

28. Moana Pool

28.1 Introduction

Moana Pool sits within the Town Belt, just below Dunedin's hill suburbs, at 60 Littlebourne Road. The pool is owned and operated by the Dunedin City Council and has occupied the site since 1964. It provides a range of recreation facilities, including an Olympic sized pool, a leisure pool, learner's pool, dive/lap pool, water slides, a gymnasium and various function and meeting rooms. There are massage and physiotherapy facilities on-site, as well as an early childhood centre. Expansion of the facility may occur within the next 10 years.

The site is bordered by land zoned Recreation and General Residential 2. While the facility itself is considerably larger than surrounding properties, it backs onto a steep bush clad area and is an accepted part of the local environment. There is a high level of amenity in the area given its location within the Town Belt, and parts of the site are densely vegetated.

The zone recognises the existing uses of the Moana Pool site and provides certainty to the community regarding what land use activities can be expected to occur on the site, while appropriately managing any adverse effects that may occur, including effects on the Town Belt, residential zone and transport network.

28.2 Objectives and Policies

Objective 28.2.1	
Moana Pool is able to operate efficiently and effectively	
Policy 28.2.1.1	Enable major recreation facility activity in the Moana Pool Zone.
Policy 28.2.1.2	Provide for activities that are ancillary to major recreation facility activity where they are designed and operated in line with Objective 28.2.2 and its policies.
Policy 28.2.1.3	Only allow activities that are not ancillary to major recreation facility activity where all of the following apply: <ul style="list-style-type: none"> a. the activities are related to or support Moana Pool, or have other operational requirements that mean they need to locate in the zone; b. they will support the efficient and effective operation of Moana Pool; c. they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and d. they are designed and operated in line with Objective 28.2.2 and its policies.
Policy 28.2.1.4	Enable land that is surplus to the needs of Moana Pool to transition to the recreation zone, so that future development can be managed in accordance with the objectives and policies of that zone.
Policy 28.2.1.5	Only allow subdivision where: <ul style="list-style-type: none"> a. it is in accordance with the provisions of the recreation zone; and b. the subdivision does not adversely affect the efficient and effective operation of Moana Pool.

Objective 28.2.2
Land use activities and development necessary for Moana Pool to meet the reasonably foreseeable needs of the community is enabled, while ensuring development: <ul style="list-style-type: none"> a. achieves a good standard of on-site amenity for staff and visitors; and b. maintains or enhances the residential amenity of surrounding sites as far as practicable.

Objective 28.2.2

Policy 28.2.2.1	Require buildings and structures to be of a height and setback from boundaries that ensures there are no more than minor effects on the sunlight access of current and future residential buildings and their outdoor living spaces.
Policy 28.2.2.2	Require development to maintain or enhance neighbourhood amenity by ensuring service areas are not visible from ground level outside the site.
Policy 28.2.2.3	Require landscaping that provides a reasonable level of streetscape amenity along the boundary of parking areas.
Policy 28.2.2.4	Require fences on road boundaries to be of a height and design that contributes positively to neighbourhood amenity.
Policy 28.2.2.5	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 28.2.2.6	Require ancillary commercial activities to be designed, located and operated to primarily serve staff and visitors of Moana Pool.
Policy 28.2.2.7	Only allow early childhood education - large scale where it is designed and located to avoid or, if avoidance is not possible, adequately mitigate, adverse effects on the amenity of surrounding residential properties.

Objective 28.2.3

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 28.2.3.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: <ol style="list-style-type: none"> a. being set back an adequate distance from property boundaries, buildings, structures and cliffs; and b. using a batter gradient that will be stable over time.
Policy 28.2.3.2	Require earthworks and any associated retaining structures to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: <ol style="list-style-type: none"> a. limiting the scale of earthworks that are provided for as a permitted activity; and b. requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.
Policy 28.2.3.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: <ol style="list-style-type: none"> a. adverse effects on visual amenity and character; b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and c. adverse effects on the stability of land, buildings, and structures.

Rules

Rule 28.3 Activity Status

28.3.1 Rule location

The activity status tables in Rules 28.3.3 - 28.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Moana Pool 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 activities (Section 8)

28.3.2 Activity status introduction

1. The tables in Rules 28.3.3 - 28.3.5 show the activity status of activities in the Moana Pool 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

28.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Electrical interference b. Light spill c. Noise
Major facility activities		Activity status	Performance standards
2.	Major recreation facility	P	a. Minimum car parking
3.	All other activities in the major facility activities category	NC	
Community activities		Activity status	Performance standards
4.	Early childhood education - small scale	P	
5.	Early childhood education - large scale	RD	
6.	All other activities in the community activities category	P	
Commercial activities		Activity status	Performance standards
7.	Activities ancillary to major recreation facility	P	a. Location
8.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
9.	All activities in the residential activities category	NC	
Industrial activities		Activity status	Performance standards
10.	All activities in the industrial activities category	NC	
Rural activities		Activity status	Performance standards
11.	All activities in the rural activities category	NC	

28.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. Maximum site coverage and impermeable surfaces
Buildings and structures activities		Activity status	Performance standards
2.	Fences	P	a. Fence height and design
3.	All other buildings and structures activities	P	a. Boundary setbacks b. Height in relation to boundary c. Maximum height d. Number, location and design of ancillary signs
Site development activities		Activity status	Performance standards
4.	Service areas	P	a. Location and screening of service areas
5.	Parking, loading and access	P	a. Parking, loading and access standards b. Boundary treatments and other landscaping
6.	New parking areas, or extensions to existing parking areas <i>(that result in the creation of 50 or more new parking spaces.)</i>	RD	a. Boundary treatments and other landscaping b. Parking, loading and access standards
7.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements
8.	Vegetation clearance	P	a. Maximum area of vegetation clearance
9.	Earthworks - small scale	P	a. Earthworks standards
10.	Earthworks - large scale	RD	a. Earthworks standards
11.	All other site development activities	P	

28.3.5 Activity status table - subdivision activities

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

28.3.6 Transition to Recreation Zone

On receipt of written notice from both the landowner and operator of Moana Pool (if different) to Dunedin City Council confirming that all or part of the land within the Moana Pool Zone is surplus to requirements, the provisions of the Moana Pool Zone will no longer apply to that parcel of land and the provisions of the recreation zone will apply in full.

Note 28.3A - General advice

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

Rule 28.4 Notification

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

Rule 28.5 Land Use Performance Standards

28.5.1 Electrical Interference

Land use activities must comply with Rule 9.3.2.

28.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

28.5.3 Location

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

28.5.4 Minimum Car Parking

1. Major recreation facility activity must provide a minimum of 190 parking spaces, including a minimum of 4 mobility parking spaces.
2. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility car parking.

Note 28.5A - Other relevant District Plan provisions

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

28.5.5 Noise

Land use activities must comply with Rule 9.3.6.

Rule 28.6 Development Performance Standards

28.6.1 Boundary Setbacks

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

Building		Setback from road boundary or site boundary where site directly adjoins another zone
a.	Buildings not exceeding 12m in height or 250m ² GFA	4.5m
b.	Other buildings	10m

- c. Fences and ancillary signs are exempt from the performance standard.
- d. Public entrances to buildings must be located at least 10m from a boundary with the residential zone.

28.6.2 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).
2. Landscaping areas must:
 - a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
 - b. have an average of one tree for every 5m of frontage;
 - c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - d. be designed to allow surface water run-off from surrounding areas to enter;
 - e. be protected by a physical barrier that prevents cars from accidentally driving into or damaging plants;
 - f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a height of 5m within 10 years of planting;
 - g. be planted prior to occupation or completion of any relevant building(s) or site development; and
 - h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any required road frontage landscaping.

28.6.3 Earthworks Standards

28.6.3.1 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. Moana Pool Zone	2. UCMA
i.	Maximum change in ground level	1.5m	1m
ii.	Maximum area	—	50m ²
Slope categories		Maximum volume of combined cut and fill	

Zone/Area		1. Moana Pool Zone	2. UCMA
iii.	Less than or equal to 12°	30m ³ per 100m ² of site	10m ³
iv.	Greater than 12° but less than or equal to 15°	25m ³ per 100m ² of site	10m ³
v.	Greater than 15° but less than or equal to 20°	15m ³ per 100m ² of site	10m ³
vi.	Greater than 20° but less than or equal to 26°	10m ³ per 100m ² of site	10m ³
vii.	Greater than 26° but less than or equal to 35°	0m ³ fill 5m ³ cut per 100m ² of site	0m ³ fill 10m ³ cut
viii.	Greater than 35°	0m ³	0m ³

- 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 28.6.3.1.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.

28.6.3.2 Batter gradient

Earthworks must:

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

28.6.3.3 Setback from property boundary, buildings, structures and cliffs

Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m², and the top or toe of any cliff, the following minimum distances:

- a. Earthworks not supported by retaining walls:
 - i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 28.6A);
 - 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 28.6A); and
 - iii. 300mm, as measured from the crest of any cut (See Figure 28.6A).
- 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 28.6B), 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 28.6A Unsupported cut and fill (elevation view)

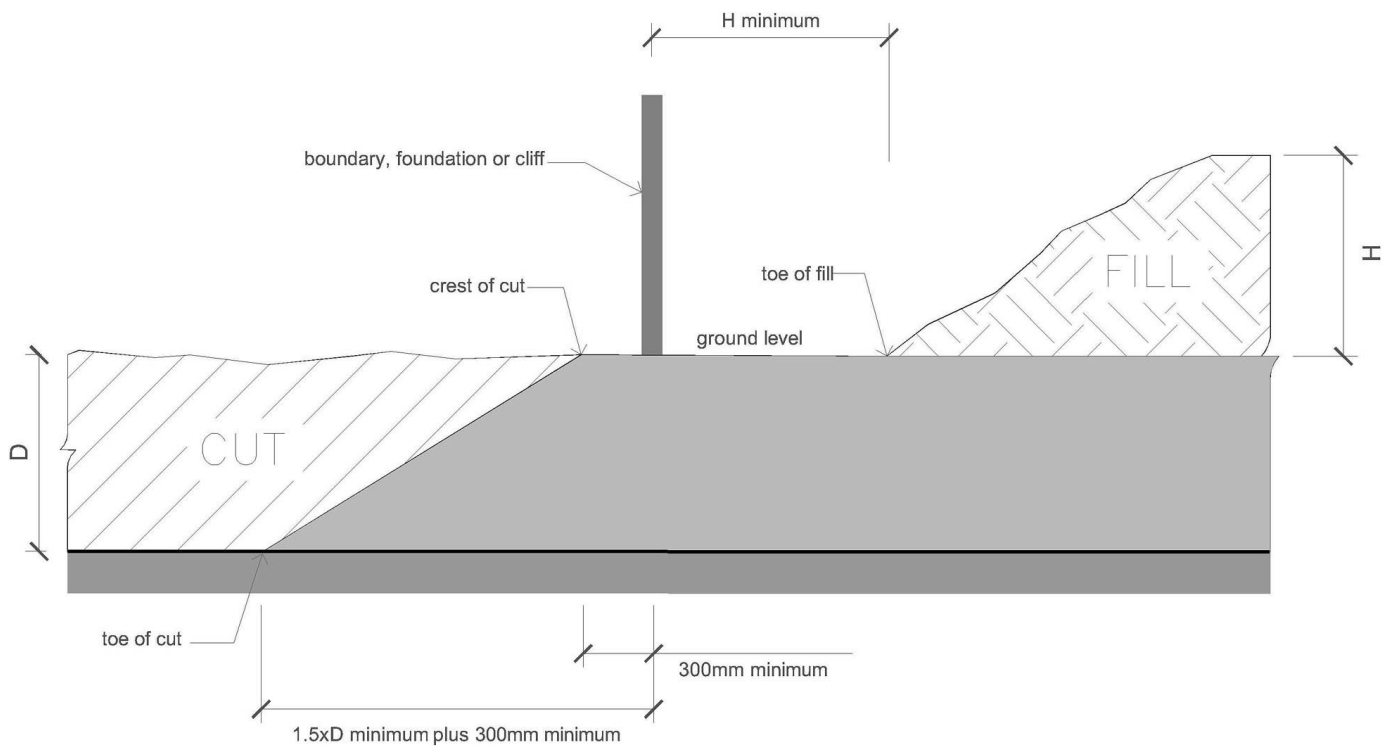
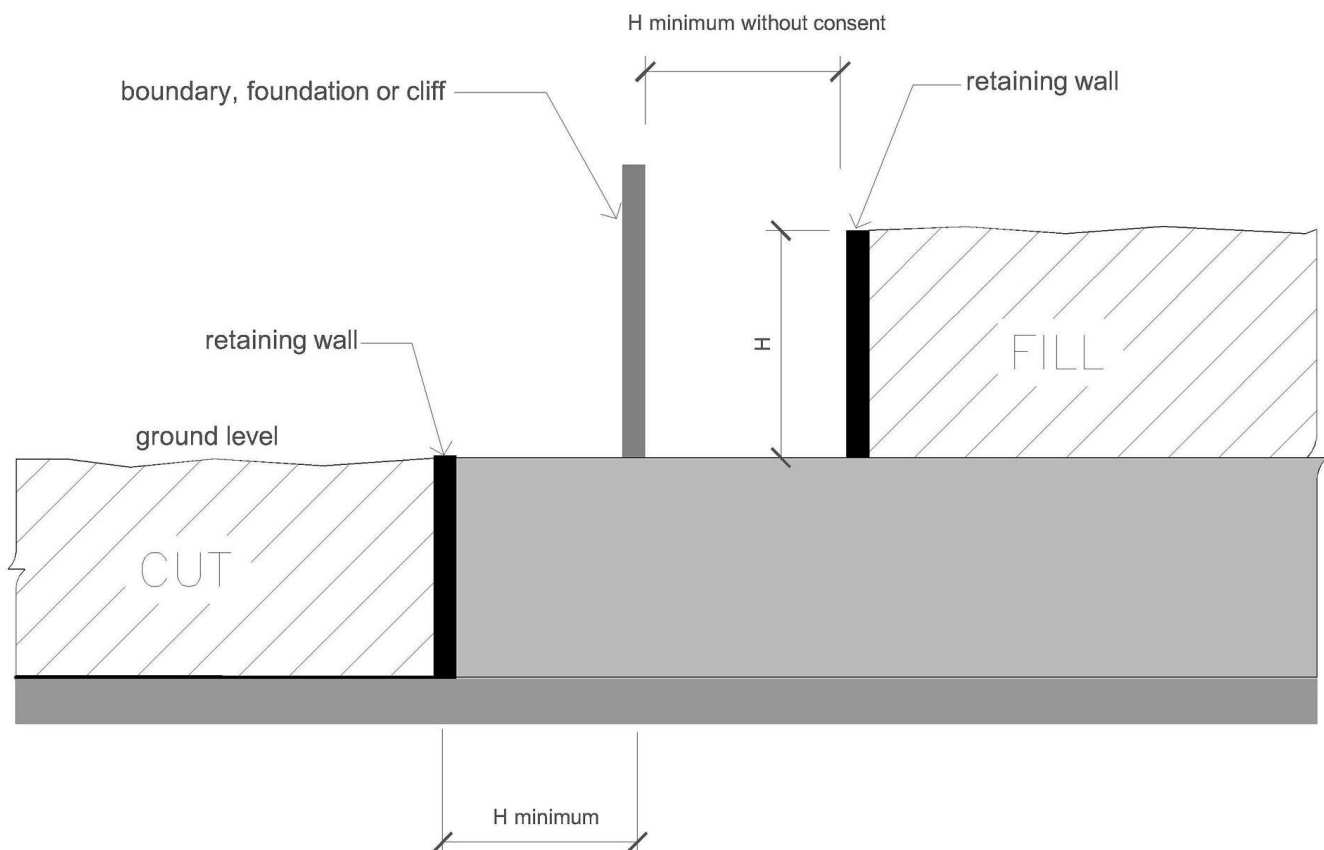


Figure 28.6B Cut and fill supported by retaining walls (elevation view)



28.6.3.4 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

28.6.3.5 Sediment control

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

28.6.4 Fence Height and Design

1. The maximum height of a fence or gate on the road boundary or within the road boundary setback, or adjacent to a public place, is 1.4m.
2. The maximum height of a fence on side and rear boundaries (except where adjacent to the recreation zone, or public place), is 2m.
3. Fences along boundaries include fences that are not exactly on the boundary but are within the boundary setbacks required by Rule 28.6.1.
4. 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 25mm) or other materials that provide gaps that can be seen-through (see Figure 15.D and Figure 15.6E).
5. 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.

28.6.5 Hazardous Substances Quantity Limits and Storage Requirements

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

28.6.6 Height

28.6.6.1 Height in Relation to Boundary

In all zones no part of any building may protrude through a plane raising at an angle of 45 degrees measured from the starting point indicated below (see Figure 15.6F):

Zone boundary		Starting vertically above ground level at the side and rear boundary
a.	Inner City Residential Zone	3m
b.	All other residential zones	2.5m

28.6.6.2 Maximum height

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

- a. Western side Queens Drive/Littlebourne Road: 18m;
- b. Eastern side Queens Drive/Littlebourne Road: 12m;
- c. Rooftop structures are exempt from the performance standard for maximum height, provided they do not exceed the maximum height limit by more than one third of that limit or 5m, whichever is the lesser.

28.6.7 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.

28.6.8 Maximum Site Coverage and Impermeable Surfaces

1. The maximum site coverage of buildings (% of site) is 40%; and
2. The maximum total impermeable surface site coverage (buildings and impermeable surfaces % of site) is 70%.

28.6.9 Number, Location and Design of Ancillary Signs

28.6.9.1 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 Moana Pool 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 commercial sponsorship names).
- b. Signs related to ancillary retail and ancillary restaurant activities must not be visible outside the Moana Pool zone.
- c. Signs located above the footpath must comply with Rule 6.7.2.
- d. Signs must comply with Rule 6.7.3 where visible from a road.
- e. Signs other than those specified in Rules 28.6.9.2 and 28.6.9.3 are not allowed.

28.6.9.2 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 15m of road frontage;
 - ii. have a maximum area per display face of 2m²;
 - iii. have a maximum of two display faces per sign;
 - iv. where attached to the façade of a building, must not project more than 1m from the façade to which it is attached; and
 - v. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

28.6.9.3 Freestanding signs

- a. The maximum number of freestanding signs is two per 50m of frontage.
- b. The maximum dimensions of freestanding signs are:
 - i. maximum height of 3m;
 - ii. maximum area of 4m²;

- iii. maximum width of 2m; and
- iv. maximum depth of 400m.
- c. Freestanding signs must not obstruct driveways, parking or loading area.
- d. Freestanding signs must not be located on road reserve.
- e. Freestanding signs must not exceed:
 - i. maximum height of 900mm above ground level; and
 - ii. a maximum width of 600mm.

Note 28.6A - 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 28.6B - 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.

28.6.10 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

28.6.11 Maximum Area of Vegetation Clearance

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

Rule 28.7 Subdivision Performance Standards

Subdivision activities must comply with Rule 20.7.

Rule 28.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 28.8.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 28.8.2 - 28.8.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

28.8.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of the resource consents
1. Performance standard contraventions	<p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> a. The degree of non-compliance with the performance standard is minor b. The need to meet other performance standards, or <u>site</u> specific factors, make meeting the standard impracticable. c. Topography or other <u>site</u> specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. d. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> e. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

28.8.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Electrical interference	a. Effects on health and safety	See Rule 9.4
2. Location	a. Effects on the vibrancy and economic and social success of the CBD and Centres hierarchy	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> i. Objective 28.2.2 ii. Ancillary commercial activities are designed, located and operated to primarily serve staff and visitors of Moana Pool (Policy 28.2.2.6).

28.8.3 Assessment of land use performance standard contraventions

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

28.8.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Boundary setbacks; • Height in relation to boundary; • Maximum height	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 28.2.2 ii. There are no more than minor effects on sunlight access of current and future residential buildings and their outdoor living spaces (Policy 28.2.2.1).
2. Boundary treatments and other landscaping	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 28.2.2 ii. Landscaping provides a reasonable level of streetscape amenity along the boundary of parking areas (Policy 28.2.2.3).
3. Earthworks standards: • Batter gradient	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 28.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 28.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> iii. Maximum slopes of cut and fill batters. iv. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. v. Temporary shoring requirements to maintain stability before a wall is constructed. vi. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
4. Earthworks standards: • Setback from property boundary, buildings, structures and cliffs	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 28.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings, structures and cliffs (Policy 28.2.3.1.a).

28.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
5.	Earthworks standards: • Setback from network utilities	a. Effects on efficient and effective operation of network utilities	See Rule 5.7
		b. Effects on health and safety	
6.	Earthworks standards: • Sediment control	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 28.2.3 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems (Policy 28.2.3.2.b).
		b. Effects on biodiversity and natural character of riparian margins and the coast	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
7.	Fence height and design	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 28.2.2 ii. Fences on road boundaries are of a height and design that contribute positively to neighbourhood amenity (Policy 28.2.2.4). <i>Potential circumstances that may support a consent application include:</i> iii. The increased height or reduced visual permeability is necessary to meet protection requirements, to provide security, minimise noise effects from a busy road or activity, or for public well-being. iv. An attractive interface with the streetscape is achieved. 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

28.8.4 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	<i>Relevant objectives and policies:</i> i. Objective 28.2.2 ii. Neighbourhood amenity is maintained or enhanced by service areas not being visible from ground level outside the <u>site</u> (Policy 28.2.2.2).
10.	Maximum area of vegetation clearance (UCMA) standards	a. Effects on biodiversity	See Rule 10.4
11.	Maximum <u>site</u> coverage and impermeable surfaces	a. Effects on efficiency and/or affordability of infrastructure	See Rule 9.4
12.	Number, location and design of ancillary signs	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 28.2.2 ii. Ancillary signs visible from outside the zone are located and designed to maintain streetscape amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose (Policy 28.2.2.5).
		b. Effects on safety and efficiency of the transport network	See Rule 6.9
13.	Parking, loading and access standards	a. Effects on safety and efficiency of the transport network	See Rule 6.9

28.8.5 Assessment of subdivision performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Subdivision performance standards	See Rule 20.9

Rule 28.9 Assessment of Restricted Discretionary Activities

Rule 28.9.1 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 28.9.2 - 28.9.4:
 - 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 28.8; 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 28.10; 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 28.11; and
 - iii. the assessment guidance in this section will also be considered.

28.9.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Early childhood education - large scale	a. Effects on the safety and efficiency of transport network	See Rule 6.10
	b. Effects on surrounding sites' residential amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 28.2.2 ii. Early childhood education - large scale is designed and located to avoid or, if avoidance is not possible, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 28.2.2.7).

28.9.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
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<p>1. Earthworks - large scale (that exceed the scale thresholds for the Moana Pool Zone)</p>	<p>a. Effects on visual amenity and character</p> <p>b. Effects on the amenity of surrounding properties</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 28.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 28.2.3.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 28.2.3.3.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or effect existing vegetation or landscaping. <p><i>Conditions that may be imposed include, but are not limited to:</i></p> <ul style="list-style-type: none"> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished.
	<p>c. Effects on the stability of land, buildings, and structures</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 28.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 28.2.3.3.c). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. A geotechnical report confirms the existing ground is suitably stable for the proposed works, and proposed works will not create instability risks for surrounding land, buildings, or structures (see Special Information Requirements - Rule 28.12.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards

28.9.3 Assessment of restricted discretionary development activities

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

28.9.4 Assessment of restricted subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All subdivision activities	a. Effects on efficient and effective operation of Moana Pool See Rule 20.10	<i>Relevant objectives and policies:</i> i. Objective 28.2.1, 2.3.1 ii. Subdivision does not adversely affect the efficient and effective operation of Moana Pool (Policy 28.2.1.5.b).

Rule 28.10 Assessment of Discretionary Activities

Rule 28.10.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 28.10.2 provides 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.

28.10.2 Assessment of discretionary performance standard contraventions

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

Rule 28.11 Assessment of Non-complying Activities

Rule 28.11.1 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 28.11.2 - 28.11.4 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.

28.11.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> a. Objectives 2.3.1, 2.3.3 b. Objective 28.2.1 c. Activities not ancillary to major recreation facility activity: <ol style="list-style-type: none"> i. are related to or support Moana Pool, or have other operation requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Moana Pool; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. are designed and operated in line with Objective 28.2.2 and its policies (Policy 28.3.1.3). <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> d. In assessing the significance of effects consideration will be given to: <ol style="list-style-type: none"> i. both short and long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. e. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.

28.11.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. Commercial advertising in all zones	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 2.4.1 b. Policy 2.4.1.6.c

28.11.4 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> • Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5dB LAeq (15 min) or more • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) 	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 28.12 Special Information Requirements

28.12.1 Geotechnical investigation report

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

