

## 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 coast 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 Plains or in the southern coastal parts of the city.

The principle functions of the rural environment are firstly to provide for productive rural activities such as pastoral farming, livestock, horticulture and forestry 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 and forestry, and associated processing and service activities that rely on these. Tourism is a key sector in the Dunedin economy. The rural parts of Dunedin play an important role in providing for tourism activities, not least through eco-tourism, which relies on maintaining the quality of the natural environment.

The rural environment also contains a number of outstanding and significant natural landscapes and features, along with coastal areas with natural character values.

The key issues facing the rural zone 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 and further pressure for rural residential (lifestyle block) activities 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 soils 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';
- 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 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 District Plan emphasises the importance of providing for

rural activities and for other activities which are reliant on or associated with the rural environment (provided effects are managed), while acknowledging that residential uses are clearly secondary and subordinate to these activities.

The rural zones are supported by overlays relating to landscape, natural character of the coast, and natural hazards; and scheduled areas of significant indigenous vegetation and habitats of indigenous fauna.

Appendix A7 provides descriptions and rural character values for each of the seven rural zones.

## 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 rural communities where these activities are most appropriately located in a rural rather than an urban environment. Residential activity in rural zones is limited to that which directly supports farming or which is associated with papakāika.	
Policy 16.2.1.1	Enable farming, grazing and conservation activity in the rural zones.
Policy 16.2.1.2	Provide for other rural activities, veterinary services, rural industry, community activities, cemeteries and crematoriums in the rural zones where the effects can 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: <ol style="list-style-type: none"> <li>is ancillary to and supportive of productive rural activities or conservation activity on the same property; and</li> <li>supports Objectives 2.3.2 and 2.4.3 and their policies.</li> </ol>
Policy 16.2.1.4	Only allow visitor accommodation in the rural zones where it supports a productive rural activity on the same property.
Policy 16.2.1.5	Limit residential activity, with the exception of papakāika, in the rural zones to a level (density) that supports farming activity and achieves Objectives 2.2.2, 2.3.1, 2.4.6, 16.2.2, 16.2.3 and 16.2.4 and their policies.
Policy 16.2.1.6	Require any family flat to be of a size and location in relation to the primary residential building (house) that: <ol style="list-style-type: none"> <li>reflects its use for housing a person or persons related to, dependent on, or employed by the household that lives in the primary residential building on the same site; and</li> <li>adequately discourages future pressure to subdivide the family flat.</li> </ol>
Policy 16.2.1.7	Avoid residential activity in the rural zones on a <u>site</u> that does not comply with the density standards for the zone, unless it is the result of a surplus dwelling subdivision.
Policy 16.2.1.8	Avoid supported living facilities, commercial activities, industrial activities, and major facilities, unless otherwise provided for, in the rural zones.
Policy 16.2.1.9	Avoid cross lease, company lease and unit title subdivision in the rural zones unless it does not result in an increase in development potential beyond that which might be achieved through a general subdivision.
Policy 16.2.1.10	Only allow the subdivision of a surplus dwelling where: <ol style="list-style-type: none"> <li>the subdivision meets Policies 16.2.3.8 and 16.2.4.3.a, b and d;</li> <li>the dwelling is habitable and in good condition; and</li> <li>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 <u>site</u> size standard.</li> </ol>

## 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:

- a. the potential for reverse sensitivity effects from more sensitive land uses (such as residential activities) on other permitted activities in the rural zones is minimised;
- b. the residential character and amenity of adjoining residential zones is maintained; and
- c. a reasonable level of amenity for residential activities in the rural zones.

Policy 16.2.2.1	Require residential buildings to be set back an adequate distance from <u>site</u> boundaries to minimise the potential for reverse sensitivity effects from: <ol style="list-style-type: none"> <li>a. rural activities such as farming (for example, effects from noise, dust or odour); and</li> <li>b. existing factory farming, domestic animal boarding and breeding (that includes dogs), mining, landfills, wind generators - small scale and wind generators - regional scale.</li> </ol>
Policy 16.2.2.2	Require buildings that house animals to be set back from <u>site</u> 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 possible, are no more than minor.
Policy 16.2.2.3	Require all new buildings to be located an adequate distance from <u>site</u> 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, working from home, mineral exploration, and mineral prospecting to operate in a way (including hours of operations) that avoids or, if avoidance is not possible, adequately mitigates noise or adverse effects on the amenity of sensitive activities on surrounding properties.
Policy 16.2.2.5	Only allow rural tourism - large scale, rural research - large scale, community and leisure - large scale, sport and recreation, veterinary services, visitor accommodation, cemeteries, crematoriums, factory farming, domestic animal boarding and breeding (including dogs), rural industry, mining or landfills where adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not possible, adequately mitigated.
Policy 16.2.2.6	Only allow factory farming, domestic animal boarding and breeding (including dogs), rural industry, mining, landfills or non-rural activities, other than those that are permitted in the rural zones, where the potential for reverse sensitivity effects, that may affect the ability of permitted activities to operate, will be avoided or, if avoidance is not possible, will be no more than minor.
Policy 16.2.2.7	Require forestry and tree planting to be set back an adequate distance to avoid significant effects from shading on residential buildings on surrounding properties.
Policy 16.2.2.8	Only allow cemeteries where they are designed to avoid reverse sensitivity effects on surrounding permitted or lawfully established activities by locating graves a suitable distance from <u>site</u> 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:

- a. a predominance of natural features over human made features;
- b. a high ratio of open space, low levels of artificial light, and a low density of buildings and structures;
- c. buildings that are rural in nature, scale and design, such as barns and sheds;
- d. a low density of residential activity, which is associated with rural activities;
- e. a high proportion of land containing farmed animals, pasture, crops, and forestry;
- f. significant areas of indigenous vegetation and habitats for indigenous fauna; and
- g. other elements as described in the character descriptions of each rural zone located in Appendix A7.

Policy 16.2.3.1	Require buildings, structures and network utilities to be set back from boundaries and identified ridgelines, 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 to an acceptable standard with respect to landform and productive potential.
Policy 16.2.3.5	Only allow factory farming, rural tourism - large scale, rural industry, rural research - large scale, mining and landfill activities where there are no significant adverse effects from large scale development on rural character and visual amenity.
Policy 16.2.3.6	Only allow community and leisure activities - large scale, sport and recreation, early childhood education, and visitor accommodation activities where the adverse effects of development on rural character and visual amenity are insignificant.
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 adverse effects from light spill on rural character and amenity, and the ability of people to view the night sky, would be insignificant.

### Objective 16.2.4

The productivity of rural activities in the rural zones is maintained or enhanced.

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|-----------------|---|
| Policy 16.2.4.1 | Require earthworks in a high class soils mapped area to retain soils on the site. |
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#### Objective 16.2.4

The productivity of rural activities in the rural zones is maintained or enhanced.

Policy 16.2.4.2	Avoid activities other than farming in a high class soils mapped area, unless: <ol style="list-style-type: none"> <li>the scale, size and nature of the activity on the high class soils mapped area means that any loss of current or potential future rural productivity would be insignificant; or</li> <li>for mining, the activity must locate on the part of the <u>site</u> with high class soils due to operational requirements and there are no practicable alternative locations.</li> </ol>
Policy 16.2.4.3	Only allow subdivision where the subdivision is designed to ensure any future land use and development will: <ol style="list-style-type: none"> <li>maintain or enhance the productivity of rural activities;</li> <li>maintain high class soils for farming activity, or ensure any loss is no more than minor;</li> <li>maintain land in a rural rather than rural residential land use; and</li> <li>not increase the potential for reverse sensitivity from residential activities in the rural zones.</li> </ol>
Policy 16.2.4.4	Avoid residential activity in the rural zones at a density that may, over time and cumulatively, reduce rural productivity by displacing rural activities.

#### Objective 16.2.5

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

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

Policy 16.2.5.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: <ol style="list-style-type: none"> <li>being set back an adequate distance from property boundaries, buildings, structures and cliffs; and</li> <li>using a batter gradient that will be stable over time.</li> </ol>
Policy 16.2.5.2	Require earthworks and any associated retaining structures to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: <ol style="list-style-type: none"> <li>limiting the scale of earthworks that are provided for as a permitted activity; and</li> <li>requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.</li> </ol>
Policy 16.2.5.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: <ol style="list-style-type: none"> <li>adverse effects on visual amenity and character;</li> <li>adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and</li> <li>adverse effects on the stability of land, buildings, and structures.</li> </ol>
Policy 16.2.5.4	Require earthworks ancillary to forestry to be carried out in accordance with industry best practice guidelines.

## 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)
3. Network utilities and energy generation (Section 5)
4. Transportation activities (Section 6)
5. Scheduled trees (Section 7)
6. Natural hazard mitigation activities (Section 8)

#### 16.3.2 Activity Status

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 1.6 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. The nested table in Section 1.6 is 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 table, the activity status will be non-complying.

#### *Additional activity status rules in hazard overlay zones*

6. For the purpose of the hazards provisions, activities are categorised as sensitive activities, potentially sensitive activities or least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
7. In hazard 1 or hazard 2 overlay zones, the activity status rules in 16.3.6 apply to the following activities:
  - a. new sensitive activities and potentially sensitive activities, and
  - b. some new buildings.
8. Where the activity status in Rule 16.3.6 differs from that in Rule 16.3.3 - 16.3.5, the most restrictive activity status always applies.
9. 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.
10. Activities in a hazard overlay zone must comply with all of the rules in 16.3.3 - 16.3.5.

#### *Performance Standards*

11. Performance standards are listed in the far right column of the activity status tables.



12. Performance standards apply to permitted, controlled, and restricted discretionary activities.
13. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity will become restricted discretionary, unless otherwise indicated by the relevant performance standard rule.
14. 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	Activity status
—	No additional provisions apply or not relevant
P	Permitted activity
C	Controlled activity
RD	Restricted discretionary activity
D	Discretionary activity
NC	Non-complying activity
Pr	Prohibited activity
Acronym	Zone/overlay zone name
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
Scheduled ASCV	Scheduled Area of Significant Conservation Value
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones
GR1TZ	General Residential 1 Transition Overlay Zone



### 16.3.3 Activity status table - land use activities

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 (sensitive activities only)
Rural activities		Activity status				Performance standards
		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV	
2.	Domestic animal boarding and breeding <i>not including dogs</i>	P	—	NC	NC	i. Location ii. Minimum car parking
3.	Domestic animal boarding and breeding <i>including dogs</i>	RD	—	NC	NC	i. Location ii. Minimum car parking
4.	Factory farming <i>not in a GR1TZ</i>	RD	—	NC	NC	i. Minimum car parking
5.	Factory farming <i>in a GR1TZ</i>	D	—	—	—	
6.	Farming	P	—	—	NC	
7.	Forestry <i>not in a GR1TZ</i>	P	RD	NC	NC	i. Forestry and tree planting setbacks ii. Tree species
8.	Forestry <i>in a GR1TZ</i>	D	—	—	—	
9.	Grazing	P	—	—	NC	
10.	Landfills <i>not in a GR1TZ</i>	D	D	NC	NC	
11.	Landfills <i>in a GR1TZ</i>	NC	—	—	—	
12.	Mineral exploration and mineral prospecting	P	—	NC	NC	i. Hours of operation ii. Site restoration
13.	Mining <i>not in a GR1TZ</i>	D	D	NC	NC	
14.	Mining <i>in a GR1TZ</i>	NC	—	—	—	
15.	Rural ancillary retail	P	—	—	—	i. Hours of operation ii. Location iii. Maximum gross floor area iv. Minimum car parking

16.	Rural tourism - small scale	P	—	—	—	i. Hours of operation ii. Location iii. Minimum car parking
17.	Rural tourism - large scale	D	—	—	D	
18.	Rural research - small scale	P	—	—	—	i. Minimum car parking
19.	Rural research - large scale <i>outside the Invermay Farm mapped area</i>	D	—	NC	D	
20.	Rural research - large scale <i>in the Invermay Farm mapped area</i>	P	—	—	—	
Residential activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV	Performance standards
21.	Papakāika <sup>1</sup>	C	—	NC	NC	i. Density ii. Separation distances
22.	Residential activities <i>within the airport noise inner control mapped area</i>	Pr	—	—	—	
23.	Standard residential	P	—	NC	NC	i. Density ii. Separation distances
24.	Supported living facilities	NC	—	NC	NC	
25.	Working from home	P	—	—	—	i. Hours of operation ii. Maximum gross floor area
Community activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV	Performance standards
26.	Conservation	P	—	—	—	
27.	Community and leisure - small scale	P	—	—	—	i. Minimum car parking
28.	Community and leisure - large scale	D	—	—	D	
29.	Early childhood education	D	—	—	NC	
30.	Sport and recreation	D	—	—	D	
Commercial activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV	Performance standards
31.	Ancillary licensed premises	Same status as underlying activity	—	—	—	

32.	Restaurants or retail activities <i>ancillary to sport and recreation</i>	D	—	—	D	
33.	Stand-alone car parking	P	—	—	—	
34.	Veterinary services - <i>large animal practice</i>	RD	—	NC	NC	
35.	Visitor accommodation	D	—	NC	NC	
36.	Visitor accommodation <i>within the airport noise inner control mapped area</i>	Pr	—	—	—	
37.	All other activities in the commercial activities category	NC	—	—	NC	
Industrial activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV	Performance standards
38.	Rural industry	D	—	NC	NC	
39.	All other activities in the industrial activities category	NC	—	—	NC	
Major facility activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV	Performance standards
40.	Cemeteries	RD	-	NC	NC	
41.	Crematoriums	RD	-	NC	NC	i. Minimum car parking
42.	All other activities in the major facility activities category	NC	-	-	NC	

#### 16.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities					i. Hazard overlay zone development standards ii. Setback from coast and water bodies iii. Setback from national grid iv. Setback from scheduled tree
2.	Performance standards that apply to all buildings and structures activities					i. Boundary setback ii. Fire fighting iii. Maximum height iv. Number, location and design of ancillary signs v. Reflectivity (landscape and natural coastal character overlays) vi. Setback from ridgeline (mapped area)
Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 8-12)		Activity status				Performance standards
		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV	
3.	New buildings greater than 60m <sup>2</sup> on a landscape building platform	P	C	NC	—	
4.	New building or structure less than or equal to 60m <sup>2</sup> <b>or</b> additions and alterations that result in a building or structure that is less than or equal to 60m <sup>2</sup>	P	P	NC	—	i. Minimum building separation (landscape and natural coastal character overlays)
5.	New building or structure greater than 60m <sup>2</sup> <b>or</b> additions and alterations that result in a building or structure that is greater than 60m <sup>2</sup>	P	RD	NC	RD	
6.	Fences	P	—	—	—	
7.	All other buildings and structures activities	P	RD	RD	RD	

Buildings and structures activities <b>that</b> affect a protected part of a scheduled heritage building <b>or</b> a scheduled heritage structure		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV	Performance standards
8.	Repairs and maintenance or <u>restoration</u>	P	—	—	—	i. Materials and design
9.	Earthquake strengthening <i>where external features only are protected</i>	C	—	—	—	i. Materials and design
10.	All other additions and alterations	RD	—	—	—	
11.	Demolition	NC	—	—	—	
12.	Removal for relocation	RD	—	—	—	
Development activities on a scheduled heritage site, where visible from an adjoining public place or a publicly place within the heritage site		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV	Performance standards
13.	Structures no more than 2.5m high or 2m <sup>2</sup> footprint	P	—	—	—	
14.	New buildings, all other structures, parking, loading and access	RD	—	—	—	
Site development activities in all areas (except as covered by rows 13-14 above)		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV	Performance standards
15.	Earthworks - small scale	P	—	—	—	i. Earthworks standards
16.	Earthworks - large scale	RD	RD	RD	RD	i. Earthworks standards
17.	Outdoor storage	P	—	—	—	
18.	New parking areas, or extensions to existing parking areas <i>(that result in the creation of 50 or more new parking spaces.)</i>	RD				i. Parking, loading and access standards
19.	Parking, loading and access	P	—	—	—	i. Parking, loading and access standards
20.	Indigenous vegetation clearance	P	P in ONL/SNL RD in NCC	P in ONF RD in ONCC/HNCC	RD	i. Vegetation clearance standards
21.	All other vegetation clearance	P	—	—	—	i. Vegetation clearance standards

22.	Storage and use of hazardous substances	P	—	—	—	i. Hazardous substances quantity limits and storage requirements
23.	Tree planting	P	—	RD	—	i. Forestry and tree planting setbacks ii. Tree species
24.	All other site development activities	P	—	—	—	

### 16.3.5 Activity status table - subdivision activities

Subdivision Activity		Activity status				Performance standards
		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV	
1.	General subdivision	RD	RD	RD	RD	i. Access ii. Esplanade reserves and strips iii. Fire fighting iv. Minimum site size v. Shape
2.	Cross lease, company lease and unit title subdivision	NC	—	—	—	

### 16.3.6 Change to activity status in Hazard 1, Hazard 2 and Hazard 3 Overlay Zones

Activity		a. Haz1	b. Haz2	c. Haz3
1.	Potentially sensitive activities permitted in rural zones	D	—	—
2.	Potentially sensitive activities not permitted in rural zones	NC	D	—
3.	Sensitive activities	NC	D	—
4.	In a hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, which create more than 1m <sup>2</sup> of new ground floor area	RD	—	—
5.	In a hazard 1 or 2 overlay zone, other than the hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, which create more than 60m <sup>2</sup> of new ground floor area	RD	RD	—

### **Note 16.3A - Guidance on existing use rights applying to land use activities in hazard overlay zones**

1. For the purposes of the natural hazards provisions only, with respect to section 10 of the RMA, Council will generally consider that a land use activity is similar in character, intensity, and scale where:
  - a. for a residential activity, there is less than 25m<sup>2</sup> increase in ground floor area of any residential building(s), in any consecutive 10 year period; or
  - b. for a residential activity, a new building is to be used solely as a garage or shed; or
  - c. for all other sensitive activities and potentially sensitive activities, the ground floor area of any buildings increases by less than 100% in any consecutive 10 year period.
2. However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of the land use activity.

### **Note 16.3B - General advice**

1. <sup>1</sup> 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 can only be established with the agreement of manawhenua.

### **Note 16.3C - General advice**

1. Under the Heritage New Zealand Pouhere Taonga Act 2014 it is an offence to modify or destroy an archaeological site without obtaining an archaeological authority from Heritage New Zealand (HNZ). This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
2. An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
4. The **archaeological alert layer mapped area** identifies sites and areas that have a strong likelihood of containing archaeological remains, however remains may be present anywhere within the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.



## Rule 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 Act, unless Council considers special circumstances exist in relation to the application that require public notification:
  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; and
  3. contravention of performance standard 13.3.2 'Materials and design' 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 their written approval is not provided:
  1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand;
  2. activities that contravene performance standard 13.3.2 'Materials and design' where the building or structure is listed by Heritage New Zealand; and
  3. activities that contravene performance standard 13.3.3 'Archaeological sites'.
3. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A(2) of the RMA:
  1. new residential activity on a site that contravenes the performance standard for density;
  2. new residential building greater than 60m<sup>2</sup> in an Outstanding Natural Landscape (ONL);
  3. general subdivision that contravenes the performance standard for minimum site size; and
  4. demolition of a protected part of a scheduled heritage building or scheduled heritage structure.
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, 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.
5. 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.
6. In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons.
7. 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 activities is as follows:

Rural Zone		i. Minimum site size - first residential activity per site	ii. Minimum site size - second residential activity per site <sup>1</sup>	iii. Minimum site size - third residential activity per site
a.	Coastal	15 ha	80 ha	120 ha
b.	High Country	100 ha	200 ha	300 ha
c.	Hill Country	100 ha	200 ha	300 ha
d.	Hill Slopes	15 ha	50 ha	75 ha
e.	Middlemarch Basin	40 ha	160 ha	240 ha
f.	Peninsula Coast	20 ha	80 ha	120 ha
g.	Taieri Plains	25 ha	80 ha	120 ha

- h. Except, papakāika may be developed at a density of:
  - i. 6 residential units, or
  - ii. 15 habitable rooms per site, whichever is the lesser.
- 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.
2. One family flat is allowed per site in association with a standard residential activity that meets this performance standard for density, provided:
  - a. the family flat is either attached to or located in the same residential building as the primary residential unit, or is located within 30m of the primary residential building, as measured as the closest distance between any wall of the primary residential building and any wall of the family flat; and
  - b. the family flat has a maximum gross floor area of 60m<sup>2</sup>.

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
  - b. family flats that exceed the distance from the primary residential building (Rule 16.5.2.2.a) or maximum gross floor area (Rule 16.5.2.2.b) are a restricted discretionary activity.

### 16.5.3 Electrical Interference

Land use activities must comply with Rule 9.3.2.

### 16.5.3 Hours of Operation

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

### 16.5.4 Light Spill

1. Light spill measured 1.5m above ground level at the boundary of a site must not exceed 1 Lux between 10pm and 7am.
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 7am and 10pm 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 16.5.4.1 and 16.5.4.2 are discretionary activities.
5. Activities that contravene any light spill limit in Rule 16.5.4.3 by 25% or less are discretionary activities.
6. Activities that contravene any light spill limit in Rule 16.5.4.3 by greater than 25% are non-complying activities.

### 16.5.5 Location

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

### 16.5.6 Maximum Gross Floor Area

Activity	Maximum gross floor area
1. Rural ancillary retail	60m <sup>2</sup>
2. Working from home	100m <sup>2</sup> (applies only to area used within buildings)

3. Except the retailing of plants grown on a site is exempt from the performance standard for maximum gross floor area.

#### Note 16.5A - Other requirements outside the District Plan

1. Registration must be obtained from DCC Environmental Health Department for any working from home activities which involve 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](http://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 activities involving the sale or distribution of alcohol. Please contact the DCC on 03 477 4000 or visit the DCC website [www.dunedin.govt.nz](http://www.dunedin.govt.nz) for more information.

#### 16.5.7 Minimum Car Parking

The following land use activities must provide on-site car parking at the rates indicated below:

Activity	Minimum car parking
1. Rural ancillary retail	1 parking space for customers of any roadside produce stall
2. Rural tourism - small scale	1 parking space for every 5 persons the facility can accommodate at any one time
3. Rural research	1 parking space is required for each full time equivalent member of staff, when over five staff member employed on-site.
4. Factory farming	1 parking space per full time equivalent member of staff employed on-site
5. Community and leisure - small scale	1 parking space for every 5 persons the facility can accommodate at any one time
6. Crematoriums	1 parking space per 75m <sup>2</sup> of gross floor area.

7. Activities other than standard residential must provide mobility parking spaces as follows:

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

8. Where the minimum parking performance standard results in the requirement for a fractional space, any fraction under one half will be disregarded and any fraction of one half or greater will be counted as one space
9. Parking spaces may be shared between land use activities (ie the same parking spaces may be used to fulfill the minimum 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

#### Note 16.5B - Other relevant District Plan provisions

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

#### **16.5.8 Noise**

Land use activities must comply with Rule 9.3.6.

#### **16.5.9 Separation Distances**

1. New residential buildings must be located at least 100m from:
  - a. existing, lawfully established factory farming on a separate site;
  - b. existing, lawfully established domestic animal boarding and breeding including dogs on a separate site;
  - c. existing, lawfully established mining on a separate site;
  - d. existing, lawfully established landfill activity on a separate site; and
  - e. existing, lawfully established wind generators - community scale and wind generators - regional scale on a separate site.
2. For the purposes of this standard, separation distance is measured from the closest wall of the new residential building to the closest edge of any operational area or other part of the site being used as part of the activities listed.

#### **16.5.10 Setback from National Grid**

Sensitive activities must comply with Rule 5.6.1.1.

#### **16.5.11 Site Restoration**

Areas disturbed by mineral prospecting and mineral exploration must restore any areas disturbed to a standard not less than that existing prior to the activity commencing with respect to landform and productive potential. Restoration must be completed prior to the end of the lease, licence, or consent, whichever is earliest. Where indigenous vegetation clearance has been conducted as part of the activity, replanting of indigenous vegetation must be conducted on at least the same parts of the site as where indigenous vegetation existed prior to the activity commencing.

#### **16.5.12 Tree Species**

Forestry and tree planting must comply with Rule 10.3.4.

## Rule 16.6 Development Performance Standards

### 16.6.1 Earthworks Standards

#### 16.6.1.1 Earthworks - small scale thresholds

- a. Earthworks must not exceed the following scale thresholds to be considered earthworks - small scale. Where earthworks are located in one or more of the overlay zones or mapped areas indicated, the most restrictive scale threshold applies for the purposes of determining activity status. Resource consents will be assessed against all scale thresholds that are contravened.

Zone/Area		1. Rural zones	2. GPA, ONF, UCMA, SHS	3. ONL, ONCC, HNCC	4. SNL, NCC	5. Scheduled ASCV, or within 20m of a water body <sup>1</sup> or MHWS	6. Haz1 (Flood)	7. Haz2 & Haz3 (Flood)	8. Haz1 & Haz2 (Land Instability)
i.	Maximum change in ground level	2.0m	1.0m	1.0m	1.5m	0.5m	—	—	1.0m
ii.	Maximum area	—	50m <sup>2</sup>	100m <sup>2</sup>	200m <sup>2</sup>	25m <sup>2</sup>	—	—	—
Slope categories		Maximum volume of combined cut and fill							
iii.	Less than or equal to 12°	30m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	20m <sup>3</sup>	50m <sup>3</sup>	1m <sup>3</sup>	0m <sup>3</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
iv.	Greater than 12° but less than or equal to 15°	25m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	20m <sup>3</sup>	50m <sup>3</sup>	1m <sup>3</sup>	0m <sup>3</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
v.	Greater than 15° but less than or equal to 20°	15m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	20m <sup>3</sup>	50m <sup>3</sup>	1m <sup>3</sup>	0m <sup>3</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
vi.	Greater than 20° but less than or equal to 26°	10m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	20m <sup>3</sup>	50m <sup>3</sup>	1m <sup>3</sup>	0m <sup>3</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
vii.	Greater than 26° but less than or equal to 35°	0m <sup>3</sup> fill 5m <sup>3</sup> cut per 100m <sup>2</sup> of site	0m <sup>3</sup> fill 10m <sup>3</sup> cut	0m <sup>3</sup> fill 20m <sup>3</sup> cut	0m <sup>3</sup> fill 50m <sup>3</sup> cut	0m <sup>3</sup> fill 1m <sup>3</sup> cut	0m <sup>3</sup> fill	0m <sup>3</sup> fill	0m <sup>3</sup> fill 10m <sup>3</sup> cut (Haz1) 20m <sup>3</sup> cut (Haz2)
viii.	Greater than 35°	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>

- ix. Where in a **swale mapped area** or **dune system mapped area** the maximum volume of combined cut and fill is 0m<sup>3</sup>.

- b. Where the part of the site in which the earthworks are located is in more than one slope category, the most restrictive scale threshold applies.
- c. Earthworks must not exceed 250mm in depth in a **groundwater protection mapped area**, except earthworks required for the foundations of buildings.
- d. Scale thresholds will be calculated as the cumulative total of earthworks on any site in a two calendar-year period, or for the rural zone, on any part of a site or property that is no closer than 1km from any other earthworks in the same two calendar-year period.
- e. Earthworks *ancillary to network utilities* activities are only required to comply with Rule 16.6.1.1.a.i - maximum change in ground level threshold.
- f. Earthworks *ancillary to the operation, repair, and maintenance of the roading network* and earthworks *ancillary to forestry* are exempt from the performance standard earthworks - small scale thresholds.
- g. Earthworks in an Scheduled ASCV as part of the formation of a track up to 1.5m wide are exempt from Rule 16.6.1.1.a.5.
- h. Earthworks in the rural zones, but not within an overlay zone or mapped area, as part of a farming activity for the construction of offal pits, silage pits and farm landfills are exempt from Rule 16.6.1.1.a.i.1 (change in ground level) and Rule 16.6.1.1.a.8 Haz2 Land Instability (maximum volume of combined cut and fill)
- i. Earthworks that exceed the earthworks - small scale thresholds are treated as earthworks - large scale, which are a restricted discretionary activity.

<sup>1</sup>See Rule 10.3.3.7 for how setbacks from waterbodies will be measured.

#### 16.6.1.2 Archaeological sites

Earthworks must comply with Rule 13.3.3.

#### 16.6.1.3 Batter gradient

- 1. Earthworks must:
  - a. have a maximum cut batter gradient of 1:1 (i.e. rising 1m over a 1m distance); and
  - b. have a maximum fill batter gradient of 2:1 (i.e. rising 1m over a 2m distance).
- 2. Earthworks *ancillary to forestry* are exempt from the batter gradient performance standard.

#### 16.6.1.4 Setback from property boundary, buildings, structures and cliffs

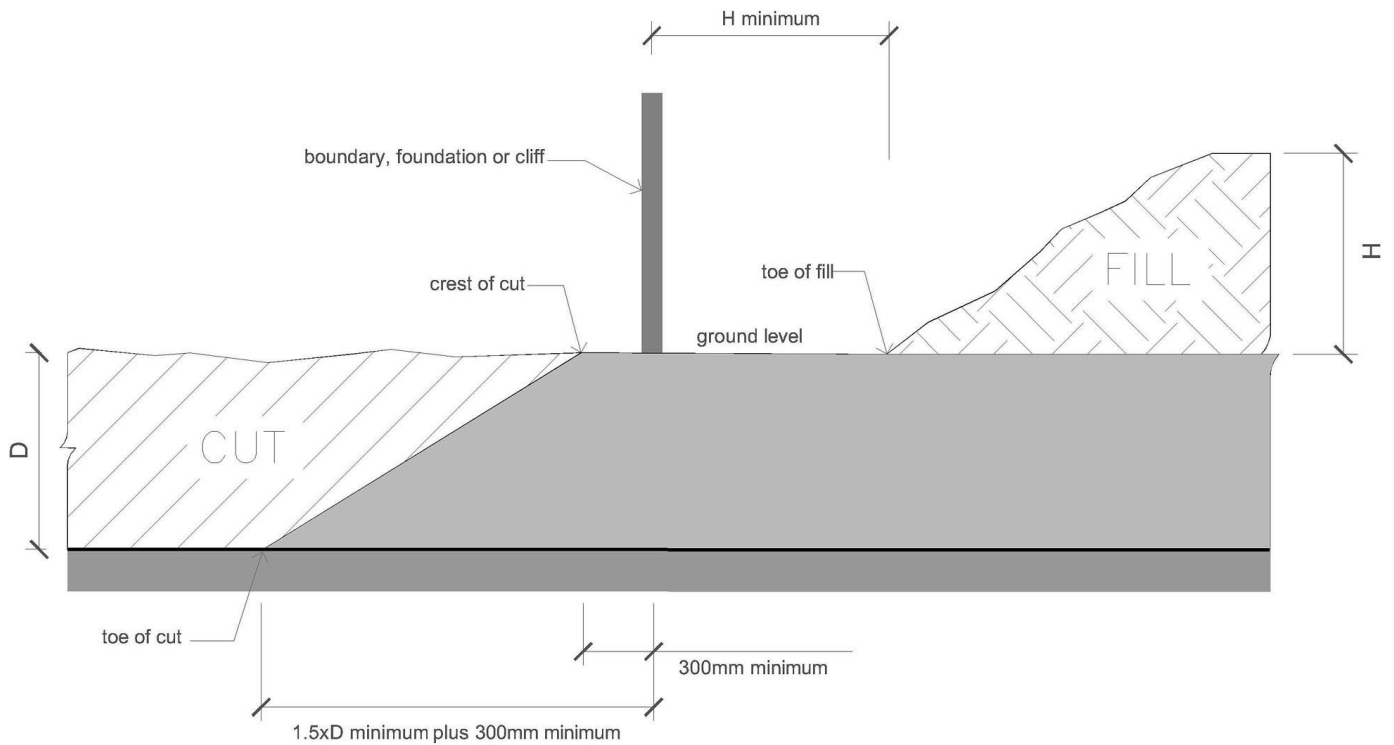
Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m<sup>2</sup>, and the top or toe of any cliff, the following minimum distances:

- a. Earthworks not supported by retaining walls:
  - i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 16.6A);
  - ii. a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (see Figure 16.6A); and
  - iii. 300mm, as measured from the crest of any cut (see Figure 16.6A).
- b. Retaining walls supporting a cut or fill must be setback a distance at least equal to the height of the retaining walls (see Figure 16.6B), except:
  - i. retaining walls supporting a cut that have been granted building consent are exempt from this standard.
- c. Earthworks *ancillary to network utilities* activities, earthworks *ancillary to the operation, repair, and maintenance of the roading network* and earthworks *ancillary to forestry* are exempt from the setback from

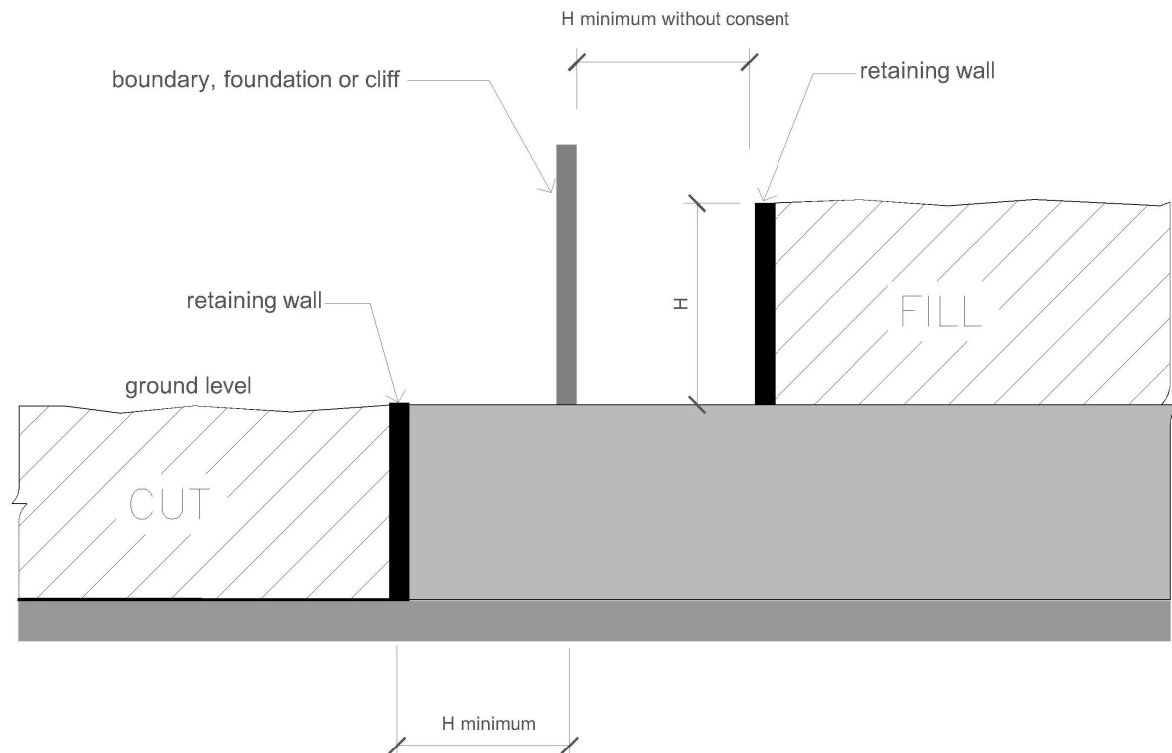


property boundary, buildings, structures and cliffs performance standard.

**Figure 16.6A: Unsupported cut and fill (elevation view)**



**Figure 16.6B Cut and fill supported by retaining walls (elevation view)**



#### 16.6.1.5 Setback from national grid (earthworks)

Earthworks must comply with Rule 5.6.1.2.

#### 16.6.1.6 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

#### 16.6.1.7 Sediment control

Earthworks must be undertaken in a way that prevents sediment entering water bodies, stormwater networks or going across property boundaries.

#### 16.6.1.8 Removal of high class soils

Earthworks must not remove topsoil or subsoil that is located within the **high class soils mapped area** from the site.

#### 16.6.1.9 NZ Environmental Code of Practice for Plantation Forestry

Earthworks *ancillary to forestry* must be in accordance with the New Zealand Environmental Code of Practice for Plantation Forestry 2007.

### 16.6.2 Fire Fighting

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

### 16.6.3 Hazard Overlay Zones Development Standards

#### 16.6.3.1 Hazard exclusion areas

- a. Development activities located in a **swale mapped area** must comply with Rule 11.3.1.1.
- b. Development activities located in a **dune system mapped area** must comply with Rule 11.3.1.2.

#### 16.6.3.2 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.

#### 16.6.3.3 Minimum floor level

New buildings (including residential buildings) to be used for sensitive activities in the Hazard 1 (flood), Hazard 2 (flood), Hazard 3 (flood) or Hazard 3 (coastal) overlay zones must comply with Rule 11.3.3.

#### 16.6.3.4 Relocatable buildings

New buildings (including residential buildings) to be used for sensitive activities in the Hazard 3 (coastal) Overlay Zone must comply with Rule 11.3.4.

#### 16.6.3.5 Outdoor storage standard

Outdoor storage in the Hazard 1 (flood) Overlay Zone must comply with Rule 11.3.5.

### 16.6.4 Hazardous Substances Quantity Limits and Storage Requirements

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

### 16.6.5 Materials and Design

Repairs and maintenance, restoration, and earthquake strengthening must comply with Rule 13.3.2.

### 16.6.6 Maximum Height

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

Activity		Rural Zones	Landscape and Natural Coastal Character Overlay Zones
1.	Roadside produce stall	3.5m	3.5m
2.	All other buildings and structures	10m	5m

3. 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.
4. 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**.

### 16.6.7 Minimum Building Separation

1. In any landscape overlay zone or in a Natural Coastal Character Overlay Zone (NCC), all new buildings (less than or equal to 60m<sup>2</sup>) must comply with Rule 10.3.5.

## **16.6.8 Number, Location and Design of Ancillary Signs**

### **16.6.8.1 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.
- 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 be ancillary signs.
- e. Signs must comply with Rule 6.7.3 where visible from a road.
- f. Signs must not be illuminated or digital.

### **16.6.8.2 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 as mounted flat against a parapet or gable end.
- d. The maximum area of signs, per display face, is 2m<sup>2</sup>, except:
  - i. the maximum area of signs, per display face, is 0.6m<sup>2</sup> in an ONF, ONCC or HNCC overlay zone; and
  - ii. the maximum area of signs, per display face, is 1m<sup>2</sup> 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).

### **16.6.8.3 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 2m<sup>2</sup> per display face, except:
    1. 0.6m<sup>2</sup> per display face in an ONF, ONCC or HNCC overlay zone; and
    2. 1m<sup>2</sup> 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 16.6A - Other relevant District Plan provisions**

1. Commercial advertising is a non-complying land use activity in all zones except 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.

#### **Note 16.6B - Other requirements outside of the District Plan**

1. For additional restrictions that may apply to signs, see also:
  - a. New Zealand Transport Agency, Traffic Control Devices Manual, Part 3, Advertising Signs.
  - b. Dunedin City Council Commercial Use of Footpaths Policy.
  - c. Dunedin City Council Roadway Bylaw.
  - d. Dunedin City Council Traffic and Parking Bylaw.

### **16.6.9 Parking, Loading and Access Standards**

Parking, loading and access must comply with Rule 6.6.

### **16.6.10 Reflectivity**

New buildings and structures (except fences), and additions and alterations, in any landscape or natural character overlay zone must comply with Rule 10.3.6.

### **16.6.11 Setbacks**

#### **16.6.11.1 Boundary setbacks**

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

<b>Activity</b>		<b>1. Minimum setback from road boundary</b>	<b>2. Minimum setback from side and rear boundaries with sites held in separate ownership</b>
a.	Residential buildings	20m	40m
b.	Buildings housing animals	20m	12m
c.	Non-residential buildings not housing animals	20m	6m
d.	Roadside produce stall	No requirement	6m
e.	All other structures	No requirement	No requirement.

- f. Except:
  - i. 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;
  - ii. 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
  - iii. buildings associated with the University of Otago Portobello Marine Laboratory and New Zealand Marine Studies Centre, when situated on the land comprising Part section 23 (SO 7232), section 24

(SO 11431) and section 28 (SO 11431), Block VI Portobello Survey District and that Part of section 29 Block VI Survey District marked "A" on SO 22930.

#### 16.6.11.2 Forestry and tree planting 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; and
  - iii. must not shade a motorway or a strategic, arterial or collector road between 10am and 2pm on the shortest day of the year.
- b. Trees associated with tree planting:
  - 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; and
  - ii. must not shade a motorway or a strategic, arterial or collector road between 10am and 2pm on the shortest day of the year.

#### 16.6.11.3: Setback from national grid

New buildings and structures, additions and alterations, and earthworks must comply with Rules 5.6.1.1 and 5.6.1.2.

#### 16.6.11.4: Setback from ridgeline

1. New buildings and structures (except fences), additions and alterations, and network utilities structures (all scales) and network utilities poles and masts - small scale must be at least 20m vertically below any **ridgeline mapped area**.
2. For the purposes of this standard, the vertical distance will be measured from the highest part of the building or structure.

#### 16.6.11.5: Setback from scheduled tree

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

#### 16.6.11.6: Setback from coast and water bodies

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

### 16.6.12 Vegetation Clearance Standards

#### 16.6.12.1 Maximum area of vegetation clearance (UCMA)

Vegetation clearance in an **urban conservation mapped area** must comply with Rule 10.3.2.1.

#### 16.6.12.2 Maximum area of indigenous vegetation clearance

Indigenous vegetation clearance must comply with Rule 10.3.2.2.

#### 16.6.12.3 Protected areas

Vegetation clearance and indigenous vegetation clearance must comply with Rule 10.3.2.3.

#### 16.6.12.4 Protected species (indigenous vegetation clearance)

Indigenous vegetation clearance must comply with Rule 10.3.2.4.

#### 16.6.12.5 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 Fire Fighting

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	40 ha
b.	High Country	100 ha
c.	Hill Country	100 ha
d.	Hill Slopes	25 ha
e.	Middlemarch Basin	80 ha
f.	Peninsula Coast	40 ha
g.	Taieri Plains	40 ha

2. Resultant sites created and used solely for the following purposes are exempt from the minimum site size standard:
  - a. Scheduled ASCV or QEII covenant;
  - b. reserve;
  - c. access;
  - d. network utilities; or
  - e. road.
3. General subdivision that does not comply with the standard for minimum site size is non-complying, except in the following circumstances where the subdivision is restricted discretionary:
  - a. the subdivision involves 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 100m<sup>2</sup> that was built before 26 September 2015; and
  - b. the second resultant site is:
    - i. at least the minimum site size; and
    - ii. is less than twice the minimum site size, **or** will include a covenant registered against the title, that restricts further subdivision in terms of the total number of sites that can be used for residential activity to a level that is no greater than would have otherwise been allowed had



this minimum site size standard been met for both 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 and national grid.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must not contain:
  - a. esplanade reserves or strips;
  - b. scheduled heritage buildings or structures; and
  - c. right-of-way easements.
3. For unreticulated areas, resultant sites must provide for a waste disposal area to be located at least 50m from any water body.
4. Sites created and used solely for the following purposes are exempt from the shape standard:
  - a. Scheduled ASCV or QEII covenant;
  - b. reserve;
  - c. access;
  - d. network utility; or
  - e. road.

## **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** (which is the case, unless otherwise indicated in the performance standard) 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.

### 16.8.2 Assessment of controlled land use activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. Papakāika	<p>a. Site development, including:</p> <ul style="list-style-type: none"> <li>• design, scale, location and number of dwellings;</li> <li>• design, scale and location of other buildings, structures and site development activities;</li> <li>• disposal of stormwater and wastewater;</li> <li>• vehicle access and parking.</li> </ul>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objectives 16.2.3, 14.2.1, 9.2.2, 6.2.3.</li> <li>ii. Manawhenua are able to live in Native Reserve areas where any adverse effects can be adequately managed in line with the policies of the rural zones (Policy 14.2.1.6).</li> <li>iii. Papakāika is at a density such that wastewater and stormwater can be disposed of in such a way that adverse effects on the health of people on the <u>site</u> or on surrounding sites can be avoided or, if avoidance is not possible, would be insignificant (Policy 9.2.2.7).</li> <li>iv. There are no significant effects on the safety and efficiency of the transport network (Policy 6.2.3.14).</li> <li>v. Rural character and visual amenity of the rural zones are maintained (Policy 16.2.3.2).</li> </ul> <p><i>Conditions that may be imposed to ensure these outcomes include, but are not limited to:</i></p> <ul style="list-style-type: none"> <li>vi. requirements for wastewater disposal systems and wastewater disposal areas;</li> <li>vii. requirements for stormwater disposal;</li> <li>viii. water supply;</li> <li>ix. driveways and vehicle tracks; and</li> <li>x. number, design and location of residential units.</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>xi. 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).</li> </ul>

### 16.8.3 Assessment of controlled development activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected.	a. Effects on heritage values	See Rule 13.4

### 16.8.3 Assessment of controlled development activities

Activity	Matters of control	Guidance on the assessment of resource consents
2. In the <b>NCC Overlay Zone</b> : <ul style="list-style-type: none"> <li>• New buildings greater than 60m<sup>2</sup> on a landscape building platform</li> </ul>	a. Size, design and appearance of buildings	See Rule 10.3A
3. In the <b>ONL or SNL overlay zones</b> : <ul style="list-style-type: none"> <li>• New buildings greater than 60m<sup>2</sup> on a landscape building platform</li> </ul>	a. Size, design and appearance of buildings	See Rule 10.3A

## **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; and
  - b. provide guidance on how consent applications will be assessed, including:
    - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
    - ii. potential circumstances that may support a consent application;
    - iii. general assessment guidance; and
    - iv. conditions that may be imposed.
3. Rules 16.9.2 - 16.9.5 apply to performance standards in the rural zones; Rule 16.9.6 contains additional provisions that apply to performance standards in overlay zones, mapped areas, and on scheduled items.

### **16.9.2 Assessment of all performance standard contraventions**

Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>a. The degree of non-compliance with the performance standard is minor.</li> <li>b. The need to meet other performance standards, or <u>site</u> specific factors including topography, make meeting the standard impracticable.</li> <li>c. The nature of activities on surrounding sites, topography of the <u>site</u> and/or surrounding sites, or other <u>site</u> specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur.</li> <li>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.</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>e. Where more than one standard is contravened, the combined effects of the contraventions should be considered.</li> </ol>

### 16.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Density (family flats)	a. Maintenance of land for productive rural activities	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.1</li> <li>ii. The family flat is of a size and location in relation to the primary residential building that: <ul style="list-style-type: none"> <li>1. reflects its use for housing a person or persons related to, dependent on, or employed by the household that lives in the primary residential building on the same site; and</li> <li>2. adequately discourages future pressure for subdivision of the family flat (Policy 16.2.1.6).</li> </ul> </li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. For contravention of maximum gross floor area, the extra area is required due to occupant needs.</li> <li>iv. For contravention of maximum separation distance, other mechanisms such as covenants are proposed to avoid pressure for subdivision of the family flat.</li> <li>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.</li> </ul>
	b. Effects on rural character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.3</li> <li>ii. Residential activity is at a density that maintains the rural character values and visual amenity of the rural zones (Policy 16.2.3.2).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. For contravention of maximum gross floor area, the family flat is in the same residential building as the primary residential unit.</li> <li>iv. The design of the family flat matches the design of the primary residential building.</li> <li>v. Landscaping or other forms of screening will be used to reduce the visibility of the family flat.</li> <li>vi. The family flat will not be easily viewed from outside the site.</li> </ul>
2. Electrical interference	a. Effects on health and safety	See Rule 9.4
3. Hours of operation	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.2</li> <li>ii. Rural ancillary retail, rural tourism, working from home, mineral exploration, and mineral prospecting operate in a way (including hours of operations) that avoids or, if avoidance is not possible, adequately mitigates noise or adverse effects on the amenity of sensitive activities on surrounding properties (Policy 16.2.2.4).</li> </ul>

### 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 6.9
5. Maximum gross floor area	a. Effects on centres/retail distribution	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objectives 2.3.2, 2.4.3, 16.2.1.3</li> <li>ii. Policies 2.3.2.2 and 2.4.3.4</li> <li>iii. Rural ancillary retail, rural tourism 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).</li> </ul>
6. Minimum car parking	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
7. Separation distances	a. Reverse sensitivity effects	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.2</li> <li>ii. Residential buildings are set back an adequate distance from existing factory farming, domestic animal boarding and breeding (including dogs), mining, landfills, wind generators - small scale and wind generators - regional scale to minimise the potential for reverse sensitivity effects (Policy 16.2.2.1.b).</li> </ul>
8. Site restoration	a. Effects on biodiversity	See Rule 10.4
	b. Effects on rural character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.3</li> <li>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).</li> </ul>
9. Tree species	a. Effects on biodiversity	See Rule 10.4



#### 16.9.4 Assessment of all 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	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.2</li> <li>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 possible, are no more than minor (Policy 16.2.2.2).</li> <li>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).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. Screening or landscaping will be used in the development to ensure a good level of amenity for residential activities on adjoining sites.</li> <li>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.</li> </ul>
		b. Reverse sensitivity effects	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.2</li> <li>ii. Residential buildings are set back an adequate distance from site boundaries to minimise the potential for reverse sensitivity effects from rural activities (Policy 16.2.2.1.a).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Screening or landscaping will ensure potential for reverse sensitivity effects is minimised.</li> </ul>

#### 16.9.4 Assessment of all development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
		c. Effects on rural character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.3</li> <li>ii. Buildings and structures are set back from site boundaries an adequate distance to maintain the rural character values and visual amenity of the rural zones (Policy 16.2.3.1).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Landscaping or other forms of screening will be used to reduce the visibility of buildings or structures.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>vii. There are already existing buildings on the site in breach of the same setback.</li> <li>viii. There would be positive effects from maintaining open space through the clustering of buildings on the site.</li> </ul>
2.	Earthworks standards: • Batter gradient	a. Effects on the stability of land, buildings and structures	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.5</li> <li>ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 16.2.5.1.b).</li> </ul>
3.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs	a. Effects on the stability of land, buildings and structures	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.5</li> <li>ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 16.2.5.1.a).</li> </ul>
4.	Earthworks standards: • Setback from national grid • Setback from network utilities	a. Effects on efficient and effective operation of network utilities	See Rule 5.7
		b. Effects on health and safety	

#### 16.9.4 Assessment of all development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
5.	Earthworks standards: • Sediment control	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 16.2.5  ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems (Policy 16.2.5.2.b).
		b. Effects on biodiversity and natural character values of riparian margins and coast	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
6.	Earthworks standards: • NZ Environmental Code of Practice for Plantation Forestry	a. Degree of compliance with New Zealand Code of Practice for Plantation Forestry	<i>Relevant objectives and policies:</i> i. Objective 16.2.5  ii. Earthworks ancillary to forestry are carried out in accordance with industry best practice guidelines (Policy 16.2.5.4).
7.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards	See Rule 11.4
8.	Fire fighting	a. Effects on health and safety	See Rule 9.4

#### 16.9.4 Assessment of all development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
9.	Forestry and tree planting setbacks	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.2</li> <li>ii. Forestry and tree planting are set back an adequate distance from residential buildings on adjacent properties to avoid significant effects from shading (Pol 16.2.2.7).</li> </ul> <p><i>Potential circumstances or mitigation measures that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The area to be planted is to the south of any adjoining residential zone</li> <li>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.</li> </ul>
		b. Effects on health and safety	See Rule 9.4
		c. Effects on the safety and efficiency of the transport network	See Rule 6.9
10.	Maximum height	a. Effects on rural character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.3</li> <li>ii. Buildings are a height that maintains the rural character values and visual amenity of the rural zones (Policy 16.2.3.1).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. As for Rule 16.9.4.1.c.iii-vi</li> <li>iv. The terrain provides an adequate backdrop to the proposed building or structure and mitigates any adverse visual effects from the building or structure.</li> </ul>
11.	Number, location and design of ancillary signs	a. Effects on rural character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.3</li> <li>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).</li> </ul>
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9

#### 16.9.4 Assessment of all development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
12.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
13.	Setback from coast and water bodies	a. Effects on biodiversity and natural character values of riparian margins and the coast	See Rule 10.4
		b. Effects on public access	
		c. Risk from natural hazards	See Rule 11.4
14.	Setback from ridgelines	a. Effects on rural character and visual amenity	<i>Relevant objectives and policies:</i> <ol style="list-style-type: none"> <li>Objective 16.2.3</li> <li>Buildings, structures and network utilities are set back from ridgelines an adequate distance to maintain the rural character values and visual amenity of the rural zones (Policy 16.2.3.1).</li> </ol>
15.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
16.	Tree species	a. Effects on biodiversity	See Rule 10.4
17.	Vegetation clearance standards: <ul style="list-style-type: none"> <li>Maximum area of indigenous vegetation clearance</li> <li>Protected species</li> </ul>	a. Effects on biodiversity	See Rule 10.4
18.	Vegetation clearance standards: <ul style="list-style-type: none"> <li>Protected areas</li> </ul>	a. Effects on biodiversity and natural character values of riparian margins and the coast	See Rule 10.4

#### 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 access	See Rule 6.9

### 16.9.5 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 10.4
		b. Effects on public access	
3.	Fire fighting	a. Effects on health and safety	See Rule 9.4
4.	Shape	<p><i>Relevant objectives and policies:</i></p> <p>a. Objective 2.4.1</p> <p>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 area, the subdivision reflects the requirements of the structure plan, unless:</p> <ol style="list-style-type: none"> <li>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</li> <li>the resultant site is required for: <ol style="list-style-type: none"> <li>Scheduled ASCV; QEII covenant; or</li> <li>reserve; or</li> <li>access; or</li> <li>network utility; or</li> <li>road (Policy 2.4.1.8).</li> </ol> </li> </ol> <p><i>General assessment guidance:</i></p> <p>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:</p> <ol style="list-style-type: none"> <li>boundary setbacks;</li> <li>setbacks from water bodies;</li> <li>earthworks standards (building platform slope).</li> <li>setback from scheduled tree; and</li> <li>setback from national grid.</li> </ol> <p><i>Conditions that may be imposed include:</i></p> <p>d. The requirements for a consent notice to be registered against the title that restricts development on the site.</p> <p>e. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site.</p> <p>f. A building platform may be required to be registered against the title by way of consent notice.</p>	

#### 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	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objectives 16.2.1, 16.2.3, 16.2.4</li> <li>ii. The subdivision of a surplus dwelling does not result in any additional development potential for residential activity (Policy 16.2.1.10.c).</li> <li>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).</li> <li>iv. The subdivision is designed to ensure any future land use and development maintains or enhances the productivity of rural activities, maintains high class soils for farming activity, and does not increase the potential for reverse sensitivity from residential activities (Policy 16.2.4.3.a, b and d).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>v. A legal mechanism such as a covenant on the title of the parent property will ensure that there will be no increase in the potential for residential activity as a result of the subdivision.</li> <li>vi. The dwelling can be shown to be in a suitable condition for occupation, with recent history of use for residential activity.</li> <li>vii. The resultant site on which the surplus dwelling will be located is large enough to support on-site disposal of effluent.</li> </ul>

#### 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 a <b>Scheduled ASCV</b> : • Tree species (Tree Planting)	a. Effects on biodiversity	See Rule 10.4
3. In the <b>ONL, SNL or ONF overlay zones</b> : • Number, location and design of ancillary signs	a. Effects on landscape values	See Rule 10.4



**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
4.	<p>In the <b>ONL</b> or <b>SNL overlay zones</b>:</p> <ul style="list-style-type: none"> <li>• Maximum height</li> <li>• Reflectivity</li> <li>• Minimum building separation</li> </ul>	a. Effects on landscape values	See Rule 10.4
5.	<p>In the <b>HNCC</b>, <b>ONCC</b> or <b>NCC overlay zones</b>:</p> <ul style="list-style-type: none"> <li>• Number, location and design of ancillary signs</li> </ul>	a. Effects on natural character of the coast	See Rule 10.4
6.	<p>In the <b>NCC Overlay Zone</b>:</p> <ul style="list-style-type: none"> <li>• Reflectivity</li> <li>• Maximum height</li> <li>• Minimum building separation</li> </ul>	a. Effects on natural character of the coast	See Rule 10.4

**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
7.	<p>In a <b>wāhi tūpuna mapped area</b>:</p> <ul style="list-style-type: none"> <li>• Setback from ridgelines</li> <li>• Setback from coast and water bodies</li> <li>• Vegetation clearance standards: Maximum area of vegetation clearance, Maximum area of indigenous vegetation clearance, Protected areas, Protected species</li> <li>• Esplanade reserves and strips</li> </ul>	a. Effects on cultural values of manawhenua	See Rule 14.3
8.	<p>In a <b>hazard overlay zone, swale mapped area or dune system mapped area</b>:</p> <ul style="list-style-type: none"> <li>• Hazard overlay zones development standards</li> </ul>	a. Risk from natural hazards	See Rule 11.4
9.	<p>In an <b>urban conservation mapped area</b>:</p> <ul style="list-style-type: none"> <li>• Vegetation clearance standards (Maximum area of vegetation clearance)</li> </ul>	a. Effects on biodiversity	See Rule 10.4

**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
10.	<p>In the <b>Taieri Aerodrome Flight Fan mapped area</b>:</p> <ul style="list-style-type: none"> <li>Maximum height (Rule 16.6.6.4)</li> </ul>	a. Effects on operation of Taieri Aerodrome	See Rule 9.4
11.	<p>In a <b>high class soils mapped area</b>:</p> <ul style="list-style-type: none"> <li>Earthworks standards (removal of high class soils)</li> </ul>	a. Maintenance of high class soils resource	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.4</li> <li>ii. Earthworks in a <b>high class soils mapped area</b> retain soils on the site (Policy 16.2.4.1).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The development will involve a productive rural activity.</li> <li>iv. The site design will minimise the effect of the activity on the high class soils contained on the site.</li> <li>v. The soils are being removed to enhance the productivity of another site.</li> </ul>
12.	<p>Affecting a <b>scheduled heritage item</b>:</p> <ul style="list-style-type: none"> <li>Materials and design</li> </ul>	a. Effects on heritage values (work on scheduled heritage buildings/structures)	See Rule 13.5

## 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; and
  - b. provide guidance on how a consent application will be assessed, including:
    - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
    - ii. potential circumstances that may support a consent application;
    - iii. general assessment guidance; and
    - iv. conditions that may be imposed.
3. Rules 16.10.2 -16.10.4 apply to activities in the rural zones; Rule 16.10.5 contains additional provisions that apply to activities in overlay zones, mapped areas, and on scheduled items.
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** (which is the case, unless otherwise indicated in the performance standard) 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
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1.	<ul style="list-style-type: none"> <li>• Cemeteries</li> <li>• Crematoriums</li> </ul>	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.2</li> <li>ii. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.2.5).</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>iii. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the <u>site</u> as well as any significant changes to the number and nature of vehicle movements on the adjoining road.</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. 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.</li> </ul>
		b. Reverse sensitivity effects	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.2</li> <li>ii. Cemeteries are designed to avoid reverse sensitivity effects on surrounding permitted or lawfully established activities by locating graves a suitable distance from <u>site</u> boundaries and providing adequate screening (Policy 16.2.2.8).</li> </ul>
		c. Maintenance of high class soils resource	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.4</li> <li>ii. Activities other than farming are avoided in a <b>high class soils mapped area</b> unless the loss of current or potential future rural productivity would be insignificant (Policy 16.2.4.2.a).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The <u>site</u> design will ensure the effect of the activity on the high class soils contained on the site, and any impact on the potential for future use of the high class soils, is insignificant.</li> </ul>
		d. Effects on cultural values of manawhenua	See Rule 14.4
		e. Effects on the safety and efficiency of the transport network	See Rule 6.10

### 16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. Domestic animal boarding and breeding (including dogs)	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.2</li> <li>ii. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.2.5).</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>iii. In assessing effects on the amenity of residential activities on surrounding properties, Council will consider effects from noise, traffic, odour, dust contaminants and effects.</li> <li>iv. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the <u>site</u> as well as any significant changes to the number and nature of vehicle movements on the adjoining road.</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>v. 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.</li> <li>vi. The design and acoustic insulation of kennel buildings, dog runs and fencing will mitigate adverse effects from noise on surrounding properties.</li> <li>vii. 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.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>viii. Restrictions on the hours of operation in terms of the arrival and departure times of customers.</li> </ul>
	b. Effects on ability of productive rural activities to operate (reverse sensitivity)	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.2</li> <li>ii. The potential for reverse sensitivity that may affect the ability of productive rural activities to operate is avoided or, if avoidance is not possible, is no more than minor (Policy 16.2.2.6).</li> </ul>
	c. Effects on the safety and efficiency of the transport network	See Rule 6.10

### 16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Factory farming	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.2</li> <li>ii. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.2.5).</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>iii. In assessing effects on the amenity of residential activities on surrounding properties, Council will consider effects from noise, traffic, odour, dust contaminants and effects.</li> <li>iv. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the <u>site</u> as well as any significant changes to the number or nature of vehicle movements on the adjoining road.</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>v. 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.</li> <li>vi. 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.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>vii. Restrictions on the hours of operation.</li> </ul>
	b. Effects on ability of productive rural activities to operate (reverse sensitivity)	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.2</li> <li>ii. The potential for reverse sensitivity that may affect the ability of productive rural activities to operate is avoided or, if avoidance is not possible, is no more than minor (Policy 16.2.2.6).</li> </ul>
	c. Effects on the safety and efficiency of the transport network	See Rule 6.10
	d. Effects on health and safety	See Rule 9.5



#### 16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
4. Veterinary services - <i>large animal practice</i>	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.2</li> <li>ii. Any adverse effects on the amenity of surrounding properties will be avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.2.5).</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>iii. In assessing effects on the amenity of residential activities on surrounding properties, Council will consider effects from noise, traffic, odour, dust contaminants and effects.</li> <li>iv. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the <u>site</u> as well as any significant changes to the number and nature of vehicle movements on the adjoining road.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>v. Restrictions on the hours of operation in terms of the arrival and departure times of customers.</li> </ul>
	b. Effects on the safety and efficiency of the transport network	See Rule 6.10
5. Development associated with restricted discretionary land use activities	a. Effects on rural character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.3</li> <li>ii. There are no significant adverse effects from development on rural character and visual amenity (Policy 16.2.3.5).</li> <li>iii. Adverse effects of development on rural character and amenity are insignificant (Policy 16.2.3.6).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. Landscaping or other forms of screening will be used to reduce the visibility of development from surrounding properties and public viewpoints.</li> <li>v. The development is not situated on visually prominent land.</li> <li>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.</li> <li>vii. Building colours and materials are chosen to blend in with the rural setting and minimise reflectivity.</li> <li>viii. Signage and entranceways are in character with the surrounding environment.</li> </ul>

### 16.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Earthworks - large scale (that exceed the scale thresholds for the rural zones)	<p>a. Effects on visual amenity and character</p> <p>b. Effects on the amenity of surrounding properties</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.5</li> <li>ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.5.3.a).</li> <li>iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.5.3.b).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. There is no, or only minimal, alteration to the natural landform.</li> <li>v. Any cut or fill will be restored or treated to resemble natural landforms.</li> <li>vi. The earthworks will not remove or effect existing vegetation or landscaping.</li> </ul> <p><i>Conditions that may be imposed include, but are not limited to:</i></p> <ul style="list-style-type: none"> <li>vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping.</li> <li>viii. Maximum slopes of cut and fill batters.</li> <li>ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth.</li> <li>x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties.</li> <li>xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished.</li> </ul>

### 16.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on the stability of land, buildings, and structures	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.5</li> <li>ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.5.3.c).</li> </ul> <p><i>Potential circumstances that may support a consent application:</i></p> <ul style="list-style-type: none"> <li>iii. A geotechnical report confirms the existing ground is suitably stable for the proposed works, and proposed works will not create instability risks for surrounding land, buildings, or structures (see Special Information Requirements - Rule 16.13.2).</li> <li>iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards.</li> </ul> <p><i>Conditions that may be imposed include, but are not limited to:</i></p> <ul style="list-style-type: none"> <li>v. Maximum slopes of cut and fill batters.</li> <li>vi. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period.</li> <li>vii. Temporary shoring requirements to maintain stability before a wall is constructed.</li> <li>viii. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.</li> </ul>
2. Earthworks - large scale (that exceed scale thresholds within 20m of a water body or MHWS)	a. Effects on biodiversity and natural character of riparian margins and the coast	See Rule 10.5
	b. Effects on public access	
3. New parking areas, or extensions to existing parking areas ( <i>that result in the creation of 50 or more new parking spaces.</i> )	a. Effects on the safety and efficiency of the transport network	See Rule 6.10
	b. Effects on accessibility	

### 16.10.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
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1.	General subdivision	a. Effects on long term maintenance of rural land for productive rural activities	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.4.</li> <li>ii. The design of a subdivision ensures any future land use and development will: <ul style="list-style-type: none"> <li>1. maintain or enhance the productivity of rural activities;</li> <li>2. maintain high class soils for farming activity, or ensure any loss is no more than minor;</li> <li>3. maintain land in a rural rather than rural residential land use; and</li> <li>4. not increase the potential for reverse sensitivity from residential activities in the rural zones (Policy 16.2.4.3).</li> </ul> </li> </ul>
		b. Effects on rural character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.3.</li> <li>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).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Sites are designed to respond to the topography and characteristics of the land and surrounding environment.</li> <li>iv. Building platforms are located to respond to landform and avoid significant visual effects.</li> <li>v. Driveways, vehicle tracks, utilities and services are designed and located to minimise the need for significant earthworks.</li> </ul>
		c. Effects on biodiversity and natural character values of riparian margins and coast	See Rule 10.5
		d. Effects on areas of indigenous vegetation and the habitat of indigenous fauna	
		e. Effects on public access	
		f. Risk from natural hazards	See Rule 11.5
		g. Effects on the safety and efficiency of the transport network	See Rule 6.10
		h. Effects on health and safety	See Rule 9.5

#### 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
<p>1. In the <b>ONF Overlay Zone</b>:</p> <ul style="list-style-type: none"> <li>• All other buildings and structures activities</li> <li>• Tree planting</li> <li>• Earthworks - large scale (that exceed scale thresholds for an ONF)</li> <li>• General subdivision</li> </ul>	<p>a. Effects on landscape values</p>	<p>See Rule 10.5</p>
<p>2. In the <b>ONL or SNL overlay zones</b>:</p> <ul style="list-style-type: none"> <li>• Forestry</li> <li>• New building or structure greater than 60m<sup>2</sup> or, additions and alterations that result in a building or structure that is greater than 60m<sup>2</sup></li> <li>• All other buildings and structures activities</li> <li>• Earthworks - large scale (that exceed the scale thresholds for an ONL)</li> <li>• General subdivision</li> </ul>	<p>a. Effects on landscape values</p>	<p>See Rule 10.5</p>
<p>3. In the <b>ONCC or HNCC overlay zones</b>:</p> <ul style="list-style-type: none"> <li>• All other buildings and structures activities</li> <li>• Tree planting</li> <li>• Earthworks - large scale (that exceed scale thresholds for an ONCC or HNCC)</li> <li>• Indigenous vegetation clearance</li> <li>• General subdivision</li> </ul>	<p>a. Effects on natural character of the coast</p>	<p>See Rule 10.5</p>
<p>4. In the <b>NCC Overlay Zone</b>:</p> <ul style="list-style-type: none"> <li>• Forestry</li> <li>• New building or structure greater than 60m<sup>2</sup> or, additions and alterations that result in a building or structure that is greater than 60m<sup>2</sup></li> <li>• All other buildings and structures activities</li> <li>• Earthworks - large scale (that exceed scale thresholds for an NCC)</li> <li>• Indigenous vegetation clearance</li> <li>• General subdivision</li> </ul>	<p>a. Effects on natural character of the coast</p>	<p>See Rule 10.5</p>

### 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
<p>5. In a <b>scheduled ASCV</b>:</p> <ul style="list-style-type: none"> <li>• New buildings, structures, or additions and alterations 60m<sup>2</sup> and over</li> <li>• All other buildings and structures activities</li> <li>• Earthworks - large scale (that exceed scale thresholds for a Scheduled ASCV)</li> <li>• Indigenous vegetation clearance</li> <li>• General subdivision</li> </ul>	<p>a. Effects on biodiversity</p>	<p>See Rule 10.5</p>
<p>6. In a <b>wāhi tūpuna mapped area</b> where activity is identified as a threat:</p> <ul style="list-style-type: none"> <li>• All RD Forestry</li> <li>• All RD buildings and structures</li> <li>• Earthworks - large scale that exceed any threshold</li> <li>• All RD Indigenous vegetation clearance</li> <li>• Tree planting</li> <li>• General subdivision</li> </ul>	<p>a. Effects on cultural values of manawhenua</p>	<p>See Rule 14.4</p>
<p>7. Activities affecting a <b>scheduled heritage building or scheduled heritage structure</b>:</p> <ul style="list-style-type: none"> <li>• Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure</li> <li>• Removal for relocation</li> <li>• General subdivision</li> </ul>	<p>a. Effects on heritage values</p>	<p>See Rule 13.6</p>
<p>8. In a <b>scheduled heritage site</b>:</p> <ul style="list-style-type: none"> <li>• General subdivision</li> <li>• New buildings, all other structures, parking, loading and access, where visible from an adjoining public place or a publicly accessible place within the heritage site</li> </ul>	<p>a. Effects on heritage values</p>	<p>See Rule 13.6</p>
<p>9. In a <b>hazard overlay zone</b>:</p> <ul style="list-style-type: none"> <li>• General subdivision in a hazard 3 (coastal) Overlay Zone</li> <li>• Earthworks - large scale (that exceed the scale threshold for a hazard overlay zone or <b>swale or dune system mapped area</b>)</li> </ul>	<p>a. Risk from natural hazards</p>	<p>See Rule 11.5</p>

**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
10.	In a <b>Hazard 1 (land instability) Overlay Zone</b> (see Rule 16.3.6): <ul style="list-style-type: none"> <li>New buildings, and additions and alterations to buildings, which create more than 1m<sup>2</sup> of new ground floor area</li> </ul>	a. Risk from natural hazards	See Rule 11.5
11.	In a <b>hazard 1 or 2 overlay zone</b> other than the hazard 1 (land instability) Overlay Zone (see Rule 16.3.6): <ul style="list-style-type: none"> <li>New buildings, and additions and alterations to buildings, which create more than 60m<sup>2</sup> of new ground floor area</li> </ul>	a. Risk from natural hazards	See Rule 11.5
12.	In a <b>ground water protection mapped area (GPA)</b> : <ul style="list-style-type: none"> <li>Earthworks - large scale (that exceed scale thresholds for a <b>GPA</b>)</li> </ul>	a. Effects on health and safety	See Rule 9.5
13.	In a <b>geologically sensitive mapped area (GSA)</b> : <ul style="list-style-type: none"> <li>Earthworks - large scale (that exceed underlying zone scale thresholds)</li> </ul>	a. Risk from natural hazards	See Rule 11.5



## **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 and 16.11.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
  - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
  - b. potential circumstances that may support a consent applications;
  - c. general assessment guidance, including any effects that will be considered as a priority; and
  - d. conditions that may be imposed.
3. 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.
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.

### 16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
1. All discretionary activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objectives 16.2.2, 16.2.3, 16.2.4.</li> <li>b. See Section 6.11 for guidance on the assessment of resource consents in relation to Objective 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network.</li> <li>c. 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.</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>d. 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 Rules 20.9 for performance standard contraventions).</li> <li>e. Development is not situated on visually prominent land.</li> <li>f. 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.</li> <li>g. Colours and materials used in development are chosen to blend in with the rural setting and minimise reflectivity.</li> <li>h. Landscaping or other forms of screening are used to reduce the visibility of development from surrounding properties and public viewpoints.</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>i. In assessing the significance of effects, consideration is given to: <ul style="list-style-type: none"> <li>i. The relationship between manawhenua and the natural environment is maintained, including the cultural values and traditions associated with: <ul style="list-style-type: none"> <li>1. wāhi tūpuna; and</li> <li>2. the customary use of mahika kai (Objective 14.2.1).</li> </ul> </li> <li>ii. If located outside a <b>wāhi tūpuna mapped area</b>, Kai Tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi tūpuna is located, or the linkages between wāhi tūpuna.</li> </ul> </li> <li>j. In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.</li> </ul>

### 16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
<p>2.</p> <ul style="list-style-type: none"> <li>• Rural tourism - large scale</li> <li>• Rural research - large scale</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objectives 2.3.1, 16.2.2, 16.2.3, 16.2.4.</li> <li>b. Commercial activities in the rural zones are restricted to those that need a rural location and support rural activity (Policy 2.3.1.2.g).</li> <li>c. Adverse effects on the amenity of surrounding properties is avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.2.5).</li> <li>d. There are no significant adverse effects on rural character and visual amenity from large scale development (Policy 16.2.3.5).</li> <li>e. In a <b>Scheduled ASCV</b>, see section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity</li> <li>f. Activities other than farming are avoided in a <b>high class soils mapped area</b> unless the loss of current or potential future rural productivity would be insignificant (Policy 16.2.4.2.a).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>g. 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.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>h. Restriction on hours of operation.</li> <li>i. Restriction on maximum number of guests (rural tourism).</li> <li>j. Controls on lighting.</li> <li>k. Parking requirements.</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>l. In assessing effects on amenity, Council will consider the effects of vehicle movements on the <u>site</u> as well as any significant changes to the number or nature of vehicle movements on the adjoining road.</li> </ul>

### 16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
3. Rural industry	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 16.2.2, 16.2.3, 16.2.4.</li> <li>b. There are no significant adverse effects on rural character and visual amenity from large scale development (Policy 16.2.3.5).</li> <li>c. Adverse effects on the amenity of residential activities on surrounding properties, are avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.2.5).</li> <li>d. The potential for reverse sensitivity that may affect the ability of productive rural activities to operate will be avoided or, if avoidance is not possible, will be no more than minor (Policy 16.2.2.6).</li> <li>e. Activities other than farming are avoided in a <b>high class soils mapped area</b> unless the loss of current or potential future rural productivity would be insignificant (Policy 16.2.4.2.a).</li> <li>f. 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.</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>j. Management plans or other mitigation measures will be employed to limit the effects of dust, vehicle movements and operating noise on surrounding properties.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>k. Restriction on hours of operation.</li> <li>l. Controls on-site lighting.</li> <li>m. A requirement for screening of storage areas.</li> <li>n. A requirement to control dust.</li> <li>o. Provision of car parking areas.</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>p. In assessing effects on amenity, Council will consider the effects of vehicle movements on the <u>site</u> as well as any significant changes to the number or nature of vehicle movements on the adjoining road.</li> </ul>
4. <ul style="list-style-type: none"> <li>• Mining</li> <li>• Landfills</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 16.2.2, 16.2.3, 16.2.4.</li> <li>b. Adverse effects on the amenity of residential activities on surrounding properties are avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.2.5).</li> <li>c. The potential for reverse sensitivity that may affect the ability of productive rural</li> </ul>

### 16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
	<p>activities to operate will be avoided or, if avoidance is not possible, will be no more than minor (Policy 16.2.2.6).</p> <p>d. There are no significant adverse effects on rural character and visual amenity from large scale development (Policy 16.2.3.5).</p> <p>e. Land will be restored to an acceptable standard with respect to landform and productive potential (Policy 16.2.3.4).</p> <p>f. The mining activity is located on the part of the <u>site</u> with high class soils for operational requirements and there are no practicable alternative locations (Policy 16.2.4.2.b)</p> <p>g. Where in a <b>wāhi tūpuna mapped area</b>, 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.</p> <p>h. Where in the <b>ONL, SNL or NCC overlay zones</b>, see section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and effects related to the natural character of the coast, and Objective 10.2.5 and effects related to landscape.</p> <p>i. 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.</p> <p>j. See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity.</p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>k. 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.</p> <p>l. For mining sand from dunes or beaches, there will be no significant impact on the look of the area.</p> <p>m. 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.</p> <p>n. There will be no adverse effects in terms of land instability.</p> <p><i>Conditions that may be imposed include:</i></p> <p>o. Controls on overall waste volumes for landfills.</p> <p>p. Restrictions on aggregate processing activity for mining.</p> <p>q. A requirement for buffer areas and bunds.</p> <p>r. For quarries, a quarry management plan addressing noise, dust and other amenity effects.</p> <p>s. A <u>site</u> restoration plan or bond.</p> <p><i>General assessment guidance:</i></p> <p>t. In assessing effects on amenity, Council will consider the effects of vehicle movements on the <u>site</u> as well as any significant changes to the number or nature of vehicle movements on the adjoining road.</p>

### 16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
<p>5.</p> <ul style="list-style-type: none"> <li>Community and leisure - large scale</li> <li>Early childhood education</li> <li>Restaurants or retail activities <i>ancillary to sport and recreation</i></li> <li>Sport and recreation</li> <li>Visitor accommodation</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 2.3.1, 16.2.1, 16.2.2, 16.2.3, 16.2.4.</li> <li>b. Commercial and community activities in the rural zones are restricted to those which require a rural location and support rural activity (Policy 2.3.1.2).</li> <li>c. Adverse effects of development on rural character and visual amenity are insignificant (Policy 16.2.3.6).</li> <li>d. Visitor accommodation supports a productive rural activity on the same property (Policy 16.2.1.4).</li> <li>e. Adverse effects on the amenity of surrounding properties is avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.2.5).</li> <li>f. Activities other than farming are avoided in a <b>high class soils mapped area</b> unless the loss of current or potential future rural productivity would be insignificant (Policy 16.2.4.2.a).</li> <li>g. In a Scheduled ASCV, see section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>h. The activity is set back a sufficient distance from its own boundaries and existing sensitive activities.</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>i. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the <u>site</u> as well as any significant changes to the number or nature of vehicle movements on the adjoining road.</li> </ul>
<p>6. In the <b>hazard 1 overlay zones</b> (see Rule 16.3.6):</p> <ul style="list-style-type: none"> <li>Potentially sensitive activities permitted in rural zones</li> </ul>	<p>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.</p>
<p>7. In the <b>hazard 2 overlay zones</b> (see Rule 16.3.6):</p> <ul style="list-style-type: none"> <li>Potentially sensitive activities not permitted in rural zones</li> <li>Sensitive activities</li> </ul>	<p>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.</p>

### 16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
8. In a <b>General Residential 1 Transition Overlay Zone</b> : <ul style="list-style-type: none"> <li>• Factory Farming</li> <li>• Forestry</li> </ul>	See Section 12.3 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.

### 16.11.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> <li>• Acoustic insulation</li> <li>• Noise - where the limit is exceeded by up to 5dB LAeq (15min)</li> </ul>	See Rule 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. Density (Papakāika)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 16.2.3</li> <li>b. Any buildings and structures maintain the rural character values and visual amenity of the rural zones (Policy 16.2.3.1).</li> <li>c. See Section 9.6 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.</li> <li>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.</li> </ul>
3. Light spill - where Rules 16.5.4.1 or 16.5.4.2 are contravened, or where the light spill limit in Rule 16.5.4.3 is exceeded by 25% or less	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>a. Objective 16.2.3</li> <li>b. Activities are designed and operated to ensure that adverse effects from light spill on rural character and amenity, and the ability of people to view the night sky, are insignificant (Policy 16.2.3.9)</li> <li>c. See Rule 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.</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>d. It is proposed to use filtering to prevent blue or ultraviolet light</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>e. Duration, time and frequency of the proposed illumination</li> </ul>



## 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 - 16.12.6 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. 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.
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.

### 16.12.2 Assessment of all non-complying activities

Activities	Guidance on the assessment of resource consents
<ol style="list-style-type: none"> <li>1. All non-complying activities</li> </ol>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. Objectives 16.2.1, 16.2.2, 16.2.3, 16.2.4</li> <li>b. The activity does not detract from, or preferably contributes to, the strategic direction objectives, including, but not limited to, those related to:               <ol style="list-style-type: none"> <li>i. Objective 2.2.2, 2.2.3, 2.2.4, and 2.3.1</li> </ol> </li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>c. In assessing the significance of effects, consideration will be given to:               <ol style="list-style-type: none"> <li>i. short to long term effects, including effects in combination with other activities; and</li> <li>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</li> <li>iii. Manawhenua values and the relationship between manawhenua and the natural environment is maintained, including cultural values and traditions associated with:                   <ol style="list-style-type: none"> <li>1. wāhi tūpuna; and</li> <li>2. the customary use of mahika kai (Objective 14.2.1).</li> </ol> </li> <li>iv. If located outside a <b>wāhi tūpuna mapped area</b>, Kai Tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi tūpuna is located, or the linkages between wāhi tūpuna.</li> </ol> </li> <li>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.</li> </ol>

### 16.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. Commercial advertising	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 2.4.1</li> <li>b. Policy 2.4.1.6.c.</li> <li>c. Where in a Scheduled ASCV - see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity.</li> </ul>
2. <ul style="list-style-type: none"> <li>• Commercial activities (other than those provided for)</li> <li>• Industrial activities (other than rural industry)</li> <li>• Major facilities activities (other than cemeteries and crematorium)</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 2.3.2</li> <li>b. Objective 16.2.1</li> <li>c. Commercial activities, industrial activities and major facilities are avoided, unless otherwise provided for, in the rural zones (Policy 16.2.1.8).</li> <li>d. Where in a Scheduled ASCV - see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity.</li> </ul>
3. <ul style="list-style-type: none"> <li>• Landfills</li> <li>• Cemeteries</li> <li>• Crematoriums</li> </ul>	See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and the effects related to cultural values of manawhenua.
4. In the <b>hazard 1 overlay zones</b> (see Rule 16.3.6): <ul style="list-style-type: none"> <li>• Potentially sensitive activities not permitted in rural zones.</li> <li>• Sensitive activities</li> </ul>	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. <b>In a General Residential 1 Transition Overlay Zone:</b> <ul style="list-style-type: none"> <li>• Mining</li> <li>• Landfills</li> </ul>	See Section 12.3 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

Activity	Guidance on the assessment of resource consents
<p>6. <b>In a scheduled ASCV:</b></p> <ul style="list-style-type: none"> <li>• Cemeteries</li> <li>• Crematorium</li> <li>• Domestic animal boarding and breeding</li> <li>• Early childhood education</li> <li>• Factory farming</li> <li>• Farming</li> <li>• Forestry</li> <li>• Grazing</li> <li>• Landfills</li> <li>• Mineral exploration and mineral prospecting</li> <li>• Mining</li> <li>• Residential activities</li> <li>• Rural industry</li> <li>• Veterinary services - <i>large animal practice</i></li> <li>• Visitor accommodation</li> </ul>	<p>See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity.</p>

### 16.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
<p>7. <b>In the ONF, ONCC, or HNCC overlay zones:</b></p> <ul style="list-style-type: none"> <li>• Cemeteries</li> <li>• Crematorium</li> <li>• Domestic animal boarding and breeding</li> <li>• Factory farming</li> <li>• Forestry</li> <li>• Landfills</li> <li>• Mineral exploration and mineral prospecting</li> <li>• Mining <i>not in a GR1TZ</i></li> <li>• Residential activities</li> <li>• Rural industry</li> <li>• Rural research - large scale <i>outside the Invermay Farm mapped area</i></li> <li>• Veterinary services - <i>large animal practice</i></li> <li>• Visitor accommodation</li> </ul>	<p>See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and 10.2.5 and the effects related to natural character of the coast and landscape values.</p>
<p>8. <b>In a wāhi tūpuna mapped area:</b></p> <ul style="list-style-type: none"> <li>• Forestry</li> <li>• Mining</li> </ul>	<p>See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and the effects related to cultural values of manawhenua.</p>

### 16.12.4 Assessment of non-complying development activities

Activity	Guidance on the assessment of resource consents
<p>1. Demolition of a protected part of a scheduled heritage building or scheduled heritage structure.</p>	<p>See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects on heritage values</p>
<p>2. <b>In the ONF, ONCC, HNCC overlay zones:</b></p> <ul style="list-style-type: none"> <li>• New building or structure</li> <li>• Additions and alterations</li> </ul>	<p>See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and 10.2.5 and the effects related to natural character of the coast and landscape values.</p>
<p>3. <b>In a wāhi tūpuna mapped area:</b></p> <ul style="list-style-type: none"> <li>• New buildings and structures</li> <li>• Earthworks ancillary to forestry</li> </ul>	<p>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</p>

### 16.12.5 Assessment of non-complying subdivision activities

Activity	Guidance on the assessment of resource consents
1. Cross lease, company lease and unit title subdivision	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>Objective 16.2.1</li> <li>The rural zones are protected from cross lease, company lease and unit title subdivision unless it does not result in an increase in development potential than would be provided for through a general subdivision (Policy 16.2.1.9).</li> </ol>

### 16.12.6 Assessment of non-complying performance standard contravention

Performance standard	Guidance on the assessment of resource consents
1. Density	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>Objectives 16.2.1, 16.2.3, 16.2.4.</li> <li>Policies 16.2.1.7, 16.2.3.2, 16.2.4.4</li> <li>Strategic Directions: Objectives 2.2.2, 2.3.1, Policies 2.2.2.1, 2.3.1.2, 2.4.6.2</li> <li>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.</li> </ol>
2. In a <b>dune system mapped area</b> or <b>swale mapped area</b> : <ul style="list-style-type: none"> <li>Hazard overlay zones development standards (hazard exclusion areas)</li> </ul>	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%	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 16.2.3</li> <li>Activities are designed and operated to ensure that adverse effects from light spill on rural character and amenity, and the ability of people to view the night sky, are insignificant (Policy 16.2.3.9)</li> <li>See Rule 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.</li> </ol> <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>It is proposed to use filtering to prevent blue or ultraviolet light</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>Duration, time and frequency of the proposed illumination</li> </ol>
4. <ul style="list-style-type: none"> <li>Noise - where the limit is exceeded by 5bD LAeq (15 min) or more</li> <li>Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)</li> </ul>	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

### 16.12.6 Assessment of non-complying performance standard contravention

Performance standard	Guidance on the assessment of resource consents
5. Setback from national grid	See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.1 and effects related to the efficient and effective operation of network utilities and public health and safety.
6. Minimum <u>site</u> size	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objectives 2.2.2, 2.2.4, 2.3.1, 2.4.6</li> <li>b. Objectives 16.2.3, 16.2.4</li> <li>c. Areas important for food production are protected from subdivision activities that may diminish food production capacity (Policy 2.2.2.1).</li> <li>d. Subdivision activities that provide for residential activity at a rural residential or suburban scale are avoided (Policy 2.2.4.4).</li> <li>e. The productivity of farming and other activities that support the rural economy is maintained or enhanced through restricting subdivision activities that may lead to land fragmentation and create pressure for residential-oriented development (Policy 2.3.1.2).</li> <li>f. The identified character values of the rural zones are maintained (Policy 2.4.6.2).</li> <li>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).</li> <li>h. Subdivisions are designed to ensure any future land use and development will: <ul style="list-style-type: none"> <li>i. maintain or enhance the productivity of rural activities;</li> <li>ii. maintain high class soils for farming activity, or ensure any loss is no more than minor;</li> <li>iii. maintain land in a rural rather than rural residential use; and</li> <li>iv. not increase the potential for reverse sensitivity from residential activities in the rural zones (Policy 16.2.4.3).</li> </ul> </li> <li>i. 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.</li> <li>j. A legal mechanism is proposed that will ensure that any proposed undersized allotment can not be used for a residential activity, and overall there is no net increase in residential development potential.</li> </ul>
7. Archaeological sites (earthworks)	See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.4 and effects related to the inappropriate development and use in Dunedin's archaeological sites.

## **Rule 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.

### **16.13.2 Geotechnical investigation report**

1. A geotechnical investigation report may be requested by Council for earthworks of a large scale and/or where the earthworks are proposed:
  - a. on a site with a slope angle between 15° (3.7h:1v slope ratio, or 27% slope grade) and 26° (2h:1v slope ratio, or 50% slope grade);
  - b. on a site identified as hazard-prone in Council's Hazard Information Management System; or
  - c. on any other site that the Council, with good cause, suspects to be hazard-prone.
2. A geotechnical investigation report must be provided for earthworks on all sites with a slope greater than a 26° angle (2h:1v slope ratio, or 50% slope grade).
3. All requested geotechnical investigation reports must be prepared by a suitably qualified expert who is experienced in the practice of geotechnical engineering and registered under the Chartered Professional Engineers Act of New Zealand 2002 and who has professional indemnity insurance.
4. The geotechnical investigation report must address the following factors:
  - a. special design or construction requirements;
  - b. special foundation requirements;
  - c. services;
  - d. access;
  - e. effluent disposal;
  - f. non-engineered fills; and
  - g. a statement of professional opinion as to the suitability of the land for the proposed development.



