

21. Ashburn Clinic

21.1 Introduction

The Ashburn Clinic is located at 496 Taieri Road, Halfway Bush, Dunedin. The hospital occupies an area of approximately eight hectares and is owned and operated by the Ashburn Hall Charitable Trust. Ashburn Clinic provides in-patient and out-patient mental health care.

The Ashburn Clinic was originally established in Dunedin in 1882, then known as Ashburn Hall, and provided an alternative to public asylums of that time. The clinic is a private trust which provides a range of essential mental health services to the region. With this in mind, the Ashburn Clinic Zone has been designed to enable the services which are offered by Ashburn Clinic to be provided for, while providing greater certainty to the community regarding what land use activities can be expected to occur on the Ashburn Clinic [site](#).

The [site](#) itself is surrounded by the rural residential zone, which is characterised by relatively low density residential development, and is also in close proximity to the general residential zone. There is a high level of residential amenity in the area, and the [site](#) and wider area has a high level of established vegetation. While the buildings on the Ashburn Clinic [site](#) are generally larger than would otherwise be expected in the surrounding residential environments, these are contained within a large [site](#) which is extensively bordered by trees and vegetation.

The Ashburn Clinic Zone recognises the existing and foreseeable future use of Ashburn Clinic [site](#) and, at the same time, appropriately manages any adverse effects of development on the surrounding rural residential zone.

21.2 Objectives and Policies

Objective 21.2.1	
Ashburn Clinic is able to operate efficiently and effectively as a hospital and medical training and research facility.	
Policy 21.2.1.1	Enable hospital activity in the Ashburn Clinic Zone.
Policy 21.2.1.2	Enable land that is surplus to the needs of Ashburn Clinic to transition to the Rural Residential 1 Zone, so that future development that is not related to hospital activity can be managed in accordance with the objectives and policies of that zone.
Policy 21.2.1.3	Provide for activities that are ancillary to hospital activity where they are designed and operated in line with Objective 21.2.2 and its policies.
Policy 21.2.1.4	Only allow activities that are not ancillary to hospital activity where all of the following apply: <ul style="list-style-type: none"> a. the activities are related to or support Ashburn Clinic, or have other operational requirements that mean they need to locate in the zone; b. they will support the efficient and effective operation of Ashburn Clinic; c. they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and d. they are designed and operated in line with Objective 21.2.2 and its policies.
Policy 21.2.1.5	Only allow general subdivision in the Ashburn Clinic Zone where: <ul style="list-style-type: none"> a. it is in accordance with the provisions of the Rural Residential Zone 1; and b. the general subdivision does not adversely affect the effective and efficient operation of Ashburn Clinic.

Objective 21.2.2

Land use activities and development necessary for Ashburn Clinic to meet the reasonably foreseeable health needs of the community are enabled, while ensuring development:

- a. achieves a reasonable standard of on-site amenity for patients, staff and visitors; and
- b. maintains or enhances the residential amenity of surrounding sites.

Policy 21.2.2.1	Require development to provide a reasonable standard of on-site amenity by retaining open spaces uncluttered by buildings.
Policy 21.2.2.2	Require buildings and structures to be of a height and setback from boundaries that ensures there are no more than minor effects on the sunlight access and privacy of current and potential future residential buildings and their outdoor living spaces.
Policy 21.2.2.3	Require development to maintain or enhance the visual amenity of the surrounding rural residential zone by ensuring all the following are met: <ol style="list-style-type: none"> a. buildings and structures are of a height and setback that reduces their visual impact and preserves open space values; and b. service areas are not visible from ground level outside the site.
Policy 21.2.2.4	Require landscaping of the boundary of parking areas where adjacent to the road frontage to screen or soften these areas and ensure a high standard of visual amenity when viewed from the road.
Policy 21.2.2.5	Require ancillary signs visible from outside the zone to be located and designed to maintain streetscape amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose.
Policy 21.2.2.6	Require ancillary commercial activities to be designed, located and operated to primarily serve staff, patients and visitors of Ashburn Clinic.
Policy 21.2.2.7	Require forestry and tree planting to be set back an adequate distance to avoid significant effects from shading on residential dwellings on surrounding properties.

Objective 21.2.3

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 21.2.3.1	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.
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Objective 21.2.3

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 21.2.3.2	Require earthworks and any associated retaining structures to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: <ul style="list-style-type: none"> a. limiting the scale of earthworks that are provided for as a permitted activity; and b. requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.
Policy 21.2.3.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: <ul style="list-style-type: none"> a. adverse effects on visual amenity and character; b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and c. adverse effects on the stability of land, buildings, and structures.
Policy 21.2.3.4	Require earthworks ancillary to forestry to be carried out in accordance with industry best practice guidelines.

Rules

Rule 21.3 Activity Status

21.3.1 Rule location

The activity status tables in Rule 21.3.3 to 21.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Ashburn Clinic Zone 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 (Section 8)

21.3.2 Activity status introduction

1. The activity status tables in Rules 21.3.3 - 21.3.5 show the activity status of activities in the Ashburn Clinic 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 and categories of activities. For any activity that is not covered by any of the defined activities in the nested table, the activity status will be non-complying if the activity status of "all" or "all other" activities in the most closely related category is non-complying, otherwise it will be discretionary.

Performance Standards

6. Performance standards are listed in the far right column of the activity status tables.
7. Performance standards apply to permitted, controlled, and restricted discretionary activities.
8. 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.
9. If a restricted discretionary activity does not meet one or more performance standards, then the activity status remains restricted discretionary, unless otherwise indicated in the performance standard.

Legend

Acronym	Activity status
—	No additional provisions apply or not relevant
P	Permitted activity
C	Controlled activity
RD	Restricted discretionary activity
D	Discretionary activity
NC	Non-complying activity

21.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Electrical interference b. Light spill c. Noise
Major facility activities		Activity status	Performance standards
2.	Hospital	P	a. Minimum car parking
3.	All other activities in the major facility activities category	NC	
Community activities		Activity status	Performance standards
4.	Community and leisure - small scale	P	
5.	Conservation	P	
6.	All other activities in the community activities category	D	
Commercial activities		Activity status	Performance standards
7.	Commercial activities <i>ancillary to hospital activity</i>	P	a. Location
8.	Registered health practitioners	P	
9.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
10.	Rest homes	P	
11.	All other activities in the residential activities category	D	
Industrial activities		Activity status	Performance standards
12.	All activities in the industrial activities category	NC	
Rural activities		Activity status	Performance standards
13.	Grazing	P	

14.	Farming	D	
15.	Forestry	D	
16.	All other activities in the rural activities category	NC	

21.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. Setback from coast and water bodies b. Setback from scheduled tree
Buildings and structures activities		Activity status	Performance standards
2.	All buildings and structures activities	P	a. Boundary setbacks b. Maximum height c. Number, location and design of ancillary signs
Site development activities		Activity status	Performance standards
3.	Earthworks - small scale	P	a. Earthworks standards
4.	Earthworks - large scale	RD	a. Earthworks standards
5.	Service areas	P	a. Location and screening of services areas
6.	Parking, loading and access	P	a. Parking, loading and access standards b. Boundary treatments and other landscaping
7.	New parking areas, or extensions to existing parking areas <i>(that result in the creation of 50 or more new parking spaces.)</i>	RD	a. Boundary treatments and other landscaping b. Parking, loading and access standards
8.	Storage and use of hazardous substances	P	a. Hazardous Substances quantity limits and storage requirements
9.	Tree planting	P	a. Forestry and tree planting setbacks b. Tree species
10.	Vegetation clearance	P	a. Protected areas
11.	All other site development activities	P	

21.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status	Performance standards
1.	General subdivision	RD	a. Subdivision performance standards
2.	Cross lease, company lease and unit title subdivision	NC	

21.3.6 Transition to Rural Residential 1 Zone

On receipt of written notice from both the landowner and operator of Ashburn Clinic (if different) to Dunedin City Council in relation to all or part of the land within the Ashburn Clinic Zone, the provisions of the Ashburn Clinic Zone will no longer apply to that parcel of land and the provisions of the rural residential zone will apply in full.

Note 21.3A - General advice

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

Rule 21.4 Notification

1. Activities are subject to the normal tests for notification in accordance with sections 95A to 95G of the RMA.

Rule 21.5 Land Use Performance Standards

21.5.1 Electrical Interference

Land use activities must comply with Rule 9.3.2.

21.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

21.5.3 Location

For ancillary commercial activities, customer access must only be available from inside hospital buildings.

21.5.4 Minimum Car Parking

1. Hospital activity must provide a minimum of 80 of parking spaces, including three mobility parking spaces.
2. 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 car parking.

Note 21.5A - Other relevant District Plan provisions

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

21.5.5 Noise

Land use activities must comply with Rule 9.3.6.

Rule 21.6 Development Performance Standards

21.6.1 Boundary Treatments and Other Landscaping

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

21.6.2 Earthworks Standards

21.6.2.1 Earthworks - small scale thresholds

- a. Earthworks must not exceed the following scale thresholds to be considered earthworks - small scale.

Zone/Area		Ashburn Clinic Zone
i.	Maximum change in ground level	2.0m
Slope Categories		Maximum volume of combined cut and fill
ii.	Less than or equal to 12°	30m³ per 100m² of site
iii.	Greater than 12° but less than or equal to 15°	25m³ per 100m² of site
iv.	Greater than 15° but less than or equal to 20°	15m³ per 100m² of site
v.	Greater than 20° but less than or equal to 26°	10m³ per 100m² of site
vi.	Greater than 26° but less than or equal to 35°	0m³ fill 5m³ cut per 100m² of site
vii.	Greater than 35°	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 Rule 21.6.2.1.a.i - maximum 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 that exceed the earthworks - small scale thresholds are treated as earthworks - large scale, which are a restricted discretionary activity.

21.6.2.2 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.

21.6.2.3 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
 - 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 21.6A); and
 - iii. 300mm, as measured from the crest of any cut (See Figure 21.6A).
- b. Retaining walls supporting a cut or fill must be set back a distance at least equal to the height of the retaining walls See Figure 21.6B), 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 21.6A Unsupported cut and fill (elevation view)

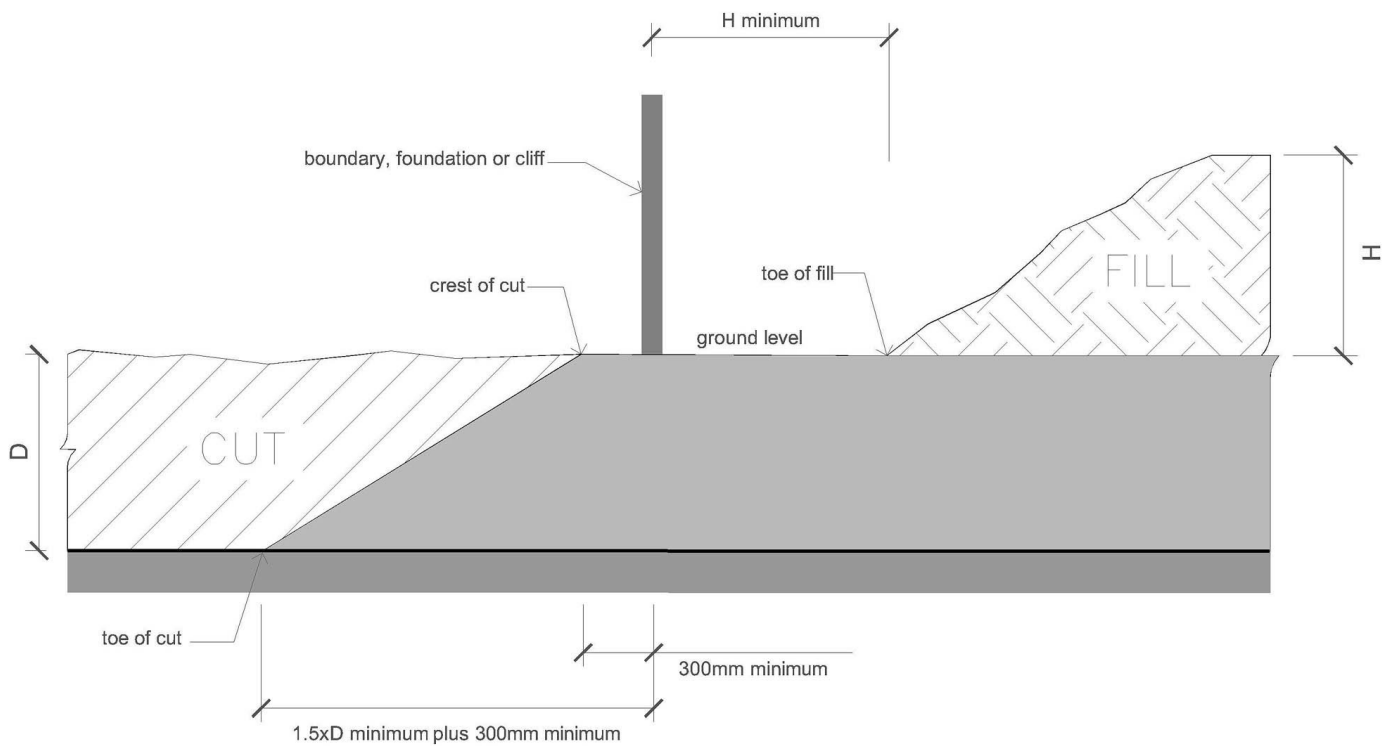
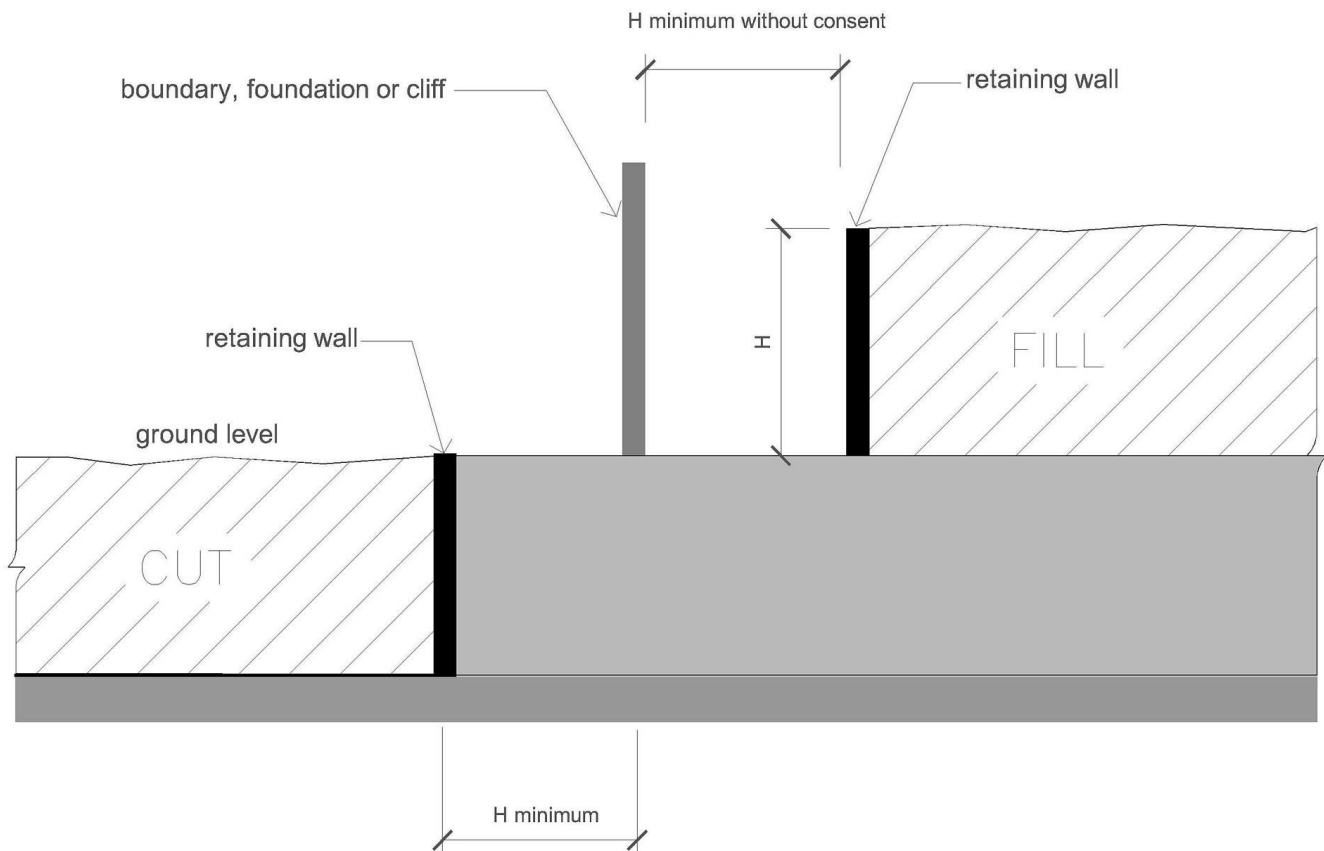


Figure 21.6B Cut and fill supported by retaining walls (elevation view)



21.6.2.4 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

21.6.2.5 Sediment control

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

21.6.2.6 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.

21.6.3 Hazardous Substances Quantity Limits and Storage Requirements

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

21.6.4 Location and Screening of Service Areas

1. Service areas must be located or screened so that they are not visible at ground level from adjacent: residential activities, residential zoned properties, or public places.
2. Service areas must not encroach into required parking, loading, or manoeuvring areas.

21.6.5 Maximum Height

1. The maximum height of new buildings and structures, and additions and alterations, must not exceed 12m above ground level.

2. 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.

21.6.6 Number, Location and Design of Ancillary Signs

21.6.6.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are not visible from outside the Asburn Clinic Zone;
 - ii. 'regulatory' (requiring or prohibiting specified actions), 'warning' (informing of hazards or of other features requiring a safe response), or 'directional' (identifying the location of, or direction to destinations, routes, building entrances, and vehicle accesses) signs
 - iii. 'building names' (excluding sponsorship names).
- b. Signs related to ancillary retail and ancillary restaurant activities must not be visible outside the Asburn Clinic Zone.
- c. Signs must comply with Rule 6.7.3 where visible from a road.
- d. Signs must not be illuminated or digital.
- e. Signs other than those specified in Rules 21.6.6.2 and 21.6.6.3 are not allowed.

21.6.6.2 Freestanding signs

- a. The maximum number of permanently fixed freestanding signs is one per 50m of frontage.
- b. The maximum number of portable freestanding signs is one per 50m of frontage.
- c. The maximum dimensions of freestanding signs are:
 - i. maximum height of 4m;
 - ii. maximum area of 8m²;
 - iii. maximum width of 2m; and
 - iv. maximum depth of 400m.
- d. Freestanding signs, must not obstruct driveways, parking or loading areas.
- e. Freestanding signs, must be located within the site and cannot be located on the road reserve.

21.6.6.3 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign, attached to a building is 4m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached to a building must:
 - i. not exceed one sign per 30m of road frontage;
 - ii. have a maximum area per display face of 2m²;
 - iii. have a maximum of two display faces per sign;
 - iv. where attached to the façade of a building, must not project more than 1m from the façade to which it is attached; and
 - v. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

Note 21.6A - 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 21.6B - 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 Public Commercial Use of Footpaths Policy.
 - c. Dunedin City Council Roadway Bylaw.
 - d. Dunedin City Council Traffic and Parking Bylaw.

21.6.7 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

21.6.8 Protected Areas

Vegetation clearance must comply with Rule 10.3.2.3.

21.6.9 Setbacks

21.6.9.1 Boundary setbacks

- a. New buildings and structures, and additions and alterations must have a minimum setback from boundaries of 10m.
- b. Except:
 - i. buildings or structures less than 10m² and less than 2m high may be located within the boundary setbacks where the total length of the buildings facing a boundary and within the setback does not exceed 7m in length and there are no windows or openings along the wall facing the boundary;
 - ii. fences and ancillary signs are exempt from the performance standard.
- c. Public entrances to buildings must be located at least 10m from a boundary with the rural residential zone.

21.6.9.2 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.

21.6.9.3 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.

21.6.9.4 Forestry and tree planting setbacks

Forestry and tree planting must comply with Rule 16.6.11.2.

21.6.10 Tree Species

Tree planting must comply with Rule 10.3.4.

Rule 21.7 Subdivision Performance Standards

General subdivision must comply with the performance standards for the Rural Residential 1 Zone within Rule 17.7.

Rule 21.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 21.8.1 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 21.8.2 - 21.8.5:
 - 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.

21.8.2 Assessment of all performance standard contraventions	
Performance standard	Guidance on the assessment of resource consents
1. Performance standard contraventions	<p><i>Relevant objectives and policies:</i></p> <p>a. Objective 21.2.1</p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>b. The degree of non-compliance with the performance standard is minor</p> <p>c. The need to meet other performance standards or <u>site</u> specific factors, make meeting the standard impracticable.</p> <p>d. Topography or other <u>site</u> specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur.</p> <p>e. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan.</p> <p><i>General assessment guidance:</i></p> <p>f. Where more than one standard is contravened, the combined effects of the contraventions should be considered.</p> <p>g. In balancing consideration of the objectives and policies related to the maintenance of heritage values and those related to general amenity, greater weight will usually be placed on heritage policies.</p>

21.8.3 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
2.	Location (<i>ancillary commercial activities</i>)	a. Effects on rural residential amenity b. Effects on the vibrancy and economic and social success of the Central Business District Zone and centres hierarchy	<i>Relevant objectives and policies:</i> i. Objective 21.2.2 ii. Ancillary commercial activities are designed, located and operated to primarily serve staff, patients and visitors of Ashburn Clinic (Policy 21.2.2.6). <i>Potential circumstances that may support a consent application include:</i> iii. The ancillary activity is unlikely to attract external customers and become a stand-alone activity.
3.	Minimum car parking	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility	See Rule 6.9

21.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Boundary treatments and other landscaping	a. Effects on rural residential amenity	<i>Relevant objectives and policies:</i> i. Objective 21.2.2 ii. The boundary of parking areas are landscaped to screen or soften these areas and ensure a high standard of visual amenity when viewed from the road (Policy 21.2.2.4). <i>Potential circumstances that may support a consent application include:</i> iii. The parking areas are small and/or surrounded by mature vegetation such that the effects on visual amenity are minor. iv. Alternative landscaping or screening is effective in visually softening large areas of hard surfaces, when viewed from the road.

21.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2.	<ul style="list-style-type: none"> Boundary setbacks Maximum height 	a. Effects on the amenity of surrounding sites	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 21.2.2 ii. Buildings and structures are of a height and setback from boundaries that ensures there are no more than minor effects on the sunlight access and privacy of current and potential future residential buildings and their outdoor living spaces (Policy 21.2.2.2). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. There is consistency with the setbacks of surrounding properties. <p><i>In assessing the application council will consider:</i></p> <ul style="list-style-type: none"> iv. Existing sunlight access to neighbouring properties v. Cumulative effects from incremental development.
		b. Effects on rural residential amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 21.2.2 ii. Buildings and structures are of a height and setback that reduces their visual effect and preserves open space values (Policy 21.2.2.3.a). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. There is consistency with the setbacks of surrounding properties. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> iv. Landscaping requirements to screen or soften the impacts effect of buildings or fences.
3.	<p>Earthworks standards:</p> <ul style="list-style-type: none"> 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 21.2.3 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 21.2.3.1.b). <p><i>Conditions that may be imposed include, but are not limited to:</i></p> <ul style="list-style-type: none"> iii. Maximum slopes of cut and fill batters. iv. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. v. Temporary shoring requirements to maintain stability before a wall is constructed. vi. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.

21.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
4.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 21.2.3 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 21.2.3.1.a).
5.	Earthworks standards: • Setback from network utilities	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7
6.	Earthworks standards: • Sediment control	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 21.2.3 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 21.2.3.2.b).
		b. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
7.	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 21.2.3 ii. Earthworks ancillary to forestry are carried out in accordance with industry best practice guidelines (Policy 21.2.3.4).

21.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
8.	Forestry and tree planting setbacks	a. Effect on amenity of surrounding properties	Tree planting is set back an adequate distance to avoid significant effects from shading on residential dwellings on surrounding properties (Policy 21.2.2.7).
		b. Effects on health and safety	See Rule 9.4
		c. Effects on safety and efficiency of the transport network	See Rule 6.9
9.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards	See Rule 11.4
10.	Location and screening of service areas	a. Effects on rural residential amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 21.2.2 ii. The visual amenity of the surrounding rural residential zone is maintained or enhanced by ensuring service areas are not visible from ground level outside the <u>site</u> (Policy 21.2.2.3.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Screening would unduly restrict the usability of the service area. iv. The <u>site</u> layout prevents the service area from being visible from any public place without additional screening being required.
11.	Number, location and design of ancillary signs	a. Effects on rural residential amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 21.2.2 ii. Ancillary signs visible outside the zone are located and designed to maintain or enhance streetscape amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose (Policy 21.2.2.5).
		b. Effects on safety and efficiency of the transport network	See Rule 6.9
12.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

21.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
13.	Protected areas	a. Effects on biodiversity and the natural character of riparian margins and the coast	See Rule 10.4
14.	Setback from coast and water bodies	a. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		b. Effects on public access	
		c. Risk from natural hazards	See Rule 11.4
15.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
16.	Tree species	a. Effects on biodiversity values	See Rule 10.4

21.8.5 Assessment of subdivision performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Subdivision performance standards	See Rule 17.9

Rule 21.9 Assessment of Restricted Discretionary Activities

Rule 21.9.1 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 21.9.2 - 21.9.3:
 - 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. 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.
4. 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 21.8; 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 21.10; 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 21.11; and
 - iii. the assessment guidance in this section will also be considered.

21.9.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
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1. Earthworks - large scale (that exceed the scale thresholds for the Ashburn Clinic Zone)	<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 21.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 21.2.3.3.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 21.2.3.3.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.
	<p>c. Effects on the stability of land, buildings, and structures</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 21.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 21.2.3.3.c). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. A geotechnical report confirms the existing ground is suitably stable for the proposed works, and proposed works will not create instability risks for surrounding land, buildings, or structures (see Special Information Requirements - Rule 21.12.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards.

21.9.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. New parking areas, or extensions to existing parking areas (<i>that result in the creation of 50 or more new parking spaces.</i>)	a. Effects on the safety and efficiency of transport network	See Rule 6.10

21.9.3 Assessment of restricted discretionary subdivision activities

Subdivision activities	Matters of discretion	Guidance on the assessment of resource consents
1. General subdivision	a. Effect on the efficient and effective operation of Ashburn Clinic	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 21.2.1, 2.3.1 ii. General subdivision does not adversely affect the efficient and effective operation of Ashburn Clinic (Policy 21.2.1.5.b). iii. Hospitals are enabled to continue to operate efficiently and effectively, while minimising as far as practical any adverse effects on surrounding areas, and protected from activities that may lead to reverse sensitivity issues (Policy 21.2.1.6).
	See Rule 17.10	

Rule 21.10 Assessment of Discretionary Activities

Rule 21.10.1 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 21.10.2 - 21.10.4 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 application;
 - 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.

21.10.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
<p>1. All discretionary activities, including:</p> <ul style="list-style-type: none"> • all activities in the community activities category except community and leisure - small scale and conservation • all activities in the residential activities category except rest homes • farming • forestry • activities listed below 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 2.3.1 b. Objective 21.2.1 c. The activity does not detract from, or preferably contributes to, the strategic directions objectives. d. Activities that are ancillary to hospital activity are designed and operated in line with Objective 21.2.2 and its policies (Policy 21.2.1.3). e. Activities that are not ancillary to hospital activity: <ul style="list-style-type: none"> i. are related to or support the Ashburn Clinic, or have other operational requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Ashburn Clinic; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. are designed and operated in line with Objective 21.2.2 and its policies (Policy 21.2.1.4). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> f. The activity is in accordance with relevant objectives, policies and performance standards of the rural residential zone. g. For discretionary land use activities, whether any associated development activities meet relevant development performance standards, or are otherwise consistent with relevant objectives and policies for development. h. All relevant land use performance standards are met, including noise and light spill standards. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> i. In assessing the significance of effects, consideration will be given to: <ul style="list-style-type: none"> i. short to long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. j. In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.

21.10.3 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
1. Community and leisure - large scale	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.

21.10.4 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> Noise - where the limit is exceeded by up to 5dB LAeq (15min) Light spill - where the limit is exceeded by 25% or less 	See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

Rule 21.11 Assessment of Non-complying Activities

Rule 21.11.1 Introduction

- 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.
- Rules 21.11.2 - 21.11.4 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - general assessment guidance, including any effects that will be considered as a priority.
- 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.

21.11.2 Assessment of all non-complying activities

Activity	Guidance of the assessment of resource consents
1. All non-complying land use activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 2.3.1 b. Objective 21.2.1 c. Activities that are not ancillary to hospital activity: <ul style="list-style-type: none"> i. are related to or support Ashburn Clinic, or have other operational requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Ashburn Clinic; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. are designed and operated in line with Objective 21.2.2 and its policies (Policy 21.2.1.4). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> d. In assessing the significance of effects consideration will be given to: <ul style="list-style-type: none"> i. both short and long term effects, including effects in combination with other activities; ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent; and iii. any effects otherwise managed through performance standards and consistent with all relevant objectives and policies for the zone. e. 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.

21.11.3 Assessment of non-complying land use activities

Activity	Guidance of 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

21.11.4 Assessment of all non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
<p>1.</p> <ul style="list-style-type: none"> • Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5dB LAeq (15 min) or more • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) 	<p>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.</p>

Rule 21.12 Special Information Requirements

21.12.1 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.