2GP

SECOND GENERATION DISTRICT PLAN

DRAFT
Guide for Plan Users

DUNEDIN CITY COUNCIL
Kaunihera-a-rohe o Otepoti

Contents

1 Introduction
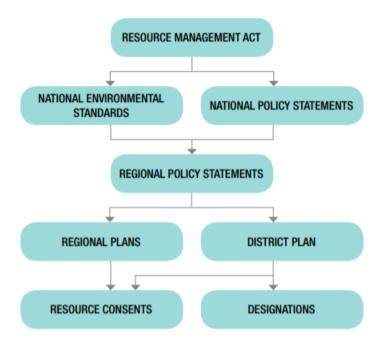
1.1 What is a District Plan?

A district plan controls what people can do on their land and how it can be developed. It includes objectives, policies and rules (which are sometimes collectively referred to as 'provisions' or 'plan provisions'). The main goal of Dunedin's District Plan is to sustainably manage the natural and physical resources of Dunedin to meet the needs of current and future generations and to provide for their social, economic and cultural wellbeing and for their health and safety.

The Dunedin City District Plan is a legal document which Dunedin City Council is required to have under the Resource Management Act 1991 (RMA). The RMA is New Zealand's main piece of environmental legislation and provides a framework for managing the effects of activities on the environment. The RMA also sets out a wider regulatory structure that includes the District Plan. This structure is outlined below.

1.2 The Dunedin City District Plan (2006) – The Operative Plan and The 2GP (Decisions Version 2018) – The Proposed Plan

Dunedin's first district plan prepared under the RMA was released for public submissions in 1995 and became fully operative in 2006. It is referred to as the Dunedin City District Plan (2006). Until the 2GP becomes fully operative, it will remain the operative plan.

Under the RMA, the DCC is required to review the District Plan every 10 years. A full review of the Operative Plan began in 2012. This review produced the proposed Second Generation Dunedin City District Plan, known as the 2GP.

The 2GP was notified in September 2015 and is an entirely new Plan, with a new electronic format (ePlan), new zones, objectives and policies, and many changes to the rules. Following notification, 1055 submissions and 452 further submissions on the 2GP were received and considered. Following public hearings, decisions on the submissions were released on 7 November 2018, along with the decisions version of the 2GP.

1.3 Which Plan applies – the Operative Plan or the 2GP?

From 7 November 2018, all rules in the 2GP decisions version (November 2018) have 'legal effect'. This means that both the new 2GP rules and the operative District Plan (2006) rules apply until any appeals are resolved. If there are no appeals against a rule in the 2GP decisions version (or any closely related provisions), those rules may be 'deemed operative'.

Here are examples of what the requirement to consider both plans means:

- For an activity that is permitted under the 2GP, and the relevant provisions are not under appeal, no resource consent is required.
- For an activity that is permitted under the 2GP but the provisions are under appeal, the Operative Plan rules determine whether a resource consent is required. However, the objectives and policies of the 2GP can be considered and might support the granting of that resource consent.
- For an activity that requires resource consent under both plans, but has different activity statuses e.g. restricted discretionary and non-complying, then the most restrictive activity status applies, i.e. non-complying in this example.
- For an activity that is permitted in the Operative Plan but needs a resource consent under the 2GP, a resource consent will be required.

In terms of resource consent applications, the activity status that applies is whatever the status is on the day an application is lodged. The activity status is the classification of the activity, e.g. restricted discretionary or non-complying. As appeals are resolved, this may affect how the application is considered, and what the decision may be, but it will not change the original activity status.

Eventually, when all appeals have been determined, withdrawn or dismissed by the Environment Court, the 2GP will become fully operative, and the operative District Plan (2006) will no longer apply. This process may take a number of years.

1.4 How can I tell which rules have been deemed operative?

The 2GP ePlan will be regularly updated as the appeal process proceeds, and Plan provisions will be highlighted to show they are under appeal. Eventually, when provisions (including the spatial layers they are linked to) are beyond appeal, they will be highlighted in green in the ePlan to show they can be 'deemed operative'. Once provisions are deemed operative, the equivalent provisions in the Operative Plan can be treated as 'inoperative' e.g. they no longer apply.

2 How is the 2GP structured?

The 2GP has two primary components:

- the planning map which shows the zones and other types of spatial layers (overlay zones, mapped areas, scheduled items) where the rules in the written text apply; and
- the written text consisting of objectives, policies, rules and guidance information.

Both of these components are provided in an electronic format located online at 2gp.dunedin.govt.nz

2.1 The Planning Map

The planning map shows the management zones, major facility zones, overlay zones and scheduled items. They also show 'mapped areas', which are smaller discrete areas which apply to a specific rule or provision in the 2GP. Examples are the port noise control mapped area, the road classification hierarchy, and the high class soils mapped area.

Information about how to use the planning maps is available here: 2gp.dunedin.govt.nz/2gp/documents/Guidance - how to use the 2GP Maps.pdf

2.2 The Written Text

The written text is contained in an electronic plan or 'Eplan', which allows users to navigate to different parts of the Plan through a hierarchical table of contents and view different amounts of content depending on which part of the hierarchy is chosen. Information about how to open pages and navigate through the online plan is available here: 2gp.dunedin.govt.nz/2gp/documents/plan/GuidetoEplan.pdf

The Plan is structured in Parts A to F, as shown below.

A.
Plan Overview and Strategic Directions

- Plan Overview and Introduction
- Strategic Directions

The plan overview and introduction section contains an introduction to the District Plan, information on Te Tiriti o Waitangi/The Treaty of Waitangi and outcomes sought by Kāi Tahu, the complete list of activities managed by the Plan and grouped into nested tables, and definitions.

The Strategic Directions section focuses on key issues for the city and establishes the overall management approach for the Plan; including zoning and other methods used in the Plan.

B.
City-wide Activities

- Public Amenities
- Temporary Activities
- Network Utilities
- Transportation
- Scheduled Trees
- Natural Hazard Mitigation Activities
- Earthworks

The city-wide activities section contains objectives, policies and rules for certain types of activities that were difficult to separate between land use and development components, and required customised performance standards. The sections contain all the relevant provisions related to the activity (except for those provided in the City-wide Provisions section: see below). Therefore, for these activities, there is no need to look at rules in the management or major facilities zone sections.

Note: The Transportation and Network Utilities sections also contain city-wide provisions (see below).

C.
City-wide Provisions

- Public Health and Safety
- Natural Environment
- Natural Hazards
- Urban Land Transition Provisions
- Heritage
- Manawhenua

The city-wide provisions contain rules that apply consistently across zones, or are linked to overlay zones or mapped areas. The sections contain objectives, policies, performance standards and assessment rules. They do not contain the activity status rules; therefore, are not stand-alone sections. They must be read alongside the activity status rules for the relevant city-wide activity, or activities as listed in the relevant management or major facility zone.

D.
Management Zones

- Residential Zones
- Rural Zones
- Rural Residential Zones
- Commercial and Mixed Use Zones
- Industrial Zones
- Recreation Zone

Management zones are organised around the predominant land use within an area, for example residential, rural or industrial, however, none are single-use zones. These zones contain objectives, policies, and rules.

E.
Major Facility Zones

- Ashburn Clinic
- Dunedin Botanic Garden
- Dunedin Hospital
- Dunedin International Airport
- Edgar Centre
- Invermay and Hercus
- Mercy Hospital
- Moana Pool
- Otago Museum
- Port
- Schools
- Stadium
- Taieri Aerodrome
- Campus
- Wakari Hospital

The 15 major facility zones cover facilities that are important to Dunedin's social, economic and cultural well-being. These include hospitals, schools, sporting and recreation facilities, and airports. Each major facility zone contains specific objectives, policies and rules to facilitate the efficient and effective operation of the facility, and to manage its effects.

F. Appendices

The appendices contain various provisions necessary for the implementation of 2GP policies and rules.

- Schedules (heritage items and sites, areas of significant biodiversity value, schedule of trees, designations, and scheduled mining activities)
- Heritage precinct values
- Hazardous substances quantity limits.
- Rural character values
- Heritage NZ Pouhere Taonga Accidental Discovery Protocol
- Default zones for major facility zones
- Landscape values
- Wāhi Tūpuna values
- Natural Character of the Coast values
- Urban biodiversity mapped area values
- Design Guidelines

3 Structure of 2GP

3.1 Types of activities

The Nested Tables section of the 2GP (Section 1.3) is a complete list of activities managed by the 2GP, grouped into a hierarchy of categories, sub-categories, activities, and sub-activities. The nested tables should be referred to alongside the relevant activity status table when determining the activity status of an activity.

The first level of the hierarchy is the activity group and includes city-wide, land use, development and subdivision activities.

City-wide activities are categorised by the type of activity (public amenities, temporary activities, network utilities, transportation, scheduled trees, natural hazard mitigation activities, earthworks). The rules that apply to these activities are located within the relevant city-wide activity section.
Activities that are managed in the management and major facility sections are grouped as either land use, development or subdivision activities:

Subdivision activities are split into two activity types: general subdivision and cross-lease, company lease and unit title subdivision.

Land use activities are the use to which the land is put (what people are doing on the land). For example, standard residential, farming or retail activity. A site may be put to more than one land use.
The categories of land use activities include commercial, residential, community, industrial, rural and major facility activities.

Development activities are those that relate to the creation or modification of buildings and structures or other physical development of a site (excluding earthworks, which is managed as a city-

wide activity). Development activities are split into two sub-categories: buildings and structures activities; and site development activities.

Many proposals will involve several types of activity. All activities are defined, and the definition (located in Section 1.4) indicates which category the activity is in. Some activities also have sub-activities, such as veterinary services being a sub-activity of office activity as shown in the figure below. Sometimes activities may be managed differently at different scales, indicated in the nested tables as either "small scale" or "large scale", with the relevant scale thresholds set out either in the activity definition or in a performance standard.

1.3.2 Land Use activities

Commercial Activities Category

Activities	Sub-activities
Ancillary licensed premises	
Commercial advertising	Tourism advertising
Conference, meeting and function	
Entertainment and exhibition	
Office	Registered health practitioners
	Training and education
	Veterinary services
	Campus-affiliated office

3.2 Definitions

Definitions are provided in Section 1.4, which includes definitions of categories, activities, sub-activities and other terms used in the 2GP. Where activities or sub-activities are defined, the definition includes an explanation of where it fits within the relevant nested table – for example, what category type it comes under or, if it is a sub-activity, what activity it comes under.

A definition will sometimes spell out matters that are specifically excluded from that definition. A definition may also spell out matters that are covered by that definition. This is done in several different ways:
1. "For the sake of clarity, this includes…" is used to clarify aspects of the definition (what it covers) where it was considered clarification was necessary to avoid confusion.
2. "Examples are…" is used to include an inclusive list of common examples to help interpret the definition.
3. "Consists of…" is used to provide an exclusive (i.e. complete) list of activities covered by the definition. This is mostly used to introduce the activities in the definition of a category or the sub-activities in the definition of an activity.

The Definitions Section 1.4 also includes abbreviations commonly used in the 2GP, listing out what the abbreviations stand for.

3.3 Activity status tables

The activity status of a particular activity determines whether a resource consent is required and, if so, what will be evaluated when the Council considers the resource consent application. The types of activity statuses are as follows:

Permitted Activity (P)
No resource consent is required, provided that any performance standards associated with the permitted activity are complied with.

Controlled Activity (C)
Resource consent is required, but must be granted. Conditions can be imposed on the consent, but can only relate to matters of control that the DCC has specified in the District Plan.

Restricted Discretionary Activity (RD)
Resource consent is required, and can be granted or declined on a case-by-case basis. If the consent is granted, conditions can be imposed, but can only relate to the matters of discretion that the DCC has specified in the District Plan or which are specified in national environmental standards or other regulations.

Discretionary Activity (D)
Resource consent is required, and may be granted or declined on a case-by-case basis. If the consent is granted, conditions can be imposed on any matters that the DCC considers necessary to address effects on the environment.

Non-complying Activity (NC)
Resource consent is required, and may be granted or declined on a case-by-case basis. In the case of non-complying activities, the RMA restricts the ability of a consent authority to grant consent only in cases where the effects are minor or the activity will not be contrary to the objectives and policies of the District Plan. However, even if an application meets one of these tests consent can still be declined. If the consent is granted, conditions can be imposed on any matters that the DCC considers necessary to address effects on the environment.

Prohibited Activity (Pr)
No resource consent application can be made for a prohibited activity.

A different activity status may apply to the land use part of a proposal compared to the development activity part. If this is the case, the more restrictive activity status will apply to the proposal as a whole.

The activity status tables in the management zones, major facility zones, and city-wide activities sections show the activity status of individual activities, sub-activities and activity categories. Where the activity is permitted, controlled, or restricted discretionary, the performance standards that must be met are shown in the top row of the table (where they apply broadly to categories or subcategories of activities) and in the far right column, where they apply to individual activities. Contravention of a performance standard will mean a resource consent is required (with the activity status of that consent given in the performance standard) or for activities that already require a consent, either additional assessment matters, or in some case a stricter consent type.

The 2GP provides for 'ancillary activities', which are activities that are subordinate to and part of the operation of the primary activity identified. An ancillary activity is not a stand-alone activity that is operated outside of, or distinctly apart from, the operation of the primary activity. Having ancillary activities allows for the activity to be managed differently

than it would be as a stand-alone activity .For example, providing for licensed premises which are ancillary to another activity such as a restaurant or visitor accommodation.

In addition to sub-activities, the 2GP uses 'qualifiers' to allow rules to only apply to activities in some situations. These situations are most commonly where an activity is managed differently in certain areas or at a certain scale. Some examples where qualifiers are used in activity status tables are as follows:

- Visitor accommodation in the George Street North residential heritage precinct
- Food and beverage retail less than 1500m^2 in gross floor area
- Rural research – large scale in the Invermay Farm mapped area
- Mineral exploration that does not involve blasting

In management and major facility zones there are separate activity status tables for land-use, development and subdivision activities.

For activities that are not the main type of activity the zone is provided for, it is common that the activity status table will list activity statuses for activities that are provided for in the zone and then an activity status given for 'all other' activities in the category.

For example, in the rural residential activity status table as shown below, of the activities in the commercial activities category, only three are provided for in the zone. Stand-alone car parking is permitted, veterinary services (large animal practice) is provided for as a restricted discretionary activity, and visitor accommodation as a discretionary activity. All the other activities in this category are non-complying activities.

For sites that are within a natural environment or heritage overlay zones, a different activity status may apply. Where this occurs, this activity status is given in an additional column in the activity status table. For sites that are within a hazard overlay zone, activities are managed based on a sensitivity to natural hazards classification. Where this affects the activity status, it is shown in a table after the subdivision activity status table.

Commercial activities		a. RR	b. ONF/ HNCC	c. 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+	

3.4 Performance Standards

Performance standards are standards (rules) that apply to permitted, controlled and restricted discretionary activities. The District Plan (2006) uses a similar tool called "conditions on permitted activities", but only with permitted activities.

Where performance standards apply to all permitted, controlled and restricted discretionary activities of a certain group (e.g. all land use activities), category (all development activities) or sub-category (all buildings and structures activities), these are listed at the top of the activity status table. Other performance standards only apply to specific activities, and are listed in the same row as the activity to which they relate.

For example, see the following excerpt from the activity status table for land use activities in the Residential Zones (Rule 15.3.3):

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) b. Electrical interference c. Light spill d. Noise e. Setback from National Grid (National Grid sensitive activities only) f. **Structure plan mapped area** performance standards (where relevant)
	Residential activities	Activity status	Performance standards
2.	Supported living facilities	RD	a. Minimum car parking b. Outdoor living space c. Service areas
3.	Standard residential	P	a. Density b. Minimum car parking c. Outdoor living space d. Service areas e. Family flats

Left-clicking on the performance standard name in the right-hand column of the activity status table will take you to the performance standard rule itself (right-clicking on it will allow you to open the rule in a new tab, so you don't lose your place in the 2GP). For example, clicking on 'service areas' directs you to the Service Areas performance standard rule as shown below:

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.

3.5 Assessment Rules

This section includes the rules that restrict:

- for controlled activities, the matters over which Council will reserve its control;
- for restricted discretionary activities, the matters to which Council will restrict its discretion.

They also provide guidance on how resource consent applications will be assessed.

This guidance includes information on the relevant objectives and policies. Policies are important as they include the tests against which resource consent applications will be assessed.

Additional guidance may be included:
- *Potential circumstances that may support a consent application* – these are examples of situations with either known (based on past consents), or predicted site, locational or design factors that usually support the outcomes described in relevant objectives and policies
- *General assessment guidance* – this provides additional guidance on how the Council will assess an application, such as listing important considerations or particular methods that may be used in assessment
- *Conditions that may be imposed* – where known, common conditions that are likely to be imposed when a consent is granted are listed.

For example, see the following excerpt from the assessment rule for restricted discretionary development activities in the Residential Zones (Rule 15.11.3):

15.11.3 Assessment of restricted discretionary development activities

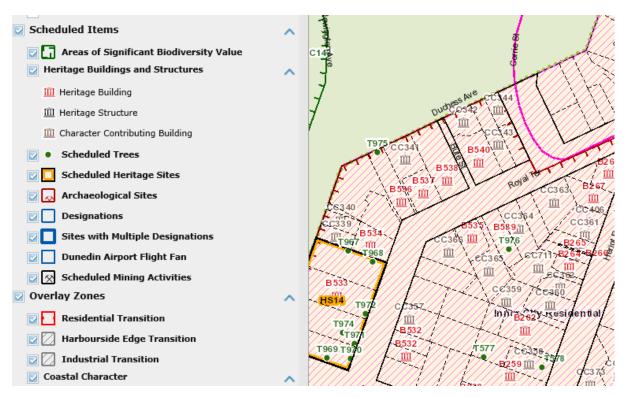| Activity	Matters of discretion	Guidance on the assessment of resource consents

1. New buildings or additions and alterations to buildings that result in:
• a building that is greater than 300m² footprint or
• a multi-unit development in the ICR and GR2 zones
	a. Effects on streetscape amenity and character	*Relevant objectives and policies:*
		i. Objective 15.2.4
		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)
		
		General assessment guidance:
		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.
		iv. In assessing the effects on streetscape amenity and character, Council will consider:
		  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
		  2. any landscaping proposed and its effectiveness in enhancing amenity and/or mitigating adverse effects
		  3. the level of visibility from the street
		  4. the location of any car parking
		  5. whether the development provides adequate green space and maintains an appropriate balance of green space vs built and hard features
		  6. whether the development has the potential to adversely affect any heritage streetscape values in the immediate neighbourhood
		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.
		
		Conditions that may be imposed include:
		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.

		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. viii. The building is set back from boundaries adequate distance to avoid shading or visual effects on adjacent residential properties or public places. ix. Topography of the site mitigates the effects of the building scale on adjacent residential properties or public places.

4 How to use the 2GP

4.1 Step-by-step guide

The following is a guide on how to use the 2GP to work out whether or not your proposal needs a resource consent.

Step 1: Planning map

Locate your property and identify what management zone or major facility zone applies. Use the maps to identify whether your property has an overlay zone, mapped area or scheduled item applying to it, such as a scheduled heritage building, a heritage precinct or a primary pedestrian street frontage. If any overlay zones, scheduled items or mapped areas apply, the City-wide Provisions or the City-wide Activities section of the plan may also be relevant. In the example below, there are a number of marked heritage buildings and structures as well as scheduled trees.

For help using the planning map, see 2gp.dunedin.govt.nz/2gp/documents/Guidance- how to use the 2GP Maps.pdf

Step 2: Identify what category of activity applies

Begin with the nested table. Determine which category applies to your activity. Note that your proposal may include several activity types, such as residential activity (a land use activity), a new building (development activity), subdivision (subdivision activity) and earthworks (a city-wide activity). You may also need to check the definitions to confirm you have the right activity type or types – definitions for each activity are linked from the nested tables (and from the activity status tables).

Examples are provided below for activities in the residential activities category and for buildings and structures activities in the development activities category.

Residential Activities Category

Activities	Sub-activities
Supported living facilities	Rest homes
	Retirement villages
	Student hostels
Standard residential	Papakāika
Working from home	

Development Activities Category

Sub-categories	Activities	Sub-activities
Buildings and structures activities	Additions and alterations	Earthquake strengthening
		Restoration
		Signs attached to or incorporated into buildings
	Demolition	
	New Buildings	
	Removal for relocation	
	Repairs and maintenance	
	New Structures	Fences
		Retaining walls (for the purposes of rules that apply in heritage precincts only)
		Freestanding signs

Step 3: Determine activity status

If your proposal includes any land use, development or subdivision activities, check the activity status table in the relevant management or major facility zone (see step 1 above – planning map), to determine the activity status.

If your proposal includes any city-wide activities, check the activity status table in the relevant city-wide activity section, to determine the activity status.

In all cases, check whether any performance standards apply, and whether or not you can comply with them (click on the links to go to the relevant performance standard(s)). If you do not comply, the performance standard indicates which activity status applies to this part of your proposal. In some cases, the performance standards are located in the city-wide provisions section (e.g. those that apply to heritage buildings). The rules and hyperlinks will tell you where to find them.

The overall activity status will be the most restrictive status of all the various parts of your proposal.

In the example below, for development activities in the residential zone, new buildings or additions and alterations to buildings that would result in a building less than or equal to $300m^2$ are permitted subject to the performance standards that apply to all development activities and those that apply to all buildings and structures activities.

15.3.4 Development Activity Status Table

1.	Performance standards that apply to all development activities		a. Natural Hazards Performance Standards b. Maximum building site coverage and impermeable surfaces c. Setback from scheduled tree d. Structure plan mapped area performance standards (where relevant)
2.	Performance standards that apply to all buildings and structures activities		a. Boundary setbacks b. Building length c. Fire fighting d. Height in relation to boundary e. Maximum height f. Number, location and design of ancillary signs g. Setback from coast and water bodies h. Setback from National Grid
In all locations, including areas covered by rows 3 - 36 below		Activity status	Performance standards
3.	New buildings and additions and alterations that result in: • a building that is greater than 300m² footprint or • a multi-unit development in the ICR and GR2 zones	RD	
4.	Fences	P	a. Fence height and design
In locations not covered by rows 7 - 36 below.		Activity status	Performance standards
5.	New buildings, and additions and alterations to buildings, that result in a building that is less than or equal to 300m²	P	
6.	All other buildings and structures activities	P	

Step 4: Apply for resource consent

If your activity is a permitted activity, and you meet all the relevant performance standards, you will not require a resource consent.

If your activity is a controlled, restricted discretionary, discretionary or non-complying activity you will need to apply for a resource consent. The assessment sections of the city-wide, management and major facility sections provide guidance on how the resource consent applications will be assessed. This guidance draws on the objectives and policies that apply to the activity and, in some cases, provides additional assessment guidance.

Note that there are separate assessment rules for activities that are restricted discretionary because they contravene a performance standard and for where an activity's underlying activity status is restricted discretionary as shown in the activity status table. Sometimes an activity that contravenes a performance standard will become a discretionary or non-complying activity – in these cases, the relevant assessment rules are to be found with other assessment rules for discretionary and non-complying activities.

Applications for resource consent must be made in writing to the DCC and must include a description of the proposed activity and an assessment of the environmental effects arising from it. Application forms and information brochures to assist in understanding the resource consent application process are available from the DCC or online at www.dunedin.govt.nz.

Council staff can assist by providing general advice on the requirements of the District Plan (drop-in desk in the Civic Centre Plaza, or phone 03 477 4000, or email planning@dcc.govt.nz). Professional advice may be necessary if your proposal is relatively complex.

Applications are processed on a cost recovery basis, with a deposit payable at the time an application is lodged with the council.

For further information on consent processing refer to: www.dunedin.govt.nz/services/planning

4.1 Summary Diagram

Step One:

Check planning map to identify the zone that applies to your proposed activity. Check whether any overlay zones, mapped areas, or scheduled items apply.
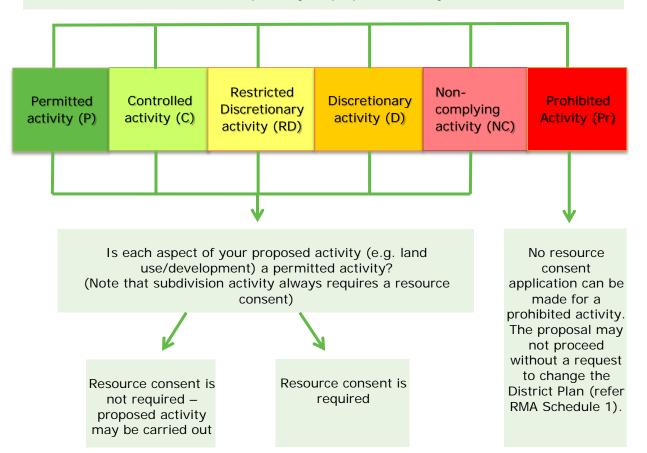
Step Two:

Check nested tables and definitions to determine the activity types and categories of the various parts of your proposal.

Step Three:

Check the activity status tables in the relevant zone and/or city-wide activities sections of the 2GP to determine the activity status of your proposed activity. If the activity is not specifically listed, check the activity status of "all other activities" in the relevant category or subcategory it sits within in the nested tables.

Check whether any performance standards can be complied with, and what the activity status of this part of your proposal is if they can't.

| Permitted activity (P) | Controlled activity (C) | Restricted Discretionary activity (RD) | Discretionary activity (D) | Non-complying activity (NC) | Prohibited Activity (Pr) |

Is each aspect of your proposed activity (e.g. land use/development) a permitted activity?
(Note that subdivision activity always requires a resource consent)

Resource consent is not required – proposed activity may be carried out

Resource consent is required

No resource consent application can be made for a prohibited activity. The proposal may not proceed without a request to change the District Plan (refer RMA Schedule 1).

5 Attachment One: 2GP Style Guide

2GP Styleguide (decisions version) – August 2018

1.0 Guide to information in the 2GP

1.1 Definitions

1.1.1 Adding the activity definition's sub-activities/activity/category information into the activity definition.

Activity definitions must include information on the activities location in the nested table, based on a 'one-up, one-down principle (e.g. explain what sits under it and what sits over it in terms of the nested table)

Activity type	Applies to	Explanation wording	Examples
Activity with no sub-activities	All activity types except development	**List the activities' category** "XXX is an activity in the XXX activities category"	*Mobile trading is an activity in the temporary activities category.*
Activity with sub-activities	All activity types except development	**1. List the activity's sub-activities** "The following activities are managed as sub-activities of XXX: …", **2. List the activities' category** "XXX is an activity in the XXX activities category"	*"The following activities are managed as sub-activities of office:* • *registered health practitioners* • *training and education* • *veterinary services."* *The following are managed as sub-activities of filming:* • *filming – large scale* • *filming – small scale* *Filming is an activity in the Temporary Activities category.*
Activity is a sub-activity	All activities	**List the activity that it is a sub-activity of** "XXX is a sub-activity of XXX"	*Campgrounds are a sub-activity of visitor accommodation.*

Wording for sub-categories	Only applies to "building and structures activities" and "development activities" definitions		*"buildings and structures activities are a sub-category in the development activities category"* **OR** *"site-development activities are a sub-category in the development activities category"*
Development activity with no sub-activities	Only applies to development activities	**List the activity's sub-category (one up) followed by its category** "XXX is an activity in the XX sub-category, which is the development activities category."	*Demolition is an activity in the buildings and structures sub-category, which is in the development activities category.*
Development activity with sub-activities	Only applies to development activities	**1. List the activity's sub-activities** "The following activities are managed as sub-activities of XXX: …", **2. List the activity's sub-category (one up) followed by its category** "XXX is an activity in the XX sub-category, which is the development activities category."	Examples to find as no development activities currently list their sub-activities

1.2   Nested tables

1.3   Activity status tables

1.3.1   Activity status table symbols

N/A = where overlays do not intersect or situation does not exist

Note to be removed post decision publication: when implementing the Plan Overview decision: *any activity that has a qualifier related to a overlay (e.g. Forestry in a GR1TZ) should be discussed with*

the Planner as to whether this should change to a N/A e.g. the intersect doesn't exist (most likely) or it is no change to the activity status from underlying zone (less likely).

+ (plus symbol) = where the activity status in an overlay zone is the same as in the underlying zone but additional provisions apply (assessment criteria related to the overlay need to be viewed)

1.4   Note to Plan Users

There are five types of Note to Plan Users in the 2GP:

- Note XX– Other relevant District Plan provisions
- Note XX– Other requirements outside of the District Plan
- Note XX– Copyright information
- Note XX– General advice
- Note XX - RMA other considerations

Notes to plan users are not part of the Plan regulations, they are information only. They cannot contain any information that is part of a rule interpretation.

2.0   Plan drafting guidance

2.1   Contravention rule drafting

Each performance standard rule must include the activity status for the contravention of the performance at the end of the rule.

Standardised phrasing to be used:
[Activity name/s] that contravene the performance standard for [performance standard name] is/are [activity status].

OR

Activities that contravene the performance standard for [performance standard name] are [activity status] e.g. restricted discretionary activities/ discretionary activities/ non-complying activities.].

OR

Activities that contravene this performance standard] are [activity status].

2.2   Drafting of Notification rules

There are 4 basic situations, which have standard phrasing:

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:
    a. earthquake strengthening …

2. With respect to resource consent applications [or **for the following activities**], Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided for the following:
   a. activities that …
   b. contraventions of …

3. Applications for the following activities will be publicly notified in accordance with section 95A of the RMA:
   a. new driveways …
   b.
4. With respect to sections 95D(b) and 95E(2)(a) 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 or non-complying activities in the Warehouse Precinct Zone. [a similar rule will also appear in the assessment rules. See 'How to write permitted baseline rules' below].
5. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA. (This is only used sometimes)

2.3   Assessment rule drafting

2.3.1   How to write matters of control and discretion

Matters of Control and Discretion generally start with: "Effects on…" and reflect what is written in the relevant objective. There is a standard list of matters of control and discretion which should be used (if a new one is needed seek approval of drafting first).

2.3.2   Use of "all X activities" versus listing activities

Where the table has a row for "all RD/D/NC activities"

For Management Zones:

remove any content that lists activities or says "including activities listed below"

Replace with:

"all X activities {in the Y zone/s}, including but not limited to the activities listed below"

All discretionary activities in the residential zones, including but not limited to the activities listed below

OR

All discretionary activities, including but not limited to the activities listed below

OR if every activity of that type is listed in a separate row below (usually C, D activities, sometimes RD if not many) can say

All discretionary land use (or as relevant: development/ subdivision) activities listed below"

For city wide provisions:

Ensure all CW RD/D/NC rows read as follows:

"All discretionary activities that are linked to Section X, including but not limited to the activities listed below"

 (assuming there are activities below if not leave this bit out)

All discretionary activities that are linked to Section 10.6, including but not limited to the activities listed below

2.3.3   Types of guidance on the assessment of resource consents

Four sub-headers are used (all but "relevant objectives and policies" are 'use as needed' – not mandatory), must be in the following order, and italicised:

1. *Relevant objectives and policies:*
    o Relevant objectives and policies (for controlled and restricted discretionary)
    o Relevant objectives and policies (priority considerations): (for discretionary and non-complying)
2. *Potential circumstances that may support a consent application include:* (not used for NC activities)
3. *General assessment guidance:*
4. *Conditions that may be imposed include:*

NOTE: a new header will be added to discretionary and noncomplying assessment rules

Relevant guidance from other sections (priority considerations)

And all content that refers to See Section X…" will be moved under that heading

for example " See Section 6.11 for guidance on the assessment of resource consents in relation to Objective 6.2.2 and 6.2.3 and associated policies, and {PO cl.16} effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public {Trans 881.63}.

2.3.4   How to refer to relevant objectives and policies

These are laid out as follows:

1. List strategic direction objectives and policies (these are mostly for non-complying activities and **usually** not paraphrased unless they provide direct helpful guidance and 'policy test')
2. List the objectives and policies from the section in this format
    a. Objective x.x.x
    b. The relevant policy is paraphrased (Policy x.x.x.x)

Policies are paraphrased as a future outcome statement as follows:

- The verb (Require, only allow etc.) is <u>almost</u> always dropped (There is the odd one that needs to keep "only allow" to have the sentence grammatically correct.))
- The verb tense changed to present tense – ***except for*** 'will be' where used to denote an effect that may carry on into the future (e.g. reverse sensitivity effects will be avoided…).
- There is variability in when the name of the activity is kept vs not or changed to the 'the activity/activities'. This variability is generally ok as long as (1) it hasn't lost important detail and (2) it doesn't leave in activities that are not subject to the assessment rule – eg leave a shopping list of activities when the row title is only about the one activity

Note: NEVER add or change words used in the policy (except verb tense), generally do not drop anything other than verb at start or lists of activities (this is sometimes changed to 'the activities' or sometimes dropped if not necessary – as the activities are shown in the first column,

Example 1
Require activities ancillary to visitor accommodation to be located and designed to cater to patrons of the primary activity rather than the general public.

Paraphrased as:

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)

Example 2
Only allow food and beverage retail in the WP and PPH zones where the activity is of a size, and designed in a manner, to service the local area and not operate as a destination retailer for other parts of the city.

Paraphrased as:

Food and beverage retail in the WP and PPH zones is of a size, and designed in a manner, to serve the local area and not operate as a destination retailer for other parts of the city (Policy 18.2.1.13).

Example 3
E.g. Policy X. Only allow land use, development or subdivision activities that may lead to land use or development, where adverse effects on the safety and efficiency and cost effectiveness of the transport network will be avoided, or if avoidance is not practicable, adequately mitigated.

Paraphrased as:

Land use, development or subdivision activities that may lead to land use or development avoid, or if avoidance is not practicable, adequately mitigate, adverse effects on the safety and efficiency and cost effectiveness of the transport network.

Example 4
Sometimes long policies are broken up under different matters of discretion, and sometimes activities names can be change to 'the activities' or dropped if more appropriate.

Only allow conference, meeting and function, restaurants and entertainment and exhibition ancillary to visitor accommodation in the PPH and SSYP zones where:
1. the activities are secondary to the visitor accommodation activity; and
2. 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
3. the potential for reverse sensitivity will be avoided or, if avoidance is not practicable , adequately mitigated.

Paraphrased as:

  i.   The activities are secondary to the visitor accommodation activity (Policy 18.2.2.2.a).
 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).
iii.   The potential for reverse sensitivity will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 18.2.2.2.c).

2.3.5   How to write non-complying assessment rules

These use 'priority considerations' in the heading and generally do not paraphrase policies, unless that policy provides helpful guidance on exceptional circumstances. Strategic objective policies may also be referenced.

Relevant objectives and policies (priority considerations):
    a. Objective 2.2.3
    b. Objective 18.2.3, Policy 18.2.3.1

2.3.6   How to write provisions that apply only in overlays

Generally, these are in a separate (last) table, almost always show the overlay first in bold and the activities bulleted underneath. A key exception is where the reference to overlay is to do with a sub-part of a standard (see next).

In a heritage precinct:

	• All subdivision activities		
7.	In a **heritage precinct:** • All RD activities due to being in a heritage precinct	a. Effects on heritage streetscape character	See Rule 13.6

Note it seems NE section has done this as "Maximum height in the **NCC overlay zone" –** this is won't be changed

2.3.7   How to refer to sub-parts of performance standards that have a different default activity status or different matters of discretion

Write as :

"P/S standard name (Rule x) – description (optional if can't do concisely)"

Note: The rule number to reference is the rule that says the activity status is different, or the part of the rule that has additional (separate) assessment guidance (example 2 ss of this type)

Example 1 - Density (Rule 15.5.2.7.a) – Papakaika

Example 2 - Boundary setbacks (Rule 15.6.14.1.ix.3) – garages and carports setback from road boundary

Example 3 - Shape (Rule 15.7.6.2.c) – distance of building platform from National Grid

2.3.8 How to write potential circumstances that may support a consent application

Should generally be written as a situation

Example:
    a. Communal outdoor living areas are located or screened from surrounding properties.
    b. [for land use activities] Performance standards for development activities are met.

2.3.9 General assessment guidance

Should be written in terms of what Council 'will' consider or not consider

Example:

For signs that do not comply with Rule x.x.x. (the restriction on signs for restaurants ancillary to trade related retail), Council will also consider the effects on terms of Policy 18.2.1.18.
    a. In assessing the effects on heritage streetscape character, Council will consider the heritage precinct values in Appendix A2.
    b. 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.

NOTE: There are some examples of "In assessing blah de blah, consideration will be given to Y"; this does not need to be changed but the former style should be used for new content where possible.

2.3.10 How to write conditions that may be imposed

These are generally just list of conditions without and introductory sentence. The should not include any introductory statement around "Council will".

Examples:
    a. Building platforms registered against the title by way of consent notice.
    b. Time limit on consent.
    c. A condition that prevents the setback area being used for car parking.

2.3.11 Type and Order of content in discretionary activities'

This content is a bit all over the show and will be looked at across the Plan.

2.3.12 How to refer to assessment rules in other sections

For C and RD assessment sections and for all performance standard contraventions, the relevant assessment rule in the other section is referred to at the highest level.
" See Rule 6.9" not "See 6.9.1.a"

Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

For D and NC activities, the wording should be:
> "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."

• Acoustic insulation • Noise - where the limit is exceeded by less than 5dB LAeq (15min) • Light spill - where the limit is exceeded by 25% or less	See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

2.4   How to write permitted baseline rules

Put in assessment rule introduction section and word as follows

1. 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 discretionary activities in the Warehouse Precinct zone.
2. With respect to section 104(2), Council will not consider family flats as part of the permitted baseline in considering residential density effects in the residential zones.
3.

A similar clause should also appear in the notification rule (see above)

2.5   Policies Drafting protocol

Type	Drafting Language	Example
Policies that set up what is permitted in the zone	Enable…	Enable community and leisure activities in residential zones.
Policies that set up what is provided for within zone Everything that is not Non-complying – where necessary	Provide for…	Provide for a range of residential, community, and major facility activities, where the effects of these activities can be adequately managed in accordance with the relevant objectives and policies.
Policies that set up performance standards Provide guidance when standards are not met, what is trying to be achieved by standards (bottom-lines), often will be supplemented by more detailed information in assessment rules	Require…	Require buildings and structures to be of a height and setback from boundaries that allows current and potential future residential buildings and their outdoor amenity spaces in immediately surrounding sites to have a reasonable standard of sunlight access.
Policies for Restricted Discretionary or Discretionary activities: Activities which are 'provided for' but only in the right circumstances/ where effects can be adequately managed/ where key outcomes can be achieved	Only allow…	Only allow other additions and alterations to character- contributing buildings, and larger additions to non character-contributing buildings, where their design, materials and location achieve the following: 1. for work on character-contributing buildings that is required in order to comply with the Building Code Section 112 and Section 115, negative effects on the heritage streetscape character of the zone are no more than minor; 2. for all other additions and alterations where the work is visible from an adjoining public place, the work maintains or enhances the heritage streetscape character of the zone. Only allow emergency services where the operational needs of the activity can be met in a way that: 1. avoids or, if avoidance is not practicable, adequately mitigates adverse effects on the safety of any road user; and 1. avoids or, if avoidance is not practicable, adequately mitigates adverse effects on the efficiency of the transport network.

Non-complying activities	Avoid…, unless	Avoid general retail activities outside of the commercial areas where they are provided for unless:
Prohibited activities	Avoid …	1. it is an ancillary and secondary component of a retail activity that is undertaken in a scheduled heritage building as provided for by policy 18.2.1.3 on the same or adjacent site; or
		1. 2. there is a significant and sustained increase in the amount of retail activity across the city and it can be 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.

2.5.1 Effects-based Policies

Drafting guidance has also been developed for how to word policies in terms of what is most strict/least tolerant of effects and what is least strict/highest tolerance of effects. Policies should also be clear about what types of effects and on what is of concern.

Type (4 tiers)	Wording	Example
Most strict (very low tolerance of effects)	"the effects from x on y are insignificant"	Only allow veterinary activities where these require a location in the rural residential zone and the effects from noise and vehicle movements on surrounding residential or other sensitive activities are insignificant.
High strictness With direction to minimise	Type 1 - Policies related to performance standards Require activity to be located and designed to: Minimise, as far as practicable, {type of adverse effect} Type 2 – RD/D policies Only allow activity where activity is (located and) designed to ensure… adverse effects on/from are minimised, as far as practicable	
Medium-high strictness (low tolerance for effects)	"where any adverse effects from X on Y are avoided or, if avoidance is not practicable, no more minor"; or "Where the (or any) potential adverse effects from X on Y can be avoided, or if avoidance is not practicable, mitigated to the point that they would be no more than minor"	
Medium strictness Preference for avoidance made clear but flexible (less directive) wording allowing greater degree of case by case judgment.	Only allow activities where adverse effects of/from x on y are avoided or, if avoidance is not practicable, adequately mitigated	
Least strict (high tolerance for some	"avoid or, minimise as far as practicable, significant adverse	

| effects as long as not significant) | effects on X"

"Only allow X where:
a. significant effects are avoided; and
b. all other effects are minimised as far as practicable" | |
| --- | --- | --- |

2.5.2 Use of 'Practicable' in policies

Use "if avoidance is not practicable" or similar, NOT "if avoidance is not possible"

Always follow minimise / minimising with "as far as practicable"