

17. Rural Residential Zones

17.1 Introduction

A number of people seek to live in a rural setting and undertake rural activities at a small scale, such as the keeping of livestock. These small-scale rural activities are commonly known as lifestyle farming or hobby farming, and the properties on which they are undertaken are commonly known as lifestyle blocks.

Lifestyle blocks can have an adverse effect on sustainable management by removing rural land from productive use; by inflating rural land values to the detriment of more productive rural activities; or by generating reverse sensitivity effects in the rural environment resulting from people living on smaller blocks of land in proximity to productive rural activities such as farming or forestry; and by resulting in pressure to extend urban infrastructure and services into rural areas. A further issue is that there are a large number of small sites across Dunedin's rural environment which can sometimes be difficult to manage and use.

The rural residential zones have been established in response to these issues, to provide specifically for lifestyle or hobby farming activities in appropriately located parts of Dunedin's wider rural environment.

Rural residential zones allow for residential activity at a scale consistent with lifestyle or hobby farming, along with those rural and community activities that are consistent with the level of amenity expected by people living in these areas. Non-compatible activities in rural residential zones are discouraged or carefully managed in recognition that these can adversely affect the liveability and amenity of the zones.

Rural residential zones are sometimes located in areas with good quality land and versatile soils, and can contain productive rural activities such as small-scale farming. In order to sustainably manage natural and physical resources, it is important that the productive potential of these areas is maintained.

Some rural residential zones are located in areas of high landscape values, or coastal areas where retention or enhancement of the natural character values of the coast is important. These areas are covered by overlay zones with different rules applying for certain activities, such as buildings, structures and forestry.

Even where not located in landscape or coastal overlays, rural residential zones have their own level of rural or semi-rural character and amenity. Land use activities and development that detract from this character and amenity should be avoided.

17.1.1 Zone Descriptions

17.1.1.1 Rural Residential 1 Zone

The Rural Residential 1 Zone occurs in a variety of locations, often in proximity to urban areas, that cater for demand for rural residential activity in different parts of Dunedin. The Rural Residential 1 Zone is elevated in some locations and provides a highly visible rural context for nearby residential and urban areas. This applies, in particular, to the Rural Residential 1 Zone at Waitati, Sawyers Bay, Blanket Bay, St Leonards, Chain Hills, Saddle Hill, Blackhead and Scroggs Hill.

In other locations the Rural Residential 1 Zone is less elevated but still provides a rural or semi-rural context to adjacent residential areas, including at Waikouaiti, Abbotsford, Waldronville, Ocean View and Brighton.

The Rural Residential 1 Zone sometimes occurs on river plains, such as at Wingatui, Tirohanga Rd and Middelmarsh. In these cases, the zone has a character that reflects the productive land on which it occurs, with an open pastoral setting. At Wingatui the Rural Residential 1 Zone has a settled and mature character, with mature trees and shelter plantings and a diverse range of rural uses including hobby farming, horse grazing and horticultural uses.

17.1.1.2 Rural Residential 2 Zone

The Rural Residential 2 Zone typically occurs in coastal locations, or on hill slopes in proximity to urban areas. The Rural Residential 2 Zone recognises existing semi-developed clusters of small rural sites where there is already some rural residential activity, and provides for one residential activity per existing site.

17.2 Objectives and Policies

Objective 17.2.1	
The rural residential zones enable lifestyle blocks, hobby farms and associated residential activities as the appropriate place in the rural environment for these to occur, and provide for a limited range of other compatible activities.	
Policy 17.2.1.1	Require residential activity in the rural residential zones to be at a density enables lifestyle and hobby farms.
Policy 17.2.1.2	Enable farming, grazing and conservation in the rural residential zones.
Policy 17.2.1.3	Require rural ancillary retail and working from home to be at a scale that: <ol style="list-style-type: none"> is ancillary to and supportive of productive rural activities or conservation activity on the same property, and supports Objectives 2.3.2 and 2.4.3 and their policies.
Policy 17.2.1.4	Provide for forestry, domestic animal boarding and breeding (not including dogs), community and leisure - small scale, and veterinary services where the effects can be adequately mitigated in line with Objectives 17.2.2, 17.2.3 and 17.2.4 and their policies, and the objectives and policies of any relevant overlay zones.
Policy 17.2.1.5	Only allow rural tourism, rural research, community and leisure - large scale, early childhood education, sport and recreation, and visitor accommodation where the effects can be adequately managed in line with Objectives 17.2.2, 17.2.3 and 17.2.4 and their policies, and the objectives and policies of any relevant overlay zones.
Policy 17.2.1.6	Avoid cross lease, company lease and unit title subdivision in the rural residential zones unless it does not result in an increase in development potential beyond that which might be achieved through a general subdivision.

Objective 17.2.2	
Activities in rural residential zones maintain a good level of amenity on surrounding rural residential properties, residential zoned properties and public spaces.	
Policy 17.2.2.1	Require residential buildings to 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"> rural activities such as farming (for example, from noise, dust or odour); and existing forestry, factory farming, domestic animal boarding and breeding (that includes dogs), mining and landfills.
Policy 17.2.2.2	Require buildings that house animals to be set back from <u>site</u> boundaries an adequate distance so that any adverse effects on adjoining residential activities are avoided or, if avoidance is not possible, are no more than minor.
Policy 17.2.2.3	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 17.2.2.4	Require rural ancillary retail and working from home to operate in a way (including hours of operations) that avoids or, if avoidance is not possible, adequately mitigates noise or adverse effects on the amenity of surrounding properties.

Objective 17.2.2

Activities in rural residential zones maintain a good level of amenity on surrounding rural residential properties, residential zoned properties and public spaces.

Policy 17.2.2.5	Only allow rural tourism, rural research, community and leisure - large scale, early childhood education, sport and recreation, veterinary services and visitor accommodation where any adverse effects on the amenity of surrounding rural residential properties are avoided or, if avoidance is not possible, adequately mitigated.
Policy 17.2.2.6	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 17.2.2.7	Only allow forestry where it can be located and designed to avoid or, if avoidance is not possible, adequately mitigate shading, noise, traffic, and other nuisance effects on sensitive activities on surrounding properties.
Policy 17.2.2.8	Require subdivisions to deliver resultant sites that can achieve a high quality of on-site amenity through being large enough and of a shape that is capable of supporting rural residential development.

Objective 17.2.3

The character and amenity of the rural residential zones are maintained, elements of which include:

- a high presence of natural features such as trees, bush, gully systems and water bodies;
- a semi-rural level of development, with a higher proportion of open space and lower density of buildings than in urban areas; and
- land maintained and managed for farming, grazing, conservation and rural residential activities.

Policy 17.2.3.1	Require buildings and structures to be set back from boundaries and of a height that maintains the character and visual amenity of the rural residential zones.
Policy 17.2.3.2	Only allow forestry where it will be located, designed, and managed to avoid or, if avoidance is not possible, adequately mitigate adverse effects on the character and visual amenity of the rural residential zones.
Policy 17.2.3.3	Only allow rural tourism, rural research - large scale, community and leisure - large scale, early childhood education, sport and recreation, veterinary services and visitor accommodation activities where any adverse effects from development on rural residential character and visual amenity will be avoided or, if avoidance is not possible, adequately mitigated.
Policy 17.2.3.4	Require ancillary signs to be located and designed to maintain the character of the rural residential zones, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on <u>site</u> to passing pedestrians and vehicles and not being oversized or too numerous for that purpose.
Policy 17.2.3.5	Only allow general subdivision where the subdivision is designed to ensure any associated future land use and development will maintain or enhance the character and amenity of the rural residential zones.

Objective 17.2.4

The productive potential of the rural residential zones for lifestyle blocks or hobby farms is maintained.

Policy 17.2.4.1	Require earthworks in a high class soils mapped area to retain soils on the site.
Policy 17.2.4.2	Only allow land use, development, or subdivision activities that may lead to land use and development, in a high class soils mapped area where any adverse effects on high class soils are avoided or, if avoidance is not possible, are no more than minor.
Policy 17.2.4.3	Only allow general subdivision where resultant sites are of a shape and size that will enable lifestyle blocks or hobby farms, including the keeping of livestock, and avoid use purely as large lot residential living.
Policy 17.2.4.4	Avoid further general subdivision of sites in the Rural Residential 2 Zone to maintain these sites for larger lifestyle blocks or hobby farms (small holdings).

Objective 17.2.5

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

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

Policy 17.2.5.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: <ul style="list-style-type: none"> a. being set back an adequate distance from property boundaries, buildings, structures and cliffs; and b. using a batter gradient that will be stable over time.
Policy 17.2.5.2	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: <ul style="list-style-type: none"> a. limiting the scale of earthworks that are provided for as a permitted activity; and b. requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.
Policy 17.2.5.3	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: <ul style="list-style-type: none"> a. adverse effects on visual amenity and character; b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and c. adverse effects on the stability of land, buildings, and structures.
Policy 17.2.5.4	Require earthworks ancillary to forestry to be carried out in accordance with industry best practice guidelines.

Rules

Rule 17.3 Activity Status

17.3.1 Rule location

The activity status tables in Rules 17.3.3 to 17.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the rural residential zones and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

1. Public amenities (Section 3)
2. Temporary activities (Section 4)
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)

17.3.2 Activity status introduction

1. The activity status tables in Rules 17.3.3 - 17.3.5 show the activity status of activities in the rural residential zones and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.6 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 the hazard 1 or hazard 2 overlay zones, the activity statuses in Rule 17.3.6 apply for the following activities:
 - a. new sensitive activities and potentially sensitive activities, and
 - b. some new buildings.
8. Where the activity status in Rule 17.3.6 differs from that in Rules 17.3.3 - 17.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 17.3.6, performance standards for development activities within hazard overlay zones are included in Rules 17.3.3 - 17.3.5.
10. Activities in a hazard overlay zone must comply with all of the rules in 17.3.3 - 17.3.6.

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
Acronym	Zone/overlay name
RR	Rural Residential Zones
ONF	Outstanding Natural Feature Overlay Zone
SNL	Significant Natural Landscape Overlay Zone
HNCC	High Natural Coastal Character Overlay Zone
NCC	Natural Coastal Character Overlay Zone
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones

17.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities				a. Acoustic insulation b. Electrical interference c. Light spill d. Noise e. Setback from national grid (sensitive activities only)
Rural activities		Activity status			Performance standards
		a. RR	b. ONF/ HNCC	c. SNL/ NCC	
2.	Domestic animal boarding and breeding not including dogs	P	NC	—	i. Location ii. Minimum car parking
3.	Farming	P	—	—	
4.	Forestry	RD	NC	RD	i. Forestry and tree planting setbacks ii. Tree species
5.	Grazing	P	—	—	
6.	Rural ancillary retail	P	—	—	i. Hours of operation ii. Location iii. Maximum gross floor area iv. Minimum car parking
7.	Rural tourism	D	—	—	
8.	Rural research	D	—	—	
9.	All other activities in the rural activities category	NC	—	—	
Residential activities		a. RR	b. ONF/ HNCC	c. SNL/ NCC	Performance standards
10.	Standard residential	P	NC	—	i. Density ii. Minimum car parking iii. Separation distances
11.	Working from home	P	—	—	i. Hours of operation ii. Maximum gross floor area
12.	All other activities in the residential activities category	NC	—	—	
Community activities		a. RR	b. ONF/ HNCC	c. SNL/ NCC	Performance standards

13.	Community and leisure - small scale	P	—	—	i. Minimum car parking
14.	Community and leisure - large scale	D	—	—	
15.	Conservation	P	—	—	
16.	Early childhood education	D	—	—	
17.	Sport and recreation	D	—	—	
Commercial activities		a. RR	b. ONF/ HNCC	c. SNL/ NCC	Performance standards
18.	Ancillary licensed premises	Same status as underlying activity	—	—	
19.	Stand-alone car parking	P	—	—	
20.	Veterinary services - <i>large animal practice</i>	RD	NC	—	
21.	Visitor accommodation	D	NC	—	
22.	All other activities in the commercial activities category	NC	—	—	
Industrial activities		a. RR	b. ONF/ HNCC	c. SNL/ NCC	Performance standards
23.	All activities in the industrial activities category	NC	—	—	
Major facility activities		a. RR	b. ONF/ HNCC	c. SNL/ NCC	Performance standards
24.	All activities in the major facility activities category	NC	—	—	

17.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities				a. Hazard overlay zones development standards b. Setback from coast and water bodies c. Setback from national grid d. Setback from scheduled tree
2.	Performance standards that apply to all buildings and structures activities				a. Boundary setbacks b. Maximum height c. Number, location and design of ancillary signs d. Reflectivity (landscape and natural coastal character overlays)
Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 8-12)		a. RR	b. ONF/ HNCC	c. SNL/ NCC	Performance standards
3.	New buildings greater than 60m ² on a landscape building platform	P	NC	C	i. Fire fighting
4.	New buildings or structures less than or equal to 60m ² or additions and alterations that result in a building or structure that is less than or equal to 60m ²	P	NC	—	i. Fire fighting
5.	New buildings or structures greater than 60m ² or additions and alterations that result in a building or structure that is greater than 60m ²	P	NC	RD	i. Fire fighting
6.	Fences	P	—	—	
7.	All other buildings and structures activities	P	RD	RD	
Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		a. RR	b. ONF/ HNCC	c. SNL/ NCC	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	—	—	
Site development activities		a. RR	b. ONF/ HNCC	c. SNL / NCC	Performance standards
13.	Earthworks - small scale	P	—	—	i. Earthworks standards
14.	Earthworks - large scale	RD	RD	RD	i. Earthworks standards
15.	Outdoor storage	P	—	—	
16.	Parking, loading and access	P	—	—	i. Parking, loading and access standards
17.	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
18.	Indigenous vegetation clearance	P	P in ONF RD in HNCC	P in SNL RD in NCC	i. Vegetation clearance standards
19.	All other vegetation clearance	P	—	—	i. Vegetation clearance standards
20.	Storage and use of hazardous substances	P	—	—	i. Hazardous substances quantity limits and storage requirements
21.	Tree planting	P	RD	—	i. Forestry and tree planting setbacks ii. Tree species
22.	All other site development activities	P	—	—	

17.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status			Performance standards
		a. RR	b. ONF/HNCC	c. SNL/NCC	
1.	General subdivision <i>creating resultant sites used solely for the purposes of a Scheduled ASCV or QEII covenant; or reserve; or access; or network utilities; or road.</i>	RD	—	—	i. Access ii. Esplanade reserves and strips
2.	All other general subdivision in the Rural Residential 1 Zone	RD	RD	RD	i. Access ii. Esplanade reserves and strips iii. Fire fighting iv. Minimum site size v. Service connections vi. Shape
3.	All other general subdivision in the Rural Residential 2 Zone	NC	—	—	
4.	Cross lease, company lease and unit title subdivision	NC	—	—	

17.3.6 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 residential zones	D	—	—
2.	Potentially sensitive activities not permitted in rural residential 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 ² 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 ² of new ground floor area	RD	RD	—

Note 17.3A - 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 25m² 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 17.3B - 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 17.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with sections 95A or 95B of the RMA, unless Council considers special circumstances exist in relation to the application that require public notification:
 1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
 2. contravention of performance standard 13.3.2 'Materials and design' where the building or structure is not listed by Heritage New Zealand.
2. Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided with respect to applications for resource consent for the following:
 1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand;
 2. contraventions of performance standard 13.3.2 'Materials and design' where the building or structure is listed by Heritage New Zealand; and
 3. contraventions of 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. demolition of a protected part of a scheduled heritage building or scheduled heritage structure.
4. Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided with respect to resource consents applications for the following:
 1. all restricted discretionary activities that list 'effect on cultural values of manawhenua' as a matter for discretion; and
 2. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4.
5. With respect to sections 95D(b) and 95E(2)(a) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural residential zones.
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 17.5 Land Use Performance Standards

17.5.1 Acoustic Insulation

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

- a. within 40m of the Taieri Aerodrome Zone;
- b. within 40m of a state highway;
- c. within 20m of an industrial zone; and
- d. within 70m of a railway line.

17.5.2 Density

1. The maximum density of standard residential activities is as follows:
 - a. In the Rural Residential 1 Zone, the minimum site size per residential activity is 2ha, except:
 - i. a single residential unit may be erected on an existing site between 1ha and 2ha created before 26 September 2015 as long as all other performance standards can be met; and
 - ii. a single residential unit may be erected on a site created by Rule 17.7.5.2 as long as all other performance standards can be met.
 - b. In the Rural Residential 1 Zone, multiple standard residential activities are only allowed on a single site where all primary residential buildings (houses) are able to meet all the relevant performance standards if they were ever subdivided into separate sites.
 - c. In the Rural Residential 2 Zone, a maximum of one residential activity per site over 1ha.
 - d. In all rural residential zones, one family flat is allowed per site in association with a standard residential activity that meets this performance standard for density, provided:
 - i. 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 (house), as measured as the closest distance between any wall of the primary residential building and any wall of the family flat; and
 - ii. the family flat has a maximum gross floor area of 60m².
2. Standard residential activity that contravenes this performance standard is a non-complying activity, except: standard residential activity (family flat) that contravenes Rule 17.5.2.1.d.i or ii is a restricted discretionary activity

17.5.3 Electrical Interference

Land use activities must comply with Rule 9.3.2.

17.5.4 Hours of Operation

1. For rural ancillary retail, customers must not arrive before 7am or depart after 7pm.
2. For working from home, customers and deliveries must not arrive before 7am or depart after 7pm. This standard does not apply to homestays.

17.5.5 Light Spill

Land use activities must comply with Rule 9.3.5.

17.5.6 Location

Domestic animal boarding and breeding (not including dogs) and rural ancillary retail must not be accessed directly

from a state highway with a speed limit of 80kmh or over.

17.5.7 Maximum Gross Floor Area

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

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

Note 17.5A - Other requirements outside of 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 for more information.
2. A licence from 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 at www.dunedin.govt.nz for more information.

17.5.8 Minimum Car Parking

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

Activity	Minimum number of on-site parking spaces
1. Community and leisure – small scale	1 parking space for every 5 persons the facility can accommodate at any one time
2. Rural ancillary retail	1 on-site parking space per roadside produce stall

3. 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

4. For the purpose of calculating minimum car parking:
 - a. 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.
 - b. the same parking spaces may be counted for more than one land use activity (i.e. parking spaces may be shared between land use activities), as long as the hours of operation of the land use activities do not overlap.

Note 17.5B - Other relevant District Plan provisions

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

17.5.9 Noise

Land use activities must comply with Rule 9.3.6.

17.5.10 Separation Distances

1. New residential buildings must be located at least:
 - a. 30m from an existing, lawfully established forestry activity on a separate site;
 - b. 100m from a existing, lawfully established factory farming activity on a separate site;
 - c. 100m from a existing, lawfully established domestic animal boarding and breeding activity that includes dogs on a separate site;
 - d. 100m from an existing, lawfully established mining activity on a separate site;
 - e. 100m from an existing, lawfully established landfill activity on a separate site; and
 - f. 100m from existing, lawfully established wind generators - community scale and wind generators - regional scale on a separate site.
2. For the purpose of this standard, separation distance is measured from the closest wall of the new residential building to the closest edge of any operational area or part of the site being used for one of the activities listed.

17.5.11 Setback from National Grid

Sensitive activities must comply with Rule 5.6.1.1.

17.5.12 Tree Species

Forestry and tree planting must comply with Rule 10.3.4.

Rule 17.6 Development Performance Standards

17.6.1 Earthworks Standards

17.6.1.1 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 Residential Zones	2. GPA, ONF, UCMA	3. HNCC	4. SNL, NCC	5. Within 5m of a water body ¹ or MHWS	6. Haz1 (Flood)	7. Haz2 & Haz3 (Flood)	8. Haz1 & Haz2 (Land Instability)
i.	Change in ground level	2.0m	1m	1m	1.5m	0.5m	—	—	1.0m
ii.	Maximum area	—	50m ²	100m ²	200m ²	25m ²	—	—	—
Slope categories		Maximum volume of combined cut and fill							
iii.	Less than or equal to 12°	30m ³ per 100m ² of site	10m ³	20m ³	50m ³	1m ³	0m ³ fill	20m ³ fill	10m ³ (Haz1) 20m ³ (Haz2)
iv.	Greater than 12° but less than or equal to 15°	25m ³ per 100m ² of site	10m ³	20m ³	50m ³	1m ³	0m ³ fill	20m ³ fill	10m ³ (Haz1) 20m ³ (Haz2)
v.	Greater than 15° but less than or equal to 20°	15m ³ per 100m ² of site	10m ³	20m ³	50m ³	1m ³	0m ³ fill	20m ³ fill	10m ³ (Haz1) 20m ³ (Haz2)
vi.	Greater than 20° but less than or equal to 26°	10m ³ per 100m ² of site	10m ³	20m ³	50m ³	1m ³	0m ³ fill	20m ³ fill	10m ³ (Haz1) 20m ³ (Haz2)
vii.	Greater than 26° but less than or equal to 35°	0m ³ fill 5m ³ cut per 100m ² of site	0m ³ fill 10m ³ cut	0m ³ fill 20m ³ cut	0m ³ fill 50m ³ cut	0m ³ fill 1m ³ cut	0m ³ fill	0m ³ fill	0m ³ fill 10m ³ cut (Haz1) 20m ³ cut (Haz2)
viii.	Greater than 35°	0m ³	0m ³	0m ³	0m ³	0m ³	0m ³	0m ³	0m ³

- ix. Where in a **swale mapped area** the maximum volume of combined cut and fill is 0m³.
- 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.
- e. Earthworks *ancillary to network utilities* activities are only required to comply with Rule 17.6.1.1.a.i - 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 that exceed the earthworks - small scale thresholds are treated as earthworks - large scale, which are a restricted discretionary activity.

¹See Rule 10.3.3 for how setbacks from waterbodies will be measured.

17.6.1.2 Archaeological sites

Earthworks must comply with Rule 13.3.3.

17.6.1.3 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.

17.6.1.4 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 10m², 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 17.6A);
 - 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 17.6A); and
 - iii. 300mm, as measured from the crest of any cut (see Figure 17.6A).
- 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 17.6B), 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 17.6A: Unsupported cut and fill (elevation view)

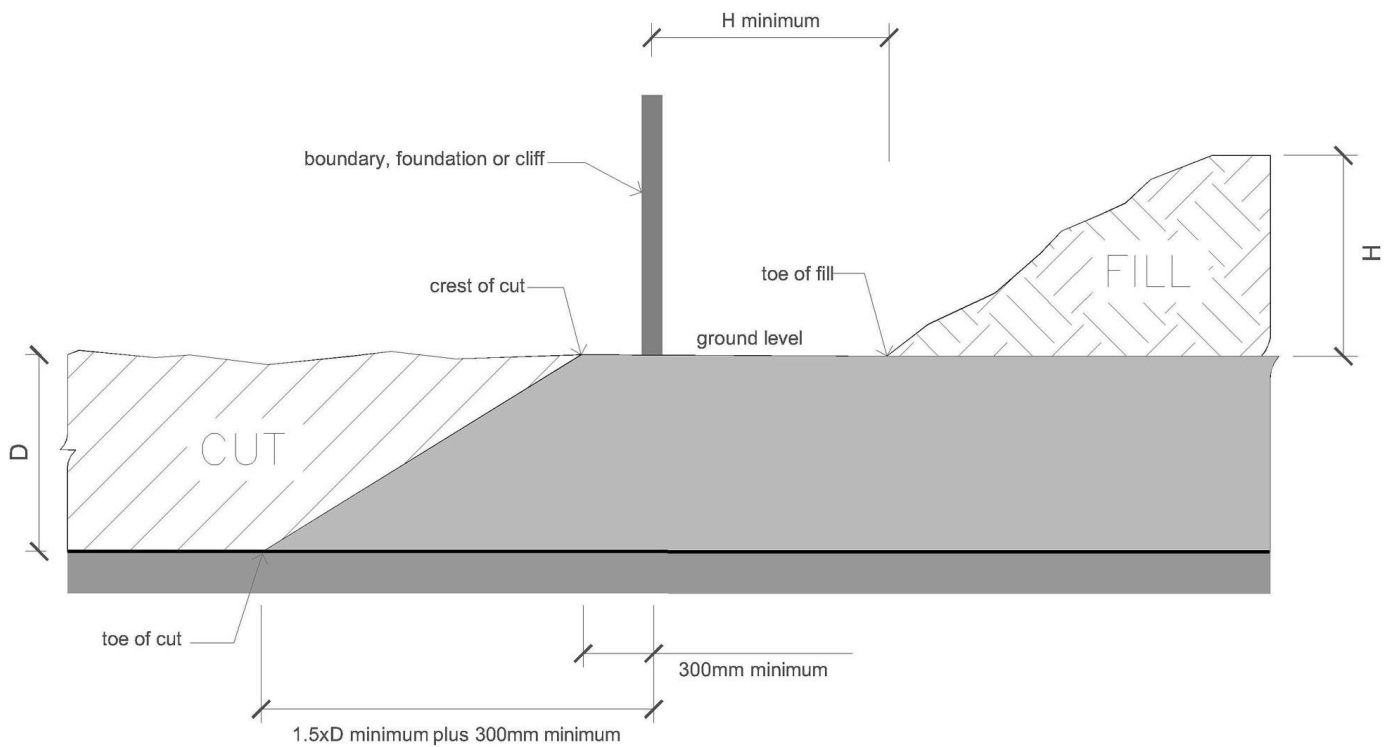
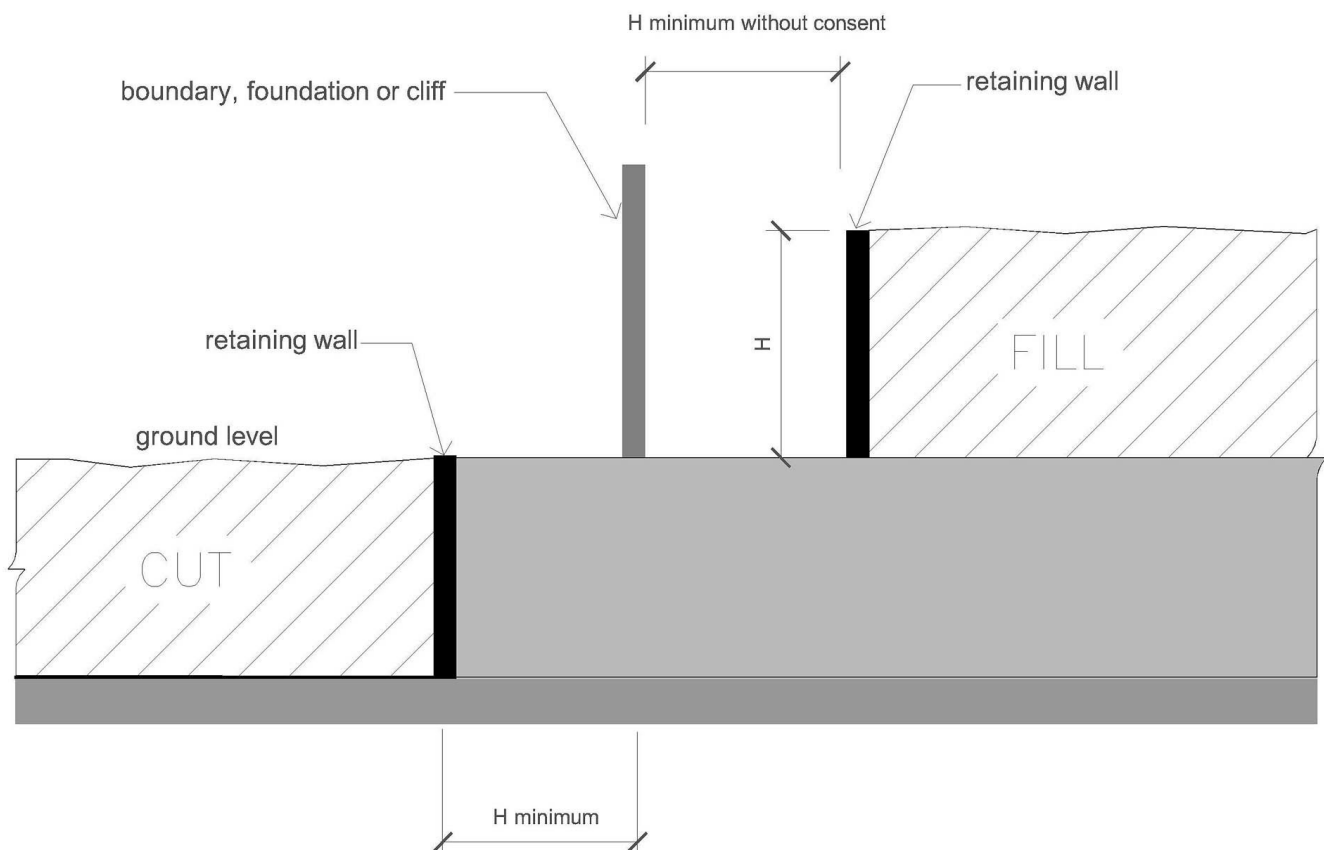


Figure 17.6B: Cut and fill supported by retaining walls (elevation view)



17.6.1.5 Setback from national grid (earthworks)

Earthworks must comply with Rule 5.6.1.2.

17.6.1.6 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

17.6.1.7 Sediment control

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

17.6.1.8 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.

17.6.1.9 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.

17.6.2 Fire Fighting

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

17.6.3 Hazard Overlay Zones Development Standards

17.6.3.1 Hazard exclusion area

Development activities located in a **swale mapped area** must comply with Rule 11.3.1.1.

17.6.3.2 Maximum area of vegetation clearance in the hazard overlay zones

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

17.6.3.3 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.

17.6.3.4 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.

17.6.3.5 Outdoor storage standard

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

17.6.4 Hazardous Substances Quantity Limits and Storage Requirements

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

17.6.5 Materials and Design

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

17.6.6 Maximum Height

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

Activity		i. Rural residential zone	ii. Landscape and 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**.

17.6.7 Number, Location and Design of Ancillary Signs

17.6.7.1 General

- a. A maximum of one sign attached to a building and one freestanding sign is allowed per site, except:
 - i. only one sign may be located in any part of a site in an ONF, SNL, HNCC or NCC overlay zone.
- b. Signs visible from a public place must meet all of the following performance standards.
- c. Signs must be ancillary signs.
- d. Signs must comply with Rule 6.7.3 where visible from a road.
- e. Signs must not be illuminated or digital.

17.6.7.2 Signs attached to buildings

- a. The maximum height above ground level, at the highest point of any sign, is 4m, except:
 - i. the maximum height is 2m in an ONF, SNL, HNCC or NCC overlay zone.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except as mounted flat against a parapet or gable end.
- d. The maximum area of signs, per display face, is 1m², except:
 - i. the maximum area of signs, per display face, is 0.6m² in an ONF or HNCC overlay zone.
- e. In an ONF or HNCC overlay zone the sign must only provide information about the values of the overlay zone (refer Appendices A3 and A5).

17.6.7.3 Freestanding signs

- a. The maximum dimensions of freestanding signs are:
 - i. maximum height of 4m, except:
 1. 2m in an ONF, SNL, HNCC or NCC overlay zone;
 - ii. maximum area of 2m² per display face, except:
 1. 0.6m² per display face in an ONF or HNCC overlay zone; and
 2. 1m² per display face in an SNL or NCC overlay zone;
 - iii. maximum of 2 display faces per sign;

- iv. maximum width of 2m, except:
 - 1. 1m in an ONF, SNL, HNCC or NCC overlay zone; and
- v. maximum depth of 400mm.
- b. Freestanding signs must:
 - i. not obstruct parking, loading or access areas; and
 - ii. be positioned entirely within site boundaries.
- c. In an ONF or HNCC overlay zone the sign must only provide information about the values of the overlay zone (refer Appendices A3 and A5).

Note 17.6A - Other relevant District Plan provisions

- 1. Commercial advertising is a non-complying land use activity in all zones except the Dunedin International 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 17.6B - Other requirements outside 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

17.6.8 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

17.6.9 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.

17.6.10 Setbacks

17.6.10.1 Boundary setbacks

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

Activity		i. Minimum setback from road boundary	ii. Minimum setback from side and rear boundaries with sites held in separate ownership
a.	Building used for residential activity	12m	10m
b.	Other building housing animals	12m	15m
c.	Other building not housing animals	12m	6m
d.	Roadside produce stall	No requirement	6m

Activity	i. Minimum setback from road boundary	ii. Minimum setback from side and rear boundaries with sites held in separate ownership
e. All other structures	No requirement	No requirement

17.6.10.2 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;
 - 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.

17.6.10.4 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

17.6.10.5 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.

17.6.10.6 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.

17.6.11 Vegetation Clearance Standards

17.6.11.1 Maximum area of vegetation clearance (UCMA)

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

17.6.11.2 Maximum area of indigenous vegetation clearance

Indigenous vegetation clearance must comply with Rule 10.3.2.2.

17.6.11.3 Protected areas

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

17.6.11.4 Protected species (indigenous vegetation clearance)

Indigenous vegetation clearance must comply with Rule 10.3.2.4.

17.6.11.5 Maximum area of vegetation clearance in the hazard overlay zones

Vegetation clearance in the hazard 1 (land instability) overlay zone and hazard 2 (land instability) overlay zone must comply with Rule 11.3.2.

Rule 17.7 Subdivision Performance Standards

17.7.1 Access

General subdivision must comply with Rule 6.8.1.

17.7.2 Esplanade Reserves and Strips

General subdivision must comply with Rule 10.3.1.

17.7.3 Fire Fighting

General subdivision must comply with Rule 9.3.3.

17.7.4 Service Connections

General subdivision must comply with Rule 9.3.7.

17.7.5 Minimum Site Size

1. The minimum site size for new resultant sites in the Rural Residential 1 Zone is 2ha.
2. Subdivisions that do not comply with this standard are non-complying, except in the following circumstances where the subdivision is discretionary:
 - a. all resultant sites are at least 75% of the minimum site size; and
 - b. a minimum of 50% of the resultant sites are not less than the minimum site size; and
 - c. the average area of the resultant sites is not less than the minimum site size.

17.7.6 Shape

1. Each resultant site that is intended to be developed must be of a size and shape that is large enough to contain a building platform of at least 8m by 15m that meets the performance standards of this Plan including but not limited to:
 - a. minimum car parking;
 - b. 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; or
 - 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 17.8 Assessment of Controlled Activities

Rule 17.8.1 Introduction

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rule 17.8.2:
 - a. lists the matters over which Council has reserved its control; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
 - ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (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 17.9; and
 - iv. the matters of control become matters of discretion and will be assessed as indicated in this section.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 17.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 17.12; and
 - iii. the assessment guidance in this section will also be considered.

17.8.2 Assessment of controlled activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. 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
2. In the NCC Overlay Zone : <ul style="list-style-type: none"> • New buildings greater than 60m² on a landscape building platform 	a. Size, design and appearance of buildings	See Rule 10.3A
3. In the SNL Overlay Zone : <ul style="list-style-type: none"> • New buildings greater than 60m² on a landscape building platform 	a. Size, design and appearance of buildings	See Rule 10.3A

Rule 17.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 17.9.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 17.9.2 - 17.9.6:
 - a. list the matters Council will restrict its discretion to; 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 17.9.2 - 17.9.5 apply to performance standards in the Rural Residential Zone; Rule 17.9.6 contains additional provisions that apply to performance standards in overlay zones and mapped areas.

17.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Performance standard contraventions	<p><i>Potential circumstances or mitigation measures that may support a consent application include:</i></p> <ol style="list-style-type: none"> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards, or <u>site</u> specific factors including topography, make meeting the standard impracticable. 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. d. In any landscape overlay zone, the development incorporates key design elements as set out in Appendix A3. e. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> f. Where more than one standard is contravened, the combined effects of the contraventions should be considered g. In any landscape overlay zone, the assessment will consider the landscape values outlined in Appendix A3. h. In any natural coastal character overlay zone, the assessment will consider the natural character values outlined in Appendix A5.

17.9.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Density (family flats)	a. Effects on rural residential character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 17.2.3 ii. The character and visual amenity of the rural residential zones is maintained (Policy 17.2.3.1). <p><i>Potential circumstances or mitigation measures that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. For contravention of maximum gross floor area, the family flat shares the same residential building as the primary residential unit. iv. The design of the family flat matches the design of the primary residential unit. v. Landscaping or other forms of screening will be used to reduce the visibility of the family flat. vi. The family flat will not be easily viewed from outside the site. vii. 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
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"> i. Objective 17.2.2 ii. Rural ancillary retail and working from home 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 surrounding properties (Policy 17.2.2.4).
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"> i. Objectives 2.3.2, 2.4.3, Policies 2.3.2.2 and 2.4.3.4 ii. Objective 17.2.1 iii. Rural ancillary retail and working from home are at a scale that is ancillary to and supportive of productive rural activities or conservation on the same property (Policy 17.2.1.3.a).
6.	Minimum car parking	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

17.9.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
7.	Separation distances	a. Reverse sensitivity effects	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 17.2.2 ii. Residential buildings are set back an adequate distance from existing forestry, factory farming, domestic animal boarding and breeding (including dogs), mining and landfills to minimise the potential for reverse sensitivity effects (Policy 17.2.2.1.b). <p><i>Potential circumstances or mitigation measures that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. For non-compliance with separation distance from forestry, the new residential activity is located to the north of the forestry activity.
8.	Tree species	a. Effects on biodiversity	See Rule 10.4

17.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Boundary setbacks	a. Effects on on-site amenity, effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 17.2.2 ii. Buildings that house animals are set back from <u>site</u> boundaries an adequate distance to ensure adverse effects on adjoining residential activities are avoided or, if avoidance is not possible, are no more than minor (Policy 17.2.2.2). iii. New buildings are located an adequate distance from <u>site</u> boundaries to ensure a good level of amenity for residential activities on adjoining sites (Policy 17.2.2.3). <p><i>Potential circumstances or mitigation measures that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. Screening or landscaping will be used in the development to ensure a good level of amenity for residential activities on adjoining sites. v. Where a building used to house animals contravenes the boundary setback standard, the type and/or number of animals or the frequency of housing them mean that the potential for adverse effects from noise, odour or dust on sensitive activities on adjoining sites will be avoided or minimised.

17.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
	b. Reverse sensitivity effects	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 17.2.2 ii. Residential buildings are set back an adequate distance from <u>site</u> boundaries to minimise the potential for reverse sensitivity effects from rural activities (Policy 17.2.2.1.a). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Screening or landscaping will ensure potential for reverse sensitivity effects is minimised.
	c. Effects on rural residential character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 17.2.3 ii. Buildings and structures are set back from <u>site</u> boundaries to maintain the character and visual amenity of the rural residential zones (Policy 17.2.3.1). <p><i>Potential circumstances or mitigation measures that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Landscaping or other forms of screening will be used to reduce the visibility of buildings or structures. iv. Colours and materials used in the development will blend in with the character of the surrounding rural residential environment, with natural finishes and low levels of reflectivity. 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. 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. vii. There are already existing buildings on the <u>site</u> in breach of the same setback. viii. There would be positive effects from maintaining open space through the clustering of buildings on the site.
2.	<p>Earthworks standards:</p> <ul style="list-style-type: none"> • Batter gradient 	<p>a. Effects on the stability of land, buildings and structures</p> <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 17.2.6 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 17.2.6.1.b).

17.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	Earthworks standards: <ul style="list-style-type: none"> Setback from property boundary, buildings, structures and cliffs 	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 17.2.6 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 17.2.6.1.a).
4.	Earthworks standards: <ul style="list-style-type: none"> Setback from national grid Setback from network utilities 	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7
5.	Earthworks standards: <ul style="list-style-type: none"> Sediment control 	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 17.2.6 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by avoiding sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems (Policy 17.2.6.2.b).
		b. Effects on biodiversity values and natural character of riparian margins and the coast	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
6.	Earthworks standards: <ul style="list-style-type: none"> 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 17.2.6 ii. Earthworks ancillary to forestry are carried out in accordance with industry best practice guidelines (Policy 17.2.6.4).
7.	Fire fighting	a. Effects on health and safety	See Rule 9.4

17.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
8.	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
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"> i. Objective 17.2.2 ii. Forestry and tree planting are set back an adequate distance to avoid significant effects from shading on residential buildings on surrounding properties (Policy 17.2.2.6). iii. Forestry is located and designed to avoid or, if avoidance is not possible, adequately mitigate shading, noise, traffic and other nuisance effects on surrounding properties (Policy 17.2.2.7). <p><i>Potential circumstances or mitigation measures that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. The area to be planted is to the south of any adjoining residential zone or residential buildings on an adjoining site.. v. Slope or orientation or other topographical aspects of the sites involved mean that there will be no shading of residential buildings on an adjoining site.
		b. Effects on health and safety	See Rule 9.4
		c. Effects on the safety and efficiency of the transport network	See Rule 6.9
10.	Maximum height	a. Effects on rural residential character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 17.2.3 ii. Buildings and structures are of a height that maintains the character and visual amenity of the rural residential zones (Policy 17.2.3.1). <p><i>Potential circumstances or mitigation measures that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. As for Rule 17.9.4.1.c.iii-vi iv. The terrain provides an adequate backdrop to the proposed building or structure and mitigates any adverse visual effects from the building or structure.

17.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
11.	Number, location and design of ancillary signs	a. Effects on rural residential character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 17.2.3 ii. Ancillary signs are located and designed to maintain the character of the rural residential zones, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on <u>site</u> to passing pedestrians and vehicles and not being oversized or too numerous for that purpose (Pol 17.2.3.4).
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
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 values and natural character of riparian margins and the coast	See Rule 10.4
		b. Effects on public access	
		c. Risk from natural hazards	See Rule 11.4
14.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
15.	Vegetation clearance standards: • Maximum area of indigenous vegetation clearance • Protected species	a. Effects on biodiversity	See Rule 10.4
16.	Vegetation clearance standards: • Protected areas	a. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4

17.9.5 Assessment of subdivision performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Access	a. Effects on accessibility	See Rule 6.9
2.	Esplanade reserves and strips	a. Effects on biodiversity values and the 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.	Service connections	a. Effects on efficiency and affordability of infrastructure	See Rule 9.4

17.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
5. Shape	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> Objective 2.4.1 Subdivision is designed to ensure any future land use or development is able to meet the performance standards in the zone, unless: <ol style="list-style-type: none"> 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 the resultant site is required for: <ol style="list-style-type: none"> Scheduled ASCV; QEII covenant; or reserve; or access; or utility; or road (Policy 2.4.1.8). <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> minimum car parking; boundary setbacks; setbacks from water bodies; setback from scheduled tree; setback from national grid; and earthworks standards (building platform slope). <p><i>Conditions that may be imposed include:</i></p> <ol style="list-style-type: none"> A building platform registered against the certificate of title by way of a consent notice. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site. A building platform may be required to be registered against the title by way of consent notice. 	

17.9.6 Assessment of performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item

Activity	Matters of discretion	Guidance on the assessment of resource consents
<ol style="list-style-type: none"> In a hazard overlay zone or swale mapped area: <ul style="list-style-type: none"> Hazard overlay zones development standards 	<ol style="list-style-type: none"> Risk from natural hazards 	See Rule 11.4

17.9.6 Assessment of performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. In the SNL Overlay Zone : <ul style="list-style-type: none"> Maximum height Reflectivity 	a. Effects on landscape values	See Rule 10.4
3. In the SNL or ONF overlay zones : <ul style="list-style-type: none"> Number, location and design of ancillary signs 	a. Effects on landscape values	See Rule 10.4
4. In the NCC or HNCC overlay zones : <ul style="list-style-type: none"> Number, location and design of ancillary signs 	a. Effects on natural character of the coast	See Rule 10.4
5. In the NCC Overlay Zone : <ul style="list-style-type: none"> Maximum height Reflectivity 	a. Effects on natural character of the coast	See Rule 10.4
6. In an urban conservation mapped area : <ul style="list-style-type: none"> Vegetation clearance standards (Maximum area of vegetation clearance) 	a. Effects on biodiversity	See Rule 10.4
7. In the Taieri Aerodrome Flight Fan mapped area : <ul style="list-style-type: none"> Maximum height (Rule 17.6.6.4) 	a. Effects on operation of Taieri Aerodrome	See Rule 9.4
8. In a high class soils mapped area : <ul style="list-style-type: none"> Earthworks standards (removal of high class soils) 	a. Maintenance of high class soils resource	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 17.2.4 ii. Earthworks in a high class soils mapped area retain soils on the site (Policy 17.2.4.1). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The development will involve a productive rural activity. iv. The site design will minimise the effect of the activity on the high class soils contained on the site. v. The soils are being removed to enhance the productivity of another site.
9. Affecting a scheduled heritage item : <ul style="list-style-type: none"> Materials and design 	a. Effects on heritage values (work on scheduled heritage buildings/structures)	See Rule 13.5

Rule 17.10 Assessment of Restricted Discretionary Activities

Rule 17.10.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 17.10.2 - 17.10.5:
 - a. list the matters Council will restrict its discretion to; 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 17.10.2 - 17.10.4 apply to activities in the Rural Residential Zone; Rule 17.10.5 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 17.9; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 17.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 17.12; and
 - iii. the assessment guidance in this section will also be considered.
6. With respect to section 104(2) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural residential zones.

17.10.2 Assessment of restricted discretionary land use activities

Land use activities	Matters of discretion	Guidance on the assessment of resource consents
1. Forestry	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 17.2.2 ii. Forestry is located and designed to avoid or, if avoidance is not possible, adequately mitigate shading, noise, traffic and other nuisance effects on surrounding properties (Policy 17.2.2.7).
	b. Effects on rural residential character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 17.2.3 ii. Forestry is located, designed and managed to avoid or, if avoidance is not possible, adequately mitigate adverse effects on the character and visual amenity of the rural residential zones (Policy 17.2.3.2). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The forestry is located on land that is not visually prominent. iv. The forestry is of a size and on-site location that will lessen visual effects. v. Screen planting with other species will be used to reduce visual effects.
	c. Effects on the safety and efficiency of the transport network	See Rule 6.10
2. Veterinary services - large animal practice	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 17.2.2 ii. Any adverse effects on the amenity of surrounding rural residential properties are avoided or, if avoidance is not possible, are adequately mitigated (Policy 17.2.2.5). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The activity is set back a sufficient distance from its own boundaries to mitigate adverse effects on surrounding residential activities.
	b. Effects on the safety and efficiency of the transport network	See Rule 6.10

17.10.2 Assessment of restricted discretionary land use activities

Land use activities	Matters of discretion	Guidance on the assessment of resource consents
3. Development associated with restricted discretionary land use activities	a. Effects on rural residential character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 17.2.3 ii. Any adverse effects from development on rural residential character and visual amenity will be avoided or, if avoidance is not possible, adequately mitigated (Policy 17.2.3.3). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Landscaping or other forms of screening will be used to reduce the visibility of development from surrounding properties and public viewpoints. iv. Signage and entranceways are in character with the surrounding environment.

17.10.3 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 residential 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"> i. Objective 17.2.5 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 17.2.5.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 17.2.5.3.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or effect existing vegetation or landscaping. <p><i>Conditions that may be imposed include, but are not limited to include:</i></p> <ul style="list-style-type: none"> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished.

17.10.3 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"> i. Objective 17.2.5 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 17.2.6.5.c). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> 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 17.13.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards. <p><i>Conditions that may be imposed include, but are not limited to:</i></p> <ul style="list-style-type: none"> v. Maximum slopes of cut and fill batters. vi. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. vii. Temporary shoring requirements to maintain stability before a wall is constructed. viii. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
2. Earthworks - large scale (that exceed scale thresholds within 5m of a water body or MHWS)	a. Effects on biodiversity and natural character of riparian margins and the coast b. Effects on public access	See Rule 10.5
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 b. Effects on accessibility	See Rule 6.10

17.10.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. General subdivision	a. Effects on on-site amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 17.2.2 ii. Subdivisions deliver sites that achieve a high quality of on-site amenity through being large enough and of a shape that is capable of supporting rural residential development (Policy 17.2.2.8).
	b. Effects on rural residential character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 17.2.3 ii. Subdivisions are designed to ensure any associated future land use and development will maintain or enhance the character and visual amenity of the rural residential zones (Policy 17.2.3.5). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Sites are designed to respond to the topography and characteristics of the land and surrounding environment; iv. Building platforms are located to respond to land form and avoid significant visual effects; v. Driveways, network utilities and services are designed and located to minimise the need for significant earthworks.
	c. Effects on long term maintenance of rural land for productive rural activities	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 17.2.4 ii. Subdivisions are designed to ensure sites are of shape and size that enable lifestyle blocks or hobby farms, including the keeping of livestock, and avoid sites that will be used as large lot residential living (Policy 17.2.4.3).
	d. Effects on biodiversity values and natural character of riparian margins and the coast	See Rule 10.5
	e. Effects on areas of indigenous vegetation and the habitats of indigenous fauna	
	f. Effects on public access	
	g. Effects on health and safety	See Rule 9.5
	h. Effects on affordability/efficiency of infrastructure	

17.10.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	i. Effects on the safety and efficiency of the transport network	See Rule 6.10
	j. Risk from natural hazards	See Rule 11.5

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. In the ONF Overlay Zone : <ul style="list-style-type: none"> All other buildings and structures activities Tree planting Earthworks - large scale (that exceed scale thresholds for an ONF) General subdivision 	a. Effects on landscape values	See Rule 10.5
2. In the SNL Overlay Zone : <ul style="list-style-type: none"> Forestry New buildings or structures greater than 60m² or additions and alterations that result in a building or structure that is greater than 60m² All other buildings and structures activities Earthworks - large scale (that exceed the scale thresholds for an SNL) General subdivision 	a. Effects on landscape values	See Rule 10.5
3. In the HNCC Overlay Zone : <ul style="list-style-type: none"> All other buildings and structures activities Indigenous vegetation clearance Tree planting Earthworks - large scale (that exceed scale thresholds for an HNCC) General subdivision 	a. Effects on natural character of the coast	See Rule 10.5

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
4.	<p>In the NCC Overlay Zone:</p> <ul style="list-style-type: none"> • Forestry • New buildings, structures or additions and alterations 60m² and over • All other buildings and structures activities • Indigenous vegetation clearance • Earthworks - large scale (that exceed scale thresholds for an NCC) • General subdivision 	a. Effects on natural character of the coast	See Rule 10.5
5.	<p>In a wāhi tūpuna mapped area where activity is identified as a threat:</p> <ul style="list-style-type: none"> • New buildings and structures • Earthworks - large scale • General subdivision • Forestry • Indigenous vegetation clearance • Tree planting 	a. Effects on cultural values of manawhenua	See Rule 14.4
6.	<p>Activities that affect a scheduled heritage building, scheduled heritage structure or scheduled heritage site:</p> <ul style="list-style-type: none"> • All other additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure • Removal for relocation • General subdivision 	a. Effect on heritage values	See Rule 13.6
7.	<p>In a hazard overlay zone:</p> <ul style="list-style-type: none"> • General subdivision in a hazard 3 (coastal) overlay zone • Earthworks - large scale (that exceed the scale threshold for a hazard overlay zone or swale mapped area) 	a. Risk from natural hazards	See Rule 11.5
8.	<p>In the Hazard 1 (land instability) Overlay Zone (see Rule 17.3.6):</p> <ul style="list-style-type: none"> • New buildings, and additions and alterations to buildings, which create more than 1m² of new ground floor area 	a. Risk from natural hazards	See Rule 11.5

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
9.	In a hazard 1 or 2 overlay zone , other than the hazard 1 (land instability) Overlay Zone (see Rule 17.3.6): <ul style="list-style-type: none"> New buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area 	a. Risk from natural hazards	See Rule 11.5
10.	In a geologically sensitive mapped area (GSA) : <ul style="list-style-type: none"> Earthworks - large scale (that exceed underlying zone scale thresholds) 	a. Risk from natural hazards	See Rule 11.5
11.	In a GPA : <ul style="list-style-type: none"> Earthworks - large scale (that exceed scale thresholds for a GPA) 	a. Effects on health and safety	See Rule 9.5
12.	In an UCMA : <ul style="list-style-type: none"> Earthworks - large scale (that exceed scale thresholds for a UCMA) 	a. Effects on biodiversity	See Rule 10.5

Rule 17.11 Assessment of Discretionary Activities

Rule 17.11.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 17.11.2 - 17.11.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, 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) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural residential zones.
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.

17.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities	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.
2. <ul style="list-style-type: none"> • Rural tourism • Rural research • Community and leisure - large scale • Early childhood education • Sport and recreation • Visitor accommodation 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> a. Objectives 17.2.2, 17.2.3, 17.2.4 b. Any adverse effects on the amenity of surrounding rural residential properties are avoided or, if avoidance is not possible, are adequately mitigated (Policy 17.2.2.5). c. Any adverse effects on rural residential character and visual amenity are avoided or, if avoidance is not possible, are adequately mitigated (Policy 17.2.3.3). d. Where in a high class soils mapped area, adverse effects on high class soils are avoided or, if avoidance is not possible, adverse effects are no more than minor (Policy 17.2.4.2). e. 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 transportation network. <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> f. 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. g. For all land use activities that require consent, all associated

17.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
	<p>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</p> <p><i>Potential circumstances or mitigation measures that may support a consent application include:</i></p> <ul style="list-style-type: none"> h. The activity is set back a sufficient distance from its own boundaries and existing sensitive activities on surrounding sites i. Development activities meet relevant performance standards. j. Development is not situated on visually prominent land. k. The form, scale and materials used in buildings and structures are compatible with the character and visual amenity of the rural residential zones. l. Colours and materials used in development are chosen to blend in with the rural residential setting and minimise reflectivity. m. Landscaping or other forms of screening are used to reduce the visibility of development from surrounding properties and public viewpoints. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> n. Restriction on hours of operation o. Controls on on-site lighting p. A requirement for screening of storage areas q. A requirement to control dust r. Provision of car parking areas
<p>3. In the hazard 1 overlay zones (see Rule 17.3.6):</p> <ul style="list-style-type: none"> • Potentially sensitive activities permitted in rural residential zones 	<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>4. In the hazard 2 overlay zones (see Rule 17.3.6):</p> <ul style="list-style-type: none"> • Potentially sensitive activities not permitted in rural residential zones • Sensitive activities 	<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>

17.11.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
<p>1.</p> <ul style="list-style-type: none"> • Acoustic insulation • Noise - where the limit is exceeded by up to 5dB LAeq (15min) • Light spill - where the limit is exceeded by 25% or less 	<p>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>2. Minimum <u>site</u> size (Rule 17.7.5.2)</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. See Section 9.6 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.</p> <p><i>Potential circumstances or mitigation measures that may support a consent application:</i></p> <p>b. The parent <u>site</u> contains significant topographical features such as water bodies or human-made features such as roads or rail corridors which make meeting the minimum <u>site</u> size impractical.</p>

Rule 17.12 Assessment of Non-complying Activities

Rule 17.12.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 17.12.2 - 17.12.6 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. With respect to section 104(2) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural residential zones.
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.

17.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> a. Objectives 17.2.1, 17.2.2, 17.2.3, 17.2.4 b. The activity is consistent with the strategic directions. including but not limited to: <ol style="list-style-type: none"> i. Objective 2.2.4 ii. Objective 2.7.1 <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> c. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.

17.12.3 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> <ol style="list-style-type: none"> a. Objective 2.4.1 b. Policy 2.4.1.6.c
2. <ul style="list-style-type: none"> • Cemeteries • Crematoriums • Landfills 	See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of manawhenua.

17.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
3. In the ONF or HNCC overlay zones : <ul style="list-style-type: none"> Domestic animal boarding and breeding <i>not including dogs</i> Forestry Standard residential Veterinary services - <i>large animal practice</i> Visitor accommodation 	See Section 10.7 for guidance on the assessment of resource consents in relation to Objectives 10.2.3 and 10.2.5 and effects related to natural character of the coast and landscape values.
4. In the hazard 1 overlay zones (see Rule 17.3.6): <ul style="list-style-type: none"> Potentially sensitive activities not permitted in rural residential zones Sensitive activities 	See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards.
5. In a wāhi tūpuna mapped area : <ul style="list-style-type: none"> Forestry Mining 	See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of manawhenua.

17.12.4 Assessment of non-complying development activities

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

17.12.5 Assessment of non-complying subdivision activities

Activity	Guidance on the assessment of resource consents
1. All other general subdivision in the Rural Residential 2 Zone	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 17.2.2 b. Further general subdivision of sites in the Rural Residential 2 Zone is avoided to maintain these sites for larger lifestyle blocks or hobby farms (small holdings) (Policy 17.2.4.4).

17.12.5 Assessment of non-complying subdivision activities

Activity	Guidance on the assessment of resource consents
2. Cross lease, company lease and unit title subdivision	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 17.2.1 b. Cross lease, company lease and unit title subdivision is avoided in the rural residential zones unless it does not result in an increase in development potential beyond that which might be achieved through a general subdivision (Policy 17.2.1.6).

17.12.6 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Density	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 2.6.1, Policy 2.6.1.4 b. Objective 17.2.1 c. Residential activity in the rural residential zone is at a density that enables lifestyle and hobby farms (Policy 17.2.1.1). d. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.
2. 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
3. <ul style="list-style-type: none"> • Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5bD LAeq (15 min) or more • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) 	See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
4. Hazard exclusion areas (hazard overlays)	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. Minimum <u>site</u> size	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objectives 2.2.4 and 2.6.1 b. Policies 2.2.4.4 and 2.6.1.4 c. Objective 17.2.2, 17.2.3, 17.2.4 d. Policies 17.2.2.8, 17.2.3.5, 17.2.4.2, 17.2.4.3 e. 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.

17.12.6 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
6. 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 17.13 Special Information Requirements

17.13.1 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 suitable 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.

