildings and sitework in relation to managing surface water and effects on other property.
2. Buildings and structures that will divert water may require resource consent under the Otago Regional Plan: Water.
3. Discharge of stormwater to any Otago Regional Council scheduled drain or overland flow path is managed by the Otago Regional Council Flood Protection Management Bylaw 2012.
4. If buildings and structures affect the flow of water, this effect is also subject to the common law principle of natural servitude.
5. Part 4 of the Dunedin Code of Subdivision and Development 2010 ('Code of Subdivision') requires that design and construction of stormwater systems be undertaken in accordance with NZS 4404:2004 (now replaced by NZS 4404:2010), except as amended by the Code of Subdivision. This includes a requirement that stormwater systems be provided so that any new development results in an insignificant increase of runoff wherever possible (Clause 4.2.8).

Figure 15.6.10A: Site coverage calculation



## 15.6.11 Number, Location and Design of Ancillary Signs

15.6.11.1 General

a. Signs visible from a public place must meet all of the following performance standards, except that regulatory signs, directional signs and warning signs that do not exceed 0.25m² are exempt from these standards.

b. Signs must also comply with:
   i. Rule 6.7.2 where located on or above the footpath; and
   ii. Rule 6.7.3 where visible from a road.

c. Signs must not be illuminated or digital, except signs ancillary to visitor accommodation in the George Street North Residential Heritage Precinct and North Ground Residential Precinct.

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

15.6.11.2 All signs in residential zones

a. Signs must not be attached to roofs.

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

c. Signs must have a maximum of 2 display faces per sign.

d. Where attached to a building, signs must not protrude from a building façade by more than 1m.

15.6.11.3 All signs (ancillary to residential activities)

a. Maximum one sign per site, either attached to a building, freestanding or attached to a fence or retaining wall.

b. The height, above ground level, at the highest point of any sign:
   i. attached to a residential building, is 4m; and
   ii. where attached to a fence, retaining wall or freestanding, is 2m.

c. Signs must have a maximum area of 0.6m² per display face.

d. Portable freestanding signs must not be located on the road reserve.

15.6.11.4 All signs (ancillary to dairies)

a. The height, above ground level, at the highest point of any sign attached to a building is 6m.

b. Signs attached to a verandah fascia must not exceed a height of 0.5m, or the height of a verandah fascia, whichever is greater.

c. The maximum area of walls up to 4m above ground level, or the bottom of a verandah, whichever is the lesser that signs may occupy is 50%.

d. One sign with a maximum display face of 2m² is allowed per building between 4 and 6m in height above ground level.

e. Signs attached at right angles to the façade of a building (including attached to the underside of a verandah), must not exceed:
   i. a maximum of 2 signs per site; and
   ii. a maximum area per display face of 1.5m²

f. Portable freestanding signs on footpaths outside dairies must not exceed:
   i. a maximum height of 0.9m above ground level;
   ii. a maximum width of 0.6m; and

iii. a maximum of 1 portable freestanding sign per street frontage of dairy.

15.6.11.5 Signs attached to buildings (ancillary to commercial activities and community activities)

a. Maximum 1 sign per site attached to a building.

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

c. Signs must have a maximum area per display face of 1.5m², except signs ancillary to visitor accommodation may have a maximum area of 2m² per display face in the George Street North Residential Heritage Precinct and North Ground Residential Precinct.

15.6.11.6 Freestanding signs (ancillary to commercial activities and community activities)

a. Maximum of 1 permanently fixed freestanding sign or 1 portable freestanding sign per site.

b. Freestanding signs must be positioned entirely within site boundaries.

c. The maximum dimensions of freestanding signs are:
   i. maximum height of 2m above ground level;
   ii. maximum area of 1.5m² per display face, except signs ancillary to visitor accommodation may have a maximum area of 2m² per display face in the George Street North Residential Heritage Precinct and North Ground Residential Heritage Precinct; and
   iii. maximum depth of 0.4m.

Figure 15.6.11.6A: Freestanding signs (ancillary to commercial activities and community activities)

**Note 15.6.11A - Other requirements outside of the District Plan**

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

### 15.6.12 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

### 15.6.13 Setbacks

15.6.13.1 Boundary setbacks

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

| Zone | | 1. Setback from any road boundary | 2. Setback from side and rear boundaries | 3. Setback from boundary with right of way |
|---|---|---|---|---|
| i. | General Residential 1 Zone | 4.5m | 2m | 1m |
| ii. | General Residential 2 Zone (except for **Gardens, Mornington, Mosgiel, South Dunedin, and Caversham mapped areas**) | 4.5m | 2m | 1m |
| iii. | General Residential 2 Zone (**Gardens, Mornington, Mosgiel, South Dunedin, and Caversham mapped areas**) | 3m | 1m | 1m |
| iv. | Inner City Residential Zone | 3m | 1m | 1m |
| v. | Low Density Residential Zone | 4.5m | 2m | 1m |
| vi. | Large Lot Residential 1 and 2 Zones | 4.5m | 4m | 1m |
| vii. | Township and Settlement Zone | 4.5m | 2m | 1m |

viii. Except:
   1. where residential buildings are located on a site between two sites (including corner sites) with residential buildings that do not meet the standard for setback from the road boundary, then the minimum setback may be reduced to the depth of the larger of the two existing setbacks, as shown in Figure 15.6.13.1A[1];
   2. where buildings are built to the boundary and share a common wall no setback is required for the length of the buildings where joined (see Figure 15.6.13.1B);
   3. the setback from any road boundary may be reduced to 0.5m for garages (stand-alone and attached) and carports no greater than 4.5m in width (as measured parallel to the road boundary) that have their entry facing the road and that meet Rule 15.6.6.2.a.ii (maximum height);
   4. the setback from the side and rear boundary may be reduced to 1m for garages (stand-alone

and attached) and carports that are no greater than 6m in length (as measured parallel to the boundary) and that meet Rule 15.6.6.2.a.ii (maximum height);

5. decks less than 0.5m above ground level, signs attached to buildings and structures, and buildings or structures less than 10m² in footprint and 2m in height, and all fences are exempt from this standard;
6. eaves, gutters and downpipes less than 3m above ground level may project over a required setback provided that they project by no more than 25% of the width of the required setback; and
7. for new buildings or additions and alterations to buildings in the Inner City Residential Zone being built in accordance with Rule 15.6.6.1.a.v.1 (alternate height in relation to boundary performance standard) where a 2m minimum setback is required in accordance with that rule.

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

[1] Note: for the purposes of this rule 'existing setbacks' will be measured from the main part of residential buildings and will not include any garages or carports, or other parts of buildings that occupy less than 50% of the building frontage (within the setback), e.g. bay windows, porches, steps, or decks (See Figure 15.6.13.1C). Where the main part of an existing building is not parallel to the road boundary (e.g. not consistently the same distance from the road boundary), the nearest point of the building from the boundary will be used to determine the existing setback.

**Note 15.6.13.1A - Other requirements outside the District Plan**

1. Buildings less than 10m$^2$ in floor area and closer than 1m to a site boundary must comply with clauses C1 – C6 of the New Zealand Building Code. Please contact Dunedin City Council, Building Services Unit, on 477 4000 for further information.

Figure 15.6.13.1A: Setback from road boundary consistent with neighbour

Figure 15.6.13.1B: Setbacks for buildings sharing common wall

Figure 15.6.13.1C: Determining existing setbacks

15.6.13.2 Setback from scheduled tree

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

15.6.13.3 Setback from coast and water bodies

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

15.6.13.4 Setback from National Grid

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

15.6.13.Y Setback from Critical Electricity Distribution Infrastructure

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

### 15.6.14 Vegetation Clearance Standards

15.6.14.1 - Maximum area of vegetation clearance (UBMA)

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

15.6.14.2 - Maximum area of vegetation clearance in a hazard overlay zone

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

### 15.6.X Service Connections - Stormwater for Development

In a **new development mapped area**, all development that creates an impermeable surface must comply with Rule 9.3.7.AA.

### 15.6.Y Area of Buildings and Structures

1. In the Significant Natural Landscape (SNL) Overlay Zone, new buildings, new structures and additions and alterations must comply with Rule 10.3.5.X.

### 15.6.Z Reflectivity

1. New buildings, new structures (except fences) and additions and alterations in a Significant Natural Landscape (SNL) Overlay Zone must comply with Rule 10.3.6.

## Rule 15.7 Subdivision Performance Standards

### 15.7.1 Access

Subdivision activities must comply with Rule 6.8.1.

### 15.7.2 Esplanade Reserves and Strips

Subdivision activities must comply with Rule 10.3.1.

### 15.7.3 Firefighting

Subdivision activities must comply with Rule 9.3.3.

### 15.7.4 Minimum Site Size

1. The minimum site size for new resultant sites is:

| Zone | | Minimum site size |
|---|---|---|
| a. | General Residential 1 Zone | 400m² |
| b. | General Residential 2 Zone<br>1. not within a **wastewater constraint mapped area**; or<br>2. within the **wastewater constraint mapped area** (Mosgiel) | 300m² |
| c. | General Residential 2 Zone within a **wastewater constraint mapped area**, except for the **wastewater constraint mapped area** (Mosgiel) | 400m² |
| d. | Inner City Residential Zone | 200m² |
| e. | Low Density Residential Zone | 750m² |
| f. | Large Lot Residential Zone 1 | 2000m² |
| g. | Large Lot Residential Zone 2 | 3500m² |
| h. | Township and Settlement Zone not within a **no DCC reticulated wastewater mapped area** | 400m² |
| i. | Township and Settlement Zone within a **no DCC reticulated wastewater mapped area** | 1000m² |

j. Except the following are exempt from the minimum site size:
   i. resultant sites created and used solely for the following purposes:
      1. Scheduled ASBV or QEII covenant;
      2. reserve;
      3. access;
      4. utility;
      5. road; or

   X. a resultant site in any residential zone (except within a **no DCC reticulated wastewater mapped area**):

      1. that will contain at least one residential building for which a code compliance certificate or building permit has been issued (that was not established as a family flat or ancillary residential unit) prior to certification of the survey plan pursuant to section 223 of the RMA; and
      2. that is of a size and shape that means the residential building is able to meet all the relevant land use and development performance standards as if it was new.

X. Minimum site size includes access legs for subdivision of sites up to 1200m² in the General Residential 1 Zone and Township and Settlement Zone (not within a **no DCC reticulated wastewater mapped area**) and for subdivision of all sites in other zones, but excludes access legs in all other cases.

2. General subdivision that contravenes the standard for minimum site size is non-complying, except in the following circumstances where the subdivision is restricted discretionary:

   X. subdivision as described in Rule 15.7.4.1.j.X.1 that does not meet the conditions in Rule 15.7.4.1.j.X.2; and

   Y. a subdivision of a proposed multi-unit development which has an approved land use consent but the development has not been established, or land use consent is sought under Rule 15.3.4.5 concurrently with

the subdivision application, and the standard residential activity complies with the density performance standard (Rule 15.5.2); and

a. a subdivision where:
   i. any resultant site is below the minimum site size but not less than 75% of the minimum site size;
   ii. the average of the site sizes (excluding any sites that will be used solely for road, access, utility or reserve) meets the minimum site size in Rule 15.7.4.1;
   iii. the subdivision does not result in any resultant site being of a size that could be further subdivided in accordance with the minimum site size performance standards,except as provided for in Rule 15.7.4.1.j.X; and
   iv. all resultant sites that are below the minimum site size (excluding any sites that will be used solely for road, access, utility or reserve) are large enough to contain a building platform of at least 7m by 10m that meets the performance standards of this Plan including, but not limited to:
      1. outdoor living space;
      2. minimum mobility car parking;
      3. setbacks from boundaries, water bodies, significant trees, National Grid transmission lines;
      4. esplanade reserves and strips; and
      5. maximum building site coverage and impermeable surfaces.

b. NA

c. NA

**Note 15.7.4A - Other relevant District Plan provisions**

1. Note that Rule 15.3.4.3 requires restricted discretionary resource consent for new buildings and additions and alterations that result in a multi-unit development. Landowners undertaking subdivision may wish to apply for subdivision and land use consent simultaneously if three or more units are proposed in a development.

### 15.7.5 Service Connections

Subdivision activities must comply with Rule 9.3.7.

### 15.7.6 Shape

1. Each resultant site that is intended to be developed must be of a size and shape that is large enough to contain a building platform of at least 7m by 10m that meets the performance standards of this Plan including, but not limited to:
   a. outdoor living space;
   b. NA;
   c. setbacks from boundaries, water bodies, scheduled trees; and
   d. esplanade reserves or strips.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must:
   a. not contain scheduled heritage buildings or scheduled heritage structures; or
   b. not contain right-of-way easements.
   c. NA.
3. For unreticulated areas, resultant sites must provide for a wastewater disposal area to be located at least

50m from any water body and Mean High Water Springs.

4. Sites created and used solely for the following purposes are exempt from the shape standard:
   a. Scheduled ASBV or QEII covenant;
   b. reserve;
   c. access;
   d. network utility; or
   e. road.

5. Subdivision activities that do not meet this standard are restricted discretionary activities.

### 15.7.X Setback from National Grid (Subdivision Activities)

Subdivision activities must comply with Rule 5.6.1.X.

### 15.7.Y Minimum Landscaping

1. In the **Variation 2 mapped area**, any resultant site which contains an existing residential building with one or more residential units must provide 20% of the site area or 30m² (whichever is the greater) as minimum landscaping that is to be located and landscaped in a way that meets the following requirements:
   a. every resultant site larger than 250m² must include a minimum of 1 tree per 250m² of site area from the Appendix 10A.3 Important Native Tree List or the DCC Native Planting Guide – Dunedin Hillslopes Forest Species List (DCC, 2021). The required tree/s must be:
      i. at least 2m high at the time of planting and capable of growing to a minimum of 3m high; and
      ii. setback a minimum of 2.5m from all boundaries;
   b. where the site adjoins a road, at least 50% of the land within the road boundary setback must be planted with trees, shrubs or groundcover species that are native to New Zealand (it may not be managed as lawn) except, where more than 50% of the land within the road boundary setback is occupied by driveways, buildings or impermeable surfaces that were lawfully established prior to 31 May 2022, 75% of the remaining area of permeable surface within the road boundary setback must be planted with trees, shrubs or groundcover species that are native to New Zealand (it may not be managed as lawn); and
   c. all trees and landscaping required by this rule must be maintained and if dead, diseased or damaged, must be replaced.
   d. For the sake of clarity, existing native plants that meet the requirements of this rule will be counted towards meeting the rule (mature native trees that are retained on site do not need to meet the setback for boundaries).

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

## Rule 15.8 Structure Plan Mapped Area Performance Standards

### 15.8.1

Subdivision of land in a **structure plan mapped area** must be in accordance with the relevant **structure plan mapped area** performance standards.

### 15.8.2

Development activities in a **structure plan mapped area** must be designed and located to ensure all of the requirements of the **structure plan mapped area** performance standards can be met.

### 15.8.3 East Taieri Structure Plan Mapped Area Performance Standards

15.8.3.1 Subdivision

a. Transport network
   i. Access links to Gladstone Road, Riccarton Road, and Cemetery Road must be provided for full development of the site to occur.
   ii. The legal road width of a collector road must be a minimum of 20m wide, including footpaths 2m wide, and cycle lanes 1.5m wide.
   iii. The legal road width of a local road must be a minimum of 16m wide, including footpaths a minimum 1.5m wide.

b. Reserve
   i. A 4000m² recreation reserve must be provided within the region marked 'Area A' on the structure plan. The reserve is to have road frontages of at least 20m, and the detailed location of this reserve must be shown in a resource consent application for subdivision of land in the area and vest in Council accordingly.

15.8.3.2 Density

Up to 20% of the land used for residential purposes within the region marked "Area A", may be developed at a density of one residential unit per 300m².

15.8.3.3 Development requirements or conditions of subdivision consent

a. Stormwater network
   i. On-site stormwater systems (retention/detention and secondary flowpaths, etc.) must be designed for 1 in 100 (1%) annual exceedance probability event. A stormwater retention/detention pond to service the **East Taieri structure plan mapped area** (see Figure 15.8.3A) must be established in the general location of the area marked "detention area" on the structure plan and developed to the satisfaction of Council.
   ii. Local stormwater reticulation systems must be designed for a 1 in 10 (10%) annual exceedance probability event.
   iii. Development within the 'specified floor level' area shown on the structure plan is to be designed to adequately address potential flooding issues, with finished floor levels for dwellings above the 1:50 year flood level in accordance with the NZ Building Code.

b. Reserve
   i. The reserve must have a consistent boundary treatment where it adjoins residential properties, installed by the developer prior to vesting in Council. The reserve must be flattened and grassed to a standard that can be cut with a ride-on mower, and free of buildings, tree stumps, or other obstacles, prior to vesting in Council.

15.8.3.4 Information requirements

a. Subdivision applications must include an Integrated Traffic Assessment (ITA) (refer Rule 6.14.2).
b. Subdivision applications must include information outlining:
   i. the techniques to be used to manage stormwater, and the location and extent to which these techniques are accommodated on-site; and
   ii. how the integrity of the stormwater mitigation and management measures will not be compromised during and after subdivision; and
   iii. a maintenance plan for stormwater infrastructure, including actions to be taken to ensure the on-going management and maintenance of on-site mitigation measures and the responsibilities for this; and

iv. design details highlighting the adequacy of the proposed measures and identifying areas of greatest risk; and

v. how subdivision within the 'specified floor level' area shown on the structure plan is to be designed to adequately address potential flooding issues.

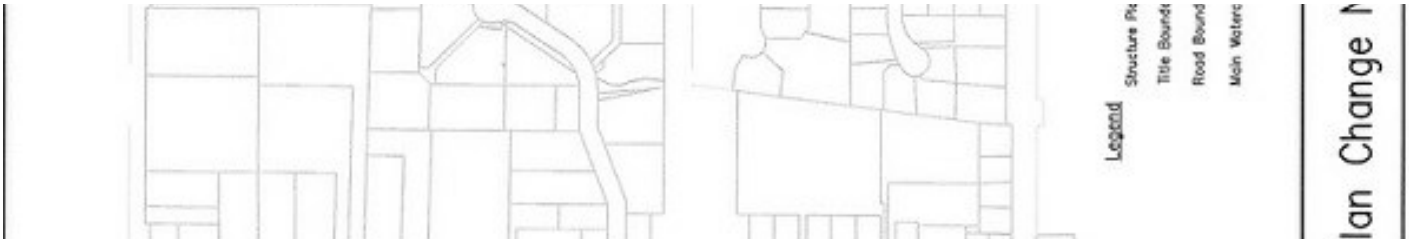
15.8.3.5

In the case of conflict with performance standards 15.5 to 15.7 the rules in this performance standard apply.

15.8.3.6

Activities that contravene this performance standard are a non-complying activity.

Figure 15.8.3A: East Taieri structure plan



## 15.8.4 Formby Street Structure Plan Mapped Area Performance Standards

15.8.4.1 Subdivision

a. Wastewater network
   i. Proprietary wastewater treatment facility must be established in the area marked "wastewater treatment area" on the Formby Street structure plan (see Figure 15.8.4A).

b. Transport network
   i. A public pedestrian accessway with a minimum width of 1.5m must be established along the "possible 1.5m footpath" line marked on the Formby Street structure plan (see Figure 15.8.4A).
   ii. The legal road width of the two cul-de-sacs must be at least 16m, with a footpath on at least one side of each of the cul-de-sacs.

c. New buildings and structures, and additions and alterations, on Lots 1-10 must have a minimum set back from the side or rear boundary (as relevant) on the eastern site boundary, of 10m.

d. The maximum height for new buildings and structures, and additions and alterations above ground level on Lots 1-10 is 6m.

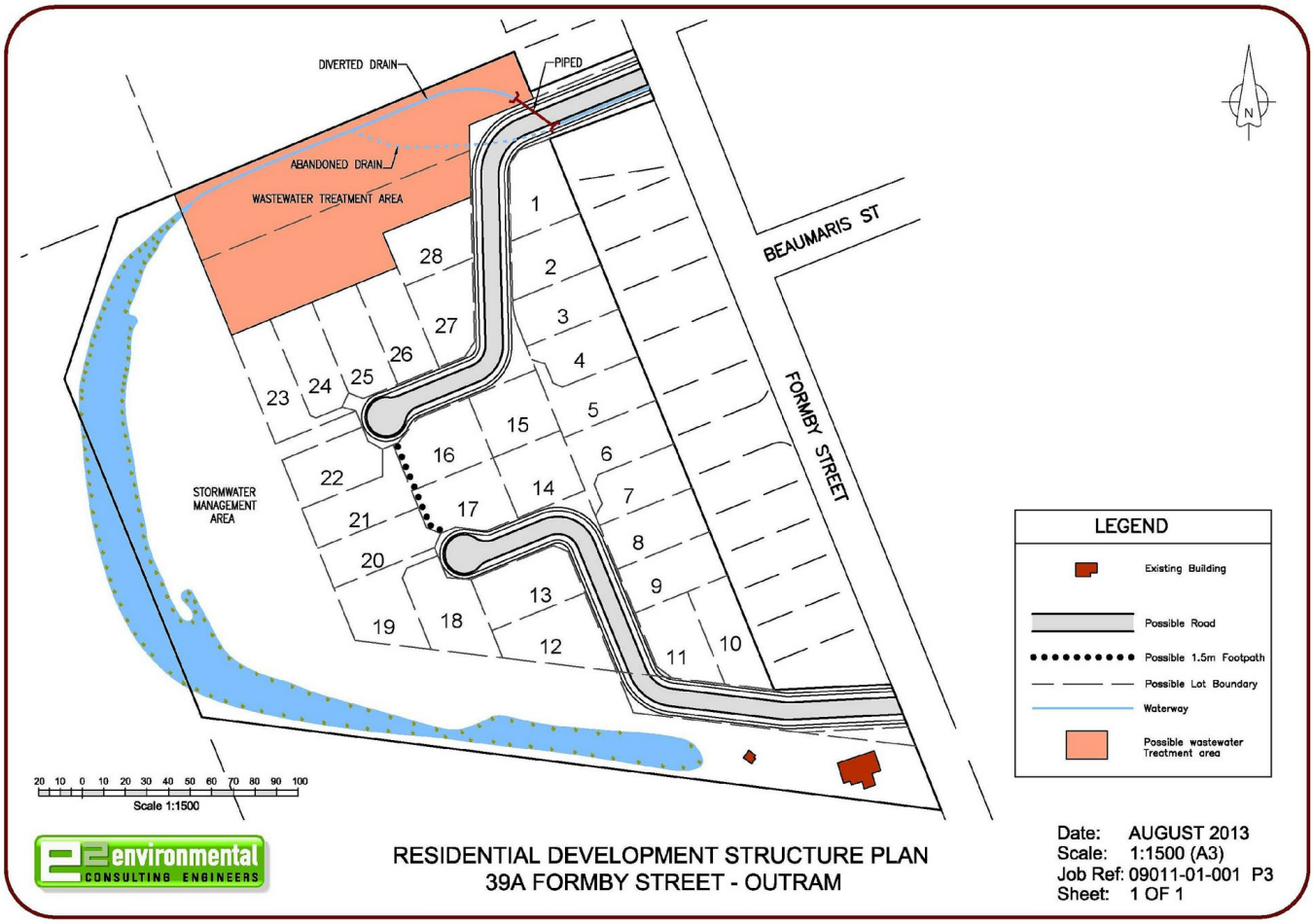
15.8.4.2

In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply.

15.8.4.3

Activities that contravene this performance standard are a non-complying activity.

Figure 15.8.4A: Formby Street structure plan




## 15.8.5 Mosgiel East Structure Plan Mapped Area Performance Standards

### 15.8.5.1 Subdivision

a. Transport network
   i. Access points for roads must be provided as indicated in the Mosgiel East structure plan (see Figure 15.8.5A).
   ii. The legal width of a collector road must be a minimum of 20m wide, including footpaths of a minimum 2m wide, and cycle lanes 1.5m wide.
   iii. The legal width of a local road must be a minimum of 16m wide, including footpaths a minimum 1.5m wide.

b. Stormwater network
   i. The rate of stormwater discharge to the Silverstream must remain equal to or less than that of pre-development up to the 1 in 100 (1%) annual exceedance probability event.

### 15.8.5.2 Development requirement or condition of subdivision consent

a. Stormwater network
   i. Local stormwater reticulation systems must be designed for a 1 in 10 (10%) annual exceedance probability event.
   ii. On-site stormwater systems (retention/detention and secondary flowpaths, etc.) must be designed for 1 in 100 (1%) annual exceedance probability event. Stormwater retention/detention measures must be

provided on-site as part of the overall development.

iii. There must be no individual discharge of stormwater to the Silverstream or Owhiro Stream.

15.8.5.3 Information requirements

a. Subdivision and land use applications must include information outlining:
   i. the techniques to be used to manage stormwater and the extent to which these techniques are accommodated on-site; and
   ii. how the integrity of the stormwater mitigation and management measures will not be compromised during and after a subdivision; and
   iii. a maintenance plan for stormwater infrastructure, including actions to be taken to ensure the on-going management and maintenance of on-site mitigation measures and the responsibilities for this; and
   iv. design details highlighting the adequacy of the proposed measures and identifying areas of greatest risk.

15.8.5.4

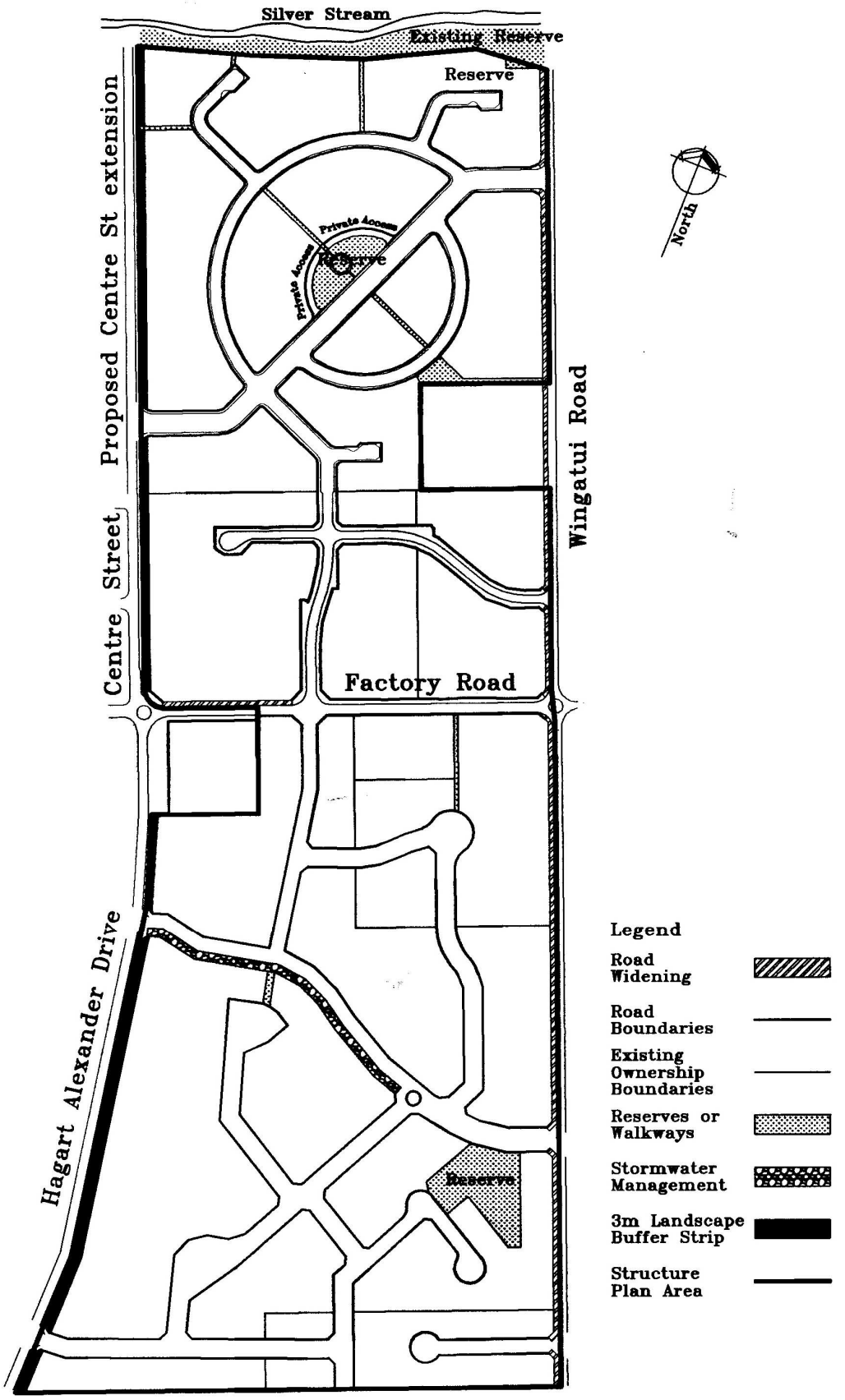
In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply.

15.8.5.5

Activities that contravene this performance standard are a non-complying activity.

Figure 15.8.5A: Mosgiel East structure plan

# MOSGIEL EAST STRUCTURE PLAN



## 15.8.6 Holyhead Street Structure Plan Mapped Area Performance Standards

15.8.6.1 Subdivision

a. Staging: the subdivision may be staged with the first stage comprising some or all of lots 1-8 (inclusive), 17, 18, 24, 25 and 30 as shown on the Holyhead Street structure plan (see Figure 15.8.6A).

b. Vehicle access to the resultant sites must be as follows:
   i. Lots 1-4 from Montfort Street (State Highway 87);
   ii. Lots 5-7 from Montfort Street (State Highway 87) via access Lot 30;
   iii. Lots, 8, 24, and 25 initially from Montfort Street (State Highway 87) via access Lot 30, but from Holyhead Street via lot 29 once Lot 29 is formed; and
   iv. All other lots via Holyhead Street directly, or Holyhead Street via Lot 29.

15.8.6.2 Development requirement or condition of subdivision consent

a. Vehicle access
   i. Lot 29 must be formed as an access road either once all of Lots 1-8 (inclusive), 24 and 25 have residential development established on them, or before any residential development is established on any of Lots 9-16 (inclusive) or any of Lots 19-23 (inclusive).

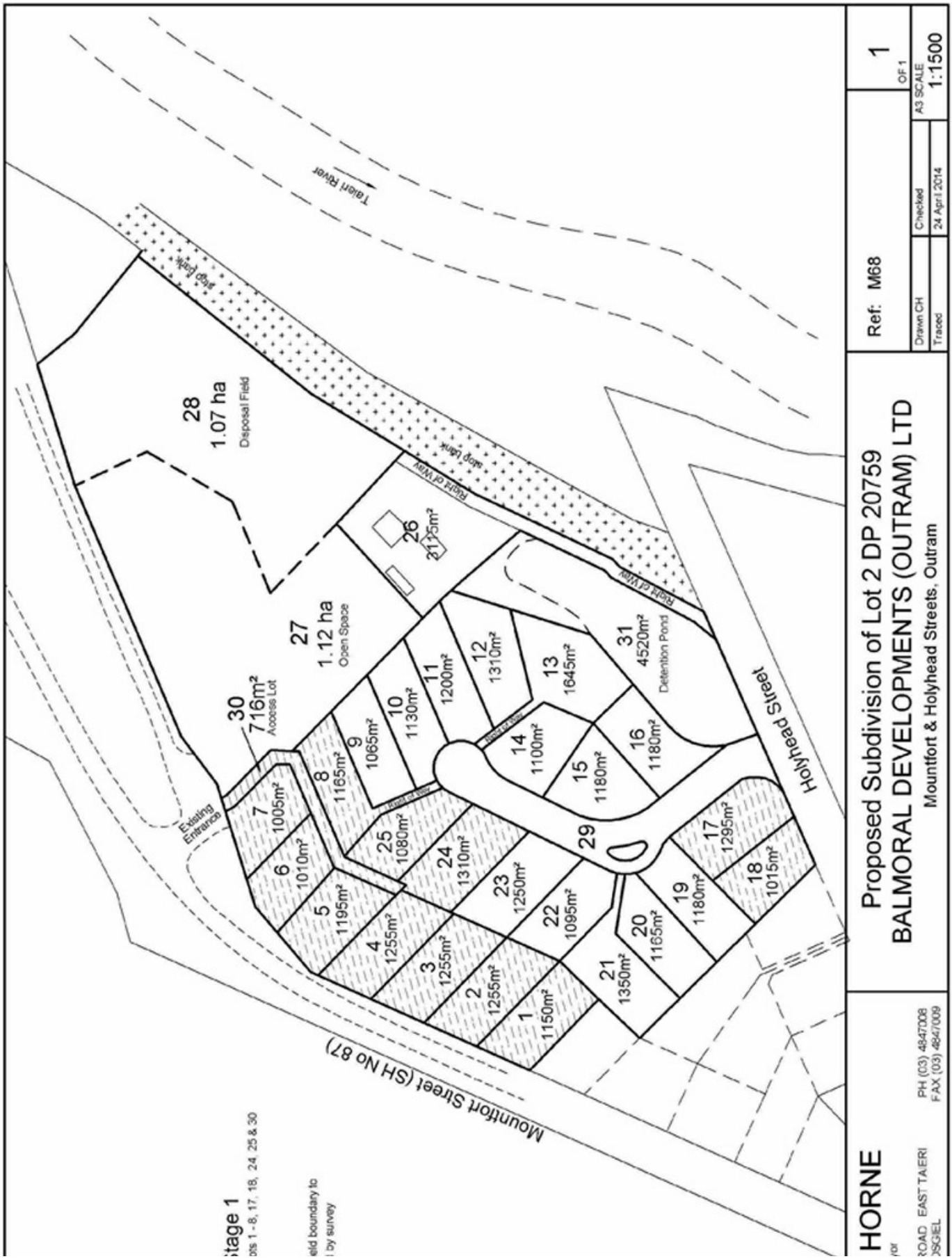
15.8.6.3

In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply.

15.8.6.4

Activities that contravene this performance standard are a non-complying activity.

Figure 15.8.6A: Holyhead Street structure plan



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Registered Surve
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P.O. BOX 56 MC

### 15.8.7 Patmos Avenue Structure Plan Mapped Area Performance Standards

1. Vehicle access must not be provided through the part of 28 Patmos Avenue that is outside the **Patmos Avenue structure plan mapped area** (see Figure 15.8.7A).
2. The minimum site size for new resultant sites in the area marked A on the Patmos Avenue structure plan (see Figure 15.8.7A) is 1,000m².
3. The minimum site size for new resultant sites in the area marked B on the Patmos Avenue structure plan (see Figure 15.8.7A) is 2,000m².
4. Construction of dwellings must not take place until all roading, stormwater, wastewater and water supply infrastructure is in place for that stage of the development, and connections to future stages, and adjoining sites, are provided for.
5. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply.
6. Subdivision, land use and development activities that contravene this performance standard are a non-complying activity.

Figure 15.8.7A: Patmos Avenue structure plan

### 15.8.8 Torquay Street Structure Plan Mapped Area Performance Standards

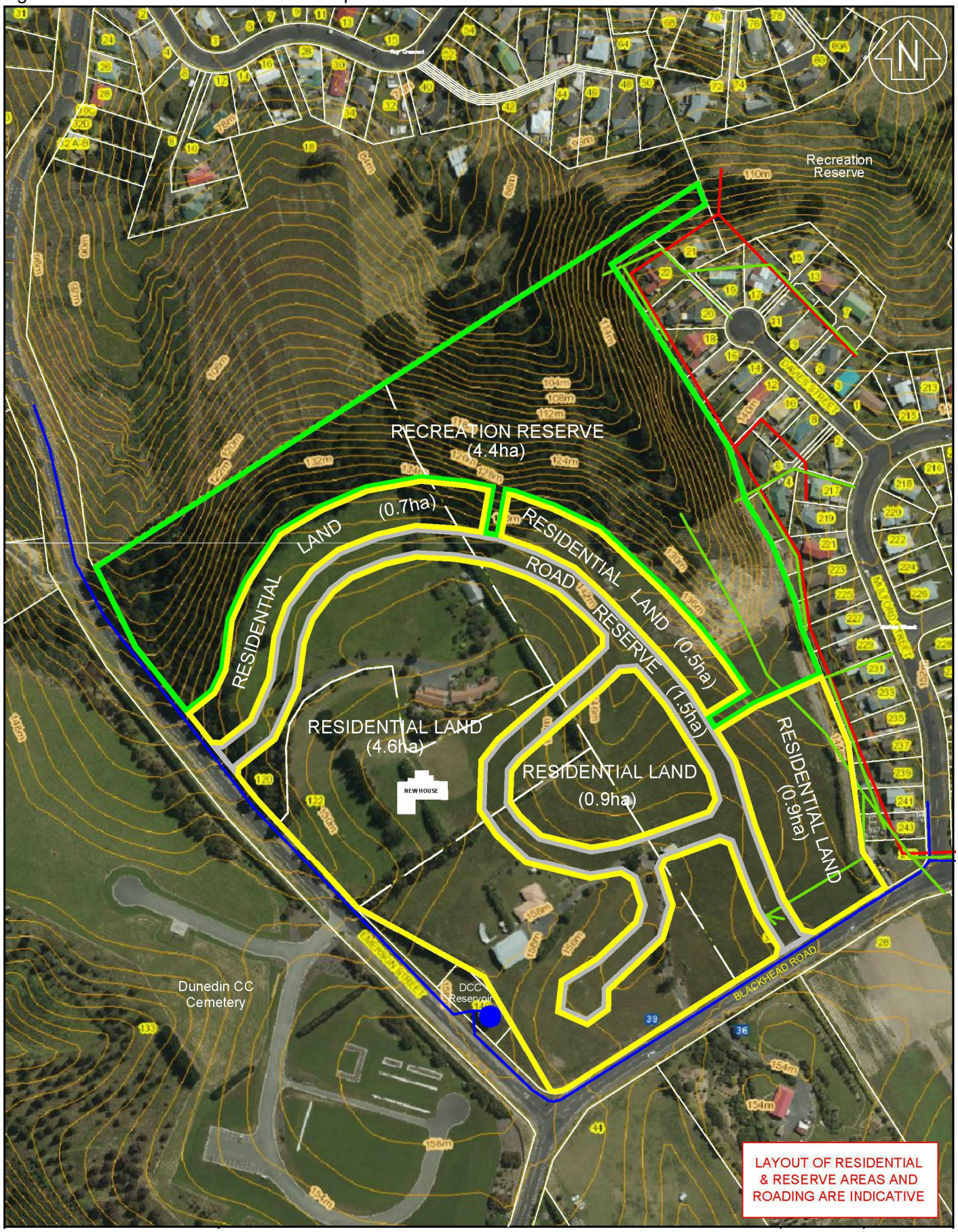
1. 'Lot 100' as shown in the Torquay Street structure plan (see Figure 15.8.8A) may not be subdivided from the residential dwelling marked 'existing dwelling'.
2. No dwelling may be constructed in Areas A or B as shown on the Torquay Street structure plan (see Figure 15.8.8A).
3. Construction of dwellings must not take place until:
   a. all roading, stormwater, wastewater and water supply infrastructure is in place for that stage of the development, and connections to future stages, and adjoining sites, are provided for; and
   b. the public pathway shown in the Torquay Street structure plan (see Figure 15.8.8A) is constructed.
4. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply.
5. Activities that contravene this performance standard are a non-complying activity.

Figure 15.8.8A: Torquay Street structure plan

### 15.8.9 Emerson Street Structure Plan Mapped Area Performance Standards

1. The layout of any subdivision must include provision for vehicle access to Mulford Park recreation reserve for maintenance purposes.
2. The layout of any subdivision must provide for roading access to 18 Roy Crescent.
3. Construction of dwellings must not take place until all roading, stormwater, wastewater and water supply infrastructure is in place for that stage of the development, and connections to future stages, and adjoining sites, are provided for.
4. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply.
5. Activities that contravene this performance standard are a non-complying activity.

Figure 15.8.9A: Emerson Street structure plan



## 15.8.10 North Road Structure Plan Mapped Area Performance Standards

X. In addition to the performance standards in 15.5, 15.6 and 15.7, activities in the **North Road structure plan mapped area** must meet the area-specific performance standards below. Where a performance standard in this section specifically provides an exemption or alternative performance standard to a standard in 15.5, 15.6, or 15.7, the standard in this section supersedes that standard.

15.8.10.Y Development of performance standards

a. Timing of construction
   i. Construction of dwellings must not take place until all roading, stormwater, wastewater and water supply infrastructure is in place for that stage of the development, and connections to future stages, and adjoining sites, are provided for.
   ii. Activities that contravene this performance standard are non-complying activities.

b. Vegetation clearance
   i. Indigenous vegetation clearance must not occur in the area of indigenous vegetation marked "Restricted development area (biodiversity)" in Figure 15.8.10X.
   ii. The following types of indigenous vegetation clearance are exempt from Rule 15.8.10.Y.b.i, indigenous vegetation clearance that is:
      1. part of conservation activity involving vegetation clearance and replacement with indigenous species;
      2. clearance for the maintenance of fences (including gates), provided:
         1. any fence posts are located outside of the dripline of mature indigenous trees listed in Appendix 10A.3; and
         2. the erection of new fences does not damage:
            1. specimens of threatened plant species listed in Appendix 10A.1;
            2. important breeding, refuge, feeding or resting sites for indigenous fauna listed in Appendix 10A.2; or
            3. mature indigenous trees listed in Appendix 10A.3.
      3. clearance for the maintenance (but not extension) of existing network utilities, irrigation infrastructure, tracks, drains, structures, roads, or firebreaks;
      4. clearance that is consistent with or provided for as part of a conservation management strategy, conservation management plan, reserve management plan or covenant established under the Conservation Act 1987 or any other Act specified in the First Schedule of the Conservation Act 1987;
      5. clearance that is required to remove material infected by unwanted organisms as declared by Ministry for Primary Industries' Chief Technical Officer, or to respond to an emergency declared by the Minister for Primary Industries under the Biosecurity Act 1993;
      6. clearance of a pest plant listed in Appendix 10B to Section 10 of the Plan;
      7. clearance that is necessary to maintain the flow of water free from obstruction or for natural hazard mitigation activities;
      8. clearance of non-indigenous plant species and replanting within 3 months with indigenous or non-indigenous plant species, not on the pest plant list in Appendix 10B to Section 10 of the Plan, that will attain at least the same height and coverage as the plants that have been cleared.
   iii. Activities that contravene this performance standard are non-complying activities.

15.8.10.Z Subdivision performance standards

a. Access
Subdivision activities must provide for the following:

i. A road to connect Norwood Street and North Road.

ii. A minimum of two roading connection points from the structure plan mapped area onto North Road. Note: additional connections may be required, subject to the results of the Integrated Transport Assessment referred to at Rule 15.8.10.AA.b.

iii. The Norwood Street legal road corridor must be widened along the full length of the frontage of the structure plan mapped area onto Norwood Street, to a minimum of 16m and both sides of this section of Norwood Street must be upgraded in accordance with Table 3.1R of the Dunedin Code of Subdivision and Development.

iv. A footpath must be constructed along the entire length of the frontage of the structure plan mapped area onto North Road (including a linkage across the frontages of 633 and 649 North Road). This footpath may be constructed in stages but must match the development of the subdivision along North Road at all times.

v. Subdivision activities that contravene this performance standard are non-complying activities.

### 15.8.10.AA Information requirements

a. Natural hazards

i. Applications for subdivision activities within the structure plan mapped area must include a geotechnical investigation report by a suitably qualified geotechnical consultant. This assessment should examine the ground stability over the whole mapped area and identify areas suitable for residential development and, if required, suitable building platforms. This assessment must be prepared and submitted to Council for approval prior to, or as part of, the resource consent application for the first stage of any subdivision.

For the sake of clarity, the standard assessment matters in Rule 11.5.2 still apply.

b. Transportation

i. Prior to any subdivision of the structure plan mapped area, an Integrated Transport Assessment (ITA) for the whole mapped area must be prepared and submitted to Council for approval prior to, or as part of, the resource consent application for the first stage. The ITA must include, but is not limited to, the following matters (see further information on the content of ITAs in Rule 6.14.2):

1. The appropriate number and location of intersections onto North Road. This will also need to assess the sight distances at any new intersections to ensure compliance with Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections (www.austroads.com.au).

2. An assessment of driveway locations (existing and new), including proximity to intersections.

3. An assessment of streetlighting on North Road.

4. An assessment of the full length of Norwood Street and whether any improvements are deemed necessary to support the development for all modes of transportation, in addition to those specified in Rule 15.8.10.Z.a.iii. This may include footpath extensions and/or installation of safe crossing points. This assessment will also need to include the intersection of North Road and Norwood Street.

5. Consideration of internal roading design, layout, and connection points to the existing transportation network for all modes of transport (including cyclists) in accordance with the Dunedin Code of Subdivision and Development 2010.

6. Consideration of appropriate design measures to encourage traffic generated by the subdivision to use North Road rather than Norwood Street.

7. Consideration of potential linkages to Cottle Street and if these are appropriate.

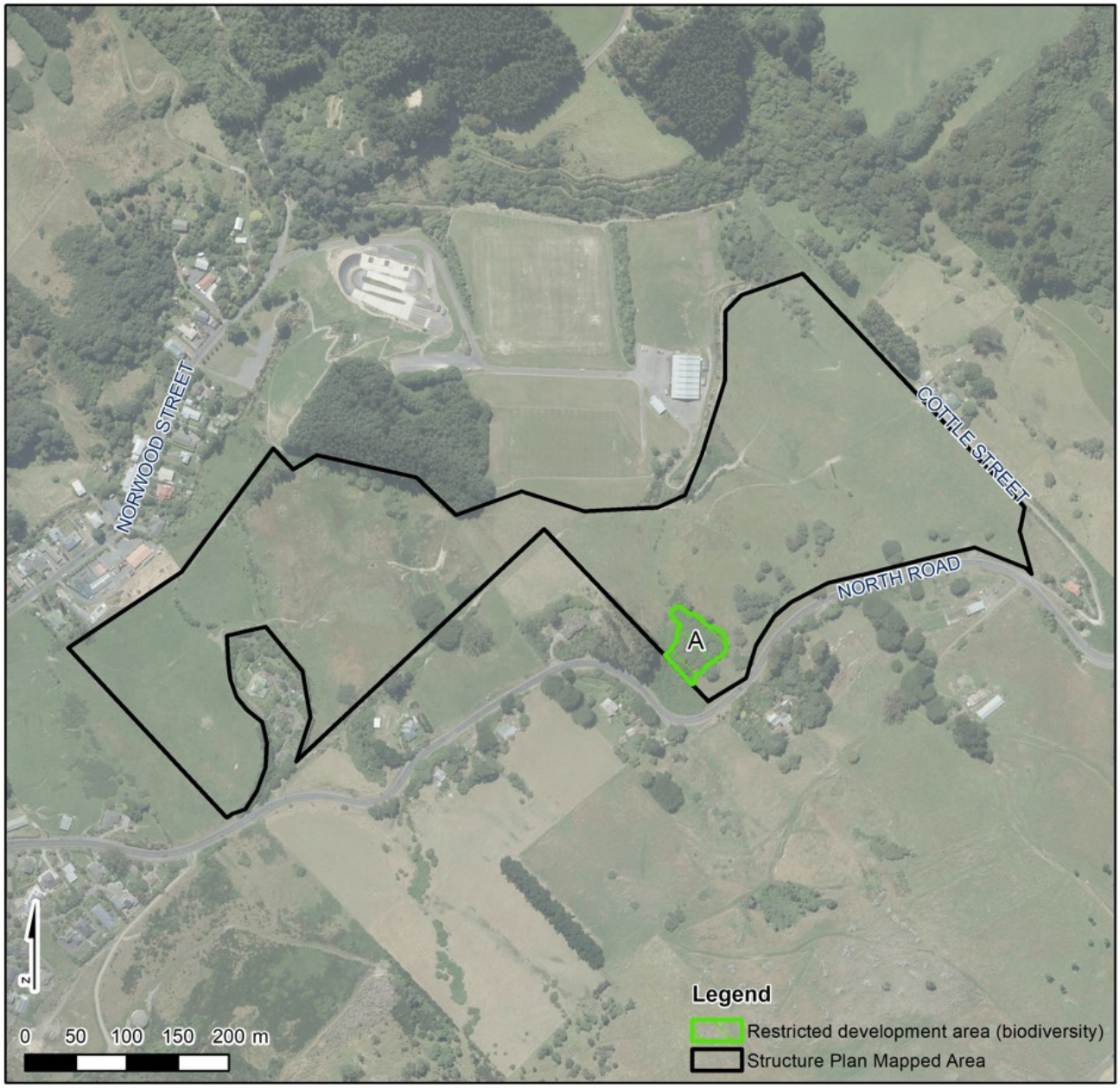
For the sake of clarity, the standard assessment matters in Rule 6.11.2 still apply.

c. Amenity tree planting and public amenities

i. Prior to any subdivision application of the structure plan mapped area, the applicant must provide a proposal, which covers the whole mapped area, for areas of amenity tree planting (including, but not limited to, street trees) and public amenities. This proposal must be prepared and submitted to Council for approval prior to, or as part of, the resource consent application for the first stage of any subdivision.

For the sake of clarity, the standard assessment matters in Rule 15.11.4 still apply.

Figure 15.8.10X: North Road structure plan



## 15.8.11 Bradford Structure Plan Mapped Area Performance Standards

1. The layout of any subdivision must provide for:
   a. pedestrian access from Glenelg Street through to Bradford School; and
   b. vehicle access between Ronay Street and Bradford Street.
2. Construction of dwellings must not take place until all roading, stormwater, wastewater and water supply infrastructure is in place for that stage of the development, and connections to future stages, and adjoining sites, are provided for.
3. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply.
4. Activities that contravene this performance standard are a non-complying activity.

Figure 15.8.11A: Bradford structure plan

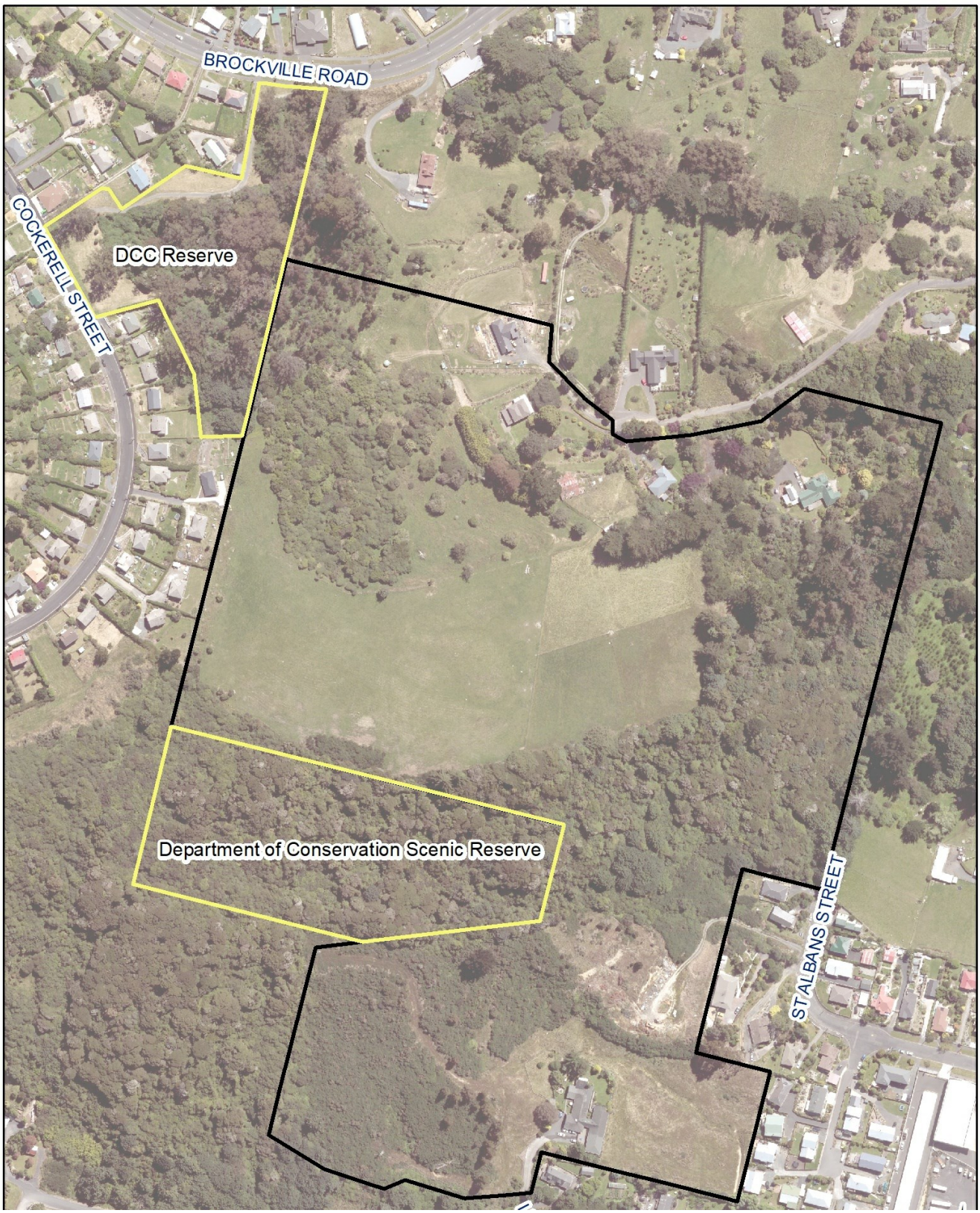
## 15.8.12 St Albans Street Structure Plan Mapped Area Performance Standards

1. The layout of any subdivision must provide for:
   a. pedestrian access to the Department of Conservation reserve at PT Sec 121 Lixmont Street;
   b. pedestrian access to the DCC Reserve at 79 Cockerell Street, to enable access to Brockville Road; and
   c. vehicle access between Lixmont Street, St Albans Street and Ettrick Street.
2. Construction of dwellings must not take place until all roading, stormwater, wastewater and water supply infrastructure is in place for that stage of the development and connections to future stages, and adjoining

sites, are provided for.

3. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply.
4. Activities that contravene this performance standard are a non-complying activity.

Figure 15.8.12A: St Albans Street structure plan



### 15.8.13 Westacott Heights Structure Plan Mapped Area Performance Standards

1. All sites in Area Z on the Westacott Heights structure plan (see Figure 15.8.13A) must have access via a road or private way (shared driveway) from Taieri Road.

2. All sites in Area Y on the Westacott Heights structure plan (see Figure 15.8.13A) must have access via a road or private way (shared driveway) from Dalziel Road, except that a site with a boundary adjoining Dalziel Road may access directly onto Dalziel Road.

X. All sites in Area X on the Westacott Heights structure plan (see Figure 15.8.13A) must have access via a road or private way (shared driveway) from Taieri Road by 21 October 2023 but until then may have access only via a road or private way (shared driveway) from Dalziel Road.

Y. Within the hatched area on the Westacott Heights structure plan (see Figure 15.8.13A) (Lot 2 DP 534910), a maximum of seven sites with a minimum site size of 1,800m² are allowed.

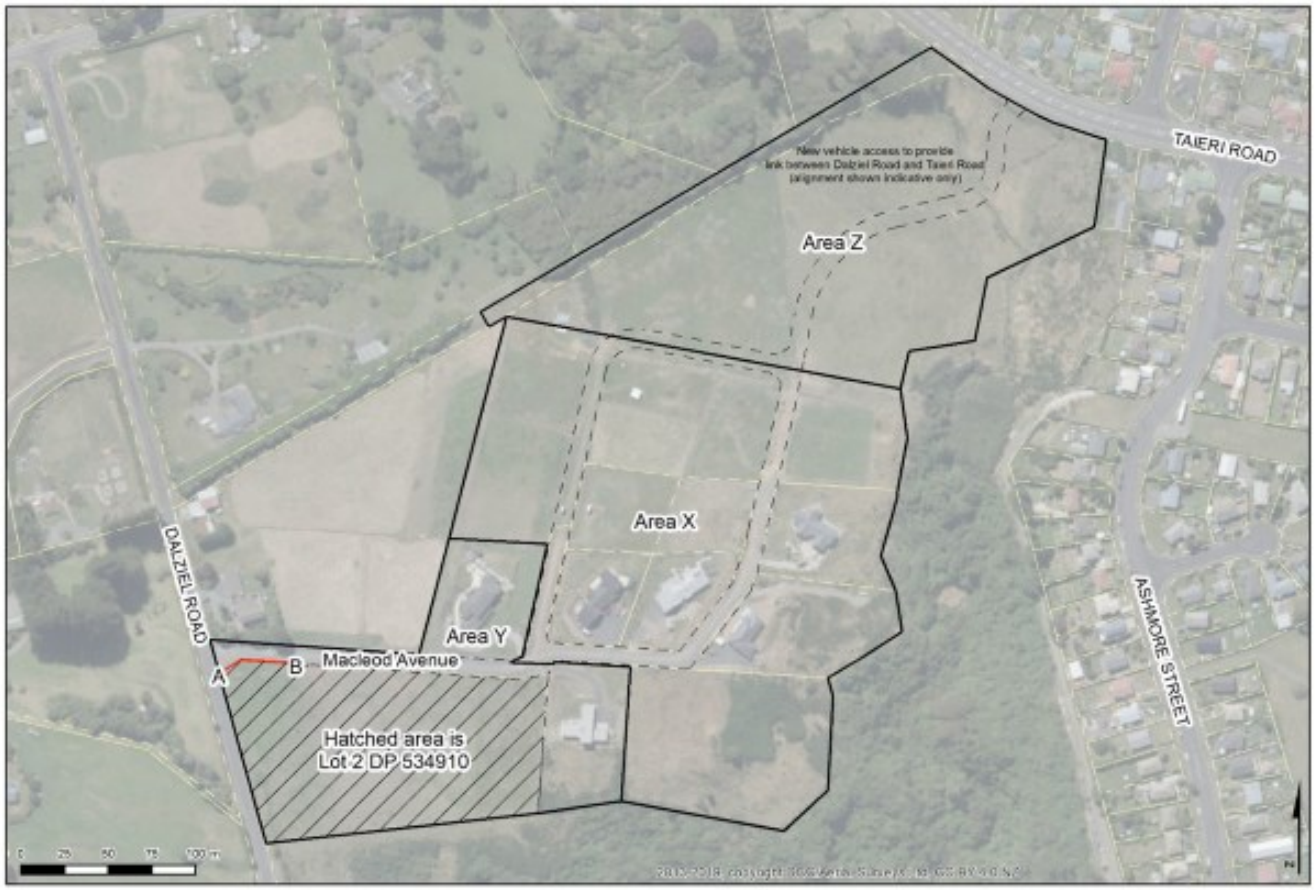
Z. Only one site, apart from the access allotment, may have a boundary adjoining Dalziel Road, and that site must have a minimum frontage onto Macleod Avenue of 47.5m, as shown as A-B on the Westacott Heights structure plan (see Figure 15.8.13A).

3. Construction of dwellings must not take place until all roading, stormwater, wastewater and water supply infrastructure is in place for that stage of the development and connections to future stages, and adjoining sites, are provided for.

4. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply.

5. Activities that contravene this performance standard are a non-complying activity.

Figure 15.8.13A: Westacott Heights structure plan


New vehicle access to provide link between Dalziel Road and Taieri Road (alignment shown indicative only)
TAIERI ROAD
Area Z
Area X
Area Y
DALZIEL ROAD
A
B
Macleod Avenue
Hatched area is Lot 2 DP 534910
ASHMORE STREET

## 15.8.Y Sunnyvale Structure Plan Mapped Area Performance Standards - to be added {Change GF05}

15.8.Y.1 Natural Hazards

a. Applications for subdivision activities in the area shown hatched red on the Sunnyvale structure plan and labelled 'Restricted Development Area (Hazard)' (see Figure 15.8.YA) must include a comprehensive geotechnical investigation report by a suitably qualified geotechnical consultant. The geotechnical report must examine the ground stability over the entire area and identify areas suitable for residential development and, if required, suitable building platforms.

b. Until such time that new certificates of title for allotments have been issued in accordance with rule 15.8.Y.1.a above, residential activities, buildings and structures activities, new roads or additions or alterations to existing roads, and earthworks must not be located in the area shown hatched red on the Sunnyvale structure plan and labelled 'Restricted Development Area (Hazard)'. ***{Change GF05}***

15.8.Y.2

In the case of conflict with performance standards 15.5 to 15.7 the rules in this performance standard apply. ***{Change GF05}***

15.8.Y.3

Activities that contravene this performance standard are a discretionary activity. ***{Change GF05}***

Figure 15.8.YA: Sunnyvale structure plan ***{Change GF05}***

## 15.8.Z Kaikorai Valley Road Structure Plan Mapped Area Performance Standards

15.8.Z.1 Natural Hazards

a. Applications for subdivision activities in the area shown hatched red on the Kaikorai Valley Road structure plan and labelled 'Restricted Development Area (Hazard)' (see Figure 15.8.ZA) must include a comprehensive geotechnical investigation report by a suitably qualified geotechnical consultant. The geotechnical report must examine the ground stability over the entire area and identify areas suitable for residential development and, if required, suitable building platforms.

b. Until such time that new certificates of title for allotments have been issued in accordance with rule 15.8.Z.1.a above, residential activities, buildings and structures activities, new roads or additions or alterations to existing roads, and earthworks must not be located in the area shown hatched red on the Kaikorai Valley Road structure plan and labelled 'Restricted Development Area (Hazard)'.

15.8.Z.2

In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply.

15.8.Z.3

Activities that contravene this performance standard are a discretionary activity.

15.8.Z.4

a. The layout of any subdivision must not provide any through road connection for motor vehicles between Kaikorai Valley Road and Northview Crescent.

b. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply.

c. Activities that contravene this performance standard are a non-complying activity.

Figure 15.8.ZA: Kaikorai Valley Road structure plan

## 15.8.AA Honeystone Street Structure Plan Mapped Area Performance Standards - to be added {Change GF10}

15.8.AA.1 Indigenous vegetation clearance

a. Indigenous vegetation clearance must not occur within 5m of the water body that is identified on the Honeystone Street structure plan and labelled 'Water Body' (see Figure 15.8.AAA), except for the construction of a crossing point for a single accessway to the part of the **structure plan mapped area** that is on the northern side of the water body. Note the location of the water body on the map is indicative only. This setback must be measured from the bank of the water body at the point of its annual fullest flow or annual highest level without overtopping its bank (see Figure 10.3.3A and Figure 10.3.3B under Rule 10.3.3 Setback from Coast and Water Bodies).

b. Indigenous vegetation clearance must not occur within the area shown hatched green on the Honeystone Street structure plan and labelled 'Restricted Development Area (Biodiversity)'.

c. The following types of indigenous vegetation clearance are exempt from rules 15.8.AA.1.a and 15.8.AA.1.b, indigenous vegetation clearance that is:

   i. part of conservation activity involving vegetation clearance and replacement with indigenous species;

   ii. clearance for the maintenance of fences (including gates), provided:

1. any fence posts are located outside of the dripline of mature indigenous trees listed in Appendix 10A.3; and
2. the erection of new fences does not damage:
    1. specimens of threatened plant species listed in Appendix 10A.1;
    2. important breeding, refuge, feeding or resting sites for indigenous fauna listed in Appendix 10A.2; or
    3. mature indigenous trees listed in Appendix 10A.3.

iii. clearance for the maintenance (but not extension) of existing network utilities, irrigation infrastructure, tracks, drains, structures, roads, or firebreaks;

iv. clearance that is consistent with or provided for as part of a conservation management strategy, conservation management plan, reserve management plan or covenant established under the Conservation Act 1987 or any other Act specified in the First Schedule of the Conservation Act 1987;

v. clearance that is required to remove material infected by unwanted organisms as declared by Ministry for Primary Industries' Chief Technical Officer, or to respond to an emergency declared by the Minister for Primary Industries under the Biosecurity Act 1993;

vi. clearance of a pest plant listed in Appendix 10B to Section 10 of the Plan;

vii. clearance that is necessary to maintain the flow of water free from obstruction or for natural hazard mitigation activities;

viii. clearance of non-indigenous plant species and replanting within 3 months with indigenous or non-indigenous plant species, not on the pest plant list in Appendix 10B to Section 10 of the Plan, that will attain at least the same height and coverage as the plants that have been cleared. ***{Change GF10}***

15.8.AA.2

In the case of conflict with performance standards 15.5 to 15.7 the rules in this performance standard apply. ***{Change GF10}***

15.8.AA.3

Activities that contravene this performance standard are a non-complying activity. ***{Change GF10}***

Figure 15.8.AAA: Honeystone Street structure plan ***{Change GF10}***

## 15.8.AB Main South Road, Concord Structure Plan Mapped Area Performance Standards - to be added {Change GF08}

15.8.AB.1 Indigenous vegetation clearance

a. Indigenous vegetation clearance must not occur within 5m of the water body that is identified on the Main South Road Concord structure plan and labelled 'Water Body' (see Figure 15.8.ABA). Note the location of the water body on the map is indicative only. This setback must be measured perpendicular from the bank of the water body at the point of its annual fullest flow or annual highest level without overtopping its bank.

b. The following types of indigenous vegetation clearance are exempt from Rule 15.8.AB.1.a, indigenous vegetation clearance that is:
   i. part of conservation activity involving vegetation clearance and replacement with indigenous species;
   ii. clearance for the maintenance of fences (including gates), provided:
      1. any fence posts are located outside of the dripline of mature indigenous trees listed in Appendix 10A.3; and
      2. the erection of new fences does not damage:
         1. specimens of threatened plant species listed in Appendix 10A.1;
         2. important breeding, refuge, feeding or resting sites for indigenous fauna listed in Appendix 10A.2; or
         3. mature indigenous trees listed in Appendix 10A.3.

iii. clearance for the maintenance (but not extension) of existing network utilities, irrigation infrastructure, tracks, drains, structures, roads, or firebreaks;

iv. clearance that is consistent with or provided for as part of a conservation management strategy, conservation management plan, reserve management plan or covenant established under the Conservation Act 1987 or any other Act specified in the First Schedule of the Conservation Act 1987;

v. clearance that is required to remove material infected by unwanted organisms as declared by Ministry for Primary Industries' Chief Technical Officer, or to respond to an emergency declared by the Minister for Primary Industries under the Biosecurity Act 1993;

vi. clearance of a pest plant listed in Appendix 10B to Section 10 of the Plan;

vii. clearance that is necessary to maintain the flow of water free from obstruction or for natural hazard mitigation activities;

viii. clearance of non-indigenous plant species and replanting within 3 months with indigenous or non-indigenous plant species, not on the pest plant list in Appendix 10B to Section 10 of the Plan, that will attain at least the same height and coverage as the plants that have been cleared. ***{Change GF08}***

15.8.AB.2

In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply. ***{Change GF08}***

15.8.AB.3

Activities that contravene this performance standard are a non-complying activity. ***{Change GF08}***

Figure 15.8.ABA: Main South Road Concord structure plan ***{Change GF08}***

## 15.8.AC Selwyn Street Structure Plan Mapped Area Performance Standards - to be added {Change RTZ2, was previously marked Change RTZ1 in error}

15.8.AC.1 Indigenous vegetation clearance

a. Indigenous vegetation clearance must not occur within the area shown hatched green on the Selwyn Street structure plan and labelled 'Restricted Development Area (Biodiversity)' (see Figure 15.8.ACA), except for indigenous vegetation clearance that is:

   i. clearance that is part of conservation activity involving vegetation clearance and replacement with indigenous species;

   ii. clearance for the maintenance of fences (including gates), provided:

      1. any fence posts are located outside of the dripline of mature indigenous trees listed in Appendix 10A.3; and

      2. the erection of new fences does not damage:

         1. specimens of threatened plant species listed in Appendix 10A.1;

         2. important breeding, refuge, feeding or resting sites for indigenous fauna listed in Appendix 10A.2; or

         3. mature indigenous trees listed in Appendix 10A.3;

   iii. clearance for the maintenance (but not extension) of existing network utilities, irrigation infrastructure, tracks, drains, structures, roads, or firebreaks;

iv. clearance that is consistent with or provided for as part of a conservation management strategy, conservation management plan, reserve management plan or covenant established under the Conservation Act 1987 or any other Act specified in the First Schedule of the Conservation Act 1987;

v. clearance that is required to remove material infected by unwanted organisms as declared by Ministry for Primary Industries' Chief Technical Officer, or to respond to an emergency declared by the Minister for Primary Industries under the Biosecurity Act 1993;

vi. clearance of a pest plant listed in Appendix 10B to Section 10 of the Plan;

vii. clearance that is necessary to maintain the flow of water free from obstruction or for natural hazard mitigation activities;

viii. clearance of non-indigenous plant species and replanting within 3 months with indigenous or non-indigenous plant species, not on the pest plant list in Appendix 10B to Section 10 of the Plan, that will attain at least the same height and coverage as the plants that have been cleared. ***{Change RTZ2, was previously marked Change RTZ1 in error}***

15.8.AC.2

In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply. ***{Change RTZ2, was previously marked Change RTZ1 in error}***

15.8.AC.3

Activities that contravene this performance standard are a non-complying activity. ***{Change RTZ2, was previously marked Change RTZ1 in error}***

Figure 15.8.ACA: Selwyn Street structure plan ***{Change RTZ2, was previously marked Change RTZ1 in error}***

## 15.8.AD Doctors Point Road Structure Plan Mapped Area Performance Standards

1. The performance standards in Rule 15.8.AD apply to all parts of the Doctors Point Road structure plan mapped area, including land zoned Large Lot Residential 1 and land zoned Rural Residential 2.
2. In addition to the performance standards in 15.5, 15.6 and 15.7, activities in the Doctors Point Road structure plan mapped area must meet the area-specific performance standards below. Where a performance standard in this section specifically provides an exemption or alternative performance standard to a standard in 15.5, 15.6 or 15.7, the standard in this section supersedes that standard.

### Note 15.8.ADA - General advice

1. Rural Residential 2 Zoning applies to part of the **Doctors Point Road structure plan mapped area** in order to maintain the protection that the rules associated with this zoning apply to the scheduled Area of Significant Biodiversity Value and the Natural Coastal Character Overlay Zone that cover parts of the mapped area.

### 15.8.AD.1 Land use performance standards

a. Density
   i. Standard residential activities must not exceed a density of one residential activity per site (note that Rule 15.8.AD.2.b limits the maximum number of sites in the **structure plan mapped area**), except that:
      1. one family flat is allowed per site in association with a standard residential activity, provided that the number of habitable rooms across both the primary residential activity and the family flat does not exceed one habitable room per 400m² of site area.

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

iii. For the sake of clarity, this performance standard supersedes Rule 15.5.2.

b. Service connections

i. All activities must discharge any wastewater to the communal wastewater system required by Rule 15.8.AD.2.c, except that residential activities that were established before 1 July 2021 may continue to use any individual wastewater systems established before 1 July 2021

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

c. Family flats

i. Family flats must:

1. only be occupied by a person or persons:

1. related to or dependent on the household that lives in the primary residential unit on the same site: or

2. employed on-site, in a paid or voluntary capacity, as a domestic, child-care, farm or conservation worker by the household that lives in the primary residential unit on the same site.

2. not be on a different tenancy agreement to the primary residential unit.

ii. Family flats must:

1. not exceed a maximum gross floor area of 60m²;

2. be on the same available water and waste infrastructure connection, or the same non-reticulated wastewater disposal system as the primary residential unit;

3. be on the same household electricity account;

4. share the same driveway as the primary residential unit; and

5. be attached to or located in the same residential building as the primary residential unit, or located within 30m of the primary residential building (house), as measured as the closest distance between any wall of the primary residential building and any wall of the family flat.

iii. Standard residential activities that contravene this performance standard are non-complying activities.

iv. For the sake of clarity, this performance standard supersedes Rule 15.5.14.

### 15.8.AD.2 Subdivision performance standards

a. Access

i. Subdivision activities must provide suitably designed and formed public walking access through the mapped area, in general alignment with the route marked in blue on Figure 15.8.ADA.

ii. Legal access to fulfil clause i above must be created, and accessways must be formed, prior to the issuing of the section 224c certificate for the subdivision.

iii. Subdivision activities that do not meet this standard are non-complying activities.

iv. For the sake of clarity, this performance standard is additional to Rule 6.8.1.

b. Minimum site size

i. The minimum site size for new resultant sites is 1650m²

ii. The maximum number of resultant sites within the **structure plan mapped area** is 33.

iii. Resultant sites created and used solely for the following purposes are exempt from both clause i and clause ii of this performance standard:

1. scheduled ASBV or QEII covenant;
2. reserve;
3. access;
4. utility; or
5. road

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

v. For the sake of clarity, this performance standard supersedes Rule 15.7.4.

c. Shape

i. Each resultant site that does not contain a residential building that was established before 1 July 2021 must provide for a building platform outside of the areas mapped as ASBV and NCC.

ii. Resultant sites created and used solely for the following purposes are exempt from the shape standard:
1. scheduled ASBV or QEII covenant;
2. reserve;
3. access;
4. network utilities; or
5. road.

iii. Subdivision activities that contravene this performance standard are non-complying activities.

iv. For the sake of clarity, this performance standard applies in addition to Rule 15.7.6.

d. Wastewater infrastructure

i. Subdivision activities must provide, if not already present, a communal wastewater system that is designed to facilitate connection to a public wastewater network.

ii. The communal wastewater system must be installed, and ready to allow connections, prior to the issuing of the section 224c certificate for the subdivision.

iii. The communal wastewater system must include the following components:
1. a UV treatment module designed to minimise the risk of any pathogens passing out of the system;
2. nitrogen and phosphorous attenuation modules that reduce their concentration prior to any discharge to the ground of treated wastewater; and
3. a telemetric monitoring system that is capable of distributing an instantaneous alert in the event of infrastructure failure or accidental discharge to the Otago Regional Council, Dunedin City Council and Southern Clams Ltd.

iv. The communal wastewater system must be installed and operated in accordance with a legal instrument that:
1. is registered in favour of Dunedin City Council; and
2. gives ownership and management responsibilities to a residents' association, which all lot owners (with the exception of any owners of lots that use individual wastewater systems permitted under Rule 15.8.AD.1.b.i) must be members of, and which will be responsible for ensuring that the system is appropriately monitored, serviced, maintained and operated, in accordance with the manufacturer's specifications.

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

vi. For the sake of clarity, this performance standard is in addition to the requirements of Rule 9.3.7.

**Note 15.8.AD.2A - Other requirements outside the District Plan**

a. Under the Regional Plan: Water, resource consent will be needed from the Otago Regional Council for any discharge of wastewater to water or land.

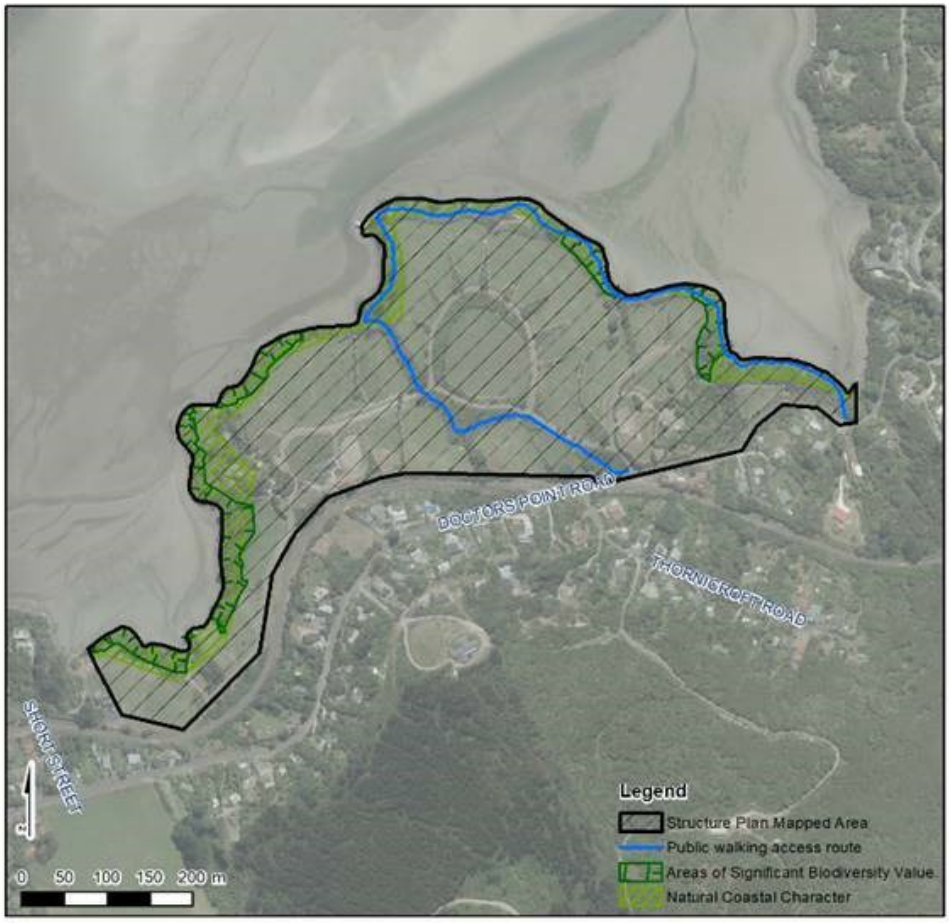
15.8.AD.3 Special information requirements

a. Prior to any subdivision of the **structure plan mapped area**, a stormwater management plan for the whole **structure plan mapped area** must be prepared, which addresses the following matters.
   i. How the design and operation of the stormwater infrastructure will ensure that there will be no increase in the peak post-development stormwater discharge rate (taking into account climate change) relative to pre-development as a result of additional impermeable or semi-impermeable surfaces expected over the structure plan area or through modification of the site's natural drainage regime. This includes ensuring that at post-development stage there is no increase in peak stormwater discharge rates from the structure plan area as a result of the development from the **structure plan mapped area** during the 'critical duration' rainfall events and any modified flows will not create adverse effects from stormwater discharge.
   ii. How the stormwater management system will address stormwater quality in order to manage impacts on the quality of the receiving water. The management plan must include the design and location of stormwater quality treatment that demonstrates:
      1. the expected quality of stormwater leaving the specified system; and
      2. its treatment of at least the 'first flush' volume (90th percentile daily rainfall depth) or flow rate (90th percentile rainfall intensity) in accordance with best practice techniques for at least 75% Total Suspended Solids (TSS) removal on a long-term average basis.
   iii. How the integrity of the stormwater mitigation and management measures will not be compromised during and after subdivision (for example ensuring that open drains that form part of the system will not be blocked or altered).
   iv. The plan to ensure effective management of erosion and sedimentation on the site during earthworks and as the site is developed, including any measures that will be taken and devices to be installed, where necessary, to:
      1. divert clean runoff away from disturbed ground;
      2. control and contain stormwater run-off;
      3. avoid sediment laden run-off from the site'; and
      4. protect existing drainage infrastructure sumps and drains from sediment run-off.

b. In addressing the above, consideration should be given to the use of low-impact (or water-sensitive) design features including but not limited to:
   i. grassed/landscaped swales and other vegetation areas;
   ii. avoidance of formed gutters;
   iii. infiltration trenches/bio-retention systems;
   iv. storage ponds/wetlands/sediment ponds;
   v. rainwater tanks- harvesting and reuse;
   vi. rain gardens, rooftop greening and planting;
   vii. porous surface treatments; and
   viii. consideration of the existing natural topography and the natural course of water flow (overland flow

paths) through the design of the subdivision.

Figure 15.8.ADA: Doctors Point Road structure plan




## 15.8.AE Ayr Street Structure Plan Mapped Area Performance Standards

1. In addition to the performance standards in 15.5, 15.6 and 15.7, activities in the **Ayr Street structure plan mapped area** must meet the area-specific performance standards below. Where a performance standard in this section specifically provides an exemption or alternative performance standard to a standard in 15.5, 15.6 or 15.7, the standard in this section supersedes that standard.

### 15.8.AE.2 Development performance standards

a. Water saving devices
   i. Residential buildings must be designed to install water saving devices, including low-flow shower heads, 6/3 dual flush toilets and aerated sink mixers.
   ii. Activities that contravene this performance standard are non-complying activities.

### 15.8.AE.3 Information requirements

a. Integrated Transport Assessment
   i. Prior to any subdivision of the **structure plan mapped area**, an Integrated Transport Assessment (ITA) for the whole mapped area must be prepared. ITAs must include, but are not limited to, the following matters (see further information on the content of ITAs in Rule 6.14.2):
      1. An assessment of the effects of subdivision on the safety and efficiency of the existing transport network, which identifies any transport infrastructural improvements deemed necessary to

ensure adverse effects on the safety and efficiency of the transport network, for all modes, are appropriately addressed in accordance with Objective 6.2.3 and Policy 6.2.3.8.

2. Consideration of internal roading design, layout, and connection points to the existing transportation network for all modes of transport in accordance with the Dunedin Code of Subdivision and Development 2010.

**Note 15.8.AE.3A - General advice**

1. Where the results of an Integrated Transportation Assessment required by Rule 15.8.AE.3 demonstrate the need for either:
   a. transportation infrastructure upgrades outside of the site; or
   b. transportation infrastructure built to a higher specification because of the need to provide for new growth areas or improve level of service for existing areas.

   The responsibility and funding for these upgrades will be negotiated between all landowners and the DCC. Where necessary, the DCC will appoint an independent facilitator or mediator to assist in these negotiations.
2. The DCC requires those persons undertaking development to pay a fair, equitable, and proportionate portion of the costs of capital expenditure to service growth.
3. DCC's contribution to any off-site upgrades or delivery of higher specification for infrastructure will be based on an assessment of the public vs private benefit of the upgrade. This means that in principle the landowner(s) of the **structure plan mapped area** and/or **new development mapped area** will only be required to pay that portion of the costs of the upgrades that is necessary to address the effects of or needs of their proposed development area. The balance of the costs will generally be funded through development contribution charges as set out in the DCC's Development Contributions Policy (10 year plan 2021-2031), which details the charges on a per equivalent household unit by area of benefit basis.
4. It is further noted that the completion of these upgrades prior to s224 certification or at a certain point in time agreed to in a condition of consent may be required.

## 15.8.AF Riccarton Road East Structure Plan Mapped Area Performance Standards

15.8.AF.1 Subdivision

a. Subdivision activities must provide vehicle access, in the form of a legal road, to Riccarton Road East from 49 Riccarton Road East.

b. No more than four sites may have direct or indirect vehicle access to Elizabeth Avenue.

c. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply.

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

Figure 15.8.AFA: Riccarton Road East structure plan

## 15.8.AI Henderson Street Structure Plan Mapped Area Performance Standards

1. In addition to the performance standards in 15.5, 15.6 and 15.7, activities in the **Henderson Street structure plan mapped area** must meet the area-specific performance standards below. Where a performance standard in this section specifically provides an exemption or alternative performance standard to a standard in 15.5, 15.6 or 15.7, the standard in this section supersedes that standard.

### 15.8.AI.2 Notification

a. With respect to resource consent applications in the **structure plan mapped area** that include a new or modified integrated stormwater management plan or details for a stormwater management system as required by Rule 15.8.AI.4.c, any owners of land within the area to which the proposed plan or system relates and the Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided.

### 15.8.AI.3 Subdivision performance standards

a. Access
   i. Subdivision activities must establish, if not already present, a legal road linking Soper Road and Henderson Street.

ii. This road must be vested in the DCC as Road prior to the issuing of the section 224c certificates for any resultant sites.

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

iv. For the sake of clarity, this performance standard is additional to Rule 6.8.1.

b. Stormwater easement

i. Subdivision activities must establish, if not already present, a 4m wide easement along the western boundary of 41 Soper Road in favour of DCC for stormwater conveyance and associated infrastructure.

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

15.8.AI.4 Information requirements

a. Integrated transport assessment

i. Applications for subdivision activities must include an Integrated Transport Assessment (ITA) for the whole **structure plan mapped area**, unless such a plan has already been approved as part of an earlier subdivision consent. ITAs must include, but are not limited to, the following matters (see further information on the content of ITAs in Rule 6.14.2):

1. An assessment of the effects of subdivision on the safety and efficiency of the existing transport network, which identifies any transport infrastructural improvements deemed necessary to ensure adverse effects on the safety and efficiency of the transport network, for all modes, are appropriately addressed in accordance with Objective 6.2.3 and Policy 6.2.3.8.

2. Consideration of internal roading design, layout, and connection points to the existing transportation network for all modes of transport in accordance with the Dunedin Code of Subdivision and Development 2010 or NZS 4404:2010.

b. Geotechnical investigation report

i. Applications for subdivision activities, multi-unit development or supported living facilities must include a geotechnical investigation report prepared by a suitably qualified geotechnical consultant , unless such a plan has already been approved as part of an earlier subdivision or land use consent. The geotechnical report must examine the ground stability over the entire area and identify areas suitable for building platforms, taking into account the risk to people, buildings and associated infrastructure from earthquake, with particular consideration of the Titri Fault shown crossing the **structure plan mapped area**, as described in the GNS Science Consultancy Report 2020\88, dated April 2021.

c. Stormwater management

i. Applications for subdivision activities, multi-unit development or supported living facilities within the **structure plan mapped area** must include a proposed integrated stormwater management plan that addresses the whole area and is prepared in accordance with clauses iii – v of this rule, unless an earlier approved subdivision or land use consent includes such a plan, prepared in accordance with this rule.

ii. Where an integrated stormwater management plan has already been provided as part of an earlier approved subdivision or land use consent, but did not include design details for stormwater management systems for any part of the **structure plan mapped area**, applications for activities set out in clause (i) must provide those details in accordance with clauses (iv) and (v) of this rule in a way that is consistent with the integrated stormwater management plan approved as part of the earlier consent.

iii. The integrated stormwater management plan must:

1. Demonstrate how Policy 9.2.1.Y will be achieved.

2. Provide details in accordance with clause iv of this rule of all stormwater management systems

for the hydrologically connected parts of the **structure plan mapped area** and details of how those systems will be installed in full or in planned stages prior to development. The stormwater infrastructure must be designed to be resilient

3. Ensure that stormwater will be managed for both the current climatic conditions and climatic conditions based on climate change projections.
4. Take account of the loss of storage capacity of the undeveloped land.
5. Ensure that:
    1. there is no increase in the peak stormwater discharge rate from the **structure plan mapped area** into the stormwater public infrastructure, or into a private, Otago Regional Council, or natural/informal stormwater system or overland flow path (at any point) between pre-development to post-development based on the assessment required in clause (iii)(10); or
    2. where this is not practicable, any adverse effects from an increase in discharge on the stormwater system are no more than minor.
    3. For the sake of clarity, the stormwater management plan does not need to avoid volume increases.
6. Include stormwater detention infrastructure that is designed to temporarily store and release flows from a generated 1% annual exceedance probability (AEP) rainfall event, such that peak pre-development flows are not exceeded in the post-development condition.
7. Demonstrate that secondary flows at the **structure plan mapped area**'s upstream and downstream boundaries are not changed or adversely affected.
8. Include the use of low-impact (or water-sensitive) design features, which may include features such as:
    1. grassed/landscaped swales and other vegetation areas;
    2. infiltration trenches/bio-retention systems;
    3. storage ponds/wetlands/sediment ponds;
    4. rainwater tanks harvesting and reuse;
    5. rain gardens, rooftop greening and planting;
    6. porous surface treatments; and
    7. consideration of the existing natural topography and the natural course of water flow (overland flow paths) through the design of the subdivision.
9. Consider whether stormwater management areas can be integrated into reserves and recreation spaces.
10. Include an assessment of the difference between pre-development peak flows and post-development peak flows (with and without mitigation) over a range of event durations, taking into account the maximum impermeable surfaces permitted in the District Plan zone for the **structure plan mapped area** (and including any other development restrictions resulting from any other rules in the District Plan or legal instruments registered on the title(s) for the **structure plan mapped area**). This assessment must meet the following criteria:
    1. The assessment of pre-development and post-development flows and detention volumes must be based on the 10% and the 1% annual exceedance probability (AEP) rainfall events, covering durations from the mapped area's own critical duration to the critical duration of the catchment upstream of the point of discharge (unless agreed otherwise with the DCC, for example where direct discharge to the coastal environment is feasible). For the purposes of this requirement, 'critical duration' means the duration of rainfall event

likely to cause the highest peak flows or water levels.

2. The assessment must take account of climate change, using the climate adjustment rainfall sourced from HIRDS version 4 using RCP 8.5 2081-2100 values (or an alternative source approved by DCC).
3. The assessment must include a risk based assessment to determine to what extent measures (if any) are needed to manage flows downstream of the **structure plan mapped area**.

iv. Applications must include the following design details for proposed stormwater management systems.

1. the design and location of 'primary infrastructure' ('primary infrastructure' includes both open and closed conduits and must be designed to contain the flows generated by the 10% AEP rainfall event);
2. the design and location of 'secondary flow paths', with and without blockage of the primary stormwater system, through the development to the downstream boundary. 'Secondary flow paths' means the flow path over which surface water will flow if the primary flow path becomes overloaded or inoperative and consists of overland flow paths with sufficient capacity to transfer the flows generated by rainfall events up to the 1% AEP event. Secondary flow paths shall be clearly identified, and where possible aligned with natural flow paths and located on public land. If located in private property, 1% AEP secondary flows should be through primary infrastructure unless protected by an easement;
3. to the design features that will enable safe operation in super-design conditions (for a 0.5% AEP rainfall event, but a greater rainfall event can be used if the applicant chooses to do so). Safe operation means without catastrophic, rapid or structural failure. This is to ensure that the proposed stormwater management system has a fail-safe mechanism. This does not mean the stormwater management system is to be designed to retain the volume of stormwater for a 0.5% AEP rainfall event;
4. the location and design details of stormwater management systems, including detention infrastructure required to meet clause c.iii.6 above;
5. how the integrity of the stormwater mitigation and management system will not be compromised during and after subdivision (for example ensuring that open drains that form part of the system will not be blocked or altered);
6. how erosion and sedimentation will be managed effectively within the structure plan mapped area during earthworks and as the structure plan mapped area is developed, by taking measures and installing devices, where necessary, to:
    1. divert clean runoff away from disturbed ground;
    2. control and contain stormwater run-off;
    3. avoid sediment laden run-off from the mapped area; and
    4. protect existing drainage infrastructure sumps and drains from sediment run-off; and
7. the design and location of stormwater quality treatment that demonstrates the expected quality of stormwater leaving the specified system and its treatment of at least the 'first flush' volume (90th percentile daily rainfall depth) or flow rate (90th percentile rainfall intensity) in accordance with best practice techniques for at least 75% Total Suspended Solids (TSS) removal on a long-term average basis;
8. if a stormwater management system cannot practicably be designed to meet one or more of clauses 3 to 7 above in relation to additional stormwater discharge, an assessment of the broader catchment to determine whether design solutions external to the mapped area are available to manage the additional stormwater discharges as a result of the development on the

mapped area;

9. how the stormwater management system will not create or exacerbate adverse effects that are more than minor outside the **structure plan mapped area**. This includes consideration of cumulative effects; and

10. where any proposed stormwater management system is intended to vest as public infrastructure, the design must incorporate an adjustable outlet mechanism such that the present day peak discharge flow rate from the **structure plan mapped area** is not exceeded as a result of the development but that the outlet can be progressively adjusted for future climate change discharge rates up to the fully developed stormwater management system design capacity.

v. The integrated stormwater management plan, and the design of the integrated stormwater management systems, must be prepared by a chartered professional engineer or other suitably qualified person who has (or can call on) experience in hydrology, hydraulics, stormwater design, flood risk management and construction management.

**Note 15.8.AI.4A - General advice**

a. Where the results of an Integrated Transportation Assessment required by Rule 15.8.AI.4.a demonstrate the need for either:
   i. Transportation Infrastructure upgrades outside of the site; or
   ii. Transportation infrastructure built to a higher specification because of the need to provide for new growth areas or improve level of service for existing areas;

   the responsibility and funding for these upgrades will be negotiated between all landowners and the DCC. Where necessary, the DCC will appoint an independent facilitator or mediator to assist in these negotiations.

b. Where the stormwater management plan required by Rule 15.8.AI.4.c involves the construction of infrastructure across sites owned by more than one landowner, the responsibility and funding for these upgrades will be negotiated between all landowners and, if necessary (e.g. in cases where infrastructure is to be built to a higher specification because of the need to provide for new growth areas or improve level of service for existing areas), the DCC. Where necessary, the DCC will appoint an independent facilitator or mediator to assist in these negotiations.

c. In the case of both transportation and stormwater infrastructure:
   i. The DCC will require those persons undertaking development to pay a fair, equitable, and proportionate amount of the costs of capital expenditure to service growth.
   ii. DCC's contribution to any off-site upgrades or delivery of higher specification for infrastructure will be based on an assessment of the public vs private benefit of the upgrade. This means that in principle the landowner(s) of the **structure plan mapped area** and/or new development mapped area will only be required to pay that portion of the costs of the upgrades that is necessary to address the effects of or needs of their proposed development area. The balance of the costs will generally be funded through development contribution charges as set out in the DCC's Development Contributions Policy (10 year plan 2021-2031), which details the charges on a per equivalent household unit by area of benefit basis.
   iii. It is further noted that the completion of these upgrades prior to s224 certification or at a certain point in time agreed to in a condition of consent may be required.

15.8.AI.5 Assessment guidance

a. In addition to assessment guidance for subdivision provided in Rule 15.11.4, the following guidance is provided for the assessment of subdivision activities within the **Henderson Street structure plan mapped area**.

*General assessment guidance:*

b. In assessing effects on the safety and efficiency of the transport network, Council will consider the Integrated Transport Assessment (ITA) submitted with the application (as required by Rule 15.8.AI.4.a), including whether upgrades to transportation infrastructure are required to enable the development provided for in the **structure plan mapped area**.

c. In assessing effects on risk from natural hazards, Council will consider the geotechnical investigation report submitted with the application (as required by Rule 15.8.AI.4.b).

d. In assessing (as relevant) effects on efficiency and affordability of infrastructure, effects of stormwater from future development and/or effectiveness and efficiency of stormwater management, and taking into account climate change, Council, will consider:
   i. the proposed stormwater management plan submitted with the application (as required by Rule 15.8.AI.4.c);
   ii. any consequential effects that might arise, including, but not limited to:
      1. effects on personal safety;
      2. risks from surface water flooding;
      3. risks to property from inundation;
      4. risks to the ability of Council to meet its consent conditions for public infrastructure, which could lead to effects on freshwater quality and ecosystem health; and
      5. risks to the integrity and function of existing public infrastructure
   iii. the need for water saving devices or other methods to manage demand on water supply

*Conditions that may be imposed include:*

e. A requirement for the stormwater management system to be installed prior to certification of the survey plan pursuant to section 224c of the RMA.

f. A requirement for easements, covenants, consent notices, or bonds to ensure future development will be in accordance with the stormwater management plan.

g. A requirement for the stormwater management system to be vested in the DCC, with necessary easements and a maintenance or defect period agreement in place prior to vesting.

h. A requirement that, prior to the vesting in DCC of the road linking Soper Road and Henderson Street, the road is constructed to a suitable standard commensurate with its intended use, in accordance with the Dunedin Code of Subdivision and Development 2010 or New Zealand Standard 4404:2010.

i. A requirement that any required upgrades identified by the ITA be completed prior to a particular stage in the subdivision.

j. Conditions requiring water saving devices including but not limited to, low-flow shower heads, 6/3 dual flush toilets and aerated sink mixers.

Figure 15.8.AIA: Henderson Street structure plan

# Rule 15.9 Assessment of Controlled Activities

## Rule 15.9.1 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 15.9.2:
   a. lists the matters over which Council has reserved its control; and
   b. provides guidance on how consent applications will be assessed, including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
      ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
   a. if the contravention of the performance standard defaults to **restricted discretionary** then:
      i. the activity, as a whole, will be treated as **restricted discretionary**; and
      ii. the performance standard contravention will be assessed as indicated in Section 15.10; and
      iii. the matters of control become matters of discretion and will be assessed as indicated in this section.
   b. if the contravention of the performance standard defaults to **discretionary** then:
      i. the activity, as a whole, will be treated as **discretionary**; and
      ii. the performance standard contravention will be assessed as indicated in Section 15.12; and
      iii. the assessment guidance in this section will also be considered.
   c. if the contravention of the performance standard defaults to **non-complying** then:
      i. the activity, as a whole, will be **non-complying**; and

ii. the performance standard contravention will be assessed as indicated in Section 15.13; and

iii. the assessment guidance in this section will also be considered.

| 15.9.2 Assessment of controlled activities | | | |
|---|---|---|---|
| Activity | | Matters of control | Guidance on the assessment of resource consents |
| 1. | Affecting a scheduled heritage building or a scheduled heritage structure:<br>• Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected.<br>• Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1 | a. Effects on heritage values | See Rule 13.4 |
| 2. | In a heritage precinct, additions and alterations to a non character-contributing building that involve:<br>• an increase in the footprint of 10m² or more;<br>• an increase in the height of the building by more than 2m; or<br>• the replacement of a pitched roof with a mono pitch roof. | a. Effect on heritage streetscape character | See Rule 13.4 |

# Rule 15.10 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

## Rule 15.10.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 15.10.2 - 15.10.6:
   a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Rules 15.10.2 - 15.10.6 apply as follows:
   a. Rule 15.10.2 applies to all performance standard contraventions;
   b. Rule 15.10.3 applies to land use performance standard contraventions;
   c. Rule 15.10.4 applies to development performance standard contraventions;
   d. Rule 15.10.5 applies to subdivision performance standard contraventions; and
   e. Rule 15.10.6 applies to performance standards that apply in an overlay zone, mapped area, heritage precinct or affecting a scheduled heritage item.

| **15.10.2 Assessment of all performance standard contraventions** | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | All performance standard contraventions | *Potential circumstances that may support a consent application include:*<br>a. The degree of non-compliance with the performance standard is minor.<br>b. The need to meet other performance standards or topography, or other site specific factors, make meeting the standard impracticable.<br>c. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan.<br>*General assessment guidance:*<br>d. Where more than one standard is contravened, the combined effects of the contraventions should be considered.<br>e. In balancing consideration of the objectives and policies related to the maintenance of heritage values or heritage precinct streetscape character and those related to general amenity, greater weight will usually be placed on heritage policies. |

| 15.10.3 Assessment of land use performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Density - (rules 15.5.2.1.c.ii and 15.5.2.3) all residential units are able to meet bulk and location performance standards | a. Effects on on-site amenity | *Relevant objectives and policies:*<br>i. Objective 15.2.2<br>ii. Residential development achieves high quality on-site amenity for residents (Policy 15.2.2.1).<br>*General assessment guidance:*<br>iii. Non-compliance with rules 15.5.2.4.c or15.5.2.3 will be assessed based on which performance standard(s) the second residential building does not provide for compliance with, if subdivided in future. See assessment rules in relation to performance standard contraventions for:<br>1. site coverage;<br>2. height in relation to boundary;<br>3. setbacks; and<br>4. access. |
| 2. | Density - (Rule 15.5.2.4.a) Papakāika | a. Effects on cultural values of Manawhenua | See Rule 14.3 |
| | | b. NA | NA |
| | | c. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 3. | Density<br>• standard residential in General Residential 2 Zone **wastewater constraint mapped area** (Rule 15.5.2.4.b)<br>• standard residential in ICR Zone (Rule 15.5.2.4.X) | a. Effects on efficiency and affordability of infrastructure | See Rule 9.5 |

| 15.10.3 Assessment of land use performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| X. | Density<br>• social housing in the GR1 Zone or T&S Zone (except in a **no DCC reticulated wastewater mapped area**) (Rule 15.5.2.4.y) | a. Effects on efficiency and affordability of infrastructure | See Rule 9.5. |
| | | b. Effects on accessibility | See Rule 6.10. |
| | | c. Effects on neighbourhood residential character and amenity | *Relevant objectives and policies:*<br>i. Objective 15.2.4.<br>ii. Where residential activity exceeds the permitted density, the built form of any new development, as viewed from public places, reflects the existing residential character or intended future character of the zone as set out in the residential zone descriptions (Policy 15.2.4.2).<br>*General assessment guidance:*<br>iii. In assessing the effects on neighbourhood character and amenity from social housing proposals that contravene the density standard, Council will only consider character effects in terms of the proposed scale and built form of development and this consideration will be made without public or limited notification (see Rule 15.4).<br>iv. The assessment of character and amenity will consider the potential adverse effects from repeated, standardised, or visually monotonous design of large blocks of similar housing and will consider what design tools have been used to create visually diverse neighbourhood appearance.<br>*Potential circumstances that may support a consent application include:*<br>v. For large scale social housing proposals an appropriate mix of building typologies and design elements is proposed. |

| 15.10.3 Assessment of land use performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 4. | Ancillary residential units - design | a. Effects on neighbourhood residential character and amenity | *Relevant objectives and policies:*<br>i. Objective 15.2.4.<br>ii. Stand-alone ancillary residential units between 60m² and 80m² gross floor area are designed and located to ensure that streetscape and neighbourhood amenity is maintained or enhanced (Policy 15.2.4.3).<br>*Potential circumstances that may support a consent application include:*<br>iii. NA<br>iv. The design of the ancillary residential unit matches the design of the primary residential building.<br>v. Landscaping or other forms of screening will be used to reduce the visibility of the ancillary residential unit.<br>vi. The ancillary residential unit will not be easily viewed from outside the site.<br>vii. NA<br>viii. NA |
| 6. | Hours of operation | a. Effects on surrounding sites' residential amenity | *Relevant objectives and policies:*<br>i. Objective 15.2.3<br>ii. Working from home, dairies, training of education, and community and leisure operate in a way (including hours of operation), that avoids or, if avoidance is not practicable, adequately mitigates, effects on the amenity of surrounding properties (Policy 15.2.3.2).<br>*Potential circumstances that may support a consent application include:*<br>iii. The extension of hours will not result in unreasonable disturbance from vehicle headlights, deliveries/pick-ups, vehicle movements, or other noise. |
| 7. | Location | a. Effects on the vibrancy, and economic and social success of the CBD and centres | *Relevant objectives and policies:*<br>i. Objective 15.2.1<br>ii. Activities ancillary to visitor accommodation are located and designed to cater to patrons of the primary activity rather than the general public (Policy 15.2.1.4).<br>*Potential circumstances that may support a consent application include:*<br>iii. The ancillary activity is designed and managed so as to be unlikely to attract external customers.<br>iv. There will be no external advertising on buildings facing the street, for the ancillary activity. |

| 15.10.3 Assessment of land use performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 8. | Minimum mobility car parking | a. Effects on accessibility<br>b. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 9. | Minimum vehicle loading | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 10. | Outdoor living space | a. Effects on on-site amenity for residents | *Relevant objectives and policies:*<br>i. Objective 15.2.2<br>ii. Residential development achieves high quality on-site amenity by providing functional, sunny, and accessible outdoor living spaces that allow enough space for on-site food production, leisure, green space or recreation (Policy 15.2.2.1.a).<br>*Potential circumstances that may support a consent application include:*<br>iii. The property is within a short walking distance from public green space.<br>iv. Juliet balconies (balconies less than the width required by the rule, including zero depth) with glass doors that can be opened to create an opening greater than 1m wide and allow direct sunlight into the principal living area, may be acceptable if alternate shared outdoor living space is available and easily accessed and it is more compatible with the design of the dwelling than alternative balcony forms. |
| 11. | Service areas | a. Effects on on-site amenity for residents | *Relevant objectives and policies:*<br>i. Objective 15.2.2<br>ii. Adequate space is available for service areas (Policy 15.2.2.1.d). |

| 15.10.4 Assessment of development performance standard contraventions | | |
|---|---|---|
| Performance standard | Matters of discretion | Guidance on the assessment of resource consents |

| 15.10.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Boundary setback | a. Effects on surrounding sites' residential amenity | *Relevant objectives and policies:*<br>i. Objective 15.2.3<br>ii. Buildings and structures are of a height and setback from boundaries that ensures no more than minor effects on the sunlight access of current and future residential buildings and their outdoor amenity spaces (Policy 15.2.3.1).<br>iii. In the Inner City Residential Zone, buildings and structures are of a height and setback from boundaries that avoids or, if avoidance is not practicable, adequately mitigates adverse effects on sunlight access on outdoor space at the rear of adjacent sites (Policy 15.2.3.3.c).<br>*Potential circumstances that may support a consent application include:*<br>iv. Residential buildings on neighbouring sites receive adequate natural light and privacy.<br>v. The reduced setback will mirror the setback of the adjacent residential building, both in minimum distance from the boundary, and the maximum extent to which the encroachment occurs along the boundary (including length and height).<br>vi. There are no windows from living or sleeping areas proposed along the wall of the new building or existing along the wall of any adjacent parallel residential building. |
| | | b. Effects on neighbourhood residential character and amenity | *Relevant objectives and policies:*<br>i. Objective 15.2.4<br>ii. Development maintains or enhances streetscape amenity by ensuring buildings' height, boundary setbacks, and scale reflect existing or intended future residential character (Policy 15.2.4.1.c).<br>iii. In the Inner City Residential Zone, buildings and structures are of a height and setback from boundaries that:<br>1. enables a high quality, medium density development (Policy 15.2.3.3.a);<br>2. is consistent with the existing streetscape character of the zone (Policy 15.2.3.3.b).<br>*Potential circumstances that may support a consent application include:*<br>iv. The boundary setback is consistent with surrounding properties.<br>v. Landscaping or fences screen or soften the visual effects of buildings.<br>vi. The building is designed to integrate with residential buildings on the site and contribute to residential character and amenity e.g. similar materials to residential buildings, and roof pitch. |

| 15.10.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 2. | Boundary setback - (Rule 15.6.13.1.a.viii.3) garages and carports setback from road boundary | a. Effects on health and safety | See Rule 6.10 |
| 3. | Building length | a. Effects on neighbourhood residential character and amenity | *Relevant objectives and policies:*<br>i. Objective 15.2.4<br>ii. Development maintains or enhances streetscape amenity by ensuring buildings' scale reflect existing or intended future residential character (Policy 15.2.4.1.c).<br>*Potential circumstances that may support a consent application include:*<br>iii. The bulk of the building is broken up by:<br>1. varying building elevations;<br>2. setting parts of the building back;<br>3. using different textures;<br>4. architectural features; or<br>5. other forms of building modulation.<br>iv. The visual impact of the building length is screened and softened by landscaping, fencing, or other screening, which provides an attractive interface for surrounding properties.<br>v. The building is set back from boundaries an adequate distance to avoid shading or visual effects on adjacent residential properties or public places.<br>vi. Topography of the site mitigates the effects of the building scale on adjacent residential properties or public places.<br>vii. In the case of buildings to be used for emergency services, there is a need for longer buildings to meet operational requirements. |

| 15.10.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 4. | Fence height and design | a. Effects on health and safety | See Rule 9.5 |
| | | b. Effects on neighbourhood residential character and amenity | *Relevant objectives and policies:*<br>i. Objective 15.2.4.<br>ii. Fences are of a height and design that contributes positively to the streetscape amenity and character of the neighbourhood (Policy 15.2.4.4).<br>*Potential circumstances that may support a consent application include:*<br>iii. The increased height or reduced visual permeability is necessary to meet protection requirements, to provide security, minimise noise effects from a busy road or activity, or for public well-being.<br>iv. An attractive interface with the street is achieved.<br>v. The fence will be screened by landscaping.<br>X. The fence is replacing a hedge of similar (or greater) height and visual permeability. |
| 5. | Firefighting | a. Effects on health and safety | See Rule 9.5 |
| 6. | Hazardous substances quantity limits and storage requirements | a. Effects on health and safety | See Rule 9.5 |

| 15.10.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 7. | • Maximum height<br>• Height in relation to boundary ***{Note - appeal relates to height in relation to boundary in ICR only}*** | a. Effects on surrounding sites' residential amenity | *Relevant objectives and policies:*<br>i. Objective 15.2.3<br>ii. Buildings and structures are of a height and setback from boundaries that ensures no more than minor effects on the sunlight access of current and future residential buildings and their outdoor living spaces (Policy 15.2.3.1).<br>iii. In the Inner City Residential Zone, buildings and structures are of a height and setback from boundaries that avoids or, if avoidance is not practicable, adequately mitigates adverse effects on sunlight access on outdoor space at the rear of adjacent sites (Policy 15.2.3.3.c). |
| | | b. Effects on neighbourhood residential character and amenity | *Relevant objectives and policies:*<br>i. Objective 15.2.4<br>ii. Development maintains or enhances streetscape amenity by ensuring buildings' height, boundary setbacks, and scale reflect existing or intended future residential character (Policy 15.2.4.1.c).<br>iii. In the Inner City Residential Zone, buildings and structures are of a height and setback from boundaries that:<br>1. enables a high quality, medium density development (Policy 15.2.3.3.a);<br>2. is consistent with the existing streetscape character of the zone (Policy 15.2.3.3.b).<br>*Potential circumstances that may support a consent application include:*<br>iv. The height and/or height in relation to boundary is consistent with surrounding properties.<br>v. Landscaping or fences screen or soften the visual effects of buildings.<br>vi. Natural landforms or topography (e.g. cliffs, tall trees on adjacent reserves) provide a backdrop to the building. |

| 15.10.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 8. | Location and screening of car parking | a. Effects on neighbourhood residential character and amenity | *Relevant objectives and policies:*<br>i. Objective 15.2.4, 6.2.1<br>ii. Garages, carports, and car parking do not dominate the street (Policy 15.2.4.1a).<br>*Potential circumstances that may support a consent application include:*<br>iii. Landscaping or other features soften the impact of these activities.<br>iv. In order to meet Rule 6.6.1.2.a.i (requirement to not reverse onto a motorway, strategic road, arterial road, urban high density corridor, commercial centre street, or collector road), there are no reasonably practicable alternatives other than to contravene the standard. |
| 9. | Location and screening of outdoor storage | a. Effects on neighbourhood residential character and amenity | *Relevant objectives and policies:*<br>i. Objective 15.2.4<br>ii. Development maintains or enhances streetscape amenity by ensuring shared service areas are not visible from ground level from outside the site (Policy 15.2.4.1.d).<br>iii. Development maintains or enhances streetscape amenity by ensuring outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or create nuisance effects (Policy 15.2.4.1.e). |
| 10. | Maximum building site coverage and impermeable surfaces | a. Effects on on-site amenity for residents | *Relevant objectives and policies:*<br>i. Objective 15.2.2.<br>ii. Residential development achieves high quality on-site amenity by retaining adequate open space uncluttered by buildings (Policy 15.2.2.1.c). |
| | | b. Effects on neighbourhood residential character and amenity | *Relevant objectives and policies:*<br>i. Objective 15.2.4.<br>ii. Development maintains or enhances streetscape amenity and by ensuring there are adequate green space areas free from buildings or hard surfacing (Policy 15.2.4.1.b). |
| | | c. Effects on efficiency and affordability of infrastructure (stormwater) | See Rule 9.5. |
| | | d. Effects of stormwater from future development | |

| 15.10.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 11. | Number, location and design of ancillary signs | a. Effects on neighbourhood residential character and amenity | *Relevant objectives and policies:*<br>i. Objective 15.2.4<br>ii. Ancillary signs are located and designed to maintain residential amenity by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles and not being oversized or too numerous for what is necessary for that purpose (Policy 15.2.4.5). |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 12. | Parking, loading and access standards | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 13. | Setback from coast and water bodies | a. Effects on biodiversity values and natural character of riparian margins and the coast | See Rule 10.5 |
| | | b. Effects on public access | |
| | | c. Risk from natural hazards | See Rule 11.4 |
| 14. | Setback from scheduled tree | a. Effects on long term health of tree | See Rule 7.6 |

| 15.10.5 Assessment of subdivision performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Access | a. Effects on accessibility | See Rule 6.10 |
| 2. | Esplanade reserves and strips | a. Effects on biodiversity values and the natural character of riparian margins and the coast | See Rule 10.5 |
| | | b. Effects on public access | |
| 3. | Firefighting | a. Effects on health and safety | See Rule 9.5 |
| 4. | Minimum site size - (Rule 15.7.4.2) | a. Effects on neighbourhood residential character and amenity | *Relevant objectives and policies:*<br>i. Objective 2.4.1<br>ii. Resultant sites are of a size:<br>1. that provides for compliance of all relevant land use and development performance standards; and<br>2. where in a **structure plan mapped area**, reflects the requirements of the **structure plan mapped area** performance standards (Policy 2.4.1.8).<br>*General assessment guidance:*<br>X. For subdivision concurrent with an application for multi-unit development, Council will generally only grant subdivision consent where the land use consent is also granted.<br>*Potential circumstances that may support a consent application include:*<br>iii. The adjustment of site boundaries is necessary to achieve:<br>1. a more balanced division of site sizes relative to an existing residential buildings size, location or access requirements;<br>2. better alignment with topographical or other site development constraints; or<br>3. the protection of heritage items, significant trees, indigenous vegetation, or waterways on a site.<br>*Conditions of consent that may be imposed include:*<br>Y. For subdivision concurrent with an application for multi-unit development or an approved land use consent for multi-unit development but where the development has not been established, a condition requiring that the development is established in accordance with the approved land use consent prior to certification of the survey plan pursuant to section 223 of the RMA. |

| 15.10.5 Assessment of subdivision performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 5. | Service connections | a. Effects on efficiency and affordability of infrastructure | See Rule 9.5 |
| 6. | Shape | *Relevant objectives and policies:*<br>a. Objective 2.4.1<br>b. Subdivision is designed to ensure any future land use or development is able to meet the performance standards in the zone, or where in a **structure plan mapped area**, reflects the requirements of the **structure plan mapped area** performance standards, unless:<br>i. a resource consent is approved for a development that does not meet the performance standard and the subdivision is intended for and capable of providing for that approved development; or<br>ii. the resultant site is required for:<br>1. Scheduled ASBV; QEII covenant; or<br>2. reserve; or<br>3. access; or<br>4. utility; or<br>5. road (Policy 2.4.1.8).<br>*General assessment guidance:*<br>c. Non-compliance with the performance standard for shape will be assessed based on which performance standard(s) the shape of the resultant site does not provide for compliance with. See matters of discretion and assessment rules in relation to performance standard contraventions for:<br>i. outdoor living space;<br>ii. NA;<br>iii. boundary setbacks;<br>iv. setbacks from water bodies; and<br>v. setback from scheduled tree.<br>vi. NA.<br>d. For contravention of the building platform slope part of the shape performance standard (Rule 15.7.6.2), see the matters of discretion and assessment rules in relation to earthworks - large scale (Rule 8A.7.2.1).<br>*Conditions that may be imposed include:*<br>e. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site.<br>f. A building platform may be required to be registered against the title by way of consent notice. | |

| 15.10.6 Assessment of restricted discretionary performance standard contraventions in an overlay zone, mapped area, heritage precinct or affecting a scheduled heritage item | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | In a **hazard overlay zone** or **swale mapped area**:<br>• Hazard exclusion areas (Rule 11.3.1.1) – **Swale mapped area**<br>• Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) Overlay Zones)<br>• Relocatable buildings (Hazard 3 (coastal) Overlay Zone)<br>• Outdoor Storage (Hazard 1 (flood) Overlay Zone)<br>• Hazardous substances quantity limits and storage requirements | a. Risk from natural hazards | See Rule 11.4 |
| 2. | In an **urban biodiversity mapped area**:<br>• Vegetation clearance standards: Maximum area of vegetation clearance (UBMA) | a. Effects on biodiversity values | See Rule 10.5 |
| 3. | In a **Huriawa height restriction mapped area**:<br>• Maximum height | a. Effects on cultural values of Manawhenua | See Rule 14.3 |
| 4. | In a **heritage precinct**:<br>• Fence height and design<br>• Materials and design<br>• Maximum height<br>• Height in relation to boundary<br>• Location and screening of car parking<br>• Number, location and design of ancillary signs (Rule 15.6.11.6.d) - Freestanding signs ancillary to commercial and community activities in the George Street North Residential Heritage Precinct and North Ground Residential Heritage Precinct | a. Effects on heritage streetscape character | See Rule 13.5 |
| 5. | In a **wāhi tūpuna mapped area**:<br>• Esplanade reserves and strips<br>• Setback from coast and water bodies | a. Effects on cultural values of Manawhenua | See Rule 14.3 |
| 6. | Affecting a **scheduled heritage building or scheduled heritage structure**:<br>• Materials and design | a. Effects on heritage values | See Rule 13.5 |

| 15.10.6 Assessment of restricted discretionary performance standard contraventions in an overlay zone, mapped area, heritage precinct or affecting a scheduled heritage item | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 7. | In the **Taieri Aerodrome flight fan mapped area**:<br>• Maximum height (Rule 15.6.6.2.b) | a. Effects on health and safety | See Rule 9.5 |
| X. | In the SNL Overlay Zone:<br>• Maximum height<br>• Area of buildings and structures<br>• Reflectivity | a. Effects on landscape values | See Rule 10.5. |
| Y. | In the **Critical Electricity Distribution Infrastructure Corridor mapped area**:<br>• Setback from Critical Electricity Distribution Infrastructure (buildings, structures, citywide activities) | a. Effects on health and safety<br>b. Effects on efficient and effective operation of network utilities | See Rule 5.7. |

| 15.10.6 Assessment of restricted discretionary performance standard contraventions in an overlay zone, mapped area, heritage precinct or affecting a scheduled heritage item | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| Z. | In the **Variation 2 mapped area**:<br>• Maximum building site coverage and impermeable surfaces (Rule 15.10.4.Y minimum landscaping)<br>• Minimum landscaping (Rule 15.7.Y) | a. Effects on neighbourhood residential character and amenity | *Relevant objectives and policies:*<br>i. Objective 15.2.4.<br>ii. The activity maintains or enhances streetscape amenity by ensuring there are adequate green space areas free from buildings or hard surfacing (Policy 15.2.4.1.b).<br>*General assessment guidance:*<br>iii. For trees that are within the required boundary setback, Council will consider whether there will likely be adequate space for the canopy to grow and whether any part of the canopy that extends beyond the boundary will likely create a nuisance or require cutting back in a way which could damage the health of the tree.<br>iv. For proposals which seek to use different plant species than required by the rule, Council will consider the relative contribution of the proposed planting to amenity and character and its support for native animal species. |
| AA. | In a **stormwater open watercourse mapped area**:<br>• Setback from **stormwater open watercourse mapped area** (Rule 10.3.3) | a. Effects on the efficiency and affordability of infrastructure | See Rule 9.5. |
| AB. | In a **new development mapped area**:<br>• Service connections – stormwater for development | a. Effectiveness and efficiency of stormwater management and effects of stormwater from future development | See Rule 9.5. |

# Rule 15.11 Assessment of Restricted Discretionary Activities

## Rule 15.11.1 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 15.11.2 - 15.11.5:
    a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provide guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.
3. Rules 15.11.2 - 15.11.5 apply as follows:
    a. Rule 15.11.2 applies to restricted discretionary land use activities;
    b. Rule 15.11.3 applies to restricted discretionary development activities;
    c. Rule 15.11.4 applies to restricted discretionary subdivision activities; and
    d. Rule 15.11.5 applies to activities that are restricted discretionary due to a rule that applies in an overlay zone, mapped area, heritage precinct, or affecting a scheduled heritage item.
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
5. Where a restricted discretionary activity does not meet a performance standard the following occurs:
    a. if the contravention of the performance standard defaults to **restricted discretionary** then:
        i. the activity, as a whole, will be treated as **restricted discretionary**; and
        ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
        iii. the performance standard contravention will be assessed as indicated in Section 15.10; 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 15.12; and
        iii. the assessment guidance in this section will also be considered.
    c. if the contravention of the performance standard defaults to **non-complying** then:
        i. the activity, as a whole, will be **non-complying**; and
        ii. the performance standard contravention will be assessed as indicated in Section 15.13; and

iii. the assessment guidance in this section will also be considered.

6. With respect to section 104(2), Council will not consider ancillary residential units as part of the permitted baseline in considering residential density effects in the residential zones.

| **15.11.2 Assessment of restricted discretionary land use activities** | | |
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| Activity | Matters of discretion | Guidance on the assessment of resource consents |
| 1. All restricted discretionary land use activities in the residential zones, including but not limited to the activities listed below | a. Effects on accessibility | See Rule 6.11 |
| | b. Effects on the safety and efficiency of the transport network | |
| | c. Effects on surrounding sites' residential amenity | *Relevant objectives and policies:*<br>i. Objective 15.2.3<br>ii. Activities are designed to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4).<br>*General assessment guidance:*<br>iii. In assessing the effects on amenity, Council will:<br>1. consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movements on the adjoining road, and the appropriateness of higher levels of vehicle movements based on the road classification hierarchy in Appendix 6A; and<br>2. consider the relevant policies for development activities, including policies 15.2.3.1, 15.2.3.3, 15.2.4.1.<br>*Potential circumstances that may support a consent application include:*<br>iv. Performance standards for development activities are met.<br>*Conditions that may be imposed include:*<br>v. Conditions on signage, lighting, hours of operation.<br>vi. Delivery time restrictions.<br>vii. Requirements for fencing or landscaping of car parking areas to minimise adverse visual and nuisance effects from lighting and/or vehicle headlights on surrounding properties. |

| 15.11.2 Assessment of restricted discretionary land use activities | | | |
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| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| | | d. Effects on streetscape amenity and character | *Relevant objectives and policies (priority considerations):*<br>i. Objective 15.2.4<br>ii. Activities are designed and located to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on streetscape amenity (Policy 15.2.4.7).<br>*General assessment guidance:*<br>iii. In assessing the effects on amenity, Council will:<br>1. consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movements on the adjoining road, and the appropriateness of higher levels of vehicle movements based on the road classification hierarchy in Appendix 6A; and<br>2. consider the relevant policies for development activities, including policies 15.2.3.1, 15.2.3.3, 15.2.4.1.<br>*Potential circumstances that may support a consent application include:*<br>iv. Performance standards for development activities are met. |
| 2. | Cemeteries | a. Effects on surrounding sites' residential amenity. | *Relevant objectives and policies:*<br>i. Objective 15.2.3<br>ii. Cemeteries are designed and located to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties and avoid, as far as practicable, the potential for reverse sensitivity (Policy 15.2.3.5).<br>*General assessment guidance/Conditions that may be imposed include:*<br>iii. In assessing the effects on amenity, Council will consider the location of graves being a suitable distance away from boundaries and any screening or landscaping proposed. These aspects may be included as conditions of consent. |
| | | b. Effects on cultural values of Manawhenua | See Rule 14.4 |

| 15.11.2 Assessment of restricted discretionary land use activities | | | |
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| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 3. | Emergency Services | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | b. Effects on surrounding sites' residential amenity | *Relevant objectives and policies:*<br>i. Objective 15.2.3<br>ii. Activities are designed to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4).<br>*General assessment guidance:*<br>iii. In assessing the effects on amenity, Council will consider:<br>1. whether the facility has been designed to minimise effects on surrounding sites amenity.<br>2. the functional requirements and operational needs of the emergency service when considering the above matters. |
| | | c. Positive effects for natural hazard resilience | *Relevant objectives and policies:*<br>i. Policy 2.2.1.11 |
| 4. | Restaurants, retail, or conference, meeting and function ancillary to visitor accommodation | a. Effects on the vibrancy, and economic and social success of the CBD and centres | *Relevant objectives and policies:*<br>i. Objective 15.2.1<br>ii. Activities ancillary to visitor accommodation are located and designed to cater to patrons of the primary activity rather than the general public (Policy 15.2.1.4).<br>*Potential circumstances that may support a consent application include:*<br>iii. The ancillary activity is designed and managed so as to be unlikely to attract external customers.<br>iv. There will be no external advertising on buildings facing the street, for the ancillary activity.<br>v. Communal outdoor gathering areas are located or screened to minimise effects on adjacent residential properties.<br>*Conditions that may be imposed include:*<br>vi. Entrances to be located internally to the visitor accommodation.<br>vii. No signs related to the ancillary activity to be visible from a public place. |

| 15.11.2 Assessment of restricted discretionary land use activities | | | |
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| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 5. | Supported living facilities | a. Effects on efficiency and affordability of infrastructure | See Rule 9.6 |
| | | X. Effects of stormwater from future development | |
| | | b. Effects on surrounding sites' residential amenity | *Relevant objectives and policies:*<br>i. Objective 15.2.3.<br>ii. Supported living facilities are designed to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4).<br>*Potential circumstances that may support a consent application:*<br>iii. Communal outdoor gathering areas are located or screened to minimise effects on adjacent residential properties. |
| 6. | Early childhood education - small scale | a. Effects on surrounding sites' residential amenity | *Relevant objectives and policies:*<br>i. Objective 15.2.3.<br>ii. Early childhood education - small scale are designed to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4).<br>*Potential circumstances that may support a consent application include:*<br>iii. For early childhood education centres:<br>1. acoustic insulation, acoustic fencing, low noise surfaces for play areas, or other such treatments; and<br>2. use of a noise management plan. |

| 15.11.2 Assessment of restricted discretionary land use activities | | | |
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| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 7. | Visitor accommodation, other than in the George Street North residential heritage precinct | a. Effects on surrounding sites' residential amenity | *Relevant objectives and policies:*<br>i. Objective 15.2.3.<br>ii. Visitor accommodation is designed to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4).<br>*Potential circumstances that may support a consent application include:*<br>iii. Communal outdoor gathering areas are located or screened to minimise effects on adjacent residential properties.<br>*Conditions that may be imposed include:*<br>iv. For campgrounds:<br>1. Limits on the scale of the activity.<br>2. Location of dump stations (for disposal of waste from motor homes) away from boundaries with residential properties.<br>3. Restrictions on location and hours of operation of generators to minimise any effects from noise on neighbours.<br>4. Road upgrades necessary to handle the amount and type of vehicles anticipated.<br>5. Location, screening, or acoustic fencing of communal outdoor living/ gathering areas. |
| | | X. Effects on efficiency and affordability of infrastructure | See Rule 9.6. |

| 15.11.3 Assessment of restricted discretionary development activities | | | |
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| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | New buildings or additions and alterations to buildings that result in:<br>• a building that is greater than 300m² footprint or<br>• a multi-unit development | a. Effects on streetscape amenity and character | *Relevant objectives and policies:*<br>i. Objective 15.2.4<br>ii. Buildings over 300m² footprint and multi-unit developments are designed to maintain or enhance streetscape and neighbourhood amenity and character (Policy 15.2.4.8)<br>*General assessment guidance:*<br>iii. In assessing the effects on amenity Council will consider whether building design reflects, and is conducive with, the residential scale. The cumulative effect of buildings on the streetscape amenity will also be considered.<br>iv. In assessing the effects on streetscape amenity and character, Council will consider:<br>1. building design and placement in terms of appropriateness for the context of the site, including: considering the appropriateness of form (roof pitch, scale, massing, window placement, entrance detailing, and/or proportion) and materials<br>2. any landscaping proposed and its effectiveness in enhancing amenity and/or mitigating adverse effects<br>3. the level of visibility from the street<br>4. the location of any car parking<br>5. whether the development provides adequate green space and maintains an appropriate balance of green space vs built and hard features<br>6. whether the development has the potential to adversely affect any heritage streetscape values in the immediate neighbourhood<br>v. in general, where a new building is located within an integrated group of buildings that contribute strongly to the heritage streetscape character of the immediate neighbourhood, design maintains the coherence of the group and the contribution it makes to the overall character and amenity.<br>*Conditions that may be imposed include:*<br>vi. Requirements for design features to break up the bulk of the building, for example by varying building elevations, by setting parts of the building back, use of different textures, by the use of architectural features, or modulation.<br>*Potential circumstances that may support a consent application include:*<br>vii. The visual effects of the building is screened and softened by landscaping, fencing, or other screening, which provides an attractive interface with the street.<br>viii. The building is set back from boundaries adequate distance to |

| 15.11.3 Assessment of restricted discretionary development activities | | | |
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| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| | | | avoid shading or visual effects on adjacent residential properties or public places.<br>ix. Topography of the site mitigates the effects of the building scale on adjacent residential properties or public places. |
| X. | New buildings or additions and alterations to buildings that result in a multi-unit development | a. Effects on efficiency and affordability of infrastructure (stormwater)<br>b. Effects of stormwater from future development | See Rule 9.6. |
| Z. | In the General Residential 1 Zone or Township and Settlement Zone (except within a **no DCC reticulated wastewater mapped area**):<br>• New buildings or additions and alterations to buildings that result in a multi-unit development | a. Effects on the safety and efficiency of the transport network | See Rule 6.11. |

| 15.11.3 Assessment of restricted discretionary development activities | | | |
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| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| Y. | Full demolition of a building built on or before 1st January 1940 in the General Residential 1 Zone or Township and Settlement Zone (except within a **no DCC reticulated wastewater mapped area**)<br><br>***{Variation 2 appeal}*** | a. Effects on significant heritage values | See Rule 13.6. ***{Variation 2 appeal}*** |
| 2. | High trip generators:<br>• New or additions to parking areas that result in 50 or more new parking spaces | a. Effects on the safety and efficiency of the transport network | See Rule 6.11. |
| | | b. Effects on accessibility | |

| Table 15.11.4 Assessment of restricted discretionary subdivision activities | | | |
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| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | All subdivision activities | a. Effects on neighbourhood residential character and amenity | *Relevant objectives and policies:*<br>i. Objective 15.2.4.<br>ii. Subdivision is designed to ensure any future land use and development will:<br>1. maintain the amenity of the streetscape;<br>2. reflect the current or future intended character of the neighbourhood;<br>3. provide for development to occur without unreasonable earthworks or engineering requirements; and<br>4. provide for quality housing (Policy 15.2.4.6).<br>*Design considerations that may support a consent application include:*<br>iii. The layout of the subdivision takes into account solar orientation and is designed to ensure future development will facilitate a high level of passive solar gain.<br>*Conditions that may be imposed include:*<br>iv. Building platforms registered against the title by way of consent notice. |
| | | b. Risk from natural hazards | See Rule 11.5. |
| | | c. Effects on efficiency and affordability of infrastructure | See Rule 9.6. |
| | | X. Effects of stormwater from future development | |
| | | d. Effects on the safety and efficiency of the transport network | See Rule 6.11. |
| 2. | All subdivision activities that involve a new road | a. Effects on the safety and efficiency of the transport network | See Rule 6.11. |

| 15.11.5 Assessment of restricted discretionary activities in an overlay zone, mapped area, heritage precinct or affecting a scheduled heritage item | | | |
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| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | In a **hazard 1 or 2 (flood) overlay zone** (see Rule 15.3.6):<br>• New buildings, and additions and alterations to buildings that create within any two calendar-year period more than 36m² of new ground floor area | a. Risk from natural hazards | See Rule 11.5 |
| 2. | In **all hazard overlay zones, swale mapped areas and dune system mapped areas**:<br>• All subdivision activities | a. Risk from natural hazards | See Rule 11.5 |
| 3. | In a **UBMA**:<br>• All subdivision activities | a. Effects on biodiversity values | See Rule 10.6 |
| 4. | In a **heritage precinct:**<br>• All RD activities due to being in a heritage precinct | a. Effects on heritage streetscape character | See Rule 13.6 |
| 5. | Activities affecting a **scheduled heritage site:**<br>• New buildings and all other structures on a scheduled heritage site, where visible from an adjoining public place or a public place within the site<br>• Parking, loading and access on a scheduled heritage site, where visible from an adjoining public place or a public place within the site<br>• All subdivision activities | a. Effects on heritage values | See Rule 13.6 |
| 6. | Activities affecting a **scheduled heritage building** or a **scheduled heritage structure:**<br>• Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure<br>• Removal for relocation<br>• All subdivision activities on sites containing a scheduled heritage building or scheduled heritage structure | a. Effects on heritage values | See Rule 13.6 |
| 7. | In a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4:<br>• General subdivision | a. Effects on cultural values of Manawhenua | See Rule 14.4 |

| 15.11.5 Assessment of restricted discretionary activities in an overlay zone, mapped area, heritage precinct or affecting a scheduled heritage item | | | |
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| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 8. | In the **Hazard 2 (flood) Overlay Zone**:<br>• Natural hazards sensitive activities<br>• Natural hazards potentially sensitive activities | a. Risk from natural hazards | See Rule 11.5 |
| 9. | In the **National Grid Subdivision Corridor mapped area**:<br>• All subdivision activities | a. Risk to the safety of people and property | See Rule 5.8. |
| | | b. Reverse sensitivity effects | |
| | | c. Effects on efficient and effective operation of the National Grid and access to it | |
| AA. | In the **Critical Electricity Distribution Infrastructure Corridor mapped area**:<br>• All subdivision activities | a. Effects on health and safety | See Rule 5.8. |
| | | b. Reverse sensitivity effects | |
| | | c. Effects on efficient and effective operation of network utilities | |

| 15.11.5 Assessment of restricted discretionary activities in an overlay zone, mapped area, heritage precinct or affecting a scheduled heritage item | | | |
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| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| Y. | In a **new development mapped area**:<br>• All subdivision activities | a. Whether subdivision design supports energy-efficient housing | See Rule 12.X. |
| | | b. Provision for amenity planting and public amenities | See Rule 12.X. |
| | | c. Provision of recreation spaces | See Rule 12.X. |
| | | d. Whether subdivision design maintains or enhances areas with important natural environment values | See Rule 12.X. |
| | | e. Whether subdivision design supports efficient use of land | See Rule 12.X. |
| | | f. Effectiveness and efficiency of stormwater management and effects of stormwater from future development | See Rule 9.6. |
| | | g. Effects on efficient and effective operation of network utilities (electricity and telecommunications) | See Rule 12.X. |
| | | h. Whether the subdivision design (including any associated off-site access and infrastructure) maintains or enhances significant heritage values | See Rule 12.X. |
| Z. | In the following **new development mapped areas**, all subdivision activities, multi-unit development, and supported living facilities:<br>• Selwyn Street ***{Change RTZ2}***<br>• Wattie Fox Lane ***{Change RTZ1}*** | a. Effectiveness and efficiency of wastewater management and effects of wastewater from future development | See Rule 9.6. |
| AB. | In the **Variation 2 mapped area**:<br>• New buildings or additions and alterations to buildings that result in a multi-unit development | a. Effects on the safety and efficiency of the transport network | See Rule 6.11. |
| AC. | In the **Variation 2 mapped area**:<br>• Full demolition of a building built on or before 1st January 1940 ***{Variation 2 appeal}*** | a. Effects on significant heritage values ***{Variation 2 appeal}*** | See Rule 13.6. ***{Variation 2 appeal}*** |

# Rule 15.12 Assessment of Discretionary Activities

## Rule 15.12.1 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 15.12.2 - 15.12.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
   b. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
   c. general assessment guidance, including any effects that will be considered as a priority; and
   d. conditions that may be imposed.
3. Rules 15.12.2 - 15.12.3 apply as follows:
   a. Rule 15.12.2 applies to discretionary land use activities; and
   b. Rule 15.12.3 applies to discretionary performance standard contraventions.
4. With respect to section 104(2), Council will not consider ancillary residential units as part of the permitted baseline in considering residential density effects in the residential zones.
5. 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.

| **15.12.2 Assessment of discretionary activities** | |
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| Activity | Guidance on the assessment of resource consents |
| 1. All discretionary land use activities listed below | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 6.12 for guidance on the assessment of resource consents in relation to Objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public.<br>b. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety.<br>c. 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. |

| 15.12.2 Assessment of discretionary activities | | |
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| Activity | | Guidance on the assessment of resource consents |
| 2. | Registered health practitioners | *Relevant objectives and policies (priority considerations)*<br>a. Objective 15.2.3<br>b. Registered health practitioners are designed and located to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4).<br>*General assessment guidance:*<br>c. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movement on the adjoining road, with consideration of the Road Hierarchy in Appendix 6A.<br>*Potential circumstance that may support a consent application include*<br>d. The scale of the facilities is appropriate to the residential environment, providing for a small number of registered health practitioners, rather than a medical centre, which should be located in a centre.<br>*Conditions that may be imposed include:*<br>e. Delivery/pick uptime restrictions.<br>f. Landscaping to minimise amenity effects of lighting, vehicle headlights, or parking areas on surrounding properties.<br>g. Number of registered practitioners to be employed. |
| 3. | • Early childhood education - large scale<br>• Schools | *Relevant objectives and policies (priority considerations)*<br>a. Objective 15.2.3<br>b. Schools and early childhood education are designed and located to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4).<br>*General assessment guidance:*<br>c. In assessing the effects on amenity Council will consider whether buildings and outdoor areas are designed and located to reduce noise emissions.<br>*Conditions that may be imposed include:*<br>d. Delivery time restrictions<br>e. Landscaping to minimise amenity effects of lighting, vehicle headlights or parking areas on surrounding properties.<br>f. Mitigation measures to minimise noise such as insulation, acoustic fencing, low noise surfaces for play areas, or other such treatments.<br>g. A noise management plan may be required. |

| 15.12.2 Assessment of discretionary activities | | |
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| Activity | | Guidance on the assessment of resource consents |
| 4. | Sport and recreation (not involving the use of motor vehicles) | *Relevant objectives and policies (priority considerations)*<br>a. Objective 15.2.3<br>b. Sport and recreation is designed and located to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4).<br>*General assessment guidance:*<br>c. In assessing the effects on amenity Council will consider whether buildings and outdoor areas are designed and located to reduce noise emissions.<br>d. The design or location of the activity will not result in impacts or parking pressure on the surrounding residential environment.<br>e. Hours of operation proposed are appropriate for the residential environment.<br>f. The scale of the facilities is appropriate to the residential environment.<br>*Conditions that may be imposed include:*<br>g. Landscaping to minimise amenity effects of lighting, vehicle headlights or parking areas on surrounding properties.<br>h. Hours of operation.<br>i. Car parking requirements. |
| 5. | Stand-alone car parking | *Relevant objectives and policies (priority considerations):*<br>a. Objective 15.2.3<br>b. Stand-alone car parking is designed and located in a way that avoids or, if avoidance is not practicable, adequately mitigates, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4).<br>*General assessment guidance:*<br>c. In assessing the effects on the amenity of surrounding residential properties, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movement on the adjoining road, with consideration of the Road Hierarchy in Appendix 6A.<br>*Conditions that may be imposed include:*<br>d. Requirements for fencing or landscaping of car parking areas to minimise adverse visual or nuisance effects from lighting and/ or vehicle headlights on surrounding properties. |

| 15.12.2 Assessment of discretionary activities | | |
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| Activity | | Guidance on the assessment of resource consents |
| 6. | Restaurants or retail ancillary to sport and recreation | *Relevant objectives and policies (priority considerations):*<br>a. Objective 15.2.4<br>b. Sport and recreation facilities are designed and operated in a way that avoids or, if avoidance is not practicable, adequately mitigates, adverse effects on streetscape amenity (Policy 15.2.4.7).<br>*General assessment guidance:*<br>c. The ancillary activity is designed and managed so as to be unlikely to attract external customers.<br>d. There will be no external advertising on buildings facing the street, for the ancillary activity. |
| 7. | Service stations on a strategic road or arterial road | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 15.2.1, 15.2.3 and 15.2.4.<br>b. Provide for service stations on a strategic road or arterial road where:<br>X. safe and convenient access to the site for pedestrians and cyclists can be provided;<br>Y. there is adequate public infrastructure to service the development or any necessary upgrades to public infrastructure will be provided;<br>Z. the service station will not detract from the economic and social vibrancy and viability of any nearby centres; and<br>AA. policies 15.2.3.4 and 15.2.4.7 can be achieved (Policy 15.2.1.7).<br>c. Service stations are designed and located to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4).<br>d. Service stations are designed and located to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on streetscape amenity (Policy 15.2.4.7).<br>*General assessment guidance:*<br>e. In assessing the effects on the amenity of surrounding residential properties and the streetscape amenity, Council will consider the:<br>i. design and location of buildings, forecourts/yards and signs;<br>ii. location of access/egress points;<br>iii. effects of vehicle movements on the site; and<br>iv. the hours of operation, light spill, noise and location of service station development in relation to site boundaries.<br>f. See Rule 6.12.2.1 for guidance on the assessment of the effects on the safety and efficiency of the transportation network, and other transportation effects.<br>X. In assessing the effects on public infrastructure, Council will consider the extent to which the service station is likely to attract pedestrians and cyclists and if necessary whether safe and convenient access for pedestrians and cyclists is available or will be provided. |

| 15.12.2 Assessment of discretionary activities | |
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| Activity | Guidance on the assessment of resource consents |
| | *Potential circumstances that may support a consent application include:*<br>Y. The service station is located on a site previously used for service station activity or that is otherwise a Hazardous Activities and Industries List (HAIL) site.<br>Z. Any necessary upgrades to available public infrastructure will be made.<br><br>*Conditions that may be imposed include:*<br>g. Requirements for fencing, landscaping and/or setbacks of buildings, forecourts/yards, signs and access/egress points to minimise adverse visual or nuisance effects from noise, lighting and/or vehicle headlights on surrounding properties.<br>h. Restrictions on hours of operation.<br>i. Restrictions on on-site lighting.<br>j. Requirements for screening of storage areas.<br>k. Requirement to control dust.<br>l. Conditions related to building design, scale and bulk including roof lines, height, façade articulation, colour and materials to ensure compatibility with surrounding residential amenity.<br>m. Restrictions on signage. |

| 15.12.3 Assessment of discretionary performance standard contraventions | | |
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| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Acoustic insulation<br>• Noise - where the limit is exceeded by less than 5dB LAeq (15min)<br>• Light spill - where the limit is exceeded by 25% or less | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |
| 2. | Maximum gross floor area for working from home and dairies | *Relevant objectives and policies (priority considerations):*<br>a. Objective 15.2.3<br>b. Working from home and dairies operate in a way that avoids or, if avoidance is not practicable, adequately mitigates, noise or other adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.2).<br>c. The size of working from home and dairies is compatible with the character and amenity of the residential zones (Policy 15.2.1.3.a).<br>d. The size of working from home and dairies does not detract from the vibrancy and functioning of the centres hierarchy (Policy 15.2.1.3.b).<br>*Potential circumstances that may support a consent application include:*<br>e. The degree of non-compliance with the performance standard is minor.<br>*General assessment guidance:*<br>f. In assessing the effects on amenity, Council will consider if:<br>i. the increased scale of the activity will result in increased vehicle movements or parking requirements, or the need for additional outdoor storage.<br>ii. the scale of the activity is appropriate to the residential environment and is secondary to the residential activity. |

| 15.12.3 Assessment of discretionary performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 3. | Density (visitor accommodation) | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 15.2.3, 15.2.4<br>b. Visitor accommodation is designed to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4).<br>c. Visitor accommodation is designed and located to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on streetscape amenity (Policy 15.2.4.7).<br>*Relevant guidance from other sections (priority considerations):*<br>d. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.<br>e. See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public. |
| Y. | **Structure plan mapped area** performance standards:<br>• Areas of restricted development (hazard) | *Relevant guidance from other sections (priority considerations):*<br>a. 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. |

| 15.12.3 Assessment of discretionary performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Acoustic insulation<br>• Noise - where the limit is exceeded by less than 5dB LAeq (15min)<br>• Light spill - where the limit is exceeded by 25% or less | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |

| 15.12.3 Assessment of discretionary performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 2. | Maximum gross floor area for working from home and dairies | *Relevant objectives and policies (priority considerations):*<br>a. Objective 15.2.3<br>b. Working from home and dairies operate in a way that avoids or, if avoidance is not practicable, adequately mitigates, noise or other adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.2).<br>c. The size of working from home and dairies is compatible with the character and amenity of the residential zones (Policy 15.2.1.3.a).<br>d. The size of working from home and dairies does not detract from the vibrancy and functioning of the centres hierarchy (Policy 15.2.1.3.b).<br>*Potential circumstances that may support a consent application include:*<br>e. The degree of non-compliance with the performance standard is minor.<br>*General assessment guidance:*<br>f. In assessing the effects on amenity, Council will consider if:<br>i. the increased scale of the activity will result in increased vehicle movements or parking requirements, or the need for additional outdoor storage.<br>ii. the scale of the activity is appropriate to the residential environment and is secondary to the residential activity. |
| 3. | Density (visitor accommodation) | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 15.2.3, 15.2.4<br>b. Visitor accommodation is designed to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4).<br>c. Visitor accommodation is designed and located to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on streetscape amenity (Policy 15.2.4.7).<br>*Relevant guidance from other sections (priority considerations):*<br>d. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.<br>e. See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public. |
| X. | **Structure plan mapped area** performance standards:<br>• Areas of restricted development (hazard) ***{Change GF05}*** | *Relevant guidance from other sections (priority considerations):*<br>a. 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. ***{Change GF05}*** |

| 15.12.3 Assessment of discretionary performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| Y. | **Structure plan mapped area** performance standards:<br>• Areas of restricted development (hazard) | *Relevant guidance from other sections (priority considerations):*<br>a. 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. |

# Rule 15.13 Assessment of Non-complying Activities

## Rule 15.13.1 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 15.13.2 - 15.13.5 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
   b. general assessment guidance, including any effects that will be considered as a priority.
3. With respect to section 104(2), Council will not consider ancillary residential units as part of the permitted baseline in considering residential density effects in the residential zones.
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

| 15.13.2 Assessment of all non-complying activities | |
|---|---|
| Activity | Guidance on the assessment of resource consents |

| 15.13.2 Assessment of all non-complying activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | All non-complying land use activities listed below | *Relevant objectives and policies (priority considerations):*<br>a. Objective 15.2.1<br><br>*General assessment guidance:*<br>b. In assessing the significance of effects, consideration will be given to:<br>i. short to long term effects, including effects in combination with other activities<br>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.<br>iii. any effects otherwise managed through performance standards and consistent with all relevant objectives and policies for the zone.<br>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.<br><br>*Relevant guidance from other sections (priority considerations):*<br>d. See Section 6.13 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public.<br>e. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety.<br>f. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua. |

| 15.13.3 Assessment of non-complying land use activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | Sport and recreation that involves motor vehicles | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 15.2.1, 2.2.6<br>b. Policies 15.2.1.6, 2.2.6.1.f |
| 2. | Commercial advertising | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.4.1<br>b. Policy 2.4.1.6.c |

| 15.13.3 Assessment of non-complying land use activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 3. | All non-complying commercial activities | *Relevant objectives and policies (priority considerations):*<br>a. Objective 15.2.1<br>b. Strategic Directions - Objective 2.4.3, Policy 2.4.3.4, Objective 2.3.2, Policy 2.3.2.2<br>c. Commercial activities, other than those expressly provided for, are avoided from locating in residential zones, unless:<br>i. the activity will not detract from the vibrancy and functioning of the centres hierarchy; and<br>ii. the site is adjacent to a centre and it provides a logical extension to a centre; and<br>iii. the centre is at, or very close to, capacity; and<br>iv. the development activities are done in accordance with the performance standards of the street typology (if relevant) of the adjacent centre zoned sites; and<br>v. the development maximises opportunities for integration with the centre; or<br>vi. if the site is in the Township and Settlement Zone:<br>1. the commercial activity would have significant positive effects in terms of supporting the needs of the community and visitors to the area; and<br>2. the activity is unable to be located in, or adjacent to, the nearest centre, or no centre exists within the relevant township or settlement; and<br>3. the location is appropriate for the proposed activity; and<br>4. any adverse effects from noise, vehicle movements, and on-street parking supply will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 15.2.1.5).<br>*General assessment guidance:*<br>d. In assessing the effects on the vibrancy and functioning of the centres hierarchy, Council will also consider effects on the economic feasibility of any redevelopment necessary to maintain the vibrancy and attractiveness of those centres. |
| 4. | • All major facility activities (excluding cemeteries, emergency services and schools)<br>• All rural activities (excluding grazing and scheduled mining activity)<br>• All industrial activities | *Relevant objectives and policies (priority considerations):*<br>a. Objective 15.2.1<br>b. Policy 15.2.1.6 |

| 15.13.3 Assessment of non-complying land use activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 5. | In the **hazard 1 (flood) overlay zones**:<br>• Natural hazards potentially sensitive activities<br>• Natural hazards sensitive activities | See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. |

| 15.13.4 Assessment of non-complying development activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | Demolition of a protected part of a scheduled heritage building or scheduled heritage structure | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects on heritage values. |

| 15.13.5 Assessment of non-complying performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | Density | *Relevant objectives and policies (priority considerations):*<br>a. Strategic Directions - Objectives 2.7.1 (policies 2.7.1.1, 2.7.1.3), 2.4.1 (Policy 2.4.1.5).<br>b. Objective 15.2.4, Policy 15.2.4.2.<br>c. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure. |
| 2. | • Light spill - where the limit is exceeded by greater than 25%<br>• Noise - where the limit is exceeded by 5dB LAeq (15 min) or more<br>• Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |
| 3. | • Setback from National Grid (buildings, structures, city-wide activities, and National Grid sensitive activities (Rule 5.6.1.1).<br>• Setback from National Grid (subdivision activities) (Rule 15.7.X) | *Relevant guidance from other sections:*<br>a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.X and effects related to the operation, maintenance, upgrading and development of the National Grid. |

| 15.13.5 Assessment of non-complying performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 4. | Minimum site size | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 15.2.4, 9.2.1<br><br>*Relevant guidance from other sections (priority considerations):*<br>b. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure. |
| 5. | **Structure plan mapped area** performance standards | *Relevant objectives and policies (priority considerations):*<br>a. The objectives and policies that should be considered as a priority will depend on the specific issues being managed through the structure plan rules, which vary from site to site. All objectives and policies related to managing the relevant issues should be considered. |
| 6. | NA | NA |

# Rule 15.14 Special Information Requirements

## 15.14.1 Papakāika - ownership and occupation

For papakāika activity, proof that both the owner and occupier of the land fall into one of the classes listed in the definition of papakāika is required. Proof can be obtained from the Māori Land Court or the Ngāi Tahu Whakapapa Unit.

# 16. Rural Zones

## 16.1 Introduction

Dunedin's rural environment is large, at around 314,822 hectares or approximately 96% of the total land area of the city. This rural environment is highly varied, stretching from coastal lowlands north and south of the main urban part of the city, through river plains, valley systems, hill country and rolling uplands, to the inland mountain ranges at the western extent of the city.

The rural environment is dominated by pastoral farming in many areas, which contributes to the sense of openness and low density of development throughout much of Dunedin. Significant areas of indigenous vegetation and habitat for indigenous fauna are found across the city, ranging from estuarine and coastal habitat through to alpine plant communities on the Rock and Pillar and Lammermoor ranges. Plantation forestry is found mainly on the hills to the north of the Taieri Plain or in the southern coastal parts of the city.

The principal functions of the rural environment are firstly to provide for productive rural activities such as pastoral farming, livestock, horticulture, forestry, and mining and associated resource-based activities; and secondly, the provision of ecosystem services - soil, water and air resources and the setting for the vast majority of the city's indigenous vegetation and habitat for indigenous species.

The rural environment contributes significantly to Dunedin's economy through rural primary production activities such as farming, forestry, and mining and associated processing and service activities that rely on these. The rural parts of Dunedin also play an important role in providing for tourism (another key sector of the Dunedin economy), not least eco-tourism activities. The functions of the rural environment are interrelated, with much of Dunedin's rural economic activity reliant on maintaining the quality of the natural environment. The provision of ecosystem services, and issues relating to the natural environment more generally, are addressed in the Natural Environment section (Section 10).

The rural environment also contains a number of outstanding and significant natural landscapes and features, along with coastal areas with natural character values. Along with the biodiversity values referred to above, these elements of the rural environment make an important contribution to the social and cultural well-being of the residents of Dunedin, and to the quality of the city's natural environment.

The key issues facing the rural environment are:

- the fragmentation of rural landholdings from subdivision, which can lead to rural properties too small to be used for productive purposes. Dunedin already has a large number of small rural sites as a result of historic subdivision patterns under earlier district plans and schemes. Pressure for rural residential subdivision in rural areas threatens to further fragment rural land; and
- non-productive land uses or those activities that would ordinarily be expected to locate in the urban parts of Dunedin seeking to locate in rural areas.

The following issues stem directly from these two key issues:

- the productive capacity of the rural environment can be diminished through the loss of rural land and soil resources, including the finite high class soils resource that needs to be retained for future generations;
- the spread of non-rural uses including rural residential activities into rural areas can have adverse effects on landscape values, rural character and amenity values; and natural environment functions and values;
- potential conflicts between activities in the rural environment, which often arises from new activities in rural areas complaining about established productive rural activities and is known as 'reverse sensitivity'; and
- demand for the inefficient provision of infrastructure and services, stemming from the fact that sometimes people living on small rural blocks in close proximity to urban areas demand urban public infrastructure and services, such as reticulated services or sealed roads.

In response to these issues, seven rural zones and their objectives, policies and rules manage Dunedin's rural environment in a manner that recognises its diversity. The Plan emphasises the importance of providing for rural activities and for other activities which are reliant on or associated with the rural environment, while acknowledging that residential uses are clearly secondary and subordinate to these activities. This approach seeks to achieve the strategic outcomes for the rural zones, while ensuring that environmental effects are managed at an acceptable level.

To achieve this, the Plan sets a minimum site size for subdivision based on average rural property sizes in different parts of the rural environment, using the average property size as an indicator of the site size required for a commercial rural activity. A limited degree of flexibility has been incorporated into the subdivision rules that apply in the rural zones, via provision for surplus dwelling subdivision. The minimum site size required for new residential activities (Rule 16.5.2 Density) is set based on the median rural property size in each rural zone, to better reflect the current pattern of subdivision (which includes sites that are not used for commercial farming). The use of median rather than average property size as a basis for this standard reduces the number of existing sites that fall below the density standard for new residential activity because the median rural property size is lower than the average rural property size in all rural zones.

The rural zones are supported by overlays relating to landscape, natural character of the coast, and scheduled areas of significant indigenous vegetation and habitats of indigenous fauna. Provisions relating to these are located in the Natural Environment section, along with rules relating to other matters that apply more generally throughout the rural zones, such as rules on vegetation clearance and setback from coast and water bodies.

Appendix A7 provides descriptions and rural character values for each of the seven rural zones. The seven rural zones are: Coastal Rural Zone, High Country Rural Zone, Hill Country Rural Zone, Hill Slopes Rural Zone, Middlemarch Basin Rural Zone, Peninsula Coast Rural Zone and Taieri Plain Rural Zone.

# 16.2 Objectives and Policies

| Objective 16.2.1 | |
|---|---|
| Rural zones are reserved for productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of communities where these activities are most appropriately located in a rural rather than an urban environment. | |
| Policy 16.2.1.1 | Enable farming, grazing and conservation in the rural zones. |
| Policy 16.2.1.2 | Provide for rural activities, veterinary services, rural industry, rural contractor and transport depots, community activities, emergency services, cemeteries and crematoriums in the rural zones where the effects will be adequately managed in line with objectives 16.2.2 and 16.2.3, 16.2.4 and their policies, and the objectives and policies of any relevant overlay zones. |
| Policy 16.2.1.3 | Require rural ancillary retail, rural tourism and working from home to be at a scale that:<br>a. is ancillary to and supportive of productive rural activities or conservation activity on the same property; and<br>b. supports objectives 2.3.2 and 2.4.3 and their policies. |
| Policy 16.2.1.4 | Only allow visitor accommodation in the rural zones where it supports productive rural activities or a significant conservation activity on the same property. |
| Policy 16.2.1.X | Avoid subdivision activities that create one or more resultant sites that contravene the minimum site size standard for the zone, unless:<br>a. the subdivision is provided for under Policy 16.2.1.10; or<br>b. the subdivision, considered as a whole:<br>i. will not result in an increase in the number of sites that contravene the minimum site size; and<br>ii. will not result in an increase in the residential development potential of the subject land, beyond that provided for by the density land use performance standard and the minimum site size subdivision standard, and<br>iii. will meet policies 16.2.3.8 and 16.2.4.3. |
| Policy 16.2.1.6 | Restrict the tenancy and design of family flats to:<br>a. avoid, as far as practicable, the risk they will be used for a separate, non-ancillary, residential activity; and<br>b. avoid, as far as practicable, future pressure to subdivide off family flats. |
| Policy 16.2.1.7 | Avoid residential activity in the rural zones on a site that does not comply with the density standards for the zone, unless:<br>X. it is the result of a surplus dwelling subdivision; or<br>Y. the residential activity will be associated with long term land management and/or capital investment that will result in:<br>i. significant positive effects for rural productivity; and/or<br>ii. a significant contribution to the enhancement or protection of biodiversity values. |
| Policy 16.2.1.8 | Avoid supported living facilities, commercial activities, industrial activities, and major facility activities, unless otherwise provided for, in the rural zones. |
| Policy 16.2.1.9 | Only allow cross lease, company lease and unit title subdivision in the rural zones where it does not result in an increase in residential development potential beyond that which might be achieved through a general subdivision. |

| Objective 16.2.1 | |
|---|---|
| Rural zones are reserved for productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of communities where these activities are most appropriately located in a rural rather than an urban environment. | |
| Policy 16.2.1.10 | Only allow the subdivision of a surplus dwelling where:<br>a. the subdivision meets policies 16.2.3.8 and 16.2.4.3.a, b and d;<br>b. the dwelling is habitable and in good condition; and<br>c. the subdivision will not result in any additional development potential for residential activity across resultant sites than would otherwise be provided for by the minimum site size standard. |
| Policy 16.2.1.11 | Provide for service stations on a strategic road or arterial road where:<br>X. safe and convenient access to the site for pedestrians and cyclists can be provided;<br>Y. there is adequate public infrastructure to service the development or any necessary upgrades to public infrastructure will be provided;<br>Z. the service station will not detract from the economic and social vibrancy and viability of any nearby centres; and<br>AA. policies 16.2.2.5 and 16.2.3.6 can be achieved. |
| Policy 16.2.1.12 | Enable the New Zealand Marine Studies Centre in the **Portobello Marine Science mapped area**. |

| Objective 16.2.2 | |
|---|---|
| The potential for conflict between activities within the rural zones, and between activities within the rural zones and adjoining residential zones, is minimised through measures that ensure:<br>a. the potential for reverse sensitivity in the rural zones is minimised;<br>b. the residential character and amenity of adjoining residential zones is maintained; and<br>c. a reasonable level of amenity for residential activities in the rural zones. | |
| Policy 16.2.2.1 | Require residential buildings and cemeteries to minimise, as far as practicable, the potential for reverse sensitivity by being set back an adequate distance from:<br>a. site boundaries; and<br>b. intensive farming, domestic animal boarding and breeding (including dogs), mining, landfills, wind generators - large scale, and the Waitati Rifle Range. |
| Policy 16.2.2.2 | Require buildings that house animals to be set back from site boundaries an adequate distance to ensure that any adverse effects on sensitive activities on adjoining sites, such as residential activities, are avoided or, if avoidance is not practicable, are no more than minor. |
| Policy 16.2.2.3 | Require all new buildings to be located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites. |
| Policy 16.2.2.4 | Require rural ancillary retail, rural tourism - small scale, working from home, mineral exploration, and mineral prospecting to operate in a way (including hours of operation or, for mineral exploration, use of blasting) that avoids or, if avoidance is not practicable, adequately mitigates noise or adverse effects on the amenity of sensitive activities on surrounding properties. |

| **Objective 16.2.2** | |
|---|---|
| The potential for conflict between activities within the rural zones, and between activities within the rural zones and adjoining residential zones, is minimised through measures that ensure:<br>a. the potential for reverse sensitivity in the rural zones is minimised;<br>b. the residential character and amenity of adjoining residential zones is maintained; and<br>c. a reasonable level of amenity for residential activities in the rural zones. | |
| Policy 16.2.2.5 | Only allow rural tourism - large scale, rural research - large scale (outside the **Invermay Farm mapped area**), rural contractor and transport deports - large scale, community and leisure - large scale, sport and recreation, veterinary services, visitor accommodation, cemeteries, crematoriums, intensive farming, domestic animal boarding and breeding (including dogs), rural industry, mining, service stations, or landfills where adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not practicable, adequately mitigated. |
| Policy 16.2.2.6 | Require forestry and shelterbelts and small woodlots to be set back an adequate distance to avoid or minimise, as far as practicable, significant effects from shading on residential buildings on surrounding properties. |
| Policy 16.2.2.7 | Only allow cemeteries where they are designed to avoid, as far as practicable, the potential for reverse sensitivity by locating graves a suitable distance from site boundaries and providing adequate screening from surrounding activities. |

| Objective 16.2.3 | |
|---|---|
| The rural character values and amenity of the rural zones are maintained or enhanced, elements of which include:<br>a. a predominance of natural features over human made features;<br>b. a high ratio of open space, low levels of artificial light, and a low density of buildings and structures;<br>c. buildings that are rural in nature, scale and design, such as barns and sheds;<br>d. a low density of residential activity, which is associated with rural activities;<br>e. a high proportion of land containing farmed animals, pasture, crops, and forestry;<br>f. extensive areas of indigenous vegetation and habitats for indigenous fauna; and<br>g. other elements as described in the character descriptions of each rural zone located in Appendix A7. | |
| Policy 16.2.3.1 | Require buildings and structures to be set back from site boundaries and of a height that maintains the rural character values and visual amenity of the rural zones. |
| Policy 16.2.3.2 | Require residential activity to be at a density that maintains the rural character values and visual amenity of the rural zones. |
| Policy 16.2.3.3 | Require mineral exploration and mineral prospecting to restore land to at least the same standard as before the activity commenced with respect to landform and productive potential. |
| Policy 16.2.3.4 | Only allow mining and landfills where there is reasonable certainty that land will be restored or rehabilitated to an acceptable standard with respect to landform and to enable a return to productive, recreational or conservation use as soon as possible. |
| Policy 16.2.3.5 | Only allow intensive farming, rural tourism - large scale, rural industry, rural research - large scale (outside the **Invermay Farm mapped area**), rural contractor and transport depots - large scale, mining and landfills where adverse effects from large scale development on rural character and visual amenity will be avoided or minimised as far as practicable. |
| Policy 16.2.3.6 | Only allow community and leisure - large scale, sport and recreation, early childhood education, service stations, and visitor accommodation where the adverse effects of development on rural character and visual amenity are avoided or, if avoidance is not practicable, no more than minor. |
| Policy 16.2.3.7 | Require ancillary signs to be located and designed to maintain rural character and visual amenity, including by being of an appropriate size and number to convey information about the name, location, and nature of the activity on-site to passing pedestrians and vehicles and not being oversized or too numerous for that purpose. |
| Policy 16.2.3.8 | Only allow subdivision activities where the subdivision is designed to ensure any associated future land use and development will maintain or enhance the rural character and visual amenity of the rural zones. |
| Policy 16.2.3.9 | Require activities to be designed and operated to ensure that any adverse effects from light spill on rural character and amenity, and the ability of people to view the night sky, will be no more than minor. |
| Policy 16.2.3.10 | Require large buildings and structures in the Hill Slopes Rural Zone to avoid adverse visual effects caused by reflectivity or, if avoidance is not practicable, ensure effects are no more than minor. |
| Policy 16.2.3.11 | Require papakāika to maintain, as far as practicable, the rural character values and amenity of the rural zones in terms of the design, scale and location of the development. |

| Objective 16.2.3 | |
|---|---|
| The rural character values and amenity of the rural zones are maintained or enhanced, elements of which include:<br>a. a predominance of natural features over human made features;<br>b. a high ratio of open space, low levels of artificial light, and a low density of buildings and structures;<br>c. buildings that are rural in nature, scale and design, such as barns and sheds;<br>d. a low density of residential activity, which is associated with rural activities;<br>e. a high proportion of land containing farmed animals, pasture, crops, and forestry;<br>f. extensive areas of indigenous vegetation and habitats for indigenous fauna; and<br>g. other elements as described in the character descriptions of each rural zone located in Appendix A7. | |
| Policy 16.2.3.X | Require scheduled mining activities to be designed, located and undertaken in a way that avoids or, if avoidance is not practicable, adequately mitigates:<br>a. sediment run-off onto any property, or into any stormwater pipes, drains, channels or soakage systems; and<br>b. dust nuisance on the amenity of surrounding sites. |
| Policy 16.2.3.Y | Require residential buildings in the Hill Slopes Rural Zone to be of a size that avoids adverse visual effects or, if avoidance is not practicable, ensure effects are no more than minor. |

| **Objective 16.2.4** | |
|---|---|
| The productivity of rural activities in the rural zones is maintained or enhanced. | |
| Policy 16.2.4.1 | Require earthworks in a **high class soils mapped area** to retain soils on the site. |
| Policy 16.2.4.2 | Only allow activities other than farming on highly productive land where:<br>a. the scale, size and nature of the activity means that any loss of current or potential future rural productivity would be:<br>i. insignificant in any **high class soils mapped area**; and<br>ii. no more than minor in other areas of highly productive land; unless<br>b. for mining, the activity must locate on highly productive land due to operational requirements and there are no practicable alternative locations. |
| Policy 16.2.4.3 | Only allow subdivision activities where the subdivision is designed to ensure any future land use and development will:<br>a. maintain or enhance the productivity of rural activities;<br>b. maintain highly productive land for farming activity, or ensure the effects of any change in land use are:<br>i. insignificant on any **high class soils mapped area**; and<br>ii. no more than minor on other areas of highly productive land;<br>c. maintain land in a rural rather than rural residential land use; and<br>d. not increase the potential for reverse sensitivity. |
| Policy 16.2.4.4 | Require residential activity in the rural zones to be at a density that will not, over time and/or cumulatively, reduce rural productivity by displacing rural activities. |

# Rules

## Rule 16.3 Activity Status

### 16.3.1 Rule Location

The activity status tables in rules 16.3.3 to 16.3.6 specify the activity status of land use activities, development activities, and subdivision activities in the rural zones and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

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

### 16.3.2 Activity Status Introduction

1. The activity status tables in rules 16.3.3 - 16.3.5 show the activity status of activities in the rural zones and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. Development activities that are lawfully present at the time any relevant rules in this Plan have legal effect are not managed by those rules (the rules do not apply to existing lawfully established development activities).
6. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

*Additional activity status rules in hazard overlay zones*

7. For the purpose of the hazards provisions, activities are categorised as natural hazards sensitive activities, natural hazards potentially sensitive activities or natural hazards least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
8. In the Hazard 1 (Flood) Overlay Zone or the Hazard 2 (Flood) Overlay Zone, the activity statuses in Rule 16.3.6 apply to the following activities:
   a. natural hazards sensitive activities;
   b. natural hazards potentially sensitive activities; and
   c. new buildings and additions and alterations to buildings that create within any two calendar-year period: more than 36m² of new ground floor area in the **Henley mapped area**, or more than 60m² of new ground floor area outside the **Henley mapped area**.

9. Where the activity status in Rule 16.3.6 differs from that in rules 16.3.3 - 16.3.5, the most restrictive activity status always applies.
10. In addition to the rules in Rule 16.3.6, performance standards for development activities within hazard overlay zones are included in Rule 16.3.4.
11. Activities in a hazard overlay zone must comply with all of the rules in 16.3.3 - 16.3.5.

*Performance Standards*

12. Performance standards are listed in the far right column of the activity status tables.
13. Performance standards apply to permitted, controlled, and restricted discretionary activities.
14. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.
15. If a restricted discretionary activity does not meet one or more performance standards, then the activity status remains restricted discretionary (unless otherwise indicated in the performance standard).

## Legend

| Acronym | Meaning |
|---|---|
| + | Additional provisions apply (assessment criteria for activities in overlay need to be viewed) |
| N/A | Not Applicable |
| P | Permitted Activity |
| C | Controlled Activity |
| RD | Restricted Discretionary Activity |
| D | Discretionary Activity |
| NC | Non-complying Activity |
| Pr | Prohibited Activity |
| RU | Rural Zones |
| ONF | Outstanding Natural Feature Overlay Zone |
| ONL | Outstanding Natural Landscape Overlay Zone |
| SNL | Significant Natural Landscape Overlay Zone |
| ONCC | Outstanding Natural Coastal Character Overlay Zone |
| HNCC | High Natural Coastal Character Overlay Zone |
| NCC | Natural Coastal Character Overlay Zone |
| ASBV | Areas of Significant Biodiversity Value |
| Haz1A | Hazard 1A (flood) Overlay Zone |
| Haz1 | Hazard 1 Overlay Zones |
| Haz2 | Hazard 2 Overlay Zones |
| Haz3 | Hazard 3 Overlay Zones |

| Acronym | Meaning |
|---|---|
| RTZ | Residential Transition Overlay Zone |

### 16.3.3 Land Use Activity Status Table

| | | | | | | |
|---|---|---|---|---|---|---|
| 1. | Performance standards that apply to all land use activities | | | | | a. Acoustic insulation (noise sensitive activities only)<br>b. NA<br>c. Light spill<br>d. Noise<br>e. Setback from National Grid (National Grid sensitive activities only) |
| Rural activities | | Activity status | | | | Performance standards |
| | | a. RU | b. ONL/ SNL/NCC | c. ONF/ ONCC/HNCC | d. ASBV | |
| 2. | Domestic animal boarding and breeding (not including dogs) | P | P | NC | NC | i. Location |
| 3. | Domestic animal boarding and breeding (including dogs) | RD | RD | NC | NC | i. Location |
| 4. | Intensive farming not in a RTZ | RD | RD | NC | NC | i. Minimum mobility car parking |
| 5 | Intensive farming in a RTZ | D | N/A | N/A | N/A | |
| 6. | Farming | P | P | P | NC | |
| 7. | Forestry not in a RTZ | P | RD | NC | NC | i. Forestry and shelterbelts and small woodlots setbacks<br>ii. Tree species |
| 8. | Forestry in a RTZ | D | N/A | N/A | N/A | |
| 9. | Grazing | P | P | P | NC | |
| 10. | Landfills not in a RTZ | D | D+ in SNL/NCC NC in ONL | Pr | NC | |
| 11. | Landfills in a RTZ | NC | N/A | N/A | N/A | |

| | | | | | | |
|---|---|---|---|---|---|---|
| 12. | Mineral prospecting | P | P | NC | NC | i. Hours of operation<br>ii. Site restoration |
| 13. | Mineral exploration that does not involve blasting | P | P | NC | NC | i. Hours of operation<br>ii. Site restoration |
| 14. | Mineral exploration that involves blasting | P | D+ in SNL/NCC<br>NC in ONL | NC | NC | i. Hours of operation<br>ii. Site restoration<br>iii. Blasting |
| 15. | Mining not in a RTZ | D | D+ in SNL/NCC<br>NC in ONL | Pr | NC | |
| 16. | Mining in a RTZ | NC | N/A | N/A | N/A | |
| 17. | Scheduled mining activity (other than SMA008) | P | P | P | N/A | i. Scheduled mining activity |
| AA. | Scheduled mining activity (SMA008) | C | C | N/A | N/A | i. Scheduled mining activity |
| AB. | Expansion of scheduled mining activity | D | D+ in SNL/NCC<br>NC in ONL | Pr in an ONCC or HNCC<br>SMA002 Pr in ONF<br>SMA007 NC in ONF | NC | |
| 18. | Rural ancillary retail | P | P | P | P | i. Hours of operation<br>ii. Location<br>iii. Maximum gross floor area<br>iv. Minimum mobility car parking |
| 19. | Rural tourism - small scale | P | P | P | P | i. Hours of operation<br>ii. Location<br>iii. Minimum mobility car parking |
| 20. | Rural tourism - large scale | D | D | D | D+ | |
| 21. | Rural research - small scale | P | P | P | P | i. Minimum mobility car parking |
| 22. | Rural research - large scale outside the **Invermay Farm mapped area** | D | D | NC | D+ | |

| | | | | | | |
|---|---|---|---|---|---|---|
| 23. | Rural research - large scale in the **Invermay Farm mapped area** | P | N/A | N/A | N/A | |
| Residential activities | | a. RU | b. ONL/ SNL/NCC | c. ONF/ ONCC/HNCC | d. ASBV | Performance standards |
| 24. | Papakāika[1] | C | C | NC | NC | i. Density<br>ii. Separation distances |
| 25. | Residential activities within the **airport noise inner control mapped area** | Pr | N/A | N/A | N/A | |
| 26. | Standard residential outside a **hazard facility mapped area** | P | P | NC | NC | i. Density<br>ii. Separation distances<br>iii. Family flats |
| S. | Standard residential within a **hazard facility mapped area** | NC | NC | N/A | N/A | |
| 27. | Supported living facilities | NC | NC | NC+ | NC+ | |
| 28. | Working from home | P | P | P | P | i. Hours of operation<br>ii. Maximum gross floor area |
| Community activities | | a. RU | b. ONL/ SNL/NCC | c. ONF/ ONCC/HNCC | d. ASBV | Performance standards |
| 29. | Conservation | P | P | P | P | |
| T. | Community and leisure within a **hazard facility mapped area** | NC | NC | N/A | N/A | |
| 30. | Community and leisure - small scale outside a **hazard facility mapped area** | P | P | P | P | i. Minimum mobility car parking |
| 31. | Community and leisure - large scale outside a **hazard facility mapped area** | D | D | D | D+ | |
| 32. | Early childhood education outside a **hazard facility mapped area** | D | D | D | NC | |
| U. | Early childhood education within a **hazard facility mapped area** | NC | NC | N/A | N/A | |
| 33. | Sport and recreation | D | D | D | D+ | |
| Commercial activities | | a. RU | b. ONL/ SNL/NCC | c. ONF/ ONCC/HNCC | d. ASBV | Performance standards |

| | | | | | | |
|---|---|---|---|---|---|---|
| 34. | Ancillary licensed premises | Same status as underlying activity | Same status as underlying activity | Same status as underlying activity | Same status as underlying activity | |
| 35. | Restaurants or retail activities ancillary to sport and recreation | D | D | D | D+ | |
| 36. | Stand-alone car parking | P | P | P | P | |
| 37. | Veterinary services (large animal practice) outside a **hazard facility mapped area** | RD | RD | NC | NC | |
| V. | Veterinary services (large animal practice) within a **hazard facility mapped area** | NC | NC | NC | NC | |
| 38. | Visitor accommodation outside the **airport noise inner control mapped area** and outside a **hazard facility mapped area** | D | D | NC | NC | |
| W. | Visitor accommodation within a **hazard facility mapped area** | NC | NC | N/A | N/A | |
| 39. | Visitor accommodation within the **airport noise inner control mapped area** | Pr | N/A | N/A | N/A | |
| 40. | Service stations on a strategic road or arterial road | D | NC | NC | NC | |
| 41. | Service stations other than on a strategic road or arterial road | NC | NC | NC | NC | |
| 42. | All other activities in the commercial activities category | NC | NC | NC | NC+ | |
| Industrial activities | | a. RU | b. ONL/ SNL/NCC | c. ONF/ ONCC/HNCC | d. ASBV | Performance standards |
| 43. | Rural contractor and transport depots - small scale | P | P | NC | NC | |
| 44. | Rural contractor and transport depots - large scale | D | D | NC | NC | |
| 45. | Rural industry | D | D | NC | NC | |
| 46. | All other activities in the industrial activities category | NC | NC | NC | NC+ | |
| Major facility activities | | a. RU | b. ONL/ SNL/NCC | c. ONF/ ONCC/HNCC | d. ASBV | Performance standards |
| 47. | Cemeteries outside a **hazard facility mapped area** | RD | RD | NC | NC | i. Separation distances |

| | | | | | | |
|---|---|---|---|---|---|---|
| X. | Cemeteries within a **hazard facility mapped area** | NC | NC | N/A | N/A | |
| 48. | Crematoriums outside a **hazard facility mapped area** | RD | RD+ | NC | NC | i. Minimum mobility car parking |
| Y. | Crematoriums within a **hazard facility mapped area** | NC | NC+ | N/A | N/A | |
| 49. | Emergency services outside a **hazard facility mapped area** | P | NC | NC | NC | i. Minimum mobility car parking |
| Z. | Emergency services within a **hazard facility mapped area** | NC | NC | N/A | N/A | |
| 50. | New Zealand Marine Studies Centre in the **Portobello Marine Science mapped area** | P | P | N/A | N/A | |
| 51. | All other activities in the major facility activities category | NC | NC+ | NC+ | NC+ | |

### Note 16.3.3A - General advice

1. [1] Papakāika activity is intended to allow descendants of the original native reserve grantees to live on this land. It is not intended to allow other residential use of rural land at a higher density than provided for in the rural zones. If papakāika is developed and is subsequently no longer required for the use of Manawhenua in accordance with the papakāika definition, resource consent will be required to allow its use as other residential development. In this situation, the provisions of the rural zones that govern residential activity, including density of residential development, will apply. It is strongly recommended that the use of relocatable buildings is considered for papakāika development in order to avoid potential future problems of being unable to obtain consent for ownership or occupation of dwellings by people other than descendants of the original grantees.
2. Where papakāika is on Māori Land, the provisions of the Te Ture Whenua Māori Act 1993 or subsequent legislation apply.
3. New marae may only be established with the agreement of Manawhenua.
4. For papakāika activity, see also Rule 16.13 Special Information Requirements.

### Note 16.3.3B – Other requirements outside of the District Plan

Plantation forestry and associated activities are addressed by the NESPF rather than Rule 16.3.3.7 for rural zones in Rule 16.3.3.7.a and for SNLs in Rule 16.3.3.7.b.

Plantation forestry and associated activities are addressed by the NESPF rather than Rule 16.3.3.7 for ONLs in Rule 16.3.3.7.b, except that Rule 16.5.13 (which is more stringent than the NESPF) and assessment Rule 16.10.5.7 (which is an effect not addressed by the NESPF) apply in addition to the NESPF.

For NCCs in Rule 16.3.3.7.b, ONFs, ONCC and HNCCs in Rule 16.3.3.7.c, and ASBVs in column Rule 16.3.3.7.d the NESPF does not apply.

The NESPF does not apply to vegetation clearance prior to afforestation and therefore rules 16.3.4.23, 16.3.4.24 and 16.3.4.25 and the rules in Section 10 Natural Environment apply.

### Note 16.3.3X- Other requirements outside of the District Plan

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

## 16.3.4 Development Activity Status Table

| | | |
|---|---|---|
| 1. | Performance standards that apply to all development activities | a. Natural Hazards Performance Standards<br>b. Setback from scheduled tree |

| | | |
|---|---|---|
| 2. | Performance standards that apply to all buildings and structures activities | a. Boundary setbacks<br>b. Firefighting<br>c. Maximum height<br>d. Number, location and design of ancillary signs<br>e. Reflectivity (landscape and coastal character overlays)<br>f. Setback from coast and water bodies<br>g. Setback from National Grid<br>X. Setback from Critical Electricity Distribution Infrastructure |

| Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 8 - 15) | | Activity status | | | | Performance standards |
|---|---|---|---|---|---|---|
| | | a. RU | b. ONL/ SNL/NCC | c. ONF/ ONCC/HNCC | d. ASBV | |
| 5. | New buildings or structures<br>**or**<br>additions and alterations (except fences) | P | P | NC | P | i. Area, number and location of buildings and structures (ONLs, SNLs, NCCs, ASBVs, Hill Slopes) |
| 6. | Fences | P | P | P | P | |
| 7. | All other buildings and structures activities | P | P | P | P | |
| Buildings and structures activities **that** affect a protected part of a scheduled heritage building **or** a scheduled heritage structure | | a. RU | b. ONL/ SNL/NCC | c. ONF/ ONCC/HNCC | d. ASBV | Performance standards |

| | | | | | | |
|---|---|---|---|---|---|---|
| 8. | Repairs and maintenance | P | P | P | P | |
| 9. | Restoration of a building or structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) | C | C | C | C | |
| 10. | Restoration of all other scheduled heritage buildings and scheduled heritage structures | P | P | P | P | |
| 11. | Earthquake strengthening where external features only are protected | C | C | C | C | i. Materials and design |
| 12. | Signs attached to buildings or structures | P | P | P | P | |
| 13. | All other additions and alterations | RD | RD | RD | RD | |
| 14. | Demolition | NC | NC | NC | NC | |
| 15. | Removal for relocation | RD | RD | RD | RD | |
| Development activities on a scheduled heritage site, where visible from an adjoining public place or a public place within the heritage site | | a. RU | b. ONL/ SNL/NCC | c. ONF/ ONCC/HNCC | d. ASBV | Performance standards |
| 16. | New structures no more than 2.5m high or 2m² footprint | P | P | P | P | |
| 17. | All other new structures | RD | RD | RD | RD | |
| 18. | New buildings | RD | RD | RD | RD | |
| 19 | Parking, loading and access | RD | RD | RD | RD | i. Parking, loading and access standards |
| Site development activities in all areas (except as covered by rows 16 - 19 above) | | a. RU | b. ONL/ SNL/NCC | c. ONF/ ONCC/HNCC | d. ASBV | Performance standards |
| 20. | Outdoor storage | P | P | P | P | |
| 21. | New or additions to parking areas that result in 50 or more new parking spaces. | RD | RD | RD | RD | i. Parking, loading and access standards |
| 22. | Parking, loading and access | P | P | P | P | i. Parking, loading and access standards |
| 23. | Indigenous vegetation clearance - small scale | P | P | P | P | i. Vegetation clearance standards |
| 24. | Indigenous vegetation clearance - large scale | RD | RD in ONL/SNL RD+ in NCC | RD+ in ONF NC in ONCC/HNCC | NC | i. Vegetation clearance standards |

| | | | | | | |
|---|---|---|---|---|---|---|
| 25. | All other vegetation clearance | P | P | P | P | i. Vegetation clearance standards |
| 26. | Storage and use of hazardous substances | P | P | P | P | i. Hazardous substances quantity limits and storage requirements<br>ii. Setback from coast and water bodies |
| 27. | Shelterbelts and small woodlots | P | P | RD | RD | i. Forestry and shelterbelts and small woodlots setbacks<br>ii. Tree species |
| 28. | All other site development activities | P | P | P | RD | |

### Note 16.3.4A - General advice

1. An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
2. An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
4. The **archaeological alert layer mapped area** identifies sites and areas that have a strong likelihood of containing archaeological remains, however remains may be present anywhere within the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.

### 16.3.5 Subdivision Activity Status Table

| Subdivision Activities | | Activity status | | | | Performance standards |
|---|---|---|---|---|---|---|
| | | a. RU | b. ONL/ SNL/NCC | c. ONF/ ONCC/HNCC | d. ASBV | |
| 1. | General subdivision | RD | RD+ | RD+ | RD+ | i. Access<br>ii. Esplanade reserves and strips<br>iii. Firefighting<br>iv. Minimum site size<br>v. Shape<br>X. Setback from National Grid (subdivision activities) |
| 2. | Cross lease, company lease and unit title subdivision | D | D | D | D | |

**Note 16.3.5A - Other RMA considerations**

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

**Note 16.3.5X - Other relevant District Plan provisions**

1. Additional matters of discretion apply to the subdivision of land within a **Critical Electricity Distribution Infrastructure Corridor mapped area**. These are set out in Rule 16.10.5.
2. Additional matters of discretion apply to the subdivision of land within a **National Grid Subdivision Corridor mapped area**. These are set out in Rule 16.10.5.

### 16.3.6 Activity Status in Hazard 1 (Flood), Hazard 1A (Flood) and Hazard 2 (Flood) Overlay Zones

| **Activity** | | **Activity status** | | |
|---|---|---|---|---|
| | | **a. Haz1A (flood)** | **b. Haz1 (flood)** | **c. Haz2 (flood)** |
| Land Use Activities | | | | |
| 1. | Natural hazards sensitive activities | Pr | NC | RD |
| 2. | Natural hazards potentially sensitive activities | NC | NC | RD |
| Development Activities | | | | |

| Activity | | Activity status | | |
|---|---|---|---|---|
| | | a. Haz1A (flood) | b. Haz1 (flood) | c. Haz2 (flood) |
| 3. | New buildings and additions and alterations to buildings that create within any two calendar-year period: more than 36m² of new ground floor area in the **Henley mapped area**, or more than 60m² of new ground floor area outside the **Henley mapped area** | RD | RD | RD |

### Note 16.3.6A - Other RMA considerations

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

2. Accordingly, activities that are shown to have effects that are the same or similar in character, intensity and scale to those which existed before the rule became operative or the proposed plan was notified will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 16.3.6. However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of effects from the land use activity.

### Note 16.3.6B - Other requirements outside the District Plan

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

## Rule 16.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or 95B of the RMA, unless either Council considers special circumstances exist in relation to the application that require public notification or specific parties are required to be notified by rules 16.4.2, 16.4.3, 16.4.4, 16.4.5 or 16.4.7:
    1. papakāika (controlled activity) where the associated site development activities are permitted;
    2. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand;
    3. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is not listed by Heritage New Zealand; and

    X. new buildings or structures greater than 60m² footprint, or additions and alterations that result in a building or structure that is greater than 60m² footprint, within an SNL, ONL or NCC Overlay Zone (Rule 16.6.6.X), where the building or structure is to be used for farming.
2. With respect to resource consent applications for the following activities, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where its written approval is not

provided:

1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand;
2. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is listed by Heritage New Zealand; and
3. contravention of the archaeological sites performance standard (Rule 13.3.3).

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

4. With respect to resource consent applications for the following activities, the Department of Conservation will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided:
   1. indigenous vegetation clearance - large scale in a scheduled Area of Significant Biodiversity Value; or
   2. indigenous vegetation clearance - large scale or any discretionary or non-complying activity in a Natural Coastal Character, High Natural Coastal Character or Outstanding Natural Coastal Character Overlay Zone.

5. With respect to resource consent applications for the following activities within the **radio transmitters mapped area**, Radio New Zealand Limited will be considered an affected person in accordance with section 95B of the RMA, unless its written approval is provided or discretion is restricted and excludes consideration of reverse sensitivity effects:
   1. any activities that may be sensitive to electromagnetic interference, noise or visual effects from Radio New Zealand's facilities at 740 Highcliff Road and 35 Karetai Road; and
   2. subdivision that could result in activities of this kind.

6. With respect to sections 95D(b) and 95E(2)(a) of the RMA, Council will not consider papakāika or family flats as part of the permitted baseline in considering residential density effects in the rural zones.

7. With respect to resource consent applications for the following activities, the Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided:
   1. activities in the hazard 1 or hazard 1A (flood) overlay zones; and
   2. activities in **swale mapped areas**.

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

# Rule 16.5 Land Use Performance Standards

## 16.5.1 Acoustic Insulation

Noise sensitive activities in the following areas must comply with Rule 9.3.1:

1. **port noise control mapped area**;
2. **airport noise inner control mapped area**;
3. **airport noise outer control mapped area**;
4. within 40m of the Taieri Aerodrome Zone;
5. within 40m of a state highway;
6. within 20m of an industrial zone; and
7. within 70m of a railway line.

## 16.5.2 Density

1. The maximum density of standard residential activity is as follows:

| Rural Zone | | i. Minimum site size - first residential activity per site | ii. Minimum site size - second residential activity per site | iii. Minimum site size - third residential activity per site |
|---|---|---|---|---|
| a. | Coastal | 15ha | 80ha | 120ha |
| b. | High Country | 100ha | 200ha | 300ha |
| c. | Hill Country | 100ha | 200ha | 300ha |
| d. | Hill Slopes | 15ha | 50ha | 75ha |
| e. | Middlemarch Basin | 40ha | 160ha | 240ha |
| f. | Peninsula Coast | 20ha | 80ha | 120ha |
| g. | Taieri Plain | 25ha | 80ha | 120ha |

h. Except,
   i. papakāika may be developed at a density of 6 residential units, or 15 habitable rooms per site, whichever is the lesser.
   ii. in the Middlemarch Basin, Hill Country and High Country rural zones, a single residential activity is permitted on any site that existed before 26 September 2015, and that is 15ha or larger, provided the residential activity is established prior to 7 November 2025.

X. in the Peninsula Coast Rural Zone, a single residential activity is permitted on any site that existed before 26 September 2015, and that is 15ha or larger.

i. Multiple standard residential activities (additional primary residential buildings (houses)) are only allowed on a single site where they are located no closer than 80m from other residential buildings on the same site (family flats or sleepouts are considered part of the same residential activity), except:
   i. multiple residential units developed as part of papakāika may be located closer than 80m to each other.

j. if a site is crossed by a boundary between two or more rural zones, the maximum density of the standard residential activity must meet the density required for the rural zone in which the residential

activity is to be established; and

i. the total site size must meet the minimum site size for the zone in which the residential activity is to be established; and

ii. for each new residential activity per site, a minimum of 2ha of the site per residential activity must be located within the rural zone in which the residential activity is to be established.

2. One family flat is allowed in association with each standard residential activity that meets this performance standard for density.

3. Standard residential activity that contravenes the performance standard for density is a non-complying activity, except:
   a. papakāika that contravenes the performance standard for density is a discretionary activity; and

   X. a family flat that contravenes Rule 16.5.2.2 is:
      i. a restricted discretionary activity where the area of the site is 15ha or more;
      ii. a discretionary activity where the area of the site is less than 15ha.

### 16.5.4 Hours of Operation

| Activity | | Hours of operation |
|---|---|---|
| 1. | Mineral exploration and mineral prospecting | 7:00am - 10:00pm |
| 2. | Rural ancillary retail | Customers must not arrive before 7:00am or depart after 7:00pm |
| 3. | Rural tourism - small scale | Visitors must not arrive before 7:00am or depart after 7:00pm |
| 4. | Working from home (excluding homestay) | Customers and deliveries must not arrive before 7:00am or depart after 7:00pm |

5. Wildlife and night sky viewing activities are exempt from this standard.

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

### 16.5.5 Light Spill

1. Light spill measured 1.5m above ground level at the boundary of a site must not exceed 1 Lux between 10:00pm and 7:00am.

2. Lights must be:
   a. cut-off or fully shielded;
   b. and directed away from roads and any adjacent property

3. Light spill measured at the boundary of the residential zone or any site used for residential purposes between 7:00am and 10:00pm must not exceed 3 Lux.
   a. Except this standard does not apply to light spill from the headlights of motor vehicles.

4. Activities that contravene rules 16.5.5.1 and 16.5.5.2 are discretionary activities.

5. Activities that contravene any light spill limit in Rule 16.5.5.3 by 25% or less are discretionary activities.

6. Activities that contravene any light spill limit in Rule 16.5.5.3 by greater than 25% are non-complying activities.

### 16.5.6 Location

1. Domestic animal boarding and breeding, rural ancillary retail and rural tourism - small scale must not be accessed directly from a state highway with a speed limit of 80kmh or over.

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

### 16.5.7 Maximum Gross Floor Area

| Activity | | Maximum gross floor area |
|---|---|---|
| 1. | Rural ancillary retail | 60m² |
| 2. | Working from home | 100m² |

3. Except the retailing of plants grown on the site is exempt from the performance standard for maximum gross floor area.
4. Activities that contravene this performance standard are restricted discretionary activities.

**Note 16.5.7A - Other requirements outside of the District Plan**

1. Registration must be obtained from DCC Environmental Health Department for any working from home activity which involves food products, hairdressing, beauty therapy or tattooing. Please contact the DCC's Environmental Health Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
2. A licence from the DCC's Alcohol Licensing Department may be required for any working from home activity involving the sale or distribution of alcohol. Please contact the DCC on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.

### 16.5.8 Minimum Mobility Car Parking

| Activity | | Minimum car parking |
|---|---|---|
| 1-7. | ***Removed to comply with the National Policy Statement on Urban Development 2020 requirement to remove minimum car parking requirements. Rule numbering to be corrected at a later date.*** | |

8. Land use activities must provide on-site mobility parking spaces as follows:

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

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

**Note 16.5.8A - Other relevant District Plan provisions**

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

### 16.5.9 Noise

Land use activities must comply with Rule 9.3.6.

### 16.5.10 Separation Distances

1. New residential buildings and cemeteries must be located at least:
    a. 100m from:
        i. an existing, lawfully established intensive farming activity on a separate site;
        ii. an existing, lawfully established domestic animal boarding and breeding (including dogs) activity on a separate site; and
        iii. the Waitati Rifle Range at 108 Miller Road, Waitati (Minister of Defence designation D158);
    b. 150m from existing, lawfully established landfills on a separate site;
    c. 250m from existing, lawfully established wind generators - large scale on a separate site;
    d. 200m from an existing, lawfully established mining activity, that does not involve blasting, on a separate site; and
    e. 500m from an existing, lawfully established mining activity, that involves blasting, on a separate site.
2. For the purposes of this standard, separation distance is measured from either the closest wall of the new residential building or the closest edge of the cemetery, as relevant, to the closest edge of any active operational area or other part of the site being used as part of the activities listed.
3. Activities that contravene this performance standard are restricted discretionary activities.

### 16.5.11 Setback from National Grid

National Grid sensitive activities must comply with Rule 5.6.1.

### 16.5.12 Site Restoration

1. Areas disturbed by mineral prospecting and mineral exploration must restore any areas disturbed with respect to landform, biodiversity values and productive potential. Restoration must be completed prior to the end of the lease, licence, or consent, whichever is earliest.
2. Activities that contravene this performance standard are restricted discretionary activities.

### 16.5.13 Tree Species

Forestry and shelterbelts and small woodlots must comply with Rule 10.3.4.

### 16.5.14 Family Flats

16.5.14.1 Family Flats - Tenancy

a. Family flats must:
    i. only be occupied by:
        1. a person or persons related to or dependent on the household that lives in the primary residential unit on the same site; or
        2. employed on-site, in a paid or voluntary capacity, as a domestic, child-care, farm or conservation worker by the household that lives in the primary residential unit on the same site.
    ii. not be on a different tenancy agreement to the primary residential unit.

b. Standard residential activity that contravenes this performance standard is a non-complying activity.

16.5.14.2 Family Flats - Design

a. Family flats (which include farm workers' accommodation) in all rural zones must:
   i. not exceed a maximum gross floor area of 60m².

X. Family flats in the Coastal, Hill Slopes, Peninsula Coast and Taieri Plain rural zones must:

   i. be on the same available water and wastewater infrastructure connection, or the same non-reticulated wastewater disposal system as the primary residential unit;

   ii. be on the same household electricity account;

   iii. share the same driveway as the primary residential unit; and

   iv. be attached to or located in the same residential building as the primary residential unit, or located within 30m of the primary residential building (house), as measured as the closest distance between any wall of the primary residential building and any wall of the family flat.

b. Standard residential activity that contravenes this performance standard is a restricted discretionary activity.

## 16.5.15 Blasting

1. Mineral exploration that involves blasting must comply with the following:
   a. There are no more than 3 blast events per site per day, and no more than 21 blast events in a calendar year.
   b. Blast events may only occur between 8.00am and 6.00pm Monday to Saturday (excluding public holidays).
   c. The peak amplitude (Vmax) must not exceed 5 mm/second, measured on any foundation or suitable adjacent location of an adjoining residential property; Overpressure (Pmax) must not exceed 120 dBL, measured at the boundary of the receiving property, or the notional boundary of noise sensitive activities in a rural, rural residential or Ashburn Clinic Zone.
   d. Quantum of earth moved must not exceed the earthworks - small scale standards.
2. Mineral exploration that contravenes the performance standard for blasting is a discretionary activity.

## 16.5.16 Scheduled Mining Activity

16.5.16.1

Scheduled mining activity must meet the performance standards listed below.

16.5.16.2

a. Scheduled mining activity that contravenes Rule 16.5.16.3, Rule 16.5.16.4, Rule 16.5.16.6 or Rule 16.5.16.7 will be considered expansion of scheduled mining activity and will be subject to the rules that apply to that activity in Rule 16.3.

b. Scheduled mining activity that contravenes Rule 16.5.16.5, Rule 16.5.16.X or Rule 16.5.16.Y has the activity status set out in that standard.

16.5.16.3 Maximum Annual Extraction

a. Aramoana Quarry must not exceed a maximum annual extraction limit of 50,000m³.

b. Fairfield Sand Pit No. 3 must not exceed a maximum annual extraction limit of 10,000 tonnes.

16.5.16.4 Operating Limits

a. Blackhead Quarry:
   i. may only operate: Monday to Saturday 6.00am to 10.00pm;
   ii. must not extract material on Sec 153 Green Island Bush SD or within 100m of Blackhead Road on Secs 154 and 155 Green Island Bush SD. However, these areas may be used for quarry activities not involving extraction such as stock piling overburden; and
   iii. must not undertake mining in the area defined by Conservation Covenant 779741/2.

b. Fairfield Sand Pit No. 3:
   i. may only operate: Monday to Friday 6.00am to 8.00pm and Saturday 7.00am to 5.00pm;
   ii. must not use blasting; and
   iii. must not extract material on Pt Sec 11 -13 Green Island West SD. However, these areas may be used for quarry activities not involving extraction, such as stockpiling overburden.

c. Aramoana Quarry:
   i. may only operate: Monday to Saturday 7.00am to 7.00pm;
   ii. may only operate for the purpose of maintaining and repairing of the Aramoana Mole and the Long Mac Groyne; and
   iii. may only transport rock on the Aramoana Road/Moana Street route, between the hours of 7.00am to 7.00pm Monday to Saturday.

d. Mt Kettle Quarry:
   i. may only operate: Monday to Saturday 6.00am to 10.00pm;
   ii. must not undertake mining on more than 40 days each calendar year;
   iii. must ensure quarrying does not alter the skyline as viewed from Portobello Road or from State Highway No 1;
   iv. must not quarry closer than 50m to adjoining properties; and
   v. must retain existing native vegetation on areas not quarried.

X. Saddle Hill Upper Quarry:
   i. must not operate outside of the hours Monday to Saturday 6.00am to 10.00pm; and
   ii. must not involve any rock extraction or earthworks (either excavation or deposition of fill) that alters the profile of the ridgeline outside Area B as shown in Figure 16.5.16.4A.

Y. Saddle Hill Lower Quarry:
   i. must not operate outside of the hours Monday to Saturday 6.00am to 10.00pm; and
   ii. must not involve any rock extraction or earthworks (either excavation or deposition of fill) outside Area A as shown in Figure 16.5.16.4B.

**Figure 16.5.16.4A: Saddle Hill Upper Quarry: Operating Limits**

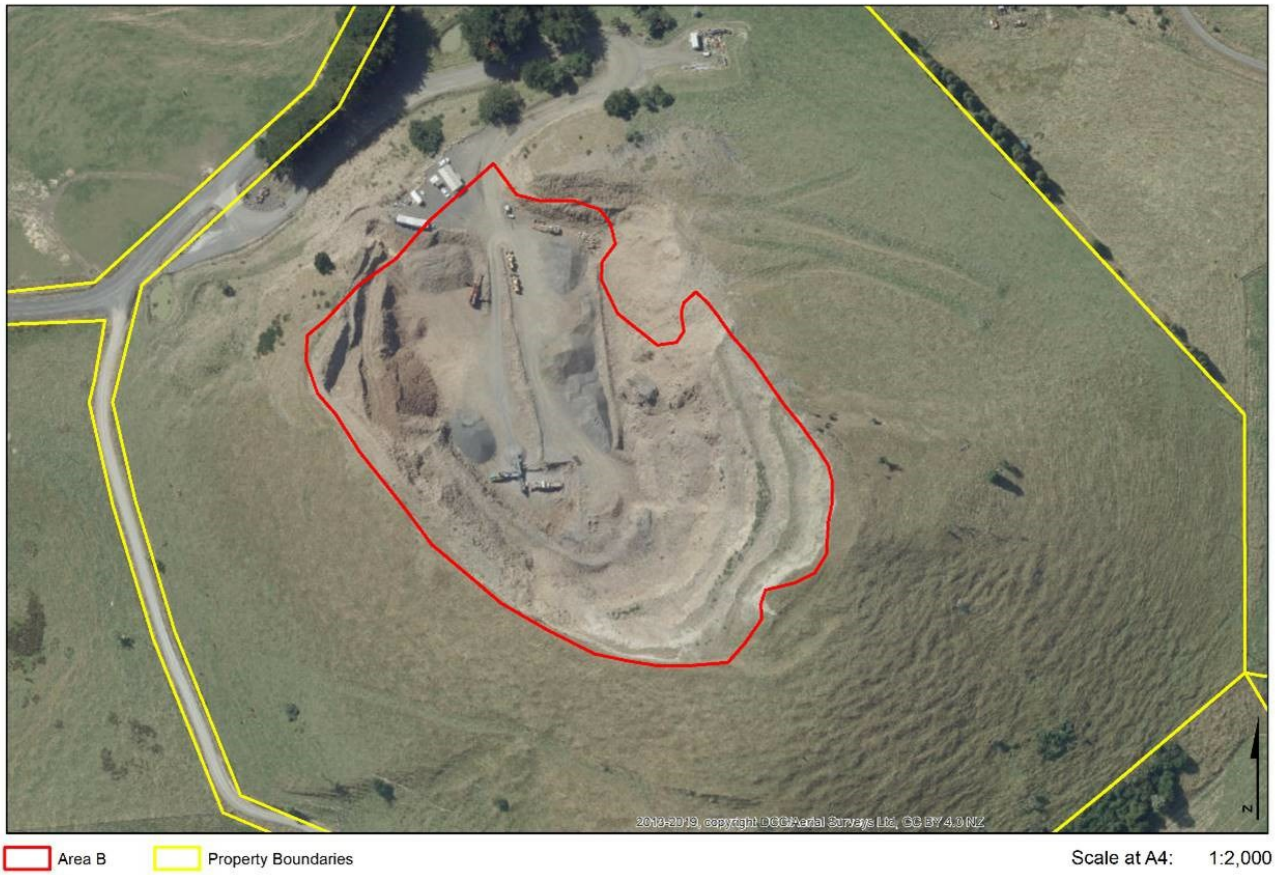



**Figure 16.5.16.4B: Saddle Hill Lower Quarry: Operating Limits**

16.5.16.5 Noise

Aramoana Quarry, Blackhead Quarry, Mt Kettle Quarry Fairfield Sand Pit No. 3, Saddle Hill Upper Quarry and Saddle Hill Lower Quarry must comply with Rule 9.3.6, subject to the following:

a. An adjustment of minus 5 dBA for noise emissions having special audible characteristics.

b. Noise level readings for the purpose of determining compliance with the noise conditions must be provided by the quarry operator for two hours, at times representative of the operation and at which maximum noise levels can be assessed. For continuous operations, readings must take place at 12 monthly intervals; for intermittent operations readings must be provided at the time of every subsequent operation of the site.

16.5.16.6 Blasting

a. Aramoana Quarry, Blackhead Quarry, Mt Kettle Quarry, Saddle Hill Upper Quarry and Saddle Hill Lower Quarry must ensure that airblast over-pressure from a blasting event on the site, when assessed at any point within the notional boundary of any residence, does not exceed a peak non-frequency-weighted (linear or flat) level of 115 dB (Peak) at any time.

16.5.16.7 Landscaping and rehabilitation

a. Aramoana Quarry, Blackhead Quarry, Mt Kettle Quarry and Fairfield Sand Pit No. 3 must carry out a programme of landscaping to encourage the revegetation of areas that are no longer being mined. The landscaping programme must ensure that:
   i. all planting is in accordance with a landscape plan prepared by a qualified landscape architect; and
   ii. all vegetation established as part of this programme is maintained in a healthy state at all times.

b. For Aramoana Quarry, Blackhead Quarry and Mt Kettle Quarry, the landscaping must include creating areas of loose scree on any benching for the colonisation of rock plants.

c. For Fairfield Sand Pit No. 3, the site must be rehabilitated to an appearance and character similar to that of the surrounding environment.

d. Aramoana Quarry must use the overburden and the stockpiling of fines that are retained on the site to recontour the area adjacent to Aramoana Road on sections 46 and 47 Blk V, North Harbour and Blueskin Survey District and must be progressively regrassed.

e. Fairfield Sand Pit No. 3 must undertake a programme of screen planting designed to mitigate adverse visual effects as viewed from the adjacent residential areas, road and other viewing areas. The programme must ensure that:
   i. all planting is in accordance with a landscape plan prepared by a qualified landscape architect; and
   ii. all vegetation established as part of this programme is maintained in a healthy state at all times.

f. Fairfield Sand Pit No. 3 must ensure the edge of the quarried area is designed and certified by a suitably qualified geotechnical engineer to ensure that the edge is stable and will not adversely affect any adjoining property boundary.

16.5.16.X Landscaping and rehabilitation Saddle Hill Upper Quarry

a. Commencing within 12 months of the rule being treated as operative, at the Saddle Hill Upper Quarry, the quarry owner must progressively implement revegetation in accordance with best practice, to the extent shown practicable through a staged programme, and in accordance with health and safety obligations. Revegetation is to commence with the upper benches followed by other completed quarry work surfaces, to achieve the progressive greening of the scheduled quarry area.

b. For the sake of clarity, this standard does not preclude mining of surfaces that have been revegetated, provided that any such surfaces are subsequently revegetated in accordance with this standard.

c. Prior to quarry closure, the quarry owner must, after consultation with the Council, submit to the Council a final quarry landscape rehabilitation plan, prepared by suitably qualified and experienced persons, including a landscape architect and any other technical experts.

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

16.5.16.Y Dust and sediment control

a. At Saddle Hill Upper Quarry, and Saddle Hill Lower Quarry, mining must be undertaken using best practice dust and sediment control management to prevent dust or sediment entering water bodies, stormwater networks, or going across property boundaries.

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

**Note 16.5.16A - Other requirements outside of the District Plan**

a. The Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016 contains regulations that manage effects from mining on public health and safety, including effects on land stability.

# Rule 16.6 Development Performance Standards

## 16.6.1 Firefighting

New residential buildings and subdivision activities must comply with Rule 9.3.3.

## 16.6.2 Natural Hazards Performance Standards

16.6.2.1 Hazard exclusion areas

a. New buildings and structures, and additions and alterations located in a **swale mapped area** must comply with Rule 11.3.1.1.

b. New buildings and structures, and additions and alterations located in a **dune system mapped area** must comply with Rule 11.3.1.2.

16.6.2.2 Maximum area of vegetation clearance in the hazard overlay zones

Vegetation clearance in the Hazard 1 (land instability) Overlay Zone, Hazard 2 (land instability) Overlay Zone, or in a **dune system mapped area**, must comply with Rule 11.3.2.

16.6.2.3 Relocatable buildings

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

16.6.2.4 Outdoor storage

Outdoor storage in the Hazard 1 and 1A (flood) Overlay Zones must comply with Rule 11.3.4.

### 16.6.3 Hazardous Substances Quantity Limits and Storage Requirements

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

### 16.6.4 Materials and Design

Earthquake strengthening must comply with Rule 13.3.2.

### 16.6.5 Maximum Height

1. New buildings and structures, and additions and alterations must not exceed a maximum height above ground level as follows:

| Activity | | i. Rural zones | ii. Landscape and coastal character overlay zones |
|---|---|---|---|
| a. | Roadside produce stall | 3.5m | 3.5m |
| b. | Buildings associated with the New Zealand Marine Studies Centre in the **Portobello Marine Science mapped area** | 10m | 10m |
| c. | All other buildings and structures | 10m | 5m |

2. Rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more than one third of that limit.
3. New buildings and structures, additions and alterations must not protrude through the height restriction for the Taieri Aerodrome approach and take-off fans shown on the **Taieri Aerodrome flight fan mapped area**.
4. Activities that contravene this performance standard are restricted discretionary activities.

### 16.6.6 Area, Number and Location of Buildings and Structures

16.6.6.X Area, number and location of buildings and structures – ONLs,SNLs, NCCs, ASBVs

a. In Outstanding Natural Landscape (ONL), Significant Natural Landscape (SNL), and Natural Coastal Character (NCC) overlay zones and scheduled Areas of Significant Biodiversity Value (ASBVs), all new buildings, new structures and additions and alterations must comply with Rule 10.3.5.

16.6.6.Y Area of Residential Buildings – Hill Slopes Rural Zone

a. In the Hill Slopes Rural Zone, new residential buildings must not exceed 400m² gross floor area, and additions and alterations must not result in a residential building that is greater than 400m² gross floor area.
b. Activities that contravene this performance standard are restricted discretionary activities.

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

16.6.7.1 General

a. A maximum of one sign attached to a building and one freestanding sign is allowed per site, except:
   i. only one sign may be located in any part of a site in an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone.
b. Signs visible from a public place must meet all of the following performance standards, except that regulatory signs, directional signs and warning signs that do not exceed 0.25m² are exempt from these standards.

c. Signs that only give address, occupant or place name information (not including any commercial business names) do not count toward maximum sign numbers.

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

e. Signs must not be illuminated or digital.

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

16.6.7.2 Signs attached to buildings

a. The maximum height above ground level, at the highest point of any sign, attached to a building is 4m, except:
   i. the maximum height is 2m in an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone.

b. Signs must not be attached to roofs.

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

d. The maximum area of signs, per display face, is 2m², except:
   i. the maximum area of signs, per display face, is 0.6m² in an ONF, ONCC or HNCC overlay zone; and
   ii. the maximum area of signs, per display face, is 1m² in an ONL, SNL or NCC overlay zone.

e. In an ONF, ONCC or HNCC overlay zone the sign must only provide information about the values of the overlay zone (refer Appendices A3 and A5).

16.6.7.3 Freestanding signs

a. Maximum dimensions of freestanding signs are:
   i. maximum height of 4m, except:
      1. 2m in an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone;
   ii. maximum area of 2m² per display face, except:
      1. 0.6m² per display face in an ONF, ONCC or HNCC overlay zone; and
      2. 1m² per display face in an ONL, SNL or NCC overlay zone;
   iii. maximum of 2 display faces per sign;
   iv. maximum width of 2m, except:
      1. 1m in an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone; and
   v. maximum depth of 400mm.

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

c. In an ONF, ONCC or HNCC overlay zone the sign must only provide information about the values of the overlay zone (refer Appendices A3 and A5).

**Note 16.6.7A - Other requirements outside of the District Plan**

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

## 16.6.8 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

### 16.6.9 Reflectivity

1. New buildings and structures (except fences), and additions and alterations, in any landscape or coastal character overlay zone must comply with Rule 10.3.6.
2. In the Hill Slopes Rural Zone, new buildings and structures that exceed 300m² footprint must have exterior surfaces that have a light reflectance value (LRV) of 30% or less, except that this rule does not apply to the following exterior surfaces:
   a. natural wood finishes;
   b. glass;
   c. clear plastic;
   d. soffits; or
   e. flues.
3. For the purposes of Rule 16.6.9.2, the LRV of exterior surface materials whose reflectivity changes due to weathering (e.g. stone) will be measured based on an 'as weathered' condition.
4. For the sake of clarity, Rule 16.6.9.2 applies to roofs and does not apply to fences.
5. Activities that contravene this performance standard are restricted discretionary activities.

### 16.6.10 Setbacks

16.6.10.1 Boundary setbacks

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

| Activity | | 1. Minimum setback from road boundary | 2. Minimum setback from side and rear boundaries with sites held in separate ownership |
|---|---|---|---|
| i. | Residential buildings (see Figure 16.6.10.1A) | 20m | The greater of either:<br>i. 20m; or<br>ii. a setback that provides a 40m separation from any residential building on any adjoining site |
| ii. | Non-residential buildings housing animals (see Figure 16.6.10.1B) | 20m | i. Buildings with a maximum height of up to 7m above ground level: 12m<br>ii. Buildings with a maximum height that is over 7m above ground level: Twice the maximum height of the building |
| iii. | Non-residential buildings not housing animals (see Figure 16.6.10.1C) | 20m | i. Buildings with a maximum height of up to 7m above ground level: 6m<br>ii. Buildings with a maximum height that is over 7m above ground level: Twice the maximum height of the building |
| iv. | Roadside produce stall | No requirement | 6m |
| v. | All other structures | No requirement | No requirement |

vi. Except:
   1. additions and alterations to an existing building located within the minimum setback from road

boundary, provided the addition and alteration does not further increase the contravention of the setback and does not increase the height of the building;

2. additions and alterations to an existing building used for residential activity located within the minimum setback from side and/or rear boundary, provided the addition and alteration does not further increase the contravention of the setback and does not increase the height of the residential building; and

3. buildings associated with the New Zealand Marine Studies Centre in the **Portobello Marine Science mapped area**.

vii. Rooftop structures are exempt from any calculation of maximum height in this performance standard.

viii. For the purposes of this standard, the separation between residential buildings is measured from the closest wall of each residential building.

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

Figure 16.6.10.1A: Setbacks for new residential buildings

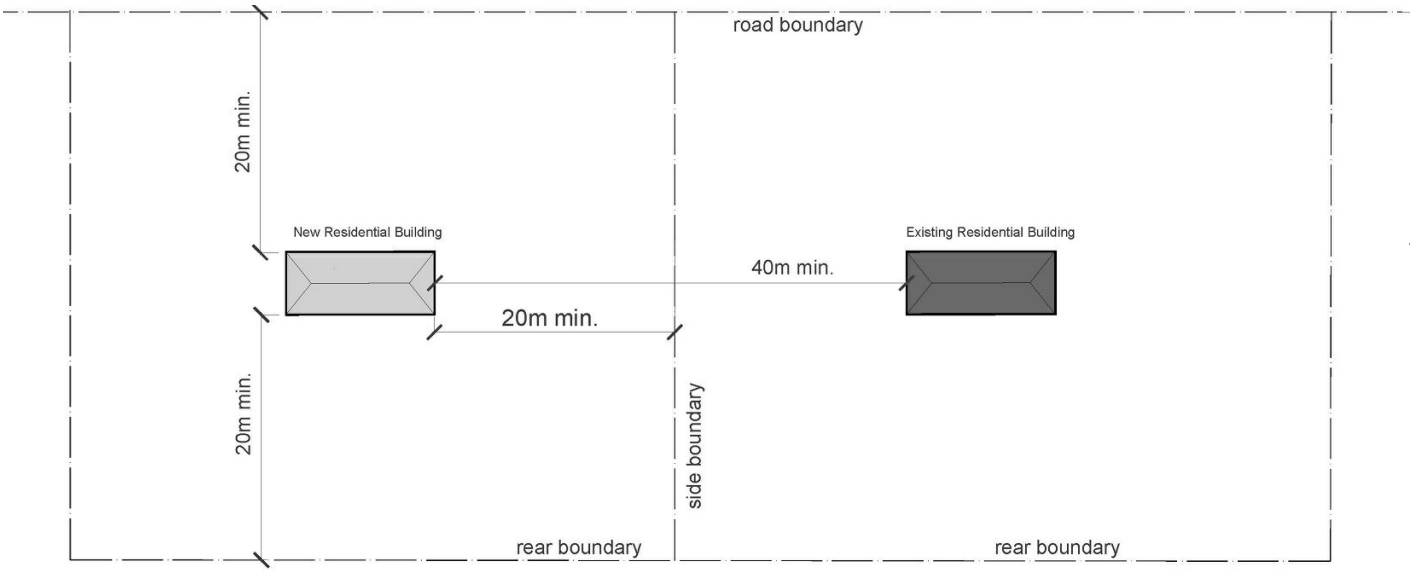


Figure 16.6.10.1B: Setbacks for non-residential buildings housing animals

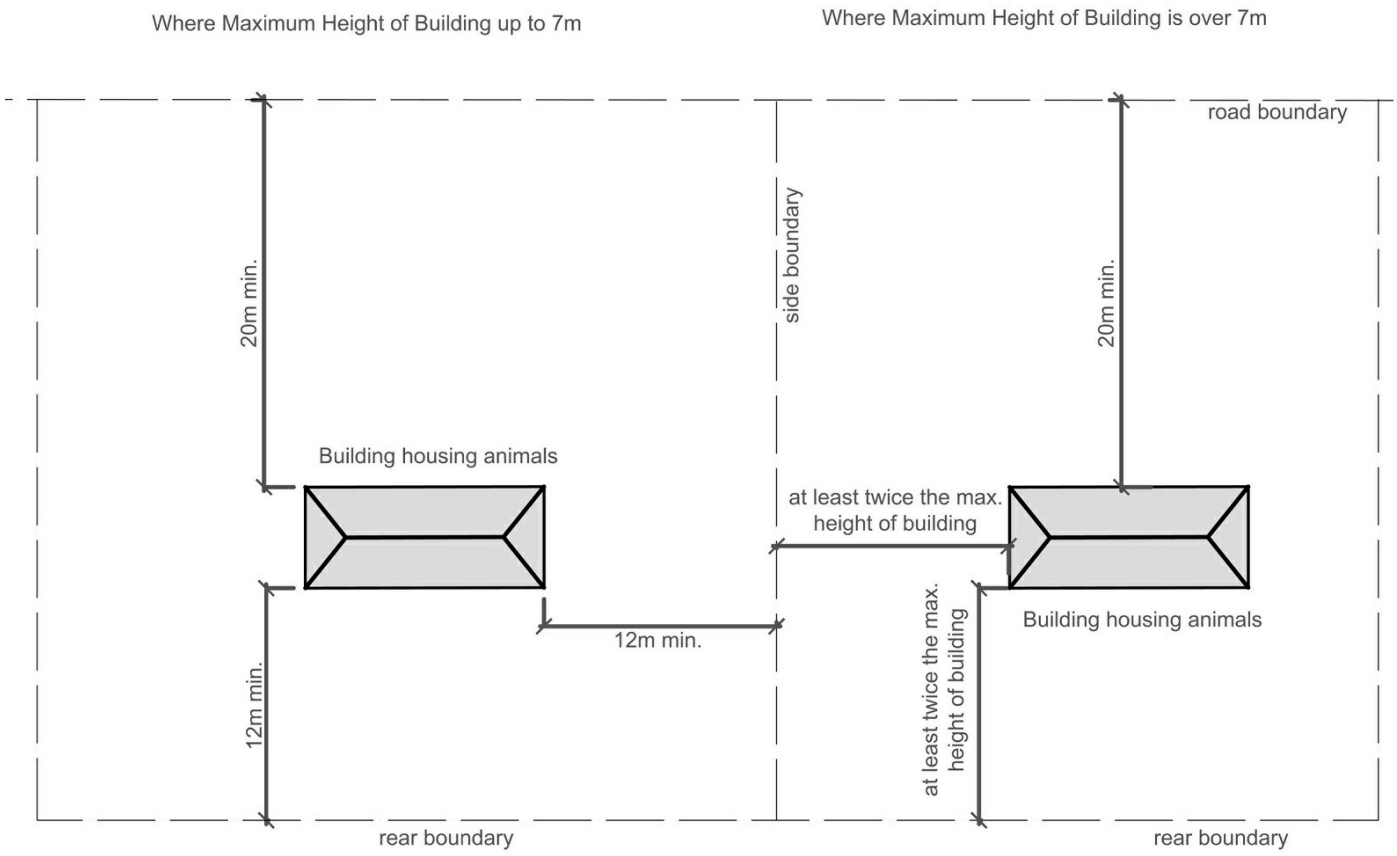
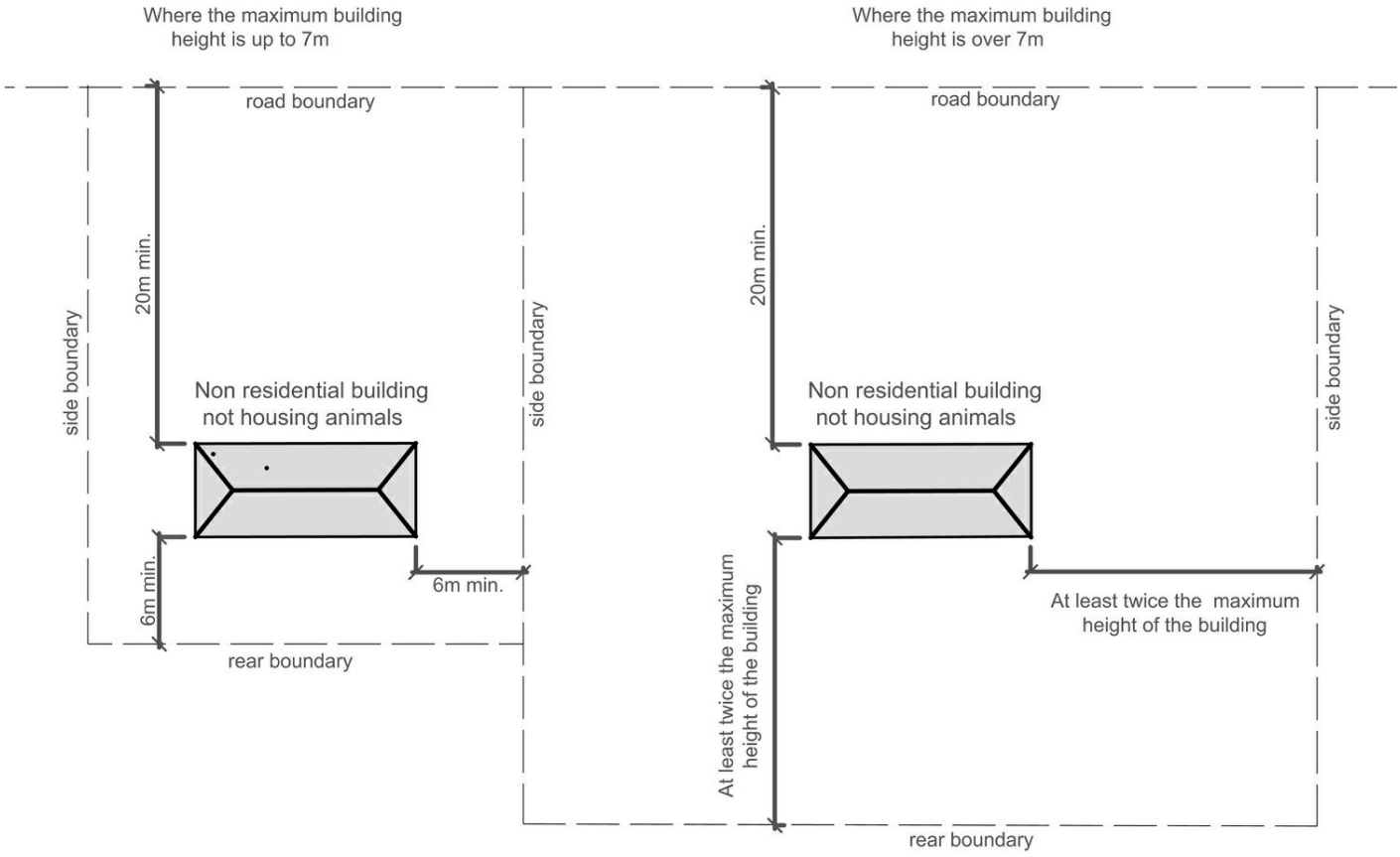


Figure 16.6.10.1C: Setbacks for non-residential buildings not housing animals




16.6.10.2 Forestry and shelterbelts and small woodlots setbacks

a. Trees associated with forestry:
   i. must not be planted within 30m of the boundary of any residential zone or rural residential zone;
   ii. must not be planted within 40m of a residential building where the building exists at the time of planting;
   iii. must not shade a motorway or a strategic road, arterial road or collector road between 10am and 2pm on the shortest day of the year; and
   iv. must not be planted within 10m of the boundary of the designated rail corridor.
   X. must not be planted within the **Critical Electricity Distribution Infrastructure Corridor mapped area**.

b. Trees associated with shelterbelts and small woodlots:
   i. must be set back, or managed, so that they maintain a minimum distance of their own height from any residential building on an adjoining site, where the building exists at the time of planting;
   ii. must not shade a motorway or a strategic road, arterial road or collector road between 10am and 2pm on the shortest day of the year; and
   iii. must not be planted within 10m of the boundary of the designated rail corridor.

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

16.6.10.3 Setback from National Grid

New buildings and structures, and additions and alterations must comply with Rule 5.6.1

16.6.10.4 Setback from scheduled tree

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

16.6.10.5 Setback from coast and water bodies

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

16.6.10.X Setback from Critical Electricity Distribution Infrastructure

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

**Note 16.6.10X - General advice**

1. The **Critical Electricity Distribution Infrastructure Corridor mapped area** is measured either side of the centreline of above ground Critical Electricity Distribution Infrastructure (except in the case of designated zone substations where the measurement is taken from the designation boundary), as follows:
   a. 5m from the centreline of a 11kV line;
   b. 8.5m from the centreline of a 33kV line;
   c. 8.5m from designated zone substations; and
   d. 9.5m from the centreline of a 66kV or a 110kV line.
2. Work near Aurora Energy's overhead lines and power poles requires Close Approach consent. For more information contact Aurora Energy.
3. Vegetation to be planted near Critical Electricity Distribution 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.

### 16.6.11 Vegetation Clearance Standards

16.6.11.1 Maximum area of vegetation clearance (UBMA)

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

16.6.11.2 Indigenous vegetation clearance - small scale thresholds

Indigenous vegetation clearance - small scale must comply with Rule 10.3.2.1.

16.6.11.3 Protected areas (vegetation clearance)

Vegetation clearance and indigenous vegetation clearance must comply with Rule 10.3.2.2.

16.6.11.4 Protected species (indigenous vegetation clearance)

Indigenous vegetation clearance must comply with Rule 10.3.2.3.

16.6.11.5 Maximum area of vegetation clearance in a hazard overlay zone

Vegetation clearance in the hazard 1 (land instability), hazard 2 (land instability) overlay zones, or in a **dune system mapped area,** must comply with Rule 11.3.2.

## Rule 16.7 Subdivision Performance Standards

### 16.7.1 Access

General subdivision must comply with Rule 6.8.1.

### 16.7.2 Esplanade Reserves and Strips

General subdivision must comply with Rule 10.3.1.

### 16.7.3 Firefighting

General subdivision must comply with Rule 9.3.3.

### 16.7.4 Minimum Site Size

1. The minimum site size for new resultant sites is:

| Rural Zone | | Minimum site size |
|---|---|---|
| a. | Coastal | 40ha |
| b. | High Country | 100ha |
| c. | Hill Country | 100ha |
| d. | Hill Slopes | 25ha |
| e. | Middlemarch Basin | 80ha |
| f. | Peninsula Coast | 40ha |
| g. | Taieri Plain | 40ha |
| h. | For the purposes of this standard, if a site is crossed by a boundary between two or more rural zones, then new resultant sites must comply with the minimum site size required for new resultant sites in each relevant rural zone. | |

2. Resultant sites created and used solely for the following purposes are exempt from the minimum site size standard:
    a. Scheduled ASBV or QEII covenant;
    b. conservation covenant with the Department of Conservation or a local government agency;
    c. protected private land agreement under the Reserves Act 1977;
    d. a heritage covenant with Heritage New Zealand Pouhere Taonga;
    e. protection of a scheduled heritage site, building or structure listed in Appendix A1.1 - Schedule of Protected Heritage Items and Sites;
    f. reserve;
    g. access;
    h. network utilities; or
    i. road.

3. General subdivision that contravenes the standard for minimum site size is non-complying, except for surplus dwelling subdivision which is restricted discretionary in either of the following sets of circumstances:
    a. The first set of circumstances is as follows:
        i. the subdivision of one site into two sites, where one resultant site is below the minimum site size and contains an existing residential building greater than 100m² gross floor area that was built before 26 September 2015; and
        ii. the second resultant site is:
            1. at least the minimum site size; and
            2. a condition is offered (to be secured by consent notice) that restricts further subdivision in terms of the total number of sites that can be used for residential activity, and further residential activity on the second resultant site, to a level that is no greater than would

have otherwise been allowed had the minimum site size standard been met for both sites.

b. The second set of circumstances is as follows:
   i. every new site that will be created by the subdivision contains an existing residential building greater than 100m² gross floor area that was built before 26 September 2015; and
   ii. if any of these new sites is equal to, or greater than, twice the minimum site size, a condition is offered (to be secured by consent notice), if necessary, to restrict:
      1. further subdivision of that site, in terms of the total number of sites that can be used for residential activity; and
      2. further residential activity on that site,

   to a level that is no greater than would have otherwise been allowed had the minimum site size standard been met for all sites.

### 16.7.5 Shape

1. Each resultant site that is intended to be developed must be of a size and shape that is large enough to contain a building platform of at least 8m by 15m that meets the performance standards of this Plan including, but not limited to:
   a. all setbacks from boundaries, water bodies, scheduled trees.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must:
   a. not contain esplanade reserves or strips;
   b. not contain scheduled heritage buildings or scheduled heritage structures; and
   c. not contain right-of-way easements.
   d. NA.
3. For unreticulated areas, resultant sites must provide for a wastewater disposal area to be located at least 50m from any water body and Mean High Water Springs.
4. Sites created and used solely for the following purposes are exempt from the shape standard:
   a. Scheduled ASBV or QEII covenant;
   b. conservation covenant with the Department of Conservation or a local government agency;
   c. protected private land agreement under the Reserves Act 1977;
   d. a heritage covenant with Heritage New Zealand Pouhere Taonga;
   e. protection of a scheduled heritage site, scheduled heritage building or scheduled heritage structure in Appendix A1.1;
   f. reserve;
   g. access;
   h. network utility; or
   i. road.
5. Subdivision activities that do not meet this standard are restricted discretionary activities.

### 16.7.X Setback from National Grid (Subdivision Activities)

Subdivision activities must comply with Rule 5.6.1.X.

## Rule 16.8 Assessment of Controlled Activities

### Rule 16.8.1 Introduction

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rules 16.8.2 and 16.8.3:
    a. list the matters over which Council has reserved its control; and
    b. provide guidance on how consent applications will be assessed, including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
        ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
    a. if the contravention of the performance standard defaults to **restricted discretionary** then:
        i. the activity, as a whole, will be treated as **restricted discretionary**; and
        ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
        iii. the performance standard contravention will be assessed as indicated in Section 16.9; and
        iv. the matters of control become matters of discretion and will be assessed as indicated in this section.
    b. if the contravention of the performance standard defaults to **discretionary** then:
        i. the activity, as a whole, will be treated as **discretionary**; and
        ii. the performance standard contravention will be assessed as indicated in Section 16.11; 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 16.12; and
        iii. the assessment guidance in this section will also be considered.
4. Rules 16.8.2 and 16.8.3 apply as follows:
    a. Rule 16.8.2 applies to controlled land use activities; and
    b. Rule 16.8.3 applies to controlled development activities.

| 16.8.2 Assessment of controlled land use activities | | | |
|---|---|---|---|
| Activity | | Matters of control | Guidance on the assessment of resource consents |
| 1. | Papakāika | • Design, scale, location and number of dwellings<br>• Design, scale and location of other buildings, structures and site development activities<br>• Disposal of stormwater and wastewater<br>• NA | *Relevant objectives and policies:*<br>i. Objectives 16.2.3, 14.2.1, 9.2.2, 6.2.3.<br>ii. Manawhenua are able to live in original native reserve areas where any adverse effects will be adequately managed in line with the objectives and policies of the rural zones (Policy 14.2.1.6).<br>iii. NA<br>iv. Adverse effects on the safety and efficiency of the transport network are avoided or, if avoidance is not practicable, adequately mitigated (6.2.3.9.a).<br>v. Any associated changes to the transportation network will be affordable to the public in the long term (Policy 6.2.3.9.b).<br>vi. Papakāika maintains, as far as practicable, the rural character values and amenity of the rural zones in terms of the design, scale and location of the development (Policy 16.2.3.11).<br>*Conditions that may be imposed include:*<br>vii. requirements for wastewater disposal systems and wastewater disposal areas;<br>viii. requirements for stormwater disposal;<br>ix. water supply;<br>x. driveways and vehicle tracks; and<br>xi. number, design and location of residential units.<br>*General assessment guidance:*<br>xii. Council will consider the information required by Rule 16.13.1 provided with any resource consent application (see Special Information Requirements - Rule 16.13.1). |
| X. | Scheduled mining activity (SMA008) | a. Restoration and rehabilitation measures | *Relevant objectives and policies:*<br>i. Objective 16.2.3.<br>ii. There is reasonable certainty that land will be restored or rehabilitated to an acceptable standard with respect to landform and to enable a return to productive, recreational or conservation use as soon as possible (Policy 16.2.3.4).<br>*Conditions that may be imposed include:*<br>iii. Requirement to rehabilitate areas disturbed with respect to landform, biodiversity values and productive potential, considering the values of the Saddle Hill SNL as described in Appendix A3.3.6 and how these can be restored. |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.9. |

| 16.8.3 Assessment of controlled development activities | | | |
|---|---|---|---|
| Activity | | Matters of control | Guidance on the assessment of resource consents |
| 1. | Affecting a scheduled heritage building or a scheduled heritage structure:<br>• Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected<br>• Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) | a. Effects on heritage values | See Rule 13.4 |
| 2. | In the **NCC Overlay Zone**:<br>• New buildings greater than 60m² footprint on a landscape building platform | a. Size, design and appearance of buildings | See Rule 10.4 |
| 3. | In the **ONL or SNL overlay zones**:<br>• New buildings greater than 60m² footprint on a landscape building platform | a. Size, design and appearance of buildings | See Rule 10.4 |

## Rule 16.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

### Rule 16.9.1 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 16.9.2 - 16.9.6:
    a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.
3. Rules 16.9.2 - 16.9.6 apply as follows:
    a. Rule 16.9.2 applies to all performance standard contraventions;
    b. Rule 16.9.3 applies to land use performance standard contraventions;
    c. Rule 16.9.4 applies to development performance standard contraventions;

d. Rule 16.9.5 applies to subdivision performance standard contraventions; and

e. Rule 16.9.6 applies to performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item.

| **16.9.2 Assessment of all performance standard contraventions** | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | All performance standard contraventions | *Potential circumstances that may support a consent application include:*<br>a. The degree of non-compliance with the performance standard is minor.<br>b. The need to meet other performance standards, or site specific factors including topography, make meeting the standard impracticable.<br>c. The nature of activities on surrounding sites, topography of the site and/or surrounding sites, or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur.<br>d. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan.<br>*General assessment guidance:*<br>e. Where more than one standard is contravened, the combined effects of the contraventions should be considered. |

| 16.9.3 Assessment of land use performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Family flats - design | a. Effects on long term maintenance of rural land for productive rural activities<br><br>b. Effects on rural character and visual amenity | *Relevant objectives and policies:*<br>i. Objective 16.2.1, 16.2.3<br>ii. The design of family flats avoids, as far as practicable, the risk they will be used for a separate, non-ancillary residential activity and future pressure to subdivide off family flats (Policy 16.2.1.6).<br><br>*Potential circumstances that may support a consent application include:*<br>iii. For contravention of maximum gross floor area, the extra area is required due to occupant needs.<br>iv. For contravention of maximum separation distance, other mechanisms such as covenants are proposed to avoid pressure for subdivision of the family flat.<br>v. The size of the residential unit will not create future pressure or expectation for it to be subdivided or be consented to operate as a second residential activity on site.<br>vi. For contravention of maximum gross floor area, the family flat is in the same residential building as the primary residential unit.<br>vii. For family flats in separate buildings to the primary dwelling the design of the family flat matches the design of the primary residential building.<br>viii. For family flats in separate buildings to the primary dwelling, landscaping or other forms of screening will be used to reduce the visibility of the family flat.<br>ix. For family flats in separate buildings to the primary dwelling, the family flat will not be easily viewed from outside the site.<br><br>*General assessment guidance:*<br>x. As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. |

| 16.9.3 Assessment of land use performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| X. | Density (family flats on sites of 15ha or over) | a. Effects on long term maintenance of rural land for productive rural activities | *Relevant objectives and policies:*<br>i. Objective 16.2.4.<br>ii. The scale, size and nature of activities on highly productive land means that any loss of current or potential future rural productivity would be:<br>1. insignificant in any **high class soils mapped area**; and<br>2. no more than minor in other areas of highly productive land (Policy 16.2.4.2).<br>*Potential circumstances that may support a consent application include:*<br>iii. Family flats are located in the existing curtilage of the main dwelling, outside productive parts of the site. |
| | | b. Reverse sensitivity effects | *Relevant objectives and policies:*<br>i. Objective 16.2.2.<br>ii. Residential buildings minimise, as far as practicable, the potential for reverse sensitivity by being set back an adequate distance from site boundaries (Policy 16.2.2.1.a). |
| | | c. Effects on rural character and visual amenity | *Relevant objectives and policies:*<br>i. Objective 16.2.3.<br>ii. The density of residential activity maintains the rural character values and visual amenity of the rural zones (Policy 16.2.3.2). |
| | | d. Effects on health and safety | *Relevant objectives and policies:*<br>i. Objective 9.2.2.<br>ii. Only allow land use and development in areas without public water supply, wastewater and stormwater infrastructure where these activities ensure wastewater and stormwater will be disposed of in such a way that avoids or, if avoidance is not practicable, ensures adverse effects on the health of people on the site or surrounding sites are insignificant (Policy 9.2.2.7). |
| | | e. Effects on efficiency and affordability of infrastructure | *Relevant objectives and policies:*<br>i. Objective 9.2.1.<br>ii. Development will not lead to future pressure for unplanned expansion of the public wastewater and/or water supply infrastructure (Policy 9.2.1.1.b). |
| 3. | Hours of operation | a. Effects on amenity of surrounding properties | *Relevant objectives and policies:*<br>i. Objective 16.2.2<br>ii. Rural ancillary retail, rural tourism - small scale, working from home, mineral exploration, and mineral prospecting operate in a way that avoids or, if avoidance is not practicable, adequately mitigates noise or adverse effects on the amenity of sensitive activities on surrounding properties (Policy 16.2.2.4). |

| 16.9.3 Assessment of land use performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 4. | Location | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 5. | Maximum gross floor area | a. Effects on the vibrancy, and economic and social success of the CBD and centres | *Relevant objectives and policies:*<br>i. Objectives 2.3.2, 2.4.3, 16.2.1.3<br>ii. Policies 2.3.2.2 and 2.4.3.4<br>iii. Rural ancillary retail and working from home are at a scale that is ancillary to and supportive of productive rural activities or conservation on the same property (Policy 16.2.1.3.a). |
| 6. | Minimum mobility car parking | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| | | b. Effects on accessibility | |
| 7. | Separation distances | a. Reverse sensitivity effects | *Relevant objectives and policies:*<br>i. Objective 16.2.2<br>ii. Residential buildings and cemeteries minimise, as far as practicable, the potential for reverse sensitivity by being set back an adequate distance from intensive farming, domestic animal boarding and breeding (including dogs), mining, landfills, wind generators - large scale and the Waitati Rifle Range (Policy 16.2.2.1.b). |
| 8. | Site restoration | a. Effects on biodiversity values | See Rule 10.5 |
| | | b. Effects on rural character and visual amenity | *Relevant objectives and policies:*<br>i. Objective 16.2.3<br>ii. Land will be restored to at least the same standard as before the mineral exploration or mineral prospecting activity commenced with respect to landform and productive potential (Policy 16.2.3.3).<br>*General assessment guidance:*<br>iii. As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. |

| 16.9.3 Assessment of land use performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 9. | Tree species | a. Effects on biodiversity values | See Rule 10.5 |
| | | b. Effects on natural character of the coast | |
| | | c. Effects on landscape values | |
| Y. | Dust and sediment control | a. Effects on amenity of surrounding properties | *Relevant objectives and policies:*<br>i. Objective 16.2.3.<br>ii. Scheduled mining activities are designed, located and undertaken in a way that avoids or, if avoidance is not practicable, adequately mitigates:<br>1. sediment run-off onto any property, or into any stormwater pipes, drains, channels or soakage systems; and<br>2. dust nuisance on the amenity of surrounding sites (Policy 16.2.3.X). |
| | | b. Effects on biodiversity values and natural character values of riparian margins and coast | See Rule 10.5. |
| | | c. Effects of efficiency and affordability of infrastructure | See Rule 9.5. |

| 16.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | All development performance standard contraventions listed below | a. Positive effects in terms of supporting farming or conservation activity | *Relevant objectives and policies:*<br>i. Objective 16.2.1 |

| 16.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 2. | Boundary setbacks | a. Effects on amenity of surrounding properties | *Relevant objectives and policies:*<br>i. Objective 16.2.2<br>ii. Buildings that house animals are set back from site boundaries an adequate distance to ensure adverse effects on sensitive activities, such as residential activities, on adjoining sites are avoided or, if avoidance is not practicable, are no more than minor (Policy 16.2.2.2).<br>iii. New buildings are located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites (Policy 16.2.2.3).<br>*Potential circumstances that may support a consent application include:*<br>iv. Screening or landscaping will be used in the development to ensure a good level of amenity for residential activities on adjoining sites.<br>v. Where a building used to house animals contravenes the boundary setback standard, the type and/or number of animals or the frequency of housing them mean that the potential for adverse effects from noise, odour or dust on sensitive activities on adjoining sites will be avoided or will be no more than minor. |
| | | b. Reverse sensitivity effects | *Relevant objectives and policies:*<br>i. Objective 16.2.2<br>ii. Residential buildings minimise as far as practicable the potential for reverse sensitivity by being set back an adequate distance from site boundaries (Policy 16.2.2.1.a).<br>*Potential circumstances that may support a consent application include:*<br>iii. Screening or landscaping will ensure potential for reverse sensitivity is minimised as far as practicable. |

| 16.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| | | c. Effects on rural character and visual amenity | *Relevant objectives and policies:*<br>i. Objective 16.2.3<br>ii. Buildings and structures are set back from site boundaries to maintain the rural character values and visual amenity of the rural zones (Policy 16.2.3.1).<br>*Potential circumstances that may support a consent application include:*<br>iii. Landscaping or other forms of screening will be used to reduce the visibility of buildings or structures.<br>iv. Colours and materials used in the development will blend in with the character of the surrounding rural environment, with natural finishes and low levels of reflectivity.<br>v. The proposed building or structure will not obstruct any important views from public viewpoints, or cause significant obstruction of views from dwellings on surrounding sites.<br>vi. The proposed building platform is low lying in relation to surrounding sites and roads and the proposed building will not be easily viewed from outside the site.<br>vii. There are already existing buildings on the site in breach of the same setback.<br>viii. There would be positive effects from maintaining open space through the clustering of buildings on the site.<br>*General assessment guidance:*<br>ix. As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. |
| 3. | Hazardous substances quantity limits and storage requirements | a. Effects on health and safety | See Rule 9.5 |
| 4. | Firefighting | a. Effects on health and safety | See Rule 9.5 |

| 16.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 5. | Forestry and shelterbelts and small woodlots setbacks | a. Effects on amenity of surrounding properties | *Relevant objectives and policies:*<br>i. Objective 16.2.2<br>ii. Forestry and shelterbelts and small woodlots are set back an adequate distance from residential buildings on surrounding properties to avoid or minimise, as far as practicable, significant effects from shading (Policy 16.2.2.6).<br>*Potential circumstances that may support a consent application include:*<br>iii. The area to be planted is to the south of any adjoining residential zone<br>iv. Slope or orientation or other topographical aspects of the sites involved mean that there will be no shading of residential buildings on an adjoining site. |
| | | b. Effects on health and safety | See Rule 9.5 |
| | | c. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 6. | Maximum height | a. Effects on rural character and visual amenity | *Relevant objectives and policies:*<br>i. Objective 16.2.3<br>ii. Buildings and structures are of a height that maintains the rural character values and visual amenity of the rural zones (Policy 16.2.3.1).<br>*Potential circumstances that may support a consent application include:*<br>iii. As for Rule 16.9.4.2.c.iii-vi<br>iv. The terrain provides an adequate backdrop to the proposed building or structure and mitigates any adverse visual effects from the building or structure.<br>*General assessment guidance:*<br>v. As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. |

| 16.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 7. | Number, location and design of ancillary signs | a. Effects on rural character and visual amenity | *Relevant objectives and policies:*<br>i. Objective 16.2.3<br>ii. Ancillary signs are located and designed to maintain rural character and visual amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles and not being oversized or too numerous for that purpose (Policy 16.2.3.7).<br>*General assessment guidance:*<br>iii. As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 8. | Parking, loading and access standards | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 9. | Reflectivity (Hill Slopes Rural Zone) | a. Effects on rural character and visual amenity | *Relevant objectives and policies:*<br>i. Objective 16.2.3<br>ii. Adverse visual effects caused by reflectivity are avoided or, if avoidance is not practicable, no more than minor (Policy 16.2.3.10)<br>*General assessment guidance*<br>iii. In assessing adverse visual effects, Council will consider the level of visibility of the building or structure from public places. |
| 10. | Setback from coast and water bodies | a. Effects on biodiversity values and natural character values of riparian margins and the coast | See Rule 10.5 |
| | | b. Effects on public access | |
| | | c. Risk from natural hazards | See Rule 11.4 |
| 11. | Setback from scheduled tree | a. Effects on long term health of tree | See Rule 7.6 |

| 16.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 12. | Vegetation clearance standards:<br>• Protected species (indigenous vegetation clearance) | a. Effects on biodiversity values | See Rule 10.5 |
| 13. | Vegetation clearance standards:<br>• Protected areas (vegetation clearance) | a. Effects on biodiversity values and natural character values of riparian margins and the coast | See Rule 10.5 |
| X. | In the Hill Slopes Rural Zone:<br>• Area of residential buildings | a. Effects on rural character and amenity | *Relevant objectives and policies:*<br>i. Objective 16.2.3<br>ii. Residential buildings in the Hill Slopes Rural Zone are of a size that avoids adverse visual effects or, if avoidance is not practicable, ensures effects are no more than minor (Policy 16.2.3.Y). |

| 16.9.5 Assessment of subdivision performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Access | a. Effects on accessibility | See Rule 6.10 |
| 2. | Esplanade reserves and strips | a. Effects on biodiversity values and natural character of the coast and riparian margins | See Rule 10.5 |
| | | b. Effects on public access | |
| 3. | Firefighting | a. Effects on health and safety | See Rule 9.5 |

| 16.9.5 Assessment of subdivision performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 4. | Shape | *Relevant objectives and policies:*<br>a. Objective 2.4.1<br>b. Subdivisions are designed to ensure future land use or development is able to meet the performance standards in the zone, or where in a **structure plan mapped area**, the subdivision reflects the requirements of the **structure plan mapped area** performance standards, unless:<br>i. a resource consent is approved for a development that does not meet the performance standard and the subdivision is intended for and capable of providing for that approved development; or<br>ii. the resultant site is required for:<br>1. Scheduled ASBV or QEII covenant;<br>2. reserve; or<br>3. access; or<br>4. network utility; or<br>5. road (Policy 2.4.1.8).<br>*General assessment guidance:*<br>c. Non-compliance with the performance standard for shape will be assessed based on which performance standard(s) the shape of the resultant site does not provide for compliance with. See matters of discretion and assessment rules in relation to performance standard contraventions for:<br>i. boundary setbacks;<br>ii. setbacks from water bodies; and<br>iii. setback from scheduled tree.<br>iv. NA.<br>d. For contravention of the building platform slope part of the shape performance standard (Rule 16.7.5.2), see the matters of discretion and assessment rules in relation to earthworks - large scale (Rule 8A.7.2.1).<br>*Conditions that may be imposed include:*<br>e. The requirements for a consent notice to be registered against the title that restricts development on the site.<br>f. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site.<br>g. A building platform may be required to be registered against the title by way of consent notice. | |

| 16.9.5 Assessment of subdivision performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 5. | Minimum site size (surplus dwelling subdivision Rule 16.7.4.3) | a. Effects on long term maintenance of rural land for productive rural activities | *Relevant objectives and policies:*<br>i. Objectives 16.2.1, 16.2.3, 16.2.4<br>ii. The subdivision of a surplus dwelling does not result in any additional development potential for residential activity (Policy 16.2.1.10.c).<br>iii. The subdivision is designed to ensure any associated future land use and development maintains or enhances the rural character and visual amenity of the rural zones (16.2.3.8).<br>iv. The subdivision is designed to ensure any future land use and development maintains or enhances the productivity of rural activities, maintains highly productive land for farming activity, or ensures the effects of any change in land use are insignificant on any **high class soil mapped area** and no more than minor on other areas of highly productive land, and does not increase the potential for reverse sensitivity (Policy 16.2.4.3.a, b and d).<br>*Potential circumstances that may support a consent application include:*<br>v. A legal mechanism such as a consent notice on the title of the second resultant site will ensure that there will be no increase in the potential for residential activity as a result of the subdivision.<br>vi. The dwelling can be shown to be in a suitable condition for occupation, with recent history of use for residential activity.<br>vii. The resultant site on which the surplus dwelling will be located is large enough to support on-site disposal of effluent.<br>viii. The dwelling is surplus to the requirements of the property.<br>*General assessment guidance:*<br>ix. In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification (https://soils.landcareresearch.co.nz/soil-data/nzlri-soils/), the **high class soils mapped area** (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/) |

| 16.9.6 Assessment of restricted discretionary performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | In the **ONL, SNL** or **ONF overlay zones**:<br>• Number, location and design of ancillary signs | a. Effects on landscape values | See Rule 10.5 |
| 2. | In the **ONL** or **SNL overlay zones**:<br>• Maximum height<br>• Reflectivity<br>• Area, number and location of buildings and structures | a. Effects on landscape values | See Rule 10.5 |
| 3. | In the **HNCC, ONCC** or **NCC overlay zones**:<br>• Number, location and design of ancillary signs | a. Effects on natural character of the coast | See Rule 10.5 |
| 4. | In the **NCC Overlay Zone**:<br>• Reflectivity<br>• Maximum height<br>• Area, number and location of buildings and structures | a. Effects on natural character of the coast | See Rule 10.5 |
| X. | In an **ASBV**:<br>• Area of buildings and structures | a. Effects on biodiversity values | See Rule 10.5. |
| 5. | In a **wāhi tūpuna mapped area**:<br>• Maximum height<br>• Setback from coast and water bodies<br>• Vegetation clearance standards: Maximum area of vegetation clearance (UBMA), Protected areas (vegetation clearance), Protected species (indigenous vegetation clearance)<br>• Esplanade reserves and strips | a. Effects on cultural values of Manawhenua | See Rule 14.3 |
| 6. | In a **hazard overlay zone** or **dune system mapped area**:<br>• Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) Overlay Zones and **dune system mapped area**)<br>• Relocatable buildings (Hazard 3 (coastal) Overlay Zone)<br>• Outdoor Storage (Hazard 1 (flood) Overlay Zone)<br>• Hazardous substances quantity limits and storage requirements | a. Risk from natural hazards | See Rule 11.4 |
| 7. | In an **urban biodiversity mapped area**:<br>• Vegetation clearance standards: Maximum area of vegetation clearance (UBMA) | a. Effects on biodiversity values | See Rule 10.5 |
| 8. | In the **Taieri Aerodrome flight fan mapped area**:<br>• Maximum height (Rule 16.6.5.3) | a. Effects on health and safety | See Rule 9.5 |

| 16.9.6 Assessment of restricted discretionary performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 9. | Affecting a **scheduled heritage building** or **scheduled heritage structure**:<br>• Materials and design | a. Effects on heritage values | See Rule 13.5 |
| Y. | In the **Critical Electricity Distribution Infrastructure Corridor mapped area**:<br>• Setback from Critical Electricity Distribution Infrastructure (forestry setbacks) | a. Effects on the safety and efficiency of network utilities | See Rule 5.7. |
| Z. | In the **Critical Electricity Distribution Infrastructure Corridor mapped area**:<br>• Setback from Critical Electricity Distribution Infrastructure (buildings, structures, citywide activities) | a. Effects on health and safety<br>b. Effects on efficient and effective operation of network utilities | See Rule 5.7. |

## Rule 16.10 Assessment of Restricted Discretionary Activities

### Rule 16.10.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 16.10.2 - 16.10.5:
   a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provide guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Rules 16.10.2 - 16.10.5 apply as follows:
   a. Rule 16.10.2 applies to restricted discretionary land use activities;
   b. Rule 16.10.3 applies to restricted discretionary development activities;
   c. Rule 16.10.4 applies to restricted discretionary subdivision activities; and
   d. Rule 16.10.5 applies to restricted discretionary activities in an overlay zone, mapped area or affecting a scheduled item.
4. For all land use activities that require consent, all associated development activities will be considered as part

of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

5. Where a restricted discretionary activity does not meet a performance standard the following occurs:
   a. if the contravention of the performance standard defaults to **restricted discretionary** then:
      i. the activity, as a whole, will be treated as **restricted discretionary**; and
      ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
      iii. the performance standard contravention will be assessed as indicated in Section 16.9; 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 16.11; 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 16.12; and
      iii. the assessment guidance in this section will also be considered.

6. With respect to section 104(2) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural zones.

| **16.10.2 Assessment of restricted discretionary land use activities** | | |
|---|---|---|
| Activity | Matters of discretion | Guidance on the assessment of resource consents |

| | | | |
|---|---|---|---|
| 1. | All restricted discretionary land use activities in the rural zones that also involve development activities | a. Effects on rural character and visual amenity | *Relevant objectives and policies*:<br>i. Objective 16.2.3<br>ii. Adverse effects from large scale development on rural character and visual amenity will be avoided or minimised as far as practicable (Policy 16.2.3.5).<br>iii. Adverse effects of development on rural character and amenity are avoided or, if avoidance is not practicable, no more than minor (Policy 16.2.3.6).<br>*Potential circumstances that may support a consent application include:*<br>iv. Landscaping or other forms of screening will be used to reduce the visibility of development from surrounding properties and public viewpoints.<br>v. The development is not situated on visually prominent land.<br>vi. The form, scale and materials used in buildings and structures are compatible with the character values of the rural zones as listed in Appendix A7.<br>vii. Building colours and materials are chosen to blend in with the rural setting and minimise reflectivity.<br>viii. Signage and entranceways are in character with the surrounding environment.<br>*General assessment guidance:*<br>ix. As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. |
| 2. | All high trip generators, which include:<br>• any activities that generate 250 or more vehicle movements a day | a. Effects on accessibility<br>b. Effects on the safety and efficiency of the transport network | See Rule 6.11 |

| 16.10.2 Assessment of restricted discretionary land use activities | | |
|---|---|---|
| Activity | Matters of discretion | Guidance on the assessment of resource consents |
| 3. • Cemeteries outside a **hazard facility mapped area**<br>• Crematoriums outside a **hazard facility mapped area** | a. Effects on amenity of surrounding properties | *Relevant objectives and policies*:<br>i. Objective 16.2.2<br>ii. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 16.2.2.5).<br>*Potential circumstances that may support a consent application include:*<br>iii. The activity will be set back a sufficient distance from its own property boundaries to avoid, or adequately mitigate, any adverse effects from noise, odour or visual impact on surrounding properties.<br>*General assessment guidance:*<br>iv. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movements on the adjoining road. |
| | b. Reverse sensitivity effects | *Relevant objectives and policies:*<br>i. Objective 16.2.2<br>ii. Cemeteries are designed to avoid, as far as practicable, the potential for reverse sensitivity by locating graves a suitable distance from site boundaries and providing adequate screening (Policy 16.2.2.7). |

| 16.10.2 Assessment of restricted discretionary land use activities | | |
|---|---|---|
| Activity | Matters of discretion | Guidance on the assessment of resource consents |
| | c. Maintenance of highly productive land | *Relevant objectives and policies:*<br>i. Objective 16.2.4<br>ii. Activities other than farming are only allowed on highly productive land where the scale, size and nature of the activity means the loss of current or potential future rural productivity would be insignificant in any **high class soils mapped area** and no more than minor in other areas of highly productive land (Policy 16.2.4.2.a).<br>*Potential circumstances that may support a consent application include:*<br>iii. The site design will ensure the effect of the activity on any high class soils contained on the site, and any impact on the potential for future use of the high class soils, is insignificant.<br>*General assessment guidance:*<br>iv. In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification (https://soils.landcareresearch.co.nz/soil-data/nzlri-soils/), the **high class soils mapped area** (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/) |
| | d. Effects on cultural values of Manawhenua | See Rule 14.4 |
| | e. Effects on the safety and efficiency of the transport network | See Rule 6.11 |

| 16.10.2 Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 4. | Domestic animal boarding and breeding (including dogs) | a. Effects on amenity of surrounding properties | *Relevant objectives and policies:*<br>i. Objective 16.2.2<br>ii. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 16.2.2.5).<br>*Potential circumstances that may support a consent application include:*<br>iii. The activity will be set back a sufficient distance from its own property boundaries to avoid, or adequately mitigate, any adverse effects from noise on surrounding properties.<br>iv. The design and acoustic insulation of kennel buildings, dog runs and fencing will mitigate adverse effects from noise on surrounding properties.<br>v. Areas used for parking, drop-off and collection of dogs are separated from kennel buildings and dog runs an adequate distance to avoid or minimise barking triggered by the arrival or departure of customers.<br>*General assessment guidance:*<br>vi. In assessing effects on the amenity of residential activities on surrounding properties, Council will consider effects from noise, traffic, odour and dust contaminants.<br>vii. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movements on the adjoining road.<br>*Conditions that may be imposed include:*<br>viii. Restrictions on the hours of operation in terms of the arrival and departure times of customers. |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.11 |

| 16.10.2 Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 5. | Intensive farming | a. Effects on amenity of surrounding properties | *Relevant objectives and policies:*<br>i. Objective 16.2.2<br>ii. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 16.2.2.5).<br>*Potential circumstances that may support a consent application include:*<br>iii. The activity will be set back a sufficient distance from its own property boundaries to avoid or adequately mitigate any adverse effects on surrounding properties.<br>iv. Management plans or other mitigation measures will be employed to avoid or mitigate the effects of odour, dust, vehicle movements and operating noise on surrounding properties.<br>*General assessment guidance:*<br>v. In assessing effects on the amenity of residential activities on surrounding properties, Council will consider effects from noise, traffic, odour and dust contaminants.<br>vi. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road.<br>*Conditions that may be imposed include:*<br>vii. Restrictions on the hours of operation. |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | c. NA | NA |

| 16.10.2 Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 6. | Veterinary services (large animal practice) | a. Effects on amenity of surrounding properties | *Relevant objectives and policies:*<br>i. Objective 16.2.2<br>ii. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 16.2.2.5).<br>*General assessment guidance:*<br>iii. In assessing effects on the amenity of residential activities on surrounding properties, Council will consider effects from noise, traffic, odour and dust contaminants.<br>iv. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movements on the adjoining road.<br>*Conditions that may be imposed include:*<br>v. Restrictions on the hours of operation in terms of the arrival and departure times of customers. |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.11 |

| 16.10.3 Assessment of restricted discretionary development activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | All restricted discretionary activities listed below | a. Positive effects in terms of supporting farming or conservation activity | *Relevant objectives and policies:*<br>i. Objective 16.2.1 |
| 2. | High trip generators:<br>• New or additions to parking areas that result in 50 or more new parking spaces | a. Effects on the safety and efficiency of the transport network<br>b. Effects on accessibility | See Rule 6.11 |
| 3. | Indigenous vegetation clearance - large scale | a. Effects on biodiversity values | See Rule 10.6 |

| 16.10.4 Assessment of restricted discretionary subdivision activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | General subdivision | a. Effects on long term maintenance of rural land for productive rural activities | *Relevant objectives and policies:*<br>i. Objective 16.2.4.<br>ii. The design of a subdivision ensures any future land use and development will:<br>1. maintain or enhance the productivity of rural activities;<br>2. maintain highly productive land for farming activity, or ensure any loss is insignificant on any **high class soils mapped area** and no more than minor on other areas of highly productive land;<br>3. maintain land in a rural rather than rural residential land use; and<br>4. not increase the potential for reverse sensitivity (Policy 16.2.4.3).<br>*General assessment guidance:*<br>iii. In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the **high class soils mapped area** (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/) |

| 16.10.4 Assessment of restricted discretionary subdivision activities | | |
|---|---|---|
| Activity | Matters of discretion | Guidance on the assessment of resource consents |
| | b. Effects on rural character and visual amenity | *Relevant objectives and policies:*<br>i. Objective 16.2.3.<br>ii. The subdivision is designed to ensure any associated future land use and development will maintain or enhance the rural character and visual amenity of the rural zones (Policy 16.2.3.8).<br>*Potential circumstances that may support a consent application include:*<br>iii. Sites are designed to respond to the topography and characteristics of the land and surrounding environment.<br>iv. Building platforms are located to respond to landform and avoid significant visual effects.<br>v. Driveways, vehicle tracks, utilities and services are designed and located to minimise the need for significant earthworks.<br>*General assessment guidance:*<br>vi. As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. |
| | c. Effects on biodiversity values and natural character values of riparian margins and coast | See Rule 10.6 |
| | d. Effects on public access | |
| | e. Risk from natural hazards | See Rule 11.5 |
| | f. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | g. NA | NA |

| 16.10.5 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. | All restricted discretionary activities listed below | a. Positive effects in terms of supporting farming or conservation activity | *Relevant objectives and policies:*<br>i. Objective 16.2.1 |
| 2. | In the **ONF Overlay Zone**:<br>• Indigenous vegetation clearance - large scale<br>• Shelterbelts and small woodlots<br>• General subdivision | a. Effects on landscape values | See Rule 10.6 |
| 3. | In the **ONL or SNL overlay zones**:<br>• Crematoriums<br>• Forestry<br>• General subdivision | a. Effects on landscape values | See Rule 10.6 |
| 4. | In the **ONCC or HNCC overlay zones**:<br>• Shelterbelts and small woodlots<br>• General subdivision | a. Effects on natural character of the coast | See Rule 10.6 |
| 5. | In the **NCC Overlay Zone**:<br>• Crematoriums<br>• Forestry<br>• Indigenous vegetation clearance - large scale<br>• General subdivision | a. Effects on natural character of the coast | See Rule 10.6 |
| 6. | In an **ASBV**:<br>• General subdivision<br>• Shelterbelts and small woodlots<br>• Site development activities (except for outdoor storage, parking, loading and access, vegetation clearance, storage and use of hazardous substances) | a. Effects on biodiversity values | See Rule 10.6 |
| 7. | In a **wāhi tūpuna mapped area** where activity is identified as a threat:<br>• All RD Forestry<br>• All RD buildings and structures<br>• Indigenous vegetation clearance - large scale<br>• Shelterbelts and small woodlots<br>• General subdivision | a. Effects on cultural values of Manawhenua | See Rule 14.4 |

| 16.10.5 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 |
| 8. | Activities affecting a **scheduled heritage building or scheduled heritage structure**:<br>• Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure<br>• Removal for relocation<br>• All subdivision activities on sites containing a scheduled heritage building or scheduled heritage structure | a. Effects on heritage values | See Rule 13.6 |
| 9. | Activities affecting a **scheduled heritage site**:<br>• All subdivision activities<br>• New buildings and all other structures where visible from an adjoining public place or a publicly accessible place within the site<br>• Parking, loading and access on a scheduled heritage site, where visible from an adjoining public place or a public place within the site | a. Effects on heritage values | See Rule 13.6 |
| 10. | In **all hazard overlay zones, swale mapped areas and dune system mapped areas**:<br>• General subdivision | a. Risk from natural hazards | See Rule 11.5 |
| 11. | In the **Hazard 2 (flood) Overlay Zone**:<br>• Natural hazards sensitive activities<br>• Natural hazards potentially sensitive activities | a. Risk from natural hazards | See Rule 11.5 |
| 12. | In a **hazard 1, 1A or 2 (flood) overlay zone** (see Rule 16.3.6):<br>• New buildings and additions and alterations to buildings that create within any two calendar-year period: more than 36m² of new ground floor area in the **Henley mapped area**, or more than 60m² of new ground floor area outside the **Henley mapped area** | a. Risk from natural hazards | See Rule 11.5 |
| 13. | In the **National Grid Subdivision Corridor mapped area**:<br>• All subdivision activities | a.Risk to the safety of people and property<br>b. Reverse sensitivity effects<br>c. Effects on efficient and effective operation of the National Grid and access to it | See Rule 5.8 |

| 16.10.5 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 |
| 14. | In the **radio transmitters mapped area**:<br>• General subdivision | a. Reverse sensitivity effects | See Rule 5.8 |
| Y. | In the **Critical Electricity Distribution Infrastructure Corridor mapped area**:<br>• All subdivision activities | a. Effects on health and safety | See Rule 5.8. |
| | | b. Reverse sensitivity effects | |
| | | c. Effects on efficient and effective operation of network utilities | |
| X. | In a **Residential Transition Overlay Zone (RTZ)** or an **Industrial Transition Overlay Zone (IndTZ)** (prior to release):<br>• General subdivision | a. Effects on future urban development | See Rule 12.X. |

# Rule 16.11 Assessment of Discretionary Activities

## Rule 16.11.1 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 16.11.2 - 16.11.4 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', including:
    a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
    b. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
    c. general assessment guidance, including any effects that will be considered as a priority; and
    d. conditions that may be imposed.
3. Rules 16.11.2 - 16.11.4 apply as follows:
    a. Rule 16.11.2 applies to discretionary land use activities;
    b. Rule 16.11.3 applies to discretionary performance standard contraventions; and
    c. Rule 16.11.4 applies to discretionary subdivision activities.
4. With respect to section 104(2), Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural zones.
5. 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.

| 16.11.2 Assessment of discretionary land use activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | All discretionary land use activities listed below | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 16.2.1, 16.2.2, 16.2.3, 16.2.4.<br><br>*Potential circumstances that may support a consent application include:*<br>b. For discretionary land use activities, whether any associated development activities meet relevant performance standards, or are otherwise consistent with relevant objectives and policies for development (see Rule 16.9 for performance standard contraventions).<br>c. Development is not situated on visually prominent land.<br>d. The form, scale and materials used in buildings and structures are compatible with the character values of the rural zones as listed in Appendix A7.<br>e. Colours and materials used in development are chosen to blend in with the rural setting and minimise reflectivity.<br>f. Landscaping or other forms of screening are used to reduce the visibility of development from surrounding properties and public viewpoints.<br><br>*General assessment guidance:*<br>g. As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7.<br><br>*Relevant guidance from other sections (priority considerations):*<br>h. For activities taking place within the **radio transmitters mapped area**, see Section 5.9 for guidance on the assessment of resource consents in relation to management of reverse sensitivity effects on Radio New Zealand's facilities at 740 Highcliff Road and 35 Karetai Road.<br>i. See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public.<br>j. 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.<br>k. 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.<br>l. See Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua. |

| 16.11.2 Assessment of discretionary land use activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 2. | • Rural tourism - large scale<br>• Rural research - large scale (outside the **Invermay Farm mapped area**) | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 16.2.2, 16.2.3, 16.2.4.<br>b. Adverse effects on the amenity of residential activities on surrounding properties is avoided or, if avoidance is not practicable, adequately mitigated (Policy 16.2.2.5).<br>c. Adverse effects on rural character and visual amenity from large scale development will be avoided or minimised as far as practicable (Policy 16.2.3.5).<br>d. Activities other than farming are only allowed on highly productive land where the scale, size and nature of the activity means the loss of current or potential future rural productivity would be insignificant in any **high class soils mapped area** and no more than minor in other areas of highly productive land (Policy 16.2.4.2.a).<br>*Potential circumstances that may support a consent application include:*<br>e. The activity is set back a sufficient distance from its own boundaries and existing sensitive activities on surrounding sites to avoid or adequately mitigate effects.<br>*Conditions that may be imposed include:*<br>f. Restriction on hours of operation.<br>g. Restriction on maximum number of guests (rural tourism).<br>h. Controls on lighting.<br>i. Parking requirements.<br>*General assessment guidance:*<br>j. In assessing effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road.<br>k. In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the **high class soils mapped area** (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/)<br>*Relevant guidance from other sections (priority considerations):*<br>l. In an ASBV, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity values. |

| 16.11.2 Assessment of discretionary land use activities | | |
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| Activity | | Guidance on the assessment of resource consents |
| 3. | • Rural industry<br>• Rural contractor and transport depots - large scale | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 2.2.2, 16.2.2, 16.2.3, 16.2.4, 5.2.1<br>b. Adverse effects on rural character and visual amenity from large scale development will be avoided or minimised as far as practicable (Policy 16.2.3.5).<br>c. Adverse effects on the amenity of residential activities on surrounding properties, are avoided or, if avoidance is not practicable, adequately mitigated (Policy 16.2.2.5).<br>d. Activities other than farming are only allowed on highly productive land where the scale, size and nature of the activity means the loss of current or potential future rural productivity would be insignificant in any **high class soils mapped area** and no more than minor in other areas of highly productive land (Policy 16.2.4.2.a).<br>e. NA<br>f. For rural industry, the use and development of renewable energy generation is encouraged (Policy 5.2.1.1).<br>*Potential circumstances that may support a consent application include:*<br>g. The activity will be set back a sufficient distance from its own property boundaries to avoid or adequately mitigate any adverse effects from noise, odour, dust, contaminants or visual effects on surrounding properties.<br>h. High noise generating equipment is located within acoustically insulated buildings or fitted with noise reduction devices to ensure noise emissions are maintained at a reasonable level.<br>i. If noise is not able to be adequately controlled at its source, noise reduction is achieved through noise barriers or bunds to ensure noise emissions are maintained at a reasonable level.<br>j. Management plans or other mitigation measures will be employed to limit the effects of dust, vehicle movements and operating noise on surrounding properties.<br>*Conditions that may be imposed include:*<br>k. Restriction on hours of operation.<br>l. Controls on on-site lighting.<br>m. A requirement for screening of storage areas.<br>n. A requirement to control dust.<br>o. Provision of car parking areas.<br>*General assessment guidance:*<br>p. In assessing effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road.<br>q. In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the **high class soils mapped area** (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/). |

| 16.11.2 Assessment of discretionary land use activities | |
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| Activity | Guidance on the assessment of resource consents |
| 4. • Mining<br>• Landfills | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 2.2.2, 16.2.2, 16.2.3, 16.2.4, 5.2.1.<br>b. Policies 2.3.1.2, 2.3.1.8, 2.3.1.9<br>c. Adverse effects on the amenity of residential activities on surrounding properties are avoided or, if avoidance is not practicable, adequately mitigated (Policy 16.2.2.5).<br>d. Adverse effects on rural character and visual amenity from large scale development are avoided, or minimised as far as practicable (Policy 16.2.3.5).<br>e. Land will be restored or rehabilitated to an acceptable standard with respect to landform and to enable a return to productive, recreational or conservation use as soon as possible (Policy 16.2.3.4).<br>f. The mining activity is located on highly productive land due to operational requirements and there are no practicable alternative locations (Policy 16.2.4.2.b).<br>g. 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.<br>*Potential circumstances that may support a consent application include:*<br>h. The activity will be set back a sufficient distance from its own property boundaries to avoid or adequately mitigate any adverse effects from noise, odour, dust, contaminants or visual effects on surrounding properties.<br>i. For mining sand from dunes or beaches, there will be no significant impact on the look of the area.<br>j. Management plans or other mitigation measures will be used to adequately manage any adverse effects from dust, vehicle movements and operating noise on surrounding properties.<br>k. There will be no adverse effects in terms of land instability.<br>*General assessment guidance:*<br>l. In assessing effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road.<br>m. In assessing an application for mining, Council will consider:<br>X. the functional and operational needs of mining, particularly when considering what is 'practicable' in terms of policies 16.2.2.5, 16.2.3.5, and 16.2.4.2; and<br>Y. the transport benefit of locating close to where the product of mining is required.<br>n. In assessing effects on rural character values and amenity, Council will consider whether any proposed restoration or rehabilitation measures will ensure that final landforms:<br>i. screen or enhance the view of excavated faces from surrounding public and residential viewpoints through appropriate landscaping, plantings or siting of public amenities; and/or<br>ii. minimise evidence of landfills or mining activity by blending final contours with surrounding landforms to achieve as natural appearance as possible, and by providing for the establishment of vegetation cover appropriate to the local |

| 16.11.2 Assessment of discretionary land use activities | |
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| Activity | Guidance on the assessment of resource consents |
| | character.<br>o. In determining whether land is 'highly productive land', Council will consider its LUC classification, the **high class soils mapped area** (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/).<br>*Conditions that may be imposed include:*<br>p. Controls on overall waste volumes for landfills.<br>q. Restrictions on aggregate processing activity for mining.<br>r. A requirement for buffer areas and bunds.<br>s. For quarries, a quarry management plan addressing noise, dust and other amenity effects.<br>t. A site restoration or rehabilitation plan and/or bond to provide for site restoration or rehabilitation.<br>*Relevant guidance from other sections (priority considerations):*<br>u. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity values.<br>v. Where in the SNL or NCC overlay zones, 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, and Objective 10.2.5 and effects related to landscape.<br>w. For mining in a **wāhi tūpuna mapped area**, and landfills in any location, 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.<br>x. For landfills, the use and development of renewable energy generation is encouraged (Policy 5.2.1.1). |

| 16.11.2 Assessment of discretionary land use activities | | |
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| Activity | | Guidance on the assessment of resource consents |
| 5. | • Community and leisure - large scale outside a **hazard facility mapped area**<br>• Early childhood education outside a **hazard facility mapped area**<br>• Restaurants or retail activities ancillary to sport and recreation<br>• Sport and recreation<br>• Visitor accommodation outside a **hazard facility mapped area** | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 2.3.1, 16.2.1, 16.2.2, 16.2.3, 16.2.4.<br>b. Commercial and community activities in the rural zones are restricted to those which require a rural location and/or support rural activities (Policy 2.3.1.2.h).<br>c. Adverse effects of development on rural character and visual amenity are avoided or, if avoidance is not practicable, no more than minor (Policy 16.2.3.6).<br>d. Visitor accommodation supports productive rural activities or a significant conservation activity on the same property (Policy 16.2.1.4).<br>e. Adverse effects on the amenity of residential activities on surrounding properties is avoided or, if avoidance is not practicable, adequately mitigated (Policy 16.2.2.5).<br>f. Activities other than farming are only allowed on highly productive land where the scale, size and nature of the activity means the loss of current or potential future rural productivity would be insignificant in any **high class soils mapped area** and no more than minor in other areas of highly productive land (Policy 16.2.4.2.a).<br>*Potential circumstances that may support a consent application include:*<br>g. The activity is set back a sufficient distance from its own boundaries and existing sensitive activities.<br>h. The activity supports a conservation activity that is associated with an ASBV, QEII covenant, conservation covenant with the Department of Conservation or a local government agency, or a protected private land agreement under the Reserves Act 1977.<br>*General assessment guidance:*<br>i. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road.<br>j. In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the **high class soils mapped area** (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/).<br>*Relevant guidance from other sections (priority considerations):*<br>k. In an ASBV, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity values. |

| 16.11.2 Assessment of discretionary land use activities | | |
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| Activity | | Guidance on the assessment of resource consents |
| 6. | In a **Residential Transition Overlay Zone (RTZ)** (prior to release):<br>• Intensive farming<br>• Forestry<br>• Cross lease, company lease and unit title subdivision | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 12.4 for guidance on the assessment of resource consents in relation to Objective 12.2.1 and effects related to future use of land for residential activity. |
| 7. | Service stations on a strategic road or arterial road | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 16.2.1, 16.2.2, 16.2.3<br>b. Provide for service stations on a strategic road or arterial road where:<br>X. safe and convenient access to the site for pedestrians and cyclists can be provided;<br>Y. there is adequate public infrastructure to service the development or any necessary upgrades to public infrastructure will be provided;<br>Z. the service station will not detract from the economic and social vibrancy and viability of any nearby centres; and<br>AA. where policies 16.2.2.5 and 16.2.3.6 can be achieved (Policy 16.2.1.11).<br>c. Service stations are designed and located to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the amenity of residential activities on surrounding properties (Policy 16.2.2.5).<br>d. Service stations are designed and located to avoid or, if avoidance is not practicable, ensure adverse effects of development on rural character and visual amenity are no more than minor (Policy 16.2.3.6).<br>*General assessment guidance:*<br>e. In assessing the effects on the amenity of surrounding residential properties and the streetscape amenity, Council will consider the:<br>i. design and location of buildings, forecourts/yards and signs;<br>ii. location of access/egress points;<br>iii. effects of vehicle movements on the site; and<br>iv. the hours of operation, light spill, noise and location or service station development in relation to site boundaries.<br>X. In assessing the effects on public infrastructure, Council will consider the extent to which the service station is likely to attract pedestrians and cyclists and if necessary whether safe and convenient access for pedestrians and cyclists is available or will be provided.<br>*Potential circumstances that may support a consent application include:*<br>Y. The service station is located on a site previously used for service station activity or that is otherwise a Hazardous Activities and Industries List (HAIL) site. |

| 16.11.2 Assessment of discretionary land use activities | | |
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| Activity | | Guidance on the assessment of resource consents |
| | | Z. Any necessary upgrades to available public infrastructure will be made.<br><br>*Conditions that may be imposed include:*<br>f. Requirements for fencing, landscaping and/or setbacks of buildings, forecourts/yards, signs and access/egress points to minimise adverse visual or nuisance effects from noise, lighting and/or vehicle headlights on surrounding properties.<br>g. Restrictions on hours of operation.<br>h. Restrictions on on-site lighting.<br>i. Requirements for screening of storage areas.<br>j. Requirement to control dust.<br>k. Conditions related to building design, scale and bulk including roof lines, height, façade articulation, colour and materials to ensure compatibility with surrounding rural amenity.<br>l. Restrictions on signage.<br><br>*Relevant guidance from other sections (priority considerations):*<br>m. See Rule 6.12.2.1 for guidance on the assessment of the effects on the safety and efficiency of the transportation network, and other transportation effects. |
| Y. | In an **Industrial Transition Overlay Zone (IndTZ)** (prior to release):<br>• Cross lease, company lease and unit title subdivision | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 12.4 for guidance on the assessment of resource consents in relation to Objective 12.2.3 and effects related to future use of land for industrial activity. |

| 16.11.3 Assessment of discretionary performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Acoustic insulation<br>• Noise - where the limit is exceeded by less than 5dB LAeq (15min) | *Relevant guidance from other sections (priority considerations):*<br>a. See Rule 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety |
| 2. | Density (Papakāika) | *Relevant objectives and policies (priority considerations):*<br>a. Objective 16.2.3<br>b. Any buildings and structures maintain the rural character values and visual amenity of the rural zones (Policy 16.2.3.1).<br>*Relevant guidance from other sections (priority considerations):*<br>c. See Section 9.7 for guidance on the assessment of resource consents in relation to objectives 9.2.1 and 9.2.2; and effects related to efficiency and affordability of infrastructure and public health and safety.<br>d. 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. |
| X. | Density (family flats on sites less than 15ha) | *Relevant objectives and policies (priority considerations):*<br>a. Objective 16.2.3, 16.2.4.<br>b. The density of residential activity maintains the rural character values and visual amenity of the rural zones (Policy 16.2.3.2).<br>c. The scale, size and nature of activities on highly productive land means that any loss of current or potential future rural productivity would be:<br>i. insignificant in any **high class soils mapped area**; and<br>ii. no more than minor in other areas of highly productive land (Policy 16.2.4.2).<br>d. The density of residential activity will not, over time and/or cumulatively, reduce rural productivity by displacing rural activities (Policy 16.2.4.4).<br>*Relevant guidance from other sections (priority considerations):*<br>e. See Section 9.7 for guidance on the assessment of resource consents in relation to objectives 9.2.1 and 9.2.2; and effects related to efficiency and affordability of infrastructure and public health and safety. |

| 16.11.3 Assessment of discretionary performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 3. | Light spill - where rules 16.5.5.1 or 16.5.5.2 are contravened, or where the light spill limit in Rule 16.5.5.3 is exceeded by 25% or less | *Relevant objectives and policies:*<br>a. Objective 16.2.3.<br>b. Activities are designed and operated to ensure that any adverse effects from light spill on rural character and amenity, and the ability of people to view the night sky, are no more than minor (Policy 16.2.3.9).<br>*Potential circumstances that may support a consent application include:*<br>c. It is proposed to use filtering to prevent blue or ultraviolet light<br>*General assessment guidance:*<br>d. Duration, time and frequency of the proposed illumination<br>*Relevant guidance from other sections (priority considerations):*<br>e. See Rule 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |
| 4. | Blasting (mineral exploration) | *Relevant objectives and policies (priority considerations):*<br>a. Objective 16.2.2<br>b. Mineral exploration operates in a way that avoids or, if avoidance is not practicable, adequately mitigates noise or other adverse effects on the amenity of sensitive activities on surrounding properties (Policy 16.2.2.4).<br>*Relevant guidance from other sections (priority considerations):*<br>c. See Rule 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |
| Y. | In the **ONL**, **SNL** or **NCC overlay zones**:<br>• Area of buildings and structures (Rule 10.3.5.X.b.ii) | See Rule 10.7. |

| 16.11.4 Assessment of discretionary subdivision activities | | |
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| Activity | | Guidance on the assessment of resource consents |
| 1. | Cross lease, company lease and unit title subdivision | *Relevant objectives and policies (priority considerations)*:<br>a. Objective 16.2.1<br>b. Cross lease, company lease and unit title subdivision do not result in an increase in residential development potential beyond that which might be achieved through a general subdivision (Policy 16.2.1.9). |

# Rule 16.12 Assessment of Non-complying Activities

## Rule 16.12.1 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 16.12.2 - 16.12.5 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
   b. general assessment guidance, including any effects that will be considered as a priority.
3. Rules 16.12.2 - 16.12.5 apply as follows:
   a. Rule 16.12.2 applies to all non-complying activities;
   b. Rule 16.12.3 applies to non-complying land use activities;
   c. Rule 16.12.4 applies to non-complying development activities; and
   d. Rule 16.12.5 applies to non-complying performance standard contraventions.
4. With respect to section 104(2) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural zones.
5. 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.

| 16.12.2 Assessment of all non-complying activities | |
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| Activities | Guidance on the assessment of resource consents |
| 1. All non-complying land use activities listed below | *Relevant objectives and policies (priority considerations)*:<br>a. Objectives 16.2.1, 16.2.2, 16.2.3, 16.2.4.<br>b. The activity does not detract from, or preferably contributes to, the strategic direction objectives, including, but not limited to, those related to:<br>i. Objectives 2.2.2, 2.2.3, 2.2.4, and 2.3.1.<br>*General assessment guidance:*<br>c. In assessing the significance of effects, consideration will be given to:<br>i. short to long term effects, including effects in combination with other activities; and<br>ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent; and<br>d. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.<br>*Relevant guidance from other sections (priority considerations):*<br>e. For activities taking place within the **radio transmitters mapped area**, see Section 5.10 for guidance on the assessment of resource consents in relation to management of reverse sensitivity effects on Radio New Zealand's facilities at 740 Highcliff Road and 35 Karetai Road.<br>f. See Section 6.13 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public.<br>g. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety.<br>h. For activities that may have effects on biodiversity values, see Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.1.<br>i. For activities adjacent to water bodies and the coast, see Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.2.<br>j. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua. |

| 16.12.3 Assessment of non-complying land use activities | | |
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| Activity | | Guidance on the assessment of resource consents |
| 1. | Commercial advertising | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.4.1.<br>b. Policy 2.4.1.6.c. |
| 2. | • Supported living facilities<br>• Commercial activities (other than those provided for)<br>• Industrial activities (other than rural industry and rural contractor and transport depots)<br>• Major facility activities (other than cemeteries, crematoriums, emergency services and the New Zealand Marine Studies Centre in the **Portobello Marine Science mapped area**) | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.3.2 and Policy 2.3.2.2.<br>b. Objective 2.4.3 and Policy 2.4.3.4.<br>c. Objective 16.2.1.<br>d. Supported living facilities, commercial activities, industrial activities and major facility activities are avoided, unless otherwise provided for, in the rural zones (Policy 16.2.1.8). |
| 3. | In the **hazard 1A (flood) overlay zone:**<br>• Natural hazards potentially sensitive activities | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. |
| 4. | In the **hazard 1 (flood) overlay zones** (see Rule 16.3.6):<br>• Natural hazards potentially sensitive activities<br>• Natural hazards sensitive activities | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. |
| 5. | In a **Residential Transition Overlay Zone (RTZ)** (prior to release):<br>• Mining<br>• Landfills | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 12.5 for guidance on the assessment of resource consents in relation to Objective 12.2.1 and effects related to future use of land for residential activity. |

| 16.12.3 Assessment of non-complying land use activities | | |
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| Activity | | Guidance on the assessment of resource consents |
| 6. | In an **ASBV:**<br>• Commercial activities (except for restaurants or retail activities ancillary to sport and recreation and stand-alone car parking)<br>• Early childhood education<br>• Industrial activities<br>• Major facility activities<br>• Residential activities (except for working from home)<br>• Rural activities (except for rural ancillary retail, rural tourism and rural research) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values. |
| 7. | In the **ONF, ONCC, or HNCC overlay zones**:<br>• Commercial activities (except for restaurants or retail activities ancillary to sport and recreation and stand-alone car parking)<br>• Major facility activities<br>• Industrial activities<br>• Residential activities (except working from home)<br>• Rural activities (except for farming, grazing, landfills, mining, scheduled mining activity, rural ancillary retail, rural tourism and rural research - small scale)<br>• Expansion of scheduled mining activity SMA007 (Saddle Hill ONF only) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 10.8 for guidance on the assessment of resource consents in relation to objectives 10.2.3 and 10.2.5 and the effects related to natural character of the coast and landscape values. |
| 8. | In the **ONL Overlay Zone**:<br>• Landfills<br>• Mineral exploration that involves blasting<br>• Mining<br>• Major facility activities (other than cemeteries, crematoriums and the New Zealand Marine Studies Centre in the **Portobello Marine Science mapped area**) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and effects related to landscape values. |

| 16.12.3 Assessment of non-complying land use activities | | |
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| Activity | | Guidance on the assessment of resource consents |
| 9. | In the **NCC and SNL overlay zones**:<br>• Major facility activities (other than cemeteries, crematoriums and the New Zealand Marine Studies Centre in the **Portobello Marine Science mapped area**) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 10.8 for guidance on the assessment of resource consents in relation to objectives 10.2.3 and 10.2.5 and the effects related to natural character of the coast and landscape values. |
| 10. | In a **wāhi tūpuna mapped area**:<br>• Forestry<br>• Mining | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and the effects on cultural values of Manawhenua. |
| X. | In a **hazard facility mapped area**, bulk fuel storage facilities sensitive activities | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and Policy 9.2.2.15 and the risks to people from an emergency event occurring at a hazard facility. |

| 16.12.4 Assessment of non-complying development activities | | |
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| Activity | | Guidance on the assessment of resource consents |
| 1. | Demolition of a protected part of a scheduled heritage building or scheduled heritage structure | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects on heritage values. |
| 2. | In the **ONF, ONCC, HNCC overlay zones**:<br>• New building or structure<br>• Additions and alterations<br>• Indigenous vegetation clearance - large scale (ONCC, HNCC overlay zones) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 10.8 for guidance on the assessment of resource consents in relation to objectives 10.2.3 and 10.2.5 and the effects related to natural character of the coast and landscape values. |
| 3. | In a **wāhi tūpuna mapped area**:<br>• New buildings and structures | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua. |
| 4. | In an **ASBV**:<br>• Indigenous vegetation clearance - large scale | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values. |

| 16.12.5 Assessment of non-complying performance standard contravention | |
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| Performance standard | Guidance on the assessment of resource consents |

| | | |
|---|---|---|
| 1. | Density | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 16.2.1, 16.2.3, 16.2.4.<br>b. Policies 16.2.3.2, 16.2.4.4.<br>c. N/A<br>X. The residential activity is the result of a surplus dwelling subdivision (Policy 16.2.1.7.X); or will be associated with long term land management or capital investment that will result in:<br>i. significant positive effects for rural productivity; or<br>ii. a significant contribution to the enhancement or protection of biodiversity values (Policy 16.2.1.7.Y).<br>*Related strategic directions:*<br>Y. Objectives 2.2.2, 2.3.1, 2.4.6, policies 2.2.2.1, 2.3.1.2, 2.3.1.3, 2.4.6.2.<br>*Relevant guidance from other sections (priority considerations):*<br>d. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.<br>AE. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related biodiversity values.<br>*General assessment guidance:*<br>Z. In assessing whether a proposal for land management or investment meets Policy 16.2.1.7.Y.i and/or 16.2.1.7.Y.ii, Council will consider the information provided with the consent application (see Special Information Requirements – Rule 16.13.X).<br>AA. Types of land management or capital investment that may meet Policy 16.2.1.7.Y.i, depending on the specific circumstances of the site and proposal, include substantial investment in farm buildings or other farm assets required for commercial-scale horticulture or other commercial-scale farming.<br>AB. In assessing whether a proposal may meet Policy 16.2.1.7.Y.ii, Council will consider the ecological context of the site and proposal at a local level, rather than requiring the contribution to be significant at an ecological district or citywide level.<br>*Conditions that may be imposed include, but are not limited to:*<br>AC. Conditions to ensure that the land management or capital investment will be completed or substantially underway (and thereafter staged), prior to the establishment of residential activity, or, where this is not possible, a bond is taken to ensure the actions required to meet Policy 16.2.1.7.Y are undertaken.<br>AD. Conditions to ensure that existing areas of indigenous vegetation and/or the habitats of indigenous fauna are legally protected in perpetuity. |

| 16.12.5 Assessment of non-complying performance standard contravention | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 2. | In a **dune system mapped area** or **swale mapped area**:<br>• Hazard exclusion areas | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. |
| 3. | Light spill - where the limit is exceeded by greater than 25% | *Relevant objectives and policies:*<br>a. Objective 16.2.3<br>b. Activities are designed and operated to ensure that any adverse effects from light spill on rural character and amenity, and the ability of people to view the night sky, are no more than minor (Policy 16.2.3.9).<br>*Potential circumstances that may support a consent application include:*<br>c. It is proposed to use filtering to prevent blue or ultraviolet light.<br>*General assessment guidance:*<br>d. Duration, time and frequency of the proposed illumination.<br>*Relevant guidance from other sections (priority considerations):*<br>e. See Rule 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |
| 4. | • Noise - where the limit is exceeded by 5bD LAeq (15 min) or more<br>• Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |
| 5. | • Setback from National Grid (buildings, structures, city-wide activities, and National Grid sensitive activities (Rule 5.6.1.1)<br>• Setback from National Grid (subdivision activities) (Rule 16.7.X) | *Relevant guidance from other sections:*<br>a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.X and effects related to the operation, maintenance, upgrading and development of the National Grid. |
| 6. | Minimum site size | *Relevant objectives and policies (priority considerations):*<br>a. N/A<br>b. Objectives 16.2.1, 16.2.3, 16.2.4.<br>c. N/A<br>d. N/A<br>e. N/A<br>f. N/A<br>X. The subdivision, considered as a whole:<br>i. will not result in an increase in the number of sites that |

| 16.12.5 Assessment of non-complying performance standard contravention | |
|---|---|
| Performance standard | Guidance on the assessment of resource consents |
| | contravene the minimum site size (Policy 16.2.1.X.b.i); and<br>ii. will not result in an increase in the residential development potential of the subject land, beyond that provided for by the density land use performance standard and the minimum site size subdivision standard (Policy 16.2.1.X.b.ii); and<br>iii. will meet policies 16.2.3.8 and 16.2.4.3 (Policy 16.2.1.X.b.iii).<br>g. Subdivisions are designed to ensure any associated future land use and development maintain or enhance the rural character and visual amenity of the rural zones (Policy 16.2.3.8).<br>h. Subdivisions are designed to ensure any future land use and development will:<br>i. maintain or enhance the productivity of rural activities;<br>ii. maintain highly productive land for farming activity, or ensure any loss is insignificant on any **high class soils mapped area** and no more than minor on other areas of highly productive land;<br>iii. maintain land in a rural rather than rural residential use; and<br>iv. not increase the potential for reverse sensitivity (Policy 16.2.4.3).<br>*Related strategic directions:*<br>Y. Objectives 2.2.2, 2.2.4, 2.3.1, 2.4.6, policies 2.2.2.1, 2.2.4.4, 2.3.1.2, 2.4.6.2.<br>*Potential circumstances that may support a consent application include:*<br>i. Where necessary, a legal mechanism is proposed that will ensure compliance with Policy 16.2.1.X.b.ii.<br>*General assessment guidance:*<br>Z. With respect to Policy 16.2.4.3.c, Council will generally consider that a subdivision that creates a new undersized site intended for rural residential use meets this policy, provided that the subdivision meets Policy 16.2.1.X.b.i & b.ii – for example in the case of a subdivision involving an existing undersized site and a site that exceeds the MSS, which transfers land from the smaller site to the larger site, and transfers a residential development right from the larger site to the smaller site.<br>j. In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the **high class soils mapped area** (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/).<br>*Relevant guidance from other sections (priority considerations):* |

| 16.12.5 Assessment of non-complying performance standard contravention | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| | | k. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure. |
| 7. | Family Flats - Tenancy | *Relevant objectives and policies (priority considerations):*<br>a. Strategic Directions: objectives 2.3.1, 2.4.6, 2.6.1, policies 2.3.1.2, 2.4.6.2, 2.6.1.2<br>b. Policy 16.2.1.6. |
| 9. | In an **ASBV**:<br>• Tree species | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values. |
| 10. | In the **ONF and ONL overlay zones**:<br>• Tree species | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and the effects related to landscape values. |
| 11. | In the **ONCC, HNCC and NCC overlay zones**:<br>• Tree species | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and the effects related to natural character of the coast. |
| X. | In a **wāhi tūpuna mapped area**:<br>• Density<br>• Minimum site size<br>• Tree species | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua. |
| Y. | Landscaping and rehabilitation | *Relevant objectives and policies (priority considerations):*<br>a. Objective 16.2.3.<br>b. Policy 16.2.3.4. |

# Rule 16.13 Special Information Requirements

## 16.13.1 Papakāika - ownership and occupation

For papakāika activity, proof that both the owner and occupier of the land fall into one of the classes listed in the definition of papakāika is required. Proof can be obtained from the Māori Land Court or the Ngāi Tahu Whakapapa Unit.

## 16.13.X Land management or capital investment for productivity or biodiversity gains

1. A resource consent application that includes a proposal for land management or investment intended to achieve significant positive effects for rural productivity (Policy 16.2.1.7.Y.i) should, in most circumstances, be supported by a farm management plan or similar document, prepared by a suitably qualified person, which sets out how gains to rural productivity will be achieved over the medium to long term.
2. A resource consent application that includes a proposal for land management or investment intended to achieve a significant contribution to the enhancement or protection of biodiversity values (Policy 16.2.1.7.Y.ii) must be supported by an ecological restoration plan, prepared by an ecologist or similarly qualified person, which includes the following:
    a. a description of the site, including the area or areas to be enhanced;
    b. a description of any indigenous vegetation present, including a species list;
    c. a description of the indigenous wildlife present and known to use the site;
    d. an ecological assessment of the significance of the site using the criteria in Policy 2.2.3.2;
    e. an assessment of how ecological restoration may contribute to providing connectivity with ecological corridors or nearby areas of ecological importance;
    f. an assessment of the benefits to biodiversity values of a range of practicable options for biodiversity enhancement, and confirmation that the proposed option is suitable for the site and conforms to best practice;
    g. a schedule of ecologically appropriate species to be planted, including botanical names;
    h. a planting plan depicting the location, species density and staging of planting;
    i. measures that will be used to maintain plantings, including the replacement of any dead or non-thriving plants;
    j. any other measures proposed to enhance habitat for indigenous fauna;
    k. measures to be used to exclude stock from the enhancement area;
    l. measures to be used to achieve long-term effective control of plant and animal pest species; and
    m. the approach to be used to monitor the restoration measures set out in the restoration plan and actions to be taken if measures are not being fulfilled.

# 17. Rural Residential Zones

## 17.1 Introduction

A number of people seek to live in a rural setting and undertake rural activities at a small scale, such as the keeping of livestock. These small-scale rural activities are commonly known as lifestyle farming or hobby farming, and the properties on which they are undertaken are commonly known as lifestyle blocks.

Lifestyle blocks can have an adverse effect on sustainable management by removing rural land from productive use; by inflating rural land values to the detriment of more productive rural activities; or by generating reverse sensitivity effects in the rural environment resulting from people living on smaller blocks of land in proximity to productive rural activities such as farming or forestry; and by resulting in pressure to extend urban public infrastructure and services into rural areas. A further issue is that there are a large number of small sites across Dunedin's rural environment which can sometimes be difficult to manage and use.

The rural residential zones have been established in response to these issues, to provide specifically for lifestyle or hobby farming in appropriately located parts of Dunedin's wider rural environment.

Rural residential zones allow for residential activity at a scale consistent with lifestyle or hobby farming, along with those rural and community activities that are consistent with the level of amenity expected by people living in these areas. Non-compatible activities in rural residential zones are discouraged or carefully managed in recognition that these can adversely affect the liveability and amenity of the zones.

Rural residential zones are sometimes located in areas with good quality land and versatile soils, and can contain productive rural activities such as small-scale farming. In order to sustainably manage natural and physical resources, it is important that the productive potential of these areas is maintained.

Some rural residential zones are located in areas of high landscape values, or coastal areas where retention or enhancement of the natural character values of the coast is important. These areas are covered by overlay zones with different rules applying for certain activities, such as buildings, structures and forestry.

Even where not located in landscape or coastal overlays, rural residential zones have their own level of rural or semi-rural character and amenity. Land use activities and development that detract from this character and amenity should be avoided. Rural residential zones can also contain areas of indigenous vegetation and habitat for indigenous species, and are subject to rules managing the clearance of indigenous vegetation.

### 17.1.1 Zone Descriptions

#### 17.1.1.1 Rural Residential 1 Zone

The Rural Residential 1 Zone occurs in a variety of locations, often in proximity to urban areas, that cater for demand for rural residential activity in different parts of Dunedin. The Rural Residential 1 Zone is elevated in some locations and provides a highly visible rural context for nearby residential and urban areas. This applies, in particular, to the Rural Residential 1 Zone at Waitati, Sawyers Bay, Blanket Bay, St Leonards, Chain Hills, Saddle Hill, Blackhead and Scroggs Hill.

In other locations the Rural Residential 1 Zone is less elevated but still provides a rural or semi-rural context to adjacent residential areas, including at Waikouaiti, Abbotsford, Waldronville, Ocean View and Brighton.

The Rural Residential 1 Zone sometimes occurs on river plains, such as at Wingatui, Tirohanga Road and Middlemarch. In these cases, the zone has a character that reflects the productive land on which it occurs, with an open pastoral setting. At Wingatui the Rural Residential 1 Zone has a settled and mature character, with mature trees and shelter plantings, and a diverse range of rural uses including hobby farming, horse grazing and horticultural uses.

### 17.1.1.2 Rural Residential 2 Zone

The Rural Residential 2 Zone typically occurs in coastal locations, or on hill slopes in proximity to urban areas. The Rural Residential 2 Zone recognises existing semi-developed clusters of small rural sites where there is already some rural residential activity, and provides for one residential activity per existing site.

## 17.2 Objectives and Policies

| **Objective 17.2.1** | |
|---|---|
| The rural residential zones enable lifestyle blocks, hobby farms and associated residential activities as the appropriate place in the rural environment for these to occur, and provide for a limited range of other compatible activities. | |
| Policy 17.2.1.1 | Enable farming, grazing and conservation in the rural residential zones. |
| Policy 17.2.1.2 | Require residential activity in the rural residential zones to be at a density that enables lifestyle blocks and hobby farms. |
| Policy 17.2.1.3 | Require rural ancillary retail and working from home to be at a scale that:<br>a. is ancillary to, and supportive of, productive rural activities or conservation activity on the same property, and<br>b. supports objectives 2.3.2 and 2.4.3 and their policies. |
| Policy 17.2.1.4 | Provide for forestry, domestic animal boarding and breeding (not including dogs), community and leisure - small scale, emergency services, and veterinary services (large animal practice) where the effects will be adequately mitigated in line with objectives 17.2.2, 17.2.3 and 17.2.4 and their policies, and the objectives and policies of any relevant overlay zones. |
| Policy 17.2.1.5 | Only allow rural tourism, rural research, community and leisure - large scale, early childhood education, sport and recreation, and visitor accommodation where the effects will be adequately managed in line with objectives 17.2.2, 17.2.3 and 17.2.4 and their policies, and the objectives and policies of any relevant overlay zones. |
| Policy 17.2.1.6 | Avoid cross lease, company lease and unit title subdivision in the rural residential zones unless it does not result in an increase in development potential beyond that which might be achieved through a general subdivision. |
| Policy 17.2.1.7 | Restrict the tenancy and design of family flats to:<br>a. avoid, as far as practicable, the risk they will be used for a separate, non-ancillary, residential activity; and<br>b. avoid, as far as practicable, future pressure to subdivide off family flats. |

| **Objective 17.2.2** | |
|---|---|
| The potential for conflict between activities within the rural residential zones, and between activities within the rural residential zones and adjoining residential zones, is minimised through measures that ensure:<br>a. the potential for reverse sensitivity is minimised; and<br>b. a good level of amenity on surrounding rural residential properties, residential zoned properties and public spaces. | |
| Policy 17.2.2.1 | Require residential buildings to minimise, as far as practicable, the potential for reverse sensitivity by being set back an adequate distance from:<br>a. site boundaries; and<br>b. forestry, intensive farming, domestic animal boarding and breeding (including dogs), mining, landfills and wind generators – large scale. |
| Policy 17.2.2.2 | Require buildings that house animals to be set back from site boundaries an adequate distance so that any adverse effects on adjoining residential activities are avoided or, if avoidance is not practicable, are no more than minor. |

| Objective 17.2.2 | |
|---|---|
| The potential for conflict between activities within the rural residential zones, and between activities within the rural residential zones and adjoining residential zones, is minimised through measures that ensure:<br>a. the potential for reverse sensitivity is minimised; and<br>b. a good level of amenity on surrounding rural residential properties, residential zoned properties and public spaces. | |
| Policy 17.2.2.3 | Require all new buildings to be located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites. |
| Policy 17.2.2.4 | Require rural ancillary retail and working from home to operate in a way (including hours of operations) that avoids or, if avoidance is not practicable, adequately mitigates noise or adverse effects on the amenity of surrounding properties. |
| Policy 17.2.2.5 | Only allow rural tourism, rural research, community and leisure - large scale, early childhood education, sport and recreation, veterinary services and visitor accommodation where any adverse effects on the amenity of surrounding rural residential properties are avoided or, if avoidance is not practicable, adequately mitigated. |
| Policy 17.2.2.6 | Require forestry and shelterbelts and small woodlots to be set back an adequate distance to avoid or minimise, as far as practicable, significant effects from shading on residential buildings on surrounding properties. |
| Policy 17.2.2.7 | Only allow forestry where it will be located and designed to avoid or, if avoidance is not practicable, adequately mitigate shading, noise, traffic, and other nuisance effects on sensitive activities on surrounding properties. |
| Policy 17.2.2.8 | Require subdivisions to deliver resultant sites that will achieve a high quality of on-site amenity through being large enough and of a shape that is capable of supporting rural residential development. |

| Objective 17.2.3 | |
|---|---|
| The character and amenity of the rural residential zones are maintained, elements of which include:<br>a. a high presence of natural features such as trees, bush, gully systems and water bodies;<br>b. a semi-rural level of development, with a higher proportion of open space and lower density of buildings than in urban areas; and<br>c. land maintained and managed for farming, grazing, conservation and rural residential activities. | |
| Policy 17.2.3.1 | Require buildings and structures to be set back from boundaries and of a height that maintains the character and visual amenity of the rural residential zones. |
| Policy 17.2.3.2 | Only allow forestry where it will be located, designed, and managed to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the character and visual amenity of the rural residential zones. |
| Policy 17.2.3.3 | Only allow rural tourism, rural research, community and leisure - large scale, early childhood education, sport and recreation, veterinary services and visitor accommodation activities where any adverse effects from development on rural residential character and amenity will be avoided or, if avoidance is not practicable, adequately mitigated. |
| Policy 17.2.3.4 | Require ancillary signs to be located and designed to maintain the character of the rural residential zones, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on site to passing pedestrians and vehicles and not being oversized or too numerous for that purpose. |

| **Objective 17.2.3** | |
|---|---|
| The character and amenity of the rural residential zones are maintained, elements of which include:<br>a. a high presence of natural features such as trees, bush, gully systems and water bodies;<br>b. a semi-rural level of development, with a higher proportion of open space and lower density of buildings than in urban areas; and<br>c. land maintained and managed for farming, grazing, conservation and rural residential activities. | |
| Policy 17.2.3.5 | Only allow general subdivision where the subdivision is designed to ensure any associated future land use and development will maintain or enhance the character and amenity of the rural residential zones. |
| Policy 17.2.3.X | Only allow activities in a **structure plan mapped area** where they are designed to:<br>a. maintain or enhance any special values of the site as listed in Appendix A12; and<br>b. ensure any other design outcomes listed in Appendix A12 are achieved. |

| **Objective 17.2.4** | |
|---|---|
| The productive potential of the rural residential zones for lifestyle blocks or hobby farms is maintained. | |
| Policy 17.2.4.1 | Require earthworks in a **high class soils mapped area** to retain soils on the site. |
| Policy 17.2.4.2 | Only allow land use, development, or subdivision activities that may lead to land use and development in a **high class soils mapped area** where any adverse effects on high class soils are avoided or, if avoidance is not practicable, are no more than minor. |
| Policy 17.2.4.3 | Only allow general subdivision where resultant sites are of a shape and size that will enable lifestyle blocks or hobby farms, including the keeping of livestock, and avoid use purely as large lot residential living. |
| Policy 17.2.4.4 | Avoid general subdivision in the Rural Residential 2 Zone unless it does not result in an increase in residential development potential. |

# Rules

## Rule 17.3 Activity Status

### 17.3.1 Rule Location

The activity status tables in rules 17.3.3 to 17.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the rural residential zones and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

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

### 17.3.2 Activity Status Introduction

1. The activity status tables in rules 17.3.3 - 17.3.5 show the activity status of activities in the rural residential zones and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. Development activities that are lawfully present at the time any relevant rules in this Plan have legal effect are not managed by those rules (the rules do not apply to existing lawfully established development activities).
6. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

*Additional activity status rules in hazard overlay zones*

7. For the purpose of the hazards provisions, activities are categorised as natural hazards sensitive activities, natural hazards potentially sensitive activities or natural hazards least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
8. In the Hazard 1 (flood) Overlay Zone or the Hazard 2 (flood) Overlay Zone, the activity statuses in Rule 17.3.6 apply for the following activities:
    a. natural hazards sensitive activities;
    b. natural hazards potentially sensitive activities; and
    c. new buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m² of new ground floor area.

9. Where the activity status in Rule 17.3.6 differs from that in rules 17.3.3 - 17.3.5, the most restrictive activity status always applies.
10. In addition to the rules in Rule 17.3.6, performance standards for development activities within hazard overlay zones are included in rules 17.3.3 - 17.3.5.
11. Activities in a hazard overlay zone must comply with all of the rules in 17.3.3 - 17.3.6.

*Rules applying in **Doctors Point Road structure plan mapped area***

X. Residential activities and subdivision activities within the **Doctors Point Road structure plan mapped area** are managed under provisions in Section 15, including Rule 15.8.AD **Doctors Point Road Structure Plan Mapped Area** Performance Standards and any associated provisions that normally apply to these activities in the Large Lot Residential 1 Zone.

*Performance Standards*

12. Performance standards are listed in the far right column of the activity status tables.
13. Performance standards apply to permitted, controlled, and restricted discretionary activities.
14. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.
15. If a restricted discretionary activity does not meet one or more performance standards, then the activity status remains restricted discretionary, unless otherwise indicated in the performance standard.

### Legend

| Acronym | Meaning |
|---|---|
| + | Additional provisions apply (assessment criteria for activities in the overlay need to be viewed) |
| P | Permitted Activity |
| C | Controlled Activity |
| RD | Restricted Discretionary Activity |
| D | Discretionary Activity |
| NC | Non-complying Activity |
| RR | Rural Residential Zones |
| ONF | Outstanding Natural Feature Overlay Zone |
| ONL | Outstanding Natural Landscape Overlay Zone |
| SNL | Significant Natural Landscape Overlay Zone |
| HNCC | High Natural Coastal Character Overlay Zone |
| NCC | Natural Coastal Character Overlay Zone |
| Haz1 | Hazard 1 Overlay Zones |
| Haz2 | Hazard 2 Overlay Zones |
| Haz3 | Hazard 3 Overlay Zones |
| ASBV | Areas of Significant Biodiversity Value |

## 17.3.3 Land Use Activity Status Table

| | | | | | | |
|---|---|---|---|---|---|---|
| 1. | Performance standards that apply to all land use activities | | | | | a. Acoustic insulation<br>b. NA<br>c. Light spill<br>d. Noise<br>e. Setback from National Grid (National Grid sensitive activities only)<br>X. **Structure plan mapped area** performance standards (where relevant) |
| Rural activities | | Activity status | | | | Performance standards |
| | | a. RR | b. ONF/ HNCC | c. ONL /SNL/ NCC | d. ASBV | |
| 2. | Domestic animal boarding and breeding (not including dogs) | P | NC | P | NC | i. Location |
| 3. | Farming | P | P | P | NC | |
| 4. | Forestry | RD | NC | RD+ | NC | i. Forestry and shelterbelts and small woodlots setbacks<br>ii. Tree species |
| 5. | Grazing | P | P | P | NC | |
| 6. | Rural ancillary retail | P | P | P | P | i. Hours of operation<br>ii. Location<br>iii. Maximum gross floor area<br>iv. Minimum mobility car parking |
| 7. | Rural tourism | D | D | D | D+ | |
| 8. | Rural research | D | D | D | D+ | |
| 9. | Landfills | NC | Pr | NC | NC+ | |
| 10. | Mining | NC | Pr | NC | NC+ | |
| 11. | All other activities in the rural activities category | NC | NC | NC | NC+ | |
| Residential activities | | a. RR | b. ONF/ HNCC | c. ONL/ SNL/ NCC | d. ASBV | Performance standards |

| | | | | | | |
|---|---|---|---|---|---|---|
| 12. | Standard residential | P | NC | P | NC | i. Density<br>ii. Separation distances<br>iii. Family flats |
| 13. | Working from home | P | P | P | P | i. Hours of operation<br>ii. Maximum gross floor area |
| 14. | All other activities in the residential activities category | NC | NC | NC | NC+ | |
| Community activities | | a. RR | b. ONF/ HNCC | c. ONL/ SNL/ NCC | d. ASBV | Performance standards |
| 15. | Community and leisure - small scale | P | P | P | P | i. Minimum mobility car parking |
| 16. | Community and leisure - large scale | D | D | D | D+ | |
| 17. | Conservation | P | P | P | P | |
| 18. | Early childhood education | D | D | D | NC | |
| 19. | Sport and recreation | D | D | D | D+ | |
| Commercial activities | | a. RR | b. ONF/ HNCC | c. ONL/ SNL/ NCC | d. ASBV | Performance standards |
| 20. | Ancillary licensed premises | Same status as underlying activity | Same status as underlying activity | Same status as underlying activity | Same status as underlying activity | |
| 21. | Stand-alone car parking | P | P | P | P | |
| 22. | Veterinary services (large animal practice) | RD | NC | RD | NC | |
| 23. | Visitor accommodation | D | NC | D | NC | |
| 24. | All other activities in the commercial activities category | NC | NC | NC | NC+ | |
| Industrial activities | | a. RR | b. ONF/ HNCC | c. ONL/ SNL/ NCC | d. ASBV | Performance standards |
| 25. | All activities in the industrial activities category | NC | NC | NC | NC+ | |
| Major facility activities | | a. RR | b. ONF/ HNCC | c. ONL/ SNL/ NCC | d. ASBV | Performance standards |

| | | | | | | |
|---|---|---|---|---|---|---|
| 26. | Emergency services | P | NC | NC | NC | i. Minimum mobility car parking |
| 27. | All other activities in the major facility activities category | NC | NC | NC | NC+ | |

### Note 17.3.3X- Other requirements outside of the District Plan

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

### Note 17.3.3A – Other requirements outside of the District Plan

Plantation forestry and associated activities are addressed by the NESPF rather than this Rule 17.3.3.4 for rural residential zones in Rule 17.3.3.4.a and for SNLs in Rule 17.3.3.4.c.

For ONFs and HNCCs in Rule 17.3.3.4.b and for NCCs in Rule 17.3.3.4.c the NESPF does not apply.

The NESPF also does not apply to vegetation clearance prior to afforestation and rules 17.3.4.19, 17.3.4.20 and 17.3.4.21 and the rules in Section 10 Natural Environment apply.

### 17.3.4 Development Activity Status Table

| | | | | | | |
|---|---|---|---|---|---|---|
| 1. | Performance standards that apply to all development activities | | | | | a. Natural Hazards Performance Standards<br>b. Setback from scheduled tree<br>X. **Landscape building platform mapped area** performance standards (where relevant)<br>Y. **Structure plan mapped area** performance standards (where relevant) |
| 2. | Performance standards that apply to all buildings and structures activities | | | | | a. Boundary setbacks<br>b. Maximum height<br>c. Number, location and design of ancillary signs<br>d. Reflectivity (landscape and coastal character overlays)<br>e. Setback from coast and water bodies<br>f. Setback from National Grid<br>X. Setback from Critical Electricity Distribution Infrastructure |
| Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 8 - 15) | | Activity status | | | | Performance standards |
| | | a. RR | b. ONF/ HNCC | c. ONL/ SNL/ NCC | d. ASBV | |
| 5. | New buildings or structures<br>**or**<br>additions and alterations (excluding fences) | P | NC | P | RD | i. Firefighting<br>ii. Area, number and location of buildings and structures (ONLs, SNLs, NCCs, ASBVs) |
| 6. | Fences | P | P | P | P | |
| 7. | All other buildings and structures activities | P | P | P | P | |

| Buildings and structures activities **that** affect a protected part of a scheduled heritage building **or** scheduled heritage structure | | a. RR | b. ONF/ HNCC | c. ONL/ SNL/ NCC | d. ASBV | Performance standards |
|---|---|---|---|---|---|---|
| 8. | Repairs and maintenance | P | P | P | P | |
| 9. | Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1 | C | C | C | C | |
| 10. | Restoration of all other scheduled heritage buildings and structures | P | P | P | P | |
| 11. | Earthquake strengthening where external features only are protected | C | C | C | C | i. Materials and design |
| 12. | Signs attached to buildings or structures | P | P | P | P | |
| 13. | All other additions and alterations | RD | RD | RD | RD | |
| 14. | Demolition | NC | NC | NC | NC | |
| 15. | Removal for relocation | RD | RD | RD | RD | |
| Site development activities | | a. RR | b. ONF/ HNCC | c. ONL/ SNL / NCC | d. ASBV | Performance standards |
| 16. | Outdoor storage | P | P | P | P | |
| 17. | Parking, loading and access | P | P | P | P | i. Parking, loading and access standards |
| 18. | New or additions to parking areas that result in 50 or more new parking spaces. | RD | RD | RD | RD | i. Parking, loading and access standards |
| 19. | Indigenous vegetation clearance - small scale | P | P | P | P | i. Vegetation clearance standards |
| 20. | Indigenous vegetation clearance - large scale | RD | RD+ in ONF NC in HNCC | RD in SNL RD+ in NCC | NC | i. Vegetation clearance standards |
| 21. | All other vegetation clearance | P | P | P | P | i. Vegetation clearance standards |

| | | | | | | |
|---|---|---|---|---|---|---|
| 22. | Storage and use of hazardous substances | P | P | P | P | i. Hazardous substances quantity limits and storage requirements<br>ii. Setback from coast and water bodies |
| 23. | Shelterbelts and small woodlots | P | RD | P | RD | i. Forestry and shelterbelts and small woodlots setbacks<br>ii. Tree species |
| 24. | All other site development activities | P | P | P | RD | |

### Note 17.3.4A - General advice

1. An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
2. An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
4. The **archaeological alert layer mapped area** identifies sites and areas that have a strong likelihood of containing archaeological remains, however remains may be present anywhere within the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.

### 17.3.5 Subdivision Activity Status Table

| Subdivision activities | | Activity status | | | | Performance standards |
|---|---|---|---|---|---|---|
| | | a. RR | b. ONF/ HNCC | c. ONL/ SNL/ NCC | d. ASBV | |
| 1. | General subdivision creating resultant sites used solely for the purposes of a Scheduled ASBV or QEII covenant; or reserve; or access; or network utilities; or road. | RD | RD | RD | RD+ | i. Access<br>ii. Esplanade reserves and strips |
| 2. | All other general subdivision in the Rural Residential 1 Zone | RD | RD+ | RD+ | RD+ | i. Access<br>ii. Esplanade reserves and strips<br>iii. Firefighting<br>iv. Minimum site size<br>v. Service connections<br>vi. Shape<br>X. **Landscape building platform mapped area** performance standards (where relevant)<br>Y. Setback from National Grid (subdivision activities)<br>Z. **Structure plan mapped area** performance standards (where relevant) |
| 3. | All other general subdivision in the Rural Residential 2 Zone | NC | NC | NC | NC+ | |
| 4. | Cross lease, company lease and unit title subdivision | NC | NC | NC | NC+ | |

#### Note 17.3.5A - Other RMA considerations

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

#### Note 17.3.5B - General advice

1. DCC does not generally provide reticulated water supply to sites zoned rural residential and a connection should not be presumed.

#### Note 17.3.5X - Other relevant District Plan provisions

1. Additional matters of discretion apply to the subdivision of land within a **Critical Electricity Distribution Infrastructure Corridor mapped area**. These are set out in Rule 17.10.5.
2. Additional matters of discretion apply to the subdivision of land within a **National Grid Subdivision Corridor mapped area**. These are set out in Rule 17.10.5.

### 17.3.6 Activity Status in Hazard 1 (Flood) Overlay Zone and Hazard 2 (Flood) Overlay Zone

| Activity | | Activity status | |
|---|---|---|---|
| | | a. Haz1 (flood) | b. Haz2 (flood) |
| Land Use Activities | | | |
| 1. | Natural hazards sensitive activities | NC | RD |
| 2. | Natural hazards potentially sensitive activities | NC | RD |
| Development Activities | | | |
| 3. | New buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m² of new ground floor area | RD | RD |

**Note 17.3.6A - Other RMA considerations**

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

2. Accordingly, activities that are shown to have effects that are the same or similar in character, intensity and scale to those which existed before the rule became operative or the proposed plan was notified will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 17.3.6. However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of effects from the land use activity.

**Note 17.3.6B - Other requirements outside the District Plan**

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

## Rule 17.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with sections 95A or 95B of the RMA, unless Council considers special circumstances exist in relation to the application that require public notification:
    1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
    2. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications for the following activities, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided with respect to applications for resource consent for the following:
    1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand;
    2. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is listed by Heritage New Zealand; and
    3. contravention of the archaeological sites performance standard (Rule 13.3.3).
3. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided with respect to resource consents applications for the following:
    1. all restricted discretionary activities that list 'effect on cultural values of Manawhenua as a matter for discretion; and
    2. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4.
4. With respect to resource consent applications for the following activities, the Department of Conservation will

be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided:

1. indigenous vegetation clearance - large scale in a scheduled Area of Significant Biodiversity Value; or
2. indigenous vegetation clearance - large scale or any discretionary or non-complying activity in a Natural Coastal Character or High Natural Coastal Character Overlay Zone.

5. With respect to resource consent applications for the following activities within the **radio transmitters mapped area**, Radio New Zealand Limited will be considered an affected person in accordance with section 95B of the RMA, unless its written approval is provided or discretion is restricted and excludes consideration of reverse sensitivity effects:
   1. any activities that may be sensitive to electromagnetic interference, noise or visual effects from Radio New Zealand's facilities at 740 Highcliff Road and 35 Karetai Road; and
   2. subdivision that could result in activities of this kind.

6. With respect to sections 95D(b) and 95E(2)(a) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural residential zones.

7. With respect to resource consent applications for the following activities, the Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided:
   1. activities in the Hazard 1 or 1A (flood) overlay zones; and
   2. activities in **swale mapped areas**.

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

# Rule 17.5 Land Use Performance Standards

## 17.5.1 Acoustic Insulation

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

1. **port noise control mapped area**;
2. within 40m of the Taieri Aerodrome Zone;
3. within 40m of a state highway;
4. within 20m of an industrial zone; and
5. within 70m of a railway line.

## 17.5.2 Density

1. The maximum density of standard residential activity is as follows:
    a. In the Rural Residential 1 Zone, the minimum site size per residential activity is 2ha, except:
        i. a single residential activity is permitted on an existing site between 1ha and 2ha created before 26 September 2015 as long as all other performance standards can be met; and
        ii. a single residential activity is permitted on a site created by Rule 17.7.5.3 as long as all other performance standards can be met.
    b. In the Rural Residential 1 Zone, multiple standard residential activities are only allowed on a single site where all primary residential buildings (houses) are able to meet all the relevant performance standards if they were ever subdivided into separate sites.
    c. In the Rural Residential 2 Zone, a maximum of one residential activity per site of at least 1ha.
    d. In all rural residential zones, one family flat is allowed per site in association with a standard residential activity that meets this performance standard for density.
2. Standard residential activity that contravenes this performance standard is a non-complying activity.

## 17.5.4 Hours of Operation

1. For rural ancillary retail, customers must not arrive before 7am or depart after 7pm.
2. For working from home, customers and deliveries must not arrive before 7am or depart after 7pm. This standard does not apply to homestays.
3. Activities that contravene this performance standard are restricted discretionary activities.

## 17.5.5 Light Spill

Land use activities must comply with Rule 9.3.5.

## 17.5.6 Location

1. Domestic animal boarding and breeding (not including dogs) and rural ancillary retail must not be accessed directly from a state highway with a speed limit of 80kmh or over.
2. Activities that contravene this performance standard are restricted discretionary activities.

## 17.5.7 Maximum Gross Floor Area

| Activity | | Maximum gross floor area |
|---|---|---|
| 1. | Rural ancillary retail | 60m² |

| Activity | | Maximum gross floor area |
|---|---|---|
| 2. | Working from home | 100m² (applies only to area used within buildings) |

3. The retailing of plants grown on a site is exempt from the performance standard for maximum gross floor area.
4. Activities that contravene this performance standard are restricted discretionary activities.

**Note 17.5.7A - Other requirements outside of the District Plan**

1. Registration must be obtained from DCC Environmental Health Department for any working from home activity which involves food products, hairdressing, beauty therapy or tattooing. Please contact the DCC's Environmental Health Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
2. A licence from DCC's Alcohol Licensing Department may be required for any working from home activity involving the sale or distribution of alcohol. Please contact the DCC on 03 477 4000 or visit the DCC website at www.dunedin.govt.nz for more information.

### 17.5.8 Minimum Mobility Car Parking

1. NA.

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

2. Land use activities must provide on-site mobility parking spaces as follows:

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

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

**Note 17.5.8A - Other relevant District Plan provisions**

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

### 17.5.9 Noise

Land use activities must comply with Rule 9.3.6.

### 17.5.10 Separation Distances

1. New residential buildings must be located at least:
   a. 30m from an existing, lawfully established forestry activity on a separate site;
   b. 100m from:
      i. an existing, lawfully established intensive farming activity on a separate site; and
      ii. an existing, lawfully established domestic animal boarding and breeding including dogs activity on a separate site;
   c. 150m from existing, lawfully established landfills on a separate site;
   d. 250m from existing, lawfully established wind generators - large scale on a separate site;
   e. 200m from an existing, lawfully established mining activity, that does not involve blasting, on a separate site; and
   f. 500m from an existing, lawfully established mining activity, that involves blasting, on a separate site.
2. For the purpose of this standard, separation distance is measured from the closest wall of the new residential building to the closest edge of any active operational area or part of the site being used for one of the activities listed.
3. Activities that contravene this performance standard are restricted discretionary activities.

### 17.5.11 Setback from National Grid

National Grid sensitive activities must comply with Rule 5.6.1.1.

### 17.5.12 Tree Species

Forestry and shelterbelts and small woodlots must comply with Rule 10.3.4.

### 17.5.13 Family Flats

Rule 17.5.13.1 Family Flats - Tenancy

a. Family flats must:
   i. only be occupied by:
      1. a person or persons related to or dependent on the household that lives in the primary residential unit on the same site; or
      2. employed on-site, in a paid or voluntary capacity, as a domestic, child-care, farm or conservation worker by the household that lives in the primary residential unit on the same site.
   ii. not be on a different tenancy agreement to the primary residential unit.

b. Standard Residential activity that contravenes this performance standard is a non-complying activity.

Rule 17.5.13.2 Family Flat - Design

a. Family flats must:
   i. not exceed a maximum gross floor area of 60m²;
   ii. be on the same available water and waste infrastructure connection, or the same non-reticulated wastewater disposal system as the primary residential unit;
   iii. be on the same household electricity account;
   iv. share the same driveway as the primary residential unit; and
   v. be attached to or located in the same residential building as the primary residential unit, or located within 30m of the primary residential building (house), as measured as the closest distance between any wall of the primary residential building and any wall of the family flat.

b. Standard Residential activity that contravenes this performance standard is a restricted discretionary activity.

## Rule 17.6 Development Performance Standards

### 17.6.1 Firefighting

New residential buildings and subdivision activities must comply with Rule 9.3.3.

### 17.6.2 Natural Hazards Performance Standards

17.6.2.1 Hazard exclusion areas

New buildings and structures, and additions and alterations located in a **swale mapped area** must comply with Rule 11.3.1.1.

17.6.2.2 Maximum area of vegetation clearance in the hazard overlay zones

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

17.6.2.3 Relocatable buildings

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

17.6.2.4 Outdoor storage

Outdoor storage in the Hazard 1 (flood) Overlay Zone must comply with Rule 11.3.4.

### 17.6.3 Hazardous Substances Quantity Limits and Storage Requirements

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

### 17.6.4 Materials and Design

Earthquake strengthening must comply with Rule 13.3.2.

### 17.6.5 Maximum Height

1. New buildings and structures, and additions and alterations, must not exceed a maximum height above ground level as follows:

| Activity | | i. Rural residential zone | ii. Landscape and coastal character overlay zones |
|---|---|---|---|
| a. | Roadside produce stall | 3.5m | 3.5m |
| b. | All other buildings and structures | 10m | 5m |

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

   d. Buildings or structures must not protrude through the height restriction for the Taieri Aerodrome approach and take-off fans shown on the **Taieri Aerodrome flight fan mapped area**.

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

### 17.6.X Area, Number and Location of Buildings and Structures

1. In Outstanding Natural Landscape (ONL), Significant Natural Landscape (SNL), and Natural Coastal Character (NCC) overlay zones and scheduled Areas of Significant Biodiversity Value (ASBVs), all new buildings, new structures and additions and alterations must comply with Rule 10.3.5.

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

17.6.6.1 General

a. A maximum of one sign attached to a building and one freestanding sign is allowed per site, except:
   i. only one sign may be located in any part of a site in an ONF, ONL, SNL, HNCC or NCC overlay zone.

b. Signs visible from a public place must meet all of the following performance standards, except that regulatory signs, directional signs and warning signs that do not exceed 0.25m² are exempt from these standards.

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

d. Signs must not be illuminated or digital.

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

17.6.6.2 Signs attached to buildings

a. The maximum height above ground level, at the highest point of any sign, is 4m, except:
   i. the maximum height is 2m in an ONF, ONL, SNL, HNCC or NCC overlay zone.

b. Signs must not be attached to roofs.

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

d. The maximum area of signs, per display face, is 1m², except:
   i. the maximum area of signs, per display face, is 0.6m² in an ONF or HNCC overlay zone.

e. In an ONF or HNCC overlay zone the sign must only provide information about the values of the overlay zone (refer Appendices A3 and A5).

17.6.6.3 Freestanding signs

a. The maximum dimensions of freestanding signs are:
   i. maximum height of 4m, except:
      1. 2m in an ONF, ONL, SNL, HNCC or NCC overlay zone;
   ii. maximum area of 2m² per display face, except:
      1. 0.6m² per display face in an ONF or HNCC overlay zone; and
      2. 1m² per display face in an ONL, SNL or NCC overlay zone;
   iii. maximum of 2 display faces per sign;
   iv. maximum width of 2m, except:
      1. 1m in an ONF, ONL, SNL, HNCC or NCC overlay zone; and
   v. maximum depth of 400mm.

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

c. In an ONF or HNCC overlay zone the sign must only provide information about the values of the overlay zone (refer Appendices A3 and A5).

**Note 17.6.6A - Other requirements outside of the District Plan**

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

## 17.6.7 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

## 17.6.8 Reflectivity

New buildings and structures (except fences), and additions and alterations, in any landscape or coastal character Overlay Zone must comply with Rule 10.3.6.

## 17.6.9 Setbacks

17.6.9.1 Boundary setbacks

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

| Activity | 1. Minimum setback from road boundary | 2. Minimum setback from side and rear boundaries with sites held in separate ownership |
|---|---|---|

| | | | |
|---|---|---|---|
| i. | Residential buildings (See Figure 17.6.9.1A) | 12m | 10m |
| ii. | Non-residential buildings housing animals (See Figure 17.6.9.1B) | 12m | 1. Buildings with a maximum height of up to 7m above ground level: 15m.<br>2. Buildings with a maximum height that is over 7m above ground level: The greater of either 15m or twice the maximum height of the building. |
| iii. | Non-residential buildings not housing animals (See Figure 17.6.9.1C) | 12m | 1. Buildings with a maximum height of up to 7m above ground level: 6m.<br>2. Buildings with a maximum height that is over 7m above ground level: Twice the maximum height of the building. |
| iv. | Roadside produce stall | No requirement | 6m |
| v. | All other structures | No requirement | No requirement |

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

Figure 17.6.9.1A: Setbacks for residential buildings

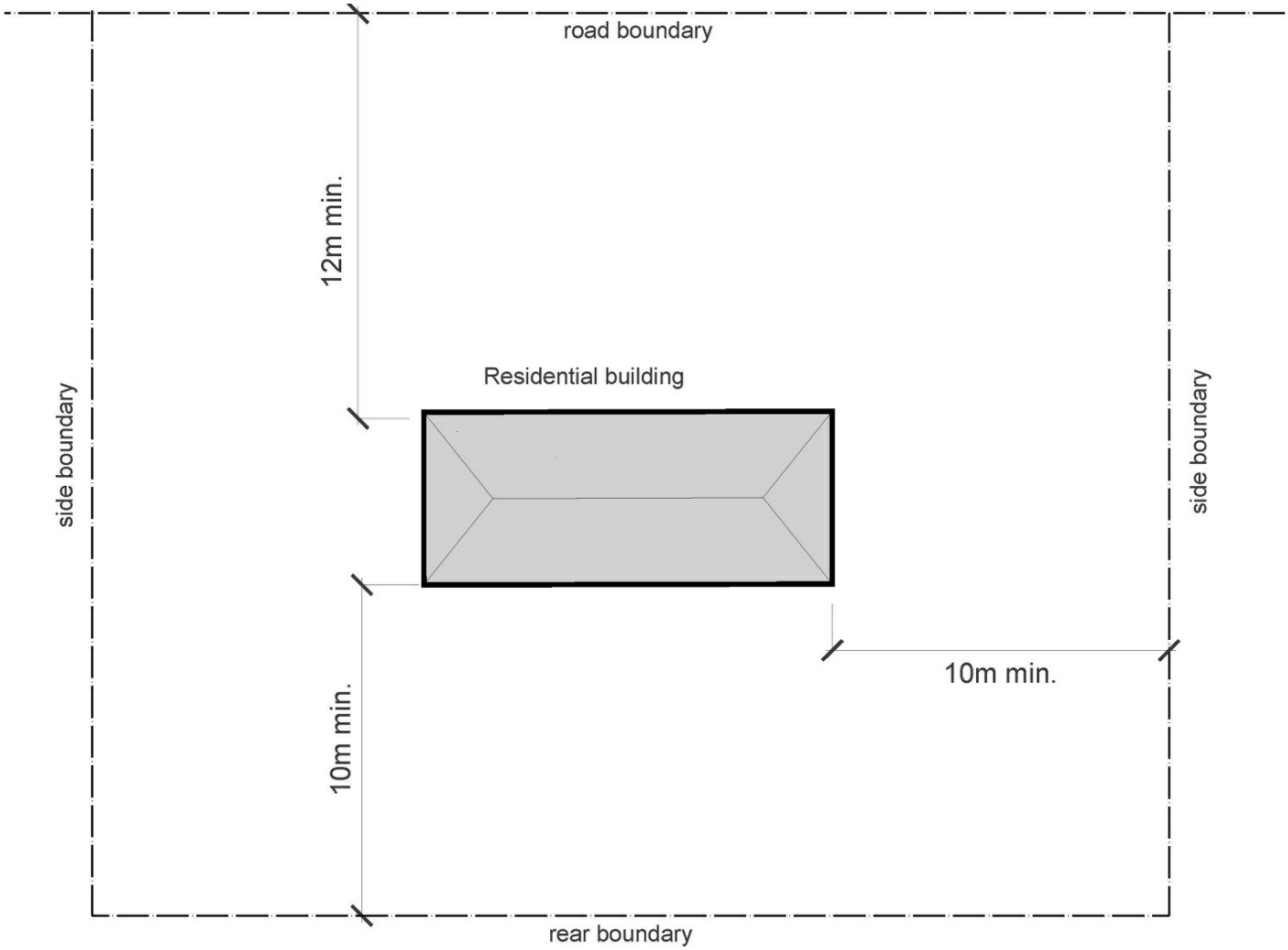

road boundary
12m min.
Residential building
side boundary
side boundary
10m min.
10m min.
rear boundary

Figure 17.6.9.1B: Setbacks for non-residential buildings housing animals

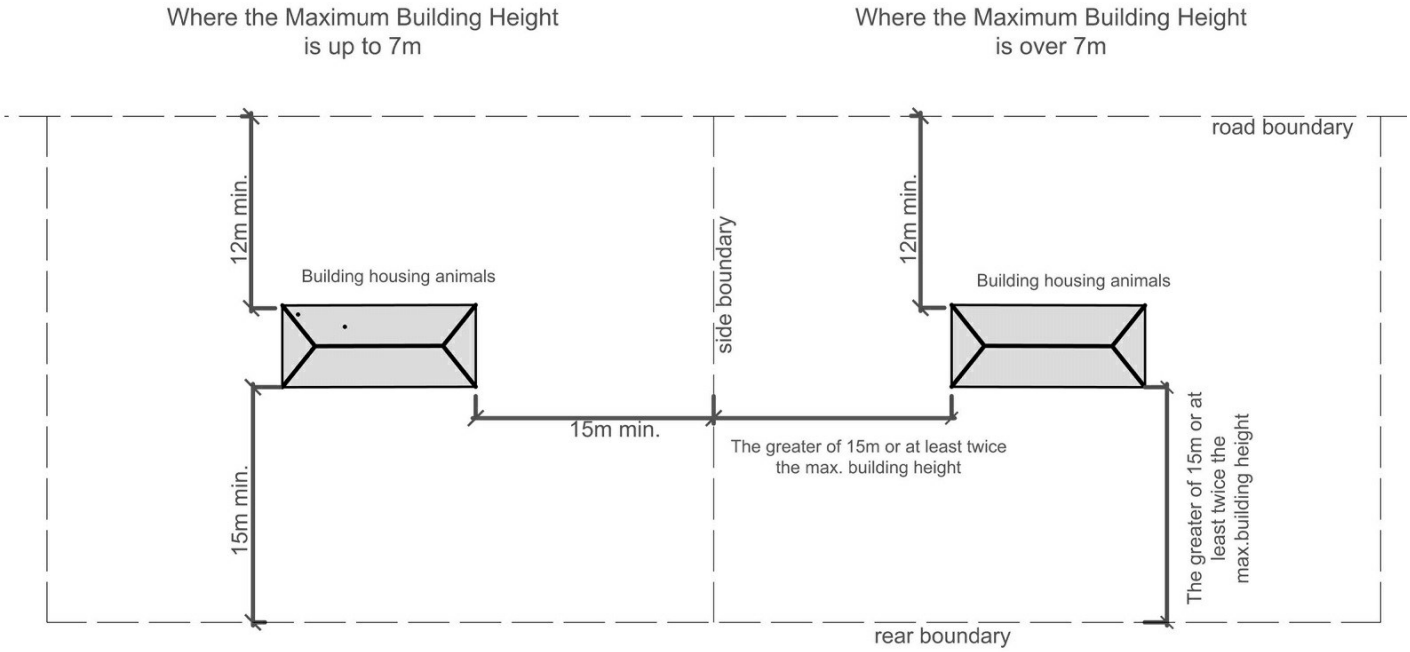
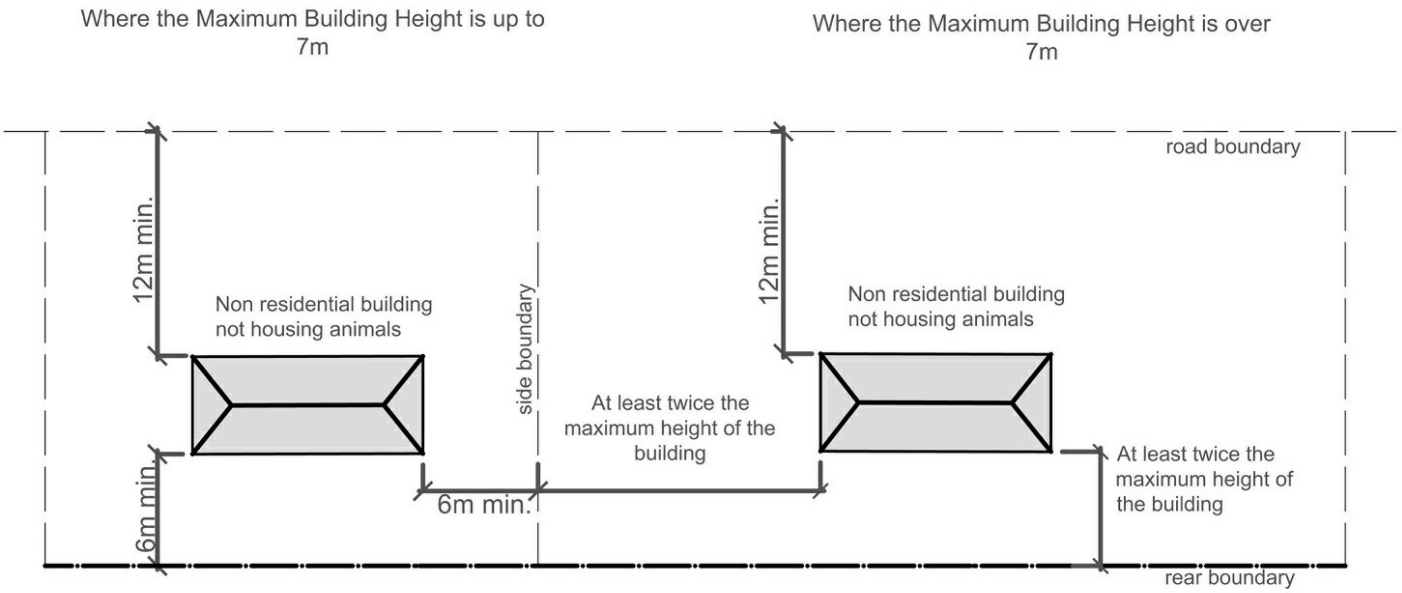



Figure 17.6.9.1C: Setbacks for non-residential buildings not housing animals




17.6.9.2 Forestry and shelterbelts and small woodlots setbacks

a. Trees associated with forestry activity:
   i. must not be planted within 30m of the boundary of any residential zone;
   ii. must not be planted within 40m of a residential building where the building exists at the time of planting;
   iii. must not shade a motorway or a strategic road, arterial road or collector road between 10am and 2pm on the shortest day of the year;

iv. must not be planted within 10m of the boundary of the designated rail corridor; and

X. must not be planted within the **Critical Electricity Distribution Infrastructure Corridor mapped area**.

b. Trees associated with shelterbelts and small woodlots:
   i. must be set back, or managed so that they maintain, a minimum distance of their own height from any residential building on an adjoining site, where the building exists at the time of planting;
   ii. must not shade a motorway or a strategic road, arterial road or collector road between 10am and 2pm on the shortest day of the year; and
   iii. must not be planted within 10m of the boundary of the designated rail corridor.

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

17.6.9.3 Setback from scheduled tree

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

17.6.9.4 Setback from National Grid

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

17.6.9.5 Setback from coast and water bodies

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

17.6.9.X Setback from Critical Electricity Distribution Infrastructure

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

**Note 17.6.9.XA - General advice**

1. The **Critical Electricity Distribution Infrastructure Corridor mapped area** is measured either side of the centreline of above ground Critical Electricity Distribution Infrastructure (except in the case of designated zone substations where the measurement is taken from the designation boundary), as follows:
   a. 5m from the centreline of a 11kV line;
   b. 8.5m from the centreline of a 33kV line;
   c. 8.5m from designated zone substations; and
   d. 9.5m from the centreline of a 66kV or a 110kV line.
2. Work near Aurora Energy's overhead lines and power poles requires Close Approach consent. For more information contact Aurora Energy.
3. Vegetation to be planted near Critical Electricity Distribution 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.

## 17.6.10 Vegetation Clearance Standards

17.6.10.1 Maximum area of vegetation clearance (UBMA)

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

17.6.10.2 Indigenous vegetation clearance – small scale thresholds

Indigenous vegetation clearance – small scale must comply with Rule 10.3.2.1.

17.6.10.3 Protected areas (vegetation clearance)

Vegetation clearance and indigenous vegetation clearance must comply with Rule 10.3.2.2.

17.6.10.4 Protected species (indigenous vegetation clearance)

Indigenous vegetation clearance must comply with Rule 10.3.2.3.

17.6.10.5 Maximum area of vegetation clearance in the hazard overlay zones

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

## Rule 17.7 Subdivision Performance Standards

### 17.7.1 Access

General subdivision must comply with Rule 6.8.1.

### 17.7.2 Esplanade Reserves and Strips

General subdivision must comply with Rule 10.3.1.

### 17.7.3 Firefighting

General subdivision must comply with Rule 9.3.3.

### 17.7.4 Service Connections

General subdivision must comply with Rule 9.3.7.

### 17.7.5 Minimum Site Size

1. The minimum site size for new resultant sites in the Rural Residential 1 Zone is 2ha.
2. Resultant sites created and used solely for the following purposes are exempt from the minimum site size standard:
    a. reserve;
    b. access;
    c. network utilities; or
    d. road.
3. Subdivision activities that contravene this standard are non-complying, except in the following circumstances where the subdivision is discretionary:
    a. all resultant sites are at least 75% of the minimum site size; and
    b. a minimum of 50% of the resultant sites are not less than the minimum site size; and
    c. the average area of the resultant sites is not less than the minimum site size.

### 17.7.6 Shape

1. Each resultant site that is intended to be developed must be of a size and shape that is large enough to contain a building platform of at least 8m by 15m that meets the performance standards of this Plan including but not limited to:
    a. NA;
    b. all setbacks from boundaries, water bodies and scheduled trees.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must:
    a. not contain esplanade reserves or strips;

b. not contain scheduled heritage buildings or scheduled heritage structures; and

c. not contain right-of-way easements.

d. NA.

3. For unreticulated areas, resultant sites must provide for a wastewater disposal area to be located at least 50m from any water body and Mean High Water Springs.

4. Sites created and used solely for the following purposes are exempt from the shape standard:
   a. Scheduled ASBV or QEII covenant;
   b. reserve;
   c. access;
   d. network utility; or
   e. road.

5. Subdivision activities that do not meet this standard are restricted discretionary activities.

### 17.7.X Setback from National Grid (Subdivision Activities)

Subdivision activities must comply with Rule 5.6.1.X.

## Rule 17.Y Structure Plan Mapped Area Performance Standards

17.Y.1

1. In addition to the performance standards in 17.5, 17.6 and 17.7 and any relevant overlay zones or mapped areas, activities in a **structure plan mapped area** must meet the area-specific performance standards below. Where a performance standard in this section specifically provides an exemption or alternative to a standard in 17.5, 17.6 or 17.7, the standard in this section supersedes that standard.

### 17.Y.X Signal Hill Road Structure Plan Mapped Area Performance Standards

17.Y.X.1 Land use performance standards

a. Density
   i. Standard residential activities must not exceed a density of one residential activity per site (note that Rule 17.Y.X.3 limits the maximum number of sites in the **structure plan mapped area**).
   ii. One family flat is allowed per site in association with a standard residential activity that meets this performance standard for density.
   iii. Standard residential activity that contravenes this performance standard is a non-complying activity.
   iv. For the sake of clarity, this performance standard supersedes Rule 17.5.2.

17.Y.X.2 Development performance standards

a. Buildings and structures associated with any residential activity, except for the residential activity in existence at 235 Signal Hill Road on 19 February 2021, and the residential activity consented by LUC-2020-159, must be located outside the Flagstaff-Mt Cargill Significant Natural Landscape Overlay Zone.

b. Development activities that do not meet this standard are non-complying activities.

17.Y.X.3 Subdivision performance standards

a. Access
   i. Subdivision activities must provide suitably designed and formed public walking access through the mapped area, to connect:
      1. North Road (the point marked ‘1’ on Figure 17.Y.XA) with the paper road at Thirlstane Street (the point marked ‘2’ on Figure 17.Y.XA); and
      2. the new accessway within the subdivision (the point marked ‘3’ on 17.Y.XA) with the eastern corner of the mapped area (the point marked ‘4’ on Figure 17.Y.XA).
   ii. The required timing of the creation of these accessways is as follows:
      1. where the subdivision is not staged:
         1. legal access for pedestrians to fulfil clause i above must be created, and access from point 1 to point 2 must be formed, prior to the issuing of the section 224c certificate for the subdivision;
         2. access from point 3 to point 4 must be formed within five years of the issuing of the section 224c certificate for the subdivision.
      2. where the subdivision is staged (either via multiple resource consents or via multiple stages of one resource consent):
         1. legal access for pedestrians to fulfil clause i must be created prior to the issuing of the section 224c certificate for the first stage that creates any residential site(s) located wholly or partly outside the SNL;

2. access from point 1 to point 2 must be formed in accordance with staging; and
3. access from point 3 to point 4 must be formed within five years of the issuing of the section 224c certificate for the first stage that creates any residential site(s) located wholly or partly outside the SNL.

iii. Subdivision activities must ensure that the accessway corridor that provides vehicle and pedestrian access to dwellings located along the north-western boundary of the site, outside the SNL, is: accessible to the public; and designed with a carriageway formation that is consistent with the standard required for a legal road.

iv. Subdivision activities must provide legal access for pedestrians between 534 North Road and the accessway described in clause iii above. Where the subdivision is not staged, this legal access must be created prior to the issuing of the section 224c certificate for the subdivision. Where the subdivision is staged, it must be created prior to the issuing of the section 224c certificate for the first stage that creates any site(s) located wholly or partly outside the SNL.

v. There is no requirement to form the access for pedestrians described at clause iv.

vi. Subdivision activities that do not meet this standard are non-complying activities.

vii. For the sake of clarity, this standard is additional to Rule 17.7.1.

b. Minimum site size

i. There is no minimum site size for new resultant sites, but the average area of the resultant sites must be no less than 2ha.

ii. Resultant sites created and used solely for the following purposes are exempt from the minimum site size standard:
1. Scheduled ASBV;
2. any covenant created to protect the Proposed Vegetation Protection Area;
3. reserve;
4. access;
5. utility; or
6. road.

iii. For the sake of clarity, this performance standard supersedes Rule 17.7.5.

iv. Subdivision activities that contravene this performance standard are non-complying activities.

17.Y.X.4 Assessment guidance

a. In addition to the assessment guidance for subdivision provided in Rule 17.10.4, Rule 6.11.2.7 and Rule 6.11.2.8, the following guidance is provided for the assessment of subdivision activities in the **Signal Hill Road structure plan mapped area**.

*General assessment guidance:*

b. To appropriately manage effects on the safety and efficiency of the transport network, Council will generally prefer that the accessway described at Rule 17.Y.X.3.a.iii is vested in Council as road, unless an assessment of the physical constraints of the site demonstrates that it is not practicable for the full length of the accessway to be of sufficient width to vest in Council as road.

*Conditions that may be imposed include:*

c. A bond to ensure formation of the public walking access described at Rule 17.Y.X.3.a.i.2, in accordance with the timeframe specified at Rule 17.Y.X.3.a.ii.

Figure 17.Y.XA: **Signal Hill Road structure plan mapped area**

## 17.Y.Y Patmos Avenue (Rural Residential) Structure Plan Mapped Area Performance Standards

17.Y.Y.1 Land use performance standards

a. Density
   i. Standard residential activities must not exceed a density of one residential activity per site, with a maximum of one residential activity located in Area A and up to three residential activities located in Area B (see Figure 17.Y.YA).
   ii. One family flat is allowed per site in association with a standard residential activity that complies with this performance standard for density, provided it is located in the same residential building as the primary residential activity.
   iii. Standard residential activity that contravenes this performance standard is a non-complying activity.
   iv. For the sake of clarity, this performance standard supersedes Rule 17.5.2.

17.Y.Y.2 Development performance standards

a. Footprint of residential buildings
   i. New residential buildings must not exceed 250m² footprint and additions and alterations must not result in a residential building that is greater than 250m² footprint.
   ii. Activities that contravene this performance standard and result in a residential building less than or equal to 300m² footprint are discretionary activities.
   iii. Activities that contravene this performance standard and result in a residential building greater than 300m² footprint are non-complying activities.

b. Setbacks
   i. Boundary setbacks must meet Rule 17.6.9, except that in Area A the minimum setback from road

boundary for residential buildings is 6m.

c. Vegetation clearance
   i. Indigenous vegetation clearance must meet Rule 10.3.2.1, except that:
      1. additional indigenous vegetation clearance is permitted, if necessary, to widen the existing track (represented by the pink line in Figure 17.Y.YA) up to the minimum necessary to meet Rule 6.6.3.9 Width of driveways; and
      2. an additional 50m² of indigenous vegetation clearance is permitted for the formation of passing bays immediately adjacent to the existing track in order to form the shared driveway; and
      3. in Area B, indigenous vegetation clearance must not exceed a maximum area of 350m² per new resultant site over an initial 3-year time period from the issuing of new certificates of title to be considered indigenous vegetation clearance – small scale, after which indigenous vegetation clearance must meet 10.3.2.1.c.ix.
   ii. For the sake of clarity, all vegetation clearance must meet Rule 10.3.2.2 and all indigenous vegetation clearance must meet Rule 10.3.2.3.

17.Y.Y.3 Subdivision performance standards

a. Access
   i. Subdivision activities must provide for a shared driveway to serve the residential activities in Area B, following the existing track, with individual driveways to building platforms constructed from the closest practicable point along the shared driveway.
   ii. Subdivision activities that contravene this performance standard are non-complying activities.
   iii. For the sake of clarity, this performance standard applies in addition to Rule 17.7.1.

b. Minimum site size and maximum number of sites
   i. Subdivision activities must create no more than four resultant sites within the **structure plan mapped area**.
   ii. The sites must be of a size, shape and location that enables all relevant performance standards to be met.
   iii. Resultant sites created and used solely for the following purposes are exempt from this performance standard:
      1. Scheduled ASBV or QEII covenant;
      2. reserve;
      3. access;
      4. network utilities; or
      5. road.
   iv. Subdivision activities that contravene this performance standard are non-complying activities.
   v. For the sake of clarity, this performance standard supersedes Rule 17.7.5.

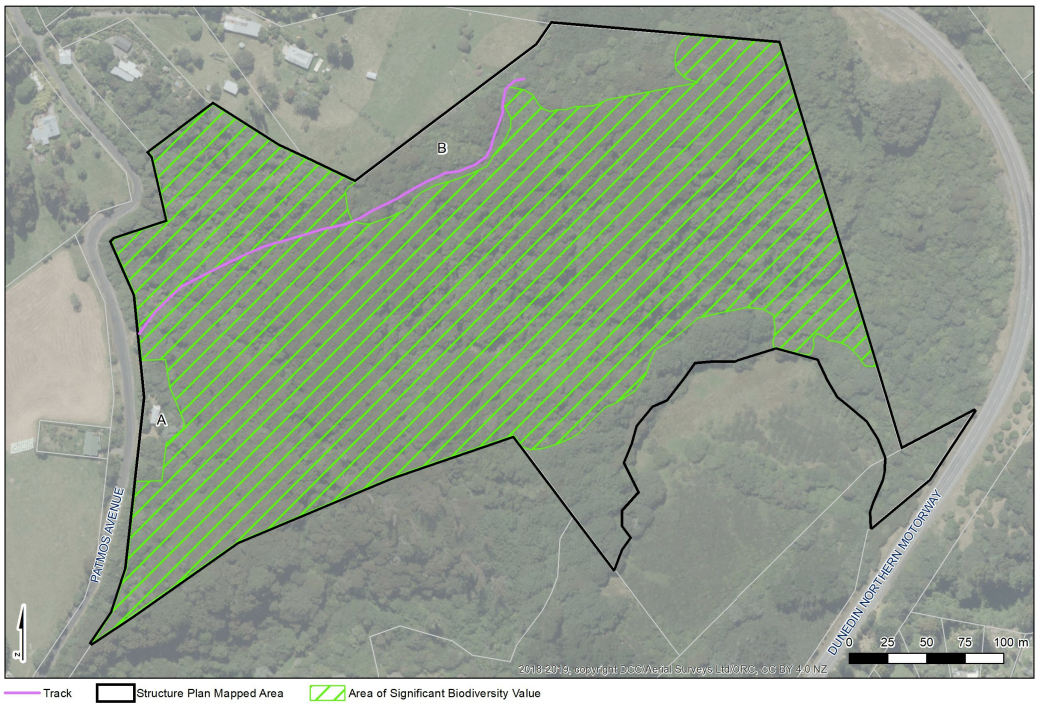
c. Shape
   i. Each resultant site must provide for a building platform outside of the area mapped as an ASBV and must enable Rule 17.Y.Y.1.a to be met.
   ii. Resultant sites created and used solely for the following purposes are exempt from the shape standard:
      1. Scheduled ASBV or QEII covenant;
      2. reserve;

3. access;
4. network utilities; or
5. road.

iii. Subdivision activities that contravene this performance standard are non-complying activities.

iv. For the sake of clarity, this performance standard applies in addition to Rule 17.7.6.

Figure 17.Y.YA: **Patmos Avenue (Rural Residential) structure plan mapped area**




**Note 17.Y.YA - Other requirements outside of the District Plan**

1. 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

## 17.Y.Z.Green Island Bush Road Structure Plan Mapped Area Performance Standards

17.Y.Z.1 Land use performance standards

a. Density
   i. Standard residential activities must not exceed a density of one residential activity per site (note that Rule 17.Y.Z.3 limits the maximum number of sites in the **structure plan mapped area**).
   ii. One family flat is allowed per site in association with a standard residential activity that meets this performance standard for density.
   iii. Activities that contravene this performance standard are non-complying activities.
   iv. For the sake of clarity, this performance standard supersedes Rule 17.5.2.

17.Y.Z.2 Development performance standards

a. Maximum number of vehicle crossings

i. The maximum number of vehicle crossings permitted within the **structure plan mapped area** is:
   1. three on the Blackhead Road frontage; and
   2. three on the Green Island Bush Road frontage.

ii. For the sake of clarity, the maximum number of vehicle crossings includes all existing and proposed vehicle crossings.

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

iv. For the sake of clarity, this performance standard supersedes Rule 6.6.3.1.

17.Y.Z.3 Subdivision performance standards

a. Access
   i. No more than three sites within the **structure plan mapped** area may have access for vehicles onto Blackhead Road.
   ii. Activities that contravene this performance standard are non-complying activities.
   iii. For the sake of clarity, this standard is additional to Rule 17.7.1.

b. Maximum number of sites
   i. Subdivision activities must not result in more than 10 sites within the **structure plan mapped area**.
   ii. Resultant sites created and used solely for the following purposes are exempt from this standard:
      1. Scheduled ASBV or QEII covenant;
      2. reserve;
      3. access;
      4. network utilities; or
      5. road.
   iii. Activities that contravene this performance standard are non-complying activities.
   iv. For the sake of clarity, this standard is additional to Rule 17.7.5.

17.Y.Z.4 Information requirements

a. Geotechnical investigation report
   i. Applications for subdivision activities in the **structure plan mapped area** must include a comprehensive geotechnical investigation report by a suitably qualified geotechnical consultant. The geotechnical report must examine the ground stability over the entire area and identify areas suitable for development and, if required, suitable building platforms, and any areas where development, including earthworks, should be restricted.

Figure 17.Y.ZA: **Green Island Bush Road structure plan mapped area**

## Rule 17.X Landscape Building Platform Mapped Area Performance Standards

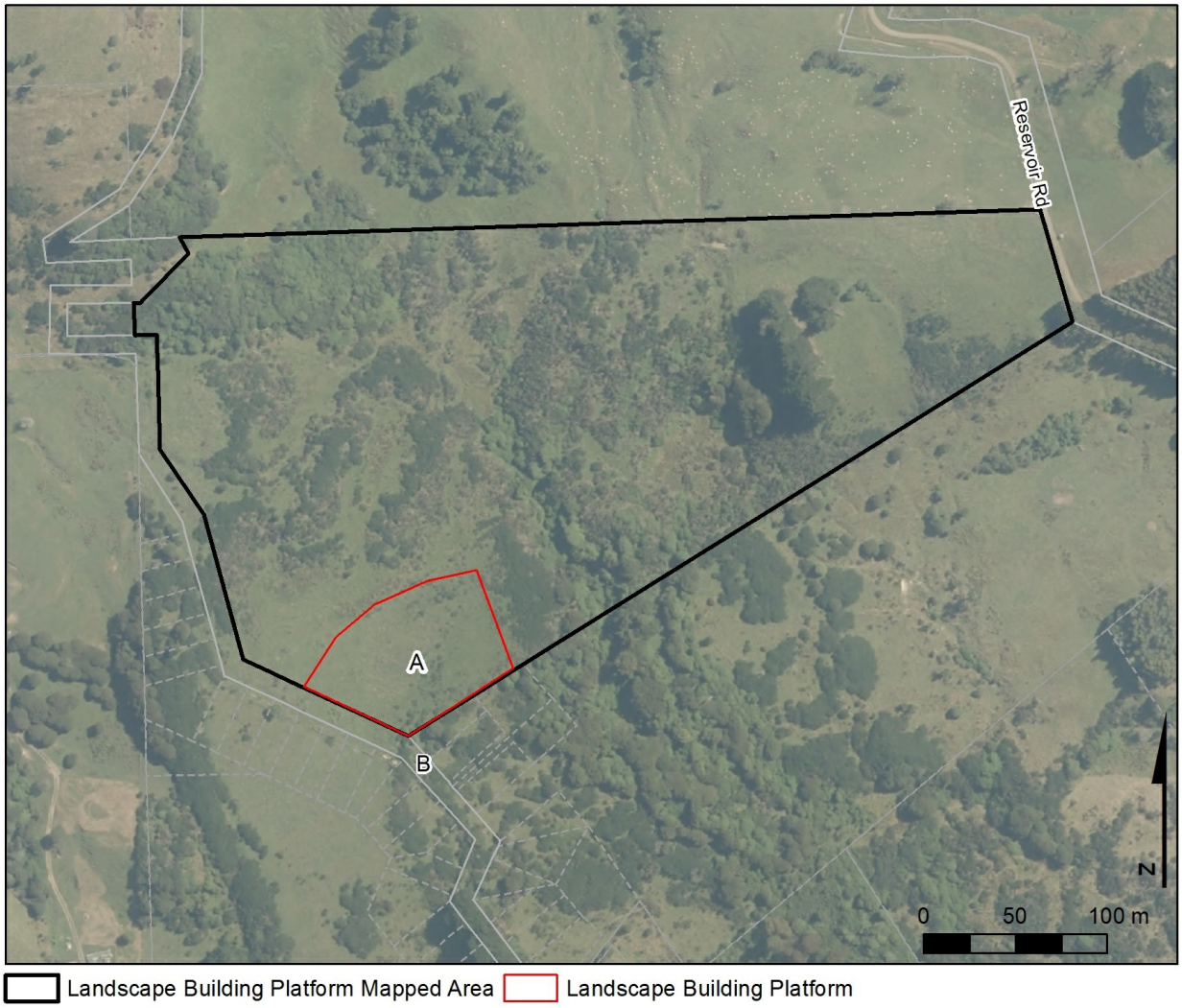
17.X.1

1. In addition to the performance standards 17.5, 17.6 and 17.7 and any relevant overlay zones or mapped areas, activities in a **landscape building platform mapped area** must meet the area-specific performance standards below. Where a performance standard in this section specifically provides an exemption or alternative performance standard to a standard in 17.5, 17.6 or 17.7, the standard in this section supersedes that standard.

### 17.X.2 Porteous Road Landscape Building Platform Mapped Area Performance Standards

1. All buildings must be located within the area marked A (landscape building platform) on the **Porteous Road landscape building platform mapped area** (see Figure 17.X.2A).
2. Driveways must be provided from Porteous Road (marked B in Figure 17.X.2A).
3. Activities that contravene this performance standard are non-complying activities.

**Figure 17.X.2A: Porteous Road landscape building platform plan mapped area**




**Note 17.X.2A - Other relevant District Plan provisions**

1. As the **Porteous Road landscape building platform mapped area** is within a Significant Natural Landscape Overlay Zone, additional rules apply. Resource consent for a controlled activity is required for new buildings greater than 60m² footprint on a landscape building platform (Rule 17.3.4.3.c). In addition to the performance standards for development activities in rural residential zones, activities must also comply with Rule 10.3.5 Number and Location of Permitted Buildings and 10.3.6 Reflectivity.

## 17.X.3 Raynbird Street Landscape Building Platform Mapped Area Performance Standards

17.X.3.1 Development performance standards

a. All buildings must be located within the areas marked 'landscape building platform' on the **Raynbird Street landscape building platform mapped area** (see Figure 17.X.3A).

b. Driveways must access Raynbird Street from the location marked 'vehicle access location' (see Figure 17.X.3A).

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

17.X.3.2 Subdivision performance standards

a. Subdivision activities must provide for the landscape building platforms shown in Figure 17.X.3A.

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

**Figure 17.X.3A: Raynbird Street landscape building platform mapped area**

### Note 17.X.3A - Other relevant District Plan provisions

1. As the **Raynbird Street landscape building platform mapped area** is within a Significant Natural Landscape Overlay Zone, additional rules apply. Resource consent for a controlled activity is required for new buildings with a footprint greater than 60m² within a landscape building platform (Rule 17.3.4.3.c). In addition to the performance standards for development activities in rural residential zones, activities must also comply with Rule 10.3.5 Number and Location of Permitted Buildings and 10.3.6 Reflectivity.

## Rule 17.8 Assessment of Controlled Activities

### Rule 17.8.1 Introduction

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rule 17.8.2:
   a. lists the matters over which Council has reserved its control; and
   b. provides guidance on how consent applications will be assessed, including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
      ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
   a. if the contravention of the performance standard defaults to **restricted discretionary** then:

i. the activity, as a whole, will be treated as **restricted discretionary**; and

ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and

iii. the performance standard contravention will be assessed as indicated in Section 17.9; and

iv. the matters of control become matters of discretion and will be assessed as indicated in this section.

b. if the contravention of the performance standard defaults to **discretionary** then:

i. the activity, as a whole, will be treated as **discretionary**; and

ii. the performance standard contravention will be assessed as indicated in Section 17.11; 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 17.12; and

iii. the assessment guidance in this section will also be considered.

**17.8.2 Assessment of controlled activities**

| Activity | | Matters of control | Guidance on the assessment of resource consents |
|---|---|---|---|
| 1. | Affecting a scheduled heritage building or a scheduled heritage structure:<br>• Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected.<br>• Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) | a. Effects on heritage values | See Rule 13.4 |
| 2. | In the **NCC Overlay Zone**:<br>• New buildings greater than 60m² footprint on a landscape building platform | a. Size, design and appearance of buildings | See Rule 10.4 |
| 3. | In the **ONL** or **SNL overlay zones**:<br>• New buildings greater than 60m² footprint on a landscape building platform | a. Size, design and appearance of buildings | See Rule 10.4 |

## Rule 17.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

### Rule 17.9.1 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 17.9.2 - 17.9.6:
   a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.

3. Rules 17.9.2 - 17.9.6 apply as follows:
   a. Rule 17.9.2 applies to all performance standard contraventions;
   b. Rule 17.9.3 applies to land use performance standard contraventions;
   c. Rule 17.9.4 applies to development performance standard contraventions;
   d. Rule 17.9.5 applies to subdivision performance standard contraventions; and
   e. Rule 17.9.6 applies to performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item.

| 17.9.2 Assessment of all performance standard contraventions | |
|---|---|
| Performance standard | Guidance on the assessment of resource consents |
| 1. Performance standard contraventions | *Potential circumstances that may support a consent application include:*<br>a. The degree of non-compliance with the performance standard is minor.<br>b. The need to meet other performance standards, or site specific factors including topography, make meeting the standard impracticable.<br>c. The nature of activities on surrounding sites, topography of the site and/or surrounding sites, or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur.<br>d. In any landscape overlay zone, the development incorporates key design elements as set out in Appendix A3.<br>e. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan.<br>*General assessment guidance:*<br>f. Where more than one standard is contravened, the combined effects of the contraventions should be considered<br>g. In any landscape overlay zone, the assessment will consider the landscape values outlined in Appendix A3.<br>h. In any coastal character overlay zone, the assessment will consider the natural character values outlined in Appendix A5. |

| 17.9.3 Assessment of land use performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Family flats - design | a. Effects on rural residential character and visual amenity | *Relevant objectives and policies:*<br>i. Objectives 17.2.1, and 17.2.3<br>ii. The character and visual amenity of the rural residential zones is maintained (Policy 17.2.3.1).<br>iii. The design of family flats avoids, as far as practicable, the risk they will be used for a separate, non-ancillary, residential activity and future pressure to subdivide off family flats (Policy 17.2.1.7).<br>*Potential circumstances that may support a consent application include:*<br>iv. For contravention of maximum gross floor area, the family flat shares the same residential building as the primary residential unit.<br>v. For family flats in separate buildings to the primary dwelling, the design of the family flat matches the design of the primary residential unit.<br>vi. For family flats in separate buildings to the primary dwelling, landscaping or other forms of screening will be used to reduce the visibility of the family flat.<br>vii. For family flats in separate buildings to the primary dwelling, the family flat will not be easily viewed from outside the site.<br>viii. The size of the residential unit will not create future pressure or expectation for it to be subdivided or be consented to operate as a second residential activity on site |
| 3. | Hours of operation | a. Effects on amenity of surrounding properties | *Relevant objectives and policies:*<br>i. Objective 17.2.2<br>ii. Rural ancillary retail and working from home operate in a way (including hours of operations) that avoids or, if avoidance is not practicable, adequately mitigates noise or adverse effects on the amenity of surrounding properties (Policy 17.2.2.4). |
| 4. | Location | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 5. | Maximum gross floor area | a. Effects on the vibrancy, and economic and social success of the CBD and centres | *Relevant objectives and policies:*<br>i. Objectives 2.3.2, 2.4.3, policies 2.3.2.2 and 2.4.3.4<br>ii. Objective 17.2.1<br>iii. Rural ancillary retail and working from home are at a scale that is ancillary to and supportive of productive rural activities or conservation on the same property (Policy 17.2.1.3.a). |

| 17.9.3 Assessment of land use performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 6. | Minimum mobility car parking | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| | | b. Effects on accessibility | |
| 7. | Separation distances | a. Reverse sensitivity effects | *Relevant objectives and policies:*<br>i. Objective 17.2.2<br>ii. Residential buildings minimise, as far as practicable, the potential for reverse sensitivity by being set back an adequate distance from forestry, intensive farming, domestic animal boarding and breeding (including dogs), mining, landfills and wind generators - large scale (Policy 17.2.2.1.b).<br>*Potential circumstances that may support a consent application include:*<br>iii. For non-compliance with separation distance from forestry, the new residential activity is located to the north of the forestry activity. |
| 8. | Tree species | a. Effects on biodiversity values | See Rule 10.5 |
| | | b. Effects on natural character of the coast | |
| | | c. Effects on landscape values | |

| 17.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Boundary setbacks | a. Effects on amenity of surrounding properties | *Relevant objectives and policies:*<br>i. Objective 17.2.2<br>ii. Buildings that house animals are set back from site boundaries an adequate distance to ensure adverse effects on adjoining residential activities are avoided or, if avoidance is not practicable, are no more than minor (Policy 17.2.2.2).<br>iii. New buildings are located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites (Policy 17.2.2.3).<br>*Potential circumstances that may support a consent application include*:<br>iv. Screening or landscaping will be used in the development to ensure a good level of amenity for residential activities on adjoining sites.<br>v. Where a building used to house animals contravenes the boundary setback standard, the type and/or number of animals or the frequency of housing them mean that the potential for adverse effects from noise, odour or dust on sensitive activities on adjoining sites will be avoided or minimised. |
| | | b. Reverse sensitivity effects | *Relevant objectives and policies:*<br>i. Objective 17.2.2<br>ii. Residential buildings minimise, as far as practicable, the potential for reverse sensitivity by being set back an adequate distance from site boundaries (Policy 17.2.2.1.a).<br>*Potential circumstances that may support a consent application include:*<br>iii. Screening or landscaping will ensure potential for reverse sensitivity is minimised as far as practicable. |

| 17.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| | | c. Effects on rural residential character and visual amenity | *Relevant objectives and policies:*<br>i. Objective 17.2.3<br>ii. Buildings and structures are set back from site boundaries to maintain the character and visual amenity of the rural residential zones (Policy 17.2.3.1).<br>*Potential circumstances that may support a consent application include:*<br>iii. Landscaping or other forms of screening will be used to reduce the visibility of buildings or structures.<br>iv. Colours and materials used in the development will blend in with the character of the surrounding rural residential environment, with natural finishes and low levels of reflectivity.<br>v. The proposed building or structure will not obstruct any important views from public viewpoints, or cause significant obstruction of views from dwellings on surrounding sites.<br>vi. The proposed building platform is low lying in relation to surrounding sites and roads and the proposed building will not be easily viewed from outside the site.<br>vii. There are already existing buildings on the site in breach of the same setback.<br>viii. There would be positive effects from maintaining open space through the clustering of buildings on the site. |
| 2. | Firefighting | a. Effects on health and safety | See Rule 9.5 |
| 3. | Hazardous substances quantity limits and storage requirements | a. Effects on health and safety | See Rule 9.5 |

| 17.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 4. | Forestry and shelterbelts and small woodlots setbacks | a. Effects on amenity of surrounding properties | *Relevant objectives and policies:*<br>i. Objective 17.2.2<br>ii. Forestry and shelterbelts and small woodlots are set back an adequate distance to avoid or minimise, as far as practicable, significant effects from shading on residential buildings on surrounding properties (Policy 17.2.2.6).<br>iii. Forestry is located and designed to avoid or, if avoidance is not practicable, adequately mitigate shading, noise, traffic and other nuisance effects on surrounding properties (Policy 17.2.2.7).<br>*Potential circumstances that may support a consent application include:*<br>iv. The area to be planted is to the south of any adjoining residential zone or residential buildings on an adjoining site.<br>v. Slope or orientation or other topographical aspects of the sites involved mean that there will be no shading of residential buildings on an adjoining site. |
| | | b. Effects on health and safety | See Rule 9.5 |
| | | c. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 5. | Maximum height | a. Effects on rural residential character and visual amenity | *Relevant objectives and policies:*<br>i. Objective 17.2.3<br>ii. Buildings and structures are of a height that maintains the character and visual amenity of the rural residential zones (Policy 17.2.3.1).<br>*Potential circumstances that may support a consent application include:*<br>iii. As for Rule 17.9.4.1.c.iii-vi<br>iv. The terrain provides an adequate backdrop to the proposed building or structure and mitigates any adverse visual effects from the building or structure. |

| 17.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 6. | Number, location and design of ancillary signs | a. Effects on rural residential character and visual amenity | *Relevant objectives and policies:*<br>i. Objective 17.2.3<br>ii. Ancillary signs are located and designed to maintain the character of the rural residential zones, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on site to passing pedestrians and vehicles and not being oversized or too numerous for that purpose (Pol 17.2.3.4). |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 7. | Parking, loading and access standards | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 8. | Setback from coast and water bodies | a. Effects on biodiversity values and natural character of riparian margins and the coast | See Rule 10.5 |
| | | b. Effects on public access | |
| | | c. Risk from natural hazards | See Rule 11.4 |
| 9. | Setback from scheduled tree | a. Effects on long term health of tree | See Rule 7.6 |
| 10. | Vegetation clearance standards:<br>• Protected species (indigenous vegetation clearance) | a. Effects on biodiversity values | See Rule 10.5 |
| 11. | Vegetation clearance standards:<br>• Protected areas (vegetation clearance) | a. Effects on biodiversity values and natural character of the coast and riparian margins | See Rule 10.5 |

| 17.9.5 Assessment of subdivision performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Access | a. Effects on accessibility | See Rule 6.10 |
| 2. | Esplanade reserves and strips | a. Effects on biodiversity values and the natural character of the coast and riparian margins | See Rule 10.5 |
| | | b. Effects on public access | |
| 3. | Firefighting | a. Effects on health and safety | See Rule 9.5 |
| 4. | Service connections | a. Effects on efficiency and affordability of infrastructure | See Rule 9.5 |

| 17.9.5 Assessment of subdivision performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 5. | Shape | *Relevant objectives and policies:*<br>a. Objective 2.4.1<br>b. Subdivision is designed to ensure any future land use or development is able to meet the performance standards in the zone, or where in a **structure plan mapped area**, reflects the requirements of the **structure plan mapped area** performance standards, unless:<br>i. a resource consent is approved for a development that does not meet the performance standard and the subdivision is intended for and capable of providing for that approved development; or<br>ii. the resultant site is required for:<br>1. Scheduled ASBV or QEII covenant; or<br>2. reserve; or<br>3. access; or<br>4. utility; or<br>5. road (Policy 2.4.1.8).<br>*General assessment guidance:*<br>c. Non-compliance with the performance standard for shape will be assessed based on which performance standard(s) the shape of the resultant site does not provide for compliance with. See matters of discretion and assessment rules in relation to performance standard contraventions for:<br>i. NA;<br>ii. boundary setbacks;<br>iii. setbacks from water bodies; and<br>iv. setback from scheduled tree.<br>v. NA.<br>d. For contravention of the building platform slope part of the shape performance standard (Rule 17.7.6.2), see the matters of discretion and assessment rules in relation to earthworks - large scale (Rule 8A.7.2.1).<br>*Conditions that may be imposed include:*<br>e. A building platform registered against the certificate of title by way of a consent notice.<br>f. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site.<br>g. A building platform may be required to be registered against the title by way of consent notice. | |

| 17.9.6 Assessment of 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 **hazard overlay zone**:<br>• Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) overlay zones)<br>• Relocatable buildings (Hazard 3 (coastal) Overlay Zone)<br>• Outdoor Storage (Hazard 1 (flood) Overlay Zone)<br>• Hazardous substances quantity limits and storage requirements | a. Risk from natural hazards | See Rule 11.4 |
| 2. | In the **ONL** or **SNL overlay zones:**<br>• Maximum height<br>• Reflectivity<br>• Area, number and location of buildings and structures | a. Effects on landscape values | See Rule 10.5 |
| 3. | In the **ONL**, **SNL** or **ONF overlay zones**:<br>• Number, location and design of ancillary signs | a. Effects on landscape values | See Rule 10.5 |
| 4. | In the **NCC or HNCC overlay zones:**<br>• Number, location and design of ancillary signs | a. Effects on natural character of the coast | See Rule 10.5 |
| 5. | In the **NCC Overlay Zone**:<br>• Maximum height<br>• Reflectivity<br>• Area, number and location of buildings and structures | a. Effects on natural character of the coast | See Rule 10.5 |
| X. | In an **ASBV**:<br>• Area of buildings and structures | a. Effects on biodiversity values | See Rule 10.5. |
| 6. | In an **urban biodiversity mapped area**:<br>• Vegetation clearance standards: Maximum area of vegetation clearance (UBMA) | a. Effects on biodiversity values | See Rule 10.5 |
| 7. | In the **Taieri Aerodrome flight fan mapped area**:<br>• Maximum height (Rule 17.6.5.1.d) | a. Effects on health and safety | See Rule 9.5 |

| 17.9.6 Assessment of 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 |
| 8. | Affecting a **scheduled heritage building or scheduled heritage structure:**<br>• Materials and design | a. Effects on heritage values | See Rule 13.5 |
| 9. | In a **wāhi tūpuna mapped area**:<br>• Maximum height<br>• Setback from coast and water bodies<br>• Esplanade reserves and strips<br>• Vegetation clearance standards: Protected areas (vegetation clearance), Protected species (indigenous vegetation clearance) | a. Effects on cultural values of Manawhenua | See Rule 14.3 |
| Y. | In the **Critical Electricity Distribution Infrastructure Corridor mapped area**:<br>• Setback from Critical Electricity Distribution Infrastructure (forestry) | a. Effects on the safety and efficiency of network utilities | See Rule 5.7. |
| Z. | In the **Critical Electricity Distribution Infrastructure Corridor mapped area**:<br>• Setback from Critical Electricity Distribution Infrastructure (buildings, structures, city-wide activities) | a. Effects on health and safety<br>b. Effects on efficient and effective operation of network utilities | See Rule 5.7. |

# Rule 17.10 Assessment of Restricted Discretionary Activities

## Rule 17.10.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 17.10.2 - 17.10.5:
    a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provide guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.
3. Rules 17.10.2 - 17.10.5 apply as follows:
    a. Rule 17.10.2 applies to restricted discretionary land use activities;
    b. Rule 17.10.3 applies to restricted discretionary development activities;
    c. Rule 17.10.4 applies to restricted discretionary subdivision activities; and
    d. Rule 17.10.5 applies to restricted discretionary activities in an overlay zone, mapped area or affecting a scheduled item.
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
5. Where a restricted discretionary activity does not meet a performance standard the following occurs:
    a. if the contravention of the performance standard defaults to **restricted discretionary** then:
        i. the activity, as a whole, will be treated as **restricted discretionary**; and
        ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
        iii. the performance standard contravention will be assessed as indicated in Section 17.9; 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 17.11; 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 17.12; and

iii. the assessment guidance in this section will also be considered.

6. With respect to section 104(2) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural residential zones.

| **17.10.2 Assessment of restricted discretionary land use activities** | | | |
|---|---|---|---|
| Land use activities | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | All restricted discretionary land use activities in the rural residential zones that also involve development activities | a. Effects on rural residential character and amenity | *Relevant objectives and policies*:<br>i. Objective 17.2.3<br>ii. Any adverse effects from development on rural residential character and amenity will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 17.2.3.3).<br>*Potential circumstances that may support a consent application include:*<br>iii. Landscaping or other forms of screening will be used to reduce the visibility of development from surrounding properties and public viewpoints.<br>iv. Signage and entranceways are in character with the surrounding environment. |
| 2. | All high trip generators, which include:<br>• any activities that generate 250 or more vehicle movements a day | a. Effects on accessibility<br>b. Effects on the safety and efficiency of the transport network | See Rule 6.11 |

| 17.10.2 Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Land use activities | | Matters of discretion | Guidance on the assessment of resource consents |
| 3. | Forestry | a. Effects on amenity of surrounding properties | *Relevant objectives and policies:*<br>i. Objective 17.2.2<br>ii. Forestry is located and designed to avoid or, if avoidance is not practicable, adequately mitigate shading, noise, traffic and other nuisance effects on surrounding properties (Policy 17.2.2.7). |
| | | b. Effects on rural residential character and visual amenity | *Relevant objectives and policies:*<br>i. Objective 17.2.3<br>ii. Forestry is located, designed and managed to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the character and visual amenity of the rural residential zones (Policy 17.2.3.2).<br>*Potential circumstances that may support a consent application include:*<br>iii. The forestry is located on land that is not visually prominent.<br>iv. The forestry is of a size and on-site location that will lessen visual effects.<br>v. Screen planting with other species will be used to reduce visual effects. |
| | | c. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| 4. | Veterinary services (large animal practice) | a. Effects on amenity of surrounding properties | *Relevant objectives and policies:*<br>i. Objective 17.2.2<br>ii. Any adverse effects on the amenity of surrounding rural residential properties are avoided or, if avoidance is not practicable, are adequately mitigated (Policy 17.2.2.5).<br>*Potential circumstances that may support a consent application include:*<br>iii. The activity is set back a sufficient distance from its own boundaries to mitigate adverse effects on surrounding residential activities. |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.11 |

| 17.10.3 Assessment of restricted discretionary development activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | High trip generators:<br>• New or additions to parking areas that result in 50 or more new parking spaces | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | b. Effects on accessibility | |
| 2. | Indigenous vegetation clearance – large scale | a. Effects on biodiversity values | See Rule 10.6 |

| 17.10.4 Assessment of restricted discretionary subdivision activities | | |
|---|---|---|
| Activity | Matters of discretion | Guidance on the assessment of resource consents |

| | | | |
|---|---|---|---|
| 1. | General subdivision | a. Effects on on-site amenity | *Relevant objectives and policies:*<br>i. Objective 17.2.2<br>ii. Subdivisions deliver sites that achieve a high quality of on-site amenity through being large enough and of a shape that is capable of supporting rural residential development (Policy 17.2.2.8). |
| | | b. Effects on rural residential character and visual amenity | *Relevant objectives and policies:*<br>i. Objective 17.2.3<br>ii. Subdivisions are designed to ensure any associated future land use and development will maintain or enhance the character and visual amenity of the rural residential zones (Policy 17.2.3.5).<br>*Potential circumstances that may support a consent application include:*<br>iii. Sites are designed to respond to the topography and characteristics of the land and surrounding environment;<br>iv. Building platforms are located to respond to land form and avoid significant visual effects;<br>v. Driveways, network utilities and services are designed and located to minimise the need for significant earthworks. |
| | | c. Effects on long term maintenance of rural land for productive rural activities | *Relevant objectives and policies:*<br>i. Objective 17.2.4<br>ii. Subdivisions are designed to ensure sites are of shape and size that enable lifestyle blocks or hobby farms, including the keeping of livestock, and avoid sites that will be used purely as large lot residential living (Policy 17.2.4.3). |
| | | d. Effects on biodiversity values and natural character of riparian margins and the coast | See Rule 10.6 |
| | | e. Effects on public access | |
| | | f. NA | NA |
| | | g. Effects on efficiency and affordability of infrastructure | See Rule 9.6 |
| | | h. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | i. Risk from natural hazards | See Rule 11.5 |

| 17.10.5 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 Overlay Zone**:<br>• Indigenous vegetation clearance - large scale<br>• Shelterbelts and small woodlots<br>• General subdivision | a. Effects on landscape values | See Rule 10.6 |
| 2. | In the **ONL** or **SNL overlay zones**:<br>• Forestry<br>• General subdivision | a. Effects on landscape values | See Rule 10.6 |
| 3. | In the **HNCC Overlay Zone**:<br>• Shelterbelts and small woodlots<br>• General subdivision | a. Effects on natural character of the coast | See Rule 10.6 |
| 4. | In the **NCC Overlay Zone:**<br>• Forestry<br>• Indigenous vegetation clearance - large scale<br>• General subdivision | a. Effects on natural character of the coast | See Rule 10.6 |
| 5. | In a **wāhi tūpuna mapped area** where activity is identified as a threat:<br>• New buildings and structures<br>• General subdivision<br>• Forestry<br>• Indigenous vegetation clearance - large scale<br>• Shelterbelts and small woodlots | a. Effects on cultural values of Manawhenua | See Rule 14.4 |
| 6. | Activities affecting a **scheduled heritage building** or **scheduled heritage structure**:<br>• Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure<br>• Removal for relocation<br>• All subdivision activities on sites containing a scheduled heritage building or scheduled heritage structure | a. Effects on heritage values | See Rule 13.6 |
| 7. | In **all hazard overlay zones, swale mapped areas and dune system mapped areas**:<br>• General subdivision | a. Risk from natural hazards | See Rule 11.5 |

| 17.10.5 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 |
| 8. | In a **hazard 1 or 2 (flood) overlay zone** (see Rule 17.3.6):<br>• New buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m² of new ground floor area | a. Risk from natural hazards | See Rule 11.5 |
| 9. | In the **Hazard 2 (flood) Overlay Zone**:<br>• Natural hazards sensitive activities<br>• Natural hazards potentially sensitive activities | a. Risk from natural hazards | See Rule 11.5 |
| 10. | In the **National Grid Subdivision Corridor mapped area**:<br>• All subdivision activities | a. Risk to the safety of people and property<br>b. Reverse sensitivity effects<br>c. Effects on efficient and effective operation of The National Grid and access to it | See Rule 5.8. |
| 11. | In an **ASBV**:<br>• General subdivision<br>• Shelterbelts and small woodlots<br>• Site development activities (except for outdoor storage, parking, loading and access, vegetation clearance, storage and use of hazardous substances) | a. Effects on biodiversity values | See Rule 10.6 |
| 12. | In the **radio transmitters mapped area**:<br>• General subdivision | a. Reverse sensitivity effects | See Rule 5.8 |
| Y. | In the **Critical Electricity Distribution Infrastructure Corridor mapped area**:<br>• All subdivision activities | a. Effects on health and safety<br>b. Reverse sensitivity effects<br>c. Effects on efficient and effective operation of network utilities | See Rule 5.8. |

| 17.10.5 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 |
| X. | In a **Residential Transition Overlay Zone (RTZ)** (prior to release):<br>• Forestry<br>• General subdivision (Rule 17.3.5.1 and Rule 17.3.5.2) | a. Effects on future urban development | See Rule 12.X. |

# Rule 17.11 Assessment of Discretionary Activities

## Rule 17.11.1 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 17.11.2 - 17.11.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
   b. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
   c. general assessment guidance, including any effects that will be considered as a priority; and
   d. conditions that may be imposed.
3. Rules 17.11.2 - 17.11.3 apply as follows:
   a. Rule 17.11.2 applies to discretionary land use activities; and
   b. Rule 17.11.3 applies to discretionary performance standard contraventions.
4. With respect to section 104(2) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural residential zones.
5. 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.

| **17.11.2 Assessment of discretionary land use activities** | |
|---|---|
| Activity | Guidance on the assessment of resource consents |
| 1. • Rural tourism<br>• Rural research<br>• Community and leisure - large scale<br>• Early childhood education<br>• Sport and recreation<br>• Visitor accommodation | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 17.2.2, 17.2.3, 17.2.4<br>b. Any adverse effects on the amenity of surrounding rural residential properties are avoided or, if avoidance is not practicable, are adequately mitigated (Policy 17.2.2.5).<br>c. Any adverse effects on rural residential character and amenity are avoided or, if avoidance is not practicable, are adequately mitigated (Policy 17.2.3.3).<br>d. Where in a **high class soils mapped area**, adverse effects on high class soils are avoided or, if avoidance is not practicable, adverse effects are no more than minor (Policy 17.2.4.2).<br>*General assessment guidance:*<br>e. In assessing effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road.<br>*Potential circumstances that may support a consent application include:*<br>f. The activity is set back a sufficient distance from its own boundaries and existing sensitive activities on surrounding sites.<br>g. Development activities meet relevant performance standards. |

| 17.11.2 Assessment of discretionary land use activities | |
|---|---|
| Activity | Guidance on the assessment of resource consents |
| | h. Development is not situated on visually prominent land.<br>i. The form, scale and materials used in buildings and structures are compatible with the character and visual amenity of the rural residential zones.<br>j. Colours and materials used in development are chosen to blend in with the rural residential setting and minimise reflectivity.<br>k. Landscaping or other forms of screening are used to reduce the visibility of development from surrounding properties and public viewpoints.<br>*Conditions that may be imposed include:*<br>l. Restriction on hours of operation<br>m. Controls on on-site lighting<br>n. A requirement for screening of storage areas<br>o. A requirement to control dust<br>p. Provision of car parking areas<br>*Relevant guidance from other sections (priority considerations):*<br>q. See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transportation network and its affordability to the public.<br>r. In an ASBV, see section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity values.<br>s. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety.<br>t. 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.<br>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.<br>v. For activities taking place within the **radio transmitters mapped area**, see Section 5.9 for guidance on the assessment of resource consents in relation to management of reverse sensitivity effects on Radio New Zealand's facilities at 740 Highcliff Road and 35 Karetai Road.<br>w. 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. |

| 17.11.3 Assessment of discretionary performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Acoustic insulation<br>• Noise - where the limit is exceeded by less than 5dB LAeq (15min)<br>• Light spill - where the limit is exceeded by 25% or less | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |
| 2. | Minimum site size (Rule 17.7.5.2) | *Potential circumstances that may support a consent application:*<br>a. The parent site contains significant topographical features such as water bodies or human-made features such as roads or rail corridors which make meeting the minimum site size impractical.<br>*Relevant guidance from other sections (priority considerations):*<br>b. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure. |
| X. | Area of buildings and structures in the **ONL**, **SNL** or **NCC overlay zones** (Rule 10.3.5.X.b.ii) | See Rule 10.7. |
| Y. | **Structure plan mapped area** performance standards | *Relevant objectives and policies (priority considerations):*<br>a. Strategic Directions: Objective 2.4.1, Policy 2.4.1.8.<br>b. Objective 17.2.3.<br>c. Activities in a **structure plan mapped area** are designed to:<br>i. maintain or enhance any special values of the site listed in Appendix A12; and<br>ii. ensure any other design outcomes listed in Appendix A12 are achieved (Policy 17.2.3.X). |

# Rule 17.12 Assessment of Non-complying Activities

## Rule 17.12.1 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 17.12.2 - 17.12.6 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
   b. general assessment guidance, including any effects that will be considered as a priority.
3. Rules 17.12.2 - 17.12.6 apply as follows:
   a. Rule 17.12.2 applies to all non-complying activities;
   b. Rule 17.12.3 applies to non-complying land use activities;
   c. Rule 17.12.4 applies to non-complying development activities;
   d. Rule 17.12.5 applies to non-complying subdivision activities; and
   e. Rule 17.12.6 applies to non-complying performance standard contraventions.
4. With respect to section 104(2) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural residential zones.
5. 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.

| 17.12.2 Assessment of all non-complying activities | |
|---|---|
| Activity | Guidance on the assessment of resource consents |
| 1. All non-complying activities, including but not limited to the activities listed below | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 17.2.1, 17.2.2, 17.2.3, 17.2.4<br>b. The activity is consistent with the strategic directions. including but not limited to:<br>i. Objective 2.2.4<br>ii. Objective 2.7.1<br>iii. Objective 2.3.2 and Policy 2.3.2.2<br>iv. Objective 2.4.3 and Policy 2.4.3.4<br>*General assessment guidance:*<br>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.<br>*Relevant guidance from other sections (priority considerations):*<br>d. For activities taking place within the **radio transmitters mapped area**, see Section 5.10 for guidance on the assessment of resource consents in relation to management of reverse sensitivity effects on Radio New Zealand's facilities at 740 Highcliff Road and 35 Karetai Road.<br>e. See Section 6.13 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public.<br>f. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety<br>g. For activities that may have effects on biodiversity values, see Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.1.<br>h. For activities adjacent to water bodies and the coast, see Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.2. |

| 17.12.3 Assessment of non-complying land use activities | |
|---|---|
| Activity | Guidance on the assessment of resource consents |
| 1. Commercial advertising | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.4.1<br>b. Policy 2.4.1.6.c |

| 17.12.3 Assessment of non-complying land use activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 2. | • Cemeteries<br>• Crematoriums<br>• Landfills | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua. |
| 3. | In the **ONF or HNCC overlay zones**:<br>• Domestic animal boarding and breeding (not including dogs)<br>• Forestry<br>• Standard residential<br>• Veterinary services - large animal practice<br>• Visitor accommodation<br>• Emergency services | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 10.8 for guidance on the assessment of resource consents in relation to objectives 10.2.3 and 10.2.5 and effects related to natural character of the coast and landscape values. |
| 4. | In the **hazard 1 (flood) overlay zones** (see Rule 17.3.6):<br>• Natural hazards potentially sensitive activities<br>• Natural hazards sensitive activities | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. |
| 5. | **In a wāhi tūpuna mapped area**:<br>• Forestry<br>• Mining | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua. |
| 6. | In an **ASBV**:<br>• Rural activities (except for rural ancillary retail, rural tourism and rural research)<br>• Residential activities (except for working from home)<br>• Early childhood education<br>• Commercial activities (except for stand-alone car parking)<br>• Industrial activities<br>• Major facility activities | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values. |
| 7. | In the **SNL or NCC overlay zones**:<br>• Emergency services | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objectives 10.2.3 and 10.2.5 and effects related to natural character of the coast and landscape values. |

| 17.12.3 Assessment of non-complying land use activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| X. | In a **Residential Transition Overlay Zone (RTZ)** (prior to release):<br>• Intensive farming<br>• Landfills<br>• Mining<br>• General subdivision in the RR2 Zone (Rule 17.3.5.3)<br>• Cross lease, company lease and unit title subdivision | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 12.5 for guidance on the assessment of resource consents in relation to Objective 12.2.1 and effects related to future residential activity. |

| 17.12.4 Assessment of non-complying development activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | Demolition of a protected part of a scheduled heritage building or scheduled heritage structure | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects on heritage values. |
| 2. | In the **ONF or HNCC overlay zones:**<br>• New buildings or structures<br>• Additions and alterations<br>• Indigenous vegetation clearance – large scale (HNCC Overlay Zone) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objectives 10.2.3 and 10.2.5 and effects related to natural character of the coast and landscape values. |
| 3. | In a **wāhi tūpuna mapped area:**<br>• New buildings or structures<br>• Additions and alterations | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua. |
| 4. | In an **ASBV**:<br>• Indigenous vegetation clearance – large scale | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values. |
| 5. | In a **dune system mapped area**:<br>• Hazard exclusion areas | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. |

| 17.12.5 Assessment of non-complying subdivision activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | All other general subdivision in the Rural Residential 2 Zone | *Relevant objectives and policies (priority considerations):*<br>a. Objective 17.2.4<br>b. General subdivision of sites in the Rural Residential 2 Zone is avoided unless it does not result in an increase in residential development potential (Policy 17.2.4.4). |
| 2. | Cross lease, company lease and unit title subdivision | *Relevant objectives and policies (priority considerations):*<br>a. Objective 17.2.1<br>b. Cross lease, company lease and unit title subdivision is avoided in the rural residential zones unless it does not result in an increase in development potential beyond that which might be achieved through a general subdivision (Policy 17.2.1.6). |

| 17.12.5 Assessment of non-complying subdivision activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 3. | In an **ASBV**:<br>• All other general subdivision in the Rural Residential 2 Zone<br>• Cross lease, company lease and unit title subdivision | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values. |

| 17.12.6 Assessment of non-complying performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | Density | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.6.1, Policy 2.6.1.5<br>b. Objective 17.2.1<br>c. Residential activity in the rural residential zone is at a density that enables lifestyle blocks and hobby farms (Policy 17.2.1.2).<br>*Relevant guidance from other sections (priority considerations):*<br>d. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure. |
| 2. | • Setback from National Grid (buildings, structures, city-wide activities, and National Grid sensitive activities (Rule 5.6.1.1)<br>• Setback from National Grid (subdivision activities) (Rule 17.7.X) | *Relevant guidance from other sections:*<br>a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.X and effects related to the operation, maintenance, upgrading and development of the National Grid. |
| 3. | • Light spill - where the limit is exceeded by greater than 25%<br>• Noise - where the limit is exceeded by 5bD LAeq (15 min) or more<br>• Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |
| 4. | Hazard exclusion areas (hazard overlays) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. |

| 17.12.6 Assessment of non-complying performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 5. | Minimum site size | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 2.2.4 and 2.6.1<br>b. Policies 2.2.4.4 and 2.6.1.5<br>c. Objectives 17.2.2, 17.2.3, 17.2.4<br>d. Policies 17.2.2.8, 17.2.3.5, 17.2.4.2, 17.2.4.3<br>*Relevant guidance from other sections (priority considerations):*<br>e. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure. |
| 6. | Family flats - Tenancy | *Relevant objectives and policies (priority considerations):*<br>a. Strategic Directions: Objective 2.6.1, Policy 2.6.1.2<br>b. Objective 17.2.1<br>c. The tenancy of family flats avoids, as far as practicable, the risk they will be used for a separate, non-ancillary residential activity and future pressure to subdivide off family flats (Policy 17.2.1.7) |
| 8. | In an **ASBV**:<br>• Tree species | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values. |
| 9. | In the **ONF Zone**:<br>• Tree species | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and the effects related to landscape values. |
| 10. | In the **HNCC and NCC overlay zones**:<br>• Tree species | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and the effects related to natural character of the coast. |
| X. | In a **wāhi tūpuna mapped area**:<br>• Density<br>• Minimum site size<br>• Tree species | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua. |
| Y. | **Landscape building platform mapped area** performance standards | *Relevant objectives and policies (priority considerations):*<br>a. Objective 10.2.5.<br>b. Any adverse effects on landscape values as identified in Appendix A3, are avoided or, if avoidance is not practicable:<br>i. no more than minor; or<br>ii. where there are no practicable alternative locations, adequately mitigated (Policy 10.2.5.9). |

| 17.12.6 Assessment of non-complying performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| Z. | **Structure plan mapped area** performance standards | *Relevant objectives and policies (priority considerations):*<br>a. Strategic Directions: Objective 2.4.1, Policy 2.4.1.8.<br>b. Objective 17.2.3.<br>c. Activities in a **structure plan mapped area** are designed to:<br>i. maintain or enhance any special values of the site listed in Appendix A12; and<br>ii. ensure any other design outcomes listed in Appendix A12 are achieved (Policy 17.2.3.X). |

# 18. Commercial and Mixed Use Zones

## 18.1 Introduction

It is important for the economic and social success of Dunedin that it is a vibrant and exciting city. A vibrant city is lively and full of activity, due to a high level of pedestrian activity in the central city and centres and a wide range of activities occurring in these places. Key qualities that contribute to the success of the central city and centres are that there are attractions to encourage people to go there, that they are accessible (easy to get to and around) and that they are safe and enjoyable places to be.

To achieve a vibrant city it is important that Dunedin has an urban form that is accessible, clusters activities into walkable centres and a built form which supports pedestrian activity.

The key resource management issues that are being experienced or are anticipated in the commercial and mixed use zoned areas of Dunedin are:

- The retention and enhancement of the vitality and viability of the Central Business District and Centres is a key resource management issue for Dunedin City. There is a need to provide for a wide range of commercial, community, industrial and residential activities, at high densities in the CBD and centres in order to realise the social and economic agglomeration benefits that derive from the co-location of different activities.
- A need to provide a sufficient supply for the projected demand for retail and office space while avoiding an oversupply and decentralisation of activities, which could have adverse effects on the economic viability and vitality of the CBD.
- Different types of retail activity have different effects on the economic viability and vitality of the CBD and centres. For instance, having trade related and yard based retail in different parts of the city (including some areas currently zoned as Industrial) does not affect the vibrancy of centres in the same manner as general retail does. As such, a highly specific zoning response is necessary.
- While streetscape amenity values vary within the commercial and mixed use zones, land uses and development can have adverse effects on streetscape amenity values and it is important to maintain and enhance the existing amenity of all commercial areas, albeit to different levels.

There is the potential for conflicts to arise between different activities provided for within the commercial and mixed use zones as well as at the edges of the commercial and mixed use zones (for instance between residential and noisier activities) and these need to be well managed.

In response to the issues, the Plan establishes a group of thirteen commercial and mixed use zones in the city. These zones provide for a hierarchy of centres, anchored around one Central Business District (CBD), which provides a focus for economic and employment growth, driven by:

- attraction of businesses to these areas based on density of activity in the area and higher visitation;
- opportunities for social interaction, exchange of ideas and business cooperation;
- public investment in public amenities and other infrastructure in the CBD; and
- opportunities for agglomeration benefits from the co-location of activities.

The CBD Zone is supported by six different types of commercial centres within the suburban and rural parts of the city. These zones are collectively known as the Central Business District and centres zones. In order to make sure these areas are attractive places to visit, a wide range of commercial, community and residential activities are provided for in the CBD and centres, with design controls on buildings and structures to ensure a safe and good quality streetscape environment, for people to spend time in, which has a high level of pedestrian amenity.

The centres hierarchy is supported by a group of other commercial and mixed use zones which either surround the

Central Business District or are more separated from the CBD. There are four zones within the CBD edge mixed use zone group, which are the Warehouse Precinct Zone (WP), Princes, Parry and Harrow Street Zone (PPH), Smith Street and York Place Zone (SSYP) and Harbourside Edge Zone (HE). There are also two zones within the other commercial group of zones, which are the Trade Related Zone (TR) and CBD Edge Commercial zones (CEC).

These zones have characteristics (including built form, site size, land use activities and location) which make them distinct from each other and from the CBD and centres. A tailored range of land use activities and performance standards are applied to each zone. As such, the range of activities, the types of controls that are applied to development activities (including new buildings and site development activities) and the expected level of amenity vary between the zones.

Where any of the commercial and mixed use zones adjoin residential or recreation zoned areas, performance standards are applied to these commercial zones to ensure the character and amenity of these more sensitive adjoining environments will be protected.

## 18.1.1 Zone descriptions

### 18.1.1.1 Central Business District (CBD) Zone

The Central Business District (CBD) Zone encompasses the central part of the city and extends northwards along George Street to Albany Street. It includes the Octagon and Moray Place, extends south along upper Princes Street to Hope Street, east to include the Dunedin Railway Station and Toitū Otago Settlers Museum and west to the Smith Street and York Place (SSYP) Zone. The CBD is the focus for employment, retail, entertainment, leisure, visitor accommodation and art and culture activities.

Most of the CBD also has a **primary pedestrian street frontage mapped area** or **secondary pedestrian street frontage mapped area** applied to it, to ensure the best possible streetscape environment for users, and is covered by a heritage precinct overlay to protect the distinctive character of the area. Performance standards are applied to protect the streetscape amenity and heritage streetscape character, respectively, of these areas.

### 18.1.1.2 Centres Zones

A range of different sized commercial centres are spread throughout the urban area of Dunedin and within outlying towns of the wider district. Principal, suburban and rural centre zones provide hubs for social and economic activity for suburban and rural communities. The Principal Centre Zone includes former pre-amalgamation town centres and is located at Green Island, Mosgiel, Port Chalmers and South Dunedin. The Suburban Centre Zone includes Caversham, Gardens, Mornington and Roslyn, and the Rural Centre Zone includes Outram, Middlemarch, Waikouaiti and Waitati.

There are also Neighbourhood Centre zones, which provide for the day to day needs of individual neighbourhoods, with the Neighbourhood Destination Centre Zone also servicing visitor needs, and the Neighbourhood Convenience Centre Zone also servicing the needs of passing motorists. The Neighbourhood Centre Zone includes Andersons Bay Terminus, Brighton, Brockville, Corstorphine, Forbury, Helensburgh, Hillside, Larnach, Macandrew Bay, Maori Hill, Musselburgh, the southern part of Andersons Bay Road, the area adjoining the University and Wakari. The Neighbourhood Convenience Centre Zone includes Kaikorai North, Kaikorai South, North Dunedin and South Mosgiel; and the Neighbourhood Destination Centre Zone includes St Clair and Portobello.

**Primary pedestrian street frontage mapped area** and **secondary pedestrian street frontage mapped area** are applied within these centres and the Port Chalmers Principal Centre Zone also contains a heritage precinct protecting part of the centre.

### 18.1.1.3 Warehouse Precinct Zone (WP)

The Warehouse Precinct Zone adjoins the southern part of the CBD Zone and is bounded by Queens Gardens, Bond Street, Police Street and Cumberland Street. The zone provides for a mix of inner city living, visitor accommodation,

conference, meeting and function, entertainment and exhibition, light industrial, restaurant and bulky goods and trade related retail activity. General retail - retail services and office activity is also provided for, if it occurs in scheduled heritage buildings, in order to encourage their restoration.

The entire zone is within a heritage precinct and has a **secondary pedestrian street frontage mapped area** applied to it.

### 18.1.1.4 Princes, Parry and Harrow Street Zone (PPH)

The Princes, Parry and Harrow Street Zone encompasses the southern part of Princes Street and an area around Parry and Harrow Streets. The PPH Zone provides for a mix of inner-city residential living, training and education, visitor accommodation, industrial, trade and yard based retail activities.

Performance standards applied to this zone reflect the lower expectations for pedestrian amenity.

### 18.1.1.5 Smith Street and York Place Zone (SSYP)

The Smith Street and York Place Zone is a small zone adjoining the CBD. The SSYP Zone provides for visitor accommodation, training and education and residential activity in keeping with its existing character. Offices are also provided for where undertaken within scheduled heritage buildings, to encourage their restoration.

Performance standards applied to this zone reflect the residential and commercial character of this zone.

### 18.1.1.6 Harbourside Edge Zone (HE)

The Harbourside Edge Zone encompasses an area adjoining Birch, Kitchener, Wharf and Fryatt Streets and extends to the waterfront. The zone provides for the continuation of the existing industry, while allowing for a transition toward a more mixed use environment by also providing for conference, meeting and function, entertainment and exhibition, restaurant, training and education, visitor accommodation, small scale food and beverage and residential activities and a limited amount of office activity. In order to ensure an attractive place to live, work, and visit, new buildings within the HE Zone will be required, through a restricted discretionary resource consent process, to be designed and located to provide a high level of amenity. In addition, a performance standard requires the provision of public pedestrian access to and along the coast.

### 18.1.1.7 Trade Related Zone (TR)

The Trade Related Zone is an area around Andersons Bay Road which provides for large format food and beverage retail, trade related, and yard based retail as well as other specific categories of activities which generate high traffic volumes and require larger sites than are available within the CBD and centres. These characteristics mean that such retail types are likely to be incompatible with the amenity expectations of the CBD and centres. Performance standards applied to this zone reflect the more car-focused characteristics and the lower expectations for pedestrian amenity of this environment.

### 18.1.1.8 CBD Edge Commercial Zones (CEC)

There are two CBD Edge Commercial zones:

- an area south of the CBD (CEC – South Zone) around Cumberland Street that provides for large format food and beverage, bulky goods, trade related and yard based retail, as well as industry; and
- an area to the north-east of the CBD (CEC – North Zone) between Hanover Street and Stuart Street. This area provides for all the activities in the CEC - South Zone, as well as additional activities, including hospital and office activity. The additional activities are provided due to its closer proximity to the main retail area and Dunedin Hospital.

### 18.1.1.X South Dunedin Large Format Zone (SDLF)

The SDLF Zone adjoins the South Dunedin principal centre zone and extends along the western side of Andersons

Bay Road. This area provides for large format and bulky goods retail activities, in addition to the range of activities provided for in the adjoining Trade Related Zone, as these activities are likely to be incompatible with the amenity expectations of the CBD and the adjoining principal centre zone and often require larger sites than available in these locations.

# 18.2 Objectives and Policies

**Objective 18.2.1**

Dunedin has a well-structured and economically and socially successful range of commercial and mixed use environments based on:

a. the CBD, which is the focus for employment, retail, entertainment, leisure, visitor accommodation, and arts and culture activities;

b. vibrant and viable principal centre, suburban and rural centre zones, which provide hubs for social and economic activity for rural, suburban and principal communities;

c. Neighbourhood Centre Zone, which provides for the day to day needs of local areas, with the Neighbourhood Destination Centre Zone also servicing visitor needs, and the Neighbourhood Convenience Centre Zone also servicing the needs of passing motorists;

d. a range of mixed use zones (WP, PPH, SSYP and HE zones) around the edge of the CBD, which provide for a compatible mix of inner-city living, commercial, and light industrial activities;

e. an area south of the CBD (CEC – South Zone) and an area which adjoins the principal centre zone in South Dunedin (SDLF Zone) and extends along the western side of Andersons Bay Road, which provides for high trip generators, large format general retail and bulky goods retail which are likely to be incompatible with the amenity expectations of the CBD or adjoining principal centre zone and which may require larger sites than available in the CBD or adjoining centre;

f. an area to the north-east of the CBD (CEC – North Zone), similar to the CEC - South but also containing a mix of activities which support the adjoining CBD and Hospital zones;

g. an area around Andersons Bay Road (TR Zone), which provides for trade related retail and specific categories of high trip generators, which are likely to be incompatible with the amenity expectations of the CBD; and

h. an area adjoining Birch, Kitchener, Wharf and Fryatt Streets and the coast (HE Zone) which provides for the continuation of the existing environment characterised by industrial activity, while allowing for a transition toward a vibrant and attractive place to live, work and visit by also providing for conference, meeting and function, entertainment and exhibition, restaurant, visitor accommodation, training and education and residential activities.

| | |
|---|---|
| Policy 18.2.1.1 | Provide for a wide range of commercial, residential and community activities in the CBD and all centres zones in order to encourage economically and socially vibrant and viable centres. |
| Policy 18.2.1.2 | Enable general retail and office activities in the CBD and centres zones and restrict their establishment in other commercial and mixed use zones in order to maintain the vibrancy of existing centres. |
| Policy 18.2.1.3 | Avoid retail and office activities in areas where they are not provided for unless:<br>a. it is an ancillary and secondary component of a general_retail - retail services or office activity that is undertaken in a scheduled heritage building as provided for by Policy 13.2.1.9 on the same or adjacent site; or<br>b. there is a significant and sustained increase in the amount of retail activity across the city and it has been demonstrated that as a result there is a medium to longer term under-supply of retail land across all the areas where general retail is provided for; or<br>c. in the HE Zone, it is associated with port, industrial or marine related activities operating in the area; or<br>d. in the PPH Zone it is associated with campus activity. |

| Objective 18.2.1 | |
|---|---|
| Dunedin has a well-structured and economically and socially successful range of commercial and mixed use environments based on:<br>a. the CBD, which is the focus for employment, retail, entertainment, leisure, visitor accommodation, and arts and culture activities;<br>b. vibrant and viable principal centre, suburban and rural centre zones, which provide hubs for social and economic activity for rural, suburban and principal communities;<br>c. Neighbourhood Centre Zone, which provides for the day to day needs of local areas, with the Neighbourhood Destination Centre Zone also servicing visitor needs, and the Neighbourhood Convenience Centre Zone also servicing the needs of passing motorists;<br>d. a range of mixed use zones (WP, PPH, SSYP and HE zones) around the edge of the CBD, which provide for a compatible mix of inner-city living, commercial, and light industrial activities;<br>e. an area south of the CBD (CEC – South Zone) and an area which adjoins the principal centre zone in South Dunedin (SDLF Zone) and extends along the western side of Andersons Bay Road, which provides for high trip generators, large format general retail and bulky goods retail which are likely to be incompatible with the amenity expectations of the CBD or adjoining principal centre zone and which may require larger sites than available in the CBD or adjoining centre;<br>f. an area to the north-east of the CBD (CEC – North Zone), similar to the CEC - South but also containing a mix of activities which support the adjoining CBD and Hospital zones;<br>g. an area around Andersons Bay Road (TR Zone), which provides for trade related retail and specific categories of high trip generators, which are likely to be incompatible with the amenity expectations of the CBD; and<br>h. an area adjoining Birch, Kitchener, Wharf and Fryatt Streets and the coast (HE Zone) which provides for the continuation of the existing environment characterised by industrial activity, while allowing for a transition toward a vibrant and attractive place to live, work and visit by also providing for conference, meeting and function, entertainment and exhibition, restaurant, visitor accommodation, training and education and residential activities. | |
| Policy 18.2.1.4 | Provide for food and beverage retail:<br>a. in the CBD and centres;<br>X. where 500m² or less in gross floor area, in the HE Zone; and<br>b. where 1500m² or more in gross floor area, in the CEC, SDLF and TR zones. |
| Policy 18.2.1.5 | Provide for bulky goods retail and large format retail in the CEC, SDLF and WP zones in recognition that often these activities require larger sites than are available in the CBD and centres. |
| Policy 18.2.1.6 | Provide for trade related retail and yard based retail to locate in the TR, PPH, CEC and SDLF zones in recognition that often these activities require a built form that cannot meet the requirements within the CBD and centres, and their location in these areas is unlikely to detract from the vibrancy and vitality of the CBD and centres. |
| Policy 18.2.1.X | Only allow general retail 750m² or more in the SDLF Zone where any adverse effects on the vibrancy and viability of the CBD and centres are no more than minor. |
| Policy 18.2.1.7 | Limit the scale of retail ancillary to industry to a size that:<br>a. is clearly subordinate to and part of the operation of the primary industry activity;<br>b. does not conflict with objectives 2.3.2 and 2.4.3; and<br>c. does not create adverse effects on other industry activities, for example from traffic, parking, or reverse sensitivity. |

| Objective 18.2.1 | |
|---|---|
| Dunedin has a well-structured and economically and socially successful range of commercial and mixed use environments based on:<br>a. the CBD, which is the focus for employment, retail, entertainment, leisure, visitor accommodation, and arts and culture activities;<br>b. vibrant and viable principal centre, suburban and rural centre zones, which provide hubs for social and economic activity for rural, suburban and principal communities;<br>c. Neighbourhood Centre Zone, which provides for the day to day needs of local areas, with the Neighbourhood Destination Centre Zone also servicing visitor needs, and the Neighbourhood Convenience Centre Zone also servicing the needs of passing motorists;<br>d. a range of mixed use zones (WP, PPH, SSYP and HE zones) around the edge of the CBD, which provide for a compatible mix of inner-city living, commercial, and light industrial activities;<br>e. an area south of the CBD (CEC – South Zone) and an area which adjoins the principal centre zone in South Dunedin (SDLF Zone) and extends along the western side of Andersons Bay Road, which provides for high trip generators, large format general retail and bulky goods retail which are likely to be incompatible with the amenity expectations of the CBD or adjoining principal centre zone and which may require larger sites than available in the CBD or adjoining centre;<br>f. an area to the north-east of the CBD (CEC – North Zone), similar to the CEC - South but also containing a mix of activities which support the adjoining CBD and Hospital zones;<br>g. an area around Andersons Bay Road (TR Zone), which provides for trade related retail and specific categories of high trip generators, which are likely to be incompatible with the amenity expectations of the CBD; and<br>h. an area adjoining Birch, Kitchener, Wharf and Fryatt Streets and the coast (HE Zone) which provides for the continuation of the existing environment characterised by industrial activity, while allowing for a transition toward a vibrant and attractive place to live, work and visit by also providing for conference, meeting and function, entertainment and exhibition, restaurant, visitor accommodation, training and education and residential activities. | |
| Policy 18.2.1.8 | Limit the scale of activities in neighbourhood and rural centres to ensure activities:<br>a. are not a destination retail activity designed to attract customers from across suburbs, which are more appropriately located in the CBD or other central city commercial and mixed use zones; and<br>b. do not dominate the centre and reduce the diversity of different activities that are able to establish there. |
| Policy 18.2.1.9 | Provide for licensed premises where these are ancillary to activities that are provided for in the zone, including:<br>a. bottle shops where food and beverage retail or dairies are provided for; and<br>b. taverns and bars where restaurants are provided for;<br>except in neighbourhood centres (see Policy 18.2.2.9). |
| Policy 18.2.1.10 | Provide for hospital activity in the CEC - North Zone, to allow for the relocation of Dunedin Hospital into this zone. |
| Policy 18.2.1.11 | Limit the gross floor area of dairies to a size that reflects these activities operating as a local convenience store rather than a destination supermarket. |
| Policy 18.2.1.12 | Only allow food and beverage retail in the WP, HE and PPH zones where the activity is of a size, and designed in a manner, to cater to people living or working locally or using the area for recreational purposes. |

**Objective 18.2.1**

Dunedin has a well-structured and economically and socially successful range of commercial and mixed use environments based on:

a. the CBD, which is the focus for employment, retail, entertainment, leisure, visitor accommodation, and arts and culture activities;

b. vibrant and viable principal centre, suburban and rural centre zones, which provide hubs for social and economic activity for rural, suburban and principal communities;

c. Neighbourhood Centre Zone, which provides for the day to day needs of local areas, with the Neighbourhood Destination Centre Zone also servicing visitor needs, and the Neighbourhood Convenience Centre Zone also servicing the needs of passing motorists;

d. a range of mixed use zones (WP, PPH, SSYP and HE zones) around the edge of the CBD, which provide for a compatible mix of inner-city living, commercial, and light industrial activities;

e. an area south of the CBD (CEC – South Zone) and an area which adjoins the principal centre zone in South Dunedin (SDLF Zone) and extends along the western side of Andersons Bay Road, which provides for high trip generators, large format general retail and bulky goods retail which are likely to be incompatible with the amenity expectations of the CBD or adjoining principal centre zone and which may require larger sites than available in the CBD or adjoining centre;

f. an area to the north-east of the CBD (CEC – North Zone), similar to the CEC - South but also containing a mix of activities which support the adjoining CBD and Hospital zones;

g. an area around Andersons Bay Road (TR Zone), which provides for trade related retail and specific categories of high trip generators, which are likely to be incompatible with the amenity expectations of the CBD; and

h. an area adjoining Birch, Kitchener, Wharf and Fryatt Streets and the coast (HE Zone) which provides for the continuation of the existing environment characterised by industrial activity, while allowing for a transition toward a vibrant and attractive place to live, work and visit by also providing for conference, meeting and function, entertainment and exhibition, restaurant, visitor accommodation, training and education and residential activities.

| | |
|---|---|
| Policy 18.2.1.13 | Avoid industrial activities in the SSYP Zone due to its residential character. |
| Policy 18.2.1.14 | Avoid service stations, restaurant - drive through and yard based retail in the CBD, SSYP, HE and WP zones unless:<br>a. they are designed and located to meet the built form expectations of the zone, as set out in the development activities performance standards;<br>b. any drive-through components will not be accessed or visible from the **primary pedestrian street frontage mapped area**; and<br>c. there are no, or only insignificant, adverse effects on streetscape and pedestrian amenity from vehicle movements. |
| Policy 18.2.1.15 | Enable training and education in the CBD, all centres, CEC North Zone, and WP, PPH, SSYP and HE zones, and Campus in the **Campus mapped area**, to enable tertiary (including the University of Otago and Otago Polytechnic) and specialist education providers. |
| Policy 18.2.1.16 | Avoid conference, meeting and function or entertainment and exhibition in the NEC, NECC, SSYP, PPH and CEC zones unless:<br>a. it is ancillary to visitor accommodation; or<br>b. it has specific operational requirements that require it to locate in these zones. |

| Objective 18.2.1 | |
|---|---|
| Dunedin has a well-structured and economically and socially successful range of commercial and mixed use environments based on:<br>a. the CBD, which is the focus for employment, retail, entertainment, leisure, visitor accommodation, and arts and culture activities;<br>b. vibrant and viable principal centre, suburban and rural centre zones, which provide hubs for social and economic activity for rural, suburban and principal communities;<br>c. Neighbourhood Centre Zone, which provides for the day to day needs of local areas, with the Neighbourhood Destination Centre Zone also servicing visitor needs, and the Neighbourhood Convenience Centre Zone also servicing the needs of passing motorists;<br>d. a range of mixed use zones (WP, PPH, SSYP and HE zones) around the edge of the CBD, which provide for a compatible mix of inner-city living, commercial, and light industrial activities;<br>e. an area south of the CBD (CEC – South Zone) and an area which adjoins the principal centre zone in South Dunedin (SDLF Zone) and extends along the western side of Andersons Bay Road, which provides for high trip generators, large format general retail and bulky goods retail which are likely to be incompatible with the amenity expectations of the CBD or adjoining principal centre zone and which may require larger sites than available in the CBD or adjoining centre;<br>f. an area to the north-east of the CBD (CEC – North Zone), similar to the CEC - South but also containing a mix of activities which support the adjoining CBD and Hospital zones;<br>g. an area around Andersons Bay Road (TR Zone), which provides for trade related retail and specific categories of high trip generators, which are likely to be incompatible with the amenity expectations of the CBD; and<br>h. an area adjoining Birch, Kitchener, Wharf and Fryatt Streets and the coast (HE Zone) which provides for the continuation of the existing environment characterised by industrial activity, while allowing for a transition toward a vibrant and attractive place to live, work and visit by also providing for conference, meeting and function, entertainment and exhibition, restaurant, visitor accommodation, training and education and residential activities. | |
| Policy 18.2.1.17 | Only allow restaurants outside the CBD, WP, HE and centres where the activity is not of a scale or nature that is more appropriate to locate in the CBD, centres, WP or HE because:<br>a. it is unlikely to contribute to the vibrancy and vitality of those zones; and<br>b. it has specific operational requirements that do not fit with those locations. |
| Policy 18.2.1.18 | Provide for restaurants ancillary to trade related retail or food and beverage retail where they are designed to only service people engaged in the primary activity and are unlikely to attract significant patronage outside this purpose. |

| Objective 18.2.2 | |
|---|---|
| The potential for conflict between activities within the commercial and mixed use zones and in adjoining zones is minimised, as far as practicable, through adequate separation distances and other mitigation measures which ensure:<br>a. the amenity of adjoining residential and recreation zoned sites is maintained; and<br>b. the potential for reverse sensitivity effects is minimised as far as practicable. | |
| Policy 18.2.2.1 | Require fencing along property boundaries that adjoin residential or school zoned sites to be of an adequate height and design to provide screening for the purposes of privacy and security. |

| Objective 18.2.2 | |
|---|---|
| The potential for conflict between activities within the commercial and mixed use zones and in adjoining zones is minimised, as far as practicable, through adequate separation distances and other mitigation measures which ensure:<br>a. the amenity of adjoining residential and recreation zoned sites is maintained; and<br>b. the potential for reverse sensitivity effects is minimised as far as practicable. | |
| Policy 18.2.2.2 | Only allow restaurants, and conference, meeting and function, and entertainment and exhibition ancillary to visitor accommodation in the PPH and SSYP zones where:<br>a. the activities are secondary to the visitor accommodation activity; and<br>b. any adverse effects on the amenity of surrounding residential activities, from noise, anti-social behaviour, or other effects will be avoided or, if avoidance is not practicable, adequately mitigated; and<br>c. the potential for reverse sensitivity will be avoided or, if avoidance is not practicable, adequately mitigated. |
| Policy 18.2.2.3 | Require buildings to be of a height in relation to boundary, and setback from side and rear boundaries, that maintains a reasonable level of sunlight access for:<br>a. current and future residential buildings and their outdoor living spaces in adjoining residential zones; and<br>b. sites in the recreation and school zones. |
| Policy 18.2.2.4 | Only allow restaurants - drive through and service stations in commercial and mixed use zones, where significant adverse effects on the amenity of existing residential activities are avoided or mitigated as far as practicable. |
| Policy 18.2.2.5 | Avoid crematoriums in all commercial and mixed use zones that provide for residential activity, because of the potential adverse social and cultural effects on activities that are provided for in these zones. |
| Policy 18.2.2.6 | Avoid early childhood education and residential activities in the CEC South, SDLF and TR zones, and visitor accommodation in the SDLF and TR zones unless the potential for reverse sensitivity is insignificant. |
| Policy 18.2.2.7 | Only allow community and leisure - large scale and visitor accommodation in neighbourhood centre zones (other than the Neighbourhood Destination Centre Zone) where the adverse effects on the amenity of surrounding residential activities will be avoided or, if avoidance is not practicable, adequately mitigated. |
| Policy 18.2.2.8 | Only allow early childhood education and residential activity in the CBD, centres, CEC - North and CBD edge mixed use zones in locations where their establishment will not constrain (have reverse sensitivity effects on) activities that are provided for in the commercial and mixed use zone. |
| Policy 18.2.2.9 | Only allow ancillary licensed premises in the NECC and NEC zones where the adverse effects on the amenity of adjacent residential activities and the surrounding neighbourhood will be avoided or, if avoidance is not practicable, adequately mitigated. |
| Policy 18.2.2.10 | Only allow visitor accommodation in the CEC - South Zone where the potential for reverse sensitivity will be avoided or, if avoidance is not practicable, adequately mitigated. |
| Policy 18.2.2.11 | Only allow residential activity in the **Speights buffer mapped area** where the potential for reverse sensitivity will be avoided or, if avoidance is not practicable, adequately mitigated. |

| Objective 18.2.2 | |
|---|---|
| The potential for conflict between activities within the commercial and mixed use zones and in adjoining zones is minimised, as far as practicable, through adequate separation distances and other mitigation measures which ensure:<br>a. the amenity of adjoining residential and recreation zoned sites is maintained; and<br>b. the potential for reverse sensitivity effects is minimised as far as practicable. | |
| Policy 18.2.2.X | In the **Campus mapped area** in the Harbourside Edge Zone only allow campus, restaurants, conference, meeting and function, entertainment and exhibition, visitor accommodation, residential activities and large-scale community and leisure activity where the potential for reverse sensitivity will be avoided or, if avoidance is not practicable, adequately mitigated. |

| Objective 18.2.3 | |
|---|---|
| Land use and development maintains or enhances the amenity of the streetscape, including the visual and environmental amenity for pedestrians along identified **pedestrian street frontage mapped areas**. | |
| Policy 18.2.3.1 | Require development to maintain or enhance streetscape amenity in all commercial and mixed use zones, by ensuring:<br>a. an attractive street interface is maintained through landscaping where buildings are not built to the street frontage;<br>b. large parking areas which are visible from the street are visually broken up with internal landscaping, which also provides for rainwater absorption;<br>c. service areas and outdoor storage areas associated with industrial or other activities are not visible from ground level of a public place; and<br>d. an architecturally interesting façade through building modulation and use of glazing. |
| Policy 18.2.3.2 | Require buildings along a **primary pedestrian street frontage mapped area** to be located, designed and operated to provide a high level of pedestrian amenity by:<br>a. providing a continual frontage of buildings along the street, apart from pedestrian alleyways;<br>b. providing a clear and direct visual connection between the street and the building interior;<br>c. providing a direct physical connection to the building interior through clearly identified pedestrian entrances on the highest order **pedestrian street frontage mapped area**;<br>d. providing shelter for pedestrians on footpaths, in the form of a verandah;<br>e. being of a height that maintains existing sunlight access to footpaths and public open spaces;<br>f. providing an architecturally interesting façade and human scale design, through building modulation and consistent alignment of windows;<br>g. being designed to have commercial activities at the ground floor, with an adequate ground floor to ceiling height to accommodate these activities; and<br>h. providing customer-facing activities on the ground floor. |

| Objective 18.2.3 | |
|---|---|
| Land use and development maintains or enhances the amenity of the streetscape, including the visual and environmental amenity for pedestrians along identified **pedestrian street frontage mapped areas**. | |
| Policy 18.2.3.3 | Require buildings in a **secondary pedestrian street frontage mapped area** to provide a good level of pedestrian amenity by:<br>a. providing a regular frontage of buildings along the street, with limited interruptions for vehicle accesses;<br>b. providing a clear and direct visual connection between the street and the building interior;<br>c. providing an architecturally interesting façade and human scale design, through building modulation and consistent alignment of windows; and<br>d. providing shelter for pedestrians at pedestrian entrances. |
| Policy 18.2.3.4 | Require new buildings and additions and alterations to buildings in the Harbourside Edge Zone to be designed and located to provide a high level of amenity by:<br>a. being built to the street frontage along the entire length of Birch Street, and for no less than 60% of the street frontage on Kitchener Street, except for:<br>i. any setbacks required to allow pedestrian entrances; and<br>ii. the provision of amenity space for customers or residents at the front of buildings;<br>b. including appropriate building modulation, window alignment, use of glazing, floor height, colour, architectural detail to provide visual interest and a human-scale design;<br>c. being of a design that is coherent, appropriate to the setting and history of the area, and providing a positive relationship to both the street and the harbour; and<br>d. having active edges with strong visual and physical connections from the street to the inside of buildings. |
| Policy 18.2.3.5 | Require development in the Harbourside Edge Zone to be designed and located to provide a high level of amenity by:<br>a. requiring public pedestrian access to and along the coast that is attractive, safe, durable, and readily accessible to the public;<br>b. ensuring the design and location of on-site car parking does not compromise streetscape or harbour amenity;<br>c. ensuring development activities incorporate the principles of CPTED; and<br>d. maintaining viewshafts from Roberts Street and Kitchener Street to and across the Steamer Basin. |
| Policy 18.2.3.6 | Require fences visible from public places to be designed to maintain or enhance streetscape amenity. |
| Policy 18.2.3.7 | Limit the size and number of ancillary signs to ensure they are able to convey information about the name, location and nature of the business to passing pedestrians and vehicles while not being oversized or too numerous for that purpose. |
| Policy 18.2.3.8 | Require car parking (including stand-alone car parking) in a **primary pedestrian street frontage mapped area** to be located behind or within buildings with a customer-facing function (for example retail) adjoining the street. |

| Objective 18.2.3 | |
|---|---|
| Land use and development maintains or enhances the amenity of the streetscape, including the visual and environmental amenity for pedestrians along identified **pedestrian street frontage mapped areas**. | |
| Policy 18.2.3.9 | Avoid land use activities (including stand-alone car parking) that require buildings or site design that is incompatible with:<br>a. the high level of pedestrian streetscape amenity expected for the location in a primary pedestrian street frontage and secondary pedestrian street frontage; and<br>b. the higher level of urban neighbourhood amenity anticipated in the HE, SSYP and WP zones. |
| Policy 18.2.3.10 | Require industrial activities to avoid or, if avoidance is not practicable, adequately mitigate any adverse effects on streetscape amenity, by locating any part of the industrial operation that involves machinery or metal work within a part of a building that does not include any doors or windows that open to a **primary pedestrian street frontage mapped area** or **secondary pedestrian street frontage mapped area**. |
| Policy 18.2.3.11 | Require new buildings and structures to be of a height that:<br>a. reflects the general heights of the block; and<br>b. minimises as far as practicable adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula, including through the use of quality and contextually appropriate architectural design. |
| Policy 18.2.3.12 | Require network utility structures – small scale to be of a design, location and scale that maintains a high level of pedestrian amenity in **pedestrian street frontage mapped areas**. |
| Policy 18.2.3.13 | Require buildings and additions and alterations, as part of the Dunedin Hospital redevelopment to maintain or enhance streetscape amenity by ensuring:<br>a. the use of verandahs where appropriate; and<br>b. buildings and structures above 20m minimise as far as practicable adverse effects of shading and wind on pedestrian amenity. |
| Policy 18.2.3.X | In the **Campus mapped area** north of Albany Street, only allow buildings and structures over 25m in height where:<br>a. the height is essential to the efficient and effective operation of campus activity;<br>b. they are designed to minimise as far as practicable adverse effects of shading and wind on pedestrian amenity; and<br>c. effects on the skyline vista of the city, particularly as viewed from Dunedin’s inner hill suburbs across the harbour towards the Otago Peninsula, are minimised as far as practicable through the use of quality and contextually appropriate architectural design. |

# Rules

## Rule 18.3 Activity Status

### 18.3.1 Rule Location

The activity status tables in rules 18.3.3 to 18.3.8 specify the activity status of land use activities, development activities, and subdivision activities in the commercial and mixed use zones and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

1. Public Amenities (Section 3)

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

### 18.3.2 Activity Status Introduction

1. The activity status tables in rules 18.3.3 to 18.3.7 show the activity status of activities in the commercial and mixed use zones and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. Development activities that are lawfully present at the time any relevant rules in this Plan have legal effect are not managed by those rules (the rules do not apply to existing lawfully established development activities).
6. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

*Additional activity status rules in hazard overlay zones*

7. For the purpose of the hazards provisions, activities are categorised as natural hazards sensitive activities, natural hazards potentially sensitive activities or natural hazards least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
8. In the Hazard 2 (flood) Overlay Zones, the activity statuses in Rule 18.3.8 apply to the following activities:
    a. natural hazards sensitive activities;
    b. natural hazards potentially sensitive activities; and
    c. new buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m² of new ground floor area.
9. Where the activity status in Rule 18.3.8 differs from that in rules 18.3.3 - 18.3.7, the most restrictive activity status always applies.
10. In addition to the rules in Rule 18.3.8, performance standards for development activities within hazard overlay zones are included in rules 18.3.3 - 18.3.7.
11. Activities in a hazard overlay zone must comply with all of the rules in 18.3.3 - 18.3.7.

*Performance Standards*

12. Performance standards are listed in the far right column of the activity status tables.
13. Performance standards apply to permitted, controlled and restricted discretionary activities.

14. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.

15. If a restricted discretionary activity does not meet one or more performance standards, then the activity status remains restricted discretionary, unless otherwise indicated in the performance standard.

## Legend

| Acronym | Meaning |
|---|---|
| N/A | Not Applicable |
| P | Permitted Activity |
| C | Controlled Activity |
| RD | Restricted Discretionary Activity |
| D | Discretionary Activity |
| NC | Non-complying Activity |
| Central Business District and Centres Zones (Centres Hierarchy) | |
| CBD | Central Business District Zone |
| PC | Principal Centre Zone |
| SC | Suburban Centre Zone |
| RC | Rural Centre Zone |
| NEC | Neighbourhood Centre Zone |
| NECC | Neighbourhood Convenience Centre Zone |
| NEDC | Neighbourhood Destination Centre Zone |
| CBD Edge Mixed Use Zones | |
| WP | Warehouse Precinct Zone |
| PPH | Princes, Parry and Harrow Street Zone |
| SSYP | Smith Street and York Place Zone |
| HE | Harbourside Edge Zone |
| Other Commercial Zones | |
| TR | Trade Related Zone |
| CEC-N | CBD Edge Commercial North Zone |
| CEC-S | CBD Edge Commercial South Zone |
| SDLF | South Dunedin Large Format Zone |
| Pedestrian Street Frontage Mapped Areas | |
| PPF | **Primary Pedestrian Street Frontage Mapped Area** |
| SPF | **Secondary Pedestrian Street Frontage Mapped Area** |
| Hazard Overlay Zones | |

| Acronym | Meaning |
|---|---|
| Haz1 | Hazard 1 Overlay Zones |
| Haz2 | Hazard 2 Overlay Zones |
| Haz3 | Hazard 3 Overlay Zones |

### 18.3.3 Land Use Activity Status Table (Central Business District And Centres)

| | | |
|---|---|---|
| 1. | Performance standards that apply to all land use activities | a. Acoustic insulation (noise sensitive activities)<br>b. NA<br>c. Light spill<br>d. Location<br>e. Noise<br>f. Maximum gross area of centre (NEC, NECC, NEDC and RC only)<br>g. Setback from National Grid (National Grid sensitive activities only) |

| Commercial activities | | Activity status | | | Performance standards |
|---|---|---|---|---|---|
| | | a. CBD | b. PC/SC/ RC/NEDC | c. NECC/ NEC | |
| 2. | Ancillary licensed premises | Same activity status as underlying activity | | D | |
| 3. | Conference, meeting and function | P | P | NC | i. Minimum mobility car parking |
| 4. | Commercial advertising | NC | NC | NC | |
| 5. | Entertainment and exhibition | P | P | NC | i. Minimum mobility car parking |
| 6. | Office | P | P | P | i. Minimum mobility car parking (registered health practitioners) |
| 7. | Retail (except yard based retail) | P | P | P | i. Minimum mobility car parking<br>ii. Minimum vehicle loading |
| 8. | Retail ancillary to industry | P | P | P | i. Maximum gross floor area of retail ancillary to industry |
| 9. | Yard based retail | NC | P | P | i. Minimum mobility car parking<br>ii. Minimum vehicle loading (centres) |
| 10. | Restaurants | P | P | P | |
| 11. | Restaurant - drive through | NC | D | D | |
| 12. | Service stations | NC | RD | RD | i. Service station standards<br>ii. Minimum mobility car parking |

| | | | | | |
|---|---|---|---|---|---|
| 13. | Stand-alone car parking | P | P | P | |
| 14. | Visitor accommodation | P | P | RD | i. Minimum mobility car parking<br>ii. Minimum vehicle loading |
| Community activities | | a. CBD | b. PC/SC/ RC/NEDC | c. NECC/ NEC | Performance standards |
| 15. | Community and leisure - small scale | P | P | P | i. Minimum mobility car parking |
| 16. | Community and leisure - large scale | P | P | RD | i. Minimum mobility car parking |
| 17. | Conservation | P | P | P | |
| 18. | Early childhood education | RD | RD | RD | i. Minimum mobility car parking |
| 19. | Sport and Recreation | P | P | P | i. Minimum mobility car parking |
| Residential activities | | a. CBD | b. PC/SC/ RC/NEDC | c. NECC/ NEC | Performance standards |
| 20. | Supported living facilities | P | P | P | i. Minimum mobility car parking<br>ii. Location |
| Y. | Standard residential | P | P | P | i. Location |
| Z. | Working from home | P | P | P | i. Location/li><br>ii. Minimum mobility car parking |
| Industrial activities | | a. CBD | b. PC/SC/ RC/NEDC | c. NECC/ NEC | Performance standards |
| 21. | All activities in the industrial activities category | P | P | P | i. Location of industrial activities |
| Major facility activities | | a. CBD | b. PC/SC/ RC/NEDC | c. NECC/ NEC | Performance standards |
| 22. | Emergency services | P | P | P | i. Minimum mobility car parking |
| X. | Campus in the **Campus mapped area** | N/A | P | N/A | |
| 23. | All other activities in the major facility activities category | NC | NC | NC | |
| Rural activities | | a. CBD | b. PC/SC/ RC/NEDC | c. NECC/ NEC | Performance standards |
| 24. | All activities in the rural activities category | NC | NC | NC | |

**Note 18.3.3X- Other requirements outside of the District Plan**

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

## 18.3.4 Land Use Activity Status Table (CBD Edge and Mixed Use Zones)

| | | | | | | |
|---|---|---|---|---|---|---|
| 1. | Performance standards that apply to all land use activities | | | | | a. Acoustic insulation (noise sensitive activities)<br>b. NA<br>c. Light spill<br>d. Location<br>e. Noise<br>f. Setback from National Grid (National Grid sensitive activities only) |
| Commercial activities | | Activity status | | | | Performance standards |
| | | a. WP | b. PPH | c. SSYP | d. HE | |
| 2. | Ancillary licensed premises | Same activity status as underlying activity | | | | |
| 3. | Bulky goods retail | P | NC | NC | NC | i. Minimum mobility car parking<br>ii. Minimum vehicle loading |
| 4. | Conference, meeting and function | P | NC | NC | X. P outside the **Campus mapped area**; or Y. RD in the **Campus mapped area** | i. Minimum mobility car parking |
| 5. | Commercial advertising | NC | NC | NC | NC | |
| 6. | Dairies | P | P | P | P | i. Maximum gross floor area of dairies |

| | | | | | | |
|---|---|---|---|---|---|---|
| 7. | Entertainment and exhibition | P | NC | NC | X. P outside the **Campus mapped area**; or Y. RD in the **Campus mapped area** | i. Minimum mobility car parking |
| AE. | Food and beverage retail 500m² or less in gross floor area | D | D | NC | RD | |
| AF. | Food and beverage retail more than 500m² in gross floor area but no more than 750m² in gross floor area | D | D | NC | D | |
| 8. | All other food and beverage retail | D | D | NC | NC | |
| 9. | General retail - retail services in a scheduled heritage building | P | NC | NC | NC | i. Minimum mobility car parking<br>ii. Minimum vehicle loading |
| 11. | General retail 1500m² or more in gross floor area | P | NC | NC | NC | i. Minimum mobility car parking<br>ii. Minimum vehicle loading |
| X. | All other general retail | NC | NC | NC | NC | |
| 12. | Training and education | P | X. P outside a **hazard facility mapped area** Y. NC within a **hazard facility mapped area** | P | P | |
| 13. | Office in a scheduled heritage building | P | NC | P | P | i. Maximum gross floor area of office activity in HE Zone |
| 14. | Office not in a scheduled heritage building | NC | NC | NC | P | i. Maximum gross floor area of office activity in HE Zone |

| | | | | | | |
|---|---|---|---|---|---|---|
| 15. | Restaurants | P | D | D | X. P outside the **Campus mapped area**; or Y. RD in the **Campus mapped area** | i. Minimum mobility car parking |
| 16. | Restaurant - drive through | NC | D | NC | NC | |
| 17. | Retail ancillary to industry | P | P | NC | P | i. Maximum gross floor area of retail ancillary to industry |
| 18. | Service stations | NC | RD | NC | NC | i. Service station standards<br>ii. Minimum mobility car parking |
| 19. | Stand-alone car parking | P | P | P | P | |
| 20. | Trade related retail | P | P | NC | NC | i. Minimum mobility car parking<br>ii. Minimum vehicle loading |
| 21. | Visitor accommodation | P | X. P outside a **hazard facility mapped area** Y. NC within a **hazard facility mapped area** | P | X. P outside the **Campus mapped area**; or Y. RD in the **Campus mapped area** | i. Minimum mobility car parking<br>ii. Minimum vehicle loading |
| 22. | Conference, meeting and function and entertainment and exhibition ancillary to visitor accommodation | P | X. RD outside a **hazard facility mapped area** Y. NC within a **hazard facility mapped area** | RD | P | i. Minimum mobility car parking |

| | | | | | | |
|---|---|---|---|---|---|---|
| 23. | Yard based retail | NC | P | NC | NC | i. Minimum mobility car parking<br>ii. Minimum vehicle loading |
| Community activities | | a. WP | b. PPH | c. SSYP | d. HE | Performance standards |
| 24. | Community and leisure - small scale | P | X. P outside a **hazard facility mapped area**<br>Y. NC within a **hazard facility mapped area** | P | P | i. Minimum mobility car parking |
| 25. | Community and leisure - large scale | P | X. P outside a **hazard facility mapped area**<br>Y. within a **hazard facility mapped area** | P | X. P outside the **Campus mapped area**; or<br>Y. RD in the **Campus mapped area** | i. Minimum mobility car parking |
| 26. | Conservation | P | P | P | P | |
| 27 | Early childhood education | RD | X. RD outside a **hazard facility mapped area**<br>Y. NC within a **hazard facility mapped area** | RD | RD | i. Minimum mobility car parking |
| 28 | Sport and recreation | P | P | P | P | i. Minimum mobility car parking |
| Residential activities | | a. WP | b. PPH | c. SSYP | d. HE | Performance standards |

| | | | | | | |
|---|---|---|---|---|---|---|
| 29 | Supported living facilities | P | X. P outside a **hazard facility mapped area**<br>Y. NC within a **hazard facility mapped area** | P | X. P outside the **Campus mapped area**; or<br>Y. RD in the **Campus mapped area** | i. Minimum mobility car parking |
| AG. | Standard residential | P | X. P outside a **hazard facility mapped area**<br>Y. NC within a **hazard facility mapped area** | P | X. P outside the **Campus mapped area**; or<br>Y. RD in the **Campus mapped area** | |
| AH. | Working from home | P | X. P outside a **hazard facility mapped area**<br>Y. NC within a **hazard facility mapped area** | P | X. P outside the **Campus mapped area**; or<br>Y. RD in the **Campus mapped area** | i. Minimum mobility car parking |
| Industrial activities | | a. WP | b. PPH | c. SSYP | d. HE | Performance standards |
| 30 | All activities in the industrial activities category | P | P | NC | P | i. Minimum mobility car parking<br>ii. Minimum vehicle loading |
| Major facility activities | | a. WP | b. PPH | c. SSYP | d. HE | Performance standards |

| | | | | | | |
|---|---|---|---|---|---|---|
| 31 | Emergency services | P | X. P outside a **hazard facility mapped area** Y. NC within a **hazard facility mapped area** | P | P | i. Minimum mobility car parking |
| AD. | Campus in the Campus mapped area | N/A | N/A | N/A | RD | |
| 32 | All other activities in the major facility activities category | NC | NC | NC | NC | |
| Rural activities | | a. WP | b. PPH | c. SSYP | d. HE | Performance standards |
| 33 | All activities in the rural activities category | NC | NC | NC | NC | |

**Note 18.3.4X- Other requirements outside of the District Plan**

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

## 18.3.5 Land Use Activity Status Table (Trade Related Zone and CBD Edge Commercial Zones)

| | | | | | | |
|---|---|---|---|---|---|---|
| 1. | Performance standards that apply to all land use activities | | | | | a. Acoustic insulation (noise sensitive activities)<br>b. NA<br>c. Light spill<br>d. Noise<br>e. Setback from National Grid (National Grid sensitive activities only) |
| Commercial activities | | Activity status | | | | Performance standards |
| | | a. CEC - North | b. CEC - South | X. SDLF | c. TR | |
| 2. | Ancillary licensed premises | Same activity status as underlying activity | | | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| 3. | Bulky goods retail | P | P | RD | NC | i. Minimum mobility car parking<br>ii. Minimum vehicle loading |
| 4. | Conference, meeting and function | NC | NC | NC | NC | |
| 5. | Commercial advertising | NC | NC | NC | NC | |
| 6. | Dairies | P | P | P | P | i. Maximum gross floor area of dairies |
| 7. | Entertainment and exhibition | NC | NC | NC | NC | |
| 8. | Food and beverage retail less than 1500m² in gross floor area | NC | NC | NC | NC | |
| 9. | Food and beverage retail 1500m² or more in gross floor area | P | P | P | P | i. Minimum mobility car parking<br>ii. Minimum vehicle loading |
| 10. | Office | P | NC | NC | NC | |
| 11. | General retail less than 750m² in gross floor area | NC | NC | NC | NC | |
| 12. | General retail 750m² or more in gross floor area | P | P | RD | NC | i. Minimum mobility car parking<br>ii. Minimum vehicle loading |
| 13. | Restaurants ancillary to trade related retail | D | D | D | P | i. Maximum gross floor area of restaurants in the Trade Related Zone and South Dunedin Large Format Zone<br>ii. Location of ancillary restaurants in the Trade Related Zone and South Dunedin Large Format Zone |
| 14. | Restaurants ancillary to food and beverage retail 1,500m² or more in gross floor area | D | D | D | P | i. Maximum gross floor area of restaurants in the Trade Related Zone and South Dunedin Large Format Zone<br>ii. Location of ancillary restaurants in the Trade Related Zone and South Dunedin Large Format Zone |
| 15. | All other restaurants | D | D | D | D | |
| 16. | Restaurant - drive through | RD | RD | RD | RD | |
| 17. | Retail ancillary to industry | P | P | P | P | i. Maximum gross floor area of retail ancillary to industry |
| 18. | Service stations | RD | RD | RD | RD | i. Service station standards<br>ii. Minimum mobility car parking |
| 19. | Stand-alone car parking | P | P | P | P | |

| | | | | | | |
|---|---|---|---|---|---|---|
| 20. | Trade related retail | P | P | P | P | i. Minimum mobility car parking<br>ii. Minimum vehicle loading |
| 21. | Visitor accommodation | P | D | D | NC | i. Minimum mobility car parking<br>ii. Minimum vehicle loading |
| 22. | Yard based retail | P | P | P | P | i. Minimum mobility car parking |
| Community activities | | a. CEC - North | b. CEC - South | X. SDLF | c. TR | Performance standards |
| 23. | Early childhood education | D | NC | NC | NC | |
| 24. | Community and leisure - small scale | P | P | P | P | i. Minimum mobility car parking |
| 25. | Community and leisure - large scale | P | P | P | P | i. Minimum mobility car parking |
| 26. | Conservation | P | P | P | P | |
| 27. | Sport and recreation | P | P | P | P | i. Minimum mobility car parking |
| Residential activities | | a. CEC - North | b. CEC - South | X. SDLF | c. TR | Performance standards |
| 28. | All activities in the residential activities category | D | NC | NC | NC | |
| Industrial activities | | a. CEC - North | b. CEC - South | X. SDLF | c. TR | Performance standards |
| 29. | All activities in the industrial activities category | P | P | P | P | i. Minimum mobility car parking<br>ii. Minimum vehicle loading |
| Major facility activities | | a. CEC - North | b. CEC - South | X. SDLF | c. TR | Performance standards |
| 30. | Emergency services | P | P | P | P | i. Minimum mobility car parking |
| 31. | Hospital | RD | NC | NC | NC | |
| 32. | All other activities in the major facility activities category | NC | NC | NC | NC | |
| Rural activities | | a. CEC - North | b. CEC - South | X. SDLF | c. TR | Performance standards |
| 33. | All activities in the rural activities category | NC | NC | NC | NC | |

**Note 18.3.5X- Other requirements outside of the District Plan**

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

### 18.3.6 Development Activity Status Table

| | | | |
|---|---|---|---|
| 1. | Performance standards that apply to all development activities | | a. Boundary treatments and other landscaping<br>b. Natural Hazards Performance Standards<br>c. Setback from scheduled tree<br>d. Harbourside Edge Zone Standards (HE Zone only) |
| 2. | Performance standards that apply to all buildings and structures activities | | a. Firefighting<br>b. Height in relation to boundary<br>c. Height<br>d. Setback from coast and water bodies<br>e. Setback from National Grid<br>f. Building colour<br>Y. Setback from Critical Electricity Distribution Infrastructure |
| 3. | Performance standards that apply to all new buildings and additions and alterations to buildings | | a. Minimum glazing and building modulation<br>b. Minimum ground floor to ceiling height<br>c. Pedestrian entrances<br>d. Verandahs<br>e. Setback from road boundaries<br>f. Setback from boundaries of residential or recreation zoned sites<br>g. Parking, loading and access standards (buildings that contain car parks only) |
| All buildings and structures activities not covered in rows below | | Activity status | Performance standards |
| 4. | Signs attached to buildings and structures | P | a. Number, location and design of ancillary signs |
| 5. | All other buildings and structures activities not covered in rows 6 to 22 below | P | a. Fence height and design<br>b. Number, location and design of ancillary signs |
| New buildings and additions and alterations to buildings | | Activity status | Performance standards |

| | | | |
|---|---|---|---|
| 6. | New buildings and additions and alterations to buildings within the Harbourside Edge Zone that are visible from an adjoining public place, or the harbour (other than signs attached to buildings or structures) | RD | |
| 7. | New buildings and additions and alterations to buildings as part of the Dunedin Hospital redevelopment (other than signs attached to buildings or structures) | RD | |
| Buildings and structures activities in a heritage precinct that are visible from an adjoining public place | | Activity status | Performance standards |
| 8. | New buildings | RD | a. Parking, loading and access standards (buildings that contain car parks only) |
| 9. | Demolition or removal for relocation of:<br>a. a character-contributing building<br>b. a non-protected part of a scheduled heritage building; or<br>c. a non character-contributing building that adjoins the road frontage. | RD | |
| 10. | Additions and alterations to a character-contributing building or non-protected part of a scheduled heritage building (other than signs attached to buildings or structures) | RD | |
| 11. | Additions and alterations to a non character-contributing building that:<br>• increase the footprint of the building by 10m² or more; or<br>• increase in the height of the building by more than 2m. | C | |
| 12. | New retaining walls more than 1m high | RD | |
| 13. | All other new structures that are greater than 2.5m tall or have a footprint of 2m² or more | RD | a. Number, location and design of ancillary signs |
| Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure | | Activity status | Performance standards |
| 14. | Repairs and maintenance | P | |
| 15. | Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1 | C | |
| 16. | Restoration of all other scheduled heritage buildings and scheduled heritage structures | P | |
| 17. | Earthquake strengthening where external features only are protected | C | a. Materials and design |

| | | | |
|---|---|---|---|
| 18. | All other additions and alterations (other than signs attached to buildings or structures) | RD | |
| 19. | Demolition | NC | |
| 20. | Removal for relocation | RD | |
| Development activities on a scheduled heritage site, where visible from an adjoining public place or a public place within the heritage site | | Activity status | Performance standards |
| 21. | New structures that are greater than 2.5m high or have a footprint of 2m² or more | RD | a. Number, location and design of ancillary signs |
| 22. | New buildings | RD | |
| 23. | Parking, loading and access | RD | a. Parking, loading and access standards |
| Site development activities in all areas (except as covered by row 23 above) | | Activity status | Performance standards |
| 24. | Parking, loading and access | P | a. Parking, loading and access standards<br>b. Location and screening of car parking |
| 25. | New or additions to parking areas that result in 50 or more new parking spaces. | RD | a. Location and screening of car parking<br>b. Parking, loading and access standards |
| 26. | Outdoor storage | P | a. Location and screening of outdoor storage |
| 27. | Storage and use of hazardous substances | P | a. Hazardous substances quantity limits and storage requirements<br>b. Setback from coast and water bodies |
| 28. | All other site development activities | P | |

### Note 18.3.6A - General advice

1. An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
2. An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
4. The **archaeological alert layer mapped area** identifies sites and areas that have a strong likelihood of containing archaeological remains, however remains may be present anywhere within the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.

### 18.3.7 Subdivision Activity Status Table

| Subdivision activities | | Activity status (all CMU zones) | Performance standards |
|---|---|---|---|
| 1. | Subdivision activities | RD | a. Access<br>b. Esplanade reserves and strips<br>c. Firefighting<br>d. Service connections<br>e. Shape<br>X. Setback from National Grid (subdivision activities) |

### Note 18.3.7A - Other RMA considerations

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

### Note 18.3.7X - Other relevant District Plan provisions

1. Additional matters of discretion apply to the subdivision of land within a **Critical Electricity Distribution Infrastructure Corridor mapped area**. These are set out in Rule 18.10.5.
2. Additional matters of discretion apply to the subdivision of land within a **National Grid Subdivision Corridor mapped area**. These are set out in Rule 18.10.5.

## 18.3.8 Activity Status in the Hazard 2 (Flood) Overlay Zone

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

### Note 18.3.8A - Other RMA considerations

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

2. Accordingly, activities that are shown to have effects that are the same or similar in character, intensity and scale to those which existed before the rule became operative or the proposed plan was notified will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 18.3.8. However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of effects from the land use activity.

### Note 18.3.8B - Other requirements outside the District Plan

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

# Rule 18.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a

written approval of affected persons and will not be notified in accordance with section 95A or section 95B of the RMA, unless Council considers special circumstances exist in relation to the application that require public notification:

1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
2. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is not listed by Heritage New Zealand.

2. With respect to resource consent applications, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided for the following:
    1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand; and
    2. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is listed by Heritage New Zealand.

3. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A of the RMA:
    1. new vehicle accesses that cross a **primary pedestrian street frontage mapped area** (PPF);
    2. contravention of the Harbourside Edge Zone Standards performance standard (Rule 18.6.17.3); and
    3. It is likely that applications for the following performance standard contraventions will be publicly notified:
        1. acoustic insulation;
        2. light spill;
        3. noise; and
        4. setback from National Grid.

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

5. With respect to sections 95D(b) and 95E(2)(a) of the RMA, Council will not consider general retail - retail services in scheduled heritage buildings as part of the permitted baseline when considering the effects of discretionary or non-complying activities in the Warehouse Precinct Zone.

6. With respect to resource consent applications for the following activities, the Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided:
    1. activities in the Hazard 1 or 1A (flood) overlay zones; and
    2. activities in **swale mapped areas**.

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

# Rule 18.5 Land Use Performance Standards

## 18.5.1 Acoustic Insulation

Noise sensitive activities in the following areas must comply with Rule 9.3.1:

1. within 20m of an industrial zone;
2. within 70m of a railway line;
3. within 40m of a state highway;
4. Central Business District (CBD) Zone;
5. Warehouse Precinct (WP) Zone;
6. Harbourside Edge (HE) Zone;
7. Princes, Parry and Harrow Street (PPH) Zone; and
8. CEC – North Zone.

## 18.5.3 Light Spill

Land use activities must comply with Rule 9.3.5.

## 18.5.4 Location

18.5.4.1 Location of activities within **pedestrian street frontage mapped areas**

a. In sites that adjoin a **primary pedestrian street frontage mapped area**, activities on the ground floor facing the street frontage, must be retail, restaurants, or entertainment and exhibition, except for entrances, lobbies and accessways that service activities on upper floors.

b. In sites that adjoin a **secondary pedestrian street frontage mapped area**, residential activities must not occupy the ground floor of buildings facing the street frontage.

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

18.5.4.2 Location of industrial activities

a. Within all commercial and mixed use zones, except trade related and CBD edge commercial zones, any part of an industry activity that involves machinery or metal work must be located within a part of a building that does not include any doors or windows that open to a **primary pedestrian street frontage mapped area** or **secondary pedestrian street frontage mapped area**.

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

18.5.4.3 Location of restaurant drive-through and service stations

a. Restaurant - drive through and service stations must not have vehicle access across a **primary pedestrian street frontage mapped area**.

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

18.5.4.4 Location of ancillary restaurants in the Trade Related Zone and South Dunedin Large Format Zone

a. For restaurants ancillary to food and beverage retail 1,500m² or more in gross floor area, or to trade related retail, all customer access must be internal to a building, except for emergency-only access/egress.

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

18.5.4.5 Location of residential activities

a. New residential activities or residential buildings must not be located within the **Speights buffer mapped**

**area**.

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

### 18.5.5 Maximum Gross Floor Area

18.5.5.1 Maximum gross area of centre

a. An individual land use activity must not occupy more than 50% of the gross area of a neighbourhood or rural centre.

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

18.5.5.2 Maximum gross floor area of dairies

a. The maximum gross floor area for dairies is 200m².

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

18.5.5.3 Maximum gross floor area of retail ancillary to industry

a. Retail ancillary to industry must not occupy more than 10% of the gross floor area of the industry activity.

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

18.5.5.4 Maximum gross floor area of office activity in the Harbourside Edge Zone

a. The cumulative gross floor area of office activity in the Harbourside Edge Zone must not exceed 6,000m².

b. No more than 3,000m² of gross floor area of office activity may be located outside the area covered by designation D214, unless the Otago Regional Council designation allowing office activity on this site is uplifted.

c. Office activity that is ancillary to port, industry or marine-related activity is exempt from this standard.

d. Office activity that contravenes this performance standard is a non-complying activity.

18.5.5.5 Maximum gross floor area of restaurants in the Trade Related Zone and South Dunedin Large Format Zone

a. The maximum gross floor area of restaurants ancillary to food and beverage retail 1,500m² or more in gross floor area, or to trade related retail, in the Trade Related Zone and South Dunedin Large Format Zone is 100m².

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

### 18.5.6 Minimum Mobility Car Parking

1. NA

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

2. Land use activities must provide on-site mobility parking spaces as follows:

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

3. Car parking must be provided on the same property as the activity except in the Harbourside Edge Zone where parking spaces must be provided within 200m walking distance of the activity, with all parking not on the same property as the activity provided as dedicated off-street parking for the activity through a lease agreement.
4. NA.
5. Residential and office activities (excluding registered health practitioners) undertaken entirely within a scheduled heritage building do not need to provide any additional mobility car parking other than what is already on site and may remove any car parking that does not meet the performance standard for location of car parking.
6. Parking spaces may be shared between land use activities (i.e. the same parking spaces may be used to fulfil the minimum mobility parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap.
7. NA.
8. NA.
9. Activities that contravene this performance standard are restricted discretionary activities.

**Note 18.5.6A - Other relevant District Plan provisions**

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

### 18.5.7 Minimum Vehicle Loading

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

| Zone | | Activities | Minimum vehicle loading |
|---|---|---|---|
| a. | CBD and centres zones | i. Retail activity (except yard based retail) | 1. On sites which gain direct vehicular access to a strategic road, arterial road or urban high density corridor or have a gross floor area of 500m² or more: 1 loading space to accommodate an 8m rigid truck (See Appendix 6B, Figure 6B.10) |
| | | ii. Visitor accommodation | 1. Visitor accommodation based on guest rooms (e.g. hotels) for 50 or more guest rooms: 1 loading space to accommodate the turning circle of a coach (See Appendix 6B, Figure 6B.12) |
| b. | Centres zones | i. Yard based retail | 1. On sites which gain direct vehicular access to a strategic road, arterial road or urban high density corridor, or have a gross floor area of 500m² or more: 1 loading space to accommodate an 8m rigid truck (See Appendix 6B, Figure 6B.10). |

| Zone | | Activities | Minimum vehicle loading |
|---|---|---|---|
| c. | Warehouse Precinct Zone | i. General retail - retail services (in a scheduled heritage building) | 1. On sites which gain direct vehicular access to a strategic road, arterial road or urban high density corridor or have a gross floor area of 500m² or more: 1 loading space to accommodate an 8m rigid truck (See Appendix 6B, Figure 6B.10) |
| | | ii. General retail 1500m² or more in gross floor area | |
| | | iii. Trade related retail | |
| | | iv. Visitor accommodation | 1. Visitor accommodation based on guest rooms (e.g. hotels) for 50 or more guest rooms: 1 loading space to accommodate the turning circle of a coach (See Appendix 6B, Figure 6B.12) |
| | | v. Bulky goods retail | 1. Activities with a gross floor area of less than 1000m² : 1 loading space to accommodate an 8m rigid truck (See Appendix 6B, Figure 6B.10);<br>2. Activities with a gross floor area of 1000m² or more: 1 loading space to accommodate a B Train Truck (See Appendix 6B, Figure 6B.11). |
| d. | CBD edge commercial zones | i. General retail (750m² or more in gross floor area) | 1. On sites which gain direct vehicular access to a strategic road, arterial road or urban high density corridor: 1 loading space to accommodate an 8m rigid truck (See Appendix 6B, Figure 6B.10) |
| | | ii. Trade related retail | |
| | | iii. Industry | |
| | | iv. Food and beverage retail (1500m² or more in gross floor area) | |
| | | v. Visitor accommodation (CEC - North) | 1. Visitor accommodation based on guest rooms (e.g. hotels) for 50 or more guest rooms: 1 loading space to accommodate the turning circle of a coach (See Appendix 6B, Figure 6B.12) |
| | | vi. Bulky goods retail | 1. Activities with a gross floor area of less than 1000m² : 1 loading space to accommodate an 8m rigid truck (See Appendix 6B, Figure 6B.10);<br>2. Activities with a gross floor area of 1000m² or more: 1 loading space to accommodate a B Train Truck (See Appendix 6B, Figure 6B.11). |

| Zone | | Activities | Minimum vehicle loading |
|---|---|---|---|
| e. | Princes, Parry and Harrow Street Zone | i. Trade related retail<br>ii. Yard based retail<br>iii. Industry | 1. On sites which gain direct vehicular access to a strategic road, arterial road or urban high density corridor, or have a gross floor area of 500m² or more: 1 loading space to accommodate an 8m rigid truck (See Appendix 6B, Figure 6B.10). |
| f. | Harbourside Edge Zone | i. Industry | 1. 1 loading space to accommodate an 8m rigid truck (See Appendix 6B, Figure 6B.10). |
| | | ii. Visitor accommodation | 1. Visitor accommodation based on guest rooms (e.g. hotels) for 50 or more guest rooms: 1 loading space to accommodate the turning circle of a coach (See Appendix 6B, Figure 6B.12) |
| g. | Trade Related Zone | i. Trade related retail<br>ii. Food and beverage retail (1500m² or more in gross floor area)<br>iii. Industry | 1. On sites which gain direct vehicular access to a strategic road, arterial road or urban high density corridor, with a gross floor area of 500m² or more: 1 loading space to accommodate an 8m rigid truck (See Appendix 6B, Figure 6B.10)<br>2. Activities with a gross floor area of less than 1000m²: 1 loading space to accommodate an 8m rigid truck (See Appendix 6B, Figure 6B.10)<br>3. Activities with a gross floor area of 1000m² or more: 1 loading space to accommodate a B Train Truck (See Appendix 6B, Figure 6B.11) |
| X. | South Dunedin Large Format Zone | i. Trade related retail<br>ii. Food and beverage retail (1500m² or more in gross floor area)<br>iii. Industry<br>iv. Bulky goods retail<br>v. General retail 750m² or more in gross floor area | 1. On sites which gain direct vehicular access to a strategic road, arterial road or urban high density corridor, with a gross floor area of 500m² or more: 1 loading space to accommodate an 8m rigid truck (See Appendix 6B, Figure 6B.10);<br>2. Activities with a gross floor area of less than 1000m²: 1 loading space to accommodate an 8m rigid truck (See Appendix 6B, Figure 6B.10);<br>3. Activities with a gross floor area of 1000m² or more: 1 loading space to accommodate a B-train truck (See Appendix 6B, Figure 6B.11). |

2. Required vehicle loading must be designed and constructed to comply with Rule 6.6.2.
3. Activities that contravene this performance standard are restricted discretionary activities.

### 18.5.8 Noise

Land use activities must comply with Rule 9.3.6.

### 18.5.9 Service Station Standards

Service stations must comply with Rule 6.7.1.

### 18.5.10 Setback from National Grid

National Grid sensitive activities must comply with Rule 5.6.1.1.

# Rule 18.6 Development Performance Standards

## 18.6.1 Boundary Treatments and Other Landscaping

1. New buildings, additions and alterations that increase the gross floor area of a building, demolition or removal for relocation of buildings and new or additions to parking areas must provide, if not already present, a landscaping area with a minimum width of 1.5m along the full length of any road boundary that does not have a building within 1.5m of that boundary (except for where vehicle access is provided), except that this standard does not apply where:
    a. The building subject to demolition or removal for relocation is not visible from the street frontage.
2. Landscaping areas must:
    a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
    b. have an average of one tree for every 5m of frontage;
    c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
    d. be designed to allow surface water run-off from surrounding areas to enter;
    e. be protected by a physical barrier that prevents cars damaging plants;
    f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a minimum height of 5m within 10 years of planting;
    g. be planted prior to occupation of any relevant building(s) or upon completion of site development activities; and
    h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any road frontage landscaping required by this rule.
4. Within any parking areas greater than 200m² (excluding loading areas), a minimum of 1m² of additional landscaped area must be provided for every parking space, with an average of one tree per 10m² of landscaping. This standard does not apply to sites used for yard based retail or sites with a street frontage of 12m or less.
5. Fencing must be provided along any boundaries which adjoin a residential or school zoned property (excluding roads). Fencing must:
    a. be constructed from solid timber paling; and
    b. have vertical palings which are butted together; and
    c. only have palings visible from the residential zone; and
    d. be a minimum of 1.8m high.
6. Activities that contravene this performance standard are restricted discretionary activities.

### Note 18.6.1A - Other requirements outside of the District Plan

1. The Dunedin City Council Commercial Use of Footpaths Policy applies to all objects placed on the footpath or suspended over it up to a height of 2.6m. Contact customer services on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.

## 18.6.2 Building Colour

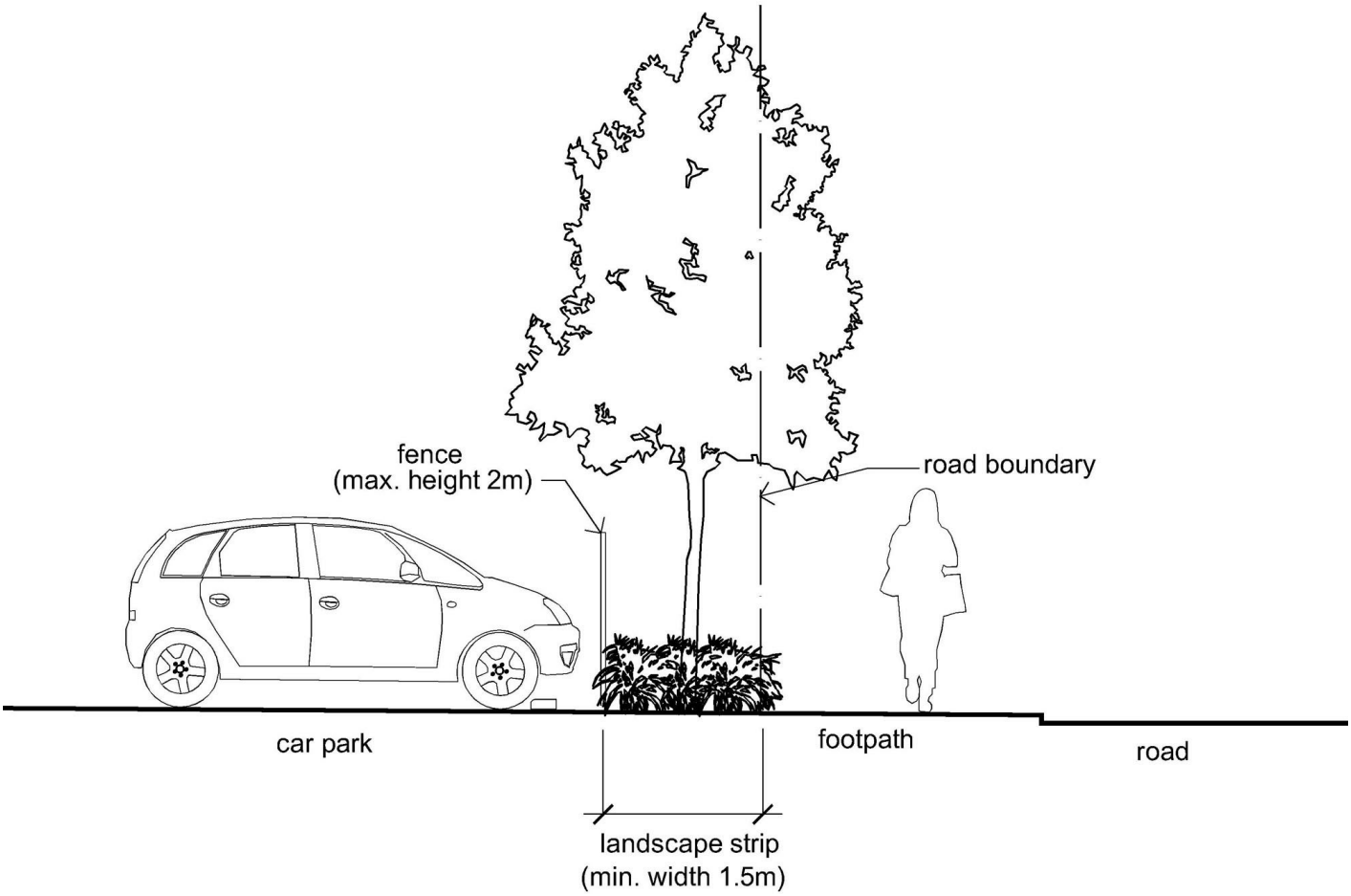
New buildings and structures, additions and alterations and repairs and maintenance in a commercial heritage

precinct must comply with Rule 13.3.1.

### 18.6.3 Fence Height and Design

1. The maximum height of a fence, freestanding wall, or gate is 2m along any side boundary or within 10m of the front boundary, unless completely screened from public view by buildings or established landscaping. For the purposes of calculating maximum height, where a fence or wall is erected atop a retaining wall, the height will be calculated as the combined height measured from ground level to the top of the fence, from the external side of the boundary.
2. Where landscaping is required by Rule 18.6.1, fences must be set back from the road an adequate distance to allow the landscaping to be located between the fence and the road (see Figure 18.6.3A).
3. Activities that contravene this performance standard are restricted discretionary activities.

Figure 18.6.3A: Street frontage landscaping and fencing



### 18.6.4 Firefighting

New residential buildings must comply with Rule 9.3.3.

### 18.6.5 Height

18.6.5.1 Height in relation to boundary

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

b. New buildings and additions and alterations to buildings on sites which adjoin the Recreation Zone along their side or rear boundary must comply with the height in relation to boundary performance standard of the Recreation Zone, along the adjoining boundary (see Rule 20.6.4.1).

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

18.6.5.2 Maximum and minimum height

a. New buildings and structures, and additions and alterations must comply with the following:

| Zone/Centre | | 1. Minimum height of buildings (above ground level) | 2. Minimum number of storeys for buildings (above ground level) | 3. Maximum height of buildings and structures (above ground level) | 4. Maximum number of storeys for buildings(above ground) |
|---|---|---|---|---|---|
| i. | Central Business District Zone (CBD) | | | | |
| | 1. On sites which adjoin George Street | 8m | 2 storeys | 12m | 3 storeys |
| | 2. On sites which do not adjoin George Street | 8m | 2 storeys | 16m | 4 storeys |
| ii. | Warehouse Precinct Zone | 8m | 2 storeys | 16m | 4 storeys |
| iii. | Princes, Parry and Harrow Street Zone | | | | |
| | 1. On sites located in the **PPH Zone height mapped area** (see Figure 18.6.5.2A) | 6m | 1 storey | 20m | — |
| | 2. On sites located outside the **PPH Zone height mapped area** | 6m | 1 storey | 12m | — |
| iv. | CBD Edge Commercial North Zone | 6m | 1 storey | 20m | — |
| v. | CBD Edge Commercial South Zone | 6m | 1 storey | 16m | — |
| v. | Smith Street and York Place Zone | 8m | 2 storeys | 12m | 3 storeys |
| vi. | Trade Related and South Dunedin Large Format zones | — | — | 16m | — |
| vii. | Centres | — | — | 12m | 3 storeys |

viii. Except:

1. Additions to scheduled heritage buildings and character-contributing buildings may exceed the

maximum height limit within the Central Business District and centres zones and CBD Edge Mixed Use zones, as long as that addition is:

1. set back a minimum of 6m from the street frontage façade of the building;
2. set back a minimum of 6m from the façade of the building which adjoins a residential or recreation zoned site; and
3. a maximum height of 4m above the maximum height of an existing building.

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

X. In the **Campus mapped area** north of Albany Street:

1. The maximum height for new buildings, new structures and additions and alterations is 12m above ground level at the boundary of the **Campus mapped area** along road frontages, then following a plane rising at an angle of 30 degrees up to a maximum height of 25m.
2. Rooftop structures are exempt from the performance standard for maximum height provided they do not exceed the maximum height limit by more than 5m.
3. Activities that contravene the performance standard for maximum height but are no greater than 40m in height are a restricted discretionary activity.
4. Activities that are over 40m in height are a non-complying activity.

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

Figure 18.6.5.2A: **PPH Zone height mapped area**

### Note 18.6.5.2A - Other relevant District Plan provisions

1. The performance standard for Height for the Harbourside Edge Zone is included in Rule 18.6.17.1.

### 18.6.6 Natural Hazards Performance Standards

18.6.6.1 Hazard exclusion areas (**swale mapped area**)

New buildings and structures, and additions and alterations in the Rural Centre Zone located in a **swale mapped area** must comply with Rule 11.3.1.1.

18.6.6.2 Maximum area of vegetation clearance in the hazard overlay zones

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

18.6.6.3 Relocatable buildings

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

### 18.6.7 Hazardous Substances Quantity Limits and Storage Requirements

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

### 18.6.8 Location and Screening of Car Parking

1. Within a heritage precinct (except View Street Heritage Precinct) or on sites that adjoin a **primary pedestrian street frontage mapped area**, new extensions to parking areas must be located behind or within a building.
2. Parking areas that contravene this performance standard are a non-complying activity.

**Note 18.6.8A Other relevant District Plan provision**

1. Car parking that is provided within a building is subject to the performance standards for new buildings. Within a primary pedestrian street frontage there are also restrictions on the activities that can occupy the ground floor facing the primary pedestrian street frontage (Rule 18.5.4.1)
2. New or additions to parking areas are also subject to Rule 18.6.1 Boundary treatments and other landscaping.

### 18.6.9 Location and Screening of Outdoor Storage

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

### 18.6.10 Materials and Design

Earthquake strengthening must comply with Rule 13.3.2.

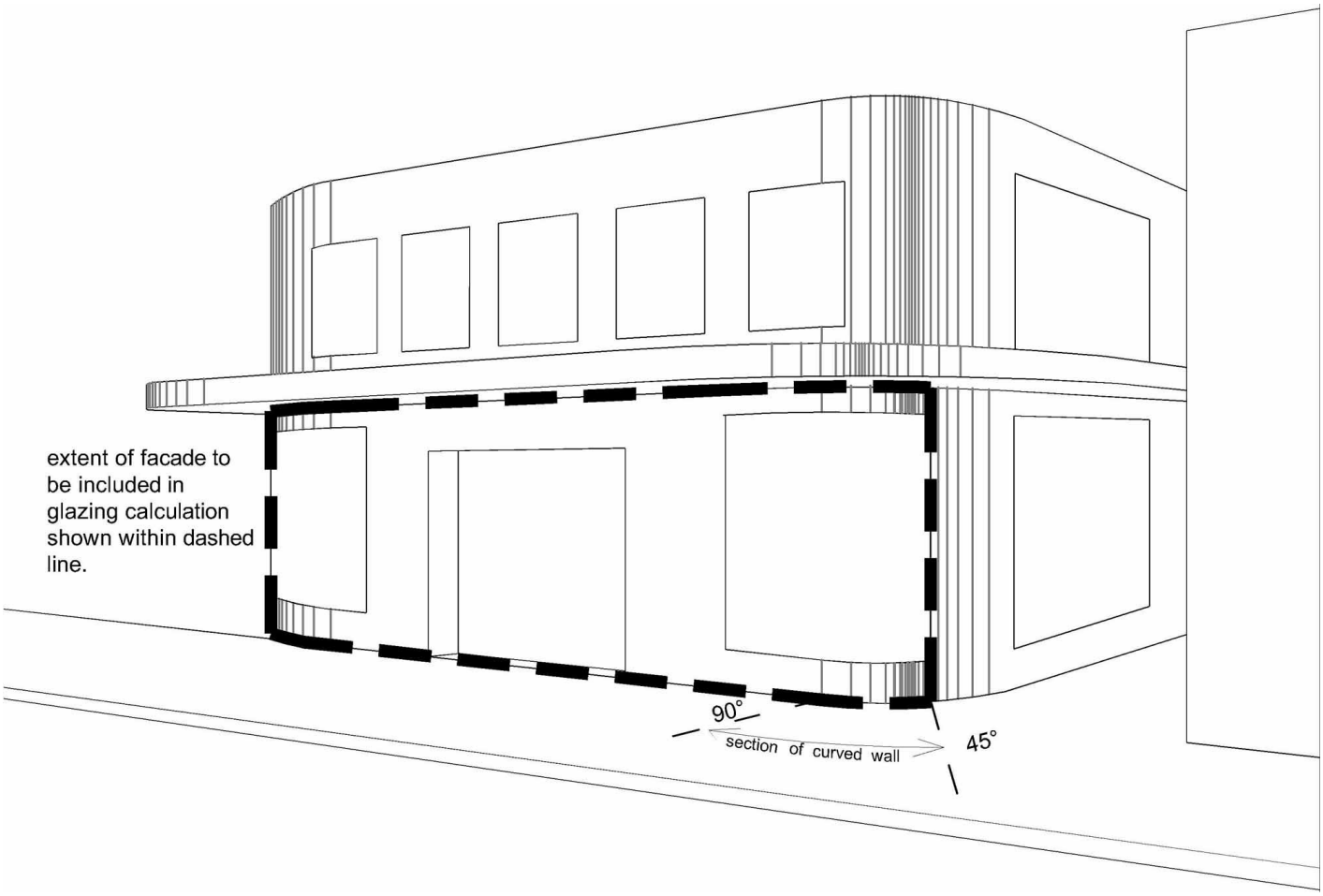
### 18.6.11 Minimum Glazing and Building Modulation

1. The minimum building modulation and minimum glazing requirements for any parts of a new building or additions and alterations to a building which face, and are visible from, the following street frontages, is as follows:

| Street frontage | | i. Floor level | | ii. Maximum distance between building modulation elements | iii. Minimum glazing |
|---|---|---|---|---|---|
| a. | **Primary pedestrian street frontage mapped area** | i. | Ground floor | 10m | 60% |
| | | ii. | Upper floors | 10m | 30% |
| b. | **Secondary pedestrian street frontage mapped area** | i. | Ground floor | 15m | 30% |
| | | ii. | Upper floors | 15m | 20% |
| c. | Other street frontage | i. | All floors | 20m, or | 20% |

2. Buildings must meet both the building modulation and minimum glazing standards in **pedestrian street frontage mapped areas**; in all other street frontages, they must only meet one of the standards.
3. The required glazing will be calculated as a percentage of the total wall area (from floor to ceiling) that faces the street frontage and that includes clear glass. In the case of curved walls, the wall area will be calculated as the part of the wall which is 45º either side of a point directly facing (parallel to) the street frontage (see Figure 18.6.11A).
4. Ground floor glazing that is required by this rule must be clear (unobstructed from signage, glass frosting or other materials attached to the glazing that prevents glazing being visually permeable) for a minimum of 50% of the glazed area.
5. This standard does not apply to scheduled heritage buildings or within the Trade Related and South Dunedin Large Format zones.
6. Activities that contravene this performance standard are restricted discretionary activities.

Figure 18.6.11A: Extent of building façade included in minimum glazing calculation




## 18.6.12 Minimum Ground Floor to Ceiling Height

1. New buildings and additions and alterations to buildings adjacent to a **primary pedestrian street frontage mapped area** must have a minimum ground floor to ceiling height of 4m for a minimum depth of 6m from the front of the building along the **primary pedestrian street frontage mapped area**.
2. Activities that contravene this performance standard are restricted discretionary activities.

## 18.6.13 Number, Location and Design of Ancillary Signs

18.6.13.1 General

X. Signs must comply with the following standards, except the following signs are exempt from these standards:

i. signs that are ancillary to campus activity that are not visible from outside of the **Campus mapped area**;
ii. regulatory signs, warning signs, or directional signs; and
iii. building names signs (excluding sponsorship names) in the **Campus mapped area**.

Y. Signs located on or above the footpath must comply with Rule 6.7.2.
Z. Signs must comply with Rule 6.7.3 where visible from a road.
AA. Signs must not be flashing within heritage precincts or the Harbourside Edge Zone or where visible from road reserves adjoining **pedestrian street frontage mapped areas** and must not be illuminated or digital within heritage precincts.
AB. Signs higher than 4m above ground level must only display the business name.

AC. Signs must comply with Rules 18.6.13.2-18.6.13.6 (where relevant).
AD. Signs related to restaurants ancillary to: food and beverage retail 1,500m² or more in gross floor area or trade related retail, in the Trade Related and South Dunedin Large Format zones must not be externally facing (i.e. must not be visible from a public place).
AE. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.

18.6.13.2 Signs attached to buildings

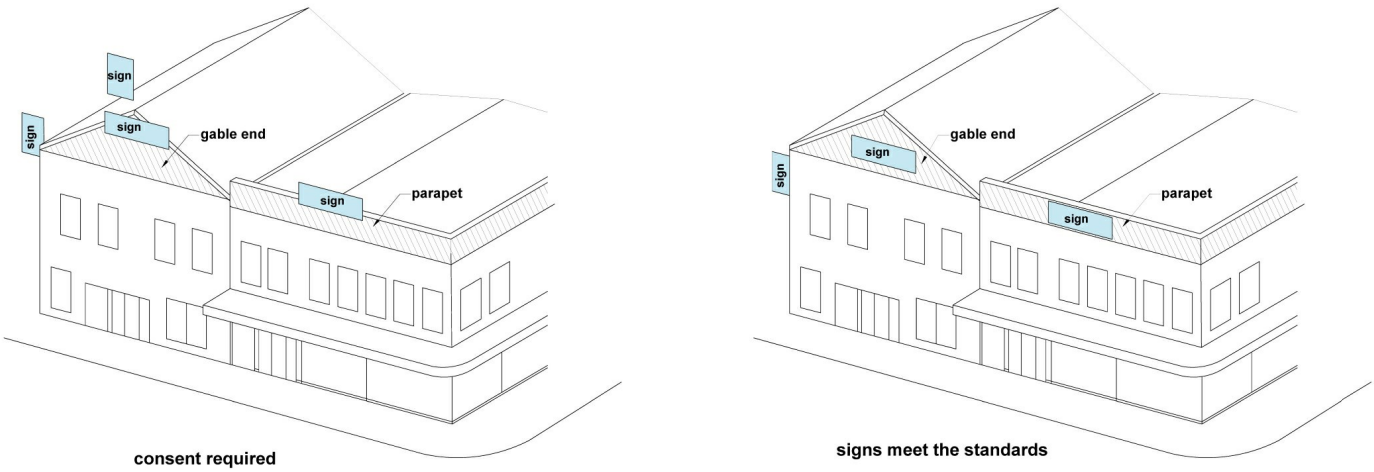
a. The height, above ground level, at the highest point of any sign, attached to a building is:
   i. 4m within heritage precincts or the Harbourside Edge Zone or where visible from road reserves adjoining **pedestrian street frontage mapped areas** (see Figure 18.6.13.6A); and
   ii. 8m in all other locations.

b. Signs must not be attached to roofs.

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

d. Signs must be made of a solid material and may not be in the form of a flag, banner or other type of fabric sign in heritage precincts or the Harbourside Edge Zone or where visible from road reserve adjoining **pedestrian street frontage mapped areas**.

Figure 18.6.13.2A: Signs attached to buildings



18.6.13.3 Signs attached flat against buildings (including verandah fascia)

a. The maximum area of walls facing the street that signs may occupy (excluding signs in windows) is:
    i. 50% of the area up to 4m or the bottom of a verandah, whichever is the lesser, in heritage precincts or the Harbourside Edge Zone or where visible from road reserves adjoining **pedestrian street frontage mapped areas** (see Figure 18.6.13.6A); and
    ii. 15% or 8m², whichever is the lesser, in all other locations.

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

18.6.13.4 Signs attached at a right angle to the façade of a building (including attached to the underside of a verandah)

a. Signs must not exceed:
    i. a maximum of 1 per 5m of street frontage, in heritage precincts or the Harbourside Edge Zone or where visible from road reserves adjoining **pedestrian street frontage mapped areas** (see Figure 18.6.13.6A);
    ii. a maximum of 1 per 15m of street frontage, for a site with a single premise, or 1 per 7.5m, for a site with multiple premises; and
    iii. in all locations, a total of 3 signs per building.

b. Signs must have a maximum of 2 display faces.

c. Signs must have a maximum area per display face of:
    i. 1.5m² in heritage precincts or the Harbourside Edge Zone or where visible from road reserves adjoining **pedestrian street frontage mapped areas**; and
    ii. 2m² in all other locations.

d. Signs must not protrude from a façade more than:
    i. 1m in heritage precincts or the Harbourside Edge Zone or where visible from road reserves adjoining **pedestrian street frontage mapped areas**; and
    ii. 1.5m in all other locations.

18.6.13.5 Portable freestanding signs on footpaths

a. In heritage precincts, the CBD Zone, centres zones, Harbourside Edge Zone, Princes, Parry and Harrow Street Zone, CBD Edge Commercial Zones, or where visible from road reserves adjoining **pedestrian street frontage mapped areas**, portable freestanding signs on footpaths are only allowed for premises that have no ground floor street frontage (other than entranceways).

b. Portable freestanding signs on footpaths must not exceed:
    i. a maximum height of 900mm above ground level; and
    ii. a maximum width of 600mm.

c. Portable freestanding signs on footpaths must be spaced at least 5m from any other portable sign.

d. Portable freestanding signs on footpaths must not exceed 1 sign per site, except where a site has a street frontage of 30m or more, then a maximum of 1 sign per 15m of street frontage is allowed.

e. In the Trade Related and South Dunedin Large Format zones, portable signs on footpaths are not allowed.

18.6.13.6 Freestanding signs

a. The maximum number of freestanding signs is:
    i. 1 per site in heritage precincts or the Harbourside Edge Zone or where visible from road reserves

adjoining **pedestrian street frontage mapped areas**; and

ii. 2 per site or 1 per 50m of street frontage, whichever is the lesser, for permanently fixed freestanding signs in all other locations.

b. The maximum dimensions of freestanding signs are:
   i. In heritage precincts or the Harbourside Edge Zone or where visible from road reserves adjoining **pedestrian street frontage mapped areas**:
      1. maximum height of 4m;
      2. maximum area of 3m² per display face;
      3. maximum width of 2m; and
      4. maximum depth of 400mm
   ii. In Trade Related and South Dunedin Large Format zones (see Figure 18.6.13.6B):
      1. maximum height of 8m for permanently fixed freestanding signs;
      2. maximum height of 4m for portable freestanding signs;
      3. maximum area of 16m² per display face for permanently fixed freestanding signs;
      4. maximum area of 8m² per display face for portable freestanding signs;
      5. maximum width of 2m; and
      6. maximum depth of 400mm.
   iii. In all other locations (see Figure 18.6.13.6C):
      1. maximum height of 6m for permanently fixed freestanding signs;
      2. maximum height of 4m for portable freestanding signs;
      3. maximum area of 12m² per display face for permanently fixed freestanding signs;
      4. maximum area of 8m² per display face for portable freestanding signs;
      5. maximum width of 2m; and
      6. maximum depth of 400mm.

c. Freestanding signs must:
   i. not obstruct parking, loading and access areas; and
   ii. be positioned entirely within site boundaries, except:
      1. flag signs within the CBD and centres zones (outside heritage precincts, and areas of the road reserve that adjoin **pedestrian street frontage mapped areas**) and within PPH, CEC and TR zones may project a maximum of 1.5m over a footpath if the flag sign is located at least 2.5m, at its lowest point, above the footpath; and
      2. portable freestanding signs on footpaths provided for in Rule 18.6.13.5.

Figure 18.6.13.6A: Signs in **pedestrian street frontage mapped areas**, heritage precincts and Harbourside Edge Zone

**Signs attached to buildings:**
50% of wall area(excluding glazing) at a maximum height of 4m above ground level

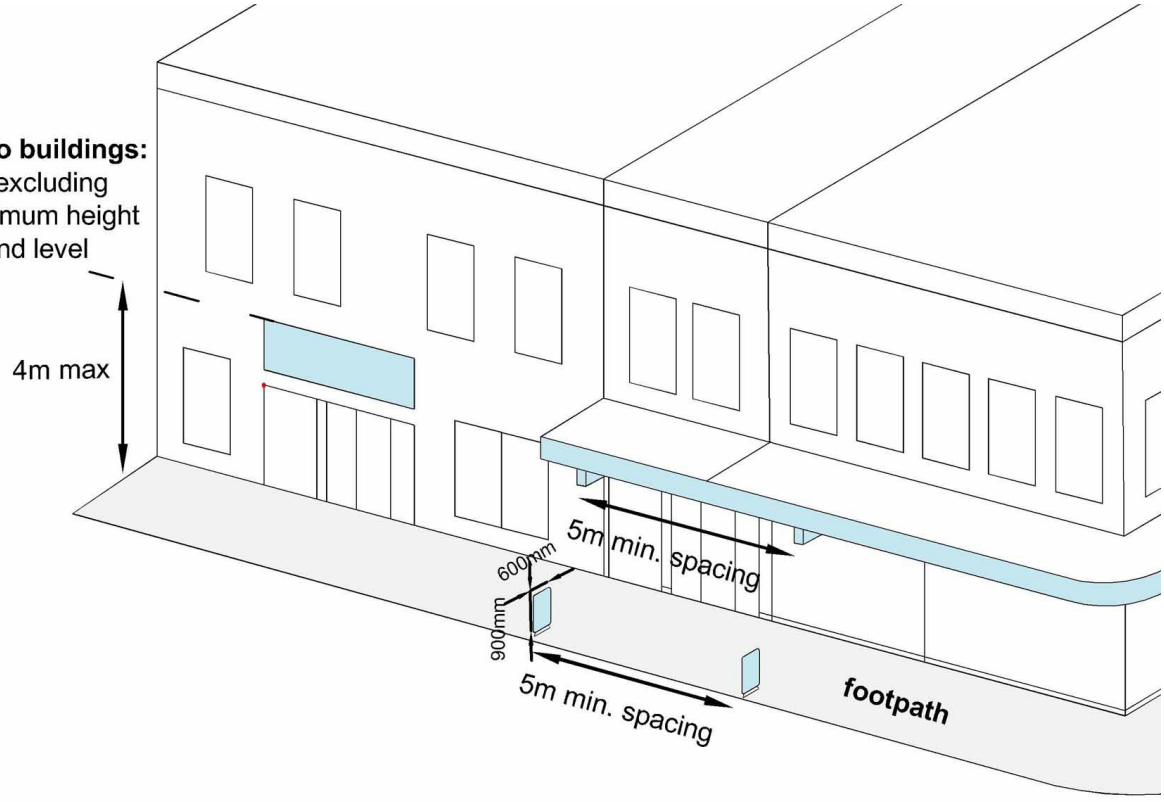


Figure 18.6.13.6B: Signs in the Trade Related and South Dunedin Large Format zones

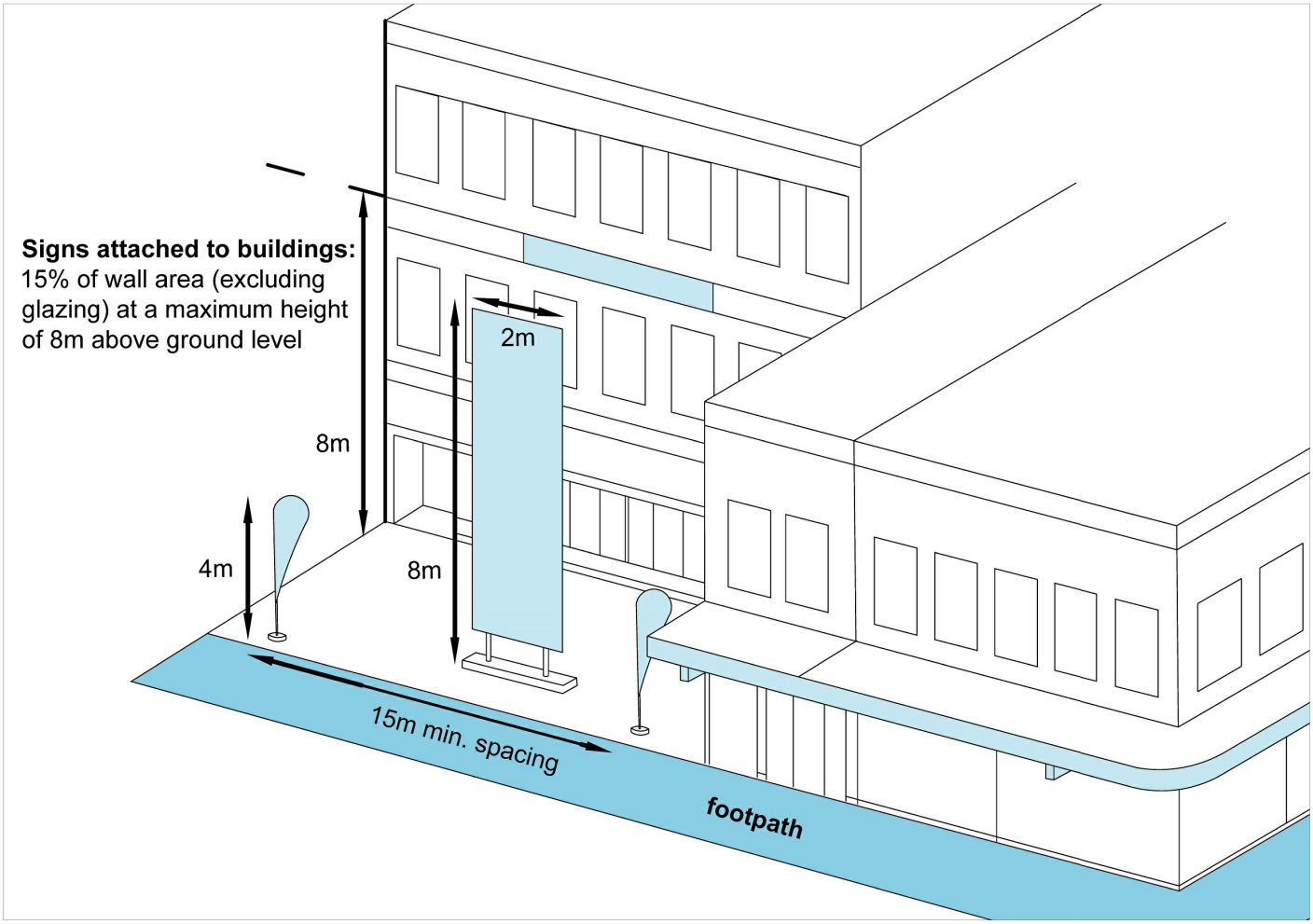
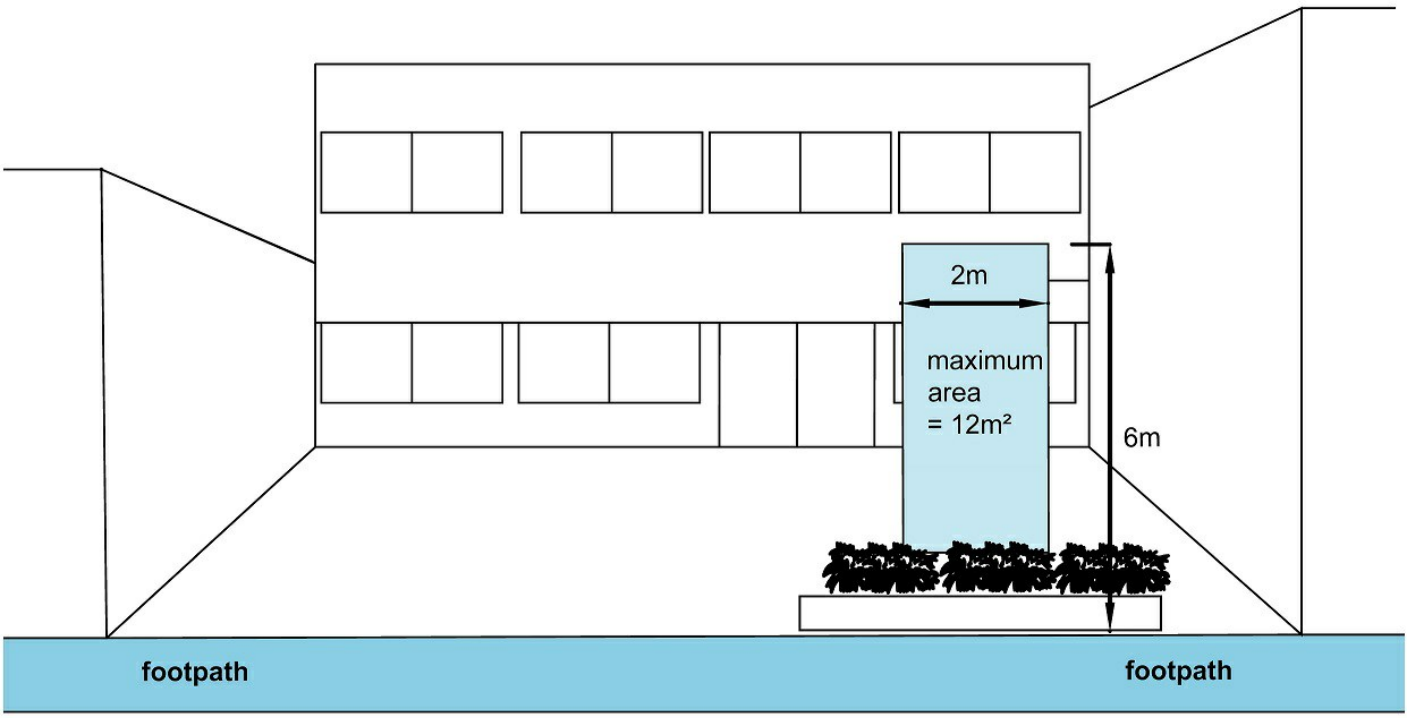


Figure 18.6.13.6C: Signs in all other locations.




### Note 18.6.13A - Other relevant District Plan provisions

1. Commercial advertising is a non-complying land use activity in all zones, except for the Airport Zone.
2. See Section 3 Public Amenities for the rules related to public noticeboards.
3. See Section 4 Temporary Activities for the rules related to temporary signs.
4. Illuminated signs must comply with the standards in Rule 6.7.3.

### Note 18.6.13B - Other requirements outside of the District Plan

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

## 18.6.14 Parking, Loading and Access Standards

1. Parking, loading and access must comply with Rule 6.6.
2. New vehicle accesses are not allowed across any **primary pedestrian street frontage mapped area**.
3. Vehicle accesses that contravene the performance standard in Rule 18.6.14.2 are a non-complying activity.

### 18.6.15 Pedestrian Entrances

1. For new buildings and additions and alterations to buildings built adjacent to a **primary pedestrian street frontage mapped area** or **secondary pedestrian street frontage mapped area**:
   a. the principal pedestrian entrance must be located on the **pedestrian street frontage mapped area**; and
   b. if a building is adjacent to both a **primary pedestrian street frontage mapped area** and a **secondary pedestrian street frontage mapped area**, the principal pedestrian entrance must be located on the primary pedestrian street frontage.
   c. Activities that contravene this performance standard are restricted discretionary activities.

### 18.6.16 Setbacks

18.6.16.1 Setback from road boundaries

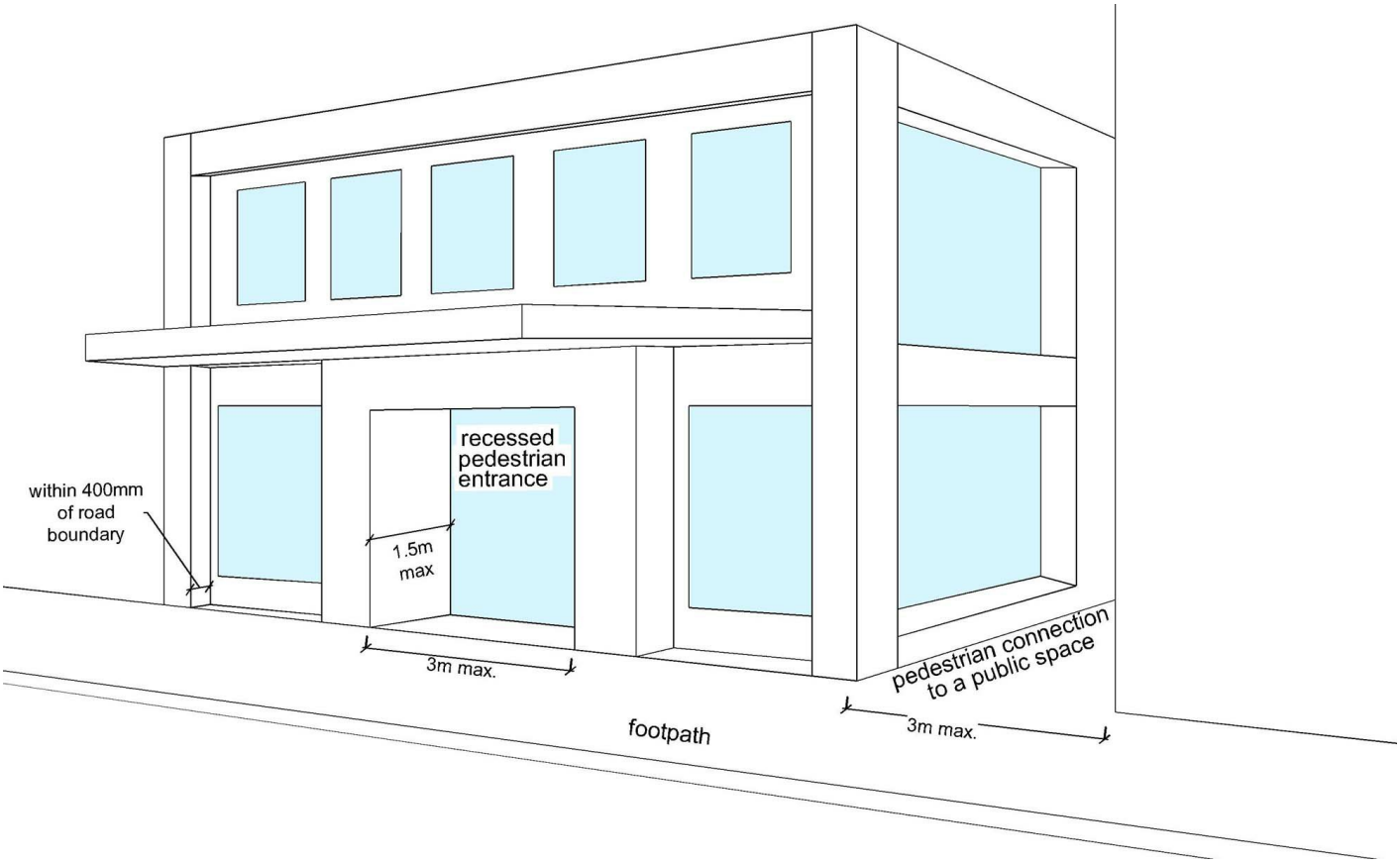
a. New buildings and additions and alterations to buildings must be built within 400mm of any road boundary that is a **primary pedestrian street frontage mapped area** (i.e. they must occupy the full width of the site, parallel to the road boundary), for the entire length of the **primary pedestrian street frontage mapped area**, except:
   i. a setback of up to 1.5m for a maximum width of 3m may be provided to allow for a recessed pedestrian entrance;
   ii. a gap adjacent to the side boundary of up to 3m may be provided to allow for a publicly-accessible pedestrian connection from the street, to an existing or proposed public walkway, road, reserve or other public place (see Figure 18.6.16.1A); and
   iii. on any part of a site that adjoins a residential or recreation zone and where Rule 18.6.16.2 (setback from boundaries of residential or recreation zone) applies.

b. New buildings and additions and alterations to buildings must be built within 400mm of any road boundary that is a **secondary pedestrian street frontage mapped area** for 60% of the length of the **secondary pedestrian street frontage mapped area**, except a setback of up to 1.5m for a maximum width of 3m may be provided to allow for a recessed pedestrian entrance.

c. On a secondary pedestrian street frontage mapped area, any part of a building not built within 400mm of the road boundary, must be set back a minimum of 1.5m from the street frontage, in order to meet Rule 18.6.1.

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

Figure 18.6.16.1A: Setback from a **primary pedestrian street frontage mapped area**




18.6.16.2: Setback from boundaries of residential or recreation zoned sites

a. Along any boundaries that adjoin a residential or recreation zone, all new buildings or additions and alterations to buildings must have a minimum boundary setback of 3m.

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

18.6.16.3: Setback from scheduled tree

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

18.6.16.4: Setback from coast and water bodies

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

18.6.16.5 Setback from National Grid

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

18.6.16.Y Setback from Critical Electricity Distribution Infrastructure

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

### 18.6.17 Harbourside Edge Zone Standards

The following standards apply only within the Harbourside Edge Zone.

1. New buildings must comply with the following:

| Area | i. Minimum Height | ii. Maximum Height |
|---|---|---|
| a. **Harbourside edge height mapped area** (see Figure 18.6.17A) | 6m | 20m |
| b. Harbourside Edge Zone outside the **harbourside edge height mapped area** | 6m | 16m |
| c. Harbourside Edge Transition Overlay Zone (when it is released) | 6m | 16m |

2. New buildings and structures, and additions and alterations must be designed to enable public pedestrian access through from Birch, Fryatt and Kitchener Streets to the public walkway required in Rule 18.6.17.3, at a minimum of five locations, as follows:
    a. one accessway must be located within 5m of the 'Roberts Street public accessway' shown on Figure 18.6.17B;
    b. four further accessways must be located in the general area of the 'other public accessways' shown on Figure 18.6.17B;
    c. the accessways must be available for public use between the hours of 8.00am and 10.00pm; and
    d. the accessways may be external to or internal to (through) buildings.

3. For all sites that have a boundary with the coastal marine area, before any new building on a site is occupied, a public walkway must be provided along the full length of the seaward side of the site in the general location of the **harbourside edge public walkway mapped area** (see also Figure 18.6.17B). The public walkway must be either:
    a. along the wharf, if it is upgraded to a safe standard;
    b. along the land between the external seaward wall of the building and mean high water springs; or
    c. partly along the wharf and partly on the land between the external seaward wall of the building and mean high water springs.

4. The public walkway required by Rule 18.6.17.3 must:
    a. have a minimum width of 5m;
    b. be designed and located to enable the continuation of the walkway into any adjacent site where it is required by this plan;
    c. be free of all obstructions to pedestrian movement;
    d. not be used by vehicles, except for using or accessing the slipway, or vehicles being used for maintenance of the wharf, the walkway or any adjacent structure or building;
    e. be constructed with a non-slip finish with materials complementary in colour to the materials used for the adjoining sections of walkway, if already constructed; and
    f. be lit to the Lighting for Roads and Public Spaces AS/NZS 1158.3.1:2005, P4 Standard.

5. Activities that contravene rules 18.6.17.1, 18.6.17.2, or 18.6.17.4 are a restricted discretionary activity.

6. Activities that contravene Rule 18.6.17.3 are a non-complying activity.

Figure 18.6.17A: **Harbourside Edge height mapped area**

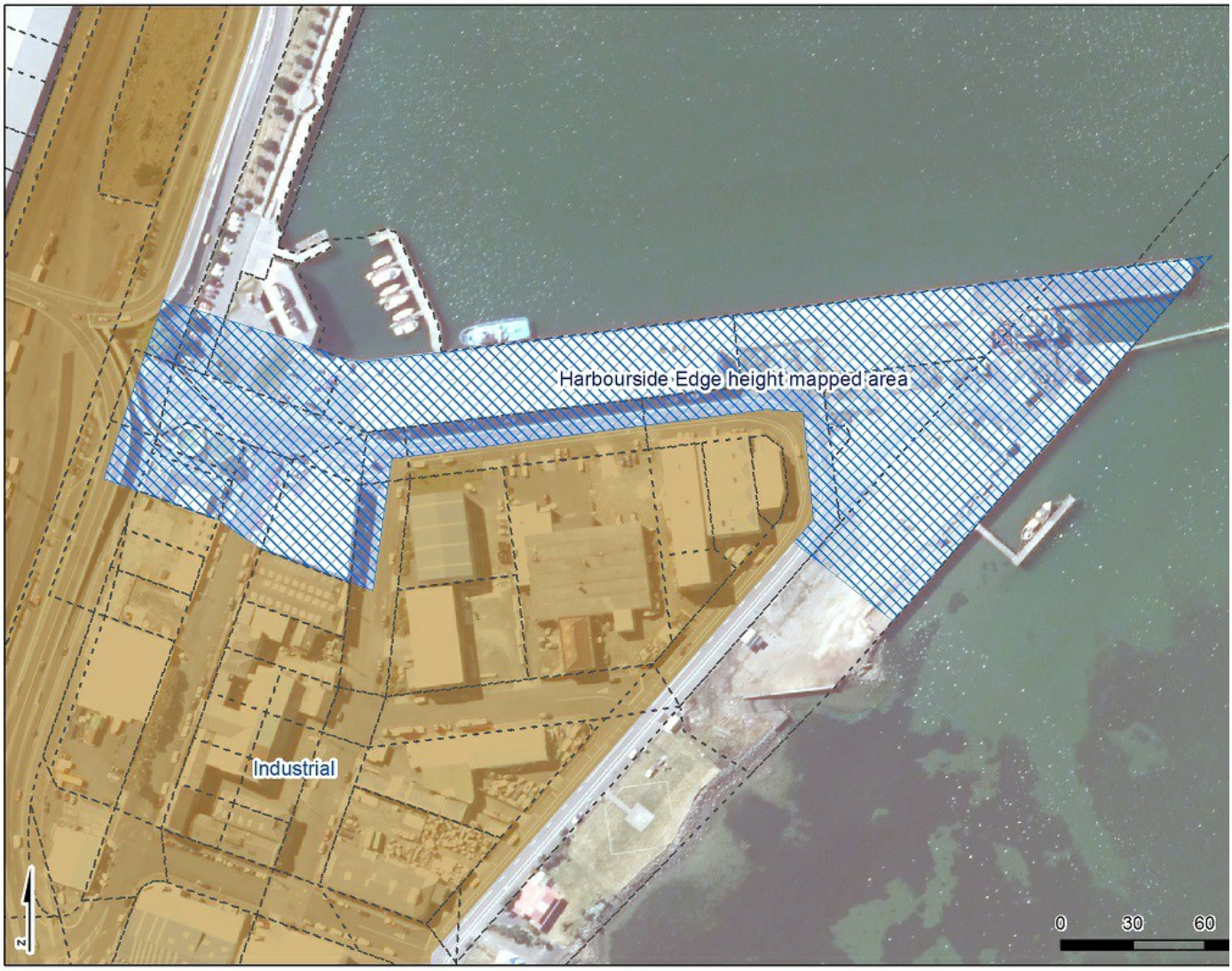


Figure 18.6.17B: **Harbourside Edge public walkway mapped area** and location of accessways

## 18.6.18 Verandahs

1. New buildings and additions and alterations to buildings along a **primary pedestrian street frontage mapped area,** except within the St Clair Neighbourhood Destination Centre, must have a verandah that:
   a. extends the full length of building frontage along the **primary pedestrian street frontage mapped area** and adjoins its neighbours (except across any existing vehicle access) to provide continuous pedestrian cover of the footpath;
   b. has a maximum depth of 3m or is no closer than 500mm from the adjacent kerb (whichever is the lesser);
   c. the bottom of which is between 3m and 4m above the footpath;
   d. has a fascia that is no higher than 500mm;
   e. provides under lighting unless the building provides lighting of the footpath under the verandah; and
   f. on corner sites, continues around the corner for the full length of the **primary pedestrian street frontage mapped area**.

2. Along a **secondary pedestrian street frontage mapped area**, except within the Warehouse Industrial Commercial Heritage Precinct, new buildings and additions and alterations to buildings must have a verandah that covers the full width of the main pedestrian entrance.
3. Scheduled heritage buildings that do not have an existing verandah are exempt from this standard.
4. Activities that contravene this performance standard are restricted discretionary activities.

# Rule 18.7 Subdivision Performance Standards

## 18.7.1 Access

Subdivision activities must comply with Rule 6.8.1.

## 18.7.2 Esplanade Reserves and Strips

Subdivision activities must comply with Rule 10.3.1.

## 18.7.3 Firefighting

Subdivision activities must comply with Rule 9.3.3.

## 18.7.4 Service Connections

Subdivision activities must comply with Rule 9.3.7.

## 18.7.5 Shape

1. Each resultant site that is intended to be developed must be of a size and shape that is large enough to contain a building platform of at least 100m² that meets the performance standards of this Plan including, but not limited to:
    a. NA;
    b. setbacks from boundaries, water bodies, scheduled trees; and
    c. esplanade reserves or strips.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must not contain:
    a. scheduled heritage buildings or scheduled heritage structures; or
    b. right-of-way easements.
    c. NA.
3. For unreticulated areas, resultant sites must provide for a wastewater disposal area to be located at least 50m from any water body and Mean High Water Springs.
4. Sites created and used solely for the following purposes are exempt from the shape standard:
    a. Scheduled ASBV or QEII covenant;
    b. reserve;
    c. access;
    d. network utility; or
    e. road.
5. Subdivision activities that do not meet this standard are restricted discretionary activities.

### 18.7.X Setback from National Grid

Subdivision activities must comply with Rule 5.6.1.X.

## Rule 18.8 Assessment of Controlled Activities

### Rule 18.8.1 Introduction

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rule 18.8.2:
   a. lists the matters over which Council has reserved its control; and
   b. provides guidance on how consent applications will be assessed, including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
      ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
   a. if the contravention of the performance standard defaults to **restricted discretionary** then:
      i. the activity, as a whole, will be treated as **restricted discretionary**; and
      ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
      iii. the performance standard contravention will be assessed as indicated in Section 18.9; and
      iv. the matters of control become matters of discretion and will be assessed as indicated in this section.
   b. if the contravention of the performance standard defaults to **discretionary** then:
      i. the activity, as a whole, will be treated as **discretionary**; and
      ii. the performance standard contravention will be assessed as indicated in Section 18.11; 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 18.12; and
      iii. the assessment guidance in this section will also be considered.

| 18.8.2 Assessment of controlled development activities | | | |
|---|---|---|---|
| Activity | | Matters of control | Guidance on the assessment of resource consents |
| 1. | Affecting a scheduled heritage building or a scheduled heritage structure:<br>• Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected; or<br>• Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1). | a. Effects on heritage values | See Rule 13.4 |
| 2. | In a heritage precinct, additions and alterations to a non character-contributing building that involve:<br>• an increase in the footprint of 10m² or more; or<br>• an increase in the height of the building by more than 2m. | a. Effect on heritage streetscape character | See Rule 13.4 |

# Rule 18.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

## Rule 18.9.1 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 18.9.2 - 18.9.6:
    a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.
3. Rules 18.9.2 - 18.9.6 apply as follows:
    a. Rule 18.9.2 applies to all performance standard contraventions;
    b. Rule 18.9.3 applies to land use performance standard contraventions;
    c. Rule 18.9.4 applies to development performance standard contraventions;
    d. Rule 18.9.5 applies to subdivision performance standard contraventions; and
    e. Rule 18.9.6 applies to restricted discretionary performance standard contraventions in a pedestrian street frontage, overlay zone, mapped area, heritage precinct, or affecting a scheduled item.

| 18.9.2 Assessment of all performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | Performance standard contraventions | *Potential circumstances that may support a consent application include:*<br>a. The degree of non-compliance with the performance standard is minor.<br>b. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur.<br>c. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan.<br>d. There are positive effects on heritage values related to better site design outcomes achieved through not meeting the performance standards.<br>*General assessment criteria:*<br>e. Where more than one standard is contravened, the combined effects of the contraventions should be considered.<br>f. In balancing consideration of the objectives and policies related to the maintenance of heritage values or heritage precinct streetscape character and those related to general amenity, greater weight will usually be placed on heritage policies. |

| 18.9.3 Assessment of land use performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 2. | Maximum gross area of centre (Rule 18.5.5.1) | a. Effects on the vibrancy, and economic and social success of the CBD and centres | *Relevant objectives and policies:*<br>i. Objective 18.2.1<br>ii. Activities in neighbourhood and rural centres:<br>1. are not a destination retail activity designed to attract customers from across suburbs, which are more appropriately located in the CBD or other central city commercial and mixed use zones; and<br>2. do not dominate the centre and reduce the diversity of different activities that are able to establish within the centre (Policy 18.2.1.8). |
| 3. | Maximum gross floor area of dairies | a. Effects on the vibrancy, and economic and social success of the CBD and centres | *Relevant objectives and policies:*<br>i. Objective 18.2.1<br>ii. Dairies are of a size that ensures they operate as a convenience store rather than a destination supermarket (Policy 18.2.1.11).<br>*Potential circumstances that may support a consent application include:*<br>iii. The dairy serves the local neighbourhood and primarily sells day-to-day convenience food, beverage and house consumables, for example milk and bread. |

| 18.9.3 Assessment of land use performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 4. | Maximum gross floor area of retail ancillary to industry | a. Effects on the vibrancy, and economic and social success of the CBD and centres<br>b. Effects on ability of other commercial and industrial activities to operate | *Relevant objectives and policies:*<br>i. Objective 18.2.1<br>ii. The size of retail ancillary to industry:<br>1. is clearly subordinate to and part of the operation of the primary industry activity;<br>2. does not conflict with objectives 2.3.2 and 2.4.3; and<br>3. does not create adverse effects on other industrial activities, for example from traffic, parking, or reverse sensitivity (Policy 18.2.1.7). |
| 5. | Minimum mobility car parking | a. Effects on accessibility<br>b. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 6. | • Minimum vehicle loading<br>• Service station standards | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 7. | Location of residential activities | a. Reverse sensitivity effects | *Relevant objectives and policies:*<br>i. Objective 18.2.2<br>ii. The potential for reverse sensitivity is avoided or, if avoidance is not practicable, adequately mitigated (Policy 18.2.2.11). |

| 18.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Boundary treatments and other landscaping | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 18.2.3<br>ii. Development maintains or enhances streetscape amenity by ensuring:<br>1. an attractive street interface is maintained through landscaping where buildings are not built to the street frontage (Policy 18.2.3.1.a); and<br>2. large parking areas which are visible from the street are visually broken up with internal landscaping, which also provides for rainwater absorption (Policy 18.2.3.1.b). |
| 2. | • Boundary treatments and other landscaping<br>• Height in relation to boundary<br>• Setback from boundaries of residential and recreation zoned sites | a. Effects on amenity of sites in adjoining residential or recreation zones | *Relevant objectives and policies:*<br>i. Objective 18.2.2<br>ii. Buildings are of a height in relation to boundary and setback from side and rear boundaries that maintains a reasonable level of sunlight access for:<br>1. current and future residential buildings and their outdoor living spaces in adjoining residential zones; and<br>2. sites in the Recreation and School zones (Policy 18.2.2.3).<br>iii. Fencing along property boundaries which adjoin residential or school zoned sites are of an adequate height and design to provide screening for the purposes of privacy and security (Policy 18.2.2.1).<br>*Potential circumstances that may support a consent application include:*<br>iv. Access to sunlight to the outdoor living space(s) and windows of bedrooms and living areas of nearby residential buildings is maintained or any reduction is minor.<br>v. Access to sunlight on surrounding recreation areas is maintained or any reduction is minor.<br>vi. A reasonable level of privacy is maintained for the windows, doors, and decks of any residential and visitor accommodation on surrounding residential zoned sites. |
| 3. | Fence height and design | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 18.2.3<br>ii. Fences visible from public places are designed to maintain or enhance streetscape amenity (Policy 18.2.3.6). |
| 4. | Firefighting | a. Effects on health and safety | See Rule 9.5 |

| 18.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 5. | Hazardous substances quantity limits and storage requirements | a. Effects on health and safety | See Rule 9.5 |
| 6. | Height (Rule 18.6.5.2) - maximum and minimum height (except as covered under 18.9.6.X below) | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 2.4.1<br>ii. Objective 18.2.3<br>iii. Buildings and structures maintain or enhance streetscape amenity by ensuring building height reflects the general heights of the block (Policy 18.2.3.11.a).<br>iv. Buildings and additions and alterations as part of the Dunedin Hospital redevelopment maintain or enhance streetscape amenity by ensuring buildings and structures above 20m minimise as far as practicable adverse effects of shading and wind on pedestrian amenity (Policy 18.2.3.13.b) |
| | | b. Effects on views across Otago Harbour | *Relevant objectives and policies:*<br>i. Objective 2.4.3<br>ii. Objective 18.2.3<br>iii. Buildings and structures minimise as far as practicable adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the harbour towards the Otago Peninsula, including through the use of quality and contextually appropriate architectural design (Policy 18.2.3.11.b). |
| 7. | Location and screening of outdoor storage | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 18.2.3<br>ii. Development maintains or enhances streetscape amenity by ensuring service areas and outdoor storage areas associated with industrial or other activities are not visible from ground level of a public place (Policy 18.2.3.1.c). |
| 8. | Minimum glazing and building modulation | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 18.2.3<br>ii. Development maintains or enhances streetscape amenity by ensuring an architecturally interesting façade through building modulation and use of glazing (Policy 18.2.3.1.d). |

| 18.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 9. | Number, location and design of ancillary signs | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 18.2.3<br>ii. Ancillary signs convey information about the name, location and nature of the business to passing pedestrians and vehicles while not being oversized or too numerous for that purpose (Policy 18.2.3.7).<br>*Potential circumstances that may support a consent application include:*<br>iii. An attractive streetscape is maintained.<br>iv. The visual cohesion of the street is not reduced by the increase in size or number of signs.<br>*General assessment guidance:*<br>v. For signs that do not comply with Rule 18.6.13.1.e (the restriction on signs for restaurants ancillary to trade related retail or food and beverage retail), Council will also consider the effects in terms of Policy 18.2.1.17 and Policy 18.2.1.18. |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 10. | Parking, loading and access standards | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| | | b. Effects on the safety of parking and loading areas | |
| 11. | Setback from coast and water bodies | a. Effects on biodiversity values and natural character of riparian margins and the coast | See Rule 10.5 |
| | | b. Effects on public access | |
| | | c. Risk from natural hazards | See Rule 11.4 |
| 12. | Setback from scheduled tree | a. Effects on long term health of tree | See Rule 7.6 |

| 18.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 13. | Harbourside Edge Zone Standards (18.6.17.1) - height | a. Effects on views across Otago Harbour<br>b. Effects on amenity and character of zone | *Relevant objectives and policies:*<br>i. Objectives 2.4.1, 18.2.3, Policy 2.4.1.4.<br>ii. Buildings and structures:<br>1. reflects the general heights of the block; and<br>2. minimises, as far as practicable, adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the upper harbour toward Otago Peninsula, including through the use of quality and contextually appropriate design (Policy 18.2.3.11).<br>iii. Buildings and additions and alterations to buildings provide a high level of amenity by being of a design that is coherent, appropriate to the setting and history of the area, and providing a positive relationship to both the street and the harbour (Policy 18.2.3.4.c). |
| 14. | Harbourside Edge Zone Standards (18.6.17.2) - access | a. Effects on amenity and character of zone | *Relevant objectives and policies:*<br>i. Objectives 2.4.1, 18.2.3<br>ii. Development in the Harbourside Edge Zone is designed and located to provide a high level of amenity by:<br>1. requiring public pedestrian access to and along the coast that is attractive, safe, durable, and readily accessible to the public (Policy 18.2.3.5.a); and<br>2. maintaining viewshafts from Roberts Street and Kitchener Street to and across the Steamer Basin (Policy 18.2.3.5.d). |
| 15. | Harbourside Edge Zone Standards (18.6.17.4) - walkway design | a. Effects on amenity and character of zone | *Relevant objectives and policies:*<br>i. Objectives 2.4.1, 18.2.3<br>ii. Development in the Harbourside Edge Zone is designed and located to provide a high level of amenity by requiring public pedestrian access to and along the coast that is attractive, safe, durable, and readily accessible to the public (Policy 18.2.3.5.a). |

| 18.9.5 Assessment of subdivision performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Access | a. Effects on accessibility | See Rule 6.10 |
| 2. | Esplanade reserves and strips | a. Effects on biodiversity values and natural character of riparian margins and the coast | See Rule 10.5 |
| | | b. Effects on public access | |
| 3. | Firefighting | a. Effects on health and safety | See Rule 9.5 |
| 4. | Service connections | a. Effects on efficiency and affordability of infrastructure | See Rule 9.5 |

| 18.9.5 Assessment of subdivision performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 5. | Shape | *Relevant objectives and policies:*<br>a. Objective 2.4.1<br>b. Subdivisions are designed to ensure any future land use or development of the resultant site is able to meet the performance standards in the zone, or where in a **structure plan mapped area**, reflects the requirements of the **structure plan mapped area** performance standards, unless:<br>i. a resource consent is approved for a development that does not meet the performance standard and the subdivision is intended for and capable of providing for that approved development; or<br>ii. the resultant site is required for:<br>1. a Scheduled ASBV;<br>2. a QEII covenant;<br>3. a reserve;<br>4. an access;<br>5. a utility; or<br>6. a road (Policy 2.4.1.8).<br>*General assessment guidance:*<br>c. Non-compliance with the performance standard for shape will be assessed based on which performance standard(s) the shape of the resultant site does not provide for compliance with. See matters of discretion and assessment rules in relation to performance standard contraventions for:<br>i. NA;<br>ii. boundary setbacks;<br>iii. setback from scheduled tree; and<br>iv. setbacks from water bodies.<br>v. NA.<br>d. For contravention of the building platform slope part of the shape performance standard (Rule 18.7.5.2), see the matters of discretion and assessment rules in relation to earthworks - large scale (Rule 8A.7.2.1).<br>*Conditions that may be imposed:*<br>e. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site.<br>f. A building platform may be required to be registered against the title by way of consent notice. | |

| 18.9.6 Assessment of restricted discretionary performance standard contraventions in a pedestrian street frontage mapped area, overlay zone, mapped area, heritage precinct, or affecting a scheduled item | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Affecting a **scheduled heritage building or scheduled heritage structure**:<br>• Materials and design | a. Effects on heritage values | See Rule 13.5 |
| 2. | In a **hazard overlay zone** or **swale mapped area**:<br>• Hazard exclusion areas (Rule 11.3.1.1) – **Swale mapped area** (Rural Centre Zone only)<br>• Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) Overlay Zones)<br>• Relocatable buildings (Hazard 3 (coastal) Overlay Zone)<br>• Hazardous substances quantity limits and storage requirements | a. Risk from natural hazards | See Rule 11.4 |
| 3. | In a **heritage precinct:**<br>• Boundary setbacks<br>• Building colour<br>• Fence height and design<br>• Materials and design<br>• Height<br>• Number, location and design of ancillary signs | a. Effects on heritage streetscape character | See Rule 13.5 |
| 4. | Along or adjacent to a **pedestrian street frontage mapped area**:<br>• Location of industrial activities | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 18.2.3<br>ii. Industrial activities avoid or, if avoidance is not practicable, adequately mitigate any adverse effects on streetscape amenity by locating any part of the industrial operation that involves machinery or metal work within a part of a building that does not include any doors or windows that open to a **primary pedestrian street frontage mapped area** or **secondary pedestrian street frontage mapped area** (Policy 18.2.3.10). |

| 18.9.6 Assessment of restricted discretionary performance standard contraventions in a pedestrian street frontage mapped area, overlay zone, mapped area, heritage precinct, or affecting a scheduled item | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 5. | Along or adjacent to a **primary pedestrian street frontage mapped area**:<br>• Location of activities within **pedestrian street frontage mapped areas**<br>• Height<br>• Minimum glazing and building modulation<br>• Minimum ground floor to ceiling height<br>• Pedestrian entrances<br>• Setback from road boundaries<br>• Verandahs | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 18.2.3<br>ii. Buildings along a **primary pedestrian street frontage mapped area** are located, designed and operated to provide a high level of pedestrian amenity by:<br>1. providing a continual frontage of buildings along the street, apart from pedestrian alleyways;<br>2. providing a clear and direct visual connection between the street and the building interior;<br>3. providing a direct physical connection to the building interior through clearly identified pedestrian entrances on the highest order pedestrian street frontage;<br>4. providing shelter for pedestrians on footpaths, in the form of a verandah;<br>5. being of a height that maintains existing sunlight access to footpaths and public open spaces;<br>6. providing an architecturally interesting façade and human scale design, through building modulation and consistent alignment of windows;<br>7. being designed to have commercial activities at the ground floor, with an adequate ground floor to ceiling height to accommodate these activities; and<br>8. providing customer-facing activities on the ground floor (Policy 18.2.3.2).<br>*Potential circumstances that may support a consent application include:*<br>iii. The length of the total building frontage that will not meet this standard is short and the context of the building means any effects on streetscape amenity will be no more than minor.<br>iv. It is proposed to only lease the space for a limited period of time, and the consent will be time-limited.<br>v. In neighbourhood centres the setback area between the road boundary and the building is used for outdoor seating for a restaurant.<br>*Conditions that may be imposed include:*<br>vi. Time limit on consent.<br>vii. A condition that prevents the setback area from being used for car parking or outdoor storage. |

| 18.9.6 Assessment of restricted discretionary performance standard contraventions in a pedestrian street frontage mapped area, overlay zone, mapped area, heritage precinct, or affecting a scheduled item | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 6. | Along or adjacent to a **secondary pedestrian street frontage mapped area:**<br>• Location of activities within **pedestrian street frontage mapped areas**<br>• Pedestrian entrances<br>• Minimum glazing and building modulation<br>• Setback from road boundaries<br>• Verandahs | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 18.2.3.<br>ii. Buildings provide a good level of pedestrian amenity by:<br>1. providing a regular frontage of buildings along the street, with limited interruptions for vehicle accesses;<br>2. providing a clear and direct visual connection between the street and the building interior;<br>3. providing an architecturally interesting façade and human scale design, through building modulation and consistent alignment of windows; and<br>4. providing shelter for pedestrians at pedestrian entrances (Policy 18.2.3.3).<br>*General assessment guidance:*<br>X. For applications that propose an alternative site layout for safety reasons, a CPTED analysis should be provided by a suitably qualified expert to support that assessment.<br>*Potential circumstances that may support a consent application include:*<br>iii. The design and size of the verandah still allows for the shelter of pedestrians from the weather.<br>iv. The activities proposed at ground floor have a customer-facing function.<br>v. The length of the total building frontage that will not meet this standard is short and the context of the building means any effects on streetscape amenity will be no more than minor.<br>vi. It is proposed to only lease the space for a limited period of time, and the consent will be time-limited.<br>Y. For retail activities, a CPTED analysis demonstrates that due to hours of carpark use a different site layout is necessary for safety reasons and the layout and site landscaping will still achieve a high standard of amenity and safety for pedestrians and people accessing activities by bicycle.<br>Z. For food and beverage retail where store layout is constrained due to site size, shape or existing site or building layout, glazing along pedestrian frontages must be reduced for operational reasons, site constraints and layout efficiencies.<br>*Conditions that may be imposed include:*<br>vii. Time limit on consent. |

| 18.9.6 Assessment of restricted discretionary performance standard contraventions in a pedestrian street frontage mapped area, overlay zone, mapped area, heritage precinct, or affecting a scheduled item | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 7. | On a **primary or secondary pedestrian street frontage mapped area**:<br>• Location (network utility activities) (Rule 5.5.2.1)<br>• Maximum volume in **pedestrian street frontage mapped areas**, heritage precincts and scheduled heritage sites (network utility activities) (Rule 5.5.4) | a. Effects on pedestrian amenity | *Relevant objectives and policies:*<br>i. Objectives 18.2.3 and 5.2.1<br>ii. Network utility structures – small scale are of a design, location and scale that maintains a high level of pedestrian amenity in **pedestrian street frontage mapped areas** (Policy 18.2.3.12). |
| 8. | In a **wāhi tūpuna mapped area**:<br>• Setback from coast and water bodies<br>• Esplanade reserves and strips | a. Effects on cultural values of Manawhenua | See Rule 14.3 |
| X. | In the **Campus mapped area** north of Albany Street:<br>• Maximum and minimum height (Rule 18.6.5.2.a.viii.X) | a. Effects on pedestrian amenity | *Relevant objectives and policies:*<br>i. Objective 18.2.3.<br>ii. Buildings and structures minimise as far as practicable adverse effects of shading and wind on pedestrian amenity (Policy 18.2.3.X.b). |
| | | b. Effects on the efficient and effective operation of Campus | *Relevant objectives and policies:*<br>i. Objective 18.2.3.<br>ii. Height is essential to the efficient and effective operation of campus activity (Policy 18.2.3.X.a).<br>*Related strategic directions:*<br>iii. Objective 2.3.1, Policy 2.3.1.4. |
| | | c. Effects on views across Otago Harbour | *Relevant objectives and policies:*<br>i. Objective 18.2.3.<br>ii. Buildings and structures minimise as far as practicable adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the harbour towards the Otago Peninsula through the use of quality and contextually appropriate architectural design (Policy 18.2.3.X.c). |

| 18.9.6 Assessment of restricted discretionary performance standard contraventions in a pedestrian street frontage mapped area, overlay zone, mapped area, heritage precinct, or affecting a scheduled item | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| Y. | In the **Critical Electricity Distribution Infrastructure Corridor mapped area**:<br>• Setback from Critical Electricity Distribution Infrastructure (buildings, structures, city-wide activities) | a. Effects on health and safety | See Rule 5.7. |
| | | b. Effects on efficient and effective operation of network utilities | |

# Rule 18.10 Assessment of Restricted Discretionary Activities

## Rule 18.10.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 18.10.2 - 18.10.5:
    a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provide guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.
3. Rules 18.10.2 - 18.10.5 apply as follows:
    a. Rule 18.10.2 applies to restricted discretionary land use activities;
    b. Rule 18.10.3 applies to assessment of restricted discretionary development activities;
    c. Rule 18.10.4 applies to restricted discretionary subdivision activities; and
    d. Rule 18.10.5 applies to restricted discretionary activities in an overlay zone, mapped area, heritage precinct or affecting a scheduled item.
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
5. Where a restricted discretionary activity does not meet a performance standard the following occurs:
    a. if the contravention of the performance standard defaults to **restricted discretionary** then:
        i. the activity, as a whole, will be treated as **restricted discretionary**; and
        ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
        iii. the performance standard contravention will be assessed as indicated in Section 18.9; 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 18.11; 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 18.12; and

iii. the assessment guidance in this section will also be considered.

| 18.10.2 Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | All high trip generators, which include any activities that generate 250 or more vehicle movements a day | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | b. Effects on accessibility | |
| 2. | • Restaurants drive-through (CEC - North, CEC - South, TR, SDLF)<br>• Service stations (CEC - North, CEC - South, TR, SDLF, Centres, PPH) | a. Effects on residential amenity | *Relevant objectives and policies:*<br>i. Objective 18.2.2.<br>ii. Significant adverse effects on the amenity of existing residential activities are avoided or mitigated as far as practicable (Policy 18.2.2.4). |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.11. |
| X. | • Bulky goods retail (SDLF)<br>• General retail 750m² or greater in gross floor area (SDLF) | a. Effects on accessibility | See Rule 6.11. |
| | | b. Effects on the safety and efficiency of the transport network | |
| Y. | General retail 750m² or greater in gross floor area (SDLF) | a. Effects on the vibrancy and viability of the CBD and centres | *Relevant objectives and policies:*<br>1. Objective 18.2.1.<br>2. Large format retail in the SDLF Zone has no more than minor adverse effects on the vibrancy and viability of the CBD and centres (Policy 18.2.1.X). |

| 18.10.2 Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 3. | Early childhood education (CBD, centres, WP, PPH outside a **hazard facility mapped area**, SSYP, HE) | a. Reverse sensitivity effects | *Relevant objectives and policies:*<br>i. Objective 18.2.2<br>ii. Early childhood education and residential activities in the CBD, centres and CBD edge mixed use zones are located where they will not constrain (have reverse sensitivity effects on) activities which are provided for in the commercial and mixed use zone (Policy 18.2.2.8).<br>*Potential circumstances that may support a consent application include:*<br>iii. Performance standards for development activities are met.<br>iv. Outdoor play areas of early childhood centres are protected from external noise through acoustic fencing or other building design measures that reduce the noise received in play areas. |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.11 |

| 18.10.2 Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 4. | • Conference, meeting and function ancillary to visitor accommodation (PPH, SSYP)<br>• Entertainment and exhibition ancillary to visitor accommodation (PPH, SSYP) | a. Effects on the vibrancy, and economic and social success of the CBD and centres | *Relevant objectives and policies:*<br>i. Objective 18.2.2<br>ii. The activities are secondary to the visitor accommodation activity (Policy 18.2.2.2.a). |
| | | b. Effects on residential amenity | *Relevant objectives and policies:*<br>i. Objective 18.2.2<br>ii. Any adverse effects on the amenity of surrounding residential activities, from noise, anti-social behaviour, or other effects will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 18.2.2.2.b).<br>*Potential circumstances that may support a consent application*<br>iii. Performance standards for development activities are met.<br>iv. The scale and nature of the activity including the number of people involved in the activity, hours of operation means that effects will be avoided or, if avoidance is not possible, adequately mitigated. |
| | | c. Reverse sensitivity effects | *Relevant objectives and policies:*<br>i. Objective 18.2.2<br>ii. The potential for reverse sensitivity will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 18.2.2.2.c). |
| | | d. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| 5. | • Visitor accommodation (NEC and NECC)<br>• Community and leisure - large scale (NEC and NECC) | a. Effects on residential amenity | *Relevant objectives and policies:*<br>i. Objective 18.2.2<br>ii. Any adverse effects on the amenity of surrounding residential activities are avoided or, if avoidance is not practicable, adequately mitigated (Policy 18.2.2.7).<br>*Potential circumstances that may support a consent application include:*<br>iii. Communal outdoor living / gathering areas are located or screened from surrounding properties.<br>iv. Performance standards for development activities are met. |
| 6. | Hospital (CEC - North) | a. Effects on accessibility | See Rule 6.11 |
| | | b. Effects on the safety and efficiency of the transport network | |

| 18.10.2 Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| Z. | Food and beverage retail 500m² or less in gross floor area (HE) | a. Effects on safety and efficiency of the transport network | See Rule 6.11. |
| | | b. Effects on accessibility | See Rule 6.11. |

| 18.10.3 Assessment of restricted discretionary development activities | | |
|---|---|---|
| Activity | Matters of discretion | Guidance on the assessment of resource consents |

| | | | |
|---|---|---|---|
| 1. | New buildings and additions and alterations to buildings in the Harbourside Edge Zone, that are visible from an adjoining public place or the harbour | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 18.2.3<br>ii. New buildings and additions and alterations to buildings in the Harbourside Edge Zone are designed and located to provide a high level of amenity by:<br>1. being built to the street frontage along the entire length of Birch Street, and for no less than 60% of the street frontage on Kitchener Street, except for:<br>1. any setbacks required to allow pedestrian entrances; and<br>2. the provision of amenity space for customers or residents at the front of buildings.<br>2. including appropriate building modulation, window alignment, use of glazing, floor height, colour, architectural detail to provide visual interest and a human-scale design;<br>3. being of a design that is coherent, appropriate to the setting and history of the area, and provides a positive relationship to both the street and the harbour; and<br>4. having active edges with strong visual and physical connections from the street to the inside of buildings (Policy 18.2.3.4).<br>iii. Development is designed and located to provide a high level of amenity by:<br>1. ensuring the design and location of on-site car parking does not compromise streetscape or harbour amenity (Policy 18.2.3.5.b); and<br>2. ensuring development activities incorporate the principles of CPTED (Policy 18.2.3.5.c)<br>*Conditions that may be imposed include:*<br>iv. Council may place condition on aspects of building design including:<br>1. entry and exit points for pedestrians;<br>2. building materials;<br>3. architectural detail;<br>4. building modulation;<br>5. colour; and<br>6. window type and placement. |

| 18.10.3 Assessment of restricted discretionary development activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 2. | New buildings and structures, and additions and alterations as part of the Dunedin Hospital redevelopment | a. Effects on streetscape and pedestrian amenity | *Relevant objectives and policies:*<br>i. Objective 18.2.3<br>ii. Development maintains or enhances streetscape amenity by ensuring:<br>1. an attractive street interface is maintained through landscaping where buildings are not built to the street frontage;<br>2. large parking areas which are visible from the street are visually broken up with internal landscaping, which also provides for rainwater absorption;<br>3. service areas and outdoor storage areas associated with industrial or other activities are not visible from ground level of a public place; and<br>4. an architecturally interesting façade through building modulation and use of glazing (Policy 18.2.3.1)<br>iii. Buildings and additions and alterations maintain or enhance streetscape amenity by ensuring the use of verandahs where appropriate (Policy 18.2.3.13.a) |
| 3. | High trip generators:<br>• New or additions to parking areas that result in 50 or more new parking spaces | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | b. Effects on accessibility | |

| 18.10.4 Assessment of restricted discretionary subdivision activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Subdivision activities | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | b. Risk from natural hazards | See Rule 11.5 |

| 18.10.5 Assessment of restricted discretionary activities in an overlay zone, mapped area, heritage precinct or affecting a scheduled item | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | In a **heritage precinct:**<br>• All RD activities due to being in a heritage precinct | a. Effects on heritage streetscape character | See Rule 13.6 |
| 2. | Activities affecting a **scheduled heritage building** or **scheduled heritage structure**:<br>• Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure<br>• Removal for relocation<br>• All subdivision activities on sites containing a scheduled heritage building or scheduled heritage structure | a. Effects on heritage values | See Rule 13.6 |
| 3. | In all hazard overlay zones, **swale mapped areas and dune system mapped areas:**<br>• Subdivision activities | a. Risk from natural hazards | See Rule 11.5 |
| 4. | In the **Hazard 2 (flood) Overlay Zone** (see Rule 18.3.8):<br>• New buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m² of new ground floor area | a. Risk from natural hazards | See Rule 11.5. |
| 5. | In the **Hazard 2 (flood) Overlay Zone**:<br>• Natural hazards sensitive activities<br>• Natural hazards potentially sensitive activities | a. Risk from natural hazards | See Rule 11.5 |
| 6. | In the **National Grid Subdivision Corridor mapped area**:<br>• All subdivision activities | a.Risks to the safety of people and property<br>b. Reverse sensitivity effects<br>c. Effects on efficient and effective operation of the National Grid and access to it | See Rule 5.8. |
| Z. | In the **Critical Electricity Distribution Infrastructure Corridor mapped area**:<br>• All subdivision activities | a. Effects on health and safety<br>b. Reverse sensitivity effects<br>c. Effects on efficient and effective operation of network utilities | See Rule 5.8. |

| 18.10.5 Assessment of restricted discretionary activities in an overlay zone, mapped area, heritage precinct or affecting a scheduled item | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 7. | Activities affecting a **scheduled heritage site**:<br>• New buildings and structures on a scheduled heritage site, where visible from an adjoining public place or a publicly accessible place within the site<br>• Parking, loading and access on a scheduled heritage site, where visible from an adjoining public place or a public place within the site<br>• All subdivision activities | a. Effects on heritage values | See Rule 13.6 |
| X. | In the **Campus mapped area** north of Albany Street:<br>• All subdivision activities | a. Effects on the efficient and effective operation of Campus | See Rule 34.10.5.1. |
| | | b. Effects on the efficiency and affordability of infrastructure | See Rule 9.6. |
| Y. | In the **Campus mapped area**:<br>• Conference, meeting and function<br>• Entertainment and exhibition<br>• Restaurants<br>• Visitor accommodation<br>• Community and leisure - large scale<br>• All activities in the residential activities category<br>• Campus | a. Reverse sensitivity effects | *Relevant objectives and policies:*<br>i. Objective 18.2.2.<br>ii. The potential for reverse sensitivity will be avoided or, if avoidance is not practicable, adequately mitigated. (Policy 18.2.2.X). |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.11. |
| | | c. Effects on accessibility | See Rule 6.11. |

# Rule 18.11 Assessment of Discretionary Activities

## Rule 18.11.1 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. With respect to section 104(2) of the RMA, Council will not consider retail as a permitted activity in scheduled heritage buildings as part of the permitted baseline in considering the effects of discretionary activities in the Warehouse Precinct Zone.
3. Rules 18.11.2 - 18.11.4 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', including:
    a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
    b. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
    c. general assessment guidance, including any effects that will be considered as a priority; and
    d. conditions that may be imposed.
4. Rules 18.11.2 - 18.11.4 apply as follows:
    a. Rule 18.11.2 applies to all land use discretionary activities;
    b. Rule 18.11.3 applies to discretionary land use activities; and
    c. Rule 18.11.4 applies to discretionary performance standard contraventions.
5. 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.

| 18.11.2 Assessment of all discretionary activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | All discretionary land use activities listed below | *Relevant objectives and policies (priority considerations):*<br>a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to, those related to:<br>i. Objective 2.3.2, policies 2.3.2.1 - 2.3.2.4<br>ii. Objective 2.4.3, policies 2.4.3.1 - 2.4.3.4<br>b. Objective 14.2.1<br>c. Objective 18.2.3<br>d. Avoid land use activities (including stand-alone car parking) that require buildings or site design that is incompatible with:<br>i. the high level of pedestrian streetscape amenity expected for the location in a **primary pedestrian street frontage mapped area** and **secondary pedestrian street frontage mapped area**; and<br>ii. the higher level of urban neighbourhood amenity anticipated in the HE, SSYP and WP zones (18.2.3.9).<br>*Potential circumstances that may support a consent application:*<br>e. For discretionary land use activities, whether any associated buildings or structures meet relevant development performance standards, or otherwise achieve the relevant policies for development (see rules 18.9 and 18.12.5 for performance standard contraventions).<br>f. All relevant land use performance standards are met, including noise and light spill standards.<br>*General assessment guidance:*<br>g. In assessing the significance of effects, consideration will be given to:<br>i. both short and long term effects, including effects in combination with other activities; and<br>ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent.<br>*Relevant guidance from other sections (priority considerations):*<br>h. See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public.<br>i. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety. |

| 18.11.3 Assessment of discretionary land use activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | Ancillary licensed premises (NEC/NECC) | *Relevant objectives and policies (priority considerations):*<br>a. Objective 18.2.1<br>b. Adverse effects on the amenity of adjacent residential activities and the surrounding neighbourhood will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 18.2.2.9).<br>*Potential circumstances that may support a consent application:*<br>c. The scale and nature of the activity, including hours of operation, and whether the activity has an on and/or off license, is appropriate for a neighbourhood centre and will reduce the potential for any adverse effects. |
| 2. | Restaurants (PPH, SSYP, CEC, TR, SDLF) | *Relevant objectives and policies (priority considerations):*<br>a. Objective 18.2.1<br>b. The activity is not of a scale or nature that is more appropriate to locate in the CBD, centres, WP or HE because:<br>i. it is unlikely to contribute to the vibrancy and vitality of those zones; and<br>ii. it has specific operational requirements that do not fit with those locations (Policy 18.2.1.17).<br>*Potential circumstances that may support a consent application include:*<br>c. The restaurant is a take-away only restaurant that requires easily accessible short term parking. |
| 3. | • Food and beverage retail (WP and PPH)<br>• Food and beverage retail more than 500m² in gross floor area but no more than 750m² in gross floor area (HE) | *Relevant objectives and policies (priority considerations):*<br>a. Objective 18.2.1.<br>b. Food and beverage retail in the WP, HE and PPH zones is of a size, and designed in a manner, to cater to people living or working locally or using the area for recreational purposes (Policy 18.2.1.12). |
| 4. | Restaurant - drive through (PPH and Centres) | *Relevant objectives and policies (priority considerations):*<br>a. Objective 18.2.2<br>b. Objective 18.2.3<br>c. Significant adverse effects on the amenity of existing residential activities will be avoided or mitigated as far as practicable (Policy 18.2.2.4).<br>d. The drive-through component of restaurant - drive through will not be visible or accessed from a **primary pedestrian street frontage mapped area** (Policy 18.2.1.14.b). |
| 5. | Development associated with discretionary land use activities | *Relevant objectives and policies (priority considerations):*<br>a. Objective 18.2.3<br>b. Policies 18.2.3.1 - 18.2.3.7 |

| 18.11.3 Assessment of discretionary land use activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 6. | Visitor accommodation (CEC-South) | *Relevant objectives and policies (priority considerations):*<br>a. Objective 18.2.2<br>b. The potential for reverse sensitivity will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 18.2.2.10) |
| 7. | • Early childhood education (CEC-North)<br>• Residential activities (CEC - North) | *Relevant objectives and policies:*<br>a. Objective 18.2.2<br>b. Early childhood education and residential activities are located where their establishment will not constrain (have reverse sensitivity effects on) activities that are provided for in the commercial and mixed use zone (Policy 18.2.2.8).<br>*Potential circumstances that may support a consent application include:*<br>c. Outdoor play areas of early childhood centres are protected from external noise through acoustic fencing or other building design measures that reduce the noise received in play areas. |

| 18.11.4 Assessment of discretionary performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | Acoustic insulation | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |
| 2. | • Noise - where the limit is exceeded by less than 5dB LAeq (15min)<br>• Light spill - where the limit is exceeded by 25% or less | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |
| 4. | Restaurants ancillary to trade related retail or food and beverage retail activity 1500m² or more in gross floor area<br>• Location of ancillary restaurants<br>• Maximum gross floor area of restaurants | *Relevant objectives and policies:*<br>a. Objective 18.2.1<br>b. Restaurants service people engaged in the primary activity and are unlikely to attract significant patronage outside this purpose (Policy 18.2.1.18).<br>c. The activity is not of a scale or nature that is more appropriate to locate in the CBD, centres, WP or HE because:<br>i. it is unlikely to contribute to the vibrancy and vitality of those zones; and<br>ii. it has specific operational requirements that do not fit with those locations (Policy 18.2.1.17). |

## Rule 18.12 Assessment of Non-complying Activities

### Rule 18.12.1 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. With respect to section 104(2), Council will not consider retail as a permitted activity in scheduled heritage buildings as part of the permitted baseline in considering the effects of non-complying activities in the Warehouse Precinct Zone.
3. Rules 18.12.2 - 18.12.5 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
    a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
    b. general assessment guidance, including any effects that will be considered as a priority.
4. Rules 18.12.2 - 18.12.5 apply as follows:
    a. Rule 18.12.2 applies to all non-complying activities;
    b. Rule 18.12.3 applies to non-complying land use activities;
    c. Rule 18.12.4 applies to non-complying development activities; and
    d. Rule 18.12.5 applies to non-complying performance standard contraventions.
5. 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.

| 18.12.2 Assessment of all non-complying activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | All non-complying activities, including but not limited to the activities listed below | *Relevant objectives and policies (priority considerations):*<br>a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to, those related to:<br>i. Objective 2.3.2, policies 2.3.2.1 - 2.3.2.4<br>ii. Objective 2.4.3, policies 2.4.3.1 - 2.4.3.4<br>b. The activity supports the purpose of the zone as outlined in Objective 2.3.2 and Objective 18.2.1.<br>c. The proposed activities will achieve objectives 18.2.1, 18.2.2. and 18.2.3.<br>*General assessment guidance:*<br>d. In assessing the significance of effects, consideration will be given to:<br>i. both short and long term effects, including effects in combination with other activities.<br>ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent.<br>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.<br>*Relevant guidance from other sections (priority considerations):*<br>f. See Section 6.13 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public.<br>g. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety.<br>h. 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. |

| 18.12.3 Assessment of non-complying land use activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | Commercial advertising | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.4.1<br>b. Policy 2.4.1.6.c |
| 2. | Crematoriums | *Relevant objectives and policies (priority considerations):*<br>a. Objective 18.2.2, Policy 18.2.2.5<br>*Relevant guidance from other sections (priority considerations):*<br>b. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua. |
| 3. | Office and retail outside of CBD and centres, where non-complying | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.3.2<br>b. Objective 18.2.1, Policy 18.2.1.3 |
| 4. | Industry in SSYP | *Relevant objectives and policies (priority considerations):*<br>a. Objective 18.2.1, Policy 18.2.1.13 |
| 5. | Service stations, restaurant drive-through, yard-based retail in CBD, WP, SSYP and HE zones. | *Relevant objectives and policies (priority considerations):*<br>a. Objective 18.2.1, Policy 18.2.1.14<br>b. Objective 18.2.2, Policy 18.2.2.4<br>c. Objective 18.2.3, Policy 18.2.3.9 |
| 6. | Conference, meeting and function, entertainment and exhibition (PPH, SSYP, CEC, TR, SDLF) | *Relevant objectives and policies (priority considerations):*<br>a. Objective 18.2.1, Policy 18.2.1.16 |
| 7. | • Early childhood education and residential activities (CEC - South, SDLF and TR)<br>• Visitor accommodation (TR, SDLF) | *Relevant objectives and policies (priority considerations):*<br>a. Objective 18.2.2, Policy 18.2.2.6 |
| 8. | • Cemeteries<br>• Landfills | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua. |
| 9. | Yard-based retail (CBD, SSYP, HE, WP) | *Relevant objectives and policies (priority considerations):*<br>a. Objective 18.2.1, Policy 18.2.1.3 |
| 10. | In a **hazard facility mapped area**, bulk fuel storage facilities sensitive activities | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and Policy 9.2.2.15 and the risks to people from an emergency event occurring at a hazard facility. |

| 18.12.4 Assessment of non-complying development activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | Demolition of a protected part of a scheduled heritage building or scheduled heritage structure | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects on heritage values. |
| X. | In the **Campus mapped area** north of Albany Street:<br>• Maximum and minimum height (Rule 18.6.5.2.a.viii.X) | *Relevant objectives and policies (priority considerations):*<br>a. Objective 18.2.2, Policy 18.2.3.X.<br>*Related strategic directions:*<br>b. Objective 2.3.1, Policy 2.3.1.6.<br>c. Objective 2.4.1, Policy 2.4.1.5. |

| 18.12.5 Assessment of non-complying performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Light spill - where the limit is exceeded by greater than 25%<br>• Noise - where the limit is exceeded by 5bD LAeq (15 min) or more<br>• Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2, and effects related to public health and safety. |
| 2. | • Setback from National Grid (buildings, structures, city-wide activities, and National Grid sensitive activities (Rule 5.6.1.1)<br>• Setback from National Grid (subdivision activities) (Rule 18.7.X) | *Relevant guidance from other sections:*<br>a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.X and effects related to the operation, maintenance, upgrading and development of the National Grid. |
| 3. | Location and screening of car parking | *Relevant objectives and policies (priority considerations):*<br>a. Objective 18.2.3<br>b. Policies 18.2.3.8 and 18.2.3.9<br>*Relevant guidance from other sections (priority considerations):*<br>c. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.3 and effects on heritage streetscape character. |
| 4. | Harbourside Edge Zone Standards (Rule 18.6.17.3) - walkway location | *Relevant objectives and policies (priority considerations):*<br>a. Objective 18.2.3<br>b. Policy 18.2.3.5.a |
| 5. | Location of restaurant drive-through and service stations (Rule 18.5.4.3) | *Relevant objectives and policies (priority considerations):*<br>a. Objective 18.2.1<br>b. Policy 18.2.1.14 |

| 18.12.5 Assessment of non-complying performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 6. | Along a **primary pedestrian street frontage mapped area**:<br>• Access to loading areas (Rule 6.6.2.5.b) | *Relevant guidance from other sections (priority considerations):*<br>a. See Rule 6.13 for guidance on the assessment of resource consents in relation to Objective 6.2.4 and effects on the safety and efficient operation of the transport network. |
| 7. | Maximum gross floor area of office activity in the Harbourside Edge Zone | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.3.2<br>b. Objective 18.2.1, policies 18.2.1.2, 18.2.1.3 |
| 9. | Parking, loading and access standards (Rule 18.6.14.2) - new vehicle accesses on a **primary pedestrian street frontage mapped area** | *Relevant objectives and policies (priority considerations):*<br>a. Objective 18.2.3<br>b. Policies 18.2.3.2 |
| 10. | In a **dune system mapped area** or **swale mapped area**:<br>• Hazard exclusion areas (except Rural Centre Zone in a **swale mapped area**) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. |

# 19. Industrial Zones

## 19.1 Introduction

Industrial activities make an important contribution to the economic well-being of Dunedin. In order to be able to operate effectively, industrial activities have particular requirements including adequate land and access to raw materials and markets. However, these activities can create off-site effects such as noise, smell, and heavy traffic movements that need to be managed under the RMA.

Industrial zoned land is spread throughout the City, including in the following areas:

- Ravensbourne Road;
- State Highway 88;
- Dunedin Wharf (inner city Port);
- Strathallan Street, Portobello Road, Portsmouth Drive;
- Hillside Road;
- Kaikorai Valley Road and Donald Street;
- Burnside Corner;
- Fairfield;
- Abbotsford; and
- Mosgiel.

The inner city Port area, like Port Chalmers, is recognised as an important city gateway. As a key transportation route, the inner city Port is important for both economic and social prosperity. The inner city Port area has been included in the Industrial Port Zone. The intent of the Industrial Port Zone is to specifically recognise and provide for the needs of the inner city Port and its associated activities.

The key resource management issues that are being experienced or are anticipated in industrial zones are:

- Reverse sensitivity due to off-site effects such as noise, odour (managed by Otago Regional Council), heavy traffic movements, and the interaction between industrial activities and adjacent activities also needs to be managed under the RMA. Often the extent of these effects is such that physical separation is required between industrial activities and more sensitive activities.
- Threats to the availability and affordability of industrial land from the encroachment of non industrial activities (particularly retail and residential activities) into industrial zoned land. An example of this is the development of the former industrial zoned land adjoining Andersons Bay Road into large format retail, car yards and other commercial activities. The use of industrial zoned land for retail and residential activities reduces the availability, and increases the value, of industrial zoned land and consequently reduces the potential for industrial activities to be able to successfully operate in these locations. Such encroachment also exacerbates potential reverse sensitivity issues. For this reason, one of the primary focusses of the Industrial Zone is the protection of industrial zoned land for industrial activities.

In response to these issues, the Plan provisions propose to protect the existing clusters of industrial zoning, including areas near the centre city in order to take advantage of economies of scale and connectivity, while identifying new industrial land in strategic locations.

The Plan provides for all industrial activities to occur in the Industrial Zone and Industrial Port Zone, including industry, industrial ancillary tourism, rural contractor and transport depots and rural industry. A range of activities that are unlikely to create reverse sensitivity issues or compete with industrial activities for land are also provided for in the

Industrial Zone. These activities include port, yard based retail, retail ancillary to industry (with maximum gross floor area requirement), and stand-alone car parking activities. Industry is also broadly defined and includes service activity (repairs and maintenance), transport depots, and laboratories.

Lastly, land that is currently zoned rural but is suitable for future industrial development has been identified and a rule included that will trigger a change from rural to industrial applied to this land.

# 19.2 Objectives and Policies

| Objective 19.2.1 | |
|---|---|
| The industrial zones enable and protect industrial and port activities by:<br>a. only providing for a very limited range of specified non-industrial or non-port activities; and<br>b. ensuring the potential for reverse sensitivity is insignificant. | |
| Policy 19.2.1.1 | Provide for industrial and port activities, and retail ancillary to industry in the industrial zones. |
| Policy 19.2.1.2 | Enable farming and grazing in the **Dukes Road North mapped area**. |
| Policy 19.2.1.3 | Avoid the establishment of non-industrial or non-port activities, other than those expressly provided for in the industrial zones, unless they would have significant positive effects on the successful operation of surrounding industrial or port activities. |
| Policy 19.2.1.4 | Provide for yard based retail, service stations and emergency services to locate in the industrial zones in recognition that:<br>a. these activities often require a built form that cannot meet the requirements within the CBD and centres; and<br>b. they are unlikely to be incompatible with industrial or port activities due to reverse sensitivity; and<br>c. they are unlikely to be significant competing uses of land in an Industrial and Industrial Port zoned area. |
| Policy 19.2.1.5 | Only allow retail ancillary to industry where it is of a size that:<br>a. is clearly subordinate to and part of the operation of the primary industry activity; and<br>b. does not conflict with objectives 2.3.1, 2.3.2 and 2.4.3; and<br>c. does not create adverse effects on other industrial activities, for example from traffic, parking or reverse sensitivity. |
| Policy 19.2.1.6 | Only allow restaurants and ancillary licensed premises which are designed and operated to service the workers engaged in or associated with industrial or port activities in the area, and are unlikely to attract significant patronage outside of this purpose. |
| Policy 19.2.1.7 | Only allow community and leisure, and sport and recreation, to locate in the industrial zones where these activities have specific operational requirements that mean it is not practical to locate in a recreation, residential or commercial and mixed use zone. |
| Policy 19.2.1.8 | Provide for crematoriums to locate in the industrial zones due to the high degree of cultural and social sensitivity to their operation, and the lack of residential activity in these zones. |
| Policy 19.2.1.9 | Avoid retail activity (excluding retail ancillary to industry and yard based retail activities) due to its high potential to be a significant competing use of land primarily zoned for industrial or port uses, unless it would have significant positive effects on the successful operation of surrounding industrial or port activities. |
| Policy 19.2.1.10 | Only allow industrial ancillary tourism and activities other than industrial activities in the industrial zones where the potential for reverse sensitivity is insignificant. |

| **Objective 19.2.2** | |
|---|---|
| Activities are designed and operated so that:<br>a. a reasonable level of amenity is maintained within the industrial zones;<br>b. adverse effects on the amenity of adjoining residential, school or recreation zones are minimised as far as practicable; and<br>c. a high standard of amenity along identified **amenity route mapped areas** is maintained. | |
| Policy 19.2.2.1 | Require buildings to be set back an adequate distance from boundaries which adjoin residential, school or recreation zoned sites to maintain adequate sunlight access to these sites. |
| Policy 19.2.2.2 | Require development along an **amenity route mapped area** to provide a high level of streetscape amenity by:<br>a. providing landscaping of a height and density adequate to maintain or enhance the amenity of the route and to mitigate the visual impact of industrial activities and development; and<br>b. setting back buildings an adequate distance to allow this landscaping. |
| Policy 19.2.2.3 | Require fencing along boundaries that adjoin residential or school zoned sites to be of an adequate height and design to provide screening and security. |
| Policy 19.2.2.4 | Require materials stored outside, including those which may become airborne due to wind, to be stored in a way that prevents materials escaping and contaminating any off-site area. |
| Policy 19.2.2.5 | Require buildings and structures to be of a height that:<br>a. avoids or minimises, as far as practicable, significant adverse effects on views from the central city and Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula; and<br>b. avoids or, if avoidance is not practicable, ensures adverse effects from shading and wind tunnelling effects on school, residential, and recreation zoned sites are no more than minor. |
| Policy 19.2.2.6 | Only allow buildings and structures to exceed the maximum height limit where:<br>a. the height is essential to the operation of the industry activity; and<br>b. the visual effects of the height limit exceedance have been minimised as far as practicable. |
| Policy 19.2.2.7 | Require ancillary signs to be of an appropriate size and number to convey information about the name, location and nature of the business to passing vehicles or pedestrians, and not oversized or too numerous for that purpose. |
| Policy 19.2.2.8 | Only allow crematoriums where they are located to avoid or minimise, as far as practicable, significant adverse effects on the amenity of surrounding residential, school and recreation zoned sites. |

# Rules

## Rule 19.3 Activity Status

### 19.3.1 Rule Location

The activity status tables in rules 19.3.3 to 19.3.6 specify the activity status of land use activities, development activities, and subdivision activities in the industrial zones and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

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

### 19.3.2 Activity Status Introduction

1. The tables in rules 19.3.3 to 19.3.5 show the activity status of activities in the industrial zones and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. Development activities that are lawfully present at the time any relevant rules in this Plan have legal effect are not managed by those rules (the rules do not apply to existing lawfully established development activities).
6. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

*Additional activity status rules in hazard overlay zones*

7. For the purpose of the hazards provisions, activities are categorised as natural hazards sensitive activities, natural hazards potentially sensitive activities or natural hazards least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
8. In the Hazard 2 (flood) Overlay Zone, the activity statuses in Rule 19.3.6 apply to the following activities:
   a. natural hazards sensitive activities;
   b. natural hazards potentially sensitive activities; and
   c. new buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m² of new ground floor area.
9. Where the activity status in Rule 19.3.6 differs from that in rules 19.3.3 - 19.3.5, the most restrictive activity status always applies.

10. In addition to the rules in Rule 19.3.6, performance standards for development activities within hazard overlay zones are included in rules 19.3.3 - 19.3.5.
11. Activities in a hazard overlay zone must comply with all of the rules in 19.3.3 - 19.3.6.

*Performance Standards*

12. Performance standards are listed in the far right column of the activity status tables.
13. Performance standards apply to permitted, controlled, and restricted discretionary activities.
14. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.
15. If a restricted discretionary activity does not meet one or more performance standards, then the activity status remains restricted discretionary, unless otherwise indicated in the performance standard.

## Legend

| Acronym | Meaning |
|---|---|
| N/A | Not Applicable |
| P | Permitted Activity |
| C | Controlled Activity |
| RD | Restricted Discretionary Activity |
| D | Discretionary Activity |
| NC | Non-complying Activity |
| Ind | Industrial Zone |
| IndPort | Industrial Port Zone |
| Haz1 | Hazard 1 Overlay Zones |
| Haz2 | Hazard 2 Overlay Zones |
| Haz3 | Hazard 3 Overlay Zones |

### 19.3.3 Land Use Activity Status Table

| | | | | |
|---|---|---|---|---|
| 1. | Performance standards that apply to all land use activities | | | a. Acoustic insulation<br>b. NA<br>c. Light spill<br>d. Noise<br>e. Setback from National Grid (National Grid sensitive activities only) |
| Industrial activities | | Activity status | | Performance standards |
| | | a. Ind | b. IndPort | |
| 2. | Industrial ancillary tourism | RD | RD | i. Minimum mobility car parking<br>ii. Minimum vehicle loading |
| 3. | All other activities in the Industrial activities category | P | P | i. Minimum mobility car parking<br>ii. Minimum vehicle loading |
| Major facility activities | | a. Ind | b. IndPort | Performance standards |
| 4. | Crematoriums outside a **hazard facility mapped area** | RD | RD | i. Minimum mobility car parking |
| X. | Crematoriums within a **hazard facility mapped area** | NC | NC | |
| 5. | Emergency services outside a **hazard facility mapped area** | P | P | i. Minimum mobility car parking |
| Y. | Emergency services within a **hazard facility mapped area** | NC | NC | |
| 6. | Port | P | P | |
| 7. | All other activities in the major facility activities category | NC | NC | |
| Commercial activities | | a. Ind | b. IndPort | Performance standards |
| 8. | Ancillary licensed premises | RD | RD | |
| 9. | Yard based retail | P | P | i. Minimum mobility car parking |
| 10. | Retail ancillary to industry | P | P | i. Maximum gross floor area<br>ii. Minimum mobility car parking |
| 11. | Service stations other than self-service fuel stations | RD | RD | i. Service station standards<br>ii. Minimum mobility car parking |
| 12. | Self-service fuel stations | P | P | i. Service station standards<br>ii. Minimum mobility car parking |

| | | | | |
|---|---|---|---|---|
| 13. | Restaurants | P | P | i. Hours of operation<br>ii. Maximum gross floor area<br>iii. Minimum mobility car parking |
| 14. | Stand-alone car parking | P | P | |
| 15. | Commercial advertising | NC | NC | |
| 16. | All other activities in the commercial activities category | NC | NC | |
| Community activities | | a. Ind | b. IndPort | Performance standards |
| 17. | Community and leisure | NC | NC | |
| 18. | Sport and recreation | RD | RD | |
| 19. | Conservation | P | P | |
| 20. | Early childhood education | NC | NC | |
| Rural activities | | a. Ind | b. IndPort | Performance standards |
| 21. | Farming in **Dukes Road North mapped area** | P | N/A | |
| 22. | Farming in all other areas | NC | NC | |
| 23. | Grazing in **Dukes Road North mapped area** | P | N/A | |
| 24. | All other activities in the rural activities category | NC | NC | |
| Residential activities | | a. Ind | b. IndPort | Performance standards |
| 25. | All activities in the residential activities category | NC | NC | |

**Note 19.3.3X- Other requirements outside of the District Plan**

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

## 19.3.4 Development Activity Status Table

| | | |
|---|---|---|
| 1. | Performance standards that apply to all development activities | a. Boundary treatments<br>b. Setback from scheduled tree<br>c. Natural Hazards Performance Standards |

| | | | | |
|---|---|---|---|---|
| 2. | Performance standards that apply to all buildings and structures activities | | | a. Boundary setbacks<br>b. Maximum height<br>c. Height in relation to boundary<br>d. Number, location and design of ancillary signs<br>e. Setback from coast and water bodies<br>f. Setback from National Grid<br>Y. Setback from Critical Electricity Distribution Infrastructure |
| Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 4 - 11) | | Activity status | | Performance standards |
| | | a. Ind | b. IndPort | |
| 3. | Buildings and structures activities | P | P | |
| Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure | | a. Ind | b. IndPort | Performance standards |
| 4. | Repairs and maintenance | P | P | |
| 5. | Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1 | C | C | |
| 6. | Restoration of all other scheduled heritage buildings and structures | P | P | |
| 7. | Earthquake strengthening where external features only are protected | C | C | i. Materials and design |
| 8. | Signs attached to buildings or structures | P | P | |
| 9. | All other additions and alterations | RD | RD | |
| 10. | Demolition | NC | NC | |
| 11. | Removal for relocation | RD | RD | |
| Development activities on a scheduled heritage site, where visible from an adjoining public place or a public place within the heritage site | | a. Ind | b. IndPort | Performance standards |
| 12. | New structures no more than 2.5m high or 2m² footprint | P | P | |
| 13. | All other new structures | RD | RD | |
| 14. | New buildings | RD | RD | |
| 15. | Parking, loading and access | RD | RD | i. Parking, loading and access standards |
| Site development activities in all areas (except as covered by rows 12 - 15 above) | | a. Ind | b. IndPort | Performance standards |

| | | | | |
|---|---|---|---|---|
| 16. | Parking, loading and access | P | P | i. Parking, loading and access standards |
| 17. | New or additions to parking areas that result in 50 or more new parking spaces. | RD | RD | i. Parking, loading and access standards |
| 18. | Outdoor storage | P | P | i. Maximum height<br>ii. Location of outdoor storage |
| 19. | Storage and use of hazardous substances | P | P | i. Hazardous substances quantity limits and storage requirements<br>ii. Setback from coast and water bodies |
| 20. | Vegetation clearance | P | P | i. Vegetation clearance standards |
| 21. | All other site development activities | P | P | |

### Note 19.3.4A - General advice

1. An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
2. An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
4. The **archaeological alert layer mapped area** identifies sites and areas that have a strong likelihood of containing archaeological remains, however remains may be present anywhere within the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.

## 19.3.5 Subdivision Activity Status Table

| Subdivision activities | | Activity status | | Performance standards |
|---|---|---|---|---|
| | | a. Ind | b. IndPort | |
| 1. | Subdivision activities | RD | RD | i. Access<br>ii. Esplanade reserves and strips<br>iii. Firefighting<br>iv. Service connections<br>v. Shape<br>X. Setback from National Grid (subdivision activities) |

### Note 19.3.5A - Other RMA considerations

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

### Note 19.3.5X - Other relevant District Plan provisions

1. Additional matters of discretion apply to the subdivision of land within a **Critical Electricity Distribution Infrastructure Corridor mapped area**. These are set out in Rule 19.10.6.
2. Additional matters of discretion apply to the subdivision of land within a **National Grid Subdivision Corridor mapped area**. These are set out in Rule 19.10.6.

## 19.3.6 Activity Status in the Hazard 2 (flood) Overlay Zone

| Activity | | Activity status |
|---|---|---|
| Land Use Activities | | |
| 1. | Natural hazards sensitive activities | RD |
| 2. | Natural hazards potentially sensitive activities | RD |

| Activity | | Activity status |
|---|---|---|
| Development Activities | | |
| 3. | New buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m² of new ground floor area | RD |

### Note 19.3.6A - Other RMA considerations

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

2. Accordingly, activities that are shown to have effects that are the same or similar in character, intensity and scale to those which existed before the rule became operative or the proposed plan was notified will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 19.3.6. However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of effects from the land use activity.

### Note 19.3.6B - Other requirements outside the District Plan

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

## Rule 19.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or section 95B of the RMA, unless Council considers special circumstances exist in relation to the application that require public notification:
    1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
    2. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided for the following:
    1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand;
    2. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is listed by Heritage New Zealand; and
    3. contravention of the archaeological sites performance standard (Rule 13.3.3).
3. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
    1. crematoriums;
    2. all restricted discretionary activities that list 'effects on cultural values of Manawhenua' as a matter for discretion; and
    3. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4.
4. With respect to sections 95D(b) and 95E(2)(a), Council will not use the performance standard for maximum height as a permitted baseline in considering the effects of any development activity associated with a discretionary or non-complying activity in the industrial zones.
5. With respect to resource consent applications for activities in **swale mapped areas**, the Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided.
6. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

# Rule 19.5 Land Use Performance Standards

## 19.5.1 Acoustic Insulation

1. Noise sensitive activities in the following areas must comply with Rule 9.3.1:
   a. **port noise control mapped area**;
   b. within 40m of a state highway;
   c. within 40m of the Taieri Aerodrome Zone; and
   d. within 70m of a railway line.

## 19.5.3 Hours of Operation

1. Restaurants must not be open before 6am or after 6pm.
2. Activities that contravene this performance standard are restricted discretionary activities.

## 19.5.4 Light Spill

Land use activities must comply with Rule 9.3.5.

## 19.5.5 Maximum Gross Floor Area

1. The gross floor area used for retail ancillary to industry activity must not exceed 10% of the gross floor area of the premises.
2. The maximum gross floor area for restaurants is 50m².
3. Any retail ancillary to industry activity that contravenes the performance standard for maximum gross floor area is a non-complying activity.
4. Any restaurants that contravene the performance standard for maximum gross floor area are a restricted discretionary activity.

## 19.5.6 Minimum Mobility Car Parking

1. NA.

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

2. Land use activities must provide on-site mobility parking spaces as follows:

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

3. Required parking spaces must be designed and constructed to comply with Rule 6.6.1.1.e.iii.

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

**Note 19.5.6A - Other relevant District Plan provisions**

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

### 19.5.7 Minimum Vehicle Loading

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

| Activity | | Minimum vehicle loading |
|---|---|---|
| a. | Industry | 1 loading space to accommodate an 8m rigid truck (See Appendix 6B, Figure 6B.10). |
| b. | Industrial ancillary tourism | 1 loading space to accommodate a coach on any site greater than 400m² which has a vehicle crossing onto a rural highway or urban connector (See Appendix 6B, Figure 6B.12). |

2. Required vehicle loading must be designed and constructed to comply with Rule 6.6.2.
3. Activities that contravene this performance standard are restricted discretionary activities.

### 19.5.8 Noise

Land use activities must comply with Rule 9.3.6.

### 19.5.9 Service Station Standards

Service stations must comply with Rule 6.7.1.

### 19.5.10 Setback from National Grid

National Grid sensitive activities must comply with Rule 5.6.1.1.

# Rule 19.6 Development Performance Standards

## 19.6.1 Boundary Treatments

1. New buildings, additions and alterations that increase the gross floor area of a building, demolition or removal for relocation of buildings and new or additions to parking areas must provide a landscaping area with a minimum width of 3m along the full length of any road frontage that is identified as an **amenity route mapped area** (except for where existing or permitted vehicle access is provided), except that this standard does not apply where:
    a. The building subject to demolition or removal for relocation is not visible from the street frontage.

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

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

4. Fencing must be provided along any boundaries which adjoin a residential or school zoned property. Fencing must:
    a. be constructed from solid timber paling;
    b. have vertical palings which are butted together;
    c. only have palings visible from the residential zone (have posts and rails on the Industrial Zone side); and
    d. be a minimum of 1.8m high.

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

### Note 19.6.1A - Other requirements outside of the District Plan

1. The Dunedin City Council Commercial Use of Footpaths Policy applies to all objects placed on the footpath or suspended over it up to a height of 2.6m. Contact customer services on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.

## 19.6.2 Natural Hazards Performance Standards

19.6.2.1 Hazard exclusion areas

New buildings and structures, and additions and alterations located in a **swale mapped area** must comply with Rule 11.3.1.1.

19.6.2.2 Maximum area of vegetation clearance in the hazard overlay zones

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

19.6.2.3 Relocatable buildings

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

### 19.6.3 Hazardous Substances Quantity Limits and Storage Requirements

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

### 19.6.4 Height

19.6.4.1 Height in relation to boundary

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

b. New buildings and additions and alterations to buildings on sites that adjoin the Recreation Zone along their side or rear boundary must comply with the height in relation to boundary performance standard of the Recreation Zone, along the adjoining boundary (see Rule 20.6.4.1);

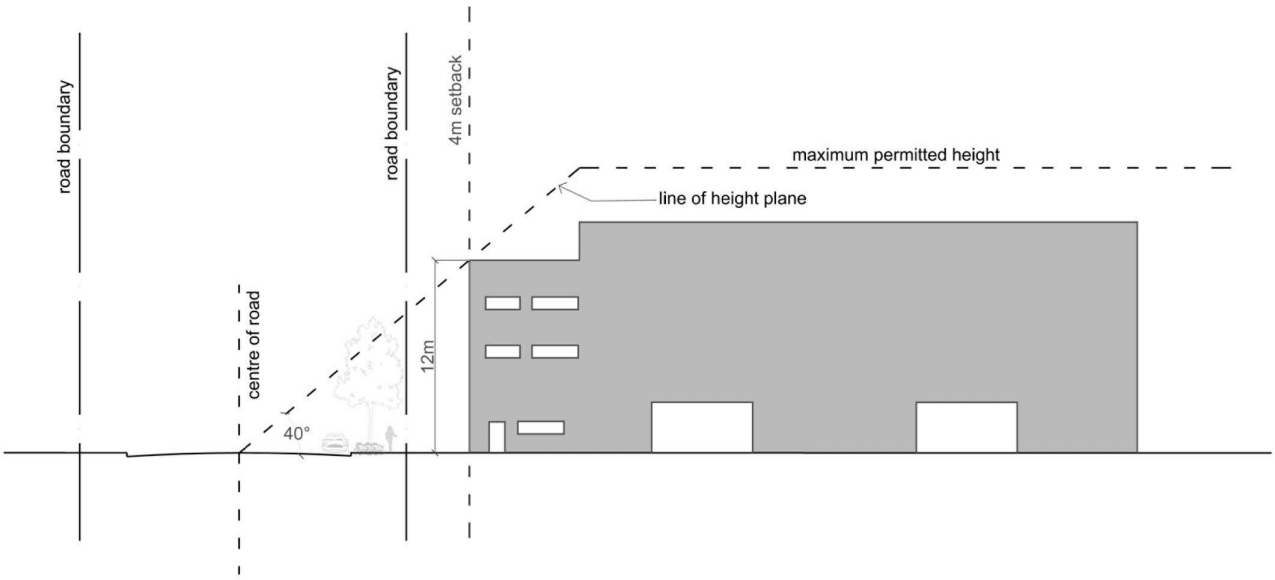
c. New buildings and additions and alterations to buildings along the **amenity route mapped area** on Burns Street must not protrude through a plane rising at an angle of 40 degrees measured from ground level at the centreline of the road (see Figure 19.6.4.1A).

d. New buildings and additions and alterations to buildings along the **amenity route mapped area** in all other locations must not protrude through a plane rising at an angle of 60 degrees measured from ground level along the road boundary (see Figure 19.6.4.1B).

e. Rooftop structures are exempt from the performance standard for height in relation to boundary.

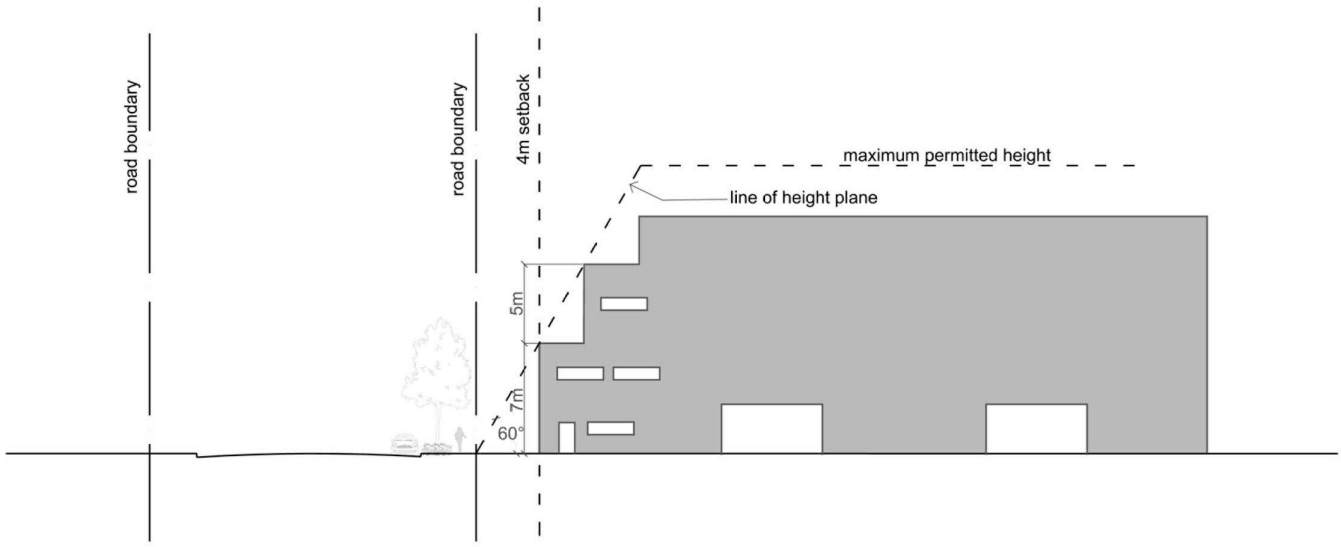
f. Activities that contravene this performance standard are restricted discretionary activities.

Figure 19.6.4.1A: Height in relation to boundary




Example 1. 40 degree height plane measured from the road centre.

Figure 19.6.4.1B: Height in relation to boundary




Example 2. 60 degree height plane measured from the property road boundary.

19.6.4.2 Maximum height

a. The maximum height of new buildings and structures, additions and alterations, and outdoor storage, including the temporary storage of shipping containers must not exceed the following above ground level:

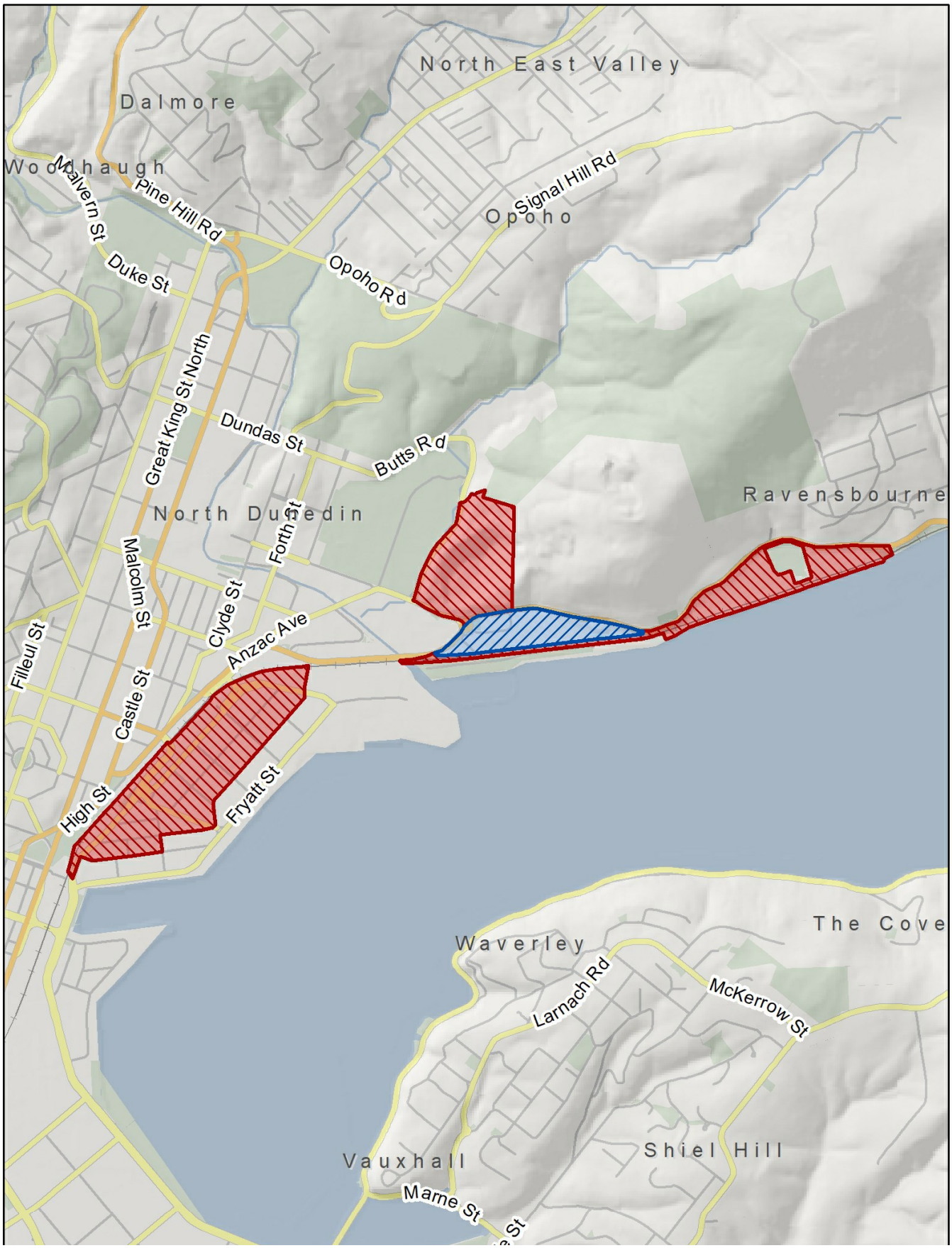
| Height area | | Maximum height |
|---|---|---|
| i. | Industrial Port Zone | 25m |
| ii. | **Ravensbourne height mapped area** (see Figure 19.6.4.2A) | 20m |
| iii. | **Cerebos Greggs height mapped area** (see Figure 19.6.4.2B) | 33m |
| iv. | **Parry Street East height mapped area** (see Figure 19.6.4.2A) | 25m |
| v. | All other areas in the Industrial Zone | 18m |

vi. Except, rooftop structures and freestanding chimneys as part of industry activity are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other building and structures by 5m.

vii. New buildings and structures, and additions and alterations must not protrude through the height restriction for the Taieri Aerodrome approach and take-off fans shown on the **Taieri Aerodrome flight fan mapped area**.

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

Figure 19.6.4.2A: **Parry Street East** and **Ravensbourne height mapped area**



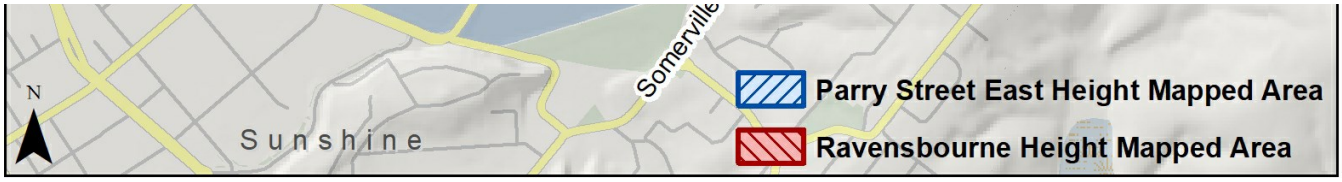
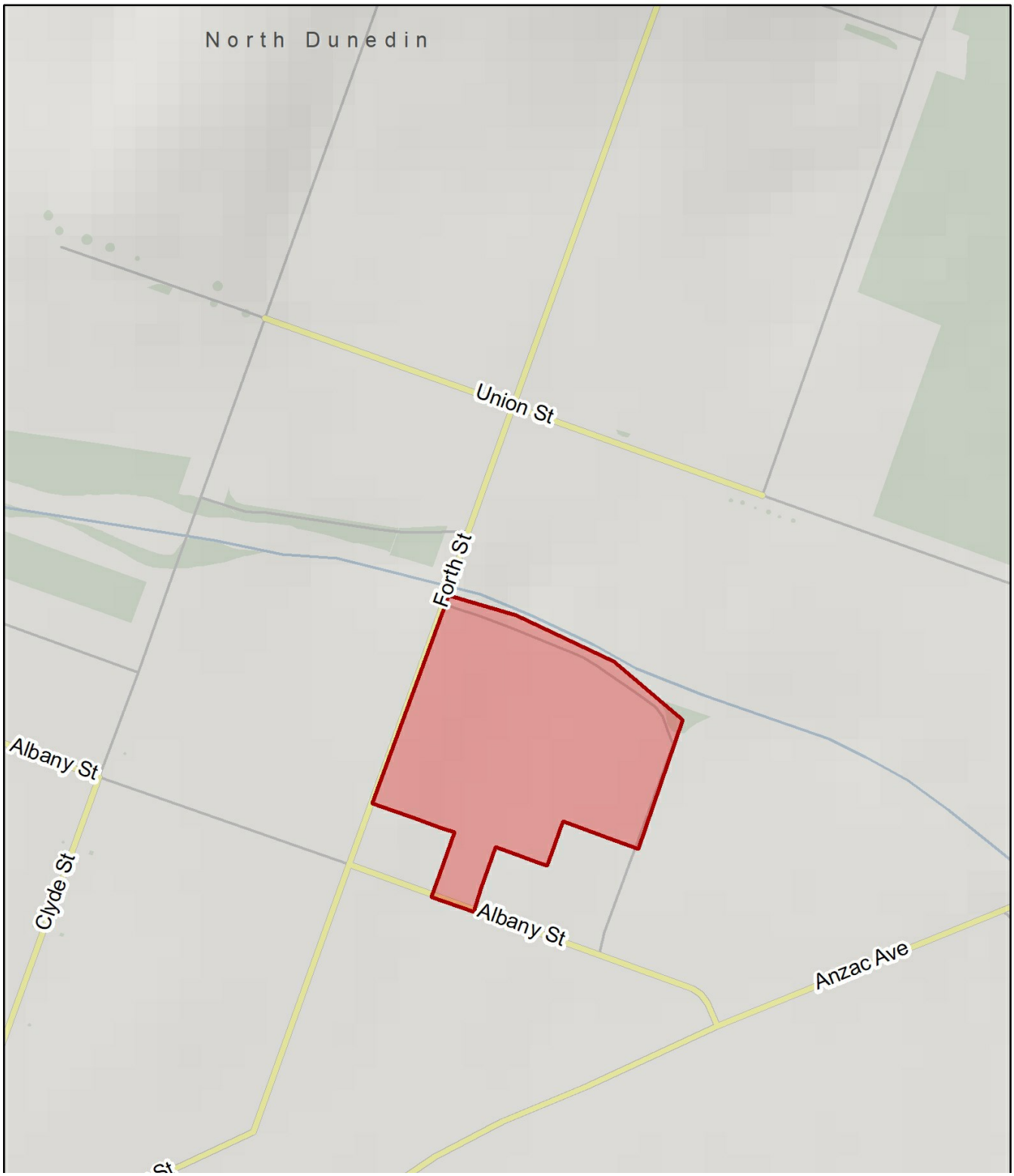



Figure 19.6.4.2B: **Cerebos Gregg's height mapped area**



### 19.6.5 Materials and Design

Earthquake strengthening must comply with Rule 13.3.2.

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

19.6.6.1 General

a. Signs visible from a public place must meet all of the following performance standards, except that regulatory signs, directional signs and warning signs that do not exceed 0.25m² are exempt from these standards.

b. Signs must also comply with:
   i. Rule 6.7.2 where located on or above the footpath; and
   ii. Rule 6.7.3 where visible from a road.

c. Signs higher than 4m above ground level must only display the business name.

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

19.6.6.2 Signs attached to buildings

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

b. Signs must not be attached to roofs.

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

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

e. If attached on the underside of a verandah or protruding from a building façade, signs must:
   i. where attached to the façade of a building, not protrude more than 1.5m from the façade;
   ii. have a maximum area per display face of 2m²;
   iii. have a maximum of 2 display faces;
   iv. not exceed 1 sign per 15m of street frontage, for a site with a single premise, or 1 per 7.5m, for a site with multiple premises; and
   v. not exceed a total of 3 signs per building.

19.6.6.3 Freestanding signs

a. The maximum number of freestanding signs is:
   i. 2 per site or 1 per 50m of street frontage, whichever is the lesser, for permanently fixed freestanding signs; and
   ii. 1 per 15m of street frontage for portable freestanding signs.

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

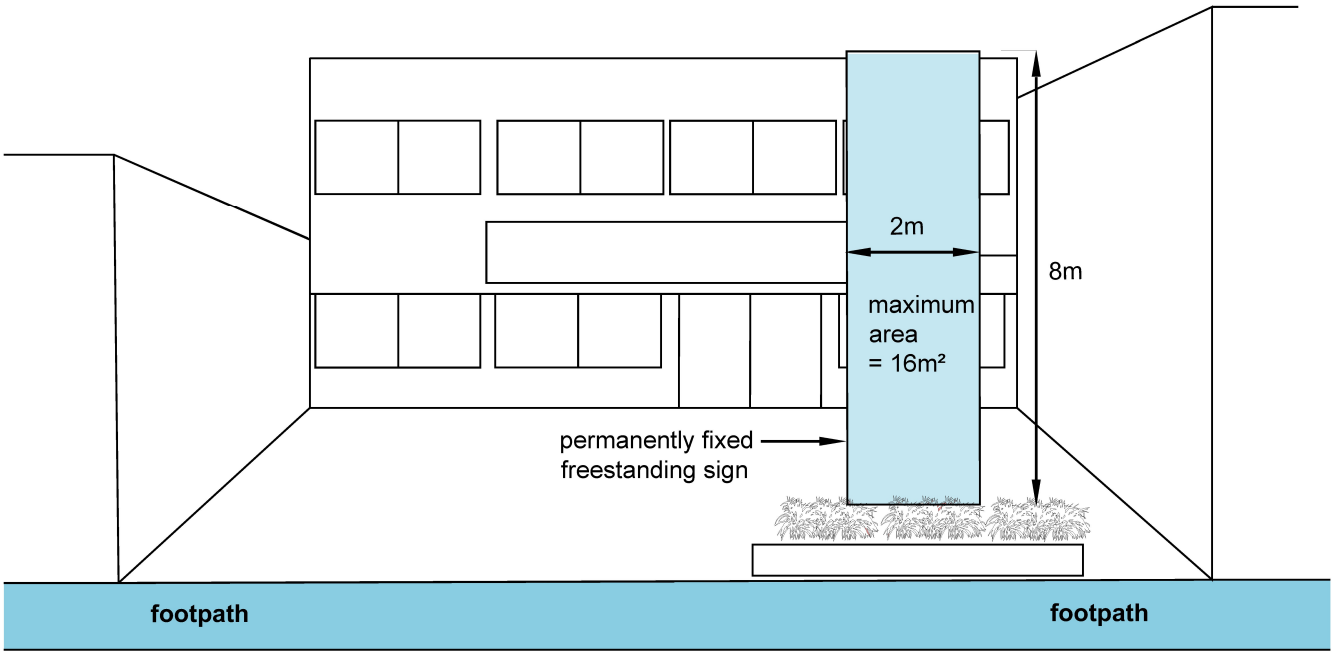
c. Portable freestanding signs must not be located on the road reserve.

d. Freestanding signs must:
   i. not obstruct driveways, parking or loading areas; and
   ii. be positioned entirely within site boundaries, except:
      1. a flag sign may project a maximum of 1.5m over a footpath if the flag sign is located at least 2.5m, at its lowest point, above the footpath.

**Note 19.6.6A - Other requirements outside of the District Plan**

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

Figure 19.6.6.3A: Signs in industrial zones



### 19.6.7 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

### 19.6.8 Location of Outdoor Storage

1. Materials stored outside must be stored in a way that prevents them contaminating any off-site area.
2. Outdoor storage must not encroach into required parking, loading or landscaping areas.
3. Activities that contravene this performance standard are restricted discretionary activities.

### 19.6.9 Setbacks

19.6.9.1 Boundary setbacks

a. New buildings and structures, and additions and alterations must have a minimum setback as follows:

| Location | | Setback distance |
|---|---|---|
| i. | From a site boundary that adjoins a residential, school or recreation zone | 5m |
| ii. | From a boundary along the Burns Street **amenity route mapped area** | 3m |
| iii. | From a boundary along all other **amenity route mapped areas** | 4m |

iv. Except, fences and ancillary signs are exempt from this standard.

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

19.6.9.2 Setback from scheduled tree

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

19.6.9.3 Setback from National Grid

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

19.6.9.4 Setback from coast and water bodies

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

19.6.9.Y Setback from Critical Electricity Distribution Infrastructure

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

### 19.6.10 Vegetation Clearance Standards

19.6.10.1 Maximum area of vegetation clearance (UBMA)

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

19.6.10.2 Maximum area of vegetation clearance in a hazard overlay zone

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

# Rule 19.7 Subdivision Performance Standards

## 19.7.1 Access

Subdivision activities must comply with Rule 6.8.1.

## 19.7.2 Esplanade Reserves and Strips

Subdivision activities must comply with Rule 10.3.1.

## 19.7.3 Firefighting

Subdivision activities must comply with Rule 9.3.3.

## 19.7.4 Service Connections

Subdivision activities must comply with Rule 9.3.7.

## 19.7.5 Shape

1. Each resultant site must be of a size that is large enough to ensure the following performance standards can be met:
    a. NA;
    b. setbacks from boundaries, water bodies, scheduled trees; and
    c. esplanade reserves or strips.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must:
    a. not contain scheduled heritage buildings or scheduled heritage structures; or
    b. not contain right-of-way easements.
    c. NA.
3. For unreticulated areas, resultant sites must provide for a wastewater disposal area to be located at least 50m from any water body and mean high water springs.
4. Sites created and used solely for the following purposes are exempt from the shape standard:
    a. Scheduled ASBV or QEII covenant;
    b. reserve;
    c. access;
    d. network utility; or
    e. road.
5. Subdivision activities that do not meet this standard are restricted discretionary activities.

### 19.7.X Setback from National Grid

Subdivision activities must comply with Rule 5.6.1.X.

## Rule 19.8 Assessment of Controlled Activities

### Rule 19.8.1 Introduction

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rule 19.8.2:
   a. lists the matters over which Council has reserved its control; and
   b. provides guidance on how consent applications will be assessed, including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
      ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
   a. if the contravention of the performance standard defaults to **restricted discretionary** then:
      i. the activity, as a whole, will be treated as **restricted discretionary**; and
      ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
      iii. the performance standard contravention will be assessed as indicated in Section 19.9; and
      iv. the matters of control become matters of discretion and will be assessed as indicated in this section.
   b. if the contravention of the performance standard defaults to **discretionary** then:
      i. the activity, as a whole, will be treated as **discretionary**; and
      ii. the performance standard contravention will be assessed as indicated in Section 19.11; 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 19.12; and
      iii. the assessment guidance in this section will also be considered.

| **19.8.2 Assessment of controlled development activities** | | | |
|---|---|---|---|
| Activity | | Matters of control | Guidance on the assessment of resource consents |
| 1. | Affecting a scheduled heritage building or a scheduled heritage structure:<br>• Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected.<br>• Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) | a. Effects on heritage values | See Rule 13.4 |

# Rule 19.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

## Rule 19.9.1 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 19.9.2 - 19.9.6:
    a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.
3. Rules 19.9.2 - 19.9.6 apply as follows:
    a. Rule 19.9.2 applies to all performance standard contraventions;
    b. Rule 19.9.3 applies to land use performance standards;
    c. Rule 19.9.4 applies to development performance standards;
    d. Rule 19.9.5 applies to subdivision performance standard contraventions; and
    e. Rule 19.9.6 applies to performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item.

| 19.9.2 Assessment of all performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | All performance standard contraventions | *Potential circumstances that may support a consent application include:*<br>a. The degree of non-compliance with the performance standard is minor.<br>b. Compliance with the performance standard would be impracticable or create health and safety issues.<br>c. The need to meet other performance standards, or other site specific factors including topography, make meeting the standard impracticable.<br>d. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur.<br>e. Non-compliance with the development performance standard would improve the design of the development in a way that would result in positive effects and better achieve identified objectives and policies of the Plan.<br>f. The contravention is necessary for the industry activity to operate or would have significant positive effects on its operation.<br>*General assessment criteria:*<br>g. Where more than one standard is contravened, the combined effects of the contraventions should be considered. |

| 19.9.3 Assessment of land use performance standards | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 2. | • Hours of operation<br>• Maximum gross floor area (restaurants) | a. Reverse sensitivity effects | *Relevant objectives and policies:*<br>i. Objective 19.2.1<br>ii. The restaurant is designed and operated to service workers engaged in or associated with industrial activities in the area, and is unlikely to attract significant patronage outside of this purpose (Policy 19.2.1.6). |
| 3. | • Minimum vehicle loading<br>• Service station standards | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 4. | Minimum mobility car parking | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| | | b. Effects on accessibility | |

| 19.9.4 Assessment of development performance standards | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Boundary setbacks (boundaries adjoining residential, school or recreation zoned sites) | a. Effects on the character and amenity of sensitive surrounding sites | *Relevant objectives and policies:*<br>i. Objective 19.2.2<br>ii. Buildings are set back an adequate distance from boundaries which adjoin residential, school or recreation zoned sites to maintain adequate sunlight access to these sites (Policy 19.2.2.1).<br>*Potential circumstances that may support a consent application include:*<br>iii. The topography of the area means adequate sunlight access will be maintained to the adjacent sites.<br>iv. The affected part of the adjacent site is not utilised by, and will not be used in the future for, a sensitive use. |
| 2. | Boundary treatments (fencing) | a. Effects on the character and amenity of sensitive surrounding sites | *Relevant objectives and policies:*<br>i. Objective 19.2.2<br>ii. Fencing along boundaries that adjoin residential sites in the residential zones or sites in the Schools Zone is of an adequate height and design so that it provides screening and security (Policy 19.2.2.3). |
| 3. | Hazardous substances quantity limits and storage requirements | a. Effects on health and safety | See Rule 9.5 |

| 19.9.4 Assessment of development performance standards | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 4. | Height | a. Effects on views across Otago Harbour | *Relevant objectives and policies:*<br>i. Objective 2.4.1, Policy 2.4.1.4<br>ii. Objective 19.2.2<br>iii. Buildings and structures are of a height that avoids or minimises, as far as practicable, significant adverse effects on views from the central city and Dunedin's inner hill suburbs, across the upper harbour toward the Otago Peninsula (Policy 19.2.2.5.a).<br>*Potential circumstances that may support a consent application include:*<br>iv. Adverse effects are adequately mitigated by:<br>1. natural landforms and features (e.g. cliffs, tall trees on adjacent reserves) that provide a backdrop to the building;<br>2. the topography of the site;<br>3. building design; or<br>4. other neighbouring buildings. |
| | | b. Effects on neighbourhood amenity | *Relevant objectives and policies:*<br>i. Objective 19.2.2<br>ii. Buildings and structures are of a height that avoids or, if avoidance is not practicable, ensures adverse effects from shading and wind tunnelling effects on school, residential, and recreation zoned sites are no more than minor (Policy 19.2.2.5.b). |
| | | c. Reverse sensitivity effects | *Relevant objectives and policies:*<br>i. Objective 19.2.2<br>ii. The height is essential to the operation of the industry activity; and the visual effects of the height limit exceedance have been minimised as far as practicable. (Policy 19.2.2.6). |
| | | d. Effects on health and safety | See Rule 9.5 |

| 19.9.4 Assessment of development performance standards | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 5. | Number, location and design of ancillary signs | a. Effects on character and streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 19.2.2<br>ii. Signs are of an appropriate size and number to convey information about the name, location and nature of the business to passing vehicles or pedestrians, and are not oversized or too numerous for that purpose (Policy 19.2.2.7).<br>*Potential circumstances that may support a consent application include:*<br>iii. Signs will not be visible from outside the zone. |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 6. | Parking, loading and access standards | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 7. | Location of outdoor storage | a. Effects on amenity of surrounding sites | *Relevant objectives and policies:*<br>i. Objective 19.2.2<br>ii. Materials stored outside, including those which may become airborne due to wind, are stored in way that prevents materials escaping and contaminating any off-site area (Policy 19.2.2.4). |
| 8. | Setback from coast and water bodies | a. Effects on biodiversity values and natural character of the coast and riparian margins | See Rule 10.5 |
| | | b. Effects on public access | See Rule 10.5 |
| | | c. Risk from natural hazards | See Rule 11.4 |
| 9. | Setback from scheduled tree | a. Effects on long term health of tree | See Rule 7.6 |

| 19.9.5 Assessment of subdivision performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Access | a. Effects on accessibility | See Rule 6.10 |

| 19.9.5 Assessment of subdivision performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 2. | Esplanade reserves and strips | a. Effects on biodiversity values and natural character of the coast and riparian margins | See Rule 10.5 |
| | | b. Effects on public access | |
| 3. | Firefighting | a. Effects on health and safety | See Rule 9.5 |
| 4. | Service connections | a. Effects on efficiency and affordability of infrastructure | See Rule 9.5 |

| 19.9.5 Assessment of subdivision performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 5. | Shape | *Relevant objectives and policies:*<br>a. Objective 2.4.1<br>b. Subdivisions are designed to ensure any future land use or development is able to meet the performance standards in the zone, or where in a **structure plan mapped area**, reflects the requirements of the **structure plan mapped area** performance standards, unless:<br>i. a resource consent is approved for a development that does not meet the performance standard and the subdivision is intended for and capable of providing for that approved development; or<br>ii. the resultant site is required for:<br>1. Scheduled ASBV; QEII covenant; or<br>2. reserve; or<br>3. access; or<br>4. utility; or<br>5. road (Policy 2.4.1.8).<br>*General assessment guidance:*<br>c. Non-compliance with the performance standard for shape will be assessed based on which performance standard(s) the shape of the resultant site does not provide for compliance with. See matters of discretion and assessment rules in relation to performance standard contraventions for:<br>i. boundary setbacks;<br>ii. setbacks from water bodies; and<br>iii. setback from scheduled trees.<br>iv. NA.<br>d. For contravention of the building platform slope part of the shape performance standard (Rule 19.7.5.2), see the matters of discretion and assessment rules in relation to earthworks - large scale (Rule 8A.7.2.1).<br>*Conditions that may be imposed include:*<br>e. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site.<br>f. A building platform may be required to be registered against the title by way of consent notice. |

| 19.9.6 Assessment of performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | In an **amenity route mapped area:**<br>• Boundary setbacks<br>• Boundary treatments - landscaping | a. Effects on streetscape amenity | *Relevant objectives and policies:*<br>i. Objective 19.2.2<br>ii. Development along an **amenity route mapped area** provides a high level of streetscape amenity by:<br>1. providing landscaping of a height and density adequate to maintain or enhance the amenity of the route and to mitigate the visual impact of industrial activities and development; and<br>2. setting back buildings an adequate distance to allow this landscaping (Policy 19.2.2.2).<br>*Potential circumstances that may support a consent application include:*<br>iii. There are positive effects on streetscape amenity from better building or site design outcomes achieved through not meeting the performance standard. These include the use of building treatments such as murals, green walls, or activation treatments.<br>iv. The alternative boundary treatment proposed is necessary to address traffic safety issues that could arise if the standard was complied with; and is necessary to achieve Objective 6.2.3.<br>X. The alternative boundary treatment is necessary to allow for the redevelopment of, or additions and alterations to, existing buildings. |
| 2. | In a **hazard overlay zone**:<br>• Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) overlay zones)<br>• Relocatable buildings (Hazard 3 (coastal) Overlay Zone)<br>• Hazardous substances quantity limits and storage requirements | a. Risk from natural hazards | See Rule 11.4 |

| 19.9.6 Assessment of performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 3. | Affecting a **scheduled heritage building or scheduled heritage structure**:<br>• Materials and design | a. Effects on heritage values | See Rule 13.5 |
| 4. | In the **Taieri Aerodrome flight fan mapped area**:<br>• Maximum height (Rule 19.6.4.2.a.vii) | a. Effects on health and safety | See Rule 9.5 |
| 5. | In a **wāhi tūpuna mapped area**:<br>• Setback from coast and water bodies<br>• Esplanade reserves and strips | a. Effects on cultural values of Manawhenua | See Rule 14.3 |
| 6. | In an **urban biodiversity mapped area**:<br>• Vegetation clearance standards: Maximum area of vegetation clearance (UBMA) | a. Effects on biodiversity values | See Rule 10.5 |

| 19.9.6 Assessment of performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| X. | In the **Critical Electricity Distribution Infrastructure Corridor mapped area**:<br>• Setback from Critical Electricity Distribution Infrastructure (buildings, structures, city-wide activities) | a. Effects on health and safety<br>b. Effects on efficient and effective operation of network utilities | See Rule 5.7. |

# Rule 19.10 Assessment of Restricted Discretionary Activities

## Rule 19.10.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 19.10.2 - 19.10.6:
   a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provide guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Rules 19.10.2 - 19.10.6 apply as follows:
   a. Rule 19.10.2 applies to all restricted discretionary activities;
   b. Rule 19.10.3 applies to restricted discretionary land use activities;
   c. Rule 19.10.4 applies to restricted discretionary development activities;
   d. Rule 19.10.5 applies to restricted discretionary subdivision activities; and
   e. Rule 19.10.6 applies to restricted discretionary activities in an overlay zone, mapped area, or affecting a scheduled item.
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
5. Where a restricted discretionary activity does not meet a performance standard the following occurs:
   a. if the contravention of the performance standard defaults to **restricted discretionary** then:
      i. the activity, as a whole, will be treated as **restricted discretionary**; and
      ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
      iii. the performance standard contravention will be assessed as indicated in Section 19.9; 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 19.11; 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 19.12; and

iii. the assessment guidance in this section will also be considered.

| 19.10.2 Assessment of all restricted discretionary activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | All restricted discretionary activities listed below | *Potential circumstances that may support a consent application include:*<br>a. For restricted discretionary land use activities, whether any associated buildings or structures meet relevant development performance standards.<br><br>*General assessment guidance:*<br>b. 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. |

| 19.10.3 Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | All high trip generators, which include any activities that generate 250 or more vehicle movements a day. | a. Effects on accessibility | See Rule 6.11 |
| | | b. Effects on the safety and efficiency of the transport network | |
| 2. | Service stations (except self-service fuel stations) | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| 3. | Crematoriums outside a **hazard facility mapped area** | a. Effects on cultural values of Manawhenua | See Rule 14.4 |
| | | b. Reverse sensitivity effects | *Relevant objectives and policies:*<br>i. Objective 19.2.1<br>ii. The potential for reverse sensitivity is insignificant (Policy 19.2.1.10). |
| | | c. Effects on amenity of surrounding sites | *Relevant objectives and policies:*<br>i. Objective 19.2.2<br>ii. Crematoriums are located to avoid or minimise, as far as practicable, significant adverse effects on the amenity of surrounding residential, school and recreation zoned sites (Policy 19.2.2.8). |

| 19.10.3 Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 4. | • Sport and recreation<br>• Industrial ancillary tourism | a. Reverse sensitivity effects | *Relevant objectives and policies:*<br>i. Objective 19.2.1<br>ii. The potential for reverse sensitivity is insignificant (Policy 19.2.1.10).<br>iii. Sport and recreation activities have specific operational requirements when located in the industrial zones that mean it is not practical to locate in a recreation, residential or commercial and mixed use zone (Policy 19.2.1.7).<br>*Potential circumstances that may support a consent application include:*<br>iv. The scale of the activity is such that it will not result in a more than minor long term loss of land for industrial or port activities within a particular area, either on its own, or cumulatively with other non-industrial or port activities in that area.<br>v. The number of people involved in the activity, hours of operation, and noise is such that the activity will not have significant adverse effects on the amenity of surrounding residential, school and recreation zones. |
| 5. | Ancillary licensed premises | a. Reverse sensitivity effects | *Relevant objectives and policies:*<br>i. Objective 19.2.1<br>ii. Ancillary licensed premises are designed and operated to service the workers engaged in or associated with industrial or port activities in the area, and are unlikely to attract significant patronage outside of this purpose (Policy 19.2.1.6).<br>iii. The potential for reverse sensitivity is insignificant (Policy 19.2.1.10)<br>*Potential circumstances that may support a consent application include:*<br>iv. The number of people involved in the activity, hours of operation and noise is such that the activity will not have significant adverse effects on the amenity of surrounding residential, school and recreation zones. |

| 19.10.4 Assessment of restricted discretionary development activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | High trip generators:<br>• New or additions to parking areas that result in 50 or more new parking spaces | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | b. Effects on accessibility | |

| 19.10.5 Assessment of restricted discretionary subdivision activities | | | |
|---|---|---|---|
| Subdivision activities | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Subdivision activities | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | b. NA | NA |
| | | c. Effects on efficiency and affordability of infrastructure | See Rule 9.6 |
| | | d. Risk from natural hazards | See Rule 11.5 |

| 19.10.6 Assessment of restricted discretionary activities in an overlay zone, mapped area, or affecting a scheduled heritage item | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | In **all hazard overlay zones, swale mapped areas and dune system mapped areas**:<br>• Subdivision activities | a. Risk from natural hazards | See Rule 11.5 |
| 2. | In the **Hazard 2 (flood) Overlay Zone** (see Rule 19.3.6):<br>• New buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m² of new ground floor area | a. Risk from natural hazards | See Rule 11.5 |
| 3. | Activities affecting a scheduled heritage building or scheduled heritage structure:<br>• Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure<br>• Removal for relocation<br>• All subdivision activities on sites containing a scheduled heritage building or scheduled heritage structure | a. Effects on heritage values | See Rule 13.6 |
| 4. | Activities affecting a scheduled heritage site:<br>• New buildings and structures on a scheduled heritage site, where visible from an adjoining public place or a publicly accessible place within the site<br>• Parking, loading and access on a scheduled heritage site, where visible from an adjoining public place or a public place within the site<br>• All subdivision activities | a. Effects on heritage values | See Rule 13.6 |

| 19.10.6 Assessment of restricted discretionary activities in an overlay zone, mapped area, or affecting a scheduled heritage item | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 5. | In the **Hazard 2 (flood) Overlay Zone**:<br>• Natural hazards sensitive activities<br>• Natural hazards potentially sensitive activities | a. Risk from natural hazards | See Rule 11.5 |
| 6. | In the **National Grid Subdivision Corridor mapped area:**<br>• All subdivision activities | a.Risk to the safety of people and property | See Rule 5.8. |
| | | b. Reverse sensitivity effects | |
| | | c. Effects on efficient and effective operation of the National Grid and access to it | |
| Y. | In the **Critical Electricity Distribution Infrastructure Corridor mapped area**:<br>• All subdivision activities | a. Effects on health and safety | See Rule 5.8. |
| | | b. Reverse sensitivity effects | |
| | | c. Effects on efficient and effective operation of network utilities | |
| X. | In a **Harbourside Edge Transition Overlay Zone (HETZ)** (prior to release):<br>• Subdivision activities | a. Effects on future urban development | See Rule 12.X |

# Rule 19.11 Assessment of Discretionary Activities

## Rule 19.11.1 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. With respect to section 104(2) of the RMA, Council will not consider the performance standard for maximum height in the industrial zones as part of the permitted baseline in considering the effects of discretionary activities.
3. Rules 19.11.2 - 19.11.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', including:
    a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
    b. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
    c. general assessment guidance, including any effects that will be considered as a priority; and
    d. conditions that may be imposed.
4. Rules 19.11.2 and 19.11.3 apply as follows:
    a. Rule 19.11.2 applies to all discretionary activities; and
    b. Rule 19.11.3 applies to discretionary performance standard contraventions.
5. 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.

| 19.11.2 Assessment of all discretionary activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | All discretionary activities | *General assessment guidance:*<br>a. In assessing the significance of effects, consideration will be given to:<br>i. both short and long term effects, including effects in combination with other activities<br>ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. |

| 19.11.3 Assessment of discretionary performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Acoustic insulation<br>• Noise - where the limit is exceeded by less than 5dB LAeq (15min)<br>• Light spill - where the limit is exceeded by 25% or less | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and the effects on public health and safety. |

# Rule 19.12 Assessment of Non-complying Activities

## Rule 19.12.1 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. With respect to section 104(2) of the RMA, Council will not consider the maximum height performance standard in the industrial zones as part of the permitted baseline in considering the effects of non-complying activities.
3. Rules 19.12.2 - 19.12.4 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
    a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
    b. general assessment guidance, including any effects that will be considered as a priority.
4. Rules 19.12.2 - 19.12.5 apply as follows:
    a. Rule 19.12.2 applies to non-complying land use activities;
    b. Rule 19.12.3 applies to non-complying development activities; and
    c. Rule 19.12.4 applies to non-complying performance standard contraventions.
5. 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.

| 19.12.2 Assessment of non-complying land use activities | | |
|---|---|---|
| Activity | | Assessment Matters |
| 1. | All non-complying land use activities, including but not limited to the activities listed below | *Relevant objectives and policies (priority considerations):*<br>a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to, those related to Objective 2.3.1.<br>b. Objective 2.3.2 and Policy 2.3.2.2.<br>c. Objective 2.4.3 and Policy 2.4.3.4.<br>d. The activity supports the purpose of the zone as outlined in (objectives 2.3.1 and 19.2.1)<br>e. The activity would have significant positive effects on the successful operation of surrounding industrial or port activities (Policy 19.2.1.3).<br>f. The potential for reverse sensitivity is insignificant (Policy 19.2.1.10)<br>*General assessment guidance*:<br>g. In assessing the significance of effects, consideration will be given to:<br>i. both short and long term effects, including effects in combination with other activities.<br>ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent.<br>h. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.<br>*Conditions that may be imposed include:*<br>i. A requirement for noise sensitive activity establishing in an industrial zone to comply, at a minimum with the acoustic insulation requirements in Rule 9.3.1<br>*Relevant guidance from other sections (priority considerations):*<br>j. See Section 6.13 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public.<br>k. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety.<br>l. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua. |
| 2. | Commercial advertising | *Relevant objectives and policies (priority considerations)*:<br>a. Objective 2.4.1<br>b. Policy 2.4.1.6.c |

| 19.12.2 Assessment of non-complying land use activities | | |
|---|---|---|
| Activity | | Assessment Matters |
| 3. | Community and leisure | *Relevant objectives and policies (priority considerations):*<br>a. The activity has specific operational requirements that mean it is not practical to locate in a recreation, residential or commercial and mixed use zone (Policy 19.2.1.7)<br>b. The potential for reverse sensitivity is insignificant (Policy 19.2.1.10) |
| 4. | • Cemeteries<br>• Landfills | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua. |
| 5. | Retail (excluding retail ancillary to industry and yard based retail) | *Relevant objectives and policies (priority considerations):*<br>a. Retail activity (excluding retail ancillary to industry and yard based retail activities), is avoided, due to its high potential to be a significant competing use of land primarily zoned for industrial or port uses, unless it has significant positive effects on the successful operation of surrounding industrial or port activities (Policy 19.2.1.9). |
| 6. | In the **hazard 1 (flood) overlay zones** (see Rule 19.3.6):<br>• Natural hazards potentially sensitive activities<br>• Natural hazards sensitive activities | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and the effects related to the risk from natural hazards. |
| 7. | In a **hazard facility mapped area**, bulk fuel storage facilities sensitive activities | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and Policy 9.2.2.15 and the risks to people from an emergency event occurring at a hazard facility. |

| 19.12.3 Assessment of non-complying development activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | Demolition of a protected part of a scheduled heritage building or scheduled heritage structure | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects on heritage values. |

| 19.12.4 Assessment of non-complying performance standard contraventions | | |
|---|---|---|
| Performance standard | | Assessment matters |
| 1. | • Light spill - where the limit is exceeded by greater than 25%<br>• Noise - where the limit is exceeded by 5dB LAeq (15 min) or more<br>• Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and the effects related to public health and safety. |
| 2. | • Setback from National Grid (buildings, structures, city-wide activities, and National Grid sensitive activities (Rule 5.6.1.1)<br>• Setback from National Grid (subdivision activities) (Rule 19.7.X) | *Relevant guidance from other sections:*<br>a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.X and effects related to the operation, maintenance, upgrading and development of the National Grid. |
| 3. | Hazard exclusion areas | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. |
| 4. | Maximum gross floor area (retail ancillary to industry) | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 2.3.1 and 19.2.1<br>b. Retail ancillary to industry is of a size that is clearly subordinate to and part of the operation of the primary industry activity; and does not conflict with objectives 2.3.1, 2.3.2 and 2.4.3; and does not create adverse effects on other industrial activities, for example from traffic, parking or reverse sensitivity (Policy 19.2.1.5). |

# 20. Recreation Zone

## 20.1 Introduction

Public reserve and recreational areas are interspersed among other environments within the city. The protection and provision of these areas and facilities is important for the health and well-being of the community and to contribute to amenity values.

- Activities and developments in recreation areas can have adverse effects on the surrounding environment. For example, large scale buildings and structures, parking and traffic effects, and nuisance-related effects such as noise or glare from lighting can impact on the amenity of surrounding residential properties.
- Many recreation areas provide important green space for the city. Limiting the types and scale of activities and development that occurs on them is necessary to ensure that they are available for a range of uses (including casual public use), and that green space is not consumed by inappropriate activities or development.
- Commercial food, beverage, and retail activities provided in association with recreation facilities could threaten the vitality of centres if provided in a way or at a scale that would compete with activities in the centres. Such activities occurring outside of a commercial centre also have the potential to impact on neighbours.

The areas covered by the zone are primarily sports fields, large urban bush reserves, and coastal reserves.

Other recreation areas not incorporated in this zone are:

a. Small pocket parks, such as neighbourhood playgrounds, and small reserve areas in a commercial centre or the inner city, which retain the zoning of the surrounding environment.

b. Moana Pool is managed through the Moana Pool Zone .

c. Open space and recreation areas in the rural environment, which are generally zoned the same as the surrounding environment (i.e. rural zones). These areas are primarily used for conservation, protection of biodiversity and landscapes, and to provide for walking and biking tracks.

# 20.2 Objectives and Policies

| **Objective 20.2.1** | |
|---|---|
| The Recreation Zone provides opportunities for a wide range of recreational, sporting, community, and cultural activities. | |
| Policy 20.2.1.1 | Enable sport and recreation, community and leisure, and restaurant and retail ancillary to sport and recreation. |
| Policy 20.2.1.2 | Enable rural activities in the form of grazing and forestry. |
| Policy 20.2.1.3 | Provide for a wide range of community activities, cemeteries, and campgrounds, where these activities are designed and operated to meet Objective 20.2.2 and its policies. |
| Policy 20.2.1.4 | Avoid industrial, residential, commercial, rural, and major facility activities, unless otherwise provided for in the Recreation Zone. |

| **Objective 20.2.2** | |
|---|---|
| Land use, development and subdivision activities: support the efficient and effective operation of the recreation area; maintain a high standard of on-site amenity for users of the recreation area; and maintain or enhance neighbourhood amenity and the amenity of any surrounding residential properties. | |
| Policy 20.2.2.1 | Require development to maintain or enhance on-site amenity for recreation area users, neighbourhood amenity, and the amenity of any surrounding residential properties by ensuring:<br>a. there are adequate areas free from buildings or hard surfacing;<br>b. the height, boundary setbacks, height in relation to boundary, and scale of buildings and structures is appropriate to the recreation area and in keeping with the scale of buildings in surrounding residential environments;<br>c. service areas for campgrounds or restaurants ancillary to sport and recreation, are not visible from ground level from outside the site;<br>d. communal outdoor gathering areas are designed and located to avoid overlooking and disturbing surrounding residential properties;<br>e. parking areas are designed or located to minimise, as far as practicable, light spill from vehicles using the parking area on surrounding residential properties; and<br>f. outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or nuisance effects. |
| Policy 20.2.2.2 | Require boundary fences to be of a height and design that contributes positively to streetscape amenity and character of the neighbourhood and recreation area. |
| Policy 20.2.2.3 | Require ancillary signs to be located and designed to maintain on-site amenity, and surrounding streetscape and residential amenity by:<br>a. being of an appropriate size, design, and number to convey information about the name and nature of the club, organisation, or reserve, and not oversized or too numerous than what is necessary for that purpose; and<br>b. limiting commercial sponsorship signs ancillary to sport and recreation to be temporary or enclosed within the site. |
| Policy 20.2.2.4 | Require forestry and shelterbelts and small woodlots to be set back an adequate distance to avoid significant effects from shading on residential buildings on adjacent properties. |

| Objective 20.2.2 | |
|---|---|
| Land use, development and subdivision activities: support the efficient and effective operation of the recreation area; maintain a high standard of on-site amenity for users of the recreation area; and maintain or enhance neighbourhood amenity and the amenity of any surrounding residential properties. | |
| Policy 20.2.2.5 | Require retail and restaurants ancillary to sport and recreation, and ancillary licensed premises, to operate in a way (including hours of operation) that avoids or, if avoidance is not practicable, adequately mitigates, noise or other adverse effects on the amenity of surrounding residential properties. |
| Policy 20.2.2.6 | Only allow sport and recreation that involves motor vehicles, where there will be no, or only minimal, adverse effects on:<br>a. any surrounding residential properties; and<br>b. other recreation area users. |
| Policy 20.2.2.7 | Only allow campgrounds where any adverse effects, including from noise, dust or loss of privacy, on surrounding residential properties and other recreation area users, will be avoided or, if avoidance is not practicable, are adequately mitigated. |
| Policy 20.2.2.8 | Only allow cemeteries, where they are designed and located:<br>a. to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the amenity of surrounding residential properties; and<br>b. to minimise, as far as practicable the potential for reverse sensitivity. |
| Policy 20.2.2.9 | Only allow mining where:<br>a. there is a reasonable certainty that land will be restored or rehabilitated to a standard that will minimise, as far as practicable, the long term visual effects; and<br>b. any adverse effects, including from noise or dust, on surrounding residential properties or other recreation area users will be avoided or, if avoidance is not practicable, adequately mitigated. |
| Policy 20.2.2.10 | Only allow new buildings or additions and alterations to buildings that will result in gross floor area greater than 350m² and / or have any wall longer than 20m, where any adverse effects on on-site amenity, surrounding properties, and neighbourhood amenity, will be avoided or, if avoidance is not practicable, adequately mitigated. |
| Policy 20.2.2.11 | Only allow subdivision activities where the subdivision does not adversely affect the efficient and effective operation of the recreation area. |
| Policy 20.2.2.12 | Only allow early childhood education or conference, meeting and function where they are designed, located, and operated to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on:<br>a. the amenity of surrounding residential properties; and<br>b. other recreation area users. |
| Policy 20.2.2.13 | Only allow stand-alone car parking where it is the secondary use of a car parking area required for an activity provided for in the recreation area, at times when that parking is not needed for that activity or otherwise needed to facilitate public use of the recreation area. |

# Rules

## Rule 20.3 Activity Status

### 20.3.1 Rule Location

The activity status tables in rules 20.3.3 to 20.3.6 specify the activity status of land use activities, development activities, and subdivision activities in the Recreation Zone and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

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

### 20.3.2 Activity Status Introduction

1. The activity status tables in rules 20.3.3 - 20.3.5 show the activity status of activities in the Recreation Zone and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. Development activities that are lawfully present at the time any relevant rules in this Plan have legal effect are not managed by those rules (the rules do not apply to existing lawfully established development activities).
6. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

*Additional activity status rules in hazard overlay zones*

7. For the purpose of the hazards provisions, activities are categorised as natural hazards sensitive activities, natural hazards potentially sensitive activities or natural hazards least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
8. In the Hazard 1 (flood) Overlay Zone or Hazard 2 (flood) Overlay Zone, the activity statuses in Rule 20.3.6 apply to the following activities:
    a. natural hazards sensitive activities;
    b. natural hazards potentially sensitive activities; and
    c. new buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m² of new ground floor area.
9. Where the activity status in Rule 20.3.6 differs from that in rules 20.3.3 - 20.3.5, the most restrictive activity

status always applies.

10. In addition to the rules in Rule 20.3.6, performance standards for development activities within hazard overlay zones are included in rules 20.3.3 - 20.3.5.

11. Activities in a hazard overlay zone must comply with all of the rules in 20.3.3 - 20.3.5.

*Performance Standards*

12. Performance standards are listed in the far right column of the activity status tables.

13. Performance standards apply to permitted, controlled, and restricted discretionary activities.

14. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.

15. If a controlled or restricted discretionary activity does not meet one or more performance standards, then the activity status is restricted discretionary, unless otherwise indicated in the performance standard.

## Legend

| Acronym | Meaning |
|---|---|
| + | Additional provisions apply (assessment criteria for activities in the overlay need to be viewed) |
| N/A | Not Applicable |
| P | Permitted Activity |
| C | Controlled Activity |
| RD | Restricted Discretionary Activity |
| D | Discretionary Activity |
| NC | Non-complying Activity |
| Rec | Recreation Zone |
| NCC | Natural Coastal Character Overlay Zone |
| ASBV | Areas of Significant Biodiversity Value |
| UBMA | Urban Biodiversity Mapped Area |
| SHS | Scheduled Heritage Site |
| Haz1 | Hazard 1 Overlay Zones |
| Haz2 | Hazard 2 Overlay Zones |
| Haz3 | Hazard 3 Overlay Zones |

### 20.3.3 Land Use Activity Status Table

| | | | | | |
|---|---|---|---|---|---|
| 1. | Performance standards that apply to all land use activities | | | | a. Acoustic insulation (noise sensitive activities only)<br>b. NA<br>c. Light spill<br>d. Noise<br>e. Setback from National Grid (National Grid sensitive activities only) |
| Community activities | | Activity status | | | Performance standards |
| | | a. Rec | b. NCC | c. ASBV | |
| X. | Community and leisure within a **hazard facility mapped area** | NC | N/A | N/A | |
| 2. | Community and leisure - small scale outside a **hazard facility mapped area** | P | P | P | i. Minimum mobility car parking |
| 3. | Community and leisure - large scale outside a **hazard facility mapped area** | RD | RD | RD | i. Minimum mobility car parking |
| 4. | Conservation | P | P | P | |
| Y. | Early childhood education within a **hazard facility mapped area** | NC | N/A | N/A | |
| 5. | Early childhood education - small scale outside a **hazard facility mapped area** | RD | RD | RD | |
| 6. | Early childhood education - large scale outside a **hazard facility mapped area** | D | D | D | |
| 7. | Sport and recreation that involves motor vehicles | D | D | D+ | |
| 8. | All other sport and recreation | P | P | D | i. Hours of operation<br>ii. Minimum mobility car parking |
| Commercial activities | | a. Rec | b. NCC | c. ASBV | Performance standards |
| 9. | Ancillary licensed premises | RD | RD | RD | i. Hours of operation |
| 10. | Conference, meeting, and function | D | D | D | |
| 11. | Campgrounds outside a **hazard facility mapped area** | RD | RD | NC | i. Minimum mobility car parking |

| | | | | | |
|---|---|---|---|---|---|
| Z. | Campgrounds within a **hazard facility mapped area** | NC | N/A | N/A | |
| 12. | Restaurants ancillary to sport and recreation | P | P | D | i. Hours of operation |
| 13. | Retail activity ancillary to sport and recreation | P | P | D | i. Hours of operation |
| 14. | Stand-alone car parking | RD | RD | NC | |
| 15. | All other activities in the commercial activities category | NC | NC | NC+ | |
| Rural activities | | a. Rec | b. NCC | c. ASBV | Performance standards |
| 16. | Forestry | P | RD | NC | i. Forestry and shelterbelts and small woodlots setbacks<br>ii. Tree species |
| 17. | Grazing | P | P | NC | |
| 18. | Mining ***{Note - appeal relates to activity status of expansion of existing mining operations only}*** | D | D+ | NC | |
| 19. | Scheduled mining activity | P | P | N/A | i. Scheduled mining activity |
| AB. | Expansion of scheduled mining activity | D | D+ | NC | |
| 20. | All other activities in the rural activities category | NC | NC | NC+ | |
| Industrial activities | | a. Rec | b. NCC | c. ASBV | Performance standards |
| 21. | All activities in the industrial activities category | NC | NC | NC+ | |
| Residential activities | | a. Rec | b. NCC | c. ASBV | Performance standards |
| 22. | All activities in the residential activities category | NC | NC | NC+ | |
| Major facility activities | | a. Rec | b. NCC | c. ASBV | Performance standards |
| 23. | Cemeteries outside a **hazard facility mapped area** | RD | RD | NC | |
| AA. | Cemeteries within a **hazard facility mapped area** | NC | N/A | N/A | |
| 24. | All other activities in the major facility activities category | NC | NC | NC+ | |

### Note 20.3.3A – Other requirements outside of the District Plan

1. Activities that involve the sale, consumption, or provision of alcohol, may require a licence. Contact the DCC's Alcohol Licensing Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
2. Permission from the Dunedin City Council (DCC) must be obtained for activities or development on recreation areas in addition to any permission or consent granted under the District Plan. Additional controls may apply under the Reserves Act 1977 or any management plan made under the Reserves Act. Please contact the Parks and Recreation Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz to ensure all appropriate permissions are received.
3. Plantation forestry and associated activities are addressed by the NESPF rather than Rule 20.3.3.16 for the Rural Residential 1 Zone at 50 Three Mile Hill Road, although the NESPF does not apply to any vegetation clearance prior to afforestation and the rules in Section 10 Natural Environment apply.

### Note 20.3.3X- Other requirements outside of the District Plan

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

### 20.3.4 Development Activity Status Table

| | | | | | |
|---|---|---|---|---|---|
| 1. | Performance standards that apply to all development activities | | | | a. Natural Hazards Performance Standards<br>b. Setback from scheduled tree |
| 2. | Performance standards that apply to all buildings and structures activities | | | | a. Boundary setbacks<br>b. Height in relation to boundary<br>c. Maximum height<br>d. Number, location and design of ancillary signs<br>e. Setback from coast and water bodies<br>f. Setback from National Grid<br>Y. Setback from Critical Electricity Distribution Infrastructure |
| Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or a scheduled heritage structure. See rows 8 - 15) | | Activity status | | | Performance standards |
| | | a. Rec | b. NCC | c. ASBV | |
| 5. | New buildings or additions and alterations (excluding fences) | P | P | P | i. Area, number and location of buildings |
| 6. | Fences | P | P | P | i. Fence height and design |
| 7. | All other buildings and structures activities | P | P | P | |
| Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure | | a. Rec | b. NCC | c. ASBV | Performance standards |
| 8. | Repairs and maintenance | P | P | P | |
| 9. | Restoration of a building or structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) | C | C | C | |
| 10. | Restoration of all other scheduled heritage buildings and structures | P | P | P | |
| 11. | Earthquake strengthening where external features only are protected | C | C | C | i. Materials and design |
| 12. | Signs attached to buildings or structures | P | P | P | |

| | | | | | |
|---|---|---|---|---|---|
| 13. | All other additions and alterations | RD | RD | RD | |
| 14. | Demolition | NC | NC | NC | |
| 15. | Removal for relocation | RD | RD | RD | |
| Development activities on a scheduled heritage site, where visible from an adjoining public place or a public place within the heritage site | | a. Rec | b. NCC | c. ASBV | Performance standards |
| 16. | New structures that are no more than 2.5m high or that have no more than a 2m² footprint | P | P | P | |
| 17. | All other new structures | RD | RD | RD | |
| 18. | New buildings | RD | RD | RD | |
| 19. | Parking, loading and access | RD | RD | RD | i. Parking, loading and access standards<br>ii. Location and screening of car parking |
| Site development activities in all areas (except as covered by rows 16 - 19 above) | | a. Rec | b. NCC | c. ASBV | Performance standards |
| 20. | Outdoor storage | P | P | P | i. Location and screening of outdoor storage |
| 21. | Indigenous vegetation clearance - small scale | P | P | P | i. Vegetation clearance standards |
| 22. | Indigenous vegetation clearance - large scale | N/A | RD+ | NC | i. Vegetation clearance standards |
| 23. | All other vegetation clearance | P | P | P | i. Vegetation clearance standards |
| 24. | Parking, loading and access | P | P | P | i. Parking, loading and access standards<br>ii. Location and screening of car parking |
| 25. | New or additions to parking areas that result in 50 or more new parking spaces. | RD | RD | RD | i. Parking, loading and access standards<br>ii. Location and screening of car parking |

| | | | | | |
|---|---|---|---|---|---|
| 26. | Storage and use of hazardous substances | P | P | P | i. Hazardous substances quantity limits and storage requirements<br>ii. Setback from coast and water bodies |
| 27. | Shelterbelts and small woodlots | P | P | RD | i. Tree species<br>ii. Forestry and shelterbelts and small woodlots setbacks |
| 28. | All other site development activities | P | P | RD | |

**Note 20.3.4A - General advice**

1. An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
2. An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
4. The **archaeological alert layer mapped area** identifies sites and areas that have a strong likelihood of containing archaeological remains, however remains may be present anywhere within the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.
5. Freedom camping is managed by Council's Camping Control Bylaw 2015. Bylaws are available at www.dunedin.govt.nz.
6. Dunedin City Council Bylaws may apply to some activities in the Recreation Zone. Please refer to the bylaws for more detail. Bylaws are available at www.dunedin.govt.nz.

## 20.3.5 Subdivision Activity Status Table

| Subdivision activities | | Activity status | | | Performance standards |
|---|---|---|---|---|---|
| | | a. Rec | b. NCC | c. ASBV | |
| 1. | General subdivision | RD | RD+ | RD+ | i. Access<br>ii. Esplanade reserves and strips<br>iii. Firefighting<br>iv. Service connections<br>v. Shape<br>X. Setback from National Grid (subdivision activities) |

| | | | | | |
|---|---|---|---|---|---|
| 2. | Cross lease, company lease and unit title subdivision | NC | NC | NC | |

### Note 20.3.5A - Other RMA considerations

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

### Note 20.3.5X - Other relevant District Plan provisions

1. Additional matters of discretion apply to the subdivision of land within a **Critical Electricity Distribution Infrastructure Corridor mapped area**. These are set out in Rule 20.10.5.
2. Additional matters of discretion apply to the subdivision of land within a **National Grid Subdivision Corridor mapped area**. These are set out in Rule 20.10.5.

### 20.3.6 Activity Status in Hazard 1 (Flood) Overlay Zone and Hazard 2 (Flood) Overlay Zone

| Activity | | Activity status | |
|---|---|---|---|
| | | a. Haz1 (flood) | b. Haz2 (flood) |
| Land Use Activities | | | |
| 1. | Natural hazards sensitive activities | NC | RD |
| 2. | Natural hazards potentially sensitive activities | NC | RD |
| Development Activities | | | |
| 3. | New buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m² of new ground floor area | RD | RD |

#### Note 20.3.6A - Other RMA considerations

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

2. Accordingly, activities that are shown to have effects that are the same or similar in character, intensity and scale to those which existed before the rule became operative or the proposed plan was notified will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 20.3.6. However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of effects from the land use activity.

#### Note 20.3.6B - Other requirements outside the District Plan

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

## Rule 20.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or section 95B of the RMA, unless Council considers special circumstances exist in relation to the application that require public notification:
    1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
    2. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided for the following:
    1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand;
    2. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is listed by Heritage New Zealand; and
    3. contravention of the archaeological sites performance standard (Rule 13.3.3) .
3. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A of the RMA, unless Council considers special circumstances exist in relation to the application:
    1. all commercial activities (including commercial advertising); and
    2. all industrial activities.
4. 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. cemeteries;
    2. all restricted discretionary activities that list effect on cultural values of Manawhenua as a matter for discretion; and
    3. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4.
5. With respect to resource consent applications for the following activities, the Department of Conservation will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided:
    1. indigenous vegetation clearance - large scale in a scheduled Area of Significant Biodiversity Value; or
    2. indigenous vegetation clearance - large scale or any discretionary or non-complying activity in a Natural Coastal Character Overlay Zone.
6. With respect to resource consent applications for the following activities, the Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided:
    1. activities in the Hazard 1 (flood) or Hazard 1A (flood) overlay zones; and
    2. activities in **swale mapped areas**.
7. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

# Rule 20.5 Land Use Performance Standards

## 20.5.1 Acoustic Insulation

1. Noise sensitive activities in the following areas must comply with Rule 9.3.1:
   a. **port noise control mapped area**;
   b. within 40m of a state highway;
   c. within 20m of an industrial zone; and
   d. within 70m of a railway line.

## 20.5.3 Hours of Operation

1. Sport and recreation, restaurants ancillary to sport and recreation, retail ancillary to sport and recreation, and ancillary licensed premises must operate within the following hours:

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

2. Sportsfield lighting on sites adjacent to a residential zone must not operate within the hours of 10.00pm - 7.00am.
3. Activities that contravene this performance standard are restricted discretionary activities.

### Note 20.5.3A - Other requirements outside of the District Plan

1. Activities that involve the sale or provision of alcohol, or contain a social area that could be used for this purpose, may require a licence. Contact the DCC's Alcohol Licensing Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
2. Land owner consent from the DCC's Parks, Recreation and Aquatic Group Department is required for activities or development on recreation areas in addition to any permission or consent granted under the District Plan. Additional controls may apply under the Reserves Act 1977 or any Management Plan for the Area. Please contact customer services on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.

## 20.5.4 Light Spill

Land use activities must comply with Rule 9.3.5.

### 20.5.5 Minimum Mobility Car Parking

1. NA

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

d. Land use activities must provide on-site mobility parking spaces as follows:

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

e. NA.

f. Parking spaces may be shared between land use activities (i.e. the same parking spaces may be used to fulfil the minimum mobility car parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap.

g. NA.

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

**Note 20.5.5A - Other relevant District Plan provisions**

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

### 20.5.6 Noise

Land use activities must comply with Rule 9.3.6.

### 20.5.7 Setback from National Grid

National Grid sensitive activities must comply with Rule 5.6.1.

### 20.5.8 Tree Species

Forestry and shelterbelts and small woodlots must comply with Rule 10.3.4.

## 20.5.10 Scheduled Mining Activity

20.5.10.1

Waldronville Gun Club Sand Pit must meet the performance standards listed below.

20.5.10.2

If Waldronville Gun Club Sand Pit contravenes any of these standards it will be considered expansion of scheduled mining activity and will be subject to the rules that apply to that activity in Rule 20.3.

20.5.10.3 Operating limits

a. Waldronville Gun Club Sand Pit:
    i. may only operate: Monday to Saturday 6.00am to 10.00pm;
    ii. must not use blasting;
    iii. must not undertake aggregate processing.

20.5.10.4 Noise

a. Waldronville Gun Club Sand Pit must comply with Rule 9.3.6, subject to the following:
    i. An adjustment of minus 5 dBA for noise emissions having special audible characteristics.
    ii. Noise level readings for the purpose of determining compliance with the noise conditions must be provided by the quarry operator for two hours, at times representative of the operation and at which maximum noise levels can be assessed. For continuous operations, readings must take place at 12 monthly intervals. For intermittent operations, readings must be provided at the time of every subsequent operation of the site.

20.5.10.5 Landscaping and rehabilitation

a. Waldronville Gun Club Sand Pit must undertake a programme of landscaping to encourage the revegetation of areas that are no longer being mined. The landscaping programme must ensure that:
    i. all planting is in accordance with a landscape plan prepared by a qualified landscape architect;
    ii. all vegetation established as part of this programme is maintained in a healthy state at all times;
    iii. the site is rehabilitated to an appearance and character similar to that of the surrounding environment.

b. Prior to removing sand from undisturbed areas, the DCC will be contacted to allow the removal of any pingao growing in the area.

# Rule 20.6 Development Performance Standards

## 20.6.1 Fence Height and Design

### 20.6.1.1 Maximum Height

a. The maximum height of fences along boundaries (including within the boundary setbacks required by Rule 20.6.10) is 2m.

b. For the purposes of calculating maximum height, where a fence is erected atop a retaining wall, the height will be calculated as the combined height measured from ground level to the top of the fence.

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

### 20.6.1.2 Visual Permeability

a. Fences along road boundaries (or within the boundary setbacks required by Rule 20.6.10), or along a side or rear boundary with a residential zone, must be constructed to a length and/or height that maintains visual permeability for 50% of the length of the boundary measured at a height of 1.4m above ground level (see Figure 15.6.2.2A).

b. The following fences are exempt from this requirement:
   i. fences along the road boundary of a state highway;
   ii. fences required to meet Rule 20.6.6 (Location and Screening of Outdoor Storage); and
   iii. fences required to meet Rule 20.6.5 (Location and Screening of Car Parking).

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

### 20.6.2 Natural Hazards Performance Standards

20.6.2.1 Hazard exclusion areas

a. New buildings and structures, and additions and alterations located in a **swale mapped area** must comply with Rule 11.3.1.1.

b. New buildings and structures, and additions and alterations located in a **dune system mapped area** must comply with Rule 11.3.1.2.

20.6.2.2 Maximum area of vegetation clearance in the hazard overlay zones

Vegetation clearance in the Hazard 1 (land instability) Overlay Zone, Hazard 2 (land instability) Overlay Zone, or in a **dune system mapped area**, must comply with Rule 11.3.2.

20.6.2.3 Outdoor storage

Outdoor storage in the Hazard 1 (flood) Overlay Zone must comply with Rule 11.3.4.

### 20.6.3 Hazardous Substances Quantity Limits and Storage Requirements

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

## 20.6.4 Height

20.6.4.1 Height in relation to boundary

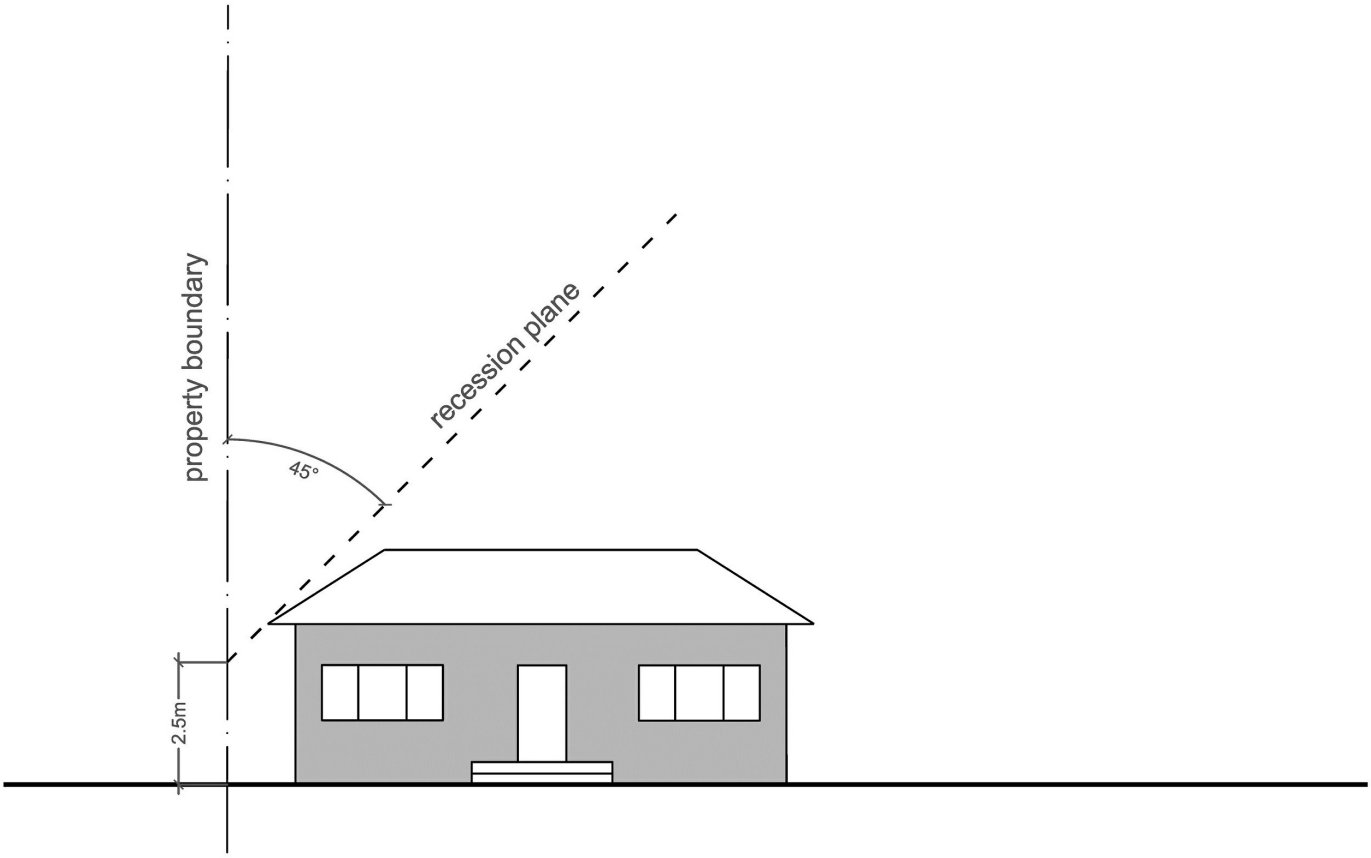
a. New buildings and additions and alterations to buildings must not protrude through a plane (see Figure 20.6.4.1A) rising at an angle of 45 degrees measured from a point 2.5m above ground level at the boundary of the Recreation Zone.

b. Except sports field fences which are 100% permeable and required to be tall for the purposes of public safety (e.g. wire netting fences around softball fields), sports field lighting, and goal posts.

c. Rooftop structures are exempt from the performance standard for height in relation to boundary

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

Figure 20.6.4.1A: Height in relation to boundary




20.6.4.2 Maximum Height

a. The maximum height for new buildings and structures, and additions and alterations, must not exceed the following above ground level:

| Activity | | 1. Recreation Zone | 2. Natural Coastal Character Overlay Zone (NCC) |
|---|---|---|---|
| i. | Goal posts and sports field lighting | 22m | 22m |
| ii. | All other buildings and structures | 9m | 5m |

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

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

### 20.6.5 Location and Screening of Car Parking

1. Parking areas adjacent to boundaries of sites that are in a residential zone must, on that boundary, have a solid fence or dense landscaping at least 1.4m high that is capable of blocking light from headlights of motor vehicles.
2. Activities that contravene this performance standard are restricted discretionary activities.

### 20.6.6 Location and Screening of Outdoor Storage

1. Service areas must be located or screened so that they are not visible at ground level from adjacent residential zoned sites or roads.
2. Outdoor storage, including service areas, must not encroach into required parking, loading and access areas.
3. Outdoor storage must be managed in a way that does not result in unreasonable visual amenity effects or nuisance effects.
4. Materials stored outside must be stored in a way that prevents them contaminating any off-site area.
5. Activities that contravene this performance standard are restricted discretionary activities.

### 20.6.7 Materials and Design

Earthquake strengthening must comply with Rule 13.3.2.

### 20.6.X Area, Number and Location of Buildings

20.6.X.1 Area, number and location of builidngs - NCC and ASBV's

a. In the Natural Coastal Character (NCC) overlay zones and scheduled Areas of Significant Biodiversity Value (ASBVs), all new buildings and additions and alterations must comply with Rule 10.3.5.

20.6.X.2 Area and length of buildings

a. New buildings must not exceed 350m² footprint, and additions and alterations must not result in a building that is greater than 350m² footprint.
b. New buildings must not have any wall longer than 20m, and additions and alterations must not result in any wall longer than 20m.
c. Activities that contravene this performance standard are restricted discretionary activities.

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

20.6.8.1 General

a. Signs visible from a public place must meet all of the following performance standards, except that regulatory signs, directional signs and warning signs that do not exceed 0.25m² are exempt from these standards.
b. Signs must also comply with:
    i. Rule 6.7.2 where located on or above the footpath; and
    ii. Rule 6.7.3 where visible from a road.
c. Signs must not be illuminated or digital.
d. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.

20.6.8.2 Performance standards that apply to all ancillary signs, except commercial sponsorship signs

a. Ancillary signs must only display the name, and logo of the relevant land use activity or organisation (e.g. DCC), locational, directional or informative information relevant to the area, or rules of the area or use of the

area.

b. Ancillary signs that promote or advertise retail, restaurants, or conference, meeting and function ancillary to sport and recreation must not be visible from a public place outside the recreation area.

20.6.8.3 Signs attached to buildings

a. Any signs displaying the club(s) name on clubrooms must not exceed a maximum total area of 5m² per building face.

b. The maximum number of permanent commercial sponsorship signs is one sign for the naming rights sponsor of the sport and recreation activity (club), with a maximum area of 3m², except: for clubs that operate in an enclosed area that is only open to members, apart from during events, there is no maximum number of commercial sponsorship signs, provided those signs are not visible from outside of the enclosed area.

c. Other signs must not exceed a total maximum area of 1m² per building face.

d. Signs must remain entirely within the visual profile of the building or structure.

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

20.6.8.4 Freestanding signs

a. Freestanding signs
   i. must not exceed a maximum total area of all display faces of 3m²; and each display face must not exceed 1.5m² in area;
   ii. must not exceed a maximum height above ground level of 4m; and
   iii. must not obstruct parking, loading and access areas; and
   iv. must be positioned entirely within the site boundaries.

20.6.8.5 Portable freestanding signs

a. Commercial sponsorship signs erected for matches, competitions, or events must not be displayed for more than one day before the competition/event, and must be removed within one day of completion of the competition/event.

b. Any other portable signs must not exceed one sign per activity, and 0.9m in height and 0.6m in width.

c. Signs must be positioned within site boundaries.

**Note 20.6.8A - Other requirements outside of the District Plan**

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

## 20.6.9 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

## 20.6.10 Setbacks

20.6.10.1 Boundary setbacks

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

i. 4.5m from the road boundary; and

ii. 2m from side and rear boundaries;

iii. except for the site at 50 Three Mile Hill Road, where they must be set back: 12m from the road boundary; and 6m from side and rear boundaries.

iv. Jetties, boat ramps, wharves, fences, and ancillary signs are exempt from this standard.

b. Communal outdoor gathering areas, including decks at or above ground level, must be setback 10m from a residential zone.

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

20.6.10.2 Forestry and shelterbelts and small woodlots setbacks

a. Trees associated with forestry activity:

i. must not be planted within 30m of the boundary of any residential zone or rural residential zone;

ii. must not be planted within 40m of a residential building where the building exists at the time of planting;

iii. must not shade a motorway or a strategic road, arterial road, or collector road between 10.00am and 2.00pm on the shortest day of the year;

iv. must not be planted within 10m of the boundary of the designated rail corridor; and

X. must not be planted within the **Critical Electricity Distribution Infrastructure Corridor mapped area**.

b. Trees associated with shelterbelts and small woodlots:

i. must be set back, or managed so that they maintain, a minimum distance of their own height from any residential building on an adjacent site, where the building exists at the time of planting;

ii. must not shade a motorway, strategic road, arterial road, or collector road between 10.00am and 2.00pm on the shortest day of the year; and

iii. must not be planted within 10m of the boundary of the designated rail corridor.

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

20.6.10.3 Setback from coast and water bodies

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

20.6.10.4 Setback from National Grid

New buildings and structures, and additions and alterations must comply with Rule 5.6.1.

20.6.12.5 Setback from scheduled tree

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

20.6.10.Y Setback from Critical Electricity Distribution Infrastructure

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

**Note 20.6.10.YA - General advice**

1. The **Critical Electricity Distribution Infrastructure Corridor mapped area** is measured either side of the centreline of above ground Critical Electricity Distribution Infrastructure (except in the case of designated zone substations where the measurement is taken from the designation boundary), as follows:

a. 5m from the centreline of a 11kV line;
b. 8.5m from the centreline of a 33kV line;
c. 8.5m from designated zone substations; and
d. 9.5m from the centreline of a 66kV or a 110kV line.

2. Work near Aurora Energy's overhead lines and power poles requires Close Approach consent. For more information contact Aurora Energy.
3. Vegetation to be planted near Critical Electricity Distribution 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.

### 20.6.11 Vegetation Clearance Standards

20.6.11.1 Indigenous vegetation clearance – small scale thresholds

Indigenous vegetation clearance – small scale must comply with Rule 10.3.2.1.

20.6.11.2 Maximum area of vegetation clearance (UBMA)

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

20.6.11.3 Protected areas (vegetation clearance)

Vegetation clearance and indigenous vegetation clearance must comply with Rule 10.3.2.2.

20.6.11.4 Protected species (indigenous vegetation clearance)

Indigenous vegetation clearance must comply with Rule 10.3.2.3.

20.6.11.5 Maximum area of vegetation clearance in the hazard overlay zones

Vegetation clearance in the Hazard 1 (land instability) Overlay Zone, Hazard 2 (land instability) Overlay Zone, or in a **dune system mapped area,** must comply with Rule 11.3.2.

# Rule 20.7 Subdivision Performance Standards

## 20.7.1 Access

General subdivision must comply with Rule 6.8.1.

## 20.7.2 Esplanade Reserves and Strips

General subdivision must comply with Rule 10.3.1.

## 20.7.3 Firefighting

General subdivision must comply with Rule 9.3.3.

## 20.7.4 Service Connections

General subdivision must comply with Rule 9.3.7.

## 20.7.5 Shape

1. Each resultant site must be of a size and shape that is large enough to allow for:
   a. setbacks from boundaries, water bodies, scheduled trees; and
   b. esplanade reserve or strip areas.
2. NA.
3. Resultant sites created and used solely for the following purposes are exempt from the shape standard:
   a. Scheduled ASBV or QEII covenant;
   b. reserve;
   c. access;
   d. network utilities activities; or
   e. road.
4. Activities that contravene this performance standard are restricted discretionary activities.

### 20.7.X Setback from National Grid (Subdivision Activities)

Subdivision activities must comply with Rule 5.6.1.X.

## Rule 20.8 Assessment of Controlled Activities

### Rule 20.8.1 Introduction

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rule 20.8.2:
    a. lists the matters over which Council has reserved its control; and
    b. provides guidance on how consent applications will be assessed, including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
        ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
    a. if the contravention of the performance standard defaults to **restricted discretionary** then:
        i. the activity, as a whole, will be treated as **restricted discretionary**; and
        ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
        iii. the performance standard contravention will be assessed as indicated in Section 20.9; and
        iv. the matters of control become matters of discretion and will be assessed as indicated in this section.
    b. if the contravention of the performance standard defaults to **discretionary** then:
        i. the activity, as a whole, will be treated as **discretionary**; and
        ii. the performance standard contravention will be assessed as indicated in Section 20.11; 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 20.12; and
        iii. the assessment guidance in this section will also be considered.

| 20.8.2 Assessment of controlled activities | | | |
|---|---|---|---|
| Activity | | Matters of control | Guidance on the assessment of resource consents |
| 1. | Affecting a scheduled heritage building or a scheduled heritage structure:<br>• Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected.<br>• Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) | a. Effects on heritage values | See Rule 13.4 |

# Rule 20.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

## Rule 20.9.1 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 20.9.2 - 20.9.6:
   a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
   b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.
3. Rules 20.9.2 - 20.9.6 apply as follows:
   a. Rule 20.9.2 applies to all performance standard contraventions;
   b. Rule 20.9.3 applies to land use performance standard contraventions;
   c. Rule 20.9.4 applies to development performance standard contraventions;
   d. Rule 20.9.5 applies to subdivision performance standard contraventions; and
   e. Rule 20.9.6 applies to performance standard contraventions in an overlay zone, mapped area, or affecting a scheduled item.

| **20.9.2 Assessment of all performance standard contraventions** | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | All performance standard contraventions | *Potential circumstances that may support a consent application include:*<br>a. The degree of non-compliance with the performance standard is minor.<br>b. The need to meet other performance standards, or other site specific factors including topography, make meeting the standard impracticable.<br>c. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur.<br>d. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan.<br>*General assessment guidance:*<br>e. Where more than one standard is contravened, the combined effects of the contraventions should be considered. |

| 20.9.3 Assessment of land use performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 2. | Hours of operation | a. Effects on amenity of surrounding sites | *Relevant objectives and policies:*<br>i. Objective 20.2.2<br>ii. Retail and restaurant activities ancillary to sport and recreation operate in a way that avoids or, if avoidance is not practicable, adequately mitigates adverse effects on surrounding properties (Policy 20.2.2.5).<br>*General assessment guidance:*<br>iii. In assessing effects on amenity, Council will consider the location of the building on the site in relation to adjacent residential buildings, and the location of the site and access in the context of the wider environment, considering effects of vehicle movements, vehicle headlights and noise. |
| 3. | Minimum mobility car parking | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| | | b. Effects on accessibility | |
| 4. | Tree species | a. Effects on biodiversity values | See Rule 10.5 |
| | | b. Effects on natural character of the coast | |
| | | c. Effects on landscape values | |

| 20.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Boundary setbacks | a. Effects on on-site amenity | *Relevant objectives and policies:*<br>i. Objective 20.2.2<br>ii. Development maintains or enhances on-site amenity for recreation area users (Policy 20.2.2.1.b). |
| | | b. Effects on amenity of surrounding sites | *Relevant objectives and policies:*<br>i. Objective 20.2.2<br>ii. Development maintains or enhances neighbourhood amenity, and the amenity of any surrounding residential properties (Policy 20.2.2.1.b).<br>*Potential circumstances that may support a consent application include:*<br>iii. Access to sunlight to the outdoor living space(s) and windows of bedrooms and living areas of adjacent residential buildings is maintained or any reduction is minor. |
| 2. | Fence height and design | a. Effects on neighbourhood amenity | *Relevant objectives and policies:*<br>i. Objective 20.2.2<br>ii. Boundary fences are of a height and design that contributes positively to the amenity and character of the neighbourhood and recreation area (Policy 20.2.2.2).<br>*Potential circumstances that may support a consent application include:*<br>iii. The increased height or reduced visual permeability is necessary to meet protection requirements, to provide security, minimise noise effects from a busy road or activity, or for public well-being.<br>iv. Existing vegetation or proposed landscaping will screen fences from public places.<br>v. For side and rear boundaries, the fence is on a boundary that is not generally accessible or visible from open areas of the recreation area, e.g. on a boundary in a dense bush area. |
| | | b. Effects on health and safety | See Rule 9.5 |

| 20.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 3. | Forestry and shelterbelts and small woodlots setbacks | a. Effects on amenity of surrounding sites | *Relevant objectives and policies:*<br>i. Objective 20.2.2<br>ii. Forestry and shelterbelts and small woodlots are set back an adequate distance to avoid significant effects from shading on residential buildings on adjacent properties (Policy 20.2.2.4).<br>*Potential circumstances that may support a consent application include:*<br>iii. The area to be planted is to the south of any adjacent residential or rural residential zone.<br>iv. Slope or orientation or other topographical aspects of the sites involved mean that there will be no shading of a residential building on an adjoining site. |
| | | b. Effects on health and safety | See Rule 9.5 |
| | | c. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 4. | Hazardous substances quantity limits and storage requirements | a. Effects on health and safety | See Rule 9.5 |
| 5. | Height in relation to boundary | a. Effects on amenity of surrounding sites | *Relevant objectives and policies:*<br>i. Objective 20.2.2<br>ii. Development maintains or enhances neighbourhood amenity, and the amenity of any surrounding residential properties (Policy 20.2.2.1.b).<br>*Potential circumstances that may support a consent application include:*<br>iii. Access to sunlight to the outdoor living space(s) and windows of bedrooms and living areas of adjacent residential buildings is maintained or any reduction is minor. |

| 20.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 6. | Maximum height | a. Effects on on-site amenity | *Relevant objectives and policies:*<br>i. Objective 20.2.2<br>ii. Development maintains or enhances on-site amenity for recreation area users (Policy 20.2.2.1.b).<br>*Potential circumstances that may support a consent application include:*<br>iii. Better use of public space and retention of open space within the site can be achieved.<br>iv. Greater height is required to meet specialised recreational needs. |
| | | b. Effects on amenity of surrounding sites | *Relevant objectives and policies:*<br>i. Objective 20.2.2<br>ii. Development maintains or enhances neighbourhood amenity, and the amenity of any surrounding residential properties and is in keeping with the scale of buildings in the surrounding residential environment (Policy 20.2.2.1.b).<br>*Potential circumstances that may support a consent application include:*<br>iii. Access to sunlight to the outdoor living space(s) and windows of bedrooms and living areas of adjacent residential buildings is maintained or any reduction is minor.<br>iv. Landscaping or fences screen or soften the visual effects of buildings.<br>v. Natural landforms or topography (e.g. cliffs or tall trees) provide a backdrop to the building. |
| 7. | Location and screening of car parking | a. Effects on amenity of surrounding sites | *Relevant objectives and policies:*<br>i. Objective 20.2.2<br>ii. Parking areas are designed or located to minimise, as far as practicable, light spill from vehicles using the parking area on surrounding residential properties (Policy 20.2.2.1.e).<br>*Potential circumstances that may support a consent application include:*<br>iii. Landscaping to minimise adverse visual and nuisance effects from lighting, vehicle headlights, or car parking areas on surrounding properties. |

| 20.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 8. | Location and screening of outdoor storage | a. Effects on neighbourhood amenity | *Relevant objectives and policies:*<br>i. Objective 20.2.2<br>ii. Service areas for campgrounds or restaurants ancillary to sport and recreation are not visible from ground level from outside the site (Policy 20.2.2.1.c).<br>iii. Outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or nuisance effects (Policy 20.2.2.1.f).<br>*Conditions that may be imposed include:*<br>iv. Landscaping |

| 20.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| Y. | Area and length of buildings | a. Effects on on-site amenity<br>b. Effects on amenity of surrounding sites<br>c. Effects on neighbourhood amenity | *Relevant objectives and policies:*<br>i. Objective 20.2.2<br>ii. New buildings or additions and alterations to buildings avoid adverse effects on on-site amenity, or if avoidance is not practicable, effects are adequately mitigated (Policy 20.2.2.10).<br>iii. Development maintains or enhances on-site amenity for recreation area users, neighbourhood amenity and the amenity of any surrounding residential properties by ensuring the scale of buildings and structures is appropriate to the recreation area and in keeping with the scale of buildings in surrounding residential environments (Policy 20.2.2.1.b).<br>*Potential circumstances that may support a consent application include:*<br>iv. The visual effect of the building length is screened and softened by landscaping, fencing, or other screening.<br>v. The building is set back from boundaries an adequate distance to avoid shading or visual effects on adjacent residential properties or public places.<br>vi. Topography of the site mitigates the effects of the building scale on adjacent residential properties or public places.<br>vii. The building will not result in removal of important trees or other vegetation.<br>viii. The building will not visually dominate the site or result in unacceptable loss of open space available for users of the recreation area.<br>ix. The building enhances opportunities for use of the recreation area for its purpose.<br>x. The building is attractive and has appropriate building modulation such as through:<br>1. varying building elevations;<br>2. setting parts of the building back;<br>3. using different textures;<br>4. architectural features; or<br>5. other forms of building modulation. |

| 20.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 9. | Number, location and design of ancillary signs | a. Effects on on-site amenity | *Relevant objectives and policies:*<br>i. Objective 20.2.2<br>ii. Ancillary signs are located and designed to maintain on-site amenity and surrounding streetscape and residential amenity, by being of an appropriate size, design, and number to convey information about the name and nature of the club, organisation, or reserve, and not oversized or too numerous than what is necessary for that purpose (Policy 20.2.2.3.a).<br>iii. Commercial sponsorship signs ancillary to sport and recreation are temporary in nature or are enclosed within a site to maintain on-site amenity and surrounding streetscape and residential amenity (Policy 20.2.2.3.b).<br>*Potential circumstances that may support a consent application include:*<br>iv. The number and location of signs will not result in more than minor cumulative visual effects. |
| | | b. Effects on surrounding streetscape and residential amenity | |
| | | c. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 10. | Parking loading and access standards | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 11. | Setback from coast and water bodies | a. Effects on biodiversity values and natural character values of riparian margins and the coast | See Rule 10.5 |
| | | b. Effects on public access | See Rule 10.5 |
| | | c. Risk from natural hazards | See Rule 11.4 |
| 12. | Setback from scheduled tree | a. Effects on long term health of tree | See Rule 7.6 |
| 13. | Vegetation clearance standards:<br>• Protected areas (vegetation clearance) | a. Effects on biodiversity values and natural character values of riparian margins and the coast | See Rule 10.5 |

| 20.9.4 Assessment of development performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 14. | Vegetation clearance standards:<br>• Protected species (indigenous vegetation clearance) | a. Effects on biodiversity values | See Rule 10.5 |

| 20.9.5 Assessment of subdivision performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | Access | a. Effects on accessibility | See Rule 6.10 |
| | | b. Effects on the safety and efficiency of the transport network | |
| 2. | Esplanade reserves and strips | a. Effects on biodiversity values and natural character values of riparian margins and coast | See Rule 10.5 |
| | | b. Effects on public access | |
| 3. | Firefighting | a. Effects on health and safety | See Rule 9.5 |
| 4. | Service connections | a. Effects on efficiency and affordability of infrastructure | See Rule 9.5 |

| 20.9.5 Assessment of subdivision performance standard contraventions | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 5. | Shape | *Relevant objectives and policies:*<br>a. Objectives 2.4.1<br>b. Subdivisions are designed to ensure any future land use or development is able to meet the performance standards in the zone, or where in a **structure plan mapped area**, reflects the requirements of the **structure plan mapped area** performance standards, unless:<br>i. a resource consent is approved for a development that does not meet the performance standard and the subdivision is intended for and capable of providing for that approved development; or<br>ii. the resultant site is required for:<br>1. Scheduled ASBV or QEII covenant;<br>2. reserve;<br>3. access;<br>4. network utility activities; or<br>5. road (Policy 2.4.1.8).<br>*General assessment guidance:*<br>c. Non-compliance with the performance standard for shape will be assessed based on which performance standard(s) the shape of the resultant site does not provide for compliance with. See matters of discretion and assessment rules in relation to performance standard contraventions for:<br>i. boundary setbacks;<br>ii. setbacks from coast and water bodies; and<br>iii. setback from scheduled tree.<br>iv. NA.<br>*Conditions that may be imposed include:*<br>d. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site.<br>e. A building platform may be required to be registered against the title by way of consent notice. | |

| 20.9.6 Assessment of performance standard contraventions in an overlay zone, mapped area, or affecting a scheduled item | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | In a **hazard overlay zone**<br>• Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) overlay zones and in a **dune system mapped area**)<br>• Outdoor Storage (Hazard 1 (flood) Overlay Zone)<br>• Hazardous substances quantity limits and storage requirements | a. Risk from natural hazards | See Rule 11.4 |
| 2. | In the **NCC Overlay Zone:**<br>• Maximum height<br>• Reflectivity<br>• Area, number and location of buildings and structures | a. Effects on natural character of the coast | See Rule 10.5 |
| X. | In an **ASBV**:<br>• Area of buildings and structures | a. Effects on biodiversity values | See Rule 10.5. |
| 3. | On a s**cheduled heritage building** or **scheduled heritage structure**:<br>• Materials and design | a. Effects on heritage values | See Rule 13.5 |
| 4. | In an **urban biodiversity mapped area:**<br>• Vegetation clearance standards: Maximum area of vegetation clearance (UBMA) | a. Effects on biodiversity values | See Rule 10.5 |
| 5. | In a **wāhi tūpuna mapped area:**<br>• Setback from coast and water bodies<br>• Esplanade reserves and strips<br>• Vegetation clearance standards: Maximum area of vegetation clearance (UBMA)<br>• Protected areas<br>• Protected species | a. Effects on cultural values of Manawhenua | See Rule 14.3 |
| Y. | In the **Critical Electricity Distribution Infrastructure Corridor mapped area**:<br>• Setback from Critical Electricity Distribution Infrastructure (forestry setbacks) | a. Effects on the safety and efficiency of network utilities | See Rule 5.7. |

| 20.9.6 Assessment of performance standard contraventions in an overlay zone, mapped area, or affecting a scheduled item | | | |
|---|---|---|---|
| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
| Z. | In the **Critical Electricity Distribution Infrastructure Corridor mapped area**:<br>• Setback from Critical Electricity Distribution Infrastructure (buildings, structures and city-wide activities) | a. Effects on health and safety<br>b. Effects on efficient and effective operation of network utilities | See Rule 5.7. |

# Rule 20.10 Assessment of Restricted Discretionary Activities

## Rule 20.10.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 20.10.2 - 20.10.5:
    a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provide guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.
3. Rules 20.10.2 - 20.10.5 apply as follows:
    a. Rule 20.20.2 applies to restricted discretionary land use activities;
    b. Rule 20.10.3 applies to restricted discretionary development activities;
    c. Rule 20.20.4 applies to restricted discretionary subdivision activities; and
    d. Rule 20.20.5 applies to restricted discretionary activities in an overlay zone, mapped area, or affecting a scheduled item.
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
5. Where a restricted discretionary activity does not meet a performance standard the following occurs:
    a. if the contravention of the performance standard defaults to **restricted discretionary** then:
        i. the activity, as a whole, will be treated as **restricted discretionary**; and
        ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
        iii. the performance standard contravention will be assessed as indicated in Section 20.9; 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 20.11; 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 20.12; and

iii. the assessment guidance in this section will also be considered.

| 20.10.2 Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | All restricted discretionary land use activities, including but not limited to the activities below | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| 2. | All high trip generators, which include:<br>• any activities that generate 250 or more vehicle movements a day | a. Effects on accessibility<br>b. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| 3. | Campgrounds outside a **hazard facility mapped area** | a. Effects on amenity of surrounding sites | *Relevant objectives and policies:*<br>i. Objective 20.2.2<br>ii. Campgrounds are designed so any adverse effects, including from noise or dust, or loss of privacy, on surrounding residential properties and other recreation area users, will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 20.2.2.7).<br>iii. Campgrounds are designed so service areas are not visible from ground level from outside the site (Policy 20.2.2.1.c).<br>iv. Outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or create nuisance effects (Policy 20.2.2.1.f).<br>*Conditions that may be imposed include:*<br>v. Limits on the scale of the activity.<br>vi. Location of dump stations (for disposal of waste from motor homes) away from boundaries with residential properties.<br>vii. Restrictions on location and hours of operation of generators to minimise any effects from noise on neighbours.<br>viii. Road upgrades necessary to handle the amount and type of vehicles anticipated.<br>ix. Location, screening, or acoustic fencing of communal outdoor gathering areas. |

| 20.10.2 Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 4. | Cemeteries outside a **hazard facility mapped area** | a. Effects on cultural values of Manawhenua | See Rule 14.4 |
| | | b. Effects on amenity of surrounding sites | *Relevant objectives and policies:*<br>i. Objective 20.2.2<br>ii. Cemeteries are designed and located to:<br>1. avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties; and<br>2. minimise, as far as practicable, the potential for reverse sensitivity (Policy 20.2.2.8).<br>*General assessment guidance/Conditions that may be imposed include:*<br>iii. In assessing the effects on amenity, Council will consider whether graves will be located a suitable distance away from boundaries and whether any screening or landscaping proposed will be adequate. These aspects may be included as conditions of consent. |

**20.10.2 Assessment of restricted discretionary land use activities**

| Activity | Matters of discretion | Guidance on the assessment of resource consents |
|---|---|---|
| 5. Early childhood education - small scale outside a **hazard facility mapped area** | a. Effects on amenity of surrounding sites | *Relevant objectives and policies:*<br>i. Objective 20.2.2<br>ii. Early childhood education facilities are designed, located, and operated to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the amenity of surrounding residential properties (Policy 20.2.2.12.a).<br>*General assessment guidance:*<br>iii. In assessing the effects on amenity, Council will consider whether buildings and outdoor areas are designed and located to reduce noise emissions.<br>*Conditions that may be imposed include:*<br>iv. Delivery time restrictions.<br>v. Landscaping to minimise amenity effects of lighting, or parking areas on surrounding properties. Mitigation measures to minimise noise such as insulation, acoustic fencing, low noise surfaces for play areas, or other such treatments.<br>vi. A noise management plan may be required. |
| | b. Effects on on-site amenity | *Relevant objectives and policies:*<br>i. Objective 20.2.2<br>ii. Early childhood education facilities are designed, located, and operated to avoid or, if avoidance is not practicable, adequately mitigate adverse effects for other recreation area users (Policy 20.2.2.12.b).<br>*Potential circumstances that may support a consent application include:*<br>iii. Any loss of open space that would otherwise be available to the public, is minimal.<br>iv. The activity will support a recreation activity on the site.<br>*General assessment guidance include:*<br>v. In assessing the effects on amenity, Council will consider whether:<br>1. noise emissions reduction measures should be required<br>2. the scale of the activity is suitable for the site. |

| 20.10.2 Assessment of restricted discretionary land use activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 6. | Stand-alone car parking | a. Effects on on-site amenity | *Relevant objectives and policies:*<br>i. Objective 20.2.2<br>ii. Stand-alone car parking is only allowed where it is the secondary use of a parking area required for an activity provided for in the recreation area, when not required for the primary purpose of the area, and where that parking is not needed to facilitate public use of the recreation area (Policy 20.2.2.13).<br>*Conditions that may be imposed include:*<br>iii. Limits on the number of parking spaces that can be used for stand-alone parking to ensure car parks are still available for public use.<br>iv. Limits on the hours parking spaces can be used for stand-alone car parking to ensure conflicts with the primary use of the site do not occur. |
| 7. | Ancillary licensed premises | a. Effects on amenity of surrounding sites | *Relevant objectives and policies:*<br>i. Objective 20.2.2<br>ii. Ancillary licensed premises operate in a way that avoids or, if avoidance is not practicable, adequately mitigates, noise or other adverse effects on the amenity of surrounding residential properties (Policy 20.2.2.5).<br>*Potential circumstances that may support a consent application include:*<br>iii. The intensity and scale of the activity will not result in increased vehicle or pedestrian movement at unreasonable hours or undesirable activities that would create a disturbance for surrounding residential properties; and<br>iv. effects of the activity will be contained within the recreation area. |

| 20.10.4 Assessment of restricted discretionary subdivision activities | | | |
|---|---|---|---|
| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
| 1. | General subdivision | a. Effects on the efficient and effective operation of the recreation area | *Relevant objectives and policies:*<br>i. Objective 20.2.2.<br>ii. The subdivision does not adversely affect the efficient and effective operation of the recreation area (Policy 20.2.2.11). |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.11. |
| | | c. NA | NA |
| | | d. Effects on biodiversity values and natural character of riparian margins and the coast | See Rule 10.6. |
| | | e. Effects on public access | |
| | | f. Risk from natural hazards | See Rule 11.5. |

| 20.10.5 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 **all hazard overlay zones, swale mapped areas and dune system mapped areas:**<br>• General subdivision | a. Risk from natural hazards | See Rule 11.5 |
| 2. | In a **Hazard 1 (flood)** or **Hazard 2 (flood) Overlay Zone** (see Rule 20.3.6):<br>• New buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m² of new ground floor area | a. Risk from natural hazards | See Rule 11.5 |
| 3. | In the **NCC Overlay Zone**:<br>• Forestry<br>• Indigenous vegetation clearance - large scale<br>• General subdivision | a. Effects on natural character of the coast | See Rule 10.6 |

| 20.10.5 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 |
| 4. | On an **ASBV**:<br>• General subdivision<br>• Shelterbelts and small woodlots<br>• Site development activities (except for outdoor storage, parking, loading and access, vegetation clearance, storage and use of hazardous substances) | a. Effects on biodiversity values | See Rule 10.6 |
| 5. | Activities affecting a **scheduled heritage building** or **scheduled heritage structure**:<br>• Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure<br>• Removal for relocation<br>• All subdivision activities on sites containing a scheduled heritage building or scheduled heritage structure | a. Effects on heritage values | See Rule 13.6 |
| 6. | Activities affecting a scheduled heritage site:<br>• New buildings and structures on a scheduled heritage site, where visible from an adjoining public place or a publicly accessible place within the site<br>• Parking, loading and access on a scheduled heritage site, where visible from an adjoining public place or a public place within the site<br>• All subdivision activities | a. Effects on heritage values | See Rule 13.6 |
| 7. | In a **wāhi tūpuna mapped area** where activity is identified as a threat, including:<br>• All RD forestry<br>• All RD buildings and structures, additions and alterations up to 60m²<br>• Indigenous vegetation clearance - large scale<br>• General subdivision activities | a. Effects on cultural values of Manawhenua | See Rule 14.4 |
| 8. | In the **Hazard 2 (flood) Overlay Zone**:<br>• Natural hazards sensitive activities<br>• Natural hazards potentially sensitive activities | a. Risk from natural hazards | See Rule 11.5 |

| 20.10.5 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 |
| 9. | In the **National Grid Subdivision Corridor mapped area**:<br>• All subdivision activities | a. Risks to the safety of people and property | See Rule 5.8. |
| | | b. Reverse sensitivity effects | |
| | | c. Effects on efficient and effective operation of the National Grid and access to it | |
| X. | In the **Critical Electricity Distribution Infrastructure Corridor mapped area**:<br>• All subdivision activities | a. Effects on health and safety | See Rule 5.8. |
| | | b. Reverse sensitivity effects | |
| | | c. Effects on efficient and effective operation of network utilities | |

# Rule 20.11 Assessment of Discretionary Activities

## Rule 20.11.1 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 20.11.2 - 20.11.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
   b. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
   c. general assessment guidance, including any effects that will be considered as a priority; and
   d. conditions that may be imposed.
3. Rules 20.11.2 - 20.11.3 apply as follows:
   a. Rule 20.11.2 applies to discretionary land use activities; and
   b. Rule 20.11.3 applies to discretionary performance standard contraventions.
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

| 20.11.2 Assessment of discretionary land use activities | |
|---|---|
| Activity | Guidance on the assessment of resource consents |
| 1. All discretionary land use activities listed below | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 20.2.1 and 20.2.2<br><br>*Potential circumstances that may support a consent application include:*<br>b. For discretionary land use activities, whether any associated development activities meet relevant performance standards, or are otherwise consistent with relevant objectives and policies for development (see Rule 20.9 for performance standard contraventions).<br><br>c. For discretionary land use activities, whether relevant land use performance standards are met, including noise and light spill standards.<br><br>*General assessment guidance:*<br>d. In assessing the significance of effects, consideration will be given to:<br>i. both short and long term effects, including effects in combination with other activities<br><br>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.<br><br>*Relevant guidance from other sections (priority considerations):*<br>e. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety<br><br>f. 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.<br><br>g. 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.<br><br>h. See Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua |

| 20.11.2 Assessment of discretionary land use activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 2. | Early childhood education - large scale outside a **hazard facility mapped area** | *Relevant objectives and policies (priority considerations)*<br>a. Objective 20.2.2<br>b. Early childhood education facilities are designed, located, and operated to avoid or, if avoidance is not practicable, adequately mitigates adverse effects on the amenity of surrounding residential properties or other recreation area users (Policy 20.2.2.12).<br>*Potential circumstances that may support a consent application include:*<br>c. The activity will not result in a loss of open space that would otherwise be available to the public.<br>d. The activity is provided to support a recreation activity on the site.<br>*General assessment guidance:*<br>e. In assessing the effects on amenity Council will consider whether buildings and outdoor areas are designed and located to reduce noise emissions.<br>f. The scale of the activity is suitable for the site.<br>*Conditions that may be imposed include:*<br>g. Delivery time restrictions.<br>h. Landscaping to minimise amenity effects of lighting, vehicle headlights or parking areas on surrounding properties.<br>i. Mitigation measures to minimise noise such as insulation, acoustic fencing, low noise surfaces for play areas, or other such treatments.<br>j. A noise management plan.<br>*Relevant guidance from other sections (priority considerations):*<br>k. See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public. |

| 20.11.2 Assessment of discretionary land use activities | |
|---|---|
| Activity | Guidance on the assessment of resource consents |
| 3. Mining | *Relevant objectives and policies (priority considerations):*<br>a. Objective 20.2.2<br>b. Mining is only allowed where there is reasonable certainty that land will be restored or rehabilitated to a standard that will minimise, as far as practicable, the long term visual effects (Policy 20.2.2.9.a).<br>c. Any adverse effects on the amenity of the site for recreation users or on surrounding residential properties from noise or dust can be avoided or, if avoidance is not practicable, adequately mitigated (Policy 20.2.2.9.b).<br>*Potential circumstances that may support a consent application include:*<br>d. The site will be restored or rehabilitated to the satisfaction of the landowner.<br>e. The site will be restored or rehabilitated to its original or better condition at the completion of the activity or, for mining sand from dunes or beaches, there will be no significant effect on the look of the area.<br>f. The activity will not result in the creation of significant dust and noise.<br>g. The stability of the area, or surrounding areas will not be undermined or affected.<br>*Relevant guidance from other sections (priority considerations):*<br>h. See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public.<br>i. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.<br>j. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects on biodiversity values.<br>k. Where in the **NCC Overlay Zone**, 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.<br>l. 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. |

| 20.11.2 Assessment of discretionary land use activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 4. | Sport and recreation that involves motor vehicles | *Relevant objectives and policies (priority considerations):*<br>a. Objective 20.2.2<br>b. Sport and recreation that involves motor vehicles has no, or only minimal, adverse effects on:<br>i. surrounding residential properties; and<br>ii. other recreation area users (Policy 20.2.2.6).<br>*General assessment guidance:*<br>c. There is sensitivity to the ecological values, scale, character, and use of the recreation area.<br>d. Existing trees and desirable vegetation is retained.<br>e. Activities support the continued operation of railway activities at 3 John Wilson Drive, Ocean Beach<br>*Relevant guidance from other sections (priority considerations):*<br>f. See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public.<br>g. Where in an **ASBV** - See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity values. |

| 20.11.2 Assessment of discretionary land use activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 5. | Conference, meeting and function | *Relevant objectives and policies (priority considerations):*<br>a. Objectives 20.2.1 and 20.2.2<br>b. Conference, meeting and function is designed, located and operated to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on surrounding residential properties amenity. (Policy 20.2.2.12.a)<br>c. Conference, meeting and function is designed, located, and operated to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on other reserve area users. (Policy 20.2.2.12.b)<br>*Potential circumstances that may support a consent application include:*<br>d. The activity will not result in a loss of open space that would otherwise be available to the public.<br>e. The activity is provided to support a recreation activity on the site.<br>*General assessment guidance:*<br>f. In assessing the effects on amenity Council will consider whether buildings and outdoor areas are designed and located to reduce noise emissions.<br>*Conditions that may be imposed include:*<br>g. Restrictions on the hours, days or frequency of operation, or maximum number of participants for events.<br>h. Delivery time restrictions.<br>i. Landscaping to minimise amenity effects of lighting, vehicle headlights or parking areas on surrounding properties.<br>j. Mitigation measures to minimise noise such as insulation, acoustic fencing, or other such treatments.<br>*Relevant guidance from other sections (priority considerations):*<br>k. See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public. |
| 6. | In an **ASBV**:<br>• Sport and recreation (excluding sport and recreation that involves motor vehicles)<br>• Restaurants and retail ancillary to sport and recreation. | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity values. |

| 20.11.3 Assessment of discretionary performance standard contraventions | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | • Acoustic insulation<br>• Noise - where the limit is exceeded by less than 5bD LAeq (15 min)<br>• Light spill - where the limit is exceeded by 25% or less | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |
| X. | In the **NCC Overlay Zone**:<br>• Area of buildings and structures (Rule 10.3.5.X.b.ii) | See Rule 10.7. |

# Rule 20.12 Assessment of Non-complying Activities

## Rule 20.12.1 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 20.12.2 - 20.12.6 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
    a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
    b. general assessment guidance, including any effects that will be considered as a priority.
3. Rules 20.12.2 - 20.12.5 apply as follows:
    a. Rule 20.12.2 applies to all non-complying activities;
    b. Rule 20.12.3 applies to non-complying land use activities;
    c. Rule 20.12.4 applies to non-complying development activities;
    d. Rule 20.12.5 applies to non-complying subdivision activities; and
    e. Rule 20.12.6 applies to non-complying performance standard contraventions.
    f. 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.

| 20.12.2 Assessment of all non-complying activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | All non-complying activities including but not limited to the activities listed below. | *Relevant objectives and policies (priority considerations):*<br>a. The activity does not detract from, or preferably contributes to, the strategic direction objectives, including, but not limited to, those related to:<br>i. Objective 2.3.3 and 2.4.1<br>b. The activity supports the purpose of the zone as outlined in Objective 20.2.1.<br>*General assessment guidance:*<br>c. In assessing the significance of effects, consideration will be given to:<br>i. both short and long term effects, including effects in combination with other activities;<br>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;<br>iii. any effects otherwise managed through performance standards and consistent with all relevant objectives and policies for the zone.<br>d. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.<br>*Relevant guidance from other sections (priority considerations):*<br>e. See Section 6.13 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public.<br>f. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety<br>g. For activities that may have effects on biodiversity values, see Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.1.<br>h. For activities adjacent to water bodies and the coast, see Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.2.<br>i. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua |

| 20.12.3 Assessment of non-complying land use activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | Commercial advertising | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.4.1<br>b. Policy 2.4.1.6.c |
| 2. | • Commercial activities (except commercial advertising, campgrounds)<br>• Industrial activities<br>• Major facility activities (except cemeteries)<br>• Rural activities (except grazing, forestry, mining, and scheduled mining activity) | *Relevant objectives and policies (priority considerations):*<br>a. Objective 2.3.2 and Policy 2.3.2.2<br>b. Objective 2.4.3 and Policy 2.4.3.4<br>c. Objective 20.2.1<br>d. Policy 20.2.1.4 |
| 3. | Residential | *Relevant objectives and policies (priority considerations):*<br>a. Objective 20.2.1<br>b. Policy 20.2.1.4<br>*Potential circumstances that may support a consent application include:*<br>c. An on-site residence is essential for management of the recreation area and approval has been granted under the Reserves Act 1977; and<br>d. The location, design, and scale of the residence is appropriate to minimise effects on the recreation area, recreation users, surrounding sites, and neighbourhood amenity. |
| 4. | In the **Hazard 1 (flood) Overlay Zone** (see Rule 20.3.6):<br>• Natural hazards potentially sensitive activities<br>• Natural hazards sensitive activities | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and the effects related to the risk from natural hazards. |
| 5. | In an **ASBV:**<br>• Commercial activities (except ancillary licensed premises, conference, meeting and function, restaurants or retail activities ancillary to sport and recreation)<br>• Rural activities<br>• Industrial activities<br>• Residential activities<br>• Major Facility activities | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values. |

| 20.12.3 Assessment of non-complying land use activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 6. | In a **hazard facility mapped area**, bulk fuel storage facilities sensitive activities | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and Policy 9.2.2.15 and the risks to people from an emergency event occurring at a hazard facility. |

| 20.12.4 Assessment of non-complying development activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | Demolition of a protected part of a scheduled heritage building or scheduled heritage structure | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and the effects on heritage values. |
| 2. | In an **ASBV:**<br>• Indigenous vegetation clearance – large scale | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values. |

| 20.12.5 Assessment of non-complying subdivision activities | | |
|---|---|---|
| Activity | | Guidance on the assessment of resource consents |
| 1. | Cross lease, company lease and unit title subdivision | *Relevant objectives and policies (priority considerations):*<br>a. Objective 20.2.2<br>b. Policy 20.2.2.11 |

| 20.12.6 Assessment of non-complying performance standard contraventions | | |
|---|---|---|
| Performance standard | | Guidance on the assessment of resource consents |
| 1. | • Light spill - where the limit is exceeded by greater than 25%<br>• Noise - where the limit is exceeded by 5dB LAeq (15 min) or more<br>• Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |
| 2. | • Setback from National Grid (buildings, structures, city-wide activities, and National Grid sensitive activities (Rule 5.6.1.1)<br>• Setback from National Grid (subdivision activities) (Rule 20.7.X) | *Relevant guidance from other sections:*<br>a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.X and effects related to the operation, maintenance, upgrading and development of the National Grid. |
| 3. | Hazard overlay zones development standards:<br>• Hazard exclusion areas | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and the effects related to the risk from natural hazards. |
| 5. | In an **ASBV**:<br>• Tree species | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values. |
| 6. | In the NCC Overlay Zone:<br>• Tree species | *Relevant guidance from other sections (priority considerations):*<br>a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and the effects related to natural character of the coast. |