

25. Edgar Centre

25.1 Introduction

The Edgar Centre is located at 116 Portsmouth Drive, Andersons Bay, and occupies a site of approximately three hectares in area. The site fronts onto the harbour, and is surrounded on the other three sides by industrially zoned land, which provides predominantly for industrial and large scale retail activities.

The Edgar Centre is a large indoor venue and includes a number of arenas and meeting spaces that are used for social and competitive sport, functions, meetings, expos and concerts from local, national and international artists. A large car parking area services the Centre.

The key resource management issues are that land use activities on the Edgar Centre site have the potential to generate effects, particularly traffic, which may adversely affect the operation of surrounding industrial land uses or the safe and efficient operation of the transport network. Portsmouth Drive is classed as an 'industrial amenity route' and is managed to ensure the maintenance of views across the harbour and ensure a higher level of amenity for pedestrians and cyclists using it. The Edgar Centre Zone recognises the existing and foreseeable future uses of the site, providing certainty to the community and appropriately managing any adverse effects on the surrounding industrial zone and transport network.

25.2 Objectives and Policies

Objective 25.2.1	
The Edgar Centre is able to operate efficiently and effectively.	
Policy 25.2.1.1	Enable major recreation facility activity in the Edgar Centre Zone.
Policy 25.2.1.2	Provide for activities ancillary to major recreation facility activity where they are designed and operated in line with Objective 25.2.2 and its policies.
Policy 25.2.1.3	Only allow activities that are not ancillary to major recreation facility activity where: <ul style="list-style-type: none"> a. they are related to or support the Edgar Centre, or have other operational requirements that mean they need to locate in the zone; b. they will support the efficient and effective operation of the Edgar Centre; 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 25.2.2 and its policies.
Policy 25.2.1.4	Enable land that is surplus to the needs of the Edgar Centre to transition to the Industrial Zone, so that future development that is not related to major recreation facility activity can be managed in accordance with the objectives and policies of that zone.
Policy 25.2.1.5	Only allow subdivision activities where: <ul style="list-style-type: none"> a. they are in accordance with the provisions of the Industrial Zone; and b. the subdivision does not adversely affect the efficient and effective operation of the Edgar Centre.

Objective 25.2.2

Land use activities and development necessary for the Edgar Centre to meet the reasonably foreseeable needs of the community are enabled, while ensuring they:

1. achieve a reasonable standard of on-site amenity for facility users; and
2. maintain or enhance the amenity of surrounding areas as far as practicable.

Policy 25.2.2.1	Require buildings and structures to be of a height that: <ol style="list-style-type: none"> a. is similar to the existing height of buildings of the surrounding industrial zone; and b. avoids significant adverse effects on views from Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula.
Policy 25.2.2.2	Only allow buildings and structures to exceed the maximum height limit where: <ol style="list-style-type: none"> a. the height is essential to the operation of the Edgar Centre; and b. all practicable measures have been taken to avoid or minimise the visual effects of the height limit exceedance.
Policy 25.2.2.3	Require development along Portsmouth Drive (amenity route mapped area) to provide a high level of streetscape amenity by: <ol style="list-style-type: none"> a. providing landscaping of a height and density adequate to maintain or enhance the amenity of the route; and b. setting back buildings an adequate distance to allow this landscaping.
Policy 25.2.2.4	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 25.2.2.5	Require ancillary commercial activities to be designed, located and operated to primarily serve staff and visitors to the Edgar Centre.

Objective 25.2.3

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 25.2.3.1	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 25.2.3.2	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.

Objective 25.2.3

Policy 25.2.3.3	<p>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:</p> <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.
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Rules

Rule 25.3 Activity Status

Rule 25.3.1 Rule location

The activity status tables in Rule 25.3.3 - 25.3.5 in Rule 25.3.2 specify the activity status of land use activities, development activities, and subdivision activities in the Edgar Centre Zone, 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)

25.3.2 Activity status introduction

1. The tables in Rules 25.3.3 - 25.3.5 show the activity status of activities in the Edgar Centre Zone 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

Acronym	Activity status
P	Permitted activity
C	Controlled activity
RD	Restricted discretionary activity
D	Discretionary activity
NC	Non-complying activity

25.3.3 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.	Major recreation facility	P	a. Minimum car parking
3.	All other activities in the major facility activities category	NC	
Community activities		Activity status	Performance standards
4.	Early childhood education <i>ancillary to major recreation facility</i>	D	
5.	Early childhood education <i>not ancillary to major recreation facility</i>	NC	
6.	All other activities in the community activities category	P	
Commercial activities		Activity status	Performance standard
7.	Commercial activities <i>ancillary to major recreation facility</i>	P	a. Location
8.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
9.	All activities in the residential activities category	NC	
Industrial activities		Activity status	Performance standards
10.	All activities in the industrial activities category	D	
Rural activities		Activity status	Performance standards
11.	All activities in the rural activities category	NC	

25.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. Boundary treatments and other landscaping
Buildings and structures activities		Activity status	Performance standards
2.	All buildings and structures activities	P	a. Maximum height b. Number, location and design of ancillary signs c. Hazard overlay zones development standards d. Boundary setbacks
Site development activities		Activity status	Performance standards
3.	Parking, loading and access	P	a. Parking, loading and access standards
4.	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. Parking, loading and access standards
5.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements
6.	Earthworks - small scale	P	a. Earthworks standards
7.	Earthworks - large scale	RD	a. Earthworks standards
8.	All other site development activities	P	

25.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status	Performance standards
1.	All subdivision activities	RD	a. Subdivision performance standards

25.3.6 Transition to the Industrial Zone

On receipt of written notice from both the owner and operator (if different) of the Edgar Centre to Dunedin City Council confirming that all or part of the land within the Edgar Centre Zone is surplus to requirements, the provisions of the Edgar Centre Zone will no longer apply to that parcel of land and the provisions of the Industrial Zone will apply in full. [wording to be finalised]

Note 25.3A - 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 25.4 Notification

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

Rule 25.5 Land Use Performance Standards

25.5.1 Electrical Interference

Land use activities must comply with Rule 9.3.2.

25.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

25.5.3 Location

For ancillary commercial activities, customer access must only be available from inside the Edgar Centre buildings.

25.5.4 Minimum Car Parking

1. Major recreation facility activity must provide a minimum of 400 parking spaces, including nine mobility parking spaces. These must be provided either within or on land close to the Edgar Centre Zone.
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 25.5A - Other relevant District Plan provisions

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

25.5.5 Noise

Land use activities must comply with Rule 9.3.6.

Rule 25.6 Development Performance Standards

25.6.1 Boundary Setbacks

1. New buildings and structures, and additions and alterations to buildings and structures must have a minimum set back from Portsmouth Drive (**amenity route mapped area**) of 10.5m.
2. Except fences and ancillary signs are exempt from this standard.

25.6.2 Boundary Treatments and Other Landscaping

1. Along the Portsmouth Drive frontage, a landscaping area with a minimum width of 1.5m must be provided along the full length of the road frontage (except for where vehicle access is provided).
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.

25.6.3 Earthworks Standards

25.6.3.1 Earthworks - small scale thresholds

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

Zone/Area		1. Edgar Centre Zone
i.	Maximum change in ground level	1.5m
ii.	Maximum volume of combined cut and fill	30m³ per 100m² of site

- b. Earthworks *ancillary to network utilities* activities are only required to comply with Rule 25.6.3.1.a.i - maximum change in ground level threshold.
- c. Earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the performance standard earthworks - small scale thresholds.
- d. Scale thresholds will be calculated as the cumulative total of earthworks on any site in a two calendar-year period.
- e. Earthworks that exceed the earthworks - small scale thresholds are treated as earthworks - large scale, which are a restricted discretionary activity.

25.6.3.2 Batter gradient

Earthworks must:

- a. have a maximum cut batter gradient of 1:1 (i.e. rising 1m over a 1m distance); and
- b. have a maximum fill batter gradient of 2:1 (i.e. rising 1m over a 2m distance).

25.6.3.3 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 Figure 25.6A);
 - 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 25.6A); and
 - iii. 300mm, as measured from the crest of any cut (see Figure 25.6A).
- 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 25.6B), except:
 - i. retaining walls supporting a cut that have been granted building consent are exempt from this standard.
- c. Earthworks *ancillary to network utilities* activities and earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the setback from property boundary, buildings, structures and cliffs performance standard.

Figure 25.6A Unsupported cut and fill (elevation view)

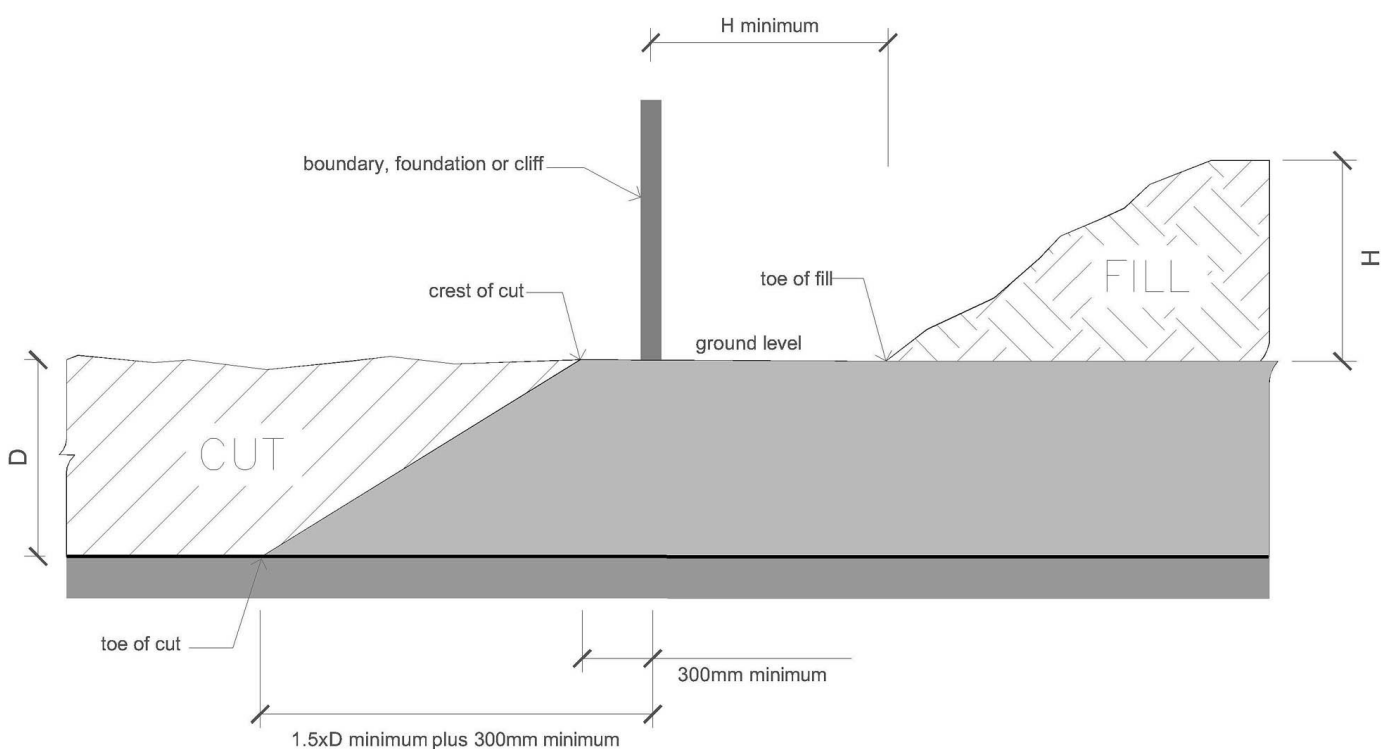
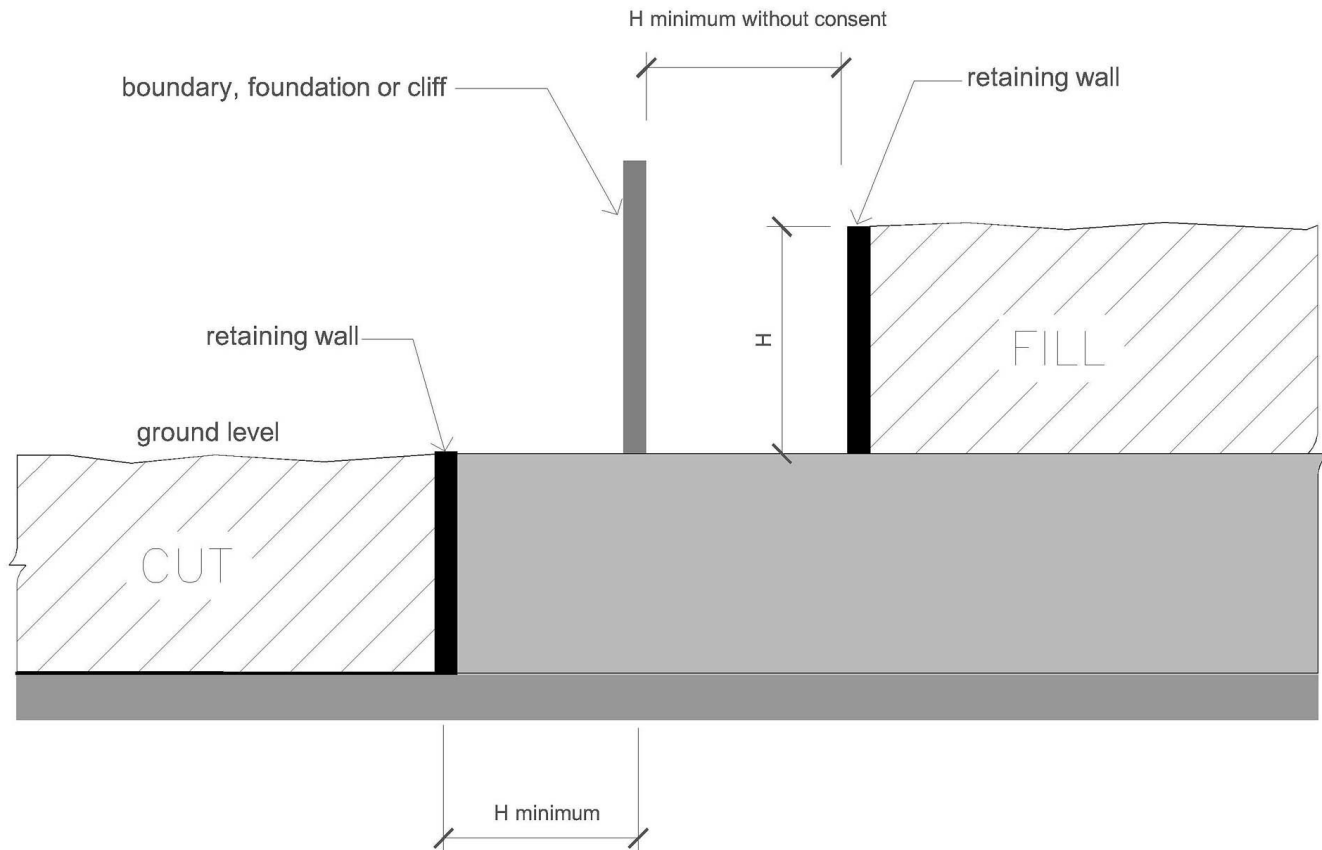


Figure 25.6B Cut and fill supported by retaining walls (elevation view)



25.6.3.4 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

25.6.3.5 Sediment control

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

25.6.4 Hazard Overlay Zones Development Standards

25.6.4.1 Minimum floor level

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

25.6.4.2 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.

25.6.5 Hazardous Substances Quantity Limits and Storage Requirements

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

25.6.6 Maximum Height

1. The maximum height of new buildings and structures, and additions and alterations, must not exceed 18m above ground level.

2. Rooftop structures are exempt from the performance standard for maximum height, provided they do not exceed the maximum height limit for all other buildings and structures by more than 5m.

25.6.7 Number, Location and Design of Ancillary Signs

25.6.7.1 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 Edgar Centre 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; and
 - iii. 'building names' (excluding sponsorship names).
- b. Signs related to activities ancillary to major recreation facility must not be visible outside the Edgar Centre Zone.
- c. Signs located above the footpath must comply with Rule 6.7.2.
- d. Signs must comply with Rule 6.7.3 where visible from a road.
- e. Signs other than those specified in Rules 25.6.7.2 and 25.6.7.3 are not allowed.

25.6.7.2 Signs attached to buildings

- a. The height above ground level of the highest point of any sign must not exceed 8m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs must not exceed the following number and cumulative maximum area:

Location	Number of signs	Cumulative maximum area
Facade facing Portsmouth Drive	5	75m ²
Facade facing Midland Street	3	56m ²
Facade facing Teviot Street	2	26.5m ²

- e. Signs attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.
- f. Signs attached on the underside of a verandah or protruding from a building facade must:
 - i. where attached to the facade of a building, have a maximum area per display face of 2m²;
 - ii. where attached to the facade of a building, must not project more than 1.5m from the facade to which it is attached;
 - iii. have a maximum of two display faces per sign; and
 - iv. not exceed one sign per 15m of building facade.

25.6.7.3 Freestanding signs

- a. The maximum number of freestanding signs within the zone is two.
- b. The maximum dimensions of freestanding signs are:
 - i. maximum height of 4m;
 - ii. maximum area of 8m² per display face;

- iii. maximum width of 2m; and
 - iv. maximum depth of 400m.
- c. Freestanding signs must not obstruct driveways, parking or loading areas.
- d. Freestanding signs must be located within the site and cannot be located on the road reserve.

Note 25.6A - Other relevant District Plan provisions

- 1. Commercial advertising is a non-complying land use activity in all zones.
- 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 25.6B - 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 Roading Bylaw.
 - d. Dunedin City Council Traffic and Parking Bylaw.

25.6.8 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

Rule 25.7 Subdivision Performance Standards

Subdivision activities must comply with Rule 19.7.

Rule 25.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 25.8.1 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 25.8.2 - 25.8.5:
 - 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.

25.8.2 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 <u>site</u> specific factors make meeting the standard impracticable. c. 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. 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.

25.8.3 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	a. Effects on the vibrancy, and economic and social success of the CBD and centres hierarchy	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> i. Objective 25.2.2 ii. Ancillary commercial activities are designed, located and operated to primarily serve staff and visitors to the Edgar Centre (Policy 25.2.2.5).

25.8.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
3. Minimum car parking	a. Effects on accessibility b. Effects on the safety and efficiency of transport network	See Rule 6.9

25.8.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance in the assessment of resource consents
1. Boundary setback	a. Effect on streetscape amenity	<i>Relevant objectives and policies:</i> <ol style="list-style-type: none"> Objective 25.2.2 Buildings along Portsmouth Drive are set back an adequate distance to allow landscaping to provide a high level of streetscape amenity (Policy 25.2.2.3.b).
2. Boundary treatments and other landscaping	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> <ol style="list-style-type: none"> Objective 25.2.2 Landscaping is provided at a height and density to maintain or enhance the amenity of Portsmouth Drive (Policy 25.2.2.3.a). <i>Potential circumstances that may support a consent application include:</i> <ol style="list-style-type: none"> The <u>site</u> is laid out in an alternative manner to achieve better outcomes for streetscape amenity.
3. Earthworks standards: <ul style="list-style-type: none"> Batter gradient 	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> <ol style="list-style-type: none"> Objective 25.2.3 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 25.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> <ol style="list-style-type: none"> Maximum slopes of cut and fill batters. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. Temporary shoring requirements to maintain stability before a wall is constructed. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.

25.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance in 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 25.2.3 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 25.2.3.1.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 b. Effects on biodiversity values and natural character of the coast and riparian margins c. Effects on the efficiency and/or affordability of infrastructure	<i>Relevant objectives and policies:</i> i. Objective 25.2.3 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 25.2.3.2.b). See Rule 10.4 See Rule 9.4
7.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety b. Risk from natural hazards	See Rule 9.4 See Rule 11.4

25.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance in the assessment of resource consents
8.	Maximum Height	a. Effects on heightscape of the industrial zone	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 25.2.2 ii. Buildings and structures are a similar height to existing buildings within the Industrial Zone (Policy 25.2.2.1.a). iii. Buildings and structures only exceed the maximum height limit where: <ul style="list-style-type: none"> 1. the height is essential to the operation of the Edgar Centre; and 2. all practicable measures have been taken to avoid or minimise the visual effects of the height limit exceedance (Policy 25.2.2.2).
		b. Effects on important view shafts	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 25.2.2 ii. Buildings and structures are a height that avoids significant adverse effects on views from the central city and Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula (Policy 25.2.2.1.b).
9.	Hazard overlay zones development standards: <ul style="list-style-type: none"> • Relocatable buildings • Minimum floor level 	a. Risk from natural hazards	See Rule 11.4
10.	Number, location and design of ancillary signs	a. Effects on streetscape amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 25.2.2 ii. Ancillary signs visible from outside the zone are 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 25.2.2.4).
		b. Effects on safety and efficiency of the transport network	See Rule 6.9
11.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

25.8.5 Assessment of subdivision performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Subdivision performance standards	See Rule 19.9

Rule 25.9 Assessment of Restricted Discretionary Activities

Rule 25.9.1 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 25.9.2 - 25.9.3 list:
 - a. 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 25.8; 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 25.10; 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 25.11; and
 - iii. the assessment guidance in this section will also be considered.

25.9.2 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 Edgar Centre 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 25.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 25.2.3.3.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 25.2.3.3.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 25.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 25.2.3.3.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 25.12.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards

25.9.2 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

25.9.3 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All subdivision activities	a. Effects on the efficient and effective operation of the Edgar Centre	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objectives 25.2.1, 6.2.3 ii. Subdivision activities do not adversely affect the efficient and effective operation of the Edgar Centre (Policy 25.2.1.5.b).
	See Rule 19.10	

Rule 25.10 Assessment of Discretionary Activities

Rule 25.10.1 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. Rule 25.10.2 - 25.10.3 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 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.

25.10.2 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"> • early childhood education ancillary to major recreation facility • all activities in the industrial activities category • activities listed below 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objectives 2.3.1, 2.3.3 b. Objective 25.2.1 c. Activities that are ancillary to major recreation facility activity are designed and operated in line with Objective 25.2.2 and its policies (Policy 25.2.1.2). d. Activities that are not ancillary to major recreation facility activity: <ul style="list-style-type: none"> i. are related to or support the Edgar Centre, or have other operational requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Edgar Centre; 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 25.2.2 and its policies (Policy 25.2.1.3). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> e. 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. f. 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"> g. 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. h. 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.

25.10.3 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 25.11 Assessment of Non-complying Activities

Rule 25.11.1 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 25.11.2 and 25.11.3 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.

25.11.2 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. Objective 2.3.3, Policy 2.3.3.2 b. Objective 25.2.1 c. Activities not ancillary to Edgar Centre activity: <ul style="list-style-type: none"> i. are related to or support Edgar Centre, or have other operation requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Edgar Centre; 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 25.2.2 and its policies (Policy 25.2.1.3). <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; 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. 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.
2. Commercial advertising in all zones	<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

25.11.3 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 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 25.12 Special Information Requirements

25.12.1 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.

