

29. Otago Museum

29.1 Introduction

Otago Museum first opened to the public in 1868 in the Exchange area south of the Octagon, and mainly displayed a collection of rocks and minerals as its foundation objects. The collection began to grow, and a larger, purpose-built site was needed. The site at the existing address – 419 Great King Street – was selected, with the foundation laid in December 1874. In August of 1877 the new building, designed by architect David Ross, was opened. The Otago Museum H D Skinner Annex (situated on the corner of the Museum Reserve) was opened in July 1879 and operated as the Dunedin North Post Office until the 1960's. It is now part of the Museum.

The management of the Museum was handed wholly to the University through the Otago Museum Act 1877 and was to remain vested in the University for almost 80 years, becoming a teaching museum and housing various University departments. Otago Museum is now managed by a Trust Board, established under the Otago Museum Trust Board Act 1996. The appointing bodies are the Dunedin City Council; the combined District Councils of Central Otago, Clutha and Waitaki; the University of Otago; the Association of Friends of the Otago Museum; the Otago Institute; and Manawhenua (the local Māori community).

The Museum comprises seven galleries, containing exhibits on Tākata Whenua, southern land and people, Otago natural and maritime history and cultures of the Pacific and wider world. The Animal Attic features nearly 3,000 historical specimens, and also within the Museum is the Discovery World Tropical Forest which contains live butterflies and an interactive Discovery World of science.

The site is zoned industrial in the operative plan. Therefore, the key issue is that the operative District Plan zoning is neither efficient nor effective in terms of providing for the facility, enabling it to be further developed or redeveloped in the future, or in terms of managing its effects.

In response to this issue, the Second Generation Plan (2GP) proposes to apply an 'Otago Museum Zone' to the site. The Otago Museum Zone is tailored to provide for the continued efficient and effective operation of the Museum, while ensuring a reasonable level of amenity for surrounding streets and the Otago Museum Reserve. Entertainment and exhibition, conference, meeting and function, training and education and a range of community activities are provided for in the zone, and the Great King Street façade of the Museum and Otago Museum H D Skinner Annex listed are scheduled buildings.

The zone recognises the existing and foreseeable future uses of the Museum and provides certainty to the community regarding what land use activities can be expected to occur, while managing potential effects and ensuring compatibility with surrounding environments. The Otago Museum Zone is surrounded by Campus and Neighbourhood Centre zones.

29.2 Objectives and Policies

Objective 29.2.1	
Otago Museum is able to operate efficiently and effectively.	
Policy 29.2.1.1	Enable entertainment and exhibition activities in the Otago Museum Zone.
Policy 29.2.1.2	Provide for conference, meeting and function, training and education and community activities where they are designed and operated in line with Objective 29.2.2 and its policies.
Policy 29.2.1.3	Only allow activities which are not provided for, where the following apply: a. the activities are related to or necessary to support the Otago Museum, or have other operational requirements which mean they need to locate within the zone; b. they will support the efficient and effective operation of Otago Museum; 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 29.2.2 and its policies.
Policy 29.2.1.4	Enable land that is surplus to the needs of the Otago Museum to transition to the Campus Zone, so that future development that is not related to the Otago Museum can be managed in accordance with the objectives and policies of this zone.
Policy 29.2.1.5	Only allow subdivision where: a. it is in accordance with the provisions of the Campus Zone; and b. the subdivision does not adversely affect the efficient and effective operation of Otago Museum.
Objective 29.2.2	
Land use activities and development necessary for the continued operation of Otago Museum is enabled, while ensuring it achieves a reasonable level of amenity for surrounding streets and the Otago Museum Reserve.	
Policy 29.2.2.1	Require buildings and structures to be of a height that: a. maintains adequate sunlight access to the adjoining Otago Museum Reserve; and b. avoids significant adverse wind effects.
Policy 29.2.2.2	Require outdoor storage areas to be located or screened so they are not visible from ground level of a public place.
Policy 29.2.2.3	Require ancillary signs visible from outside the zone to be located and designed to maintain the amenity of surrounding streets and the Otago Museum Reserve, including by being of an appropriate size and number to convey information to passing pedestrians and motorists, and not being too oversized or numerous for that purpose.
Policy 29.2.2.4	Require landscaping that provides a reasonable level of streetscape amenity along the boundary of parking areas.
Policy 29.2.2.5	Require conference, meeting and function, training and education and community activities to be designed, located and operated to primarily serve staff and visitors to the Otago Museum.
Policy 29.2.2.6	Only allow buildings between 25m - 40m in height where they contribute positively to the skyline vista of the city, by being of a quality and contextually appropriate architectural design.

Objective 29.2.2

Land use activities and development necessary for the continued operation of Otago Museum is enabled, while ensuring it achieves a reasonable level of amenity for surrounding streets and the Otago Museum Reserve.

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| Policy 29.2.2.7 | Only allow buildings over 40m in height where: <ul style="list-style-type: none"> a. the height is essential to the operation of Otago Museum; and b. the height exceedence is minimal. |
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Objective 29.2.3

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.

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| Policy 29.2.3.1 | 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"> 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 29.2.3.2 | Require earthworks and any associated retaining structures to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: <ul style="list-style-type: none"> a. limiting the scale of earthworks that are provided for as a permitted activity; and b. requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems. |
| Policy 29.2.3.3 | Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: <ul style="list-style-type: none"> a. adverse effects on visual amenity and character; b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and c. adverse effects on the stability of land, buildings, and structures. |

Rules

Rule 29.3 Activity Status

Rule 29.3.1 Rule location

The activity status tables in Rule 29.3.3 - 29.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Otago Museum Zone and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

1. Public amenities (Section 3)
2. Temporary activities (Section 4)
3. Network utilities and energy generation (Section 5)
4. Transportation activities (Section 6)
5. Scheduled Trees (Section 7)
6. Natural hazard mitigation activities (Section 8)

29.3.2 Activity status introduction

1. The tables in Rules 29.3.3 - 29.3.5 show the activity status of activities in the Otago Museum 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 1.62 is intended to be a complete list of activities and categories of activities. For any activity that is not covered by any of the defined activities in the nested table, the activity status will be non-complying if the activity status of "all" or "all other" activities in the most closely related category is non-complying, otherwise it will be discretionary.

Performance Standards

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

Legend

Acronym	Activity status
—	No additional provisions apply or not relevant

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

29.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Electrical interference b. Light spill c. Noise d. Minimum car parking
Commercial activities		Activity status	Performance standards
2.	Entertainment and exhibition	P	
3.	Commercial advertising	NC	
4.	Conference, meeting and functions	P	
5.	Training and education	P	
6.	All other activities in the commercial activities category	D	
Community activities		Activity status	Performance standards
7.	Community and leisure - small scale	P	
8.	Community and leisure - large scale	RD	
9.	Early childhood education - small scale	P	
10.	Early childhood education - large scale	RD	
11.	All other activities in the community activities category	P	
Major facility activities		Activity status	Performance standards
12.	All activities in the major facility activities category	NC	
Residential activities		Activity status	Performance standards
13.	All activities in the residential activities category	NC	
Industrial activities		Activity status	Performance standards
14.	All activities in the industrial activities category	NC	
Rural activities		Activity status	Performance standards
15.	All activities in the rural activities category	NC	

29.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. Setback from scheduled tree b. Boundary treatments
2.	Performance standards that apply to all buildings and structures activities		a. Number, design and location of ancillary signs b. Maximum height c. Minimum floor level
Buildings 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
3.	All buildings and additions and alterations to buildings	P	
4.	All other buildings and structures activities	P	
Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		Activity status	Performance standards
5.	Repairs and maintenance or <u>restoration</u>	P	a. Materials and design
6.	Earthquake strengthening <i>where external features only are protected</i>	C	a. Materials and design
7.	All other additions and alterations	RD	
8.	Demolition	NC	
9.	Removal for relocation	RD	
Site development activities		Activity status	Performance standards
10.	Outdoor storage	P	a. Location and screening of outdoor storage
11.	Parking, loading and access	P	a. Parking, loading and access standards
12.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements
13.	Earthworks - small scale	P	a. Earthworks standards
14.	Earthworks - large scale	RD	a. Earthworks standards
15.	All other site development	P	

29.3.5 Activity status table - subdivision activities

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

29.3.6 Transition to Campus Zone

On receipt of written notice from the landowner(s) of the Otago Museum Zone confirming that all or part of the land within the zone is surplus to requirements, the provisions of the Otago Museum Zone will no longer apply to that

parcel of land and the provisions of the Campus Zone will apply in full.

Note 29.3A - 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**

Rule 29.4 Notification

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

Rule 29.5 Land Use Performance Standards

29.5.1 Electrical Interference

Land use activities must comply with Rule 9.3.2.

29.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

29.5.3 Minimum Car Parking

1. Otago Museum must provide a minimum of 17 parking spaces, including 1 mobility parking space.
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.
3. Parking spaces may be shared between land use activities (i.e. the same parking spaces may be used to fulfill the minimum car parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap.

Note 29.5A - Other relevant District Plan provisions

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

29.5.4 Noise

Land use activities must comply with Rule 9.3.6.

Rule 29.6 Development Performance Standards

29.6.1 Boundary Treatments

1. Where a building is not built to the street frontage, a landscaping area with a minimum width of 1.5m, must be provided along the full length of any 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

29.6.2 Earthworks Standards

29.6.2.1 Earthworks - small scale thresholds

- a. Earthworks must not exceed the following scale thresholds to be considered earthworks - small scale. Where earthworks are located in the Haz3 Overlay Zone, 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. Otago Museum Zone	2. Haz3 (Flood)
i.	Maximum change in ground level	1.5m	—
ii.	Maximum volume of combined cut and fill	30m ³ per 100m ² of site	20m ³

- b. Earthworks *ancillary to network utilities* activities are only required to comply with Rule 29.6.2.1.a.i - maximum change in ground level threshold.
- c. Earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the performance standard earthworks - small scale thresholds.
- d. Scale thresholds will be calculated as the cumulative total of earthworks on any site in a two calendar-year period.
- e. Earthworks that exceed the earthworks - small scale thresholds are treated as earthworks - large scale, which are a restricted discretionary activity.

29.6.2.2 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).

29.6.2.3 Setback from property boundary, buildings, structures and cliffs

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

- a. Earthworks not supported by retaining walls:
 - i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 29.6A);
 - 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 29.6A); and
 - iii. 300mm, as measured from the crest of any cut (see Figure 29.6A).
- b. Retaining walls supporting a cut or fill must be setback a distance at least equal to the height of the retaining walls (see Figure 29.6B), 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 29.6A Unsupported cut and fill (elevation view)

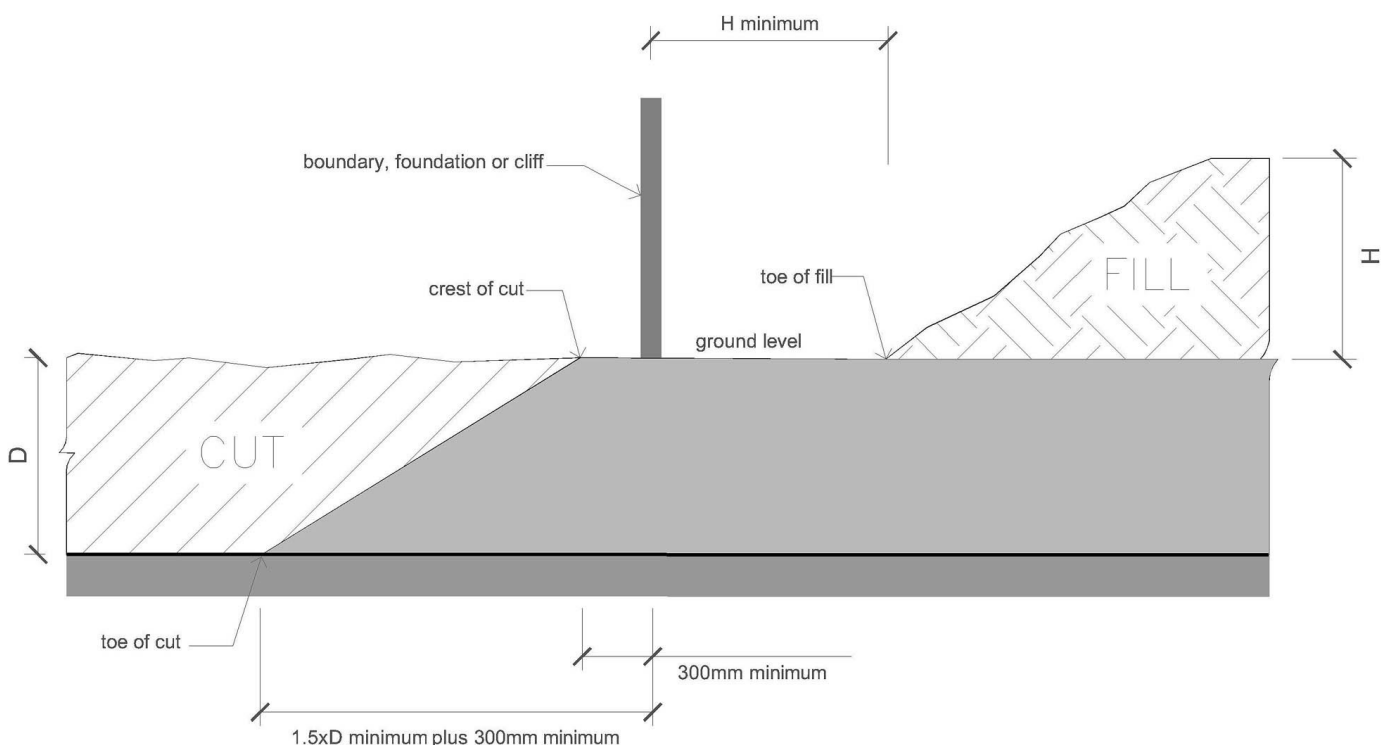
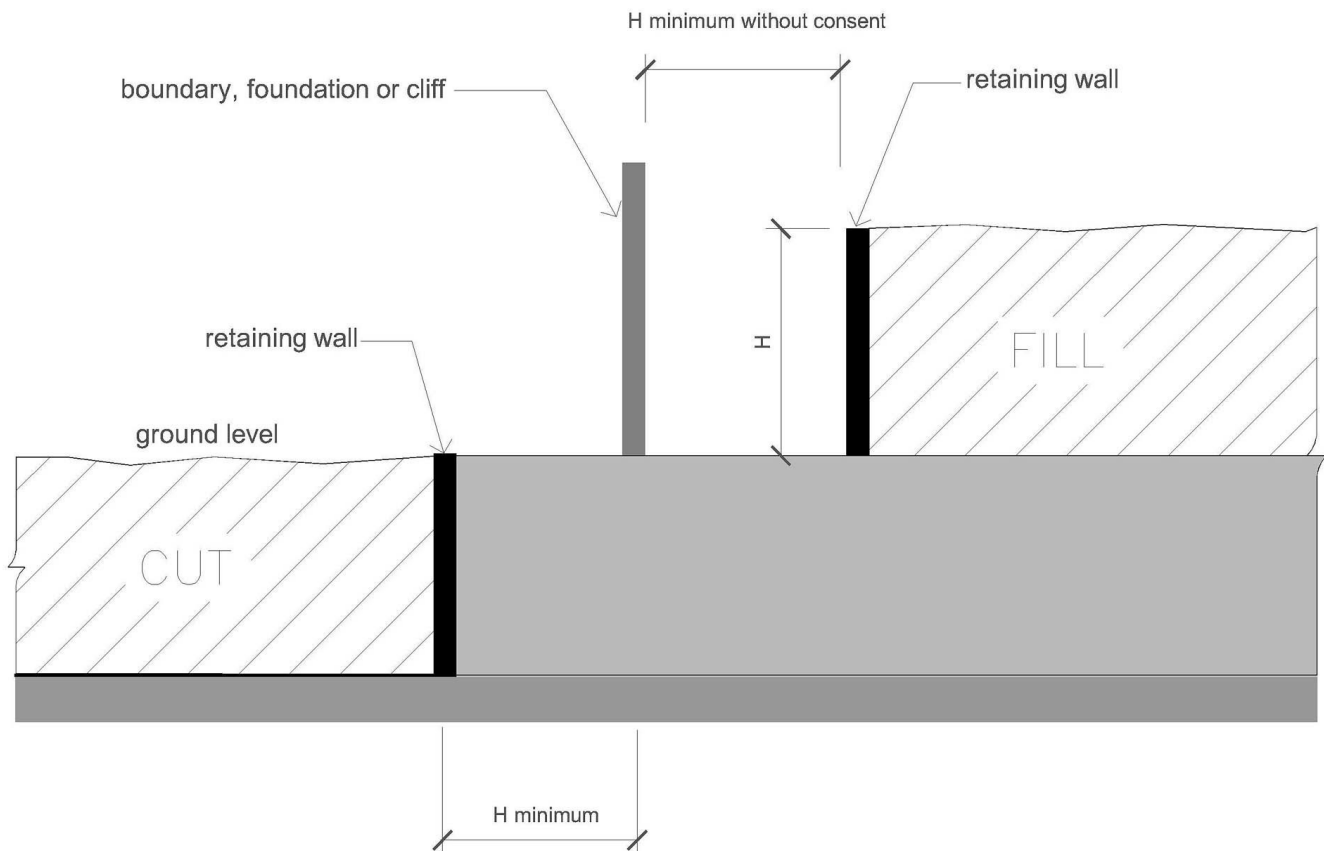


Figure 29.6B Cut and fill supported by retaining walls (elevation view)



29.6.2.4 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

29.6.2.5 Sediment control

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

29.6.3 Hazardous Substances Quantity Limits and Storage Requirements

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

29.6.4 Location and Screening of Outdoor Storage

1. Service areas must be located or screened so that they are not visible at ground level from adjacent: residential activities, residential zoned properties, or public places.
2. Outdoor storage, including service areas, must not encroach into required parking, loading or landscaping areas.
3. Materials stored outside must be stored in a way that prevents them contaminating any off-site area.

29.6.5 Materials and Design

Repairs and maintenance, restoration and earthquake strengthening that affect the protected part of a scheduled heritage building or structure must comply with Rule 13.3.2.

29.6.6 Maximum Height

1. The maximum height for new buildings and structures, and additions and alterations, must not exceed 25m above ground level.
2. Rooftop structures are exempt from the performance standard for maximum height, provided they do not exceed the maximum height limit by more than 5m.
3. Activities that contravene the performance standard for maximum height but are no greater than 40m in height are a restricted discretionary activity.
4. Activities that are over 40m in height are a discretionary activity.

29.6.7 Minimum Floor Level

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

29.6.8 Number, Design and Location of Ancillary Signs

29.6.8.1 General

- a. Signs visible from outside the Otago Museum Zone must comply with the following standards, except that:
 - i. signs not visible from outside the Otago Museum Zone are exempt from these standards; and
 - ii. signs within the Otago Museum Zone which are required for the purposes of a '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 and building entrances) function, are exempt from these standards.
- b. Signs located above the footpath must comply with Rule 6.7.2.
- c. Signs must comply with Rule 6.7.3 where visible from a road.
- d. Signs must not be illuminated or digital.
- e. Signs higher than 4m above ground level must only display the business name or major facility name.
- f. Signs other than those specified in Rules 29.6.8.2 and 29.6.8.3 are not allowed.

29.6.7.2 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign, attached to a building is 8m.
- b. Signs must not be attached to roof.
- 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 flat against a building must:
 - i. not cumulatively exceed 15% of the total wall area (excluding windows) that face the road frontage, or 8m², whichever is lesser; and
 - ii. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.
- e. if attached on the underside of a verandah or protruding from a building façade, must:
 - i. have a maximum area per display face of 2m²;
 - ii. where attached to the façade of a building, must not project more than 1.5m from the façade to which it is attached;
 - iii. have a maximum of two display faces per sign; and

- iv. not exceed one sign per 15m of street frontage.

29.6.7.3 Freestanding signs

- a. The maximum number of permanently fixed freestanding signs is two per site or 1 per 50m of street frontage, whichever is the lesser.
- b. The maximum number of portable freestanding signs is two per site or one per 50m of street frontage, whichever is the lesser.
- c. The maximum dimensions of freestanding signs are:
 - i. maximum height of 6m for permanently fixed freestanding signs;
 - ii. maximum height of 4m for portable freestanding signs;
 - iii. maximum area of 12m² per display face for permanently fixed freestanding signs;
 - iv. maximum area of 8m² per display face for portable freestanding signs;
 - v. maximum width of 2m; and
 - vi. maximum depth of 400m.
- d. Portable freestanding signs must only be located in the Otago Museum reserve and must not be located on the road reserve.
- e. Permanently fixed and portable freestanding signs must:
 - i. not obstruct driveways, parking or loading areas; and
 - ii. be positioned entirely within site boundaries.

Note 29.6A - Other relevant District Plan provisions

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

29.6.9 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

29.6.10 Setback from Scheduled Tree

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

Rule 29.7 Subdivision Performance Standards

Subdivision activities must comply with Rule 34.7.

Rule 29.8 Assessment of Controlled Activities

Rule 29.8.1 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 29.8.2:
 - 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 29.9; 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 29.11; 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 29.12; and
 - iii. the assessment guidance in this section will also be considered.

29.8.2 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 29.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 29.9.1 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 29.9.2 - 29.9.5:
 - 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.

29.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Performance standard contraventions	<i>Relevant objectives and policies:</i> a. Objective 29.2.1 <i>Potential circumstances that may support a consent application include:</i> b. The degree of non-compliance with the the performance standard is minor c. The need to meet other performance standards or topography, or other <u>site</u> specific factors, make meeting the standard impracticable. d. Topography or other <u>site</u> specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. e. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. <i>General assessment guidance:</i> f. Where more than one standard is contravened, the combined effects of the contraventions should be considered. g. In balancing consideration of the objectives and policies related to the maintenance of heritage values or heritage precinct streetscape character and those related to general amenity, greater weight will usually be placed on heritage policies.

29.9.3 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. Minimum car parking	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

29.9.4 Assessment of development standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Boundary treatments	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 29.2.2 ii. Require landscaping that provides a reasonable level of streetscape amenity along the boundary of parking and loading areas. (Policy 29.2.2.4). <i>Potential circumstances that may support a consent application include:</i> iii. The landscaping will be effective in breaking up (softening) carparking areas when viewed from the street.
2. Earthworks standards: • Batter gradient	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 29.2.3 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 29.2.3.1.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.
3. Earthworks standards: • Setback from property boundary, buildings, structures and cliffs	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 29.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 29.2.3.1.a).

29.9.4 Assessment of development standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
4.	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	
5.	Earthworks standards: • Sediment control	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 29.2.3 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 29.2.3.2.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
6.	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
7.	Location and screening of outdoor storage	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 29.2.2 ii. Require outdoor storage areas, to be located or screened so they are not visible from ground level of a public place. (Policy 29.2.2.2). <i>Potential circumstances that may support a consent application include:</i> iii. Screening would restrict accessibility by service vehicles or access to the service area for everyday use. iv. The <u>site</u> layout prevents the outdoor storage areas from being visible from any public place without additional screening being required.

29.9.4 Assessment of development standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
8.	Materials and design	a. Effects on heritage values (work on scheduled heritage buildings or structures)	See Rule 13.5
9.	Maximum Height	a. Effects on pedestrian amenity	<i>Relevant objectives and policies:</i> i. Objective 29.2.2 ii. Buildings and structures are of a height that: 1. maintains adequate sunlight access to the adjoining Otago Museum Reserve; and 2. avoids significant adverse wind effects. (Policy 29.2.2.1). iii. Only allow buildings between 25m - 40m in height where they contribute positively to the skyline vista of the city, by being of a quality and contextually appropriate architectural design (Policy 29.2.2.6). <i>Potential circumstances that may support a consent application include:</i> iv. Sunlight admission to the footpath, street and Otago Museum Reserve is maintained
10.	Minimum floor level (hazard overlays)	a. Risk from natural hazards	See Rule 11.4
11.	Number, design and location of ancillary signs	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 29.2.2 ii. Require ancillary signs visible from outside the zone to be located and designed to maintain the amenity of surrounding streets and the Otago Museum Reserve, including by being of an appropriate size and number to convey information to passing pedestrians and motorists, and not being too oversized or numerous for that purpose. (Policy 29.2.2.3). <i>Potential circumstances that may support a consent application include:</i> iii. An attractive streetscape is maintained. iv. The high amenity of the Otago Museum Reserve is maintained. v. The visual cohesion of the street is maintained by the increase in size or number of signs.
		b. Effects on safety and efficiency of the transport network	See Rule 6.9

29.9.4 Assessment of development standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
12.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
13.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6

29.9.5 Assessment of subdivision performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Subdivision performance standards	See Rule 34.9

Rule 29.10 Assessment of Restricted Discretionary Activities

Rule 29.10.1 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 29.10.2 - 29.10.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. 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 minimize 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 29.9; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 29.11; 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 29.12; and
 - iii. the assessment guidance in this section will also be considered.

29.10.2 Assessment of all restricted discretionary activities

Activity	Guidance on the assessment of resource consents
1. All restricted discretionary activities	a. the degree of non-compliance with the performance standard is minor

29.10.3 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. • Early childhood education - large scale • Community and leisure - large scale	a. Effects on the safety and efficiency of the transport network	See Rule 6.10

29.10.4 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. • All other additions and alterations • Removal for relocation of buildings and structures activities <i>that affect a protected part of a scheduled heritage building or scheduled heritage structure</i>	a. Effects on heritage values	See Rule 13.6

29.10.4 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 Otago Museum Zone)	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 29.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 29.2.3.3.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 29.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> 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. <i>Conditions that may be imposed include, but are not limited to:</i> 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.

29.10.4 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 29.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 29.2.3.3.c). <i>Potential circumstances that may support a consent application include:</i> 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 29.13.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards
3. Earthworks - large scale (that exceed scale thresholds for a hazard (flood) overlay zone)	a. Risk from natural hazards	See Rule 11.5
4. Parking, loading and access which creates 50 or more new parking spaces	a. Effects on the safety and efficiency of transport network	See Rule 6.10

29.10.5 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Subdivision	a. Effects on the efficient and effective operation of Otago Museum See Rule 34.10	<i>Relevant objectives and policies:</i> i. Objective 29.2.1, 2.3.1 ii. Subdivision does not adversely affect the efficient and effective operation of Otago Museum (Policy 29.2.1.5.b).

Rule 29.11 Assessment of Discretionary Activities

Rule 29.11.1 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. Rule 29.11.2 and 29.11.3 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.

29.11.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
1. Commercial activities (except conference meeting and functions, entertainment and exhibition and training and education).	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.3.1, 2.3.3 b. Objective 29.2.1 c. Activities that are not provided for: i. are related to or necessary to support the Otago Museum, or have other operation requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Otago Museum; 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 29.2.2 and its policies (Policy 29.2.1.3). <i>Potential circumstances that may support a consent application include:</i> d. 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 (see Rule 29.9 for performance standard contraventions). e. All relevant land use performance standards are met, including noise and light spill standards. <i>General assessment guidance:</i> f. In assessing the significance of effects, consideration will be given to: i. short to long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. g. 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.

29.11.3 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) • 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.

29.11.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
2. Maximum height (buildings over 40m in height)	<i>Relevant objectives and policies:</i> a. Objective 29.2.2 b. Buildings and structures are of a height that: i. maintains adequate sunlight access to the adjoining Otago Museum Reserve; and ii. avoids significant adverse wind effect (Policy 29.2.2.1). c. Only allow buildings over 40m in height where: i. the height is essential to the operation of Otago Museum; and ii. the height exceedence is minimal (Policy 29.2.2.7) Potential circumstances that may support a consent application include: d. Sunlight admission to the footpath, street and Otago Museum Reserve is maintained

Rule 29.12 Assessment of Non-complying Activities

Rule 29.12.1 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 29.12.2 and 29.12.3 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.

29.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities including all activities in: • the major facilities activities category • the residential activities category • the industrial activities category • the rural activities category	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.3.1, 2.3.3 b. Objective 29.2.1 c. Activities that are not provided for are only allowed where they: i. are related to or necessary to support the Otago Museum; ii. have other operational requirements which mean they need to locate within the zone; iii. will support the efficient and effective operation of Otago Museum; iv. are not more appropriately located in another zone in line with objective 2.3.2 and its policies; and v. are designed and operated in line with Objective 29.2.2 and its policies. (Policy 29.2.1.3).
2. Commercial advertising in all zones	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c
3. Demolition of a protected part of a scheduled heritage building or scheduled heritage structure	See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects related to heritage values.

29.12.3 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5dB LAeq (15 min) or more	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 29.13 Special Information Requirements

29.13.1 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.

