

## 27. Mercy Hospital

### 27.1 Introduction

The Mercy Hospital site is approximately 4ha in area and is located at 72 Newington Avenue, Maori Hill, Dunedin. The hospital was originally established in 1936 and relocated to the current Maori Hill site in 1969. Mercy Hospital provides a unique service to the South Canterbury, Otago and Southland regions, providing a comprehensive range of specialist assessment, diagnostic and treatment services. The Mercy Hospital Zone has been designed to enable the services offered by Mercy Hospital to be provided for, and to provide greater certainty to the community regarding what land use activities can be expected to occur on the Mercy Hospital site.

The site is surrounded by the General Residential 1 Zone, with predominantly residential use interspersed with commercial activities such as private dentists and medical specialists. There is a high level of residential amenity, with extensive established vegetation in the neighbouring area.

Residents are exposed to very low levels of non-residential noise. While the buildings on the Mercy Hospital site are generally large in scale, they are contained within an extensive site with well established stands of trees and open space. The values of the vegetated area on the eastern part of the site is recognised via its inclusion within the **urban conservation mapped area** (UCMA). Marinoto House, which forms part of Mercy Hospital, is listed on the Heritage New Zealand List and Schedule A1.1 of this Plan.

Mercy Hospital and its associated activities have the potential to generate effects, including traffic, noise, landscape and visual effects, which may impact on surrounding land uses. The Mercy Hospital Development Plan (Appendix 27A) identifies development anticipated over the next 10 years. Other development is provided for, subject to meeting standards relating to height and setback. The type and mix of activities appropriate within the zone, and the ability of the site to absorb change, have been important factors in determining how the Mercy Hospital site will develop over time. The Mercy Hospital Zone recognises the existing and foreseeable future use of the Mercy Hospital site and, at the same time appropriately manages any adverse effects on the surrounding residential zone.

## 27.2 Objectives and Policies

| <b>Objective 27.2.1</b>                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mercy Hospital is able to operate efficiently and effectively as a hospital. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Policy 27.2.1.1                                                              | Enable hospital activity in the Mercy Hospital Zone.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Policy 27.2.1.2                                                              | Provide for activities that are ancillary to hospital activity where they are designed and operated in line with Objective 27.2.2 and its policies.                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Policy 27.2.1.3                                                              | Only allow activities that are not ancillary to hospital activity where all of the following apply: <ol style="list-style-type: none"> <li>the activities are related to or support Mercy Hospital, or have other operational requirements that mean they need to locate in the zone;</li> <li>they will support the efficient and effective operation of Mercy Hospital;</li> <li>they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and</li> <li>they are designed and operated in line with Objective 27.2.2 and its policies.</li> </ol> |
| Policy 27.2.1.4                                                              | Enable land that is surplus to the needs of Mercy Hospital to transition to the General 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 27.2.1.5                                                              | Only allow subdivision activities where: <ol style="list-style-type: none"> <li>they are in accordance with the provisions of the General Residential 1 Zone; and</li> <li>the subdivision does not adversely affect the efficient and effective operation of Mercy Hospital.</li> </ol>                                                                                                                                                                                                                                                                                                         |

| <b>Objective 27.2.2</b>                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Land use activities and development necessary for Mercy Hospital to meet the reasonably foreseeable health needs of the community is enabled, while ensuring development: <ol style="list-style-type: none"> <li>achieves a good standard of on-site amenity for patients, staff and visitors; and</li> <li>maintains or enhances the amenity of surrounding residential sites and areas, as far as practicable.</li> </ol> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Policy 27.2.2.1                                                                                                                                                                                                                                                                                                                                                                                                             | Require buildings and structures to be either: <ol style="list-style-type: none"> <li>in accordance with the Mercy Hospital development plan; or</li> <li>of a height, setback from boundaries and size that ensures:               <ol style="list-style-type: none"> <li>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; and</li> <li>any adverse effects on neighbourhood amenity are avoided or, if avoidance is not possible, are no more than minor.</li> </ol> </li> </ol> |
| Policy 27.2.2.2                                                                                                                                                                                                                                                                                                                                                                                                             | Require development to maintain or enhance neighbourhood amenity by ensuring service areas are not visible from ground level outside the site.                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Policy 27.2.2.3                                                                                                                                                                                                                                                                                                                                                                                                             | Require landscaping of the boundary of parking areas where adjacent to a road frontage to screen or soften these areas and ensure a high standard of visual amenity where viewed from the road.                                                                                                                                                                                                                                                                                                                                                                                                  |
| Policy 27.2.2.4                                                                                                                                                                                                                                                                                                                                                                                                             | Require fences on road boundaries to be of a height and design that contributes positively to neighbourhood amenity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

### Objective 27.2.2

|                 |                                                                                                                                                                                                                                                                                                                                                         |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Policy 27.2.2.5 | 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 27.2.2.6 | Require ancillary commercial activities to be designed, located and operated to primarily serve staff, patients and visitors to Mercy Hospital.                                                                                                                                                                                                         |

### Objective 27.2.3

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 27.2.3.1 | Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: <ul style="list-style-type: none"> <li>a. being set back an adequate distance from property boundaries, buildings, structures and cliffs; and</li> <li>b. using a batter gradient that will be stable over time.</li> </ul>                                                                                                                                                    |
| Policy 27.2.3.2 | 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"> <li>a. limiting the scale of earthworks that are provided for as a permitted activity; and</li> <li>b. requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.</li> </ul>                                                                       |
| Policy 27.2.3.3 | 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"> <li>a. adverse effects on visual amenity and character;</li> <li>b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and</li> <li>c. adverse effects on the stability of land, buildings, and structures.</li> </ul> |

## Rules

### Rule 27.3 Activity Status

#### 27.3.1 Rule location

The activity status tables in Rule 27.3.3 - 27.3.5 specify the activity status of land use activities, development activities and subdivision activities in the Mercy Hospital 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)

#### 27.3.2 Activity status introduction

1. The tables in Rules 27.3.3 - 27.3.5 show the activity status of activities in the Mercy Hospital 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 |
| P       | Permitted activity                             |
| C       | Controlled activity                            |
| RD      | Restricted discretionary activity              |
| D       | Discretionary activity                         |
| NC      | Non-complying activity                         |

### 27.3.3 Activity status table - land use activities

|                           |                                                                |                 |                                                          |
|---------------------------|----------------------------------------------------------------|-----------------|----------------------------------------------------------|
| 1.                        | Performance standards that apply to all land use activities    |                 | a. Electrical interference<br>b. Light spill<br>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.                        | Community and leisure - large scale                            | D               |                                                          |
| 6.                        | Conservation                                                   | P               |                                                          |
| 7.                        | All other activities in the community activities category      | D               |                                                          |
| Commercial activities     |                                                                | Activity status | Performance standards                                    |
| 8.                        | Commercial activities <i>ancillary to hospital activity</i>    | P               | a. Location                                              |
| 9.                        | Registered health practitioners                                | P               |                                                          |
| 10.                       | All other activities in the commercial activities category     | NC              |                                                          |
| Residential activities    |                                                                | Activity status | Performance standards                                    |
| 11.                       | All 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.                       | All activities in the rural activities category                | NC              |                                                          |

### 27.3.4 Activity status table - development activities

|                                                                                                                                                                     |                                                                                                                                   |                 |                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.                                                                                                                                                                  | Performance standards that apply to all development activities                                                                    |                 | <ul style="list-style-type: none"> <li>a. Maximum building site coverage and impermeable surfaces</li> <li>b. Setback from scheduled tree</li> </ul>                                                                                      |
| Building and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 5-9) |                                                                                                                                   | Activity status | Performance standards                                                                                                                                                                                                                     |
| 2.                                                                                                                                                                  | All building and structures activities <i>in accordance with the Mercy Hospital Development Plan (Appendix 27A)</i>               | P               | <ul style="list-style-type: none"> <li>a. Number, location and design of ancillary signs</li> </ul>                                                                                                                                       |
| 3.                                                                                                                                                                  | Fences                                                                                                                            | P               | <ul style="list-style-type: none"> <li>a. Fence height and design</li> </ul>                                                                                                                                                              |
| 4.                                                                                                                                                                  | All other building and structures activities                                                                                      | P               | <ul style="list-style-type: none"> <li>a. Boundary setbacks</li> <li>b. Height in relation to boundary</li> <li>c. Maximum height</li> <li>d. Number, location and design of ancillary signs</li> <li>e. Footprint of building</li> </ul> |
| Building and structures activities that affect a protected part of a scheduled heritage building <b>or</b> scheduled heritage structure                             |                                                                                                                                   | Activity status | Performance standards                                                                                                                                                                                                                     |
| 5.                                                                                                                                                                  | Repairs and maintenance or <u>restoration</u>                                                                                     | P               | <ul style="list-style-type: none"> <li>a. Materials and design</li> </ul>                                                                                                                                                                 |
| 6.                                                                                                                                                                  | Earthquake strengthening <i>where external features only are protected</i>                                                        | C               | <ul style="list-style-type: none"> <li>a. Materials and design</li> </ul>                                                                                                                                                                 |
| 7.                                                                                                                                                                  | All other additions and alterations                                                                                               | RD              |                                                                                                                                                                                                                                           |
| 8.                                                                                                                                                                  | Demolition                                                                                                                        | NC              |                                                                                                                                                                                                                                           |
| 9.                                                                                                                                                                  | Removal for relocation                                                                                                            | RD              |                                                                                                                                                                                                                                           |
| Site development activities                                                                                                                                         |                                                                                                                                   | Activity status | Performance standards                                                                                                                                                                                                                     |
| 10.                                                                                                                                                                 | Earthworks - small scale                                                                                                          | P               | <ul style="list-style-type: none"> <li>a. Earthworks standards</li> </ul>                                                                                                                                                                 |
| 11.                                                                                                                                                                 | Earthworks - large scale                                                                                                          | RD              | <ul style="list-style-type: none"> <li>a. Earthworks standards</li> </ul>                                                                                                                                                                 |
| 12.                                                                                                                                                                 | Service areas                                                                                                                     | P               | <ul style="list-style-type: none"> <li>a. Location and screening of service areas</li> </ul>                                                                                                                                              |
| 13.                                                                                                                                                                 | Parking, loading and access                                                                                                       | P               | <ul style="list-style-type: none"> <li>a. Parking, loading and access standards</li> <li>b. Boundary treatments and other landscaping</li> </ul>                                                                                          |
| 14.                                                                                                                                                                 | New parking areas, or extensions to existing parking areas <i>(that result in the creation of 50 or more new parking spaces.)</i> | RD              | <ul style="list-style-type: none"> <li>a. Boundary treatments and other landscaping</li> <li>b. Parking, loading and access standards</li> </ul>                                                                                          |

|     |                                         |   |                                                                  |
|-----|-----------------------------------------|---|------------------------------------------------------------------|
| 15. | Storage and use of hazardous substances | P | a. Hazardous substances quantity limits and storage requirements |
| 16. | Vegetation clearance                    | P | a. Maximum area of vegetation clearance                          |
| 17. | All other site development activities   | P |                                                                  |

### 27.3.5 Activity status table - subdivision activities

| Subdivision activities |                        | Activity status | Performance standards                |
|------------------------|------------------------|-----------------|--------------------------------------|
| 1.                     | Subdivision activities | RD              | a. Subdivision performance standards |

### 27.3.6 Transition to General Residential 1 Zone

On receipt of written notice from both the owner and operator (if different) of Mercy Hospital to Dunedin City Council in relation to all or part of the land within the Mercy Hospital Zone, the provisions of the Mercy Hospital Zone will no longer apply to that parcel of land and the provisions of the General Residential 1 Zone (for land outside the **urban conservation mapped area**) or Recreation Zone (for land within the **urban conservation mapped area**), will apply in full.

#### Note 27.3A - General advice

- Under the Heritage New Zealand Pouhere Taonga Act 2014 it is an offence to modify or destroy an archaeological site without obtaining an archaeological authority from Heritage New Zealand (HNZ). This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
- 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.
- Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
- 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 27.4 Notification**

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or 95B of the Act, unless Council considers special circumstances exist in relation to the application that require public notification:
  1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
  2. contravention of performance standard 13.3.2 'Materials and design' where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications for the following activities, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
  1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand; and
  2. activities that contravene performance standard 13.3.2 'Materials and design' where the building or structure is listed by Heritage New Zealand.
3. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A(2) of the RMA:
  1. demolition of a protected part of a scheduled heritage building or scheduled heritage structure.
4. In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons.
5. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

## **Rule 27.5 Land Use Performance Standards**

### **27.5.1 Electrical Interference**

Land use activities must comply with Rule 9.3.2.

### **27.5.2 Light Spill**

Land use activities must comply with Rule 9.3.5.

### **27.5.3 Location**

For ancillary commercial activities, customer access must only be available from within the facility.

### **27.5.4 Minimum Car Parking**

1. Hospital activity must provide 1.9 parking spaces per 100m<sup>2</sup> of gross floor area. This minimum car parking requirement is cumulative for all hospital activities on the site, except that if a resource consent is held for an exemption to this rule, the gross floor area provided for by this resource consent is excluded from future calculations.
2. The following areas within the building will be excluded from the assessment of gross floor area for the purpose of calculating the minimum car parking requirement: any parking area and associated manoeuvring space, including parking aisle; any loading area and associated manoeuvring space.
3. Where additional gross floor area is proposed, any additional parking spaces required to comply with this standard must be provided and operational before construction commences on the additional gross floor area,



unless resource consent is obtained to exempt or reduce the minimum car parking requirement for the extension or activity.

4. Hospital activities must provide mobility parking spaces as follows:

| Total number of parking spaces provided |                                        | Minimum number of these that must be mobility parking spaces |
|-----------------------------------------|----------------------------------------|--------------------------------------------------------------|
| a.                                      | 1 - 20                                 | 1 parking space                                              |
| b.                                      | 21 - 50                                | 2 parking spaces                                             |
| c.                                      | For every additional 50 parking spaces | 1 additional parking space                                   |

5. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility car parking.
6. Where the minimum car parking performance standard results in the requirement for a fractional space, any fraction under one half will be disregarded and any fraction of one half or greater will be counted as one space.

**Note 27.5A - Other relevant District Plan provisions**

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

### 27.5.5 Noise

Land use activities must comply with Rule 9.3.6.

## Rule 27.6 Development Performance Standards

### 27.6.1 Boundary Treatments and Other Landscaping

1. Where a parking area is built within 5m of a road 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. have an average of one tree for every 5m of frontage;
  - b. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
  - c. be designed to allow surface water run-off from surrounding areas to enter;
  - d. be protected by a physical barrier that prevents cars from accidentally driving into or damaging plants;
  - e. be planted prior to occupation or completion of any relevant building(s) or site development; and
  - f. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.

### 27.6.2 Earthworks Standards

#### 27.6.2.1 Earthworks - small scale thresholds

- a. Earthworks must not exceed the following scale thresholds to be considered earthworks - small scale. Where earthworks are located in one or more of the overlay zones or mapped areas indicated, the most restrictive scale threshold applies for the purposes of determining activity status. Resource consents will be assessed against all scale thresholds that are contravened.

| Zone/Area | 1. Mercy Hospital Zone | 2. UCMA |
|-----------|------------------------|---------|
|-----------|------------------------|---------|

|                  |                                                |                                                                           |                                              |
|------------------|------------------------------------------------|---------------------------------------------------------------------------|----------------------------------------------|
| i.               | Maximum change in ground level                 | 1.5m                                                                      | 1m                                           |
| ii.              | Maximum area                                   | —                                                                         | 50m <sup>2</sup>                             |
| Slope categories |                                                | Maximum volume of combined cut and fill                                   |                                              |
| iii.             | Less than or equal to 12°                      | 30m <sup>3</sup> per 100m <sup>2</sup> of site                            | 10m <sup>3</sup>                             |
| iv.              | Greater than 12° but less than or equal to 15° | 25m <sup>3</sup> per 100m <sup>2</sup> of site                            | 10m <sup>3</sup>                             |
| v.               | Greater than 15° but less than or equal to 20° | 15m <sup>3</sup> per 100m <sup>2</sup> of site                            | 10m <sup>3</sup>                             |
| vi.              | Greater than 20° but less than or equal to 26° | 10m <sup>3</sup> per 100m <sup>2</sup> of site                            | 10m <sup>3</sup>                             |
| vii.             | Greater than 26° but less than or equal to 35° | 0m <sup>3</sup> fill<br>5m <sup>3</sup> cut per 100m <sup>2</sup> of site | 0m <sup>3</sup> fill<br>10m <sup>3</sup> cut |
| viii.            | Greater than 35°                               | 0m <sup>3</sup>                                                           | 0m <sup>3</sup>                              |

- b. Where the part of the site in which the earthworks are located is in more than one slope category, the most restrictive scale threshold applies.
- c. Earthworks *ancillary to network utilities* activities are only required to comply with Rule 27.6.2.1.a.i - maximum change in ground level threshold.
- d. Earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the performance standard earthworks - small scale thresholds.
- e. Scale thresholds will be calculated as the cumulative total of earthworks on any site in a two calendar-year period.
- f. Earthworks that exceed the earthworks - small scale thresholds are treated as earthworks - large scale, which are a restricted discretionary activity.

#### 27.6.2.2 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).

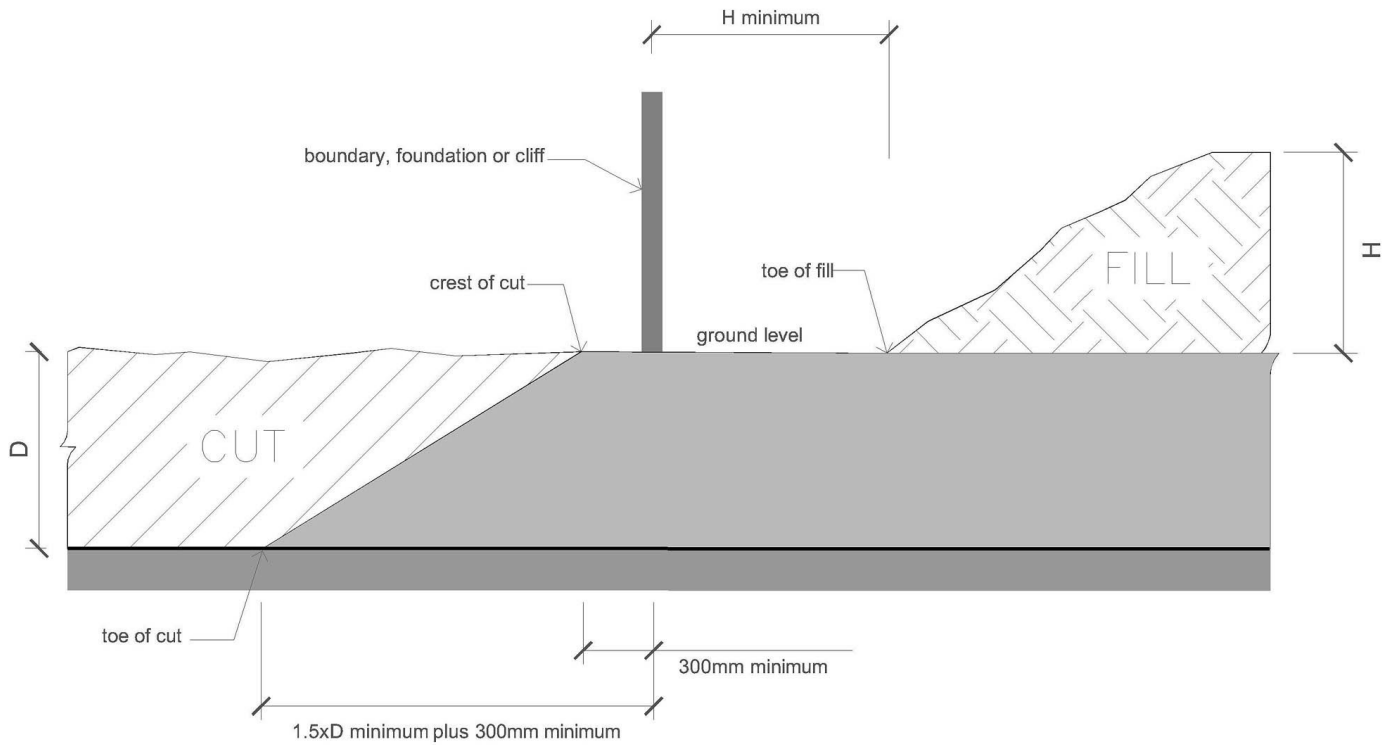
#### 27.6.2.3 Setback from property boundary, buildings, structures and cliffs

Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m<sup>2</sup>, and the top or toe of any cliff, the following minimum distances:

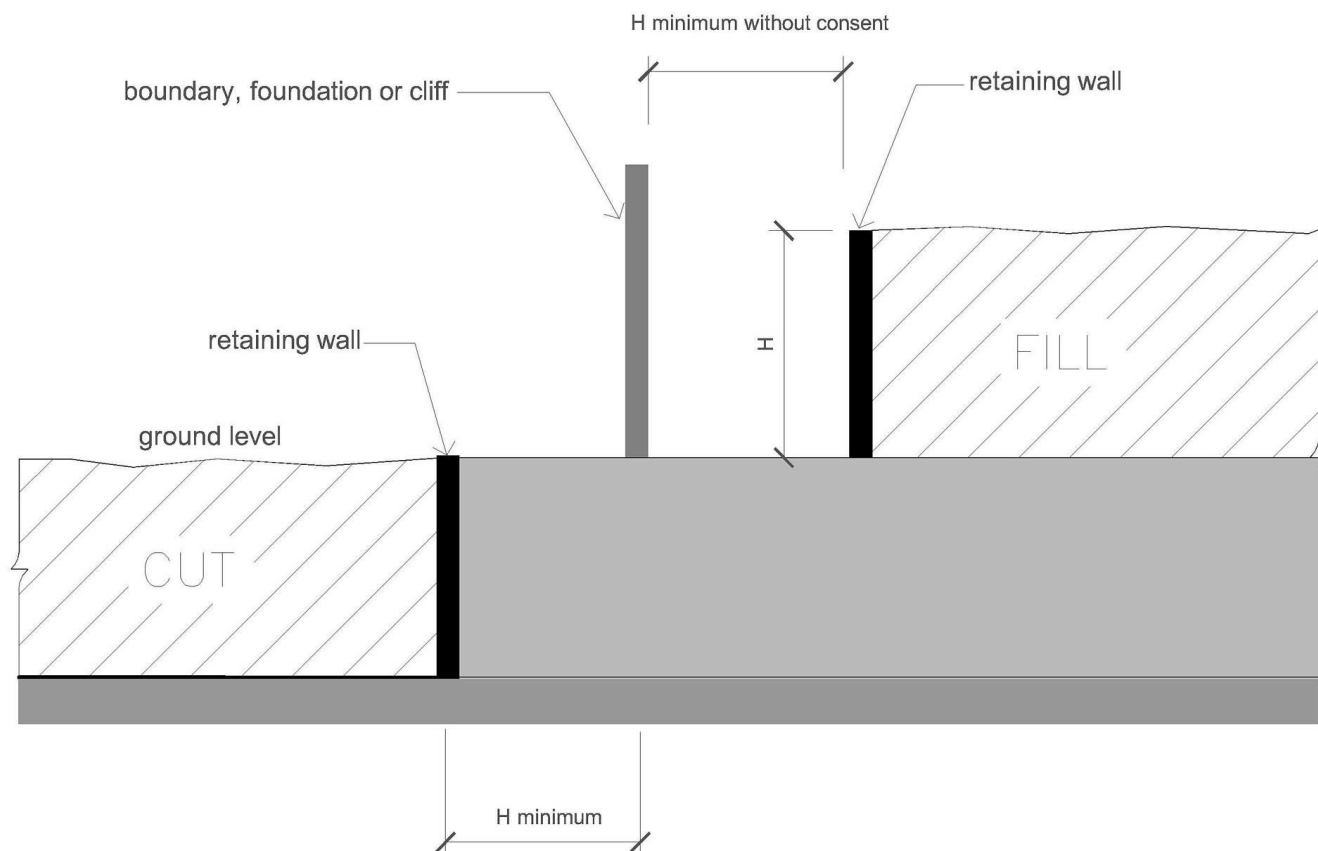
- a. Earthworks not supported by retaining walls:
  - i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 27.6A);
  - ii. a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (See Figure 27.6A); and
  - iii. 300mm, as measured from the crest of any cut (See Figure 27.6A).
- 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 27.6B), 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 27.6A Unsupported cut and fill (elevation view)**



**Figure 27.6B Cut and fill supported by retaining walls (elevation view)**



#### 27.6.2.4 Setback from network utilities

Earthworks must comply with Rule 5.6.2

#### 27.6.2.5 Sediment control

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

### 27.6.3 Fence Height and Design

- Fences must not exceed the following height limits, except as provided for below:

| Location |                                                       | Maximum height |
|----------|-------------------------------------------------------|----------------|
| a.       | Along all road boundaries                             | 1.4m           |
| b.       | Along a side or rear boundary with a residential zone | 1.4m           |
| c.       | Along all other side and rear boundaries              | 2m             |

- Fences along boundaries include fences that are not exactly on the boundary but are within the boundary setbacks required by Rule 27.6.12.1.
- Where the maximum height of a fence is 1.4m, the height of a fence may be increased to a maximum height of 2m provided that a minimum of 40% of the entire structure is visually permeable (see-through), or the portion above 1.4m height is visually permeable. Visually permeable refers to construction using trellis, lattice, wrought iron, or spaced palings (palings maximum width 100mm, spacing minimum width 5mm) or materials that provide gaps that can be seen-through (see Figure 15.6D and Figure 15.6E).

4. For the purposes of calculating maximum height, where a fence or wall is erected atop a retaining wall, the height will be calculated as the combined height measured from ground level to the top of the fence or wall.

#### **27.6.4 Footprint of building**

1. The footprint of buildings, structures and additions and alterations not in accordance with the Mercy Hospital Development Plan must not exceed 100m<sup>2</sup>.
2. Contravention of this performance standard is a discretionary activity.

#### **27.6.5 Hazardous Substances Quantity Limits and Storage Requirements**

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

#### **27.6.6 Height**

##### **27.6.6.1 Height in relation to boundary**

Buildings or structures and additions and alterations that are not in accordance with the Mercy Hospital Development Plan must not protrude through a plane rising at an angle of 45 degrees measured from a starting point of 2.5m vertically above ground level at the zone boundary (see Figure 15.6F), except:

- a. rooftop structures are exempt from the performance standard for height in relation to boundary;
- b. a gable end or dormer may project beyond the plane where it is:
  - i. no greater than 1m in height measured parallel to the nearest adjacent boundary; and/or
  - ii. no greater than 1m in depth measured horizontally at 90 degrees to the nearest adjacent boundary.

##### **27.6.6.2 Maximum Height**

- a. The maximum height of new buildings and structures, and additions and alterations that are not in accordance with the Mercy Hospital Development Plan must not exceed 9m above ground level.
- b. Rooftop structures are exempt from the performance standard for maximum height provided they do not exceed the maximum height by more than one third of that limit.

#### **27.6.7 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.

#### **27.6.8 Materials and Design**

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

#### **27.6.9 Maximum Area of Vegetation Clearance**

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

#### **27.6.9 Maximum Building Site Coverage and Impermeable Surfaces**

1. The site coverage of buildings must not exceed 40%; and
2. Impermeable surfaces and buildings must not exceed 70% total site coverage.

#### **27.6.10 Number, Location and Design of Ancillary Signs**

##### **27.6.10.1 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 Mercy Hospital 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 ancillary retail and ancillary restaurant activities must not be visible outside the Mercy Hospital.
  - c. Signs must comply with Rule 6.7.3 where visible from a road.
  - d. Signs other than those specified in Rules 27.6.9.2 and 27.6.9.3 are not allowed.

#### 27.6.10.2 Freestanding signs

- a. The maximum number of freestanding signs is one per 50m of frontage.
- b. The maximum dimensions of freestanding signs are:
  - i. maximum height of 4m;
  - ii. maximum area of 4m<sup>2</sup>;
  - iii. maximum width of 2m; and
  - iv. maximum depth of 400mm.
- 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.

#### 27.6.10.3 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 2m<sup>2</sup>;
  - 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 27.6A - Other relevant District Plan provision**

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 27.6B - Other requirements outside of the District Plan**

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

**27.6.11 Parking, Loading and Access Standards**

Parking, loading and access must comply with Rule 6.6.

**27.6.12 Setbacks**

**27.6.12.1 Boundary setbacks**

- a. New buildings and structures and additions and alterations that are not in accordance with the Mercy Hospital Development Plan must be set back from zone boundaries a minimum of 4.5m.
- b. Except, fences and ancillary signs are exempt from the performance standard.
- c. All public entrances to buildings must be located at least 10m from a boundary with the residential zone.

**27.6.12.2 Setback from scheduled tree**

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

**Rule 27.7 Subdivision Performance Standards**

Subdivision activities must comply with performance standards for the General Residential 1 Zone in Rule 15.7.



## Rule 27.8 Assessment of Controlled Activities

### Rule 27.8.1 Introduction

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rule 27.8.2:
  - a. lists the matters over which Council has reserved its control; and
  - b. provides guidance on how consent applications will be assessed, including:
    - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
    - ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
  - a. if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) then:
    - i. the activity, as a whole, will be treated as **restricted discretionary**; and
    - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
    - iii. the performance standard contravention will be assessed as indicated in Section 27.9; and
    - iv. the matters of control become matters of discretion and will be assessed as indicated in this section.
  - b. if the contravention of the performance standard defaults to **discretionary** then:
    - i. the activity, as a whole, will be treated as **discretionary**; and
    - ii. the performance standard contravention will be assessed as indicated in Section 27.11; and
    - iii. the assessment guidance in this section will also be considered.
  - c. if the contravention of the performance standard defaults to **non-complying** then:
    - i. the activity, as a whole, will be **non-complying**; and
    - ii. the performance standard contravention will be assessed as indicated in Section 27.12; and
    - iii. the assessment guidance in this section will also be considered.

### 27.8.2 Assessment of all controlled activities

| Development activity |                                                                                                                                                                      | Matters of control           | Guidance on the assessment of the resource consents |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------------------------------|
| 1.                   | Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected. | a. Effect on heritage values | See Rule 13.4                                       |

## **Rule 27.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)**

### **Rule 27.9.1 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 27.9.2 - 27.9.5:
  - 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.

### **27.9.2 Assessment of all performance standard contraventions**

| Performance standard |                                     | Guidance on the assessment of resource consents                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.                   | Performance standard contraventions | <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>a. The degree of non-compliance with the the performance standard is minor.</li> <li>b. The need to meet other performance standards or site specific factors, make meeting the standard impracticable.</li> <li>c. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur.</li> <li>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.</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>e. Where more than one standard is contravened, the combined effects of the contraventions should be considered.</li> <li>f. 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.</li> </ol> |

### 27.9.3 Assessment of land use performance standard contraventions

| Performance standard |                                            | Matters of discretion                                                                        | Guidance on the assessment of resource consents                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------|--------------------------------------------|----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.                   | Electrical interference                    | a. Effects on health and safety                                                              | See Rule 9.4                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 2.                   | Location (ancillary commercial activities) | a. Effects on the vibrancy, and social and economic success of the CBD and centres hierarchy | <p><i>Relevant objectives and policies:</i></p> <p>i. Objective 27.2.2</p> <p>ii. Ancillary commercial activities are designed and operated to primarily serve staff, patients and visitors to the hospital (Policy 27.2.2.6).</p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>iii. The location of customer access is unlikely to attract external customers and become a stand-alone activity.</p> |
|                      |                                            | b. Effects on neighbourhood amenity                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 3.                   | Minimum car parking                        | a. Effects on the safety and efficiency of the transport network                             | See Rule 6.9                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                      |                                            | b. Effects on accessibility                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

### 27.9.4 Assessment of development performance standard contraventions

| Performance standard |                                                                                                                                     | Matters of discretion                          | Guidance on the assessment of resource consents                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.                   | <ul style="list-style-type: none"> <li>Boundary setbacks</li> <li>Height in relation to boundary</li> <li>Maximum height</li> </ul> | a. Effects on the amenity of surrounding sites | <p><i>Relevant objectives and policies:</i></p> <p>i. Objective 27.2.2</p> <p>ii. Buildings and structures are of a height, setback from boundaries and size 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 27.2.2.1.b.i).</p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>iii. Residential buildings on neighbouring sites receive adequate natural light and privacy.</p> <p><i>In assessing the application council will consider:</i></p> <p>iv. Existing sunlight access to neighbouring properties.</p> <p>v. Cumulative effects from incremental development.</p> |
|                      |                                                                                                                                     | b. Effects on neighbourhood amenity            | <p><i>Relevant objectives and policies:</i></p> <p>i. Objective 27.2.2.2</p> <p>ii. Buildings and structures are of a height, and setback from boundaries and size such that any adverse effects on neighbouring amenity are avoided or, if avoidance is not possible, are no more than minor (Policy 27.2.2.1.b.ii).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                 |

#### 27.9.4 Assessment of development performance standard contraventions

| Performance standard |                                                                                                                                          | Matters of discretion                                                                                       | Guidance on the assessment of resource consents                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.                   | Boundary treatments and other landscaping                                                                                                | a. Effects on neighbourhood residential amenity                                                             | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 27.2.2</li> <li>ii. Landscaping of the boundary of parking areas screens or softens these areas and ensures a high standard of visual amenity where viewed from the road (Policy 27.2.2.3).</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 3.                   | Earthworks standards: <ul style="list-style-type: none"> <li>Batter gradient</li> </ul>                                                  | a. Effects on the stability of land, buildings and structures                                               | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 27.2.3</li> <li>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 27.2.3.1.b).</li> </ul> <p><i>Conditions that may be imposed include, but are not limited to:</i></p> <ul style="list-style-type: none"> <li>iii. Maximum slopes of cut and fill batters.</li> <li>iv. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period.</li> <li>v. Temporary shoring requirements to maintain stability before a wall is constructed.</li> <li>vi. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.</li> </ul> |
| 4.                   | Earthworks standards: <ul style="list-style-type: none"> <li>Setback from property boundary, buildings, structures and cliffs</li> </ul> | a. Effects on the stability of land, buildings and structures                                               | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 27.2.3</li> <li>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 27.2.3.1.a).</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 5.                   | Earthworks standards: <ul style="list-style-type: none"> <li>Setback from network utilities</li> </ul>                                   | a. Effects on efficient and effective operation of network utilities<br><br>b. Effects on health and safety | See Rule 5.7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

#### 27.9.4 Assessment of development performance standard contraventions

| Performance standard |                                                               | Matters of discretion                                                                     | Guidance on the assessment of resource consents                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------|---------------------------------------------------------------|-------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6.                   | Earthworks standards:<br>• Sediment control                   | a. Effects on surrounding sites                                                           | <i>Relevant objectives and policies:</i><br>i. Objective 27.2.3<br>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 27.2.3.2.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.                   | Fence height and design                                       | a. Effects on health and safety                                                           | See Rule 9.4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                      |                                                               | b. Effects on neighbourhood amenity                                                       | <i>Relevant objectives and policies:</i><br>i. Objective 27.2.2<br>ii. Fences are of a height and design that contributes positively to the neighbourhood amenity (Policy 27.2.2.4).<br><i>Potential circumstances that may support a consent application include:</i><br>iii. The increased height or reduced visual permeability is necessary to meet protection requirements, to provide security, minimise noise effects from a busy road or activity, or for public well-being.<br>iv. An attractive interface with the street is achieved.<br>v. The fence will be screened by landscaping. |
| 8.                   | Hazardous substances quantity limits and storage requirements | a. Effects on health and safety                                                           | See Rule 9.4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                      |                                                               | b. Risk from natural hazards                                                              | See Rule 11.4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

#### 27.9.4 Assessment of development performance standard contraventions

| Performance standard |                                                         | Matters of discretion                                                              | Guidance on the assessment of resource consents                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------|---------------------------------------------------------|------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9.                   | Location and screening of service areas                 | a. Effects on neighbourhood amenity                                                | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 27.2.2</li> <li>ii. Development maintains or enhances neighbourhood amenity by ensuring service areas are not visible from ground level outside the site (Policy 27.2.2.2).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Screening would unduly restrict the usability of the service area.</li> <li>iv. The site layout prevents the service area from being visible from any public place without additional screening being required.</li> </ul> |
| 10.                  | Materials and design                                    | a. Effects on heritage values (work on scheduled heritage buildings or structures) | See Rule 13.5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 11.                  | Maximum area of vegetation clearance (UCMA)             | a. Effects on biodiversity                                                         | See Rule 10.4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 12.                  | Maximum building site coverage and impermeable surfaces | a. Effects on the efficiency and/or affordability of infrastructure                | See Rule 9.4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 13.                  | Number, location and design of ancillary signs          | a. Effects on neighbourhood amenity                                                | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 27.2.2</li> <li>ii. Ancillary signs 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 27.2.2.5).</li> </ul>                                                                                                                                                                         |
|                      |                                                         | b. Effects on safety and efficiency of the transport network                       | See Rule 6.9                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 14.                  | Parking, loading and access standards                   | a. Effects on the safety and efficiency of the transport network                   | See Rule 6.9                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 15.                  | Setback from scheduled tree                             | a. Effects on long term health of tree                                             | See Rule 7.6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

### 27.9.5 Assessment of subdivision performance standard contraventions

| Performance standard                 | Guidance on the assessment of resource consents |
|--------------------------------------|-------------------------------------------------|
| 1. Subdivision performance standards | See Rule 15.9                                   |

## Rule 27.10 Assessment of Restricted Discretionary Activities

### Rule 27.10.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 27.10.2 - 27.10.3:
  - 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 27.8; 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 27.10; 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 27.11; and
    - iii. the assessment guidance in this section will also be considered.



### 27.10.2 Assessment of restricted discretionary development activities

| Activity                                                                                                                                                                                                                    | Matters of discretion         | Guidance on the assessment of resource consents |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-------------------------------------------------|
| 1. <ul style="list-style-type: none"> <li>• All other additions and alterations</li> <li>• Removal for relocation that affects a protected part of a scheduled heritage building or scheduled heritage structure</li> </ul> | a. Effects on heritage values | See Rule 13.6                                   |

### 27.10.2 Assessment of restricted discretionary development activities

| Activity                                                                                   | Matters of discretion                                          | Guidance on the assessment of resource consents                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2. Earthworks - large scale (that exceed the scale thresholds for the Mercy Hospital Zone) | a. Effects on visual amenity and character                     | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 27.2.3</li> <li>ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 27.2.3.3.a).</li> <li>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 27.2.3.3.b).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. There is no, or only minimal, alteration to the natural landform.</li> <li>v. Any cut or fill will be restored or treated to resemble natural landforms.</li> <li>vi. The earthworks will not remove or effects existing vegetation or landscaping.</li> </ul> <p><i>Conditions that may be imposed include, but are not limited to:</i></p> <ul style="list-style-type: none"> <li>vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping.</li> <li>viii. Maximum slopes of cut and fill batters.</li> <li>ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth.</li> <li>x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties.</li> <li>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.</li> </ul> |
|                                                                                            | b. Effects on the amenity of surrounding properties            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|                                                                                            | c. Effects on the stability of land, buildings, and structures | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 27.2.3.</li> <li>ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 27.2.3.3.c).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>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 27.13.1).</li> <li>iv. Excavation, fill and retaining structures will be designed, and the work undertaken. in accordance with best practice</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

### 27.10.2 Assessment of restricted discretionary development activities

| Activity |                                                                                                                                     | Matters of discretion                                        | Guidance on the assessment of resource consents                             |
|----------|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-----------------------------------------------------------------------------|
|          |                                                                                                                                     |                                                              | and from engineering in accordance with best practice engineering standards |
| 3.       | Earthworks - large scale (that exceed scale thresholds for a UCA)                                                                   | a. Effects on biodiversity                                   | See Rule 10.5                                                               |
| 4.       | New parking areas, or extensions to existing parking areas ( <i>that result in the creation of 50 or more new parking spaces.</i> ) | a. Effects on the safety and efficiency of transport network | See Rule 6.10                                                               |

### 27.10.3 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 Mercy Hospital. | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 2.3.1</li> <li>ii. Objective 27.2.1</li> <li>iii. Subdivision activities do not adversely affect the efficient and effective operation of Mercy Hospital (Policy 27.2.1.5.b).</li> </ul> |
|          |                            | See Rule 15.10                                                         |                                                                                                                                                                                                                                                                                              |

## **Rule 27.11 Assessment of Discretionary Activities**

### **Rule 27.11.1 Introduction**

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 27.11.2 - 27.11.4 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 applications;
  - c. general assessment guidance, including any effects that will be considered as a priority; and
  - d. conditions that may be imposed.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

### 27.11.2 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"> <li>• all activities in the community activities category except conservation and community and leisure - small scale</li> <li>• all activities in the residential activities category</li> <li>• activities listed below</li> </ul> | <p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 2.3.1</li> <li>b. Objective 27.2.1</li> <li>c. Activities that are ancillary to hospital activity are designed and operated in line with Objective 27.2.2 and its policies (Policy 27.2.1.2).</li> <li>d. Activities that are not ancillary to hospital activity: <ul style="list-style-type: none"> <li>i. are related to or support Mercy Hospital, or have other operational requirements that mean they need to locate in the zone;</li> <li>ii. support the efficient and effective operation of Mercy Hospital;</li> <li>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and</li> <li>iv. are designed and operated in line with Objective 27.2.2 and its policies (Policy 27.2.1.3).</li> </ul> </li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>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.</li> <li>f. All relevant land use performance standards are met, including noise and light spill standards.</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>g. In assessing the significance of effects, consideration will be given to: <ul style="list-style-type: none"> <li>i. short to long term effects, including effects in combination with other activities; and</li> <li>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.</li> </ul> </li> <li>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.</li> </ul> |

### 27.11.3 Assessment of discretionary performance standard contraventions

| Performance standard     | Guidance on the assessment of resource consents                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Footprint of building | <p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 27.2.2</li> <li>b. 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 27.2.2.a).</li> <li>c. Any adverse effects on neighbourhood amenity are avoided or, if avoidance is not possible, are no more than minor (Policy 27.2.2.1.b).</li> </ul> |

### 27.11.4 Assessment of discretionary performance standard contraventions

| Performance standard                                             | Guidance on the assessment of resource consents                                                                                                     |
|------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Noise - where the limit is exceeded by up to 5dB LAeq (15min) | 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 27.12 Assessment of Non-complying Activities

### Rule 27.12.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 27.12.2 - 27.12.5 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
  - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
  - b. general assessment guidance, including any effects that will be considered as a priority.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

### 27.12.2 Assessment of all non-complying activities

| Activity                                 | Guidance on the assessment of resource consents                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. All non-complying land use activities | <p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. Objective 2.3.1</li> <li>b. Objective 27.2.1</li> <li>c. Activities not ancillary to hospital activity:               <ol style="list-style-type: none"> <li>i. are related to, or support, Mercy Hospital, or have other operational requirements that mean they need to locate in the zone;</li> <li>ii. support the efficient and effective operation of Mercy Hospital;</li> <li>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and</li> <li>iv. they are designed and operated in line with Objective 27.2.2 and its policies (Policy 27.2.1.3).</li> </ol> </li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>d. In assessing the significance of effects consideration will be given to:               <ol style="list-style-type: none"> <li>i. both short and long term effects, including effects in combination with other activities; and</li> <li>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.</li> </ol> </li> <li>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.</li> </ol> |



### 27.12.3 Assessment of non-complying land use activities

| Activity |                        | Guidance on the assessment of resource consents                                                                 |
|----------|------------------------|-----------------------------------------------------------------------------------------------------------------|
| 1.       | Commercial advertising | <i>Relevant objectives and policies (priority considerations):</i><br>a. Objective 2.4.1<br>b. Policy 2.4.1.6.c |

### 27.12.4 Assessment of non-complying development activities

| Activity |                                                                                                  | Guidance on the assessment of resource consents                                                                                              |
|----------|--------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| 1.       | Demolition of a protected part of a scheduled heritage building or scheduled heritage structures | See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects related to heritage values. |

### 27.12.5 Assessment of non-complying subdivision activities

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

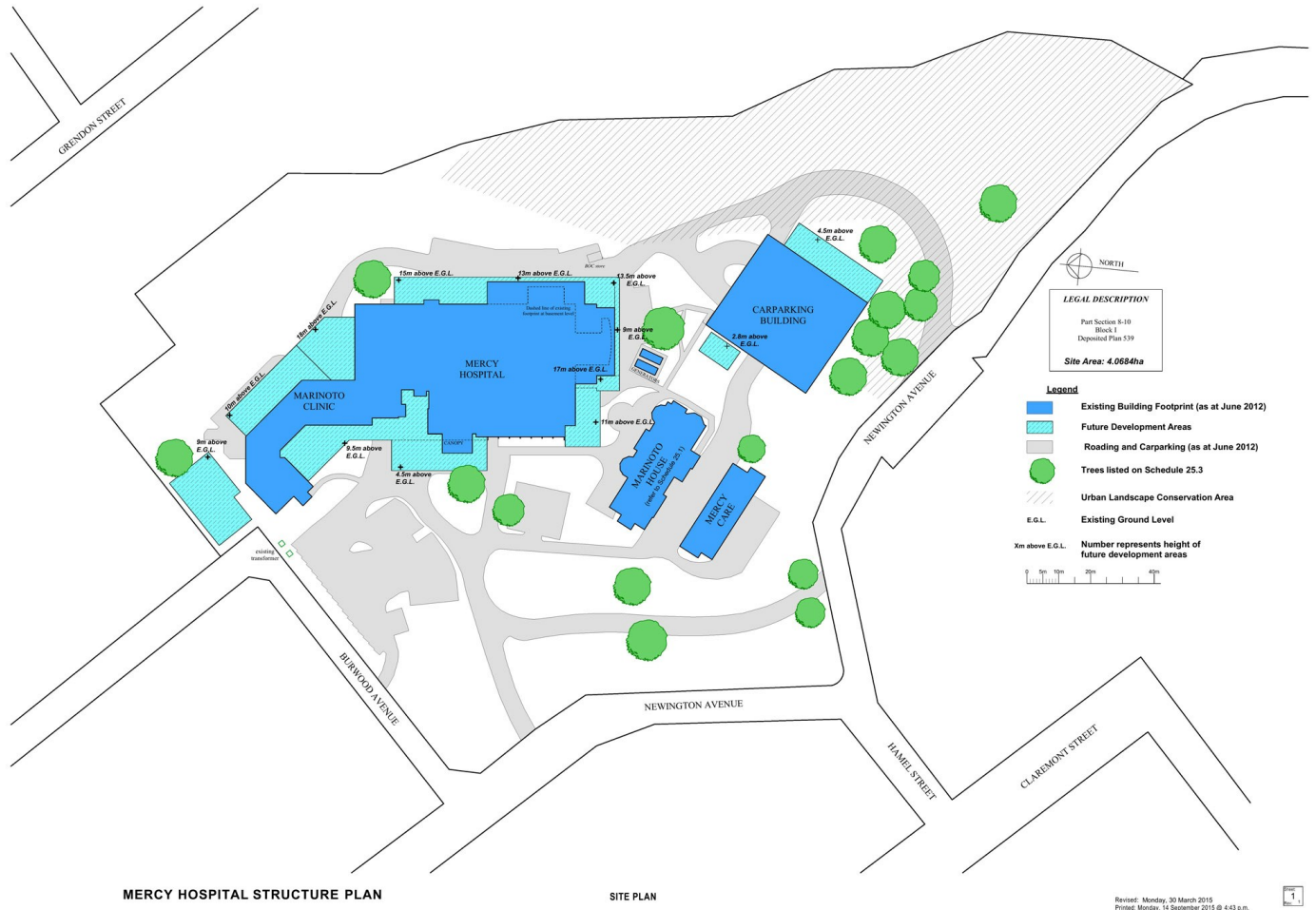
## **Rule 27.13 Special Information Requirements**

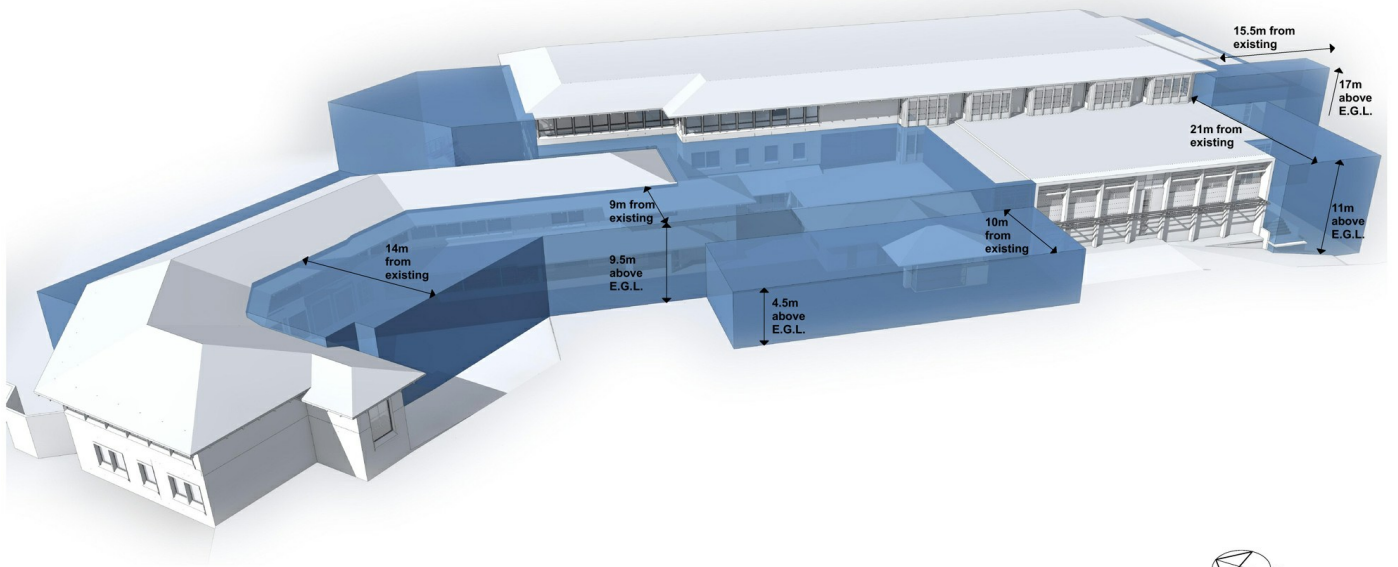
### **27.13.1 Geotechnical investigation report**

1. A geotechnical investigation report may be requested by Council for earthworks of a large scale and/or where the earthworks are proposed:
  - a. on a site with a slope angle between 15° (3.7h:1v slope ratio, or 27% slope grade) and 26° (2h:1v slope ratio, or 50% slope grade);
  - b. on a site identified as hazard-prone in Council's Hazard Information Management System; or
  - c. on any other site that the Council, with good cause, suspects to be hazard-prone.
2. A geotechnical investigation report must be provided for earthworks on all sites with a slope greater than a 26° angle (2h:1v slope ratio, or 50% slope grade).
3. All requested geotechnical investigation reports must be prepared by a suitably qualified expert who is experienced in the practice of geotechnical engineering and registered under the Chartered Professional Engineers Act of New Zealand 2002 and who has professional indemnity insurance.
4. The geotechnical investigation report must address the following factors:
  - a. special design or construction requirements;
  - b. special foundation requirements;
  - c. services;
  - d. access;
  - e. effluent disposal;
  - f. non-engineered fills; and
  - g. a statement of professional opinion as to the suitability of the land for the proposed development.

## Appendices

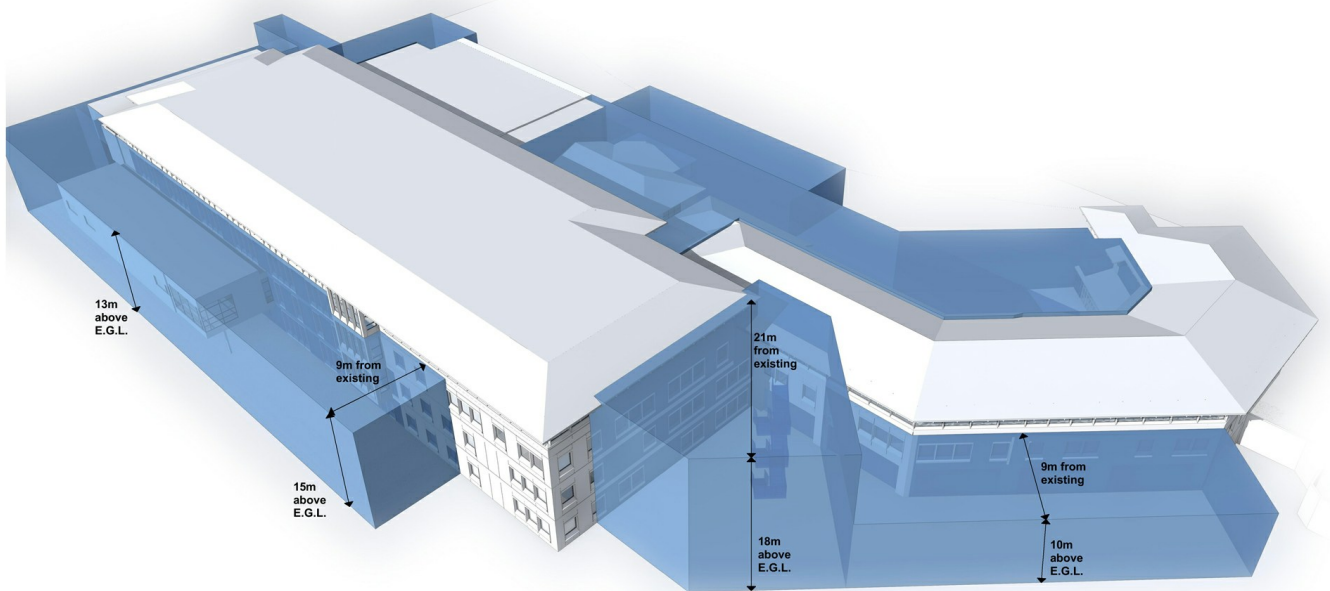
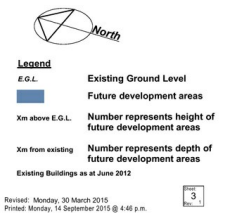
### Appendix 27A. Mercy Hospital Development Plan





MERCY HOSPITAL STRUCTURE PLAN

NORTH-WEST 3D IMAGE



MERCY HOSPITAL STRUCTURE PLAN

NORTH-EAST 3D IMAGE





