

19. Industrial Zones

19.1 Introduction

Industrial activities make an important contribution to the economic well-being of Dunedin. In order to be able to operate effectively, industrial activities have particular requirements including adequate land and access to raw materials and markets. However, these activities can create off-site effects such as noise, smell, and heavy traffic movements that need to be managed under the RMA.

Industrial zoned land is spread throughout the City, including in the following areas:

- Ravensbourne Road;
- State Highway 88;
- Dunedin Wharf (inner city Port);
- Strathallan Street, Portobello Road, Portsmouth Drive
- Hillside Road
- Kaikorai Valley Road and Donald Street
- Burnside Corner
- Fairfield
- Abbotsford
- Mosgiel

The inner city Port area has been included as an industrial zone. This reflects the decision to zone the Port at Port Chalmers as a Major Facility, and the mix of industrial and port activities in the inner city Port area.

The key resource management issues that are being experienced or are anticipated in industrial zones are:

- Reverse sensitivity due to off-site effects such as noise, odour (managed by Otago Regional Council), heavy traffic movements, and the interaction between industrial activities and adjacent activities also needs to be managed under the RMA. Often the extent of these effects is such that physical separation is required between industrial activities and more sensitive activities.
- Threats to the availability and affordability of industrial land from the encroachment of non industrial activities (particularly retail and residential activities) into industrial zoned land. An example of this is the development of the former industrial zoned land adjoining Andersons Bay Road into large format retail, car yards and other commercial activities. The use of industrial zoned land for retail and residential activities reduces the availability, and increases the value, of industrial zoned land and consequently reduces the potential for industrial activities to be able to successfully operate in these locations. Such encroachment also exacerbates potential reverse sensitivity issues. For this reason, one of the primary focusses of the Industrial Zone is the protection of industrial zoned land for industrial activities.

In response to these issues, the Second Generation Plan (2GP) provisions propose to protect the existing clusters of industrial zoning, including areas near the centre city in order to take advantage of economies of scale and connectivity, while identifying new industrial land in strategic locations.

The 2GP provides for all industrial activities to occur in the Industrial Zone, including industry, industrial ancillary tourism, and rural industry. A range of activities that are unlikely to create reverse sensitivity issues or compete with industrial activities for land are also provided for in the Industrial Zone. These activities include port, yard based retail, retail ancillary to industry (with maximum gross floor area requirement), and standalone parking activities.

Industry is also broadly defined and includes service activity (repairs and maintenance), transport depots, and laboratories.

Lastly, land that is currently zoned rural but is suitable for future industrial development has been identified in the 2GP and the inclusion of a rule that will trigger a change from rural to industrial applied to this land.

19.2 Objectives and Policies

Objective 19.2.1	
The industrial zones enable and protect the ability of industrial and port activities to establish and operate by only providing for a very limited range of specified non-industrial or non-port activities to establish and operate.	
Policy 19.2.1.1	Provide for the establishment and operation of industrial and port activity, industrial ancillary tourism activity and industrial ancillary retail activity in the industrial zones.
Policy 19.2.1.2	Enable farming and grazing in the Dukes Road North industrial area.
Policy 19.2.1.3	Avoid the establishment of non-industrial or non-port activities, other than those expressly provided for in the industrial zones, unless they would have significant positive effects on the successful operation of surrounding industrial or port activities.
Policy 19.2.1.4	Provide for yard based retail activity, service stations and emergency services to locate in the industrial zones in recognition that: <ol style="list-style-type: none"> these activities often require a built form that cannot meet the requirements within the CBD and centres; and they are unlikely to be incompatible with industrial or port activities due to reverse sensitivity; and they are unlikely to be significant competing uses of land in an industrial and port zoned area.
Policy 19.2.1.5	Only allow retail ancillary to industry where it is of a size that: <ol style="list-style-type: none"> is clearly subordinate to and part of the operation of the primary industrial activity; and does not conflict with objectives 2.3.1, 2.3.2 and 2.4.3; and does not create adverse effects on other industrial activities, for example from traffic, parking or reverse sensitivity effects.
Policy 19.2.1.6	Only allow restaurants and ancillary licensed premises which are designed and operated to service the workers engaged in or associated with industrial or port activities in the area, and are unlikely to attract significant patronage outside of this purpose.
Policy 19.2.1.7	Only allow community and leisure, and sport and recreation, to locate in the industrial zones where these activities have specific operational requirements that mean it is not practical to locate in a recreation, residential or commercial mixed use zone.
Policy 19.2.1.8	Provide for crematoriums to locate in the industrial zones due to the high degree of cultural and social sensitivity to their operation, and the lack of residential activity in this zone.
Policy 19.2.1.9	Avoid residential activity due to its high potential for reverse sensitivity to industrial or port activities, unless it would have significant positive effects on the successful operation of surrounding industrial or port activities.
Policy 19.2.1.10	Avoid retail activity (excluding retail ancillary to industrial activities and yard based retail activities) due to its high potential to be a significant competing use of land primarily zoned for industrial or port uses, unless it would have significant positive effects on the successful operation of surrounding industrial or port activities.

Objective 19.2.2

Development and activities are designed and operated so that:

- a. a reasonable level of amenity is maintained within the industrial zones;
- b. any adverse effects on the amenity of adjoining residential, school or recreation zones are minimised;
- c. a high standard of amenity along identified an amenity route mapped area is maintained; and
- d. the potential for reverse sensitivity effects on industrial and port activities, from activities that are provided for within the industrial zones, is minimised.

Policy 19.2.2.1	Require buildings to be set back an adequate distance from boundaries which adjoin residential or recreation zoned sites to maintain adequate sunlight access to these sites.
Policy 19.2.2.2	Require development along an amenity route mapped area to provide a high level of streetscape amenity by: <ol style="list-style-type: none"> a. providing landscaping of a height and density adequate to maintain or enhance the amenity of the route and to screen industrial activities and development; and b. setting back buildings an adequate distance to allow this landscaping.
Policy 19.2.2.3	Require fencing along boundaries that adjoin residential or school zoned sites to be of an adequate height and design to provide screening and security.
Policy 19.2.2.4	Require materials stored outside, including those which may become airborne due to wind, to be stored in a way that prevents materials escaping and contaminating any off-site area.
Policy 19.2.2.5	Require buildings and structures to be of a height that: <ol style="list-style-type: none"> a. is similar to the existing height of buildings of the industrial and industrial port zones; b. avoids significant adverse effects on views from the central city and Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula; and c. minimises, as far as practicable, shading and wind tunnelling effects on school, residential, and recreation zoned sites.
Policy 19.2.2.6	Only allow buildings and structures to exceed the maximum height limit where: <ol style="list-style-type: none"> a. the height is essential to the operation of an industrial activity; and b. all practicable measures have been taken to avoid or minimise the visual effects of the height limit exceedance.
Policy 19.2.2.7	Require ancillary signs to be of an appropriate size and number to convey information about the name, location and nature of the business to passing vehicles or pedestrians, and not oversized or too numerous for that purpose.
Policy 19.2.2.8	Only allow activities other than industrial activities in the industrial zones where: <ol style="list-style-type: none"> a. the potential for reverse sensitivity, that may affect the ability of industrial activities to operate, will be avoided or, if avoidance is not possible, will be no more than minor.
Policy 19.2.2.9	Only allow crematoriums where they are located to avoid significant adverse effects on the amenity of surrounding residential, school and recreation zoned sites.

Objective 19.2.3

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 19.2.3.1	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 19.2.3.2	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 19.2.3.3	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.

Rules

Rule 19.3 Activity Status

19.3.1 Rule location

The activity status tables in Rules 19.3.3 - 19.3.6 specify the activity status of land use activities, development activities, and subdivision activities in the industrial zones and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

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

19.3.2 Activity status introduction

1. The tables in Rules 19.3.3 to 19.3.5 show the activity status of activities in the industrial zones and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.6 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 and categories of activities. For any activity that is not covered by any of the defined activities in the nested table, the activity status will be non-complying if the activity status of "all" or "all other" activities in the most closely related category is non-complying, otherwise it will be discretionary.

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 19.3.6 apply to the following activities:
 - a. new sensitive activities and potentially sensitive activities, and
 - b. some new buildings.
8. Where the activity status in Rule 19.3.6 differs from that in Rule 19.3.3 - 19.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 19.3.6, performance standards for development activities within hazard overlay zones are included in Rule 19.3.3 - 19.3.5.
10. Activities in a hazard overlay zone must comply with all of the rules in 19.3.3 - 19.3.6.

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 change to activity status or not relevant (intersect does not exist)
P	Permitted activity
C	Controlled activity
RD	Restricted discretionary activity
D	Discretionary activity
NC	Non-complying activity
Acronym	Industrial zone/overlay name
Ind	Industrial Zone
IP	Industrial Port Zone
Acronym	Hazard overlay zones names
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones

19.3.3 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)		
Industrial activities		Activity status		Performance standards
		a. Ind	b. IP	
2.	Industry	P	P	i. Minimum car parking ii. Minimum vehicle loading
3.	Industrial ancillary tourism	P	P	i. Minimum car parking ii. Minimum vehicle loading
4.	Rural industry	P	P	i. Minimum car parking
Major facility activities		a. Ind	b. IP	Performance standards
5.	Crematoriums	RD	RD	i. Minimum car parking
6.	Emergency services	RD	RD	
7.	Port	P	P	
8.	All other activities in the major facility activities category	NC	NC	
Commercial activities		a. Ind	b. IP	Performance standards
9.	Ancillary licensed premises	RD	RD	i. Minimum car parking
10.	Yard based retail	P	P	i. Minimum car parking
11.	Retail ancillary to industry	P	P	i. Maximum gross floor area ii. Minimum car parking
12.	Service stations	RD	RD	i. Service station design standards
13.	Restaurants	P	P	i. Hours of operation ii. Maximum gross floor area iii. Minimum car parking
14.	Stand-alone car parking	P	P	
15.	Commercial advertising	NC	NC	
16.	All other activities in the commercial activities category	NC	NC	
Community activities		a. Ind	b. IP	Performance standards
17.	Community and leisure - small scale	RD	RD	

18.	Community and leisure - large scale	RD	RD	
19.	Sport and recreation	RD	RD	
20.	Conservation	P	P	
21.	Early childhood education	NC	NC	
Rural activities		a. Ind	b. IP	Performance standards
22.	Farming <i>in Dukes Road North</i>	P	—	
23.	Farming <i>in all other areas</i>	NC	NC	
24.	Grazing <i>in Dukes Road North</i>	P	—	
25.	All other activities in the rural activities category	NC	NC	
Residential activities		a. Ind	b. IP	Performance standards
26.	All activities in the residential activities category	NC	NC	

19.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities	a. Boundary treatments b. Setback from coast and water bodies c. Setback from national grid d. Setback from scheduled tree e. Hazard overlay zones development standards		
2.	Performance standards that apply to all new buildings and structures activities	a. Boundary setbacks b. Fire fighting c. Maximum height d. Number, location and design of ancillary signs		
Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure - See rows 4 - 8)		Activity status		Performance standards
		a. Ind	b. IP	
3.	Buildings and structures activities	P	P	
Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		a. Ind	b. IP	Performance standards
4.	Repairs and maintenance or <u>restoration</u>	P	P	i. Materials and design
5.	Earthquake strengthening <i>where external features only are protected</i>	C	C	i. Materials and design
6.	All other additions and alterations	RD	RD	

7.	Demolition	NC	NC	
8.	Removal for relocation	RD	RD	
Development activities on a scheduled heritage site, where visible from an adjoining public place or a public place within the heritage site		a. Ind	b. IP	
9.	Structures no more than 2.5m high or 2m ² footprint	P	P	
10.	All other structures	RD	RD	
11.	New buildings	RD	RD	
12.	Parking, loading and access	RD	RD	i. Parking, loading and access standards
Site development activities in all areas (except as covered by rows 9 - 12 above)		a. Ind	b. IP	Performance standards
13.	Parking, loading and access	P	P	i. Parking, loading and access standards ii. Boundary treatments
14.	New parking areas, or extensions to existing parking areas (<i>that result in the creation of 50 or more new parking spaces.</i>)	RD	RD	i. Parking, loading and access standards ii. Boundary treatments
15.	Outdoor storage	P	P	i. Maximum height ii. Securing of outdoor storage
16.	Storage and use of hazardous substances	P	P	i. Hazardous substances quantity limits and storage requirements
17.	Vegetation clearance	P	P	i. Vegetation clearance standards
18.	Earthworks - small scale	P	P	i. Earthworks standards
19.	Earthworks - large scale	RD	RD	i. Earthworks standards
20.	All other site development activities	P	P	

19.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status		Performance standards
		a. Ind	b. IP	
1.	Subdivision activities	RD	RD	i. Access ii. Esplanade reserves and strips iii. Fire fighting iv. Service connections v. Shape

19.3.6 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 the industrial zones	D	—	—
2.	Potentially sensitive activities not permitted in industrial zones	NC	D	—
3.	Sensitive activities	NC	D	—
4.	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 19.3A - 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 19.3B - 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 19.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or section 95B of the Act, 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. With respect to resource consent applications, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided for the following:
 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. contravention 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, unless Council considers special circumstances exist in relation to the application:
 1. demolition of a protected part of a scheduled heritage building or scheduled heritage structure.
4. With respect to resource consent applications for the following activities, manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. crematoriums;
 2. all restricted discretionary activities that list 'effect on cultural values of manawhenua' as a matter for discretion; and
 3. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4.
5. With respect to sections 95D(b) and 95E(2)(a), Council will not use the performance standard for maximum height as a permitted baseline in considering the effects of any development activity associated with a discretionary or non-complying activity in the industrial zones.
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 19.5 Land Use Performance Standards

19.5.1 Acoustic Insulation

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

- port noise control mapped area;
- within 40m of a state highway;
- within 40m of the Taieri Aerodrome Zone; and
- within 70m of a railway line.

19.5.2 Electrical Interference

Land use activities must comply with Rule 9.3.2.

19.5.3 Hours of Operation

Restaurants must not be open before 6am or after 6pm.

19.5.4 Light Spill

Land use activities must comply with Rule 9.3.5.

19.5.5 Maximum Gross Floor Area

- The gross floor area used for retail ancillary to industry activity must not exceed 10% of the total floor space of the premises.
- The maximum gross floor area of a restaurant is 50m².
- Any retail ancillary to an industry activity that contravenes the performance standard for maximum gross floor area is a non-complying activity.

19.5.6 Minimum Car Parking

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

Activity		Minimum car parking rate
1.	Industry (including rural industry)	1 parking space per 100m ² gross floor area.
2.	Industrial ancillary tourism	<ol style="list-style-type: none"> 1 parking space for every 5 persons the facility can accommodate at any one time, and 1 coach parking space for facilities that can accommodate more than 50 people at one time (see Figure 6.14L)
3.	Retail ancillary to industry	1 parking space per 35m ² of retail floor area
4.	Yard based retail	1 parking space per 100m ² of gross floor area and 1 per 400m ² of yard display area.
5.	Restaurants	1 parking space per 35m ² of gross floor area.
6.	Crematoriums	1 parking space per 75m ² gross floor area.

- 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
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a.	1 - 20	1 parking space
b.	21 - 50	2 parking spaces
c.	For every additional 50 parking spaces	1 additional parking space

8. Required parking spaces must be designed and constructed to comply with Rule 6.6.1.
9. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces.
10. Parking spaces may be shared between land use activities (i.e. the same parking spaces may be used to fulfil the minimum parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap.
11. 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

Note 19.5B - Other relevant District Plan provisions

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

19.5.7 Minimum Vehicle Loading

Land use activities must provide the on-site vehicle loading and maneuvering as follows:

Activity		Minimum vehicle loading rate
1.	Industry	1 loading space to accommodate an 8m rigid truck (see Figure 6.14J).
2.	Industrial ancillary tourism	1 loading space to accommodate a coach on any <u>site</u> greater than 400m ² which has a vehicle crossing onto a rural highway or urban connector (see Figure 6.14L).

3. Required vehicle loading must be designed and constructed to comply with Rule 6.6.2.

19.5.8 Noise

Land use activities must comply with Rule 9.3.6.

19.5.9 Service Station Standards

Service stations must comply with Rule 6.7.1.

19.5.10 Setback from National Grid

Sensitive activities must comply with Rule 5.6.1.1.

Rule 19.6 Development Performance Standards

19.6.1 Boundary Treatments

1. Where a building is not built to the street frontage, a landscaping area with a minimum width of 1.5m must be provided along the full length of any road frontage that is identified as an **amenity route mapped area** (except for where vehicle access is provided). Landscaping areas must:
 - a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
 - b. have an average of one tree for every 5m of frontage;
 - c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - d. be designed to allow surface water run-off from surrounding areas to enter;
 - e. be protected by a physical barrier that prevents cars from accidentally driving into or damaging plants;
 - f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a height of 5m within 10 years of planting;
 - g. be planted prior to occupation or completion of any relevant building(s) or site development; and
 - h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
2. Any road boundary fences provided must be placed on the property side of any required road frontage landscaping.
3. Fencing must be provided along any boundaries which adjoin a residential or school zoned property. Fencing must:
 - a. be constructed from solid timber paling;
 - b. have vertical palings which are butted together;
 - c. only have palings visible from the residential zone; and
 - d. be a minimum of 1.8m high.

Note 19.6A - Other requirements outside of the District Plan

1. The Dunedin City Council Commercial Use of Footpaths Policy applies to all objects placed on the footpath or suspended over it up to a height of 2.6m. Contact customer services on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.

19.6.2 Earthworks Standards

19.6.2.1 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. Industrial zones	2. GPA, SHS	3. Within 5m of a water body ¹ or MHWS	4. Haz1 (Flood)	5. Haz2 & Haz3 (Flood)	6. Haz1 & Haz2 (Land Instability)

i.	Change in ground level	1.5m	1.0m	0.5m	—	—	1.0m
ii.	Maximum area	—	50m 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	1m ³	0m ² 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	1m ³	0m ² 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	1m ³	0m ² 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	1m ³	0m ² 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 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

- 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 19.6.2.1.a.i - change in ground level threshold.
- f. Earthworks *ancillary to the operation, repair, and maintenance of the roading network* 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.

19.6.2.2 Archaeological sites

Earthworks must comply with Rule 13.3.3.

19.6.2.3 Batter gradient

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).

19.6.2.4 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 19.6A);
 - 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 19.6A); and
 - iii. 300mm, as measured from the crest of any cut (see Figure 19.6A).
- 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 19.6B), 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 and earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the setback from property boundary, buildings, structures and cliffs performance standard.

Figure 19.6A: Unsupported cut and fill (elevation view)

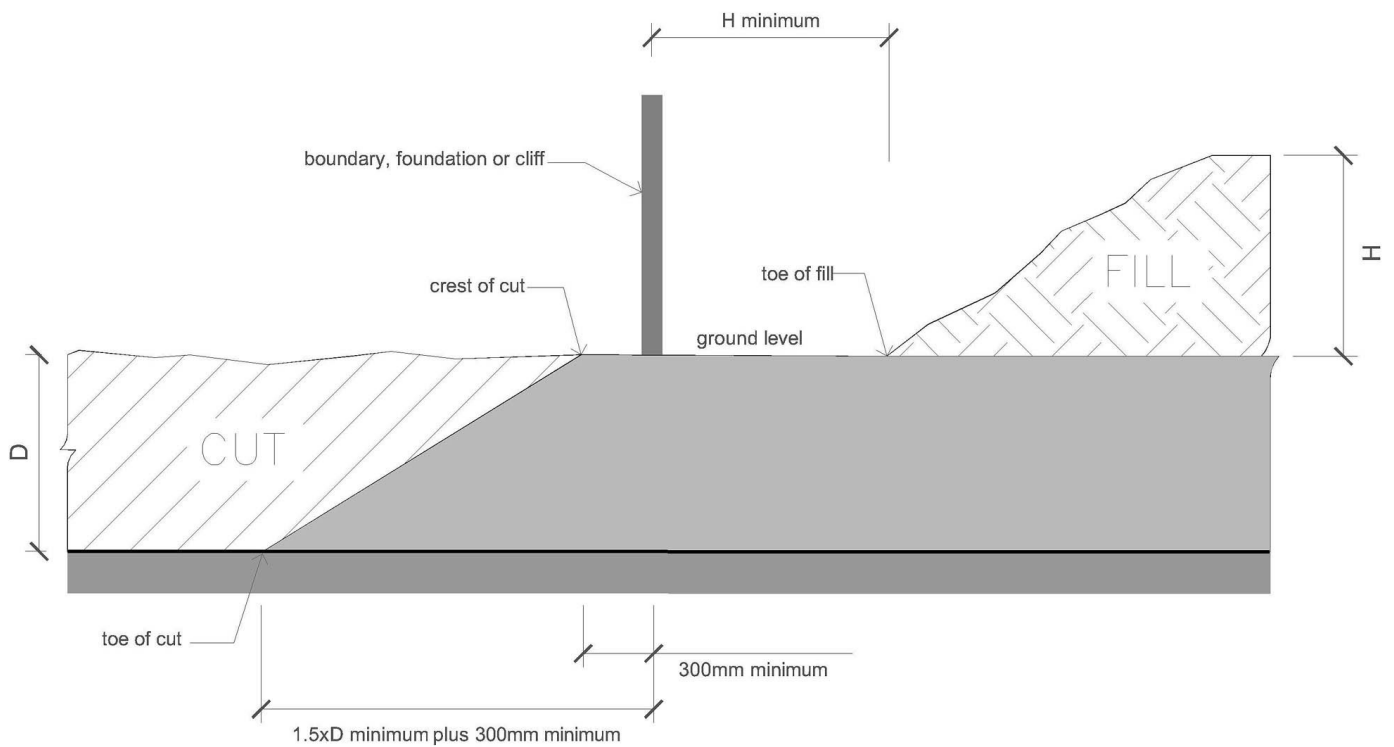
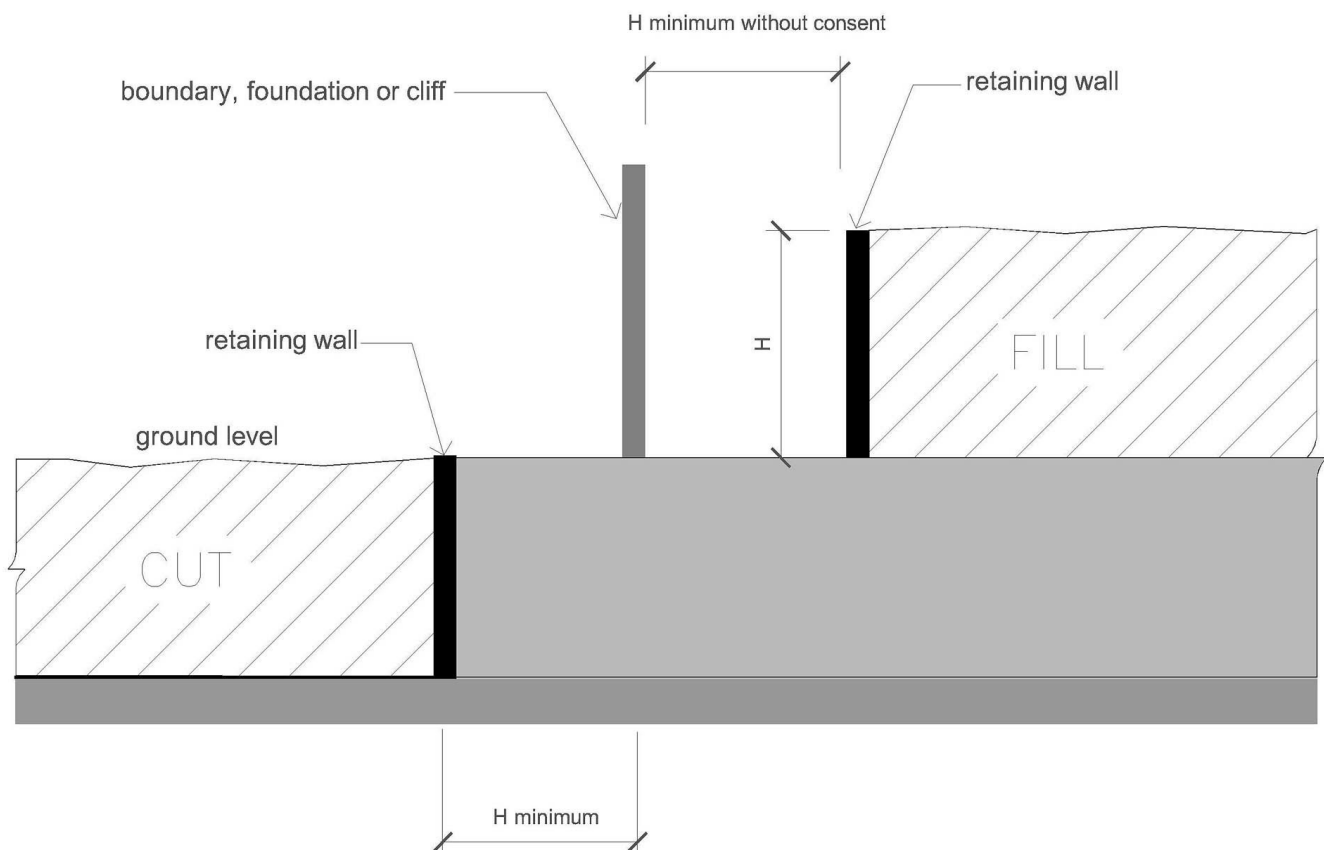


Figure 19.6B: Cut and fill supported by retaining walls (elevation view)



19.6.2.5 Setback from national grid (earthworks)

Earthworks must comply with Rule 5.6.1.2.

19.6.2.6 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

19.6.2.7 Sediment control

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

19.6.3 Fire Fighting

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

19.6.4 Hazard Overlay Zones Development Standards

19.6.4.1 Hazard exclusion area

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

19.6.4.2 Maximum area of vegetation clearance in the hazard overlay zones

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

19.6.4.3 Minimum floor level

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

19.6.4.4 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.

19.6.5 Hazardous Substances Quantity Limits and Storage Requirements

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

19.6.6 Height

19.6.6.1 Height in relation to boundary

- a. New buildings and additions or alterations to buildings must not protrude through a plane (see Figure 19.6C) raising at an angle of 45 degrees measured from a point:
 - i. 3m above ground level at the side or rear boundary with an Inner City Residential Zone or General Residential 2 Zone;
 - ii. 2.5m above ground level at the side or rear boundary with all other residential zones or a recreation zone;
 - iii. except, gable ends and dormers may protrude through the height in relation to boundary plane by a maximum of 1m (see Figure 19.6D).
- b. Rooftop structures are exempt from the performance standard for height in relation to boundary.

19.6.6.2 Maximum height

The maximum height of new buildings and structures, additions and alterations, and outdoor storage, including the temporary storage of shipping containers must not exceed the following above ground level:

Height area		Maximum height
a.	Industrial Port Zone	25m
b.	Cadbury height mapped area	28m
c.	Ravensbourne height mapped area	20m
d.	All other areas in the Industrial Zone	18m

- e. Except, rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other building and structures by 5m.
- f. 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**.

Figure 19.6C: Height in relation to boundary

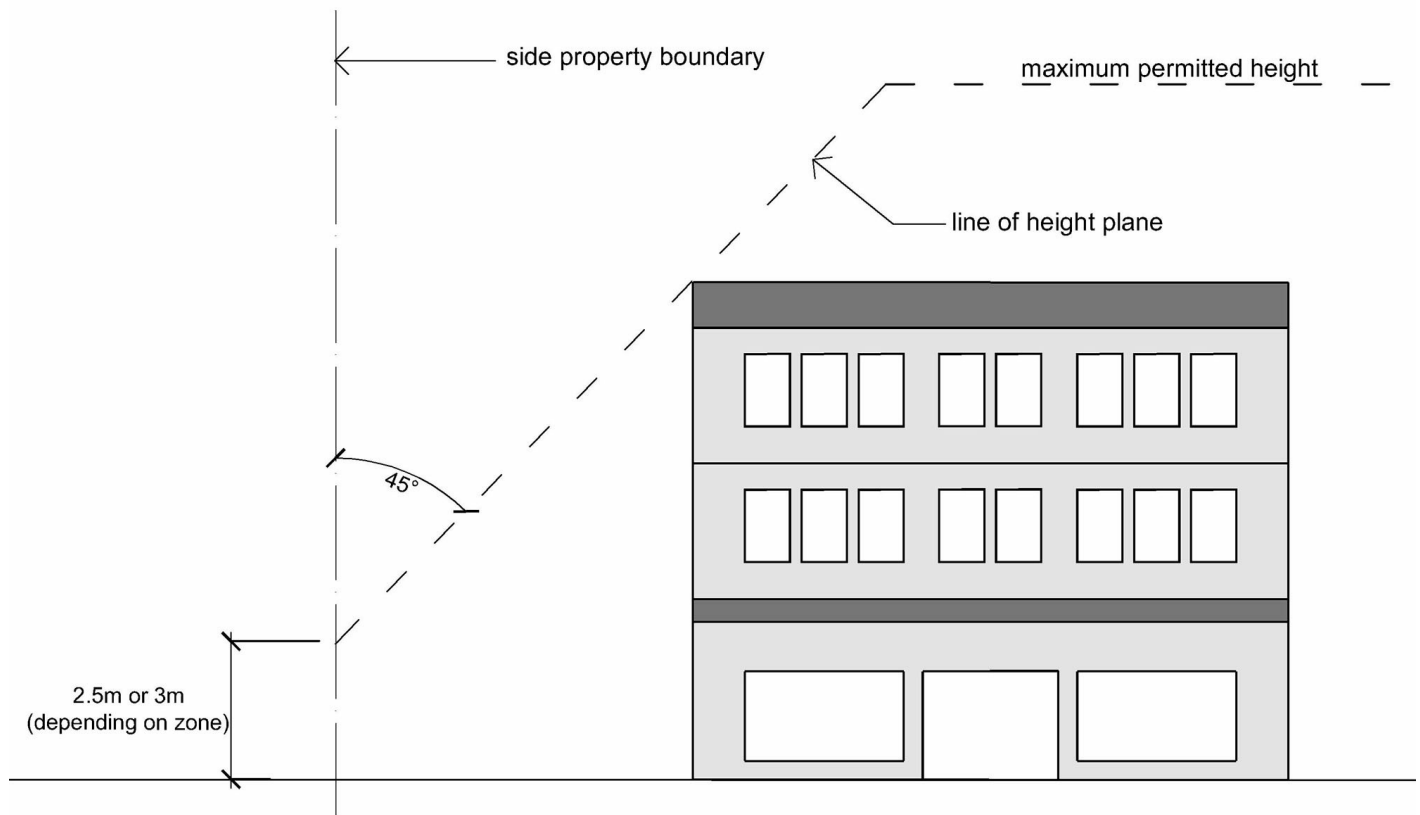
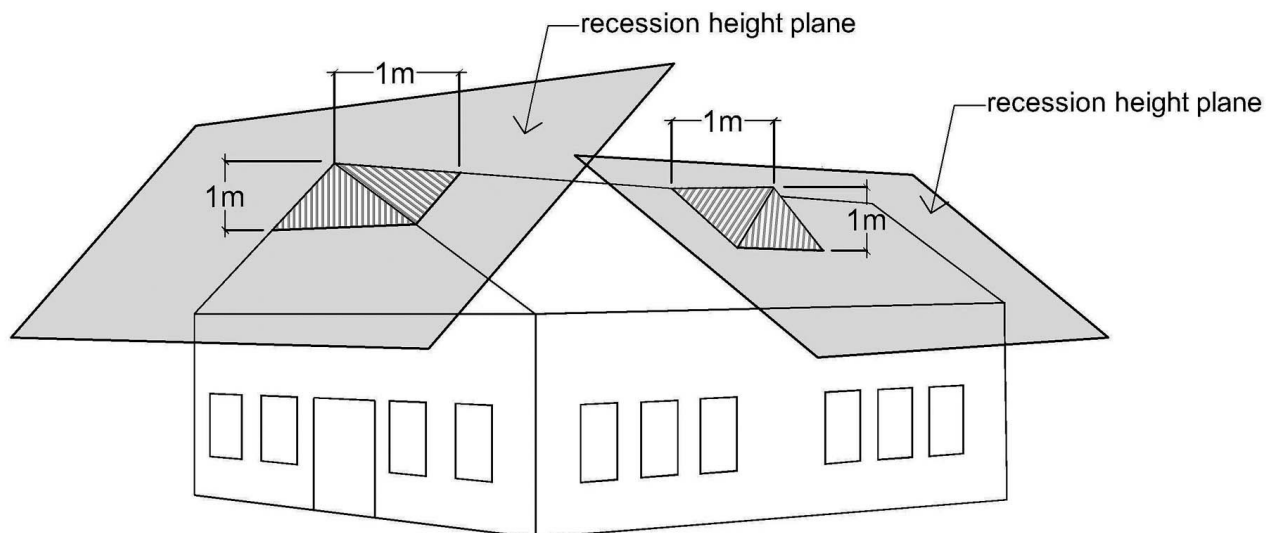
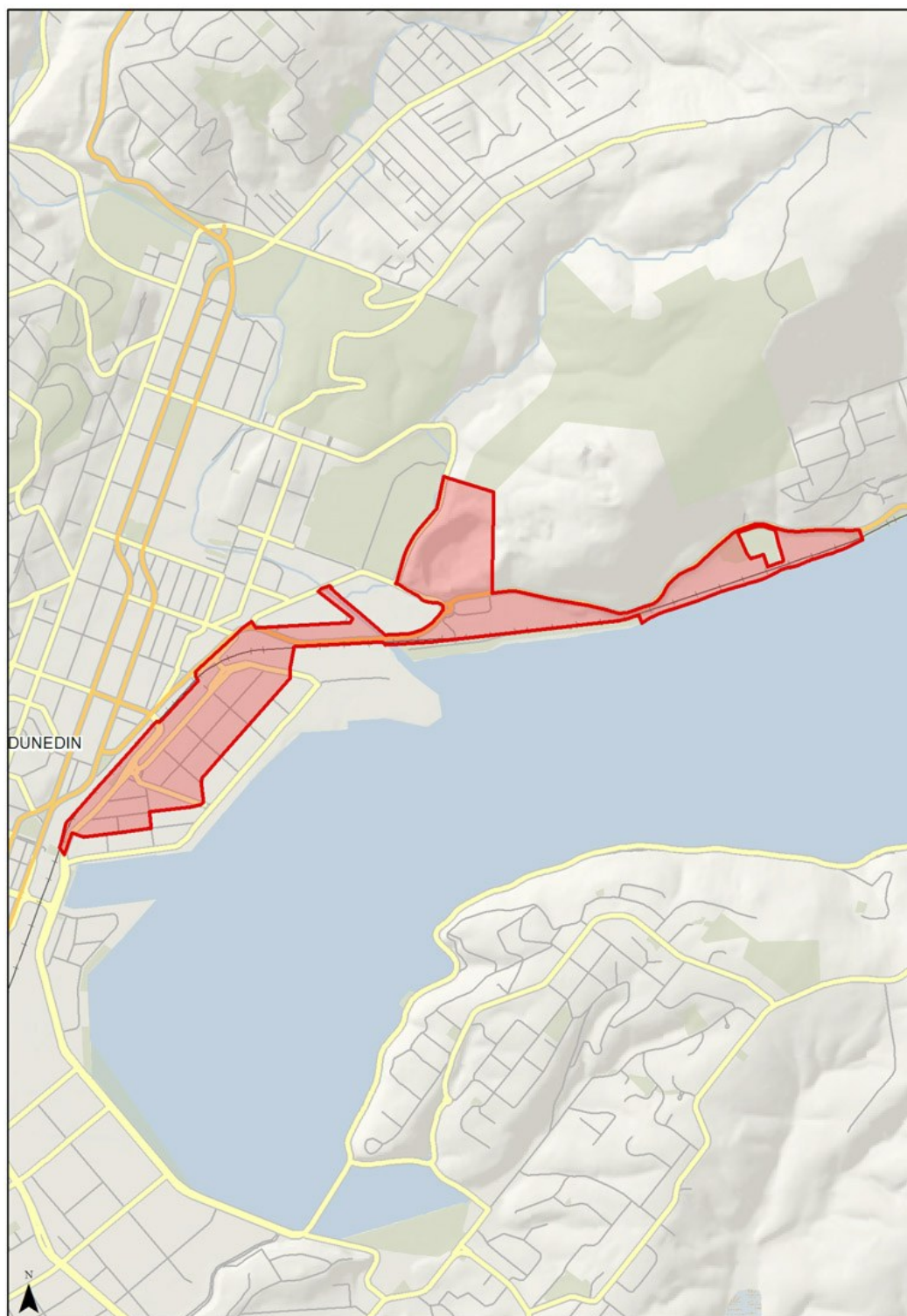


Figure 19.6D: Height in relation to boundary



Ravensbourne Height Mapped Area



19.6.7 Materials and Design

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

19.6.8 Number, Location and Design of Ancillary Signs

19.6.8.1 General

- a. Signs visible from a public place must meet all of the following performance standards.

- b. Signs must also comply with:
 - i. Rule 6.7.2 where located above the footpath; and
 - ii. Rule 6.7.3 where visible from a road.
- c. Signs must be ancillary signs.
- d. Signs higher than 4m above ground level must only display the business name.

19.6.8.2 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign attached to a building is 8m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached flat against a building:
 - i. must not cumulatively exceed 15% of the total wall area (excluding windows) that face the street frontage, or 8m², whichever is lesser; and
 - ii. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.
- e. If attached on the underside of a verandah or protruding from a building façade, signs must:
 - i. where attached to the façade of a building, not protrude more than 1.5m from the façade;
 - ii. have a maximum area per display face of 2m²;
 - iii. have a maximum of 2 display faces;
 - iv. not exceed 1 sign per 15m of street frontage, for a site with a single premise, or 1 per 7.5m, for a site with multiple premises; and
 - v. not exceed a total of 3 signs per building.

19.6.8.3 Freestanding signs

- a. The maximum number of freestanding signs is:
 - i. 2 per site or 1 per 50m of street frontage, whichever is the lesser, for permanently fixed freestanding signs; and
 - ii. 1 per 15m of street frontage for portable freestanding signs.
- b. The maximum dimensions of freestanding signs are:
 - i. maximum height of 8m for permanently fixed freestanding signs;
 - ii. maximum height of 4m for portable freestanding signs;
 - iii. maximum area of 16m² per display face for permanently fixed freestanding signs;
 - iv. maximum area of 8m² per display face for portable freestanding signs;
 - v. maximum width of 2m; and
 - vi. maximum depth of 400m.
- c. Portable freestanding signs must not be located on the road reserve.
- d. Freestanding signs must:
 - i. not obstruct driveways, parking or loading areas; and
 - ii. be positioned entirely within site boundaries, except:
 - 1. a flag sign, may project a maximum of 1.5m over a footpath if the flag sign is located at least

2.5m, at its lowest point, above the footpath.

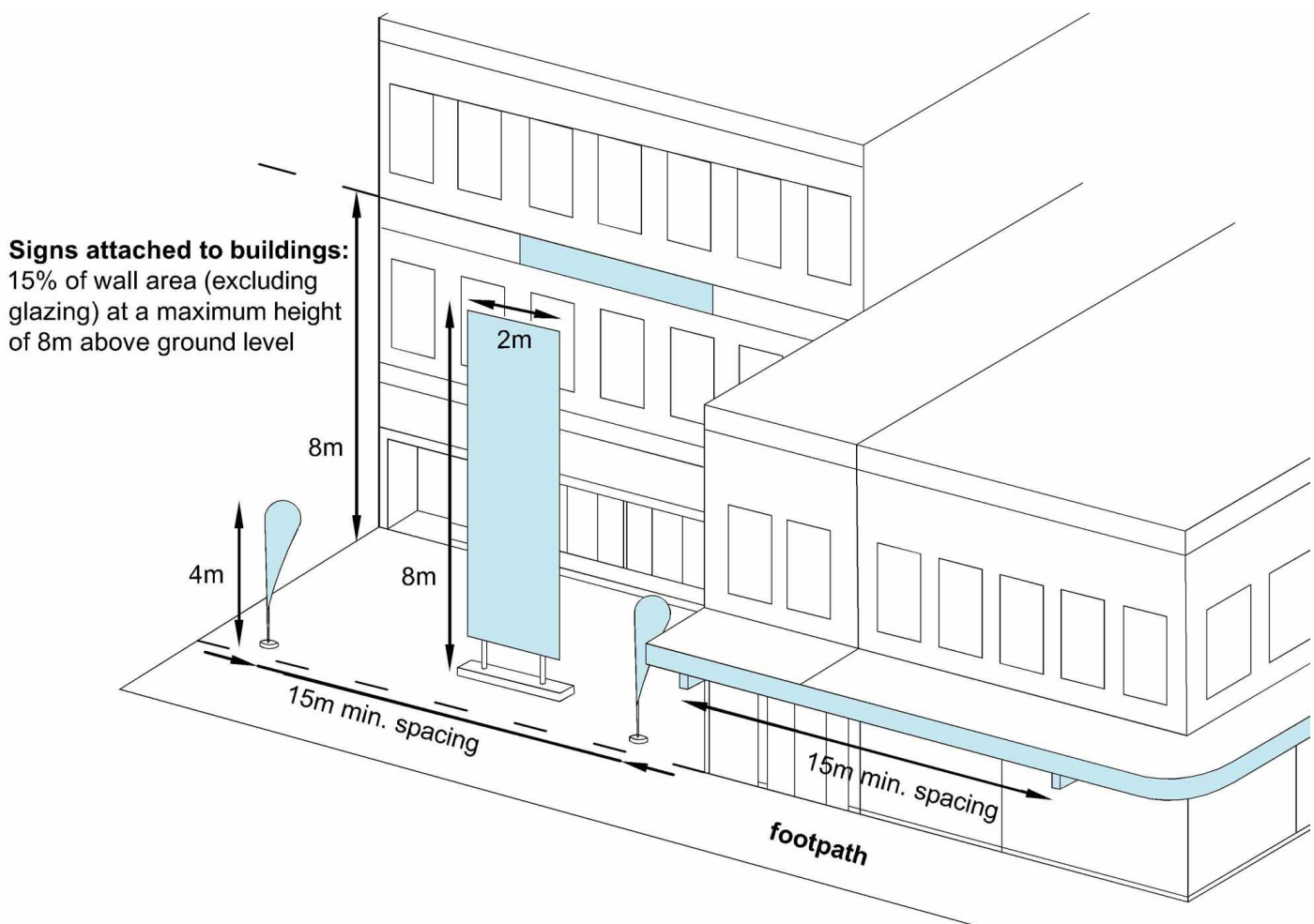
Note 19.6B - Other relevant District Plan provisions

1. Commercial advertising is a non-complying land use activity in all zones except the Airport Zone.
2. See Section 3 Public Amenities for the rules related to public noticeboards.
3. See Section 4 Temporary Activities for the rules related to temporary signs.

Note 19.6C - 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

Image 19.6E: Signs in industrial zones



19.6.9 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

19.6.10 Securing of Outdoor Storage

1. Materials stored outside must be stored in a way that prevents them contaminating any off-site area.
2. Outdoor storage must not encroach into required parking, loading or landscaping areas.

19.6.11 Setbacks

19.6.11.1 Boundary setbacks

New buildings and structures, and additions and alterations to buildings and structures must have a minimum setback as follows:

Location	Setback distance
a. From a boundary which adjoins a residential or recreation zone	5m
b. From any boundary along an amenity route mapped area	10.5m

- c. Except, fences and ancillary signs are exempt from this standard.

19.6.11.2 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.

19.6.11.3 Setback from national grid

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

19.6.11.4 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.

19.6.12 Vegetation Clearance Standards

1. Vegetation clearance in an **urban conservation mapped area** (UCMA) must comply with Rule 10.3.2.1.
2. Vegetation clearance in the Hazard 1 (land instability) and Hazard 2 (land instability) Overlay Zones must comply with Rule 11.3.2.

Rule 19.7 Subdivision Performance Standards

19.7.1 Access

Subdivision activities must comply with Rule 6.8.1.

19.7.2 Esplanade Reserves and Strips

Subdivision activities must comply with Rule 10.3.1.

19.7.3 Fire Fighting

Subdivision activities must comply with Rule 9.3.3.

19.7.4 Service Connections

Subdivision activities must comply with Rule 9.3.7.

19.7.5 Shape

1. Each resultant site must be of a size that is large enough to ensure the following performance standards can be met:
 - a. minimum car parking;
 - b. setbacks from boundaries, water bodies, scheduled trees, national grid; and
 - c. esplanade reserves or strips.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must not contain:
 - a. scheduled heritage buildings or structures; or
 - b. 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 19.8 Assessment of Controlled Activities

Rule 19.8.1 Introduction

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rule 19.8.2:
 - a. lists the matters over which Council has reserved its control; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
 - ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (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 19.9; and
 - iv. the matters of control become matters of discretion and will be assessed as indicated in this section.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 19.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 19.12; and
 - iii. the assessment guidance in this section will also be considered.

19.8.2 Assessment of controlled development activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. 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

Rule 19.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 19.9.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 19.9.2 - 19.9.6:
 - a. list the matters Council will restrict its discretion to; 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 19.9.2 - 19.9.5 apply to performance standards in the industrial zones; Rule 19.9.6 contains additional provisions that apply to performance standards in mapped areas and scheduled items.

19.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Performance standard contraventions	<p><i>Potential circumstances 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. Compliance with the performance standard would be impracticable or create health and safety issues. c. The need to meet other performance standards, or other <u>site</u> specific factors including topography, make meeting the standard impracticable. d. Topography 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. e. Non-compliance with the development performance standard would improve the design of the development in a way that would result in positive effects and better achieve identified objectives and policies of the Plan. f. The contravention is necessary for the industrial activity to operate or would have significant positive effects on its operation. <p><i>General assessment criteria:</i></p> <ol style="list-style-type: none"> g. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

19.9.3 Assessment of land use performance standards

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Electrical interference	a. Effects on health and safety	See Rule 9.4
2. <ul style="list-style-type: none"> Hours of operation Maximum gross floor area 	a. Effects on the ability of industrial activities to operate (reverse sensitivity effects)	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 19.2.1 ii. The restaurant is designed and operated to service workers engaged in or associated with industrial activities in area, and is unlikely to attract significant patronage outside of this purpose (Policy 19.2.1.6).
3. <ul style="list-style-type: none"> Minimum car parking Minimum vehicle loading Service station standards 	a. Effects on transport network	See Rule 6.9

19.9.4 Assessment of development performance standards

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Boundary setbacks (boundaries adjoining residential or recreation zoned sites)	a. Effects on the character and amenity of sensitive surrounding sites	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 19.2.2 ii. Buildings are set back an adequate distance from boundaries which adjoin residential or recreation zoned sites to maintain adequate sunlight access to these sites (Policy 19.2.2.1). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The topography of the area means adequate sunlight access will be maintained to the adjacent sites. iv. The affected part of the adjacent <u>site</u> is not utilised by, and will not be used in the future, for a sensitive use.
2. Boundary treatments (fencing)	a. Effects on the character and amenity of sensitive surrounding sites	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 19.2.2 ii. Fencing along the boundaries that adjoin residential sites in the residential zone or sites in the school zone is of an adequate height and design so that it provides screening and security (Policy 19.2.2.3).

19.9.4 Assessment of development performance standards

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	Earthworks standards: • Batter gradient	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 19.2.3 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 19.2.3.1.b).
4.	Earthworks standards: • 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 19.2.3 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 19.2.3.1.a).
5.	Earthworks standards: • 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
6.	Earthworks standards: • Sediment control	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 19.2.3 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems (Policy 19.2.3.2.b).
		b. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
7.	Fire fighting	a. Effects on health and safety	See Rule 9.4

19.9.4 Assessment of development performance standards

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.	Maximum height	a. Effects on heightscape of industrial zones	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 19.2.2 ii. Buildings and structures reflect the existing heightscape of the industrial zones (Policy 19.2.2.5a).
		b. Effects on important view shafts	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 2.4.1, Policy 2.4.1.4 ii. Objective 19.2.2 iii. Buildings and structures are of a height that avoids significant adverse effects on views from the central city and Dunedin's inner hill suburbs, across the upper harbour toward the Otago Peninsula (Policy 19.2.2.5.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. Adverse effects are adequately mitigated by: <ul style="list-style-type: none"> 1. natural landforms and features (e.g. cliffs, tall trees on adjacent reserves) that provide a backdrop to the building; 2. the topography of the site; 3. building design; or 4. other neighbouring buildings.
		c. Wind tunnelling and shading effects	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 19.2.2 ii. Buildings and structures are of a height that minimises, as far as practicable, shading and wind tunneling effects on school, residential, and recreation zoned sites (Policy 19.2.2.5.c).
		d. Effects on industrial activities	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 19.2.2 ii. The height is essential to the operation of an industrial activity; and all practicable measures have been taken to avoid or minimise the visual effects of the height limit exceedance (Policy 19.2.2.6).
		e. Effects on operation of Taieri Aerodrome	See Rule 33.9

19.9.4 Assessment of development performance standards

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
10.	Number, location and design of ancillary signs	a. Effects on character and streetscape amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 19.2.2 ii. Signs are of an appropriate size and number to convey information about the name, location and nature of the business to passing vehicles or pedestrians and not oversized or too numerous for that purpose (Policy 19.2.2.7). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Signs will not be visible from outside the zone.
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
11.	Parking, loading and access standards	a. Effects on transport network	See Rule 6.9
12.	Securing of outdoor storage	a. Effects on amenity of surrounding sites	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 19.2.2 ii. Materials stored outside, including those which may become airborne due to wind, are stored in way that prevents materials escaping and contaminating any off-site area (Policy 19.2.2.4).
13.	Setback from coast and water bodies	a. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		b. Effects on public access	See Rule 6.9
		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

19.9.5 Assessment of subdivision performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Access	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

19.9.5 Assessment of subdivision performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2.	Esplanade reserves and strips	a. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		b. Effects on public access	
3.	Fire fighting	a. Effects on health and safety	See Rule 9.4
4.	Service connections	1. Effects on affordability and efficiency of infrastructure	See Rule 9.4

19.9.5 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> <ul style="list-style-type: none"> a. Objectives 2.4.1 b. Subdivisions are designed to ensure any future land use or development is able to meet the performance standards in the zone, or where in a structure plan area, reflects the requirements of the structure plan, unless: <ul style="list-style-type: none"> i. a resource consent is approved for a development that does not meet the performance standard and the subdivision is intended for and capable of providing for that approved development; or ii. the resultant site is required for: <ul style="list-style-type: none"> 1. Scheduled ASCV; QEII covenant; or 2. reserve; or 3. access; or 4. utility; or 5. road (Policy 2.4.1.8). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> c. Non-compliance with the performance standard for shape will be assessed based on which performance standard(s) the shape of the resultant site does not provide for compliance with. See matters of discretion and assessment rules in relation to performance standard contraventions for: <ul style="list-style-type: none"> i. boundary setbacks; ii. setbacks from water bodies; iii. setback from scheduled tree; iv. setback from national grid; and v. earthworks standards (building platform slope). <p><i>Conditions that may be imposed:</i></p> <ul style="list-style-type: none"> d. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site. e. A building platform may be required to be registered against the title by way of consent notice. 	

19.9.6 Assessment of restricted discretionary activities in a mapped area or affecting a scheduled item

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. In an amenity route mapped area : <ul style="list-style-type: none"> Boundary setbacks Boundary treatments - landscaping 	a. Effects on streetscape amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 19.2.2 ii. Development along an amenity route mapped area to provide a high level of streetscape amenity (Policy 19.2.2.2). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. There are positive effects on streetscape amenity related to better building or <u>site</u> design outcomes achieved through not meeting the performance standard.
2. In a hazard overlay zone or swale mapped area : <ul style="list-style-type: none"> Hazard overlay zones development standards 	a. Risk from natural hazards	See Rule 11.4
3. Affecting a scheduled heritage item : <ul style="list-style-type: none"> Materials and design 	a. Effects on heritage values	See Rule 13.5
4. In the Taieri Aerodrome Flight Fan mapped area : <ul style="list-style-type: none"> Maximum height (Rule 9.6.6.2.f) 	a. Effects on operation of Taieri Aerodrome	See Rule 9.4

Rule 19.10 Assessment of Restricted Discretionary Activities

Rule 19.10.1 Introduction

- 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.
- Rules 19.10.2 - 19.10.6:
 - list the matters Council will restrict its discretion to; and
 - provide guidance on how a consent application will be assessed, including:
 - relevant objectives and policies, with respect to s104(1)(b)(vi);
 - potential circumstances that may support a consent application;
 - general assessment guidance; and
 - conditions that may be imposed.

3. Rules 19.10.2 - 19.10.5 apply to activities in the industrial zones; Rule 19.10.6 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 minimize 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 19.9; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 19.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 19.12; and
 - iii. the assessment guidance in this section will also be considered.

19.10.2 Assessment of all restricted discretionary activities

Activity	Guidance on the assessment of resource consents
1. All restricted discretionary activities	<p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> a. For restricted discretionary land use activities, whether any associated buildings or structures meet relevant development performance standards. <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> b. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

19.10.3 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> Emergency services Service stations 	a. Effects on the safety and efficiency of the transport network	See Rule 6.10
2. Crematoriums	a. Effects on cultural values of manawhenua	See Rule 14.4
	b. Effects on industrial activities	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 19.2.2 ii. The potential for reverse sensitivity, that may affect the ability of industrial activities to operate, will be avoided or, if avoidance is not possible, will be no more than minor (Policy 19.2.2.8).
	c. Effects on amenity of surrounding sites	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 19.2.2 ii. Crematoriums are located to avoid significant adverse effects on the amenity of surrounding residential, school and recreation zoned sites (Policy 19.2.2.9).
3. <ul style="list-style-type: none"> Community and leisure - small scale Community and leisure - large scale Sport and recreation 	a. Effects on industrial activities	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 19.2.2 ii. The potential for reverse sensitivity, that may affect the ability of industrial activities to operate, will be avoided or, if avoidance is not possible, will be no more than minor (Policy 19.2.2.8). iii. Community and leisure, and sport and recreation activities have specific operational requirements when located in the industrial zones that mean it is not practical to locate in a recreation, residential or commercial mixed use zone (Policy 19.2.1.7). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. The scale of the activity is such that it will not result in a more than minor long term loss of land for industrial or port activities within a particular area, either on its own, or cumulatively with other non-industrial or port activities in that area. v. The number of people involved in the activity, hours of operation, noise is such that the activity will not have significant adverse effects on the amenity of surrounding residential, school and recreation zones.

19.10.3 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
4. Ancillary licensed premises	a. Effects on industrial activities	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 19.2.1 ii. Restaurants and ancillary licensed premises are designed and operated to service the workers engaged in or associated with industrial or port activities in the area, and are unlikely to attract significant patronage outside of this purpose (Policy 19.2.1.6). iii. Retail ancillary to industry is of a size that it: <ul style="list-style-type: none"> i. is clearly subordinate to and part of the operation of the primary industrial activity; and ii. does not conflict with objectives 2.3.1, 2.3.2 and 2.4.3; and iii. does not create adverse effects on other industrial activities, for example from traffic, parking or reverse sensitivity effects (Policy 19.2.1.5). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. The number of people involved in the activity, hours of operation, noise is such that the activity will not have significant adverse effects on the amenity of surrounding residential, school and recreation zones.

19.10.4 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Earthworks - large scale (that exceed the scale thresholds for the industrial 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 19.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 19.2.3.3.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 19.2.3.3.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:</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.

19.10.4 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 19.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 19.2.3.3.c). <p><i>Potential circumstances that may support a consent application:</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 19.13.1). 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	See Rule 10.5
	b. Effects on public access	
3. New parking areas, or extensions to existing parking areas (<i>that result in the creation of 50 or more new parking spaces.</i>)	a. Effects on the safety and efficiency of the transport network	See Rule 6.10

19.10.5 Assessment of restricted discretionary subdivision activities

Subdivision activities	Matters of discretion	Guidance on the assessment of resource consents
1. Subdivision activities	a. Effects on the safety and efficiency of the transport network	See Rule 6.10
	b. Effects on health and safety	See Rule 9.5
	c. Effects on affordability and efficiency of infrastructure	
	d. Risk from natural hazards	See Rule 11.5

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. In the hazard overlay zones : <ul style="list-style-type: none"> Earthworks - large scale (that exceed scale thresholds for a hazard (land instability) overlay zone) Earthworks - large scale (that exceed scale thresholds for a hazard (flood) overlay zone) Earthworks - large scale (that exceed scale thresholds for a swale mapped area) Subdivision activities in a hazard 3 (Coastal) Overlay Zone 	a. Risk from natural hazards	See Rule 11.5
2. In the hazard 1 or hazard 2 overlay zones , other than the hazard 1 (land instability) Overlay Zone (see Rule 19.3.6): <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

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Affecting a scheduled heritage item : <ul style="list-style-type: none"> • All other additions and alterations, and removal for relocation that affect a protected part of a scheduled heritage building or a scheduled heritage structure. • New buildings, all other structures, driveways, and parking, loading and access on a scheduled heritage site, where visible from an adjoining public place or a public place within a heritage site. • Earthworks - large scale (that exceed scale thresholds for a SHS) • Subdivision activities in a scheduled heritage site 	a. Effects on heritage values	See Rule 13.6
4. 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
5. 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

Rule 19.11 Assessment of Discretionary Activities

Rule 19.11.1 Introduction

- 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.
- With respect to section 104(2) of the RMA, Council will not consider the performance standard for maximum height in the industrial zones as part of the permitted baseline in considering the effects of discretionary activities.
- Rules 19.11.2 - 19.11.4 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - potential circumstances that may support a consent applications;
 - general assessment guidance, including any effects that will be considered as a priority; and
 - conditions that may be imposed.
- For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

19.11.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities	<p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> For discretionary land use activities, whether any associated buildings or structures meet relevant development performance standards, or otherwise achieve the relevant policies for development (see Rule 19.9 for performance standard contraventions). All relevant land use performance standards are met, including noise and light spill standards. <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> In assessing the significance of effects, consideration will be given to: <ol style="list-style-type: none"> both short and long term effects, including effects in combination with other activities the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. 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. 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.

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

Activity	Guidance on the assessment of resource consents
1. In the hazard 1 overlay zones (see rule 19.3.6): <ul style="list-style-type: none"> Potentially sensitive activities permitted in Industrial Zone 	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.
2. In the hazard 2 overlay zones (see rule 19.3.6): <ul style="list-style-type: none"> Potentially sensitive activities not permitted in Industrial Zone Sensitive activities 	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.

19.11.4 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. <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 	See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and the effects on public health and safety.

Rule 19.12 Assessment of Non-complying Activities

Rule 19.12.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. With respect to section 104(2) of the RMA, Council will not consider the maximum height performance standard in the industrial zones as part of the permitted baseline in considering the effects of non-complying activities.
3. Rules 19.12.2 - 19.12.5 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

19.12.2 Assessment of all non-complying activities

Activity	Assessment Matters
1. All non-complying activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to, those related to: <ul style="list-style-type: none"> i. land that is important for economic and social prosperity, including industrial areas, major facilities, and key transportation routes, and productive rural land, is protected from less productive competing uses or incompatible uses (Objective 2.3.1). b. The activity supports the purpose of the zone as outlined in (Objectives 2.3.1 and (19.2.1 c. The establishment of non-industrial or non-port activities in the industrial zones, other than those expressly provided for, is avoided, unless they would have significant positive effects on the successful operation of surrounding industrial or port activities (Policy 19.2.1.3). <p><i>Potential circumstances that may support a consent application should include:</i></p> <ul style="list-style-type: none"> d. There are significant positive effects on the operation of industrial or port activities. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> e. In assessing the significance of effects, consideration will be given to: <ul style="list-style-type: none"> i. both short and long term effects, including effects in combination with other activities. ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. f. 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.

19.12.3 Assessment of non-complying land use and development activities

Activity	Guidance on the assessment of resource consents
1. Commercial advertising	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 2.4.1 b. Policy 2.4.1.6.c
2. In the hazard 1 overlay zones (see Rule 19.3.6): <ul style="list-style-type: none"> • Potentially sensitive activities not permitted in Industrial Zone • Sensitive activities 	See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and the effects related to the risk from natural hazards.

19.12.3 Assessment of non-complying land use and development activities

Activity	Guidance on the assessment of resource consents
3. <ul style="list-style-type: none"> • Cemeteries • 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.
4. 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.

19.12.5 Assessment of non-complying performance standard contraventions

Performance standard	Assessment matters
1. <ul style="list-style-type: none"> • Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5dB 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 the effects related to public health and safety.
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. Hazard overlay development standards: <ul style="list-style-type: none"> • hazard exclusion areas 	See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards.
4. Maximum gross floor area (retail ancillary to industrial)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> Objectives 2.3.1 and 19.2.1 Retail ancillary to industry is of a size that is clearly subordinate to and part of the operation of the primary industrial activity; and does not conflict with objectives 2.3.1, 2.3.2 and 2.4.3; and does not create adverse effects on other industrial activities, for example from traffic, parking or reverse sensitivity effects (Policy 19.2.1.5).
5. 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 19.13 Special Information Requirements

19.13.1 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 suitably qualified expert who is experienced in the practice of geotechnical engineering and registered under the Chartered Professional Engineers Act of New Zealand 2002 and who has professional indemnity insurance.
4. The geotechnical investigation report must address the following factors:
 - a. special design or construction requirements;
 - b. special foundation requirements;
 - c. services;
 - d. access;
 - e. effluent disposal;
 - f. non-engineered fills; and
 - g. a statement of professional opinion as to the suitability of the land for the proposed development.

