

20. Recreation Zone

20.1 Introduction

Public reserve and recreational areas are interspersed among other environments within the city. The protection and provision of these areas and facilities is important for the health and well-being of the community and to contribute to amenity values.

The key resource management issues relating to public reserves and recreation areas are:

- The current District Plan applies the surrounding zone to recreational areas, which means the development on such sites is subject to the rules of the zone in which they are located, which does not enable consideration of the effects of the recreation activity or development on other users or surrounding neighbours. The lack of identification of recreation areas in the current District Plan results in uncertainty for surrounding properties in regard to what development might occur on adjacent recreational areas. The current situation may also result in activities being undertaken on land adjacent to recreation areas and facilities without full consideration of the effects on the recreation area.
- Activities and developments in recreation areas can have adverse effects on the surrounding environment. For example, large scale buildings and structures, parking and traffic effects, and nuisance-related effects such as noise or glare from lighting can impact on the amenity of surrounding residential properties. As these areas and facilities are not identified in the current District Plan, there is no provision for the types of activities or developments that are anticipated and appropriate in these areas and the effects are only assessed within the context of the surrounding environment rules. This means that the positive effects of activities or development cannot be taken into account.
- Many recreation areas provide important green space for the city. As such, limiting the types and scale of activities and development that occurs on them is necessary to ensure that they are available for a range of uses (including casual public use), and that green space is not consumed by inappropriate activities or development.
- Commercial food, beverage, and retail activities provided in association with recreation facilities could threaten the vitality of centres if provided in a way or at a scale that would compete with activities in the centres. Such activities occurring outside the commercial centres also have the potential to impact on neighbours.

In response to the issues, the Second Generation Plan (2GP) proposes to provide for these areas through a specific Recreation Zone. The areas covered by the zone are primarily sports fields, large urban bush reserves, and coastal reserves.

The provisions proposed in the 2GP recognise the values of these different areas included in the Recreation Zone; enabling an appropriate level of use and development in the different areas; and control the effects of the activities that take place on them. As such, recreational activity is enabled in an efficient manner and certainty as to what can occur on these areas is provided to both the recreational bodies and to adjacent land owners.

Other recreation areas not incorporated in this zone are:

- a. Small pocket parks, such as neighbourhood playgrounds, and small reserve areas in commercial centres or the inner city, which retain the zoning of the surrounding environment.
- b. Some of the major facilities on recreation areas (such as Moana Pool), which are managed through the major facilities zones.
- c. Open space and recreation areas in the rural environment, which are generally zoned the same as the surrounding environment (i.e. rural zones). These areas are primarily used for conservation, protection of biodiversity and landscapes, and to provide for walking and biking tracks.

20.2 Objectives and Policies

Objective 20.2.1	
The Recreation Zone provides opportunities for a wide range of recreational, sporting, community, and cultural activities.	
Policy 20.2.1.1	Enable sport and recreation, community and leisure activities, and restaurant and retail ancillary to sport and recreation.
Policy 20.2.1.2	Enable rural activities in the form of grazing and forestry.
Policy 20.2.1.3	Provide for a wide range of community activities, cemeteries, and campgrounds, where these activities are designed and operated to meet Objective 20.2.2 and its policies.
Policy 20.2.1.4	Avoid industrial, residential, commercial, rural, and major facilities activities, unless otherwise provided for in the Recreation Zone.

Objective 20.2.2	
Land use, development and subdivision activities: support the efficient and effective operation of the recreation area; maintain a high standard of on-site amenity for users of the recreation area; and maintain or enhance neighbourhood amenity and the amenity of any surrounding residential properties.	
Policy 20.2.2.1	Require development to maintain or enhance on-site amenity for recreation area users, neighbourhood amenity, and the amenity of any surrounding residential properties by ensuring: <ul style="list-style-type: none"> a. there are adequate areas free from buildings or hard surfacing; b. the height, boundary setbacks, height in relation to boundary, and scale of buildings and structures is appropriate to the recreation area and in keeping with the scale of buildings in surrounding residential environments; c. service areas for campgrounds or restaurants ancillary to sport and recreation, are not visible from ground level from outside the site; d. communal outdoor gathering areas are designed and located to avoid overlooking and disturbing surrounding residential properties; e. parking areas are designed or located to minimise light spill from vehicles on surrounding residential properties; and f. outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or nuisance effects.
Policy 20.2.2.2	Require boundary fences to be of a height and design that contributes positively to streetscape amenity and character of the neighbourhood and recreation area.
Policy 20.2.2.3	Require ancillary signs to be located and designed to maintain on-site amenity, and surrounding streetscape and residential amenity by: <ul style="list-style-type: none"> a. being of an appropriate size, design, and number to convey information about the name and nature of the club, organisation, or reserve, and not oversized or too numerous than what is necessary for that purpose; and b. limiting commercial sponsorship signs ancillary to sport and recreation to be temporary or enclosed within the site.
Policy 20.2.2.4	Require forestry and tree planting to be set back an adequate distance to avoid significant effects from shading on residential buildings on adjacent properties.

Objective 20.2.2

Land use, development and subdivision activities: support the efficient and effective operation of the recreation area; maintain a high standard of on-site amenity for users of the recreation area; and maintain or enhance neighbourhood amenity and the amenity of any surrounding residential properties.

Policy 20.2.2.5	Require retail, restaurants, and conference, meeting and function ancillary to sport and recreation, and ancillary licensed premises, to operate in a way (including hours of operation) that avoids, or if avoidance is not possible, adequately mitigates, noise or other adverse effects on the amenity of surrounding residential properties.
Policy 20.2.2.6	Only allow sport and recreation that involves motor vehicles, where there will be no, or only minimal, adverse effects on: <ul style="list-style-type: none"> a. any surrounding residential properties; and b. other recreation area users.
Policy 20.2.2.7	Only allow campgrounds where any adverse effects, including from noise, dust or loss of privacy, on surrounding residential properties and other recreation area users, can be avoided or if avoidance is not possible, is adequately mitigated.
Policy 20.2.2.8	Only allow cemeteries, where they are designed and located: <ul style="list-style-type: none"> a. to avoid or, if avoidance is not possible, adequately mitigate, adverse effects on the amenity of surrounding residential properties; and b. to minimise the potential for reverse sensitivity from surrounding permitted activities that may affect the ability of the cemetery to operate.
Policy 20.2.2.9	Only allow mining where: <ul style="list-style-type: none"> a. there is a reasonable certainty that land will be restored to a standard that will minimise the long term visual effects; and b. any adverse effects, including from noise or dust, on surrounding residential properties or other recreation area users, can be avoided or if avoidance is not possible, is adequately mitigated.
Policy 20.2.2.10	Only allow new buildings or additions and alterations to buildings that will result in gross floor area greater than 350m ² and/ or has any wall longer than 20m where any adverse effects on on-site amenity, surrounding properties, and neighbourhood amenity, can be avoided, or if avoidance not possible, adequately mitigated.
Policy 20.2.2.11	Only allow subdivision activities where: <ul style="list-style-type: none"> a. the subdivision does not adversely affect the efficient and effective operation of the recreation area.
Policy 20.2.2.12	Only allow early childhood education where designed and located to avoid or, if avoidance is not possible, adequately mitigate adverse effects on: <ul style="list-style-type: none"> a. the amenity of surrounding residential properties; and b. other recreation area users.
Policy 20.2.2.13	Only allow stand-alone car parking where it is the secondary use of a car parking area required for an activity provided for in the recreation area, at times when that parking is not needed for that activity or otherwise needed to facilitate public use of the recreation area.

Objective 20.2.3

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 20.2.3.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: <ol 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 20.2.3.2	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: <ol 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 20.2.3.3	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: <ol 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 20.2.3.4	Require earthworks ancillary to forestry to be carried out in accordance with industry best practice guidelines.

Rules

Rule 20.3 Activity Status

20.3.1 Rule location

The activity status tables in Rules 20.3.3 to 20.3.6 specify the activity status of land use activities, development activities, and subdivision activities in the 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)

20.3.2 Activity status introduction

1. The activity status tables in Rules 20.3.3 - 20.3.6 show the activity status of activities in the Recreation Zone and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.6 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 20.3.6 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 20.3.6 differs from that in Rule 20.3.3 - 20.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 20.3.6, performance standards for development activities within hazard overlay zones are included in Rule 20.3.3- 20.3.5.
10. Activities in a hazard overlay zone must comply with all of the rules in 20.3.3 - 20.3.6.

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 controlled or restricted discretionary activity does not meet one or more performance standards, then the activity status is restricted discretionary, unless otherwise indicated in the performance standard.

Legend

Acronym	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 zone name
Rec	Recreation Zone
NCC	Natural Coastal Character Overlay Zone
Scheduled ASCV	Scheduled Area of Significant Conservation Value
UCMA	Urban Conservation Mapped Area
SHS	Scheduled Heritage Site
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones

20.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities				a. Acoustic insulation (noise sensitive activities only) b. Electrical interference c. Light spill d. Noise e. Setback from national grid (sensitive activities only)
Community activities		Activity status			Performance standards
		a. Rec	b. NCC	c. ASCV	
2.	Community and leisure - small scale	P	—	—	i. Minimum car parking
3.	Community and leisure - large scale	RD	—	—	i. Minimum car parking

4.	Conservation	P	—	—	
5.	Early childhood education - small scale	RD	—	—	
6.	Early childhood education - large scale	D	—	—	
7.	Sport and recreation that involves motor vehicles	D	—	D	
8.	All other sport and recreation	P	—	D	i. Hours of operation ii. Minimum car parking
Commercial activities		a. Rec	b. NCC	c. ASCV	Performance standards
9.	Ancillary licensed premises	RD	—	—	i. Hours of operation
10.	Conference, meeting, and function <i>activity ancillary to sport and recreation</i>	P	—	D	i. Scale of operation
11.	Campgrounds	RD	—	NC	i. Minimum car parking
12.	Restaurants <i>ancillary to sport and recreation</i>	P	—	D	i. Hours of operation
13.	Retail activities <i>ancillary to sport and recreation</i>	P	—	D	
14.	Stand-alone car parking	RD	—	NC	
15.	All other activities in the commercial activities category	NC	—	NC	
Rural activities		a. Rec	b. NCC	c. ASCV	Performance standards
16.	Forestry	P	RD	NC	i. Forestry and tree planting setbacks ii. Tree species
17.	Grazing	P	—	NC	
18.	Mining	D	D	NC	
19.	All other activities in the rural activities category	NC	—	NC	
Industrial activities		a. Rec	b. NCC	c. ASCV	Performance standards
20.	All activities in the industrial activities category	NC	—	NC	
Residential activities		a. Rec	b. NCC	c. ASCV	Performance standards
21.	All activities in the residential activities category	NC	—	NC	
Major facility activities		a. Rec	b. NCC	c. ASCV	Performance standards
22.	Cemeteries	RD	—	NC	
23.	All other activities in the major facility activities category	NC	—	NC	

20.3.4 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. Fire fighting c. Height in relation to boundary d. Maximum height e. Number, location and design of ancillary signs		
Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or a scheduled heritage structure. See Rows 8 - 12)		Activity status		
		a. Rec	b. NCC	c. ASCV
3.	New buildings or additions and alterations <i>that result in a building that is less than or equal to 60m²</i>	P	—	—
4.	New buildings or additions and alterations <i>that result in a building that is greater than 60m² and less than or equal to 350m² and/or has any wall longer than 20m</i>	P	RD	RD
5.	New buildings or additions and alterations <i>that result in a building that is greater than 350m² and/or has any wall longer than 20m</i>	RD	—	—
6.	Fences	P	—	—
7.	All other buildings and structures activities	P	—	—
Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		a. Rec	b. NCC	c. ASCV
8.	Repairs and maintenance, or <u>restoration</u>	P	—	—
9.	Earthquake strengthening <i>where external features only are protected</i>	C	—	—
10.	All other additions and alterations	RD	—	—
11.	Demolition	NC	—	—
12.	Removal for relocation	RD	—	—
<u>Development activities on a scheduled heritage site, where visible from an adjoining public place or a public place within the heritage site</u>		a. Rec	b. NCC	c. ASCV
		Performance standards		

13.	Structures <i>no more than 2.5m high and 2m² footprint</i>	P	—	—	
14.	New buildings and all other structures, and parking, loading and access	RD	—	—	
Site development activities in all areas (except as covered by Rows 13 - 14 above)		a. Rec	b. NCC	c. ASCV	Performance standards
15.	Earthworks - small scale	P	—	—	i. Earthworks standards
16.	Earthworks - large scale	RD	RD	RD	i. Earthworks standards
17.	Outdoor storage	P	—	—	i. Location and screening of outdoor storage
18.	Vegetation clearance	P	—	—	i. Vegetation clearance standards
19.	Indigenous vegetation clearance	P	RD	RD	i. Vegetation clearance standards
20.	Parking, loading and access	P	—	—	i. Parking, loading and access standards ii. Location and screening of car parking
21.	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 ii. Location and screening of car parking
22.	Storage and use of hazardous substances	P	—	—	i. Hazardous substances quantity limits and storage requirements
23.	Tree planting	P	—	—	i. Tree species ii. Forestry and tree planting setbacks
24.	All other site development activities	P	—	—	

20.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status			c. Performance standards
		a. Rec	b. NCC	c. ASCV	
1.	General subdivision	RD	RD	RD	i. Access ii. Esplanade reserves and strips iii. Fire fighting iv. Service connections v. Shape
2.	Cross lease, company lease and unit title subdivision	NC	—	—	

20.3.6 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 Recreation Zone	D	—	—
2.	Potentially sensitive activities not permitted in Recreation Zone	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 20.3A - Guidance on existing use rights applying to land use activities in hazard overlay zones

- 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:
 - 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
 - for a residential activity, a new building is to be used solely as a garage or shed; or
 - 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.
- 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 20.3B - General advice

- 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 20.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or section 95B of the 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 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;
 2. all commercial activities (including commercial advertising); and
 3. all industrial activities.
4. With respect to resource consent applications for the following activities, manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. cemeteries;
 2. all restricted discretionary activities that list 'effect on cultural values of manawhenua' as a matter for discretion; and
 3. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4.
5. In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons.
6. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rules 20.5 Land Use Performance Standards

20.5.1 Acoustic Insulation

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

1. port noise control mapped area;
2. within 40m of a state highway;
3. within 20m of an Industrial Zone; and
4. within 70m of a railway line.

20.5.2 Electrical Interference

Land use activities must comply with Rule 9.3.2.

20.5.3 Scale of Operation

20.5.3.1 Hours of operation

- a. Sport and recreation, activities that are ancillary to sport and recreation (retail; restaurant; and conference, meeting and function), and ancillary licensed premises must operate within the following hours:

Days of week		Hours of operation
i.	Sunday - Thursday	7am - 10.30pm
ii.	Friday - Saturday	7am - 12am (midnight)

- b. Sportsfield lighting on sites adjacent to a residential zone must not operate from 10pm - 7am.

20.5.3.2 Scale of activities

- a. Conference, meeting and function ancillary to sport and recreation must not exceed an attendance rate of 25 people at any one time, or, for a maximum of 10 days per calendar year, an attendance rate of up to 50 people.
- b. Conference, meeting and function activities that contravene this performance standard are a discretionary activity.

Note 20.5A - Other requirements outside of the District Plan

1. Activities that involve the sale or provision of alcohol, or contain a social area that could be used for this purpose, may require a licence. Contact the DCC's Alcohol Licensing Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
2. Land owner consent from the DCC's Parks, Recreation and Aquatic Group Department is required for activities or development on recreation areas in addition to any permission or consent granted under the District Plan. Additional controls may apply under the Reserves Act 1977 or any Management Plan for the Area. Please contact customer services on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.

20.5.4 Light Spill

Land use activities must comply with Rule 9.3.5.

20.5.5 Minimum Car Parking

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

Activity	Minimum car parking rate
1. Community and leisure	1 parking space for every 5 persons the facility can accommodate at any one time
2. Sport and recreation	1 parking space for every 5 persons that the facility can accommodate at any one time.
3. Campgrounds	1 parking space for every visitor accommodation unit

4. 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

5. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility parking.
6. Parking spaces may be shared between land use activities (ie the same parking spaces may be used to fulfill the minimum car parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap.
7. Where the minimum car 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 20.5B - Other relevant District Plan provisions

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

20.5.6 Noise

Land use activities must comply with Rule 9.3.6.

20.5.7 Setback from National Grid

Sensitive activities must comply with Rule 5.6.1.

20.5.8 Tree Species

Forestry and tree planting must comply with Rule 10.3.4.

Rule 20.6 Development Performance Standards

20.6.1 Earthworks Standards

20.6.1.1 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. Recreation Zone	2. UCMA, SHS	3. NCC	4. Scheduled ASCV, or within 5m of a water body ¹ MHWS	5. Haz1 (Flood)	6. Haz2 & Haz3 (Flood)	7. Haz1 & Haz2 (Land Instability)
i.	Change in ground level	1.5m	1m	1.5m	0.5m	—	—	1m
ii.	Maximum area	—	50m 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	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	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	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	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 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

- ix. Where in a **swale mapped area** or **dune system 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. Scale thresholds will be calculated as the cumulative total of earthworks on any site in a two calendar-year period.
- d. Earthworks *ancillary to network utilities* activities are only required to comply with 20.6.1.1.a.i change in ground level threshold.
- e. 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.
- f. Earthworks in a Scheduled ASCV as part of the formation of a track up to 1.5m wide are exempt from Rule 20.6.1.1.a.4.
- 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.

20.6.1.2 Archaeological sites

Earthworks must comply with Rule 13.3.3.

20.6.1.3 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.

20.6.1.4 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 20.6A);
 - 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 20.6A); and
 - iii. 300mm, as measured from the crest of any cut (see Figure 20.6A).
- 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 20.6B), 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 20.6A: Unsupported cut and fill (elevation view)

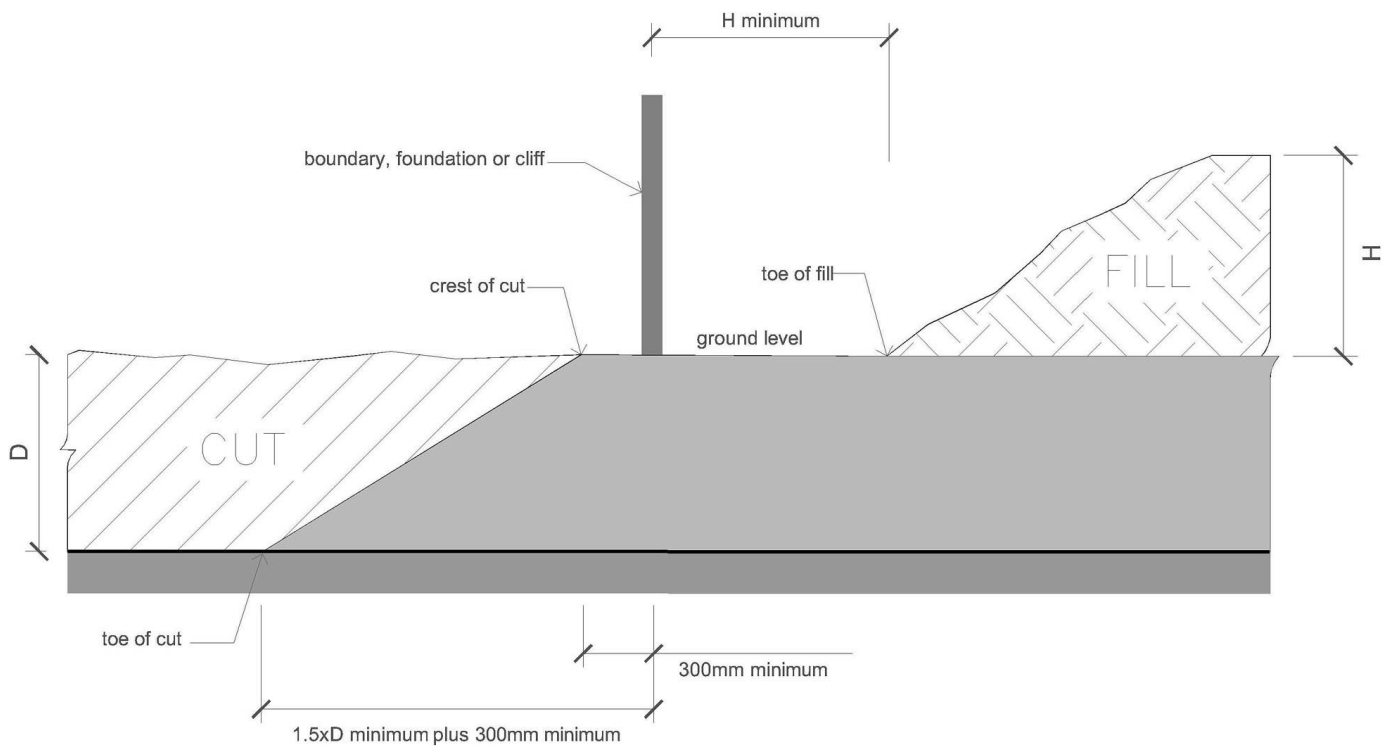
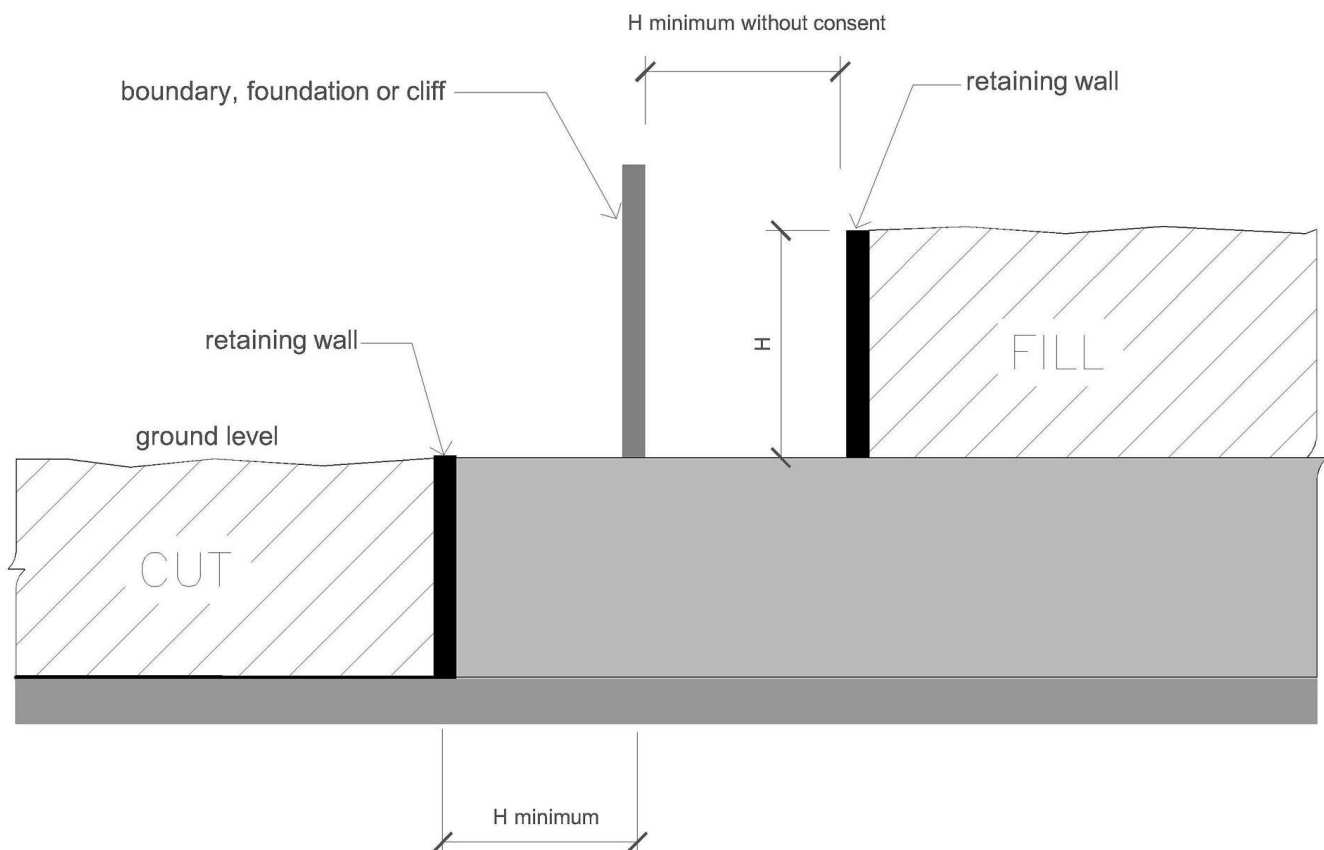


Figure 20.6B: Cut and fill supported by retaining walls (elevation view)



20.6.1.5 Setback from national grid (earthworks)

Earthworks must comply with Rule 5.6.1.2.

20.6.1.6 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

20.6.1.7 Sediment control

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

20.6.1.8 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.

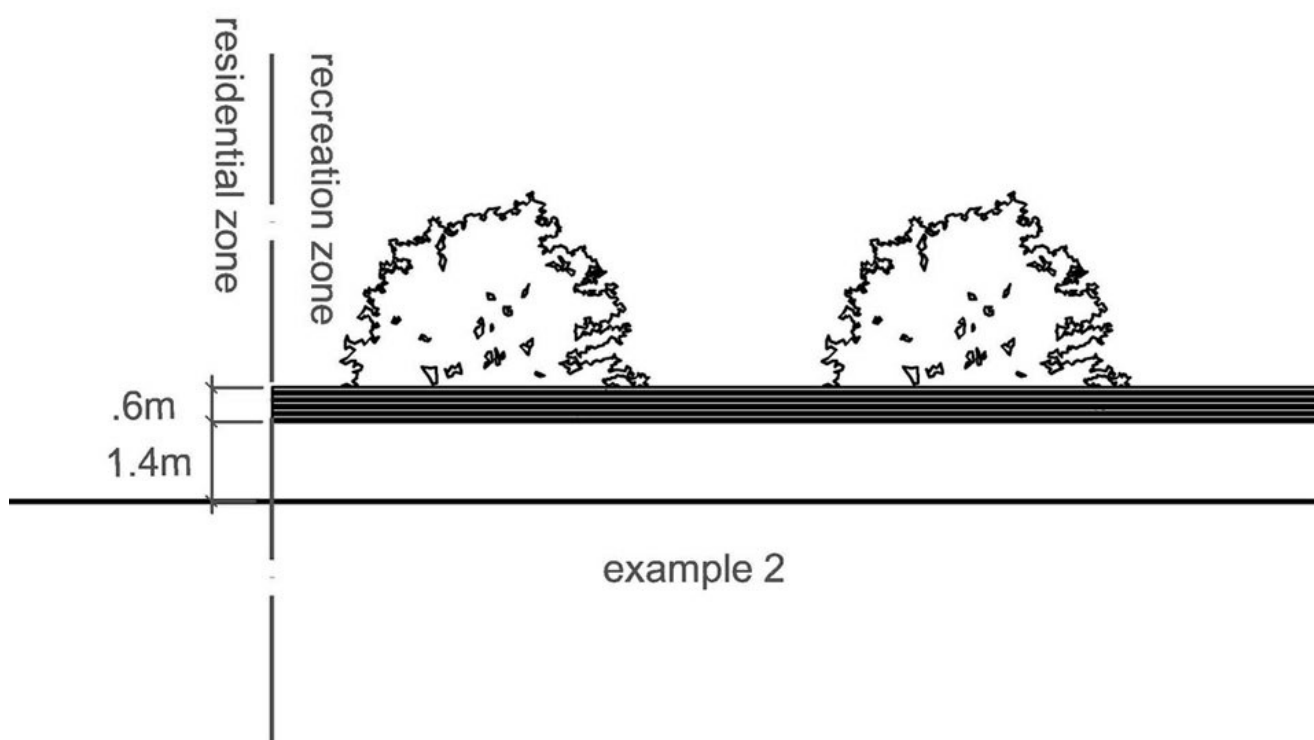
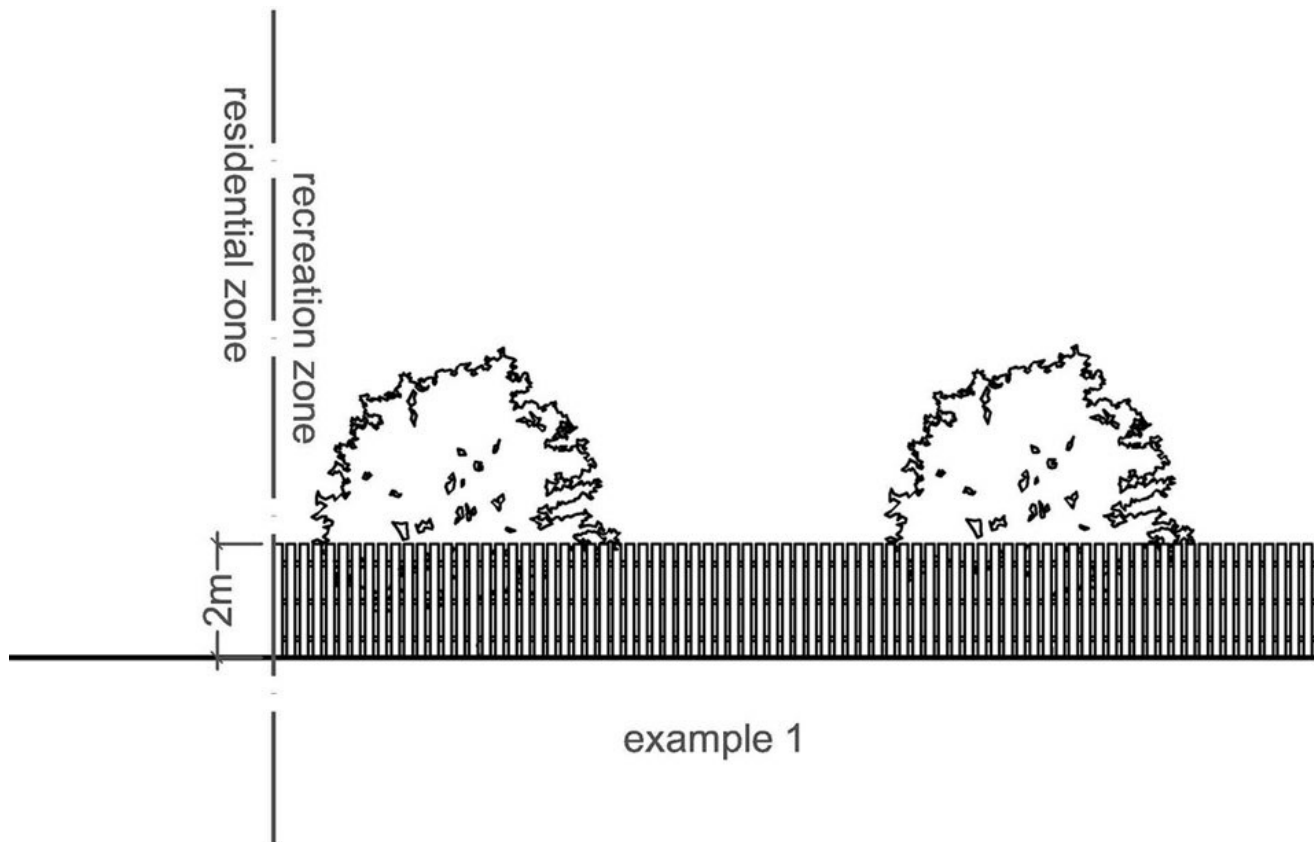
20.6.2 Fence Height and Design

1. Fences must not exceed the following height limits, except as provided in Rule 20.6.2.3 below:

Location		Maximum height
a.	Along the road boundary with a state highway	2m
b.	Along all other road boundaries	1.4m
c.	Along a side or rear boundary with a residential zone	1.4m
d.	Along all other side and rear boundaries	2m

2. Fences along boundaries include fences that are not exactly on the boundary but are within the boundary setbacks required by Rule 20.6.12.1.
3. Where the maximum height of a fence is 1.4m, the height of a fence may be increased to a maximum height of 2m provided that a minimum of 40% of the entire structure is visually permeable (see-through), or the portion above 1.4m height is visually permeable. Visually permeable refers to construction using trellis, lattice, wrought iron, or spaced palings (palings maximum width 150mm, spacing minimum width 25mm) or other materials that provide gaps that can be seen-through (see examples in Figure 20.6C).
4. For the purposes of calculating maximum height, where a fence or wall is erected atop a retaining wall, the height will be calculated as the combined height measured from ground level to the top of the fence or wall.

Figure 20.6C: Example of visually permeable fencing



20.6.3 Fire Fighting

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

20.6.4 Hazard Overlay Zones Development Standards

20.6.4.1 Hazard exclusion areas

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

20.6.4.2 Maximum area of vegetation clearance in the hazard overlay zones

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

20.6.4.3 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.

20.6.4.4 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.

20.6.4.5 Outdoor storage standard

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

20.6.5 Hazardous Substances Quantity Limits and Storage Requirements

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

20.6.6 Height

20.6.6.1 Height in relation to boundary

- New buildings and additions and alterations to buildings must not protrude through a plane (see Figure 20.6E) raising at an angle of 45 degrees measured from a point 2.5m above ground level at the boundary of the Recreation Zone.
- Except sports field fences which are 100% permeable and required to be tall for the purposes of public safety (e.g wire netting fences around softball fields), sports field lighting, and goal posts.
- Rooftop structures are exempt from the performance standard for height in relation to boundary

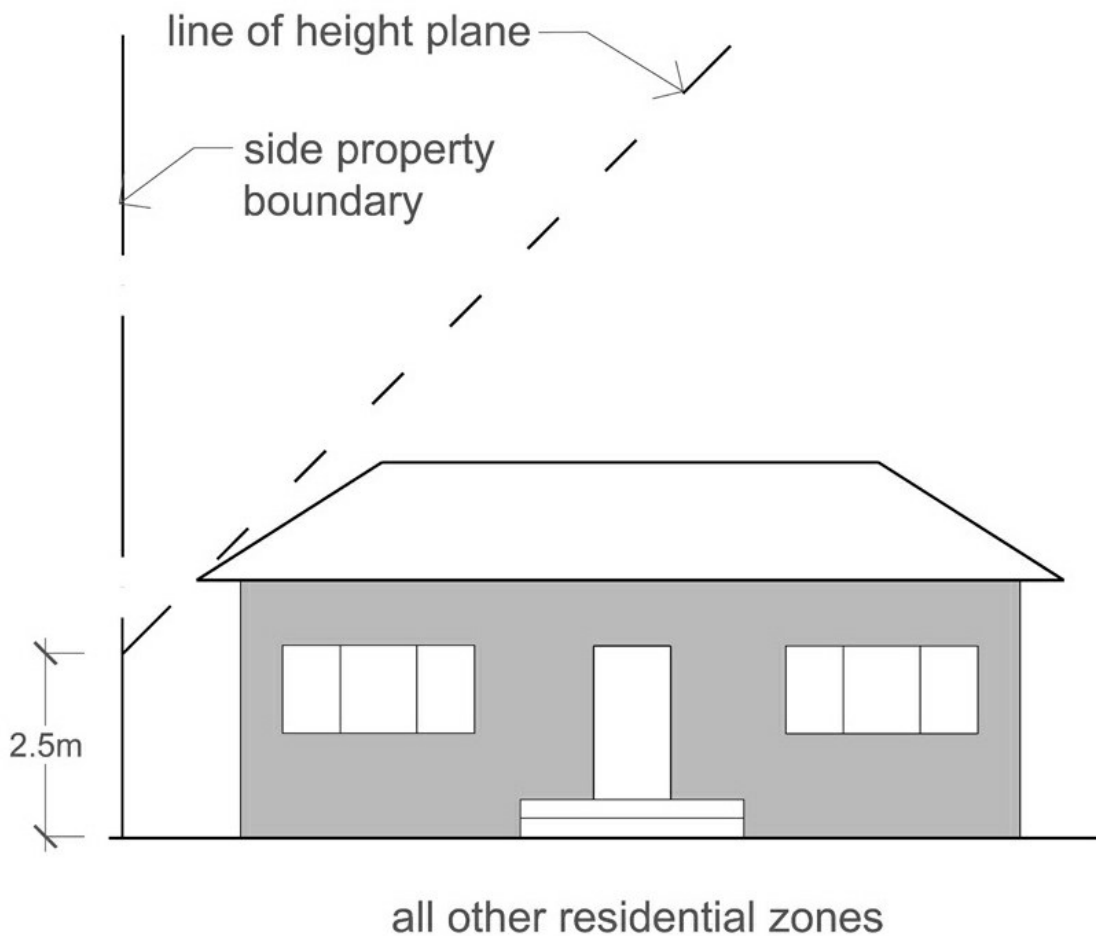
20.6.6.2 Maximum Height

The maximum height for new buildings and structures, and additions and alterations, must not exceed the following above ground level:

Activity	Recreation Zone	Natural Coastal Character Overlay Zone (NCC)
a. Goal posts and sports field lighting	22m	22m
b. All other buildings and structures	9m	5m

- 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.

Figure 20.6E: Height in relation to boundary



20.6.7 Location and Screening of Car Parking

Parking areas adjacent to a residential zone must, on that boundary, have a solid fence, or dense landscaping at least 1.4m high, that is capable of blocking light from headlights of motor vehicles.

20.6.8 Location and Screening of Outdoor Storage

1. Service areas must be located or screened so that they are not visible at ground level from adjacent residential zoned properties or roads.
2. Outdoor storage, including service areas, must not encroach into required parking, loading and access areas.
3. Outdoor storage must be managed in a way that does not result in unreasonable visual amenity effects or nuisance effects.
4. Materials stored outside must be stored in a way that prevents them contaminating any off-site area.
5. Outdoor storage in the Hazard 1 (flood) Overlay Zone must comply with Rule 11.3.5.

20.6.9 Materials and Design

Repairs and maintenance, [restoration](#) and earthquake strengthening must comply with Rule 13.3.2.

20.6.10 Number, Location and Design of Ancillary Signs

20.6.10.1 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 on or above the footpath outside dairies; and
 - ii. Rule 6.7.3 where visible from a road.
- c. Signs must be ancillary signs.
- d. Signs must not be illuminated or digital.

20.6.10.2 Performance standards that apply to all ancillary signs, except commercial sponsorship signs:

- a. Ancillary signs must only display the name, and logo of the relevant land use activity or organisation (e.g. DCC), locational, directional or informative information relevant to the area, or rules of the area or use of the area;
- b. Ancillary signs that promote or advertise retail, restaurants, or conference, meeting and function activities ancillary to sport and recreation must not be visible from a public place outside the recreation area.

20.6.10.3 Signs attached to buildings:

- a. any signs displaying the club/s name on clubrooms must not exceed a maximum total area of 5m² per building face;
- b. the maximum number of permanent commercial sponsorship signs is one sign for the naming rights sponsor of the sport and recreation activity (club), with a maximum area of 3m², except: for clubs that operate in an enclosed area that is only open to members, apart from during events, there is no maximum number of commercial sponsorship signs, provided those signs are not visible from outside of the enclosed area;
- c. other signs must not exceed a total maximum area of 1m² per building face;
- d. signs must remain entirely within the visual profile of the building or structure; and
- e. signs must not project higher than the lowest point of the roof, except as mounted flat against a parapet or gable end.

20.6.10.4 Freestanding signs

- a. must not exceed a maximum total area of all display faces of 3m²; and each display face must not exceed 1.5m² in area;
- b. must not exceed a maximum height above ground level of 4m; and
- c. must be positioned within the site boundaries and located so they do not obstruct any parking, loading or access areas.

20.6.10.5 Portable freestanding signs:

- a. Commercial sponsorship signs erected for matches, competitions, or events must not be displayed for more than one day before the competition/event, and must be removed within one day of completion of the competition/event.
- b. Any other portable signs must not exceed one sign per activity, and 0.9m in height and 0.6m in width.
- c. Signs must be positioned within site boundaries.

Note 20.6A - Other relevant District Plan provisions

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

Note 20.6B - Other requirements outside of the District Plan

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

20.6.11 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

20.6.12 Setbacks

20.6.12.1 Boundary Setbacks

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

- a. 4.5m from the road boundary; and
- b. 2m from side and rear boundaries;
- c. Jetties, boat ramps, wharves, fences, and ancillary signs are exempt from this standard.

Communal outdoor gathering areas, including decks at or above ground level, must be setback 10m from a residential zone.

20.6.12.2 Forestry and tree planting setbacks

- a. Trees associated with forestry activity:
 - i. must not be planted within 30m of the boundary of any residential zone or rural residential zone; and
 - 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 adjacent 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.

20.6.12.3 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.

20.6.12.4 Setback from national grid

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

20.6.12.5 Setback from scheduled tree

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

20.6.13 Vegetation Clearance Standards

20.6.13.1 Maximum area of vegetation clearance (UCMA)

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

20.6.13.2 Protected areas

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

20.6.13.3 Protected species (indigenous vegetation clearance)

Indigenous vegetation clearance must comply with Rule 10.3.2.4.

20.6.13.4 Maximum area of vegetation clearance in the hazard overlay zones

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

Rule 20.7 Subdivision Performance Standards

20.7.1 Access

General subdivision must comply with Rule 6.8.1.

20.7.2 Esplanade Reserves and Strips

General subdivision must comply with Rule 10.3.1.

20.7.3 Fire Fighting

General subdivision must comply with Rule 9.3.3.

20.7.4 Service Connections

General subdivision must comply with Rule 9.3.7.

20.7.5 Shape

1. Each resultant site must be of a size and shape that is large enough to allow for:
 - a. setbacks from boundaries, water bodies, scheduled trees, national grid transmission lines; and
 - b. esplanade reserve or strip areas.
2. Resultant 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 20.8 Assessment of Controlled Activities

Rule 20.8.1 Introduction

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rule 20.8.2:
 - a. lists the matters over which Council has reserved its control; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
 - ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (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 20.9; and
 - iv. the matters of control become matters of discretion and will be assessed as indicated in this section.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 20.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 20.12; and
 - iii. the assessment guidance in this section will also be considered.

20.8.2 Assessment of controlled activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. 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 20.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 20.9.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 20.9.2 - 20.9.6:
 - a. list the matters Council will restrict its discretion to; 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 20.9.2 - 20.9.5 apply to performance standards in the Recreation Zone; Rule 20.9.6 contains additional provisions that apply to performance standards in overlay zones, mapped areas, and on scheduled items.

20.9.2 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. The need to meet other performance standards, or other site specific factor including topography, make meeting the standard impracticable. c. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. d. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> e. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

20.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Electrical interference	a. Effects on health and safety	See Rule 9.4

20.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
2. Hours of operation	a. Effects on surrounding sites' amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Retail, restaurant, and conference, meeting and function activities ancillary to sport and recreation operate in a way that avoids, or if avoidance is not possible, adequately mitigates adverse effects on surrounding properties (Policy 20.2.2.5). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iii. In assessing effects on amenity, Council will consider the location of the building on the site in relation to adjacent residential buildings, and the location of the site and access in the context of the wider environment, considering effects of vehicle movements, vehicle headlights and noise.
3. Minimum car parking	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
4. Tree species	a. Effects on biodiversity	See Rule 10.4

20.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Boundary setbacks	a. Effects on on-site amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Development maintains or enhances on-site amenity for recreation area users (Policy 20.2.2.1.b).
	b. Effects on surrounding sites' amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Development maintains or enhances neighborhood amenity, and the amenity of any surrounding residential properties (Policy 20.2.2.1.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Access to sunlight to the outdoor living space(s) and windows of bedrooms and living areas of adjacent residential building is maintained or any reduction is minor.
2. Earthworks standards: • Batter gradient	a. Effects on the stability of land, buildings and structures	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.3 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 20.2.3.1.b).

20.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	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 20.2.3 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 20.2.3.1.a).
4.	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
5.	Earthworks standards: • Sediment control	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 20.2.3 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 20.2.3.2.b).
		b. Effects on biodiversity 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: • 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 20.2.3 ii. Earthworks ancillary to forestry are carried out in accordance with industry best practice guidelines (Policy 20.2.3.4).

20.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
7.	Fence height and design	a. Effects on neighbourhood amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Boundary fences are of a height and design that contributes positively to the amenity and character of the neighbourhood and recreation area (Policy 20.2.2.2). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The increased height or reduced visual permeability is necessary to meet protection requirements, to provide security, minimise noise effects from a busy road or activity, or for public well-being. iv. Existing vegetation or proposed landscaping will screen fences from public places. v. For side and rear boundaries, the fence is on a boundary that is not generally accessible or visible from open areas of the recreation area, e.g. on a boundary in a dense bush area.
		b. Effects on health and safety	See Rule 9.4
8.	Fire fighting	a. Effects on health and safety	See Rule 9.4
9.	Forestry and tree planting setbacks	a. Effects on surrounding sites' amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Forestry and tree planting is set back an adequate distance to avoid significant effects from shading on residential buildings on adjacent properties (Policy 20.2.2.4). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The area to be planted is to the south of any adjacent residential or rural residential zone. iv. Slope or orientation or other topographical aspects of the sites involved mean that there will be no shading of a residential building on an adjoining site.
		b. Effects on health and safety	See Rule 9.4
		c. Effects on the safety and efficiency of the transport network	See Rule 6.9

20.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
10.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
11.	Height in relation to boundary	a. Effects on surrounding sites' amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Development maintains or enhance neighbourhood amenity, and the amenity of any surrounding residential properties (Policy 20.2.2.1.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Access to sunlight to the outdoor living space(s) and windows of bedrooms and living areas of adjacent residential buildings is maintained or any reduction is minor.
12.	Maximum height	a. Effects on on-site amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Development maintains or enhances on-site amenity for recreation area users (Policy 20.2.2.1.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Better use of public space and retention of open space within the site can be achieved. iv. Greater height is required to meet specialised recreational needs.
		b. Effects on surrounding sites' amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Development maintains or enhances neighbourhood amenity, and the amenity of any surrounding residential properties and is in keeping with the scale of buildings in the surrounding residential environment (Policy 20.2.2.1.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Access to sunlight to the outdoor living space(s) and windows of bedrooms and living areas of adjacent residential buildings is maintained or any reduction is minor. iv. Landscaping or fences screen or soften the visual effects of buildings. v. Natural landforms or topography (e.g. cliffs or tall trees) provide a backdrop to the building.

20.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
13.	Location and screening of car parking	a. Effects on surrounding sites' amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Parking areas are designed or located to minimise light spill from vehicles on surrounding resident properties (Policy 20.2.2.1.e). <p><i>Conditions that may be imposed:</i></p> <ul style="list-style-type: none"> iii. Landscaping
14.	Location and screening of outdoor storage	a. Effects on neighbourhood amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Service areas are not visible from ground level from outside the site (Policy 20.2.2.1.c). iii. Outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or nuisance effects (Policy 20.2.2.1.f). <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> iv. Landscaping to minimise adverse visual and nuisance effects from lighting, vehicle headlights, or car parking areas on surrounding properties.
15.	Number, location, and design of ancillary signs	a. Effects on on-site amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2
		b. Effects on neighbourhood amenity	<ul style="list-style-type: none"> ii. Ancillary signs are located and designed to maintain or enhance on-site amenity, and surrounding streetscape and residential amenity, and by being of an appropriate number, design, and number to convey information about the name and nature of the club, organisation, or reserve, and not oversized or too numerous than what is necessary for that purpose (Policy 20.2.2.3.a). iii. Commercial sponsorship signs ancillary to sport and recreation are managed and/or temporary in nature to maintain on-site amenity and surrounding streetscape and residential amenity (Policy 20.2.2.3.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. The number and location of signs will not result in more than minor cumulative visual effects.
		c. Effects on the safety and efficiency of the transport network	See Rule 6.9
16.	Parking loading and access standards	a. Effects on safety and efficiency of the transport network	See Rule 6.9

20.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
17.	Screening of outdoor gathering areas	a. Effects on surrounding sites' amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Buildings are designed and located to avoid communal outdoor gathering areas, including decks, overlooking or disturbing surrounding properties or effect residential amenity (Policy 20.2.2.1.d). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Communal outdoor gathering areas will not be close to, or overlooking, residential buildings or outdoor living areas. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> iv. Landscaping to minimise adverse visual and nuisance effects from lighting, and noise on surrounding properties. v. Conditions may be imposed to minimise noise through the use of acoustic fencing or other treatments.
18.	Setback from coast and water bodies	a. Effects on biodiversity and natural character values of riparian margins and the coast	See Rule 10.4
		b. Effects on public access	See Rule 10.4
		c. Risk from natural hazards	See Rule 11.4
19.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
20.	Vegetation clearance standards (Protected areas)	a. Effects on biodiversity and natural character values of riparian margins and the coast	See Rule 10.4
21.	Vegetation clearance standards: <ul style="list-style-type: none"> • Protected species (indigenous vegetation clearance) 	a. Effects on biodiversity	See Rule 10.4

20.9.5 Assessment of subdivision performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Access	a. Effects on accessibility	See Rule 6.9
		b. Effects on safety and efficiency of the transport network	
2.	Esplanade reserves and strips	a. Effects on biodiversity and natural character values of riparian margins and coast	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

20.9.5 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"> Objectives 2.4.1 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: <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; reserve; access; 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"> boundary setbacks; setbacks from water bodies; setback from scheduled tree; and setback from national grid. <p><i>Conditions that may be imposed:</i></p> <ol style="list-style-type: none"> 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. 	

20.9.6 Assessment of performance standard contraventions in overlay zones, mapped areas, or affecting scheduled items

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. In a hazard overlay zone, swale mapped area or dune system 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

20.9.6 Assessment of performance standard contraventions in overlay zones, mapped areas, or affecting scheduled items

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2.	In the NCC Overlay Zone: <ul style="list-style-type: none"> Maximum height 	a. Effects on natural character of the coast	See Rule 10.4
3.	On a Scheduled Heritage Building or Scheduled Heritage Structure: <ul style="list-style-type: none"> Material and design 	a. Effects on heritage values	See Rule 13.5
4.	In an UCMA: <ul style="list-style-type: none"> Vegetation clearance standards (Maximum area of vegetation clearance) 	a. Effects on biodiversity	See Rule 10.4
5.	In a wāhi tūpuna mapped area: <ul style="list-style-type: none"> Setback from coast and water bodies Esplanade reserves and strips Maximum area (indigenous vegetation clearance) Protected areas Protected species 	a. Effects on cultural values of manawhenua	See Rule 14.3

Rule 20.10 Assessment of Restricted Discretionary Activities

Rule 20.10.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 20.10.2 - 20.10.5:
 - a. list the matters Council will restrict its discretion to; 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 20.10.2 - 20.10.4 apply to activities in the Recreation Zone; Rule 20.10.5 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 20.9; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 20.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 20.12; and
 - iii. the assessment guidance in this section will also be considered.

20.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All restricted discretionary land use activities, including: <ul style="list-style-type: none"> • community and leisure - large scale • activities listed below. 	a. Effects on safety and efficiency of the transport network	See Rule 6.10
2. Campgrounds	a. Effects on surrounding sites' amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Campgrounds are designed so any adverse effects, including from noise or dust, or loss of privacy, on surrounding residential properties and other recreation area users, can be avoided or, if avoidance is not possible, is adequately mitigated (Policy 20.2.2.7). iii. Campgrounds are designed so service areas are not visible from ground level from outside the site (Policy 20.2.2.1.c). iv. Outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or create nuisance effects (Policy 20.2.2.1.f). <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> v. Limits on the scale of the activity. vi. Location of dump stations (for disposal of waste from motor homes) away from boundaries with residential properties. vii. Restrictions on location and hours of operation of generators to minimise any effects from noise on neighbours. viii. Road upgrades necessary to handle the amount and type of vehicles anticipated. ix. Location, screening, or acoustic fencing of communal outdoor gathering areas.

20.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Cemeteries	a. Effects on cultural values of manawhenua	See Rule 14.4
	b. Effects on surrounding sites' amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Cemeteries are designed and located to: <ul style="list-style-type: none"> 1. avoid, or if avoidance is not possible, adequately mitigate, adverse effects on the amenity of surrounding sites; and 2. minimise the potential for reverse sensitivity that may affect the ability of the cemetery to operate from surrounding permitted activities (Policy 20.2.2.8). <p><i>General assessment guidance/Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> iii. In assessing the effects on amenity, Council will consider whether graves will be located a suitable distance away from boundaries and whether any screening or landscaping proposed will be adequate. These aspects may be included as conditions of consent.

20.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
4. Early childhood education - small scale	a. Effects on surrounding sites' amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Early childhood education facilities are designed and located to avoid or, if avoidance is not possible, adequately mitigate adverse effects on the amenity of surrounding residential properties (Policy 20.2.2.12.a). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iii. In assessing the effects on amenity, Council will consider whether buildings and outdoor areas are designed and located to reduce noise emissions. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> iv. Delivery time restrictions. v. Landscaping to minimise amenity effects of lighting, or parking areas on surrounding properties. Mitigation measures to minimise noise such as insulation, acoustic fencing, low noise surfaces for play areas, or other such treatments. vi. A noise management plan may be required.
	b. Effects on on-site amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Early childhood education facilities are designed and located to avoid or, if avoidance is not possible, adequately mitigate adverse effects for other recreation area users (Policy 20.2.2.12.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Any loss of open space that would otherwise be available to the public, is minimal. iv. The activity will support a recreation activity on the site. <p><i>General assessment guidance include:</i></p> <ul style="list-style-type: none"> v. In assessing the effects on amenity, Council will consider whether: <ul style="list-style-type: none"> i. noise emissions reduction measures should be require ii. the scale of the activity is suitable for the site.

20.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
5. Stand-alone car parking	a. Effects on on-site amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Stand-alone car parking is only allowed where it is the secondary use of a parking area required for an activity provided for in the recreation area, when not required for the primary purpose of the area, and where that parking is not needed to facilitate public use of the recreation area (Policy 20.2.2.13). <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> iii. Limits on the number of parking spaces that can be used for stand-alone parking to ensure car parks are still available for public use. iv. Limits on the hours parking spaces can be used for stand-alone car parking to ensure conflicts with the primary use of the site do not occur.
6. Ancillary licensed premises	a. Effects on surrounding sites' amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Ancillary licensed premises operate in a way that avoids or, if avoidance is not possible, adequately mitigates, noise or other adverse effects on the amenity of surrounding residential properties (Policy 20.2.2.5). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The intensity and scale of the activity will not result in increased vehicle or pedestrian movement at unreasonable hours or undesirable activities that would create a disturbance for surrounding residential properties; and iv. effects of the activity will be contained within the recreation area.

20.10.3 Assessment of restricted discretionary development activities

Development activities	Matters of discretion	Guidance on the assessment of resource consents
1. New buildings or additions and alterations that result in a building greater than 350m ² GFA and/or has any wall longer than 20m.	<p>a. Effects on on-site amenity</p> <p>b. Effects on surrounding sites' amenity</p> <p>c. Effects on neighbourhood amenity</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. New buildings or additions and alterations to buildings avoid adverse effects on on-site amenity, or if avoidance is not possible, effects are adequately mitigated (Policy 20.2.2.10). iii. Development maintains or enhances on-site amenity for recreation area users, neighbourhood amenity and the amenity of any surrounding residential properties by ensuring the scale of buildings and structures is appropriate to the recreation area and in keeping with the scale of buildings in surrounding residential environments (Policy 20.2.2.1.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. The visual effect of the building length is screened and softened by landscaping, fencing, or other screening. v. The building is set back from boundaries an adequate distance to avoid shading or visual effects on adjacent residential properties or public places. vi. Topography of the site mitigates the effects of the building scale on adjacent residential properties or public places. vii. The building will not result in removal of important trees or other vegetation. viii. The building will not visually dominate the site or result in unacceptable loss of open space available for users of the recreation area ix. The building enhances opportunities for use of the recreation area for its purpose. x. The building is attractive and has appropriate building modulation such as through: <ul style="list-style-type: none"> 1. varying building elevations; 2. setting parts of the building back; 3. using different textures; 4. architectural features; or 5. other forms of building modulation.

20.10.3 Assessment of restricted discretionary development activities

Development activities	Matters of discretion	Guidance on the assessment of resource consents
2. Earthworks - large scale (that exceed the scale thresholds for the recreation 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 20.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 20.2.3.3.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 20.2.3.3.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.

20.10.3 Assessment of restricted discretionary development activities

Development activities		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 20.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 20.2.3.3.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 20.13.1). 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.
3.	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	
4.	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 safety and efficiency of the transport network	See Rule 6.10
		b. Effects on accessibility	

20.10.4 Assessment of restricted discretionary subdivision activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	General subdivision	a. Effects on the efficient and effective operation of the recreation area	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. the subdivision does not adversely affect the efficient and effective operation of the recreation area (Policy 20.2.2.11).
		b. Effects on safety and efficiency of the transport network	See Rule 6.10
		c. Effects on health and safety	See Rule 9.5
		d. Effects on biodiversity and natural character of riparian margins and the coast	See Rule 10.5
		e. Effects on areas of indigenous vegetation and the habitat of indigenous fauna	
		f. Effects on public access	
		g. Risk from natural hazards	See Rule 11.5

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	In a GPA mapped area : • Earthworks - large scale (that exceed the scale thresholds for a GPA)	a. Effects on health and safety	See Rule 9.5
2.	In a hazard overlay zone : • Earthworks (that exceed the scale threshold for a hazard overlay zone or a swale or dune system mapped area)	a. Risk from natural hazards	See Rule 11.5
3.	In the Hazard 1 (land instability) Overlay Zone (see Rule 20.3.6): • New buildings, and additions and alterations to buildings, which create more than 1m ² of new ground floor area	a. Risk from natural hazards	See Rule 11.5

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
4.	In a Hazard 1 or 2 overlay zone , other than the hazard 1 (land instability) Overlay Zone (see Rule 20.3.6): <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
5.	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
6.	In the NCC Overlay Zone : <ul style="list-style-type: none"> Forestry New buildings or additions and alterations that result in a building greater than 60m² GFA and/or has any wall longer than 20m Earthworks - large scale (that exceed scale thresholds for an NCC) Indigenous vegetation clearance General subdivision 	a. Effects on natural character of the coast	See Rule 10.5
7.	On a Scheduled ASCV : <ul style="list-style-type: none"> New buildings or additions and alterations that result in a building greater than 60m² GFA and/or has any wall longer than 20m General subdivision Earthworks - large scale (that exceed scale thresholds for a Scheduled ASCV) Indigenous vegetation clearance 	a. Effects on biodiversity	See Rule 10.5
8.	Activities affecting a scheduled heritage item : <ul style="list-style-type: none"> Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure Removal for relocation of a scheduled heritage building or scheduled heritage structure New buildings, all other structures, parking, loading and access on a scheduled heritage site, visible from an adjoining public place or a publicly accessible place within the heritage site Earthworks - large scale (that exceed the scale thresholds for a scheduled heritage site) General subdivision 	a. Effect on heritage values	See Rule 13.6

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
9.	In an UCMA : <ul style="list-style-type: none"> Earthworks - large scale (that exceed the scale threshold for a UCMA) 	a. Effects on biodiversity	See Rule 10.5
10.	In a wāhi tūpuna mapped area where activity is identified as a threat, including: <ul style="list-style-type: none"> All RD forestry All RD buildings and structures, additions and alterations up to 60m² Earthworks - large scale that exceed any scale threshold All RD indigenous vegetation clearance 	a. Effects on cultural values of manawhenua	See Rule 14.4

Rule 20.11 Assessment of Discretionary Activities

Rule 20.11.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 20.11.2 - 20.11.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, 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. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

20.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objectives 20.2.1 and 20.2.2</p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>b. For discretionary land use activities, whether any associated development activities meet relevant performance standards, or are otherwise consistent with relevant objectives and policies for development (see Rules 20.9 for performance standard contraventions).</p> <p>c. For discretionary land use activities, whether relevant land use performance standards are met, including noise and light spill standards.</p> <p><i>General assessment guidance:</i></p> <p>d. 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.</p> <p>e. 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.</p> <p>f. In assessing the significance of effects, consideration will be given to:</p> <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 grant of resource consent. iii. Manawhenua values and the relationship between manawhenua and the natural environment is maintained, including cultural values and traditions associated with: <ul style="list-style-type: none"> 1. wāhi tūpuna; and 2. the customary use of mahika kai (Objective 14.2.1). iv. If located outside a wāhi tūpuna mapped area, Kai Tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi tūpuna is located, or the linkages between wāhi tūpuna.

20.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
<p>2. Early childhood education - large scale</p>	<p><i>Relevant objectives and policies (priority considerations)</i></p> <ul style="list-style-type: none"> a. Objective 20.2.2 b. Early childhood education facilities are designed and located to avoid or, if avoidance is not possible, adequately mitigates adverse effects on the amenity of surrounding residential properties or other recreation area users (Policy 20.2.2.12). c. See Section 6.11 for guidance on the assessment of resource consents in relation to Objective 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network. <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> d. The activity will not result in a loss of open space that would otherwise be available to the public. e. The activity is provided to support a recreation activity on the site. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> f. In assessing the effects on amenity Council will consider whether buildings and outdoor areas are designed and located to reduce noise emissions. g. The scale of the activity is suitable for the site. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> h. Delivery time restrictions. i. Landscaping to minimise amenity effects of lighting, vehicle headlights or parking areas on surrounding properties. j. Mitigation measures to minimise noise such as insulation, acoustic fencing, low noise surfaces for play areas, or other such treatments. k. A noise management plan.

20.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
3. Mining	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 20.2.2 b. Mining is only allowed where there is reasonable certainty that land will be restored a standard that will minimise the long term visual effect (Policy 20.2.2.9.a). c. Any adverse effects on the amenity of the site for recreation users or on surrounding residential properties from noise or dust can be avoided or, if avoidance is not possible, adequately mitigated (Policy 20.2.2.9.b). d. Where in a wāhi tūpuna mapped area, see Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of manawhenua. e. Where in the NCC Overlay Zone, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and effects related to the natural character of the coast. f. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. g. See Section 10.4 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects on biodiversity. h. See Section 6.11 for guidance on the assessment of resource consents in relation to Objective 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network. <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> i. The site will be restored to the satisfaction of the landowner. j. The site will be restored to its original or better condition at the completion of the activity or, for mining sand from dunes or beaches, there will be no significant effect on the look of the area. k. For mining sand from dunes or beaches, there will be no significant effect on the look of the area. l. The activity will not result in the creation of significant dust and noise. m. The stability of the area, or surrounding areas will not be undermined or affected.

20.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
<p>4. Sport and recreation that involves motor vehicles</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 20.2.2 b. Sport and recreation that involves motor vehicles has no, or only minimal, adverse effects on: <ul style="list-style-type: none"> i. surrounding residential properties; and ii. other recreation area users (Policy 20.2.2.6). c. Where in a Scheduled ASCV - See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity. d. See Section 6.11 for guidance on the assessment of resource consents in relation to Objective 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network. <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> e. There is sensitivity to the ecological values, scale, character, and use of the recreation area. f. Existing trees and desirable vegetation is retained.
<p>5. In a Scheduled ASCV:</p> <ul style="list-style-type: none"> • Sport and recreation (including ancillary activities) otherwise permitted in recreation zone 	<p>See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity.</p>
<p>6. In the hazard 1 overlay zones (see Rule 16.3.6):</p> <ul style="list-style-type: none"> • Potentially sensitive activities permitted in recreation zone 	<p>See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards.</p>
<p>7. In the hazard 2 overlay zones (see Rule 16.3.6):</p> <ul style="list-style-type: none"> • Potentially sensitive activities not permitted in recreation zone • 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>

20.11.3 Assessment of discretionary performance standard contraventions

Activity	Guidance on the assessment of resource consents
<p>1. Scale of operation (scale of activities)</p>	<p><i>Relevant objectives and policies (Priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 20.2.2 b. Conference, meeting, and function ancillary to sport and recreation operate in a way that avoids or, if avoidance is not possible, adequately mitigates, noise or adverse effects on the amenity of surrounding residential properties (Policy 20.2.2.5). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> c. The activity should not be used for large conference, meeting or function activities or at a frequency that exceeds the performance standards by a significant amount. Consideration needs to be given to the suitability of the activity in relation to the surrounding land uses, or other uses of the recreation area that are likely to occur at the same time, where conflicts in the use of the recreation area may occur. d. The activity should not be of such a scale that it becomes a dominant, rather than ancillary, use of a building or car parking which should primarily be for recreation purposes. e. Consideration of whether the proposed activities are likely to create a disturbance or disruption to other users of the recreation area.
<p>2.</p> <ul style="list-style-type: none"> • Acoustic insulation • Noise - where the limit is exceeded by up to 5bD LAeq (15 min) • 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>

Rule 20.12 Assessment of Non-complying Activities

Rule 20.12.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 20.12.2 - 20.12.5 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

20.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities	<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 direction objectives, including, but not limited to, those related to: <ul style="list-style-type: none"> i. Objective 2.3.3 and 2.4.1 b. The activity supports the purpose of the zone as outlined in Objective 20.2.1. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> c. 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 grant of resource consent; iii. any effects otherwise managed through performance standards and consistent with all relevant objectives and policies for the zone; iv. Manawhenua values and the relationship between manawhenua and the natural environment is maintained, including cultural values and traditions associated with: <ul style="list-style-type: none"> 1. wāhi tūpuna; and 2. the customary use of mahika kai (Objective 14.2.1). v. If located outside a wāhi tūpuna mapped area, Kai Tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi tūpuna is located, or the linkages between wāhi tūpuna. d. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.

20.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. Commercial advertising	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 2.4.1 b. Policy 2.4.1.6.c c. Where in a Scheduled ASCV - See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity.

20.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
<p>2.</p> <ul style="list-style-type: none"> Commercial activities (except commercial advertising, campgrounds) Industrial activities Major facilities activities (except cemeteries and crematoriums) Rural activities (except grazing, forestry, and landfills) 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 20.2.1 b. Policy 20.2.1.4 c. Where in a Scheduled ASCV - Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity.
<p>3.</p> <ul style="list-style-type: none"> Crematoriums Landfills 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 20.2.1 b. Policy 20.2.1.4 c. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and the effects on the cultural values of manawhenua. d. Where in a Scheduled ASCV - See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity.
<p>4. Cemeteries</p>	<p>See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and the effects on cultural values of manawhenua.</p>
<p>5. Residential</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 20.2.1 b. Policy 20.2.1.4 c. Where in a Scheduled ASCV - Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity. <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> d. An on-site residence is essential for management of the recreation area and approval has been granted under the Reserves Act 1977; and e. The location, design, and scale of the residence is appropriate to minimise effects on the recreation area, recreation users, surrounding sites, and neighbourhood amenity.
<p>6. In the hazard 1 overlay zones (see Rule 20.3.6):</p> <ul style="list-style-type: none"> Potentially sensitive activities not permitted in Recreation Zone Sensitive activities 	<p>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.</p>

20.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
7. In a Scheduled ASCV : <ul style="list-style-type: none"> • Campgrounds • Cemeteries • Stand alone car parking 	See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity.

20.12.4 Assessment of non-complying development and subdivision 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 the effects on heritage values.
2. Cross lease, company lease and unit title subdivision	<i>Relevant objectives and policies (priority considerations):</i> <ol style="list-style-type: none"> Objective 20.2.2 Policy 20.2.2.11

20.12.5 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
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 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.
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 zones 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 the effects related to the risk from natural hazards.
4. 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 20.13 Special Information Requirements

20.13.1 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.

